

THE INFINITE DOUBLE
PERSONS: THINGS/EMPIRE: ECONOMY

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RAHUL GOVIND



Indian Institute of Advanced Study
Rashtrapati Nivas, Shimla

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What follows is a much-revised doctoral dissertation submitted and defended at Columbia University in the spring of 2008. However, its impulse reaches much further back in time just as it is reiterated in subsequent revisions.

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I consider myself deeply fortunate to have been given the opportunity to write in a setting as sublime as the Rashtrapati Niwas; where every sunset is wholly unanticipated in its beauty, and where the infinitesimal changes of brown-white-green that the *chinar* is, composes the rhythms of time with the certainty and singularity of the trajectory of its falling leaves; and where the sharpest of azure above, may suddenly transform into the forbidding black heaviness of monsoon bearing clouds; and the seasonal chirping of birds is as rhythmic as their movements on earth, discrete, their flight rectilinear in their vanishing, into the multitudinous forest of a horizon or the spilling red of a sunset.

The title for the book, "infinite double" is as indebted to, as it is inspired by, a reading and re-reading of two sources during my stay in Shimla. One, Plato's "aoristas dyas" and two, the line of the

Kathopanishad that goes: “he who sees difference [here] will go from death to death”. Whatever I have written is a struggle to read and understand texts as much as events, and no amount of bibliographic referencing, though I have tried, can undo such debts. What might appear as excessive footnoting are signs of this, and the edges of conversation left for later, rather than mere documentation that carries with it the forbidding silence of the grave.

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INTRODUCTION

Death and the Doppelganger

Notwithstanding its own *methexis* the following studies wish to contribute to the recognition that we live in genocidal times.

Genocide is identifiable with “crimes against humanity” and various efforts to strictly define the act have failed largely due to the scarce attention that has been paid to the nature of the perpetrator¹. The latter to begin with will have to be characterized as reasonable and human in equal measure so that judgment can be done and, when possible, punishment effected. And yet oftentimes in such judgments there is a simultaneous suspension of precisely that which we had taken as ground: the characteristically human. Genocide thus even when reduced to a matter of scale is irreducibly linked to exploring the category of “humanity”. Thinking² the latter reveals the politico-juridical problematic of judgment to be indiscernible from the epistemo-ontological issue of whether one knows what one judges.

To probe the uncontainable and paradoxical nexus that is judgment — and therein reason — in a moment of crisis, we may take genocide to stand for murder on a mass scale that one knows of (past and present continuous), for murder on a mass scale that is not recognized as such (but can or will be), and for the human faculty by which such lack of recognition both comes to be and can be corrected but may well remain in one form or another³. In thinking genocide the obscuring element that participates in all three above aspects cannot wholly mask the ever present almost sensory presence of death and systemic dying here and now: newspapers and history provide crushing testimony.

All of this is immediately concealed by a congruence of values (democracy and development) and method (politics and economics) whose combined (lack of) value is demonstrated by the fact that immediately out of the question is the systematic probing of the

above nexus i.e. the nature of the violence as reasonable and human and therein the human-inhuman unbecoming of the subject. Human freedom, equality and reason are affirmed with such abstract and dogged insistence so as to render it impossible to even recognize the fact — all around — of its realization in the negation that is violence as such, and in any scale. This actuality cannot be refuted by the argument of the exception which is itself a direct route to forms of genocide i.e. some humans are brutal and, therefore, not human but in as much as they appear as human the only way to preempt their actions would be to formulate signs by which their inhumanness can be detected beforehand so that requisite action may follow. Such a line fragments the human species as we know it reproducing that which it was meant to explain or resolve (genocide). Nor can the argument of context — he became inhuman because of the inhuman context — work because such a position implicates the necessary presence of humanity all around as context, judging the latter to be indiscernible from inhumanity. The ordinary and spectacular crystallization of this all too evident logic — symbolized in the nexus of human-reason-inhuman — forms our guiding thread in the incoming analyses. Not the a priori mould of human behaviour that inform the models of our social sciences which we argue are complicit in and as the subject of our investigation.

In this direction an initial step would require probing the relation between that characteristically human quality i.e. reason — only by which equality and freedom can even be conceived — and what might be called the natural quality that ineluctably assails all identifiable ways of being: death. The nervure that joins reason (knowing truly) and death (and life) is evident from the fact that to characterize (human) life as that which will end, is a truth — about it — that cannot be superseded in universality or certainty. If in conventional terms a ghost is that which persists after death, from the perspective of reason, *that* we persist in spite of certain death condemns us to an indefinite ghostly existence. The fact that the stars that we now see might be long dead and the attraction of something lies not so much in what it is as it is, as that which can be done with it i.e. our becoming, captures the impossibility of identifying ourselves but indefinitely in an evanescent time; knowing being falsely achieved only at the cost of a necrosis that asymptotically

veers towards nothingness: for we cannot know that which has not been absolutely determined. The latter we might pretend to have merely encountered in the rigor mortis of nature as datum even while further reflection shows it to be nothing else but the placid reflection of ourselves. And so on and on wherein we progressively capture our selves in action as but phantoms of an unknown presence.

From the ancient paradoxes of self-reference to modern set-theoretic ones, the conventions, rule, exceptions and short-circuits of cognition find particularly apt reference in the Hegelian dialectic⁴ between truth and certainty — our own certainty would need to be confirmed by that which is not us i.e. the object, for truth, and yet how can the other ever be truly distinguished from ourselves — which ordinally intensify into the game(s) and stakes of recognition between master and slave. Our identification in our relations through ourselves — acts disguised as the facts of remembrance, anticipation, desire and labour — is essentially indiscernible from our relations with others wherein each takes turn to become place-holders for the other in an interminable show without recognizable rule. The servant who works for us signifies our perception of ourselves as entitled lords just as a particular branded watch condenses to the point of prehensibility the worth and value of life itself; as advertisers know only too well. To take as fundamental the successive identification without end of (logical) operation and (object as) thing but reveals the etymological truth that ‘thing’ has its origin in the site of judgment. It also encodes a metonymic drive to signification that as language incinerates any truly a priori rule or referent. The ambivalence of the word is the amphiboly of the propositional structure. One who behaves like an animal will be treated as such because he has become as such which proves that he has been as such (This will be illustrated and elaborated more fully below via Kant and Hegel but also in our discussion on Locke in chapter 2). The reality of the contingent metonymic rather than any universal and objective referent is what at least captures — if not initiates understanding of — authority and genocide that cannot be assumed to be (self) consciously genocidal or authoritarian. They always have an available — necessarily intelligible and human — language of justification.

Which comes down to something as simple as a definition of

terms and the rules that they embody; the “banality of evil” is what Arendt evocatively names this *topos*. The just judgment has to recognize the common ground of humanity that exists between judge and accused, someone who is irrational or a monster cannot be justly judged since s/he is neither known nor knowable. And yet the Nazi experience was responsible for a new category of crime, known as a “crime against humanity”, more popularly identified with genocide that can be defined as intent to destroy a whole people. Eichmann as a functionary within the vast bureaucratic apparatus of the Nazi regime pleaded that he did not kill anyone directly, nor did he hate Jews, and all he did was obey orders from superiors. It was the *banality* of his actions that were responsible for conviction. In more general terms Eichman’s humanity — the banality and recognizability of his actions — was that which was as such revealed to be other than itself. Judged inhuman he was ultimately hanged. The most infinitesimal differences in responses to questions, such as what is reasonable, who is a person or how is one to decide, make and stake their expressions in the differences between what appears as ‘legitimate violence’, murder and genocide.

It is in capital punishment and its specifically human logic — only a reasonable human can be punished — that the aim for a thinking of genocide has to begin. In an obscure corner of Hegel’s *Science of Logic* — more fleshed out in his *Philosophy of Right* — can be found a description of crime as a “negatively infinite judgment”. Hegel argues that in a civil wrong, the offender recognizes the general element of “right” i.e. recognizes the wronged as rights bearing but not his right to that particular. In deception, while the general element is undercut the particular will is not, because the deceived person is given the illusion that he is being given his right. But in crime neither the general element nor its particular expression is recognized. In other words the criminal negates right as right; in his act he has refused the common ground of humanity/right that had otherwise bound the actor and the judge, and therein crime is a “negatively infinite judgment”. One cannot award a penalty to him who refuses any common ground and yet all the same the judgment has to preserve the fiction of something shared, but only to at once undercut it, by pronouncing death. Again only one who is reasonable and human in equal measure can be judged; but in crime — or crimes

that are given death — it is precisely he as such who is revealed to have become something else: inhuman. It is a general economy — through the un/reasonable in/human — that is realized in the singularity of crime and the totality of genocide⁵.

Much like the *advaitin* in the conundrum of denying what was never there, the judge too has to wonder about punishing according to a set of rules that applies to a subject that is not there i.e. he has indeed become other by being separated from the species which cannot be characterized as murderous. The corruption of such forms of justice in their 'method' is replicated at the level of their object (target) when it is not life as value but death as the mere body in its predicates which become overriding rationale. This is documented spectacularly in Barrack Obama's current call to carry out surgical strikes on Syria because of alleged use of chemical weapons: This present rush to choose 'mechanical death', presumably by bombs and airplanes, in judgment of chemical death ("gassing") reveals discernment to lie only in qualities of the corpse. In the all too literal distinction between a body 'internally' decomposed by chemical reactions and 'externally' ruptured by mechanical force. For the moment one can even do without the hypocrisy and double standards. Such a call is neatly supplemented by calling the Americans an "exceptional people". Recognizing — in the actual perception of the undeniable ubiquity of death — needs to begin by asking how is it that only the quality of being human can ineluctably become inhuman: murder and genocide and their repeated repetitions. The distinction of our times being that our everyday lives are pervaded by the elevation of being human to a value historically unprecedented while denied in fact to the hundreds of thousands in a form that is subject to the uncertainties of recognition. Not even a caesura is breached in the monologue of human reason, equality and freedom that is the jeweled crown of a vacuous hubris that marks our social sciences. The more explicitly methodological cautions at the level of what may be called a philosophical anthropology will be returned to and explored in the final section of this introduction even as they pervade what is to follow.

In the face of such a paralyzing encounter with our most cherished value (reasonable human) becoming other than itself, taxonomy rushes in an evasatory tactic so as to distinguish between natural

and unnatural death even as such a distinction is scarce meaningful for any experience of death and dying whether of oneself or she without whom one cannot recognize oneself. Heeding this within the spectrum of life and living, death and dying, rationality and its denial — the nimbus of this effort — our attention in the form of the studies that follow specifically tend to an artificially isolated segment that transposes the issue of singular death onto genocide. Beginning with the self-conscious taking of life — whether for capital crimes or war — and ending with the taking of life that is prevented from realizing itself in consciousness by its being characterized as natural i.e. specifically social arrangements where certain members die but would not have died if they were differently positioned. The most expansive category to capture the latter would be poverty while the former may be designated as sovereignty. Two corresponding — becoming discrete — forms of knowing have been historically produced to study — one hesitates to say ameliorate — them: politics/jurisprudence and economics. In their contemporary form nothing throws as much dust to prevent the perception, otherwise clear as water flooded by light, of the genocides of our making. If analysis is always a form of accounting and assigning of responsibility in the state of human affairs, we are nowhere in relation to a recognition in India today — let alone indictment of those responsible — of, among other examples, the lakhs of farmers who have committed suicide, the lakhs who have been displaced in State directed violence, and the lakhs who die but would not have if they merely had the “purchasing power”⁶. Hobbes would say every act of suicide — and even that which is self “despoliation” — cannot be interpreted as intentional, leaving for us to infer that it is society at large that has to bear the responsibility for such murder. No knowledge-form today can claim without guilt that they are adequate to an essential understanding of these many that die in different grades of violence from murder to malnutrition to suicide. Yet these blind and blinding forms exist, multiply, swarm and saturate our institutional spaces. A history of their making and myth-making would in such a context perhaps be of some value even as we wager a thesis that such an endeavor will show the first aspect of “genocide” (knowing and grappling with the genocide that happens) in history and exhibit the third (the decomposition of that human faculty by

which genocide is even recognizable) as the fundamental characteristic of our times and its episteme.

The differentiation of jurisprudence — illustrating the core of “human right” that becomes diluted in the discourse of ‘politics’ — from economics may be traced to the late 18th and 19th century without too much controversy⁷. Economics or political-economy as it was called in the 19th century, formulated its own analytic framework with no epistemological need to clarify the nature of jurisprudence or the nature of the being that formed the basis of the former, at least as early as Ricardo’s *Principles of Political-Economy* (1818). Here was a leap from Adam Smith, whose oeuvre — as well as text on the wealth of nations — testifies to the constitutive interrelations between morality, justice, policy and ‘economic’ categories at their fundamental level. Not the content or formulation but the form of such in-mixing is continuous with the intellectual tradition within which Smith located himself. Our own investigation into the differentiation between the forms of knowledge and their corresponding discursive terrains — that is jurisprudence and political-economy — will begin from the 17th century, especially its latter half. The historically produced difference between political-economy and jurisprudence cannot be taken as an analytical one wherein the two are discretely identified according to an a priori rule, semantic or otherwise. In fact, the analytical value of studying the two together is the claim that they cannot be arbitrarily sequestered from each another. To clarify the obscure nature of this twoness in general, and in this specific form, the category of doppelgänger illuminates once again, in a second grade as it were. The ghost may be taken as the sign of failure of the one to successfully repress the other in time and on space. The appearance of political-economy as immaculate and free of jurisprudence, say in Ricardo, cannot completely conceal the implicit juridical architecture that such political-economic formulations assume (institutionally, historically and analytically) just as Locke’s conceptualization of the political as distinct from political-economy (in its Filmerian guise) does not successfully repress the presence of the latter in the treatment of property and slavery: such arguments will be detailed and justified in the chapters to follow. This essential doubleness and doubling in time and being is best captured by the doppelgänger

— as a heuristic — and the explicit unfolding of this problematic is sustained in a conceptually reflexive reading of different kinds of texts. The writing of figures from Locke to Ricardo to archival material that document political formation forms the essential material and locus of our efforts to follow.

Any form of knowledge in the begetting of its object conceals a grade of reality that cannot similarly be begot. When Adam Smith speaks of political-economy as the science of the legislator he assumes that what he means by legislator is understood. The latter would itself have to be determined through reading a range of texts that well includes Smith's own writings; the so called Russell's paradox is an all too familiar even if disturbing presence in routine historical investigation. The difficulty lies in analyzing a formulation, and at the same time presenting its (contingent) locus —where seepage doesn't allow the comfort of having a principle of distinction — in as consistent and defensible a manner possible. The cliché of contextualization is barren because it treats interpretation in quantitative terms; meaning is not to be had by the mere affirmation that it is not in itself meaningful, an invitation to vicious regress. What however absolutely cannot be justified, is the use of lay and conceptually unjustified categories such as those of states and nation-states as eternal loci. There is no *a priori* connection between Adam Smith's work and 'British' history since the contents of both are not available *a priori* and would need to be constituted, proposed and justified. Hence the subtext of the text — the ground of the figure — at every level of the complex of formulations would need to be identically and simultaneously proposed and defended. Rather than national-geographic delimitations of the contemporary, Empire is proposed as the locus for the intellectual corpus that will be analyzed in what follows. More specifically the 'British' Empire as it alters and moves from the late 17th century to the early 19th century. To alternate and to-move gives lie to the monopolization of conceptualizing space via locomotion, thereby scarring beyond recognition any politico-cultural unit.

The conceptual stakes in these studies – the doubleness and doubling of jurisprudence and political-economy – have already been provisionally delineated and the corpus to be discussed is chronologically and analytically divided into three states and sites.

The first is named juridical in which the writings of Nicholas Barboun, Charles Davenant, and John Locke figure. The second is named socio-historical in which David Hume, Adam Smith and William Blackstone are discussed. And the third and final episode – almost denouement – consists of Jeremy Bentham, James Mill, David Ricardo and Thomas Malthus as key characters. The post script returns to a present resounding with possibilities and the knell of closures by invoking Karl Marx and J.S. Mill. Traversing this intellectual swathe will be the imperial dimension, most powerfully articulated by the events and actions of the East India Company. A provisional survey of the terrain and an anticipation of our theses may now be in order before we undertake a defense of our imperial locus.

The Imbricated Theses: Imperialism and Political-Economy

The East India Company as, simultaneously, a transnational trading cum joint-stock corporation and governing state, exhibits, challenges and complicates the distinctions between political right and trade, finance and war; these very distinctions were in the meantime being formalized by British classical political economy (Ricardo, Malthus). The increasing abstraction that economic theory was achieving as a science in relation to politics in fact indexed its incapacity to understand or render visible the new ‘practical’ in-mixing of finance, trade and war as exemplified by the East India Company. Rather than merely accidental – since the scientific developments were operative in a discursive space in which the East India Company was an integral constituent – a close reading of the texts and context reveals that this was a necessary decoy by which imperialism was excised from a self-representation of what was then conceived to be the theoretical achievements of a distinctive western modernity. The distortion thereby of both – and the distinction itself – between the West and its other in historical and cultural terms is the elision of the violence at the very heart of the making of the modern. This is achieved through a splitting of discursive objects and their specific modes or correlative epistemic functions (jurisprudence and political-economy) that repress their grounding in the singular generation of empire, one of whose dimensions may be named the East India Company.

In the three stage-sites we name juridical-political, social-historical and scientific-economic, three corresponding doublets arise. Sovereignty-Action, Sentimentality-Skepticism and Logicity-Knowledge, which reflect, deflect and deny, the singular intensity of imperial violence that informs their own discursive and institutional site. While even the most cursory glance at a history of the EIC fundamentally interrogates statist and national histories of the modern, at a more conceptual level, the intellectual corpus invoked above, forces a thinking through of the distinction between politics (if conceived as a relationship of right and representation of the human subject) and political-economy (that takes as its field the management, production and accumulation of value via the medium of objects). This itself can be reduced — at its most fundamental level — to the distinction and distinguishing of persons and things, subjects and objects. It is this problematic that the texts are differentially aware and expressive of. To give a concrete illustration: while in Locke what may be named object (nature) becomes a qualification of the subject (propertied person), it is this objectively qualified subject that becomes the rationale for civil/political society, yet the subject continues to retain his subjectivity (natural right/law) as located within a theological horizon: the always available appeal to God in a moment of crisis/conflict. It is the latter that makes it impossible to have an a priori rule by which subjection and sovereignty are related. The role of 'God' is hence philosophically defensible in such an account of political sovereignty. This 'distinction of reason' between person and thing also binds what will become politics and political-economy through the institution of the contract that is itself anchored fundamentally in the natural liberty-reason nexus of the creature named man. The right to form (political) communities was the same right that allowed one to trade (exchange things) and it was on this ground for instance that the East India monopoly was critiqued: a monopoly was a violation of natural right. Such a political lexicon for understanding 'trade' expressed its actual practices which required arms, fortifications and political patronage as exemplified by the East India Company. Thus the link, linkages and translations between trade and politics, political-economy and sovereignty remained intact across text and practice.

From such a perspective the 18th century reveals a reorientation of discourse such that it becomes increasingly difficult to integrate the practices undertaken under the sign of commerce (the East India Company) and its minting as a category within a specific conceptual lexicon (the ‘Scottish Enlightenment’)⁸. This may be seen as a paradox since, on the one hand, commerce as a word developed a range of associations which had to do with civility, politeness, refinement and manners: in essence social virtues⁹. On the other hand, a “commercial body”, the East India Company, an international joint-stock trading venture, given monopolistic rights to trade in the East by the British Crown, was inaugurating its rapid territorial expansion in the subcontinent, and institutionalizing itself as a political regime. While to different degrees, the Scottish thinkers attempted to hold on to some of the older republican ideals, an outright repudiation of commerce and luxury was no longer thought viable. This is one way to understand the four-stage historical schema they proposed, wherein “commercial society” was seen as the culmination of the three previous stages: the hunting, shepherd, and agriculture societies. Thus “commercial society”, from this vantage point, had no longer any place for martial ideals, which might have served a function in so called earlier, archaic societies.

It is in this schema – found incipiently in Hume but more prominently in Smith – that we can perhaps find the germ of the contemporary conceptual nexus of history and progress. The loss of a theological horizon is at the same time a subtraction of an intensely political subjectivity. The novelties of Humean skepticism lay in its formulation through – and focus on – a secular temporality rather than in their conceptual content per se. Skepticism and its critique in Locke was what allowed for a political subjectivity, whereas in Hume the refuge of skepticism was the “passive” common life. It is in the latter that one finds the germ of a modern understanding of “society” devoid of political determination. History is no longer the juridical contest over power that it was in the 17th century, but now becomes either a universal analytic for mankind at large, an ineluctable natural/objective process, or the specific narrative of a ‘past’ that can have little force on the present. So Hume’s *History of England* can sympathize with a specific actor and recognize injustice in the past but yet obliquely justify it in the name of a ‘ready-made’

present. There is a disallowing of present action, in a history that is caught in the contradiction of referring to that which can only be deictically established. Such skepticism having evacuated a political subjectivity installs the social and the present as the source and *telos* of all value. Present commercial society is the most superior stage because of the number of objects produced, and it is such production in fact that led to the downfall of the previous feudal age since the feudal lords started to prefer “baubles” and “trinkets” (Smith) to their retinue i.e. their authority over people. Value now lies in the possession of labour as embodied in things rather than authority over men. Political subjectivity has been reduced to but the quality of labour.

While it is the social that is the primary object, and the question of sovereignty seems to disappear, in another sense, the sovereign is but unfolding ‘elsewhere’. A new form of political rule is being instituted by the Company and we try and unpack its nature through studying the Bengal famine (1769-1772) and the “Arcot debts” (1762-1777). The great Bengal famine claimed the lives roughly of a fifth of the population, and lands under the control of the East India Company. A catastrophe of such a scale prompted introspection, about the activities of the Company, a ‘trading’ body that had maintained its intimate link with the political and financial worlds of Britain. In India, the East India Company had been expanding its political powers rapidly, in the 1750s and 1760s, and was by this time involved in revenue collection in the large provinces of Bengal, Bihar and Orissa. The famine that affected these areas cannot be explained without taking into cognizance the various activities of the Company, which had to continually send money to its subscribers at the London stock market, along with spending on conquest and trade. On the other hand, the “Arcot debts” reveal the way in which the Company combines military might and fiscal virtuosity (forcing a public debt on the nawab) to gain control over the Carnatic. While intellectual historians have read Hume’s warning about public debt destroying the kingdom as verging on the hysterical, the experience of the subcontinent substantiates this in a very real way. This part of the work uses this instance to complicate previous understandings of economic activity that isolate it from its political infrastructure. For instance, the Company’s intervention in monetary circulation

was partly responsible for the famine – as argued by contemporaneous commentators that included James Steuart and even many Company officials. Thus although metal was not equivalent to value, in certain circumstances, political control over the circulation of specie did affect the economy in fundamental ways, complicating a simple severing of value and its medium/measure, that was to have been a great advance of contemporaneous economic science. Hume’s sequestering of the political into the past, is not only a sign of its ideological mobilization (where the status of the political itself was no longer debated as was done in the long 17th century, as well as by the mercantilist writers discussed) in England but also signals its uncontrolled “rage” in India in the form of the Bengal famine.

The political constitution of England at this time is in no sense what we could describe as ‘democratic’ and it would not be prudent to see in it the germ of not what it becomes, but what will become its claims. However, the independent status claimed by society as a theoretical object allows for a ‘universal history’ free of questions related to political subjectivity.¹⁰ The valuation of objects and things is said to have done away with the earlier primitive eras of sovereignty and subject hood, even while a much more insidious link is proposed between liberty and production. The average day labourer of England is superior to an ‘Indian chief’ because former has access to greater commodities than the latter. While Grotius in the 17th century had argued that the right to steal existed if one were starving — what Locke called the right to charity — in the 18th century the supposed “poor laws” rendered such an argument impossible and anachronistic; which amounted to the same thing. However, the important point to note is that it is not as though Hume or Smith merely fetishized objects, valuing production for the sake of production. Rather, it was well recognized that the value of things lay in refracted labour; not merely the fact that it was produced by the labourer but by the value that lay in possessing what was labored over. The value in the possession of things lay precisely in the fact that the things were desired by others, and in such desire it was hoped that the poor expend their life-long industry. If such desire did not exist the poor were either to be educated or coerced into it. It is in this context that ‘sentiment’ and ‘sympathy’ become the key

theoretical trope; replacing natural liberty. The detailed analyses of various sentiments take place on a canvas that has been imbued with the multitudinous fibrillation of things. For instance, in Hume, while the self is famously called a bundle of perceptions, the subject is well delineated in the detailing of the passions, making the distinction between action and object but a matter of degree. There is a concomitant shift in the category of the moral which is no longer an ingredient of the reason-liberty-subject nexus but now takes the form of a secular temporality that speculates on the historical origin of political societies. Action in the older sense is now split into passive contemplation or one might even say, consumption, and labour; skepticism at large provides no horizon in which to act.

Such theoretical manoeuvring was indeed responding to a changing society where it was well recognized that consumption could be justified because it provided employment and one could, therefore, no longer adhere to either the republican or Christian prohibitions against luxury and consumption. Theological cum political aspirations to freedom could easily upset the delicate political balance, and while indeed society was recognized to be growing in inequality this was to be preferred to what were conceived as the only alternatives to the barbarism of civil war: the Rousseau of the *Second Discourse* was always present as powerful interlocutor. But what is completely fading from the intellectual lexicon being developed — as object of interest and site of analysis — is the great conquests of the East India Company whose legal position defined it clearly as subject to the British crown. However, in the *Wealth of Nations*, while much time is spent on a critique of the East India Company such a critique is by no means to be conflated with a critique of imperialism, as has been done. The attack on the combining of the functions of merchant and sovereign do not account for the goings on in the East, and in its abstraction, completely conceal the nature of the mutations between finance, politics, trade and conquest naming this complex simply the “Crown’s conquests”¹¹. At the same time, even while Smith famously defines political economy as “the science of the legislator”, he lays the ground work for economic categories that will not longer have to refer to a political power. Rent, Profit and Labour and their systemic interrelations are laid out in a manner so as to dissolve the question of political

determination. To cite one example, while rent had always been associated with power — even in Smith’s own lectures on jurisprudence — in the analytic vocabulary of the *Wealth of Nations* it is defined as that which remains after profit and labour are accounted for. It is the chronologically prior and analytically distinct association with conquest and ownership that indeed renders legible the actions of the Company. Here the great debates in Bengal leading up to the Permanent Settlement of 1793 accentuates in a very concrete fashion, and at the level of policy, the theoretical problematic of ‘political-economy’ in its juridical aspects; as for instance evidenced by the debate between John Shore and James Grant (which concerns the place of history in the determination of the political, the value of precedent and the reading of the historical archive in conducting matters of policy). In the discourse around what to do with the *zamindar* (the ‘land-lord’/collector of revenue), and about whether to assume de jure sovereignty, that had already been accomplished de facto, Company officials liberally cite Blackstone and Smith along with Mughal administrative treatises in attempting to define their status. This part analyzes the ways in which the Company — as an emerging colonial state in India — translates both a certain ‘metropolitan’ discourse as well as Mughal administrative treatises in the attempts at executing policy.

Meanwhile, slowly but surely the science of political economy succeeds in repressing any relationship with political right is directly evident in the works of Malthus and Ricardo, however important their other differences were. The fact that Malthus was the holder of the first chair in political-economy in Hailbury College, which was set up by the EIC, exceeds mere anecdote. Before holding the chair he had written *An Essay on Population*, which was an explicit critique of Condorcet’s theory of infinite progress and Tom Paine’s arguments regarding the rights of man. Structural inequalities and poverty were seen as not amenable to political-revolutionary solution for there was a science to understand it; alluding to the intellectual and political challenge proposed of the French Revolution. Such a science laid the fault directly on the poor themselves in their inability to comprehend its laws. It is in such a context that economic theories of production, consumption, rent, labour and profit continues to develop, and the parameters are shared by Ricardo, although

important differences no doubt remained on specific questions such as rent, demand, luxuries, the glut and consumption. From the perspective that we have been concerned with, in such a discursive field there is absolutely no place for the intensely political subjectivity that was present in the 17th century, even while religious notions are not absent from Malthus. This subtraction of political subjectivity is enabled by a method that has been liberated from a subject.

These debates in the subcontinent reiterate and remain anchored in the juridico-political problematic, as when Munro critiques the Permanent Settlement because it resulted in a clear cut separation between revenue and judicial power and also 'restored' the *zamindar* as an intermediary between the government and the people. All this is of course being staged through the active motor of conquest, questions and problems that arise only because the Company was annexing polity after polity. Precisely around the time of the debates around the Corn Laws in England, when 'free trade' as an economic principal was being insisted upon by its votaries, the Company was denied its monopolistic privileges (1813). While this, on the one hand, seems to confirm the value of the principals of free trade, on the other hand, one cannot forget that monopolistic privilege was taken away precisely at the point when political security in large parts of the subcontinent had already been secured. Thus it was at this time that Munro was sent back to India to review the judicial system, underlining, yet again, that the principals of 'free trade' could be carried through, only once the political question in India had been "resolved". In India the question of "rent" was the center of the discourse around the distribution of power, while in Malthus and Ricardo the question of rent was banished into the domain of method (the evaluation of value) and Nature (properties of soil). This irony — the different positions that land and rent take when the conceptual lexicon of the new economic science as an abstract principal and its place in the historical conquest of the Indian subcontinent is scrutinized — and its implications forms the subject matter of this part of the text. But for a greater understanding of the analytic method that makes the immense and sheer empiricity of conquest invisible, we would need to return to Bentham.

Bentham, best known for the principle of the greatest good for the greatest number made his first foray into the intellectual world with

his *Fragment on Government*, which was a critique of Blackstone's well known *Commentaries on the Laws of England*. Bentham's effort to make a science of law was arranged against the study of jurisprudence that had an essentially historical character; historical in the sense that law was intelligible only through place, time and reason (natural law). It was Bentham who, in his critique of Blackstone, had already designated the whole natural law tradition as confused debris. Dismissing natural reason/right, reducing the is-ought dialectic to what is the case, he took it upon himself to extract a jurisprudence that would be concerned with the rationale of (its) consistency rather than equally well reflect on the nature of the subject-object on which and under whose aegis it was meant to function in the first place. Rather than clarifying the nature of the human qua human and the protracted difficulties in thinking the move from the state of nature to civil society, he systematized the whole domain of human action under a single principle: pleasure and pain are coroneted as the "sovereign masters", the univocal vector on which human action and its meaning could be traced. From this perspective, and solely for this end, communities are formed, rewards given and punishments enacted. The privileged mode by which the science of jurisprudence can now be ascertained is through the classificatory table, definitions and logical connections and conclusions deduced transparently from a situation at hand; wherein under different headings the various actions of human beings are catalogued. That method might intercalate the subject-site, or reveal and conceal in equal measure its own subject position, are voided as a possibilities. Even so, the historical failure of the Benthamite code does not diminish the groundwork he therein laid for what could be called a social science. This science was modeled on what it took to be the constant operations of nature and therefore required a constancy of the site by obviating any reflection on the essential contingency of the latter and the conceptual demands therein made. Certainty and consistency as values were thought viable without a clarification of subject (site) or end; essentially the end of man.

In such a conceptual space, abstract examples and their merely logical implications, are to account for concrete situations by remaining unencumbered by them. Ricardo's examples of hunters

and fishermen to explain labour-time do away with the complex interrelations that hunting and fishing had stood for in a juridical-political history, from Grotius to Smith. Market equilibrium, comparative advantages (assuming full employment) and differential rent while consistent in an abstract architecture are to account for a world with which it knowingly shares little. The earlier recognition of the dangerous intimacy between man and nature is no longer comprehensible with man but a discrete knowable particle in a nature seen as amenable to 'method'. The deduction of a theological horizon limits freedom to that which can be achieved within defined societies and states, and a doctrine of negative liberty entombs natural liberty. While earlier, in different forms, nature — whether in the form of matter or animal — was seen as that which was defined negatively, now man appears as no different. This can be clearly seen in the introductory lines of Mill's *On Liberty* which says that he will not concern himself with philosophical questions of the will but liberty from the government at hand. Natural freedom and action as the ability to act which had distinguished man from nature is abandoned for a study of the actions of man that might well be analogous to the motions in nature. In this manner, it is similarly unable to account for — or make accountable — what a state does as empire while valorizing the social as the radical object of analysis. The last glimpse of that fading nexus between man and nature is captured in Marx's fundamental introduction of labour power — and not the mere factor of labour-time in Ricardo — so as to critique what is concealed in the abstraction of what becomes juridical equality. This is where the proposed manuscript will also end since we believe the effectiveness of such a critique is still present, as is the powerful institutional and discursive structure that is its object.

*Why Empire? Or Delineating the Imperial Regulation
of Territory and Time*

How and why are the above arguments to be anchored in the British Empire specifically and in the conceptualization of empire more broadly? Recent and rich histories of Britain and India do not find the category of imperialism useful for the period under study

reserving it for later times. This is reflected in a disinterest in probing the constitutional questions — the *de jure* and *de facto* distribution of power — in the British body-politic¹². The waning of ‘political history’ and the rise of social history in the last century resulted in the investigation of the social and cultural without a prior theorization of the politico-constitutional framework that undergirded the latter. Ironically, such an orientation served in re-inscribing the territorial boundaries of later nation-states since these were the invisible matrices, the guiding threads within which questions of identity and economy took place. The powerful studies of class formation, class resistance within a metropolitan site gave way to questions of the rise of identity — howsoever miscegenated — within the same fundamental framework¹³. Studies of ‘colonial history’ in India also ensconced under the shadow of the East India Company assumed it to be a government, implicitly abstracting from its position within the imperial system¹⁴. A conceptualization of the latter also allows one to critically scrutinize the self-representation of democracy and its history that feeds off the anachronistic boundaries of states and nation states. It is the faux segmentation of empire that founds the myth and history of modern democracy i.e. institutions of representative government in Western Europe.

It is no coincidence that the etymological origins of imperialism as ‘command’ in Roman times finds its way into the conceptualization of law by John Austin in 1832. We differentiate the various nuances and dimensions of imperialism as command below. However, its immediate fertility as a heuristic lies in sketching a *topos* that regulates the relations — and identification — of authority, power and violence¹⁵. It is also not to be conflated with ‘politics’ whose origins as the designation of a place — as the composition of discrete juxtapositions — haunt its failed attempts to capture the precision, gradation and calibration of power as crystallized in a relationships of authority¹⁶. In one sense this is immediately evident when we confront the difficulties of understanding the conquest and governance of the subcontinent by the British Crown from the 18th to the 20th centuries. Global histories have scarce succeeded in confronting the nature of such conquest since they begin with contemporary territorial nation-states or political entities that are conceived of as essentially discrete;

howsoever modified by relations. Such a positivistic understanding of space puts forth metaphors as analysis, the primary one being of movement, as understood in the Galilean sense. Hence we are taught of imperial ‘expansion’, as though ‘imperial’ was a discrete (infinitely dense) object whose movement in space or expansion over space, in an alteration that leaves its essence untouched, could be tracked. The very nature of the imperial is left a begging. It is here that beginning with an inquiry into the nature of law, authority and power, rather than politics, polity and space as given, opens domains of inquiry that are otherwise foreclosed.

More concretely, it becomes possible to ask why the Great Reform Bill of 1832 did not include franchising those in the subcontinent. This leads to the question of what was the status of the regions being-conquered in India in the British empire, a wholly legitimate question that is not resolved by any reference to the East India Company in particular since the latter was traditionally subordinate to the Crown, and the Pitt’s India Act of 1784 reiterated its subordination through the establishment of the Board of Control — responsible to King-in-Parliament whose Commissioners were appointed by the King — that superintended all actions of the Company. Why do global assessments of ‘modernity’ and increasing franchise in England, Scotland and Wales in the 19th century discount and ignore the regions of the subcontinent in their analysis¹⁷? How is one to decide who counts in Bentham’s principle of the greatest happiness of the greatest number in the time of Empire? Can one assess such ‘progress’ without addressing the continual violent conquests and governmental incorporations that the British Crown simultaneously made well into the 20th century? And so an understanding of the British Empire from the end of the 17th to the early 19th century is most accurately approached by an investigation into the category of imperialism which speaks to a mode of power and its minute differentiations that cannot be sequestered by or subsumed under any naïve axiomatization of territory.

Such an inquiry into imperialism as a form of authority is enabled by an investigation into the emergence of the phrase political economy by Antoine de Montchrestien 1615 (originally in the French *l’économie politique*) where it drew an analogy between governance and household management. The retention of this

analogy is present in James Steuart's *An Inquiry into the Principles of Political Economy*, while Francois Quesnay pushes the analogy to almost its limit in his demand for 'legal despotism' (despot being the master of the household) in the political sphere even as such a bringing together of household and polity is strongly refuted by Rousseau in his encyclopedic entry on 'political-economy'. Explicating this controversy requires a genealogical excavation, in howsoever preliminary and schematic a fashion.

Household management expresses a relationship of 'command', the head of the house rules as despot. As Hannah Arendt argues, in the Aristotelian world, the *oikos*/despot as a relationship of authority and power is distinguished from the place of the polis where freedom is expressed in the equality of citizens¹⁸. Freedom among equals in the polis signifies that properly human existence beyond the natural; but all the same requires the latter in the form of the *oikos*/household. Only a despot at home can *become* free i.e. truly human in the polis where great acts and great deeds are enacted, spoken and remembered in the public. On the other hand, the exemplary relation of authority and power is that of the master and slave — the realm of the necessary — exhibited in the *oikos*. The necessity is that which is natural — almost opaque to science or law¹⁹ — and positions the threshold that has to be crossed for freedom as excellence/virtue can itself appear only within the plurality of the polis. The necessity of plurality is indexed by the fact the despot as despot is never free and can achieve freedom only in the polis, in and amongst others.

There are however difficulties in characterizing the relations in the *oikos*. To begin, with Aristotle, the first books of the *Politics*, says that the master is able to direct and command because he can foresee, he uses his intellect and is identified with it whereas the slave uses his body to execute what has been designed by the master. However, it is not as though the slave can be all body and devoid of intellect since he has to be able to understand the master so that he can execute the given command. He is, thus, one who understands what is said but cannot himself say, i.e. reasonably conceive of a plan of action²⁰. The slave is also characterized as a form of property but more specifically an instrument like the rudder, but he is also a possession; an "instrument of action" rather; than an instrument of production. The latter is used for something (production) unlike the

former which is of use itself and therein not only a part but wholly belongs to the master. The question of how a slave becomes a slave is answered in different ways by Aristotle — not all of which are either consistent or convincing — and moves from “natural slavery” to those who become so by being hunted and captured²¹.

The clue to a further exploration of such authority/power — over the living and non-living that are identified as well as distinguished — is found in an elucidation between the ‘internal’ relationships that comprise the nexus known as man. The so called political or economic in their relations cannot be abstracted from what comprises the individual human, each being intelligible in terms of the other. Aristotle tells us that the rule of soul over body is “despotic” while that of the intellect over the appetites i.e. the rational element over the passions is “royal and constitutional”²². Both forms of rule are “natural and expedient”. Now the slave is placed as a figure of the latter category i.e. the passions, because he can apprehend — and thereby participates in — a rational principle but can never have one of his own. On the other hand, both forms of authority (soul-body, intellect-appetite) are likened in that both may be abused. There exists a rationale wherein any abuse leads to harm to both soul and body, for the slave is “a part of the master, a living but separated part of his bodily frame”. Complicating things further, is the assertion that the rule of the master cannot be called a constitutional one, that the monarch is equivalent to the head of the household, whereas, by way of contrast, “constitutional rule is a government of freemen and equals”²³; while only a little earlier there was no opposition between royal and constitutional. This leads to the difficult issue of whether Aristotle is absolutely consistent in radically differentiating the *oikos* and the *polis*, and whether there is not in the later books of the *Politics* the argument that is congruent, under specific conditions, with absolute monarchy, as W.R. Newell has recently argued in a refutation of Arendt. Or what specific relation this argument has with the Platonic one of ‘philosopher-kings’ put forward in *The Republic*. Here no more can be done than indicate the precarious line between the *polis* and the *oikos*, and also note Arendt’s argument that Plato followed Socrates in drawing analogies between the activities of rule and the household²⁴. And if Aristotle’s argument against Plato that a monarch would be apt if the distinction between

the monarch and the people equaled the difference between man and beast is cited, one might in return invoke Plato's exposition in the *Meno* where the statesman, i.e. manager of the city does not understand what he does (virtue) while in a different sense the slave understands what can be known.

In the different world of the Roman Republic, the clear distinction between *auctoritas* (authority) and *potestas/imperium* (power/empire) is maintained by the distinction between the Senate, on the one hand, and the magistrates and the people on the other. Authority was that which validated power; thus while being distinct they formed part of a "binary system", as Agamben has argued. With the foundation of the Roman Empire, the emperor Augustus integrates the two; possessing final authority and power. A sign of this is his "public house" distinguishing himself from all else for "unlike the life of the common citizens the 'august life' can no longer be defined through the opposition of public and private"²⁵. In this sense he was *pater patrie*, for it is imperative to remember that in Roman law the power of the father over the son was absolute in a manner to even distinguish it from the rest of the household, over whom too he had the right to kill. The natural affinity between the father's power and that of *imperium* was clear to the Romans as their law. This continuity between the jurisdiction over the household and those beyond the household is preserved in the vastly different context of the middle-ages wherein the category of 'dominium' designated both the relationship of property (the objects that one makes one's own) and rule (the subjects that one has made one's own) and their overlap²⁶. Thomas Aquinas in fact made explicit the analogy between the rule of the household and the rule of the prince²⁷. The distinction probed between household and polity is to exhibit the fact that the ultimate justification to power is often to be found in a characterization of the 'natural', whether in being born as son, guided as property, or killed as beast. Such 'naturalization' appears as a drive – more than an inclination and less than a habit – in the history of thinking about rule and command.

The 17th century discourse of and on monarchy — especially in the great kingdoms of England, Spain and France — inherits this blurring of lines that takes form in the transposition, of imperialism and political-economy. In England, the 'Henrican reformation'

ensured that ‘this realm of England is empire’ with King as head of Church and State, making use of Roman law and specifically the acts of Constantine²⁸. As Walter Ullman has shown, the specific invocation and reactivation of these acts are crucial. The controversy of Eusebius’s “divine monarchy” and the sanctification of the Roman Empire within Christian eschatology²⁹ provide its own inexorable context by linking the monarch with the divine. If Eusebius had argued for the Roman empire and Constantine as imaging the Divine Kingdom, the place of the emperor is well illustrated by speaking of “this assembly of Constantine and the Bishops as an ‘image of the Kingdom of Christ’”³⁰. This was not exceptional, for the notion of the “divine monarchy” and its image on Earth via the Roman Empire grew in strength, becoming an orthodoxy branding opponents as heretical³¹. This long and complex history through to the decline of Empire and via Saint Augustine and Nicholas De Cusa cannot be sketched here. And yet the salience of the “divine monarchy” argument in its operationalization in law (Act of Supremacy) and discourse (for instance in Hobbes; see below) in the 16th and 17th centuries is undeniable. Similarly, the identification of the Roman emperor as *pater patrie*³² —and the “public house” — through Aquinas’s analogy of Kingdom and household cannot but be seen as background for Robert Filmer’s absolutist formulation of the coincidence of household and kingdom in the 17th century.

No doubt, the specific Christological horizon of the 17th century plays its own crucial role in its configuration of eschatology and secular temporal power. Kantorowicz’s detailed studies have shown us the movement from the liturgical ceremonial character of Kingship, where King is the Vicar of Christ, to the Roman law inflected Crown as standing for the indubitable nexus between King (who never dies) and country. The latter encapsulates the paradox of the King being both father and son of the law even while the King rules his kingdom absolutely in this empire — as witness even the rule over the individual Christ in time — in imitation of Christ the King to return at judgment day. Kantorowicz argues that the reception of Aristotelian time — where eternity lies in enmattered duration — and the Christian characterization of Angels allows for a conceptualization of place that is continuous even as the principle of such continuity lies “on the interplay of three factors: the perpetuity

of the Dynasty, the cooperate character of the Crown and the immortality of royal dignity”³³. Perpetuity — an intra-temporal characteristic rather than the eternity that is wholly outside of time defined transience — is achieved through a locus which is itself defined as the customs of the realm. However, there were various strategies by which the realm was recognized to be, i.e. universal. Such universality is attempted through a series of concrete materializations that speak to the difficulties involved in thinking a politicized locus; ignored by the historians’ contemporary understandings of geographic territory at their peril.

The transformation of *patrie*, as the heavenly city for which one martyred oneself and where one was true citizen, to the country where one lived, with the King as principle of justice and peace, for whom one died, is compellingly detailed by Kantorowicz. Inextricably linked were taxes — in the name of holy wars that were themselves undertaken in the hope for salvation — which changed function. They were now demanded for the protection of the sanctified (secular) realm, the perpetuity of the latter allowing for the institutionalization of the former. The King himself had two bodies, his personal relations as liege lord as well as the kingdom, the realm, the body-politic of which he was the head. In England, Fortescue’s characterization of England as politic and regnum spoke to the mutual dependence of King and people, leading to its final formulation in the 17th century, as the King being superior to the people when taken individually, but subordinate to them when taken as a whole. The King did not rule over the Kingdom like a master over property (including the slave-servant) because he could not alienate the Kingdom, and his heirs inherited the throne through laws and customs that were not of his (individual) making. The people were a *corpus mysticum* with the King as head that adhered to and declared the law of the land as common law. While the parallel to the Christ-Church relation is evident, the Kingdom was defined through “common utility” — justice and peace — and through symbols like the crown, and categories like the fisc which “touched all”³⁴. The fisc was itself characterized, much like Church property, as inalienable allowing for the formula that “Time runneth not against the King”. Standard (Roman) jurisprudence that otherwise allowed prescriptive rights were not allowed when it came to the Kingdom, which could not be

alienated by the individual King. The concrete emergence of the 'public' is the aspect of the King that combines features of inalienability and perpetuity. The King as head of the realm does not guarantee perpetuity in the manner that his body – public and dynastic – does. However, within this fragile conceptualization of the perpetuity of the Kingdom there are internal times (lapses) that bring the public to crisis.

In J.G.A. Pocock's discussion of Fortescue, three kinds of law emerge as crucial: natural law, customary law and the *gubernaculum*³⁵. The broader Aristotelian and Christological framework do negate the possibility of concrete unexpected events — the Augustinian threat of the fickleness of secular time return — but are mobilized for a wholly different purpose than that which was originally envisioned. Time as such is what comes and cannot be anticipated — customary law being unable to secure one against the crises of military threat as symbol of that which cannot be precisely preempted by 'custom' — whether external or internal. There is no custom available that will absorb or annul an event that is unanticipated and potentially fatal. In an attempt to preempt this turn in the time of perpetuity, the King has to be given, already be given, extraordinary and emergency powers so that he may act in time to avoid catastrophe. Such powers are those of the King's, also known as his prerogative, may be used for justice and peace of the realm. These powers were not merely abstract but articulated in the Kings Bench, through the writ of Habeas Corpus, superintending other courts, in a manner that rendered it continuous and ever present such that any individual imprisoned by any court could be required to be summoned, so that it may justly be determined as to whether his rights were being violated. In thus being, in the ultimate analysis, the subject of the King through his court, the individual was thought to be free i.e. owing allegiance to the King³⁶. The varying jurisdiction, franchises and charters, and the variety of custom found their final justification in the Crown. For instance the charters whether to Companies or Cities, delegated powers without alienating final authority. The Tudor monarchy succeeding in laying the institutional and conceptual framework for sovereignty and subject hood that traversed the 16th and 17th centuries.

If indeed the person of the subject was ultimately guaranteed by

the Crown even as the latter was to rule according to common utility — peace and justice — there was no a priori rule by which to discern a violation of the latter. Many of the conflicts leading to the civil wars – just as the Five Knights case – clearly brought to relief the difficulty in distinguishing person from property. Could the refusal to obey the King’s financial demands, on the basis of a right to property, be punished? Here the King’s position and the language of the Kings two bodies, even in the early 1640s, was the only grammar of legitimacy even for the Parliamentarians³⁷; this was no doubt countered by the radical and divinely inspired arguments put forward by the ‘true’ Levelers and Diggers³⁸. While the courts on this specific case affirmed the King’s position³⁹, the nature and legality of the demand was itself open to investigation by ‘action’. The critical moment where the distinction between person and property broke down – a nexus that was always recognized as requisite for a political faculty such as the granting of franchise – led back to the problematic of dominium⁴⁰. The word combined two senses – ownership and jurisdiction – that were often in theory regarded as distinct. Filmer’s *Patriarcha* clearly argued for no real difference in the relationship of dominance but the difficulty of defining the limits of the prerogative was not to be resolved even in a later vastly different text such as Locke’s *Second Treatise* (analysis in chapter 2).

Pocock has argued that the actual events of the civil wars led to a polarization of opinions on the nature of sovereignty – from Parliamentary to Royal – that did not previously exist. In other words, a position such as Robert Filmer’s was unique to its historical situation. However the ‘divine’ and absolute nature of sovereignty was certainly not unique to him and we see the problems haunting his contemporaries, from Hobbes to Locke. While the analogy with parenthood and master is not the primary analytic frame in Hobbes, it is not wholly absent in his work, often working complementarily with his other better known arguments⁴¹. In the *Behemoth* for instance, Hobbes powerfully affirms the divine character of the King and law via an appeal to a historical heritage of Empire that goes back to Rome⁴². For instance, he argues that no reading of scripture can violate present public law, and heresy is to be understood as that which goes against King-in-Parliament. One needs to remember that

in the context of the Henrican Reformation, the King is head of Church and State, or rather the very distinction between the two is dissolved in its actual sovereignty. This is to have changed in the course of the civil wars and the *fin de siècle* has, as has been argued, witnessed a “co-ordination” principle that vested ultimate sovereignty in King-in-Parliament⁴³. However, in certain ways, the vexed issues of the prerogative and body-politic could not, perhaps, by its very nature, be resolved.

While the absolute nature of the King’s power was included in a conceptualization of public utility, the precise definition of the latter became increasingly difficult to define in a time when charters to corporations expanded all over the world. On the one hand, intellectual historians have interpreted maritime expansion as “commerce” and a modality of empire – an “empire of liberty” — that broke through the Machiavellian problematic of the inevitable decline that accompanies political ascension⁴⁴. This would lead seamlessly to the 18th century coding of commerce as “social virtue” supplanting the Renaissance ideal of valour and the problematic of conquest and empire⁴⁵.

However, the characterization of an ‘empire of liberty’ does not sufficiently capture the violence – and the sovereign-legal authorization — involved in the practices of commerce across the seas and into land⁴⁶. Our study of figures from Davenant (Chapter 2) to Hume (Chapter 3), in addition, to the amphibious nature and practice of the East India Company as imperial vector in the conquests in the subcontinent, preserve, in conceptual and institutional terms, the crystalline fact of empire in its conquering modality. Here, recent work, referred to above, on the distinction between ‘imperial subjects’ and ‘local subjects’, land/customary law and personal/subjecthood⁴⁷ are more germane. While property, law and custom might vary over place, what defined the royal/imperial power was its ability to hold the subject to account or bring the body of the subject to judgment i.e. habeas corpus. Being subject in legal terms was not to have the characteristic of “liberty” but to be subject to the King “English law” as it developed into the 17th and 18th centuries and was recognized to have been instituted by, and depended on, Royal centralization⁴⁸. The crucial significance of such centralization was recognized, as much by, 18th century commentators, such as

Hume, Blackstone and Smith, (chapter 2 and 3) as by contemporary historians of law, such as Milsom, Baker and Halliday. Such techniques of centralization – claims towards sovereignty and/by the vexed issue of conquest – in the ‘metropolis’ are reiterated in the vector that is the East India Company’s ravaging of the subcontinent (chapters 2, 3, 4). The imperial and the feudal may be here considered convergent, in so far as they recognize conquest as a source of authority, such that, jurisdiction and ownership, person and property are hopelessly entangled⁴⁹.

The inviolability of the King – ‘the King can do no wrong’ — traversed the 17th and 18th centuries finding its way into the 19th; from Blackstone to Austin and Coleridge⁵⁰ one hears of its sanctity even as another strand of thickening discourse, the Scottish Enlightenment, deflects attention away from questions of constitution and sovereignty, and toward society, economy and history. In England, as is well known, the very distinction between Parliament and King is difficult to maintain in view of the fact that a Bill becomes an Act through its actualization by the King’s consent. On the other hand, (even) in the post-1689 period, the Parliament cannot be taken as representative of the ‘people’ considering the propertied and sectarian grounds required to elect and be elected to any public office. The problems that the various figures, from the King’s two bodies to the crown, tried to address were in certain ways only exacerbated in the 18th century when the body-politic seemed to stretch from the Americas in the West to the Indian subcontinent in the East. Many powers remained with the King even after the Act of Settlement: a Bill, as mentioned earlier, could become law only through the consent of the King, all the highest offices and courts [such as the Privy Council] emanated from his power, Parliament was convened, prorogued and dissolved by him, no statute ever voided his prerogative, he could declare war and peace without consent of Parliament, and could create peerages and parliamentarians at will. The Glorious Revolution had ensured that the King exchanged his “military tenures” for revenues, for those of excise and custom⁵¹. The latter two, along with traditional sources of revenue from various crown lands, financed the Civil List which paid the salaries of offices, both administrative and judicial, as well as offices related to the royal household. Thus, there was no clear

distinction between the King as public representative and the King as a private person.

Only after 1780 was the Civil List even open to parliamentary scrutiny⁵². However, even as various regulations succeeded in opening the King's finances to such oversight, thereby attempting to distinguish between private and public expenditure, the King continued to have direct influence through his ability to create (and control) offices (including sinecures) as well as his power to confer baronetcies and peerages. Offices like the Chancellor and Secretary (technically servants of the King) remained closely associated with the King and the traditions of royal sovereignty; they had access to the royal signet and other bearers of the sovereignty⁵³. Often such higher officers did not sit in Parliament, and while Privy Councillors were chosen at the King's pleasure, offices such as the Chancellor and Secretary were filled with consent from the Houses. He was in the fortunate position of being integral to sovereignty and therefore beyond legal redress but at the same time since he was not absolutely sovereign he could sue and exercise his rights in relation to others⁵⁴. His powers through the media of Privy Councilors (for governors), offices (such as the Secretaries and the Chancellor) and the House of Lords (where peerages could be created) ensured that no election before 1831 was won without his support. Even in the early 19th century, statute making power lay with the King in Council in Britain but especially in territories beyond the seas⁵⁵; it is the King in Council that we could identify as what we understand to be, or that which will eventually become, government, for there neither existed a Benthamite code⁵⁶ nor a formal party system. The House of Commons, on the other hand, could not claim to be representative because of various kinds of legal discrimination on the basis of sectarian affiliation on the one hand and the requirement for property qualifications on the other. This would only to a certain extent — if one were to falsely draw a line around the United Kingdom — be ameliorated by the Catholic Emancipation Bill and the Great Reform Bill. And yet what of the peoples and lands being conquered under the charters of the East India Company? Even the idea of representation assumes a priori, a 'people' existing to be represented, an assumption that one cannot make in the period under study, especially in the context of a conquering empire. Growing franchise

in the metropolis is the cunning disavowal of empire building.

It was the constitutional positioning of sovereignty – King in Parliament – rather than a priori territorial or cultural loci through which the body politic could be defined. Wales, Ireland, Scotland, America and the regions within the Indian subcontinent were continuously being incorporated into the body politic through arrangements that ensured their constitutionally differentiated positions within empire. In the constitutional revolutions of the 17th century the specific implications and importance of the Test and Corporation Acts and subsequent legal discrimination against Catholics until 1829 cannot be unaccounted for in an analysis of the political form of the British Empire. While even after 1689 the maxim – the King could do no wrong – was operational, the only constraints to the continuation of dynastic authority were religious affiliation: only a Reformed Protestant could continue to exercise sovereignty. This had a cascading effect with Catholics suffering various grades of legal discrimination: property, lack of franchise, prohibition from holding the higher public offices or being elected to Parliament. At the same time the system of franchise was propertied as well as territorially not uniform. In such a context, as Peter Miller has argued in *Defining the Common Good*, the argument of the American revolutionaries that there could be no taxation without representation was dubious since it was not the case that there was an organized or uniform coordination between territory and population even in ‘British’ elections⁵⁷. Miller interestingly points to the change in the meaning of ‘virtually’ which in such a context acquired a predominantly quantitative connotation thereby departing from the sense it hitherto enjoyed; where it could be interchanged with “essentially”. The English argument that Parliament virtually represented the realm was to mean that America was in essence represented and not in terms of numbers or specific mechanisms, since the latter was not in place in Britain. The American Revolutionaries were, thus, enunciating a very new kind of representation which had to do with populations or numbers, but even such an argument should be read in the context of those who were deemed worthy of being represented, since for the Americans the African slaves fell out of such a concept of number and therefore human-political ontology. That their initial critique was of Parliament

– even while swearing allegiance to the King – only curdles the irony.

When reforms on territory and populations did indeed take place in the 1832 Great Reform Bill, they took place in such a way so as to not include the vast territories of the Indian subcontinent that had been conquered by the Crown. For an understanding of this genealogy of elision, the history and changing status of the East India Company would have to be probed. The East India Company was formed by Royal charter in 1600 and was given monopolistic rights to trade. There is much scholarship, old and new, that illustrates the history of the Company, the vast scale of its conquests from the 1760s, only after which its position is incorporated within ‘Indian’ history⁵⁸. However, much less attention is paid to the constitutional issues, crucial for our own understanding of the nature of sovereignty, that were of essence for the British Empire in the 18th and early 19th centuries.

The Company as chartered was always subordinate to the Crown: King-in-Parliament after 1689. After its conquests in the 1750s and 1760s, its dire financial condition – and the fact of its imbrications within the financial, political and economic architecture of Britain – prompted cries for reform. That the rich regions of Bengal also seem to have been devastated by famine under Company rule only added to the din. And, thus, a series of Acts were declared to ameliorate the situation. The Regulating Acts of 1773 vested complete authority in the newly created post of Governor-General and the newly created Council of Four who were to report to authorities in London. A Supreme Court of Judicature was formed and declared to have “full power and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction”⁵⁹. Most important for our own consideration of Royal Authority, it stated “...but, nevertheless, it shall be lawful for any person or persons in India to appeal there from to his Majesty, his heirs or successors, in Council, who are hereby empowered, if they think fit, to set aside and repeal any such rules, ordinances, and regulations respectively, so as such appeal, or notice thereof, be lodged in the said new Court of Judicature”. This right of appeal also lay within anyone in England, and even independent of the Supreme Court, “the Governor General and Council shall, and they are hereby required, from time to time, to

transmit copies of all such rules, ordinances, and regulations, as they shall make and issue, to one of His Majesty's principal Secretaries of State for the time being, and it shall and maybe lawful to and for His Majesty, his heirs and successors, from time to time, as they shall think necessary, to signify to the said United Company, under his or their sign manual, his or their disapprobation and disallowance of such rules, ordinances, and regulations; and that from and immediately after the time that such disapprobation shall be duly registered and published in the said Supreme Court at Fort William in Bengal, all such rules, ordinances and regulations shall be null and void"⁶⁰.

Subsequently, in the Pitt's India Act of 1784, an even tighter grip was exercised over civil administration and revenue over the Company through the constitution of the Board of Commissioners, also closely linked to the King rather than Parliament as the failed Fox India Bill would have it. The Board of Commissioners consisted of a Secretary of State, the Chancellor of the Exchequer and no more than three Privy Councillors. Matters relating to civil, military and revenue matters were to be "superintended" and "controlled" by the Board whose members were appointed by the King-in-Council, the latter having the right to dismiss them at will. The Act understood the "territorial acquisitions" of the East India Company to be the "possessions" of the "British Kingdom"⁶¹. The Board could directly through a Secret Committee send directions regarding war and peace to the Governor General in India⁶². All dispatches from the Court of Directors had to be approved by the Board, who even had the powers to change the same, although it was the Court rather than the Board that had control over who were appointed to the various offices in the East India Company. The Commissioners were granted the status of "justices of peace"⁶³ with sovereignty lying with King-in-Parliament. Privy Councillors – which were not offices in the way we understand the term but forms of property given and taken — were the highest Court for laws and acts being formulated in the subcontinent, and this is where for instance the debate over Sati found its denouement. Peoples numbering in the millions and lands vaster than the greatest kingdoms of Europe when denominated as "possessions" and "territorial acquisitions" poses in dramatic fashion the scope of the initial distinctions we began with: *oikos* and

polis, person and property, King and country. There was no question of these peoples being granted representation. The armies of the Company were given the rights to plunder – under the formal category of Prize Money – under the direct authority of the King. The diffuse and oppressive shadow of such uncertainty across centuries contextualizes – in almost overwhelming fashion – the history of emergency decrees and laws in 20th century Europe⁶⁴. No glorious age of nation states and states⁶⁵ interrupted the states of exception and their sovereign articulations from the age of Kingdoms through to the age of democracies.

Our ghostly inspiration is also amply illustrated in the many indictments of the Company as “double government”. From Alexander Dow to James Mill, such a form of government illustrated the obscurity of its workings and the violence of its power, as will be analyzed in subsequent chapters⁶⁶. It was neither trader nor government, neither sovereign nor not sovereign; not ruling but controlling with an elaborate apparatus that historians have characterized as ‘indirect rule’. While at the same time the direct assumption of power could be swift and brutal. The history of “annexations” depended on a history of ‘indirect’ governance, its authority seemed to endlessly fold back into secret channels of power in the hollow of the Kings Council, replicating the figure of the King who ‘reigned but did not rule’. Hence, from very early times, stretching back to the 17th and early 18th centuries, the adjudication of disputes in the subcontinent had to be taken to and fought out in London⁶⁷. The Company had neither clear locus nor body and therein derived its power and its violence; it simply did not exist for appeal, constantly deflecting critique, directly and indirectly, to local political rulers, superiors in London, speculators in Leadenhall street or the Great Abstractions of public interest⁶⁸. It was in such a context, in the naïve belief and hope that the Company was recognizable in form, a “franchise” of the Crown, that Rammohan Roy argued for (further) settlement in the colonial mode and the remedy of governmental abuses under the Company. This was hardly to be resolved by the Supreme Court’s jurisdiction, directly representing that of the King’s, which extended to the property right of the natives in that the latter were linked, in other ways, to the Company state apparatus in many capacities, including that of *zamindars* that

collected and paid revenue. This meant frequent conflicts between the Supreme Court and the Supreme Council in the 1770s on the scope of the subjecthood of the natives, all the while subordinating them to empire in formal and informal ways⁶⁹. Even formal rules for resolution – not merely institutions – were impenetrably obscure in such a singularly imperial setting. In spite of which, recent historical research on ‘modern’ India and Britain have refuse to pay heed to the constitutional complexities at hand, treating the Company in India and growing Parliamentary power in Britain as neatly separable registers. Such research masks imperialism; otherwise a choice instrument with which to probe the absciss of our modern condition that feeds on a localization — the axiom of territory — without ratio. Such juridical dramaturgy finds expression, traversing the paired conventions of political and civil, trade and war, in the prize money that the King directly gave his warriors in the East, in September 1757 and January 1758, as a matter of privilege⁷⁰.

The Imperial Poisoning of Modernity and its Analytic

Thinkers who have thought deeply on rationality and power in modern times have reflected on the nature of imperialism in ways very much their own. We will study in this section the work of three such thinkers — Hannah Arendt, Michel Foucault and Jurgen Habermas — in light of the above. While imperialism occupies a paradoxical position in the work of Arendt and Foucault, it is practically absent in *The Structural Transformation of the Public Sphere*, perhaps still the most influential of Habermas’s work. In the light of our concerns, we characterize the work of Arendt and Foucault as paradoxical, because, while on the one hand, they have singled out imperialism as crucial to understanding the nature of politics in the 20th century in their most intensely violent forms such as Nazism, on the other hand, imperialism never acquires analytic cogence; its precise function remains unclear. This reiterates in an infinitely more subtle way the mere absenting that one confronts in Habermas, in so far as the specific spatial axiomatic — outlined above — continue to pervade their work. That is, the analytic cathexis onto certain privileged sites of the ‘West’ — Nazism and Totalitarianism — are unable to repress their functions as Eurocentric genealogies of the

present. This is not to be countered by the mere unearthing of historical detail that has been left unheeded, unless the latter can be shown to be the clue to the problematic that is at once conceptual and historical. From our own perspective, we argue that imperialism and political-economy as a doublet, question state based political narratives and state denying social narratives — complicit in their naïve spatial ordering — by expressing succinctly the turning inhuman in the element of reason-unreason. This is discernable as characteristic of power in the double governments of the East India Company that express a politics out of bounds in the screen of the economy of trade as well as the grades of knowledge in which such an undeniable politico-economic ghost writing is captured as well as denied; from Locke to Ricardo. In such a reading of Arendt, Foucault and Habermas, imperialism and political-economy will have necessarily to be found to at once signify and implicate the nature of man in his becoming other than himself in a history or power that is not subject to political geography. As should be evident, Habermas's argument is furthest, in substantial and methodological terms, from our orientation, even though not in its subject matter: reason and public reason. And so we begin our discussion with Arendt and Foucault, between whom an 'elective affinity' is indisputable just as we trace our own affinity with their sustained probing into the nature of reason, power and freedom in and out of thinking the human subject.

Even while Foucault makes no reference to Arendt, a close reading of his lectures show uncanny echoes on the treatment of the imperial and their relationship to the modern. For instance, he speaks of "imperialism" as having a "boomerang" effect – a word found in Arendt — onto the European site⁷¹. This is not just a matter of the usage of the same word but its use in the context of the same argument: that a crucial catalyst that changed race-thinking into racism was indeed the facts of imperialism. "Racism first develops with colonization, or in other words, with colonizing genocide," says Foucault, while Arendt writes, "imperialism would have necessitated the invention of racism as the only possible 'explanation' and excuse for its deeds, even if no race thinking had ever existed in the civilized world". Even while "race thinking" existed within Europe — a favoured example of both being Henri

Boulainvilliers – its transformation into “racism” as best exemplified by the Nazi genocide (and Soviet totalitarianism) had to have imperialism as ‘double’ agent. However, even while enjoying such conceptual agency neither Foucault nor Arendt attend to the difficulties posed by imperialism for an analytic of the modern and this insufficiency of attention, we argue, is paid for in their more general reflections on power, freedom and the nature of the condition that appears as human and inhuman in equal measure.

The emergence of the mass or the population with its own characteristic features that are not legible in terms of the traditional norms of human perfection or the sovereign-subject axis subtends both their lines of investigation⁷². Foucault calls the emergence of this object, ‘population’, and traces it to the writings of, among others, the physiocrats. Disaggregating the individual into a series of discrete parts so that power may be better effected (discipline) or treating the individual as one who obeys or transgresses a law into which he had voluntarily entered (contract-sovereignty) are modes to be distinguished from that of “bio power”. For the latter, it is not the individual — who is born as the correlative of the former modes of power — but rather the population that now becomes the object. In a detailed analysis of the urban milieu or the urban riot, Foucault parses out a mode of perception-praxis whereby variables and constants are delineated so as to map out a delimited field of probabilities. Scarcity when a feature of the way things are allowed to be, is vastly different from the form it will take when it is sought to be prevented by juridico-political measures. Assumptions about human behaviour – assumed to be uniform but for deviations that can themselves be mapped according to a norm – necessitate a level of intervention that appears as non-intervention giving birth to the idea and ideal of “nature”. If things are allowed to function and behave ‘naturally’, crises can be averted is the discourse of biopolitics. For instance, as Foucault argues in his reading of Abeille, if grain were allowed to freely circulate, then bad rains that may spoil a crop will not have truly dangerous effects because people who have grain will not hoard too much for profiteering because they know that foreign grain will soon arrive. They will, therefore, compete with each other hoping to sell early before the stabilization of prices, something that would not have happened if there were no free trade

in grain. No doubt some may die and there might be some amount of scarcity, but not of the kind that will cause a crisis. Thus, it is not the individual or an absolute value – singular life – that is the norm. Rather the norm is that which is extracted from a situation that has its own variations. The best that can be done is to take the most advantageous norm as the norm. To use another example from Foucault, in response to urban illnesses that reveal a whole range of variables – age, location, wealth – the ideal will be to aim for the best combination of variables – rich, adult living in a healthy environment — since the least of this class fall prey to the disease. The interplaying of norms is both a description of the field and bio-power only supplements a momentum that is very much its own. Anything more would only exacerbate what is sought to be avoided.

The management of populations which focuses on the management of life treats deaths as unavoidable and natural; in a sense inherently unaccountable. Deviancy replaces transgression as a necessary feature of a (segment of a) population and is not the contingent characterization of an act. Calculations based on “normal” behaviour that underpin bio-power always confront forms of behavior that are not anticipated. The latter are what Foucault calls ‘people’ in opposition to the ‘population’. Foucault speculates as to whether the people/population opposition corresponds to the delinquent/collective subject of sovereignty in so far as both encapsulate oppositional praxes, and promises to return to this theme, but never in fact does so⁷³. Rather, he moves on to the transposition of bio-power onto the race-war of the 17th and 18th centuries which enables Nazism, in that violence of this sort is neither targeted against an individuated subject transgressing a law (sovereignty) nor is it a war against an enemy people that is and has always been external to oneself (race-war) but a form of purging – necessarily self inflicted – that can have as its object a ‘mass’ that is internally generated, analogous to an infection, a cancer that can only be got rid of as a whole, for the health of the body. The violence of Nazism is attributed to the linkage of bio-power to racism wherein the latter is the only means that justifies genocide. Foucault doesn’t put it in this manner, but one might argue, perhaps the disease analytic is germane to an understanding of genocide, because a disease cannot be individuated into parts — hence populations

rather than collective subject — and therefore has to be completely got rid of. Neither can it ever be seen as merely external but rather a form of ‘corruption’ within, whose removal is absolutely necessary for the health of the population. Nazism is merely the “paroxysmal point” not only of all modern states but also of a history that can be traced to the 18th century. The earlier distinction between race-war and sovereignty are transposed and mutate via evolutionary themes into ‘State racism’⁷⁴; a concept that can be realized in its succinct fullness in its final solution of eliminating itself as other wherein it eliminates itself (genocide and suicide)⁷⁵. That Foucault’s understanding of ‘bio-power’ is meant to indicate an *intensity* of ‘organized’ violence that is entirely novel, is certain, moving from his published first volume of sexuality to his unpublished lectures at the College de France⁷⁶. That is to say, the violence released and concealed by bio-power was concrete and direct as it was certain i.e. mass killings forms the pivot around which reflection hovers.

“This death that was based on the right of the sovereign is now manifested as simply the reverse of the right of the social body to ensure, maintain develop life. Yet wars were never so bloody as they have been since the nineteenth century, and all things being equal never before did regimes visit such holocausts on their own populations”⁷⁷.

While the *History of Sexuality* (Vol. I) makes clear distinctions between sovereignty and the bio-power/disciplinary axes arranging the two in chronological fashion, the lectures struggle for a more subtle and fraught relationship. Imperialism/colonialism is absent from the former even as they acquire fundamental importance in the latter – in terms of status that is ironically devoid of substantial and sustained engagement – and indicate that there is an intimate relationship between clarifying the relationship between sovereignty, bio-power and the historico-conceptual salience of imperialism/colonialism. The stakes of the history of sexuality are clear: an investigation into modern sexuality providing for a political analysis along the twin axes of disciplinary and bio-politics. Perhaps, Foucault’s increasing recognition of the emergence of sovereignty/imperialism as crucial to the modern analytic and uncontainable within his narrative forces an almost abrupt turn into the practices

of self crafting and “subjectification” in Antiquity, developing the historico-conceptual genealogy of bio-politics — in the pastoral and Platonic — rather than the sovereign-juridical. Our own studies — the imperial locus of political-economy as it were — zone in on this interruption to reinvigorate the problematic of violence that had earlier formed the urgent context for bio-politics. Such a problematic might well become a vanishing point if the first volume of sexuality were to be read retrospectively from the sequels.

For Arendt too the relationship between imperialism and totalitarianism is similarly left ultimately obscure. While totalitarianism is singled out for its going beyond utility, her description of Hobbes, as template for imperialism, describes a utility in such rigor as to be auto-telic and therefore necessarily itself lacking in ratio, going beyond (even) itself⁷⁸. The ambivalence between the singularity of the totalitarian phenomena and the undeniable possibility of precedence marks her epilogue to *Eichmann in Jerusalem*.

“For the concept of genocide, introduced explicitly to cover a crime unknown before, although applicable up to a point is not fully adequate, for the simple reason that massacres of whole peoples are not unprecedented. They were the order of the day in antiquity, and the centuries of colonization and imperialism provide plenty of examples of more or less successful attempts of that sort. The expression “administrative massacres” seem better to fit the bill. The term arose in connection with British imperialism; the English deliberately rejected such procedures as a means of maintaining their rule over India. The phrase has the virtue of dispelling the prejudice that such monstrous acts can be committed only against a foreign nation or a different race. There is the well known fact that Hitler began his mass murders, by granting ‘mercy deaths’ to the ‘incurable ill,’ and that he intended to wind up his extermination program by doing away with the ‘genetically damaged’ Germans (heart and lung patients). But quite aside from that, it is apparent that this sort of killing can be directed against any given group, that is the principle of selection is dependent on circumstantial factors. It is quite conceivable that in the automated economy of a not too distant future men may be tempted to exterminate all those whose intelligence quotient is below a certain level”⁷⁹.

Across her oeuvre is a strong critique of the disappearance of the political as the essential expression of action and its replacement by a socialization characterized by behaviourism in modernity. While

the private in Arendt demarcates the line of the necessary that allows the public (space of) freedom, the development of the modern age (especially) in her diagnosis leads to a complete privatization of the realm, i.e. its becoming *oikos*. Human beings no longer take their fundamental *telos* in action where great words and great deeds establish their univocity. The link between freedom and politics is what speaks to the core of the Arendtian argument; it is the milieu and shape of the agonal contest between humans in their being – the striving for perfection – tracing their worlds. The plurality of human beings in their activity is the essence of their appearance, itself requiring the mere existence that is the sphere of the private/the *oikos*. This difference is what positions the meaning of human freedom – man(kind) in a world – looking towards it while at the same time capturing in a backward glance the order of things (the private as household rule)⁸⁰. Mass society —or ‘massification’ as Foucault would have it — has from this perspective ensured the privatization of the world. Every one is immediately taken in with his own welfare and thereby is a self-designated labourer, creating a “society of jobholders”. This signals the complete disappearance of politics, if one links political activity to freedom; but on the other hand it is eminently political, if one links politics with force or violence that finds its familiar home in the *oikos*. For the no-rule of mass society, that Arendt also calls bureaucracy, in fact invokes the condition of tyranny/ despotism (mastery in the household) by disempowering the very distinction that makes a human world and articulates political freedom, i.e. the difference between the private and the political.

Major strands of the works of Arendt and Foucault thus have as their inner telos what they perceive to be the Nazi and Soviet catastrophes. Generalized privatization (‘housekeeping’) is not absolutely distinguishable from Foucault’s “management”; but while Arendt is explicitly involved in tracing at once the matrices that support this at the level of discourse and its crystallization in the ‘facts’ of a totalitarian regime, Foucault emphatically shifts the problem from one of theory-fact to one of techniques. The importance of the category of administration as an echo of the *oikos* household as the increasingly powerful apparatuses of the state — rather than any cultural or ideological characteristic — is singled out as a

powerful ingredient of the new violence for both Arendt and Foucault in timbres peculiarly their own⁸¹. Across the vectors of medicine, jurisprudence, pedagogy and sexuality Foucault has continuously given us a sketch of precisely such techniques, such technologies, assiduously avoiding the attempt to provide a model of political action. In taking up the risk and challenge of providing precisely such a model that Arendt fails. While horrified at the privatization of the world, she expresses no horror at the privacy that enables the political action she so desires. Taking the perspective of the free citizen, she marginalizes the private, thereby participating in an exemplary dehumanization:

“Nonetheless what we are dealing with here and what has become dubious about recent developments are those very same notions, which, although originally borderline issues peripheral to politics – that is, the brute force sometimes necessary for the defense of politics and those provisions for sustaining life that must first be secured before political freedom is possible – have now moved to the center of all political activity by applying force as the means whose highest end is supposed to be sustaining and organizing life”⁸².

By emphatically arguing that politics – which means human beings in their plurality in the world – was a historically specific experience locatable in time and place allows Arendt to consign many histories and many places to the geography of the non-human. Such a powerful theoretical matrix allows for her more controversial statements, about the tribes of native Americas as well as the Africans (inhuman in their incapacity for the recognition of even labor) stumbled upon by the Europeans, as remaining in the enchanted circle of things. The latter has been pre-figured by the ‘household’; and ironically while ‘labour’ is the missing quality which allowed the Indians and Africans to be exiled from humanity, labour is that which has been inserted into humanity – the western European experience – to become the necessary condition underlying and supporting the essence of humanity: freedom/politics. The private –public *distinction* is the support. When speaking of freedom as such – action as what cuts through the distinction of words and things – it is no longer possible to distinguish it from the basement where (mechanical) labour churns. The empirical designation cum

reification of difference, far from guaranteeing freedom, absorbs it into an indifference continuum with labor in which nothing is any longer distinct.

At the historical level the destruction of classes – stratification – is said to be an ingredient in the formation of totalitarianism. But this was the worry of Philip Francis in his Plan of 1776 – what he fears explicitly as the Aristotelian oeconomical relationship — before it became that of Tocqueville. Both Foucault and Arendt have sketched eloquently for us the workings of anonymous power and the poisonous saturation of the body politic. Yet, while Foucault speaks about the shift from the 18th to the 19th century in terms of war as an analyzer of power relations to the State and its logic of protection, such a shift is subtended by the continuous infrastructure of war that is imperialism: the ‘condensation’ of governmentality is but a transposition of the displacement of sovereignty. The very moments where Foucault recognizes the correlative functions of sovereignty and bio-power — as through the mirroring of the people/population and collective subject/sovereign opposition — he retreats. Evolutionism which is a strong ingredient into the nature of biopolitics finds its exemplary domain in the imperial frontier and a sustained engagement would puncture the crescendo of European history. Nazism would be ‘normalized’ and not the climax arrived at through intensifying troughs and crests.

The imperial experience shows us at once the overwhelming presence of war, and marks a particularly brutal point in the global circuitry of politics. One cannot help remarking that European theorists have been haunted by the holocaust and, therefore, tend to theoretically dramatize and fear the ‘police action’ more than anything; the dangerous obverse is the implicit valorizing of war, as can be found in Foucault and Arendt. As though the face off of publics, the primeval agonal contest, is ever what it appears to be. Or is somehow more worthy, than the internal expedition, the punitive measure, the juridical punishment. Such deception is experienced only by the real distinguishing between politics and political economy, a distinguishing that is itself exploded by a rigorous plotting of imperialism and a philosophical pursuit in and out of the fabrication of an anthropology. On the register of history, the experience of the East India Company shows the above

distinctions to be eminently dubious ones. Here, the argument of the civilizing mission at once includes and excludes in the contingent constructability of the phantom border that enables the (spurious) distinction between domestic and foreign: the making of the colony through the medium of the metropolis is denied, the resultant debris is held up as a transparent mark of native decadence, which is then read as the a sign that is as provocative as it is seductive, inviting intervention. It is this doubling ghostly movement – constantly disowning its reality in an attempt to construct its nature – that marks the imperial strategy.

Arendt and Foucault recognized and retreated from the place of imperialism while engaged in their life concerns, whether on the nature of human freedom, or an insistent historicization of thresholds of power and knowledge in which what we take to be human, may well be a variable. In contrast, Jurgen Habermas's *Structural Transformation of the Public Sphere* has no time for imperialism even as it elaborates a particular historical sketch of the coming together of faculty of reason and the site of the public⁸³. Our examination of this work is especially driven by a critique of its naïve anthropology through which is generated an exclusionary, perhaps imperial, history that results in the image and ideal of the "rational faculty" that founds a "rational public". Habermas puts forward the historical thesis that in the 18th century one witnessed the rise of the bourgeois public sphere which became the site of civil society and its critique of the State. This weaning away of civil society from the State expressed a shift in the theoretical discourse – and here Kant is to have played a key role – as well as the institutional setting up of the "market" and "free exchange" — the site where "privatized individuals" formed a counter public to State authority. Morality was no longer bound to religion but rather to the 'public', and was in Habermas's words, "secular". For Habermas such a historical situation was not merely historical – he is quite clear that his history is an undertaking for comprehending his present – but also held up as a powerful model for the changes that marked later centuries⁸⁴. Habermas's specific reading of Kant will be taken up at various points in the book, and there is evidence to question his argument about a "secular morality" enunciating itself in the later 18th century. It is only by excising the very unstable nature of the political, and its

relations to civil society that Habermas argue for a group of “privatized” individuals getting together to indulge in “rational-critical” discussion. Although at points the text refers to an “ideal type”, this ‘idea’ is often conflated as historical fact through an elision of the imperial, class and religious violence that stains the record. While the sections discussing the 18th century are rather circumspect – other than calling it an ideal type, Habermas also characterizes the interior domain as “fictive” – such hesitation is done way with in discussions surrounding the 19th century, which retroactively realizes in fact, the myth of the eighteenth century public sphere: “from the time of the great depression that began in 1873 the liberal era was coming to a close, accompanied by a visible shift in trade policy. Gradually, all the capitalistically advanced countries abandoned the sacred principles of free trade”⁸⁵. Or a little later, “since the middle of the nineteenth century, the institutions that until then had ensured the coherence as a critically debating society have weakened”.

Contra Habermas, it is Foucault and Deleuze-Guattari who are much closer in spirit to the self representation of the 18th century that we see in figures like Adam Smith and David Hume⁸⁶. The “cold monster” of the State was well documented by them, and when we are told of the intrinsic hatred towards the judge we are not reading Foucault, but the pages of the *Lectures on Jurisprudence* which details the prehistory to the despotism of the King. This is, of course, not to say that Smith and Foucault are saying the same thing; but it is to point out the sensitivity that both thinkers and their respective milieus showed to the nature of “modern” instruments and institutions of political power. We see nothing of this in Habermas, who assures us that at some point in the 18th century there existed a rationally debating public sphere, and it is such a historical thesis that allows him to become the present watchman of the European liberties and critical space to be recovered. Refugees can be allowed into Europe, if they conform to European norms and conventions, becomes a heroic way to insulate “Europe” from its (own) history, and maintain it in what is mere phantasm: gathering together for rational critical debate. While at the beginning admitting that the public referred to the academy, Habermas goes on to say, “Just as the discussion of the philosophers took place in full view of the

government, to instruct it and give it things to consider, so too did it occur before the public of the “people” to encourage it in the use of reason”. But Kant had actually said, on precisely this issue in a long footnote, in the same text that Habermas refers to:

“On the other hand if the business men of the faculties (in their role as practitioners) bring the conflict before the civil community (publicly from the pulpits for example), as they are prone to do, they drag it illegitimately before the judgment of the people (who are not competent to judge on scholarly matters) as it ceases to be a scholarly debate. And then begins the state of illegal conflict above in which doctrines in keeping with people’s inclinations is set forth, the seeds of insurrection and factions are sown and government is thereby endangered”⁸⁷.

Surely such rationality is indeed the same one that Kant traced on the significance of crime, as death tighteningly threading the criminal’s neck: denature the humanity of the human, leave as a remainder the animal which then becomes the legitimate prize of the hunt. When speaking of “private autonomy” why does not Habermas allude to “domestic society” when Kant speaks of the right of the master against the servant:

“servants are included in what belongs to the head of the household, and as far as the form is concerned they are his by a right that is like a right to a thing”⁸⁸

which is doubled in the criminal,

“(though he [the criminal] is kept alive he is made a mere tool in another’s choice (either of the state or of another citizen). Whoever is another’s tool (which he can become only by verdict and right) is a bondsman (*servus sensu stricto*) and is the property (*dominium*) of another, who is accordingly not merely his master (*herus*) but also his owner (*dominus*) and can therefore alienate him as a thing, use him as he pleases (only not for shameful purposes) and dispose of his powers, though not of his life or members”⁸⁹.

How, indeed, is such human rationale related to the rationale of ‘public debate’?

Michel Foucault and Deleuze-Guattari had recognized – much as their Enlightenment predecessors – that punishment was a form

of 'reasoning', traceable to the functioning a whole historio-political ensemble. Hence, there existed different forms of rationality, and crime shifted its signature according to the body-politic it resided in. However, by ignoring the imperial site – that has the structure of a citation, at once outside and inside – Foucault misconstrues the nature of political power in the “West” in so far as such power is necessarily reconfigured when the imperial vector is taken into account. “War as an analyzer of events” rather than disappearing simply becomes invisibly inscribed within the new forms of governmentality as imperialism. The political linkage with war that assures an intra-European hierarchy of relations is also an ongoing war in the subcontinent which is no longer even recognized as such; it is a state of exception to the second degree twice removed from political conflict. It retrieves and conceals it as the old *oikos* that was marked by the collusion between necessity and invisibility, itself necessary for the political confrontation. Absolutely inside and absolutely outside it doesn't find a language. On the other hand, Deleuze-Guattari, inspired by the work of Pierre Clastres, take as their inspiration 'primitive tribes' to contest the absolutist state, resituating war as a way of reinvigorating the body-politic and as the fundamental strategy with which to resist the concentration of power. And yet rather than tribes, one could find a similar concern in the *Phenomenology* or the *Philosophy of Right*, if one wanted to reflect on the function of 'war' in the operationalization of the 'state'.

“The higher significance of war is that through its agency (as I have put it on another occasion), 'the ethical health of nations [Volker] is preserved in their indifference towards the permanence of finite determinancies, just as the movement of the winds preserve the seas from that stagnation which a lasting calm would produce – a stagnation which a lasting not to say perpetual peace would produce among nations’”⁹⁰.

Or, in the words of the *Phenomenology*:

“The spirit of universal assembly and association is the simple and negative essence of those systems which tend to isolate themselves. In order not to let them become rooted and set in themselves thereby breaking up the whole and letting the (communal) spirit evaporate, government has from time to time to shake them to their core by war. By this means the government upsets their established order, and

violates their right to independence, while the individuals who absorbed in their own way of life, break loose from the whole and strive after the inviolate independence and security of the person, are made to feel in the task laid on them by their lord and master death. Spirit by thus throwing into the melting pot the stable existence of these systems, checks their tendency to fall away from the ethical order and to be submerged in a (merely) natural existence; and it preserves and raises conscious self into freedom and its own power”⁹¹.

Prussia was, thus, able to conserve its fidelity to the state of nature, in a way that England was unable to in the 19th century, even while the latter’s military activity virtually created a state of nature vastly exceeding anything provincial Prussia could dream of (no wonder the East could appear only as a fantasy in Hegel). If 19th century Prussia could theoretically maintain the link between violence, war and politics, it is no accident that Britain while engaged in conflict on a much grander scale could no longer share such a perspective. Political conflict in the East can here only be understood and domesticated in terms of the economy of civilizational progress that we find in John Stuart Mill⁹².

In this sense, the range of activities of the East India Company as imperial vector and ghostly surrogate would substantially qualify the nature of the British Kingdom, the formal and uncritical distinguishing between political imperialism and political economy, and the changing relations between ethnic identity (nation) and political authority (State). The birth of political theory in the 19th century as animated by merely social (individualism and conformism) and administrative questions (institutional and procedural aspects) as found in J.S. Mill, was theoretically and politically dependent on – and needed to occlude at the same time – imperialism: hence, the famous civilizational infantilization. Here we see a tropology hard not to detect: the nature of the imperial situation exhibiting and leaving as traces the very distinction between foreign and ‘native’. While the Company as a medium of British ‘governance’ institutionally and theoretically maintained the various linkages between what we distinguish as commerce and politics, such cannot be said of 19th century discourse, even if the Company was a much greater force now than before. And here a different lexicon is constructed, which was distinct in that a new

kind of epistemological arrangement was produced that robbed the human element – rendering life and death equally illegible — in an essentially abstract theorization of political-economy thereby instituting the heuristically different sciences of politics and the economy; both losing the capacity to represent, or resonate, politico-economic experience in general. The person within the nexus of political-economy has now receded into the twilight of things in which the owl of Minerva is grounded without wing.

Embodied Death and the Figures of Knowledge

Death is certain. And yet is never known. Always leaving us unprepared. This is a clue to the nature of knowing. Yudhishtira responds to the Yaksha by saying that in spite of witnessing daily death one believes oneself immortal; what else can be a greater wonder⁹³. The certainty of death as a characterizing of what is intuited as self (life) is the prototype of knowing. Germane to which is the feature that it can itself never be known: hence wonder. It is not surprising that religious traditions across the world have associated death with judgment⁹⁴. They provide the ratio of a life which would not hold without an after-life. It is in language — synthesis and qualification — that the dimension of truth (and falsity) opens. Knowledge emerges as a characterization — the proposition as an assertion of something about something — and lies in distinguishing the subject (what is present/appearance) as an object (what is known by its characteristic form). What is intuited is known in being recognized but may equally well be known as a correction of what was taken to be known. Both have in common an intensive doubleness that is articulated in the non-discrete act of bringing together or taking apart. Seeing a chair implies and carries the tacit proposition of what a chair is. Allowing us to recognize the chair as well as dispute about whether what one perceives is indeed a chair. The indefiniteness germane to the proposition is signified by the fact that it is equally intuitive and cognitive. Equality here less as a relation than the inability to assign a ratio. I might not have seen the chair properly; I might not know what a chair is. The difficulty lies in the very distinguishing of the known (from the unknown): a distinction which is neither to be known nor left as unknown. As

Socrates asks Theaetetus: false judgment (knowing as characterizing) would mean that we were characterizing, in apparently absurd fashion, the known as known, the unknown as unknown or the known as unknown or the unknown as known⁹⁵. The error in the placing of the predicate expresses and entails the fact that the subject was never known. Just as the recognition of the rope as not-snake is a denial of something that never was in the first place: infecting the knowledge-operation with its 'non-being'⁹⁶. The all too certain and fatal uncertainty of knowing expresses itself as faith. It is analogous to the vital desire to be as such and not merely in this or that 'false', i.e. accidental, non-being 'infested' way. Not the object but its indefiniteness in the irresistible operation of knowledge whether in 'passive' or 'active' synthesis is cause for wonder. Not life but living in the penumbra of death is wondrous. It is the indubitable and undeniable — 'fact' of the — desire to really be: desire germinating in the recognizable element of death is that which Yudhishtira ascertains in his response.

The body as our body is the most succinct expression and sensitive index of such a conundrum. It leaves us little to distinguish between us as knowing and feeling; we feel the cell phone more than the optic nerve even as we may claim to know otherwise. If body were to be defined as that which has a potentiality to be this, and *form*, the activity that qualifies – this is this – seeing is aptly known as diplopic. Seeing-the-chair is the actual synthesis of manifold syntheses – chair, hardness and colour, etc. — within which there can be no naive discrimination between body and form, eye and mahogany. Whatever is extracted from such an experience equally partakes of both. There is no ratio between the seeing-of-the-chair and the awareness of what a chair is just as there cannot be a unit in terms of which something is identified prior to what is recognized as the procedures of identification; whether of subject or object. The moment of recognition is whole and not the summing up of discrete parts initiated whether from within or without much like, as Aristotle said, grey is not seen as the addition of black and white even while it may be known as such. The individuation of the object is necessary for knowledge and not for the being that appears only to be (left) presupposed. Experience and experiencing in such a way draw out the analogy between knowledge and joy. Absolute knowing like

absolute joy — as can only be imagined — take no notice of themselves much like what we see or touch — in that instant — do not see or touch themselves: there is an actual co-incident between act and acted-upon, that is potentially contingent but actually not so as is each of the terms: syntheses of the manifold rather than synthesis of an object or subject conceived of as discrete entity. In the less than absolute what we enjoy is either retrieved in and inflected by an alien medium — we know that we have enjoyed and cannot knowingly enjoy enjoyment — or is shot through with the consciousness of its morbidity. For death is known and felt as the limitation pervading life rather than in itself. Just as what one sees is known as seen rather than known itself. Thought is no different from touch in that in thinking the object it thinks itself — *becoming* the object as Aristotle might say⁹⁷ — like touch that is itself touched in touching.

The certainty of death as informing knowledge must be distinguished from the certainty of existence. The former is a proposition in the element of language. One is saying something about something unlike the cry 'I am'; a certainty has to be distinguished from a certainty that is characterized by the demand that it be ascertained. Now Yudhishtira's wonder is the wonder at knowledge — the paradox of I know I will die yet I (want to) live unaffected by the certainty of becoming naught — not at a 'fact'. In contrast for Aristotle's *Metaphysics* wonder emerges in an encounter with the world and is not a wonder at the desire to remain in the certainty that nothing does⁹⁸. If knowability qua unknowability — what is in front of oneself — characterize the world that the philosopher confronts it is indicative of the fact that knowledge is freely sought and germane to the life that does not have to work. The latter itself can be defined as that which has as its principle of determination something alien to itself. This is the philosophical-political precondition of philosophical inquiry that progresses, howsoever profound the difficulties that are inquired into time after time. Here knowledge is quantitative magnitude — in so far as it has a prior beginning — and not the intensive one that imbues Yudhishtira's response. This response points to a conundrum at the heart of the programme of knowledge which essentially ricochets off an everyday observation. Rather than a characteristic of a proposition, certainty, analogous to death, is the being that underlies

being in this or that manner, obscurely determining the knowing sensing nexus. Any philosophical inquiry into the nature of human life confronts death as the univocal site of an equivocal subject object doubling. Its certainty is assumed even as it cannot be ascertained. Any object of knowledge — appearance as semblance — is characterized by a double-ness which cannot be designated as a ratio. The necessity of death gives philosophic thought stringency for doubleness itself cannot be known. To illustrate: if motion can be defined alternatively as alteration and locomotion, one will have to be bracketed (killed) for the other to be known. Yet in the course of discourse the initial presupposition can be modified: such is the form of all knowing. If death indeed occupies that limit that enables knowledge but is never itself to be known it haunts life and thought as that basic presupposition, the undeniable ground. This is brought into relief in affect: all affect mimes the power of death in being objective without having an object. Alternatively subjective without a subject it does not mask its presence in the way knowing works hard to erase its presence in the known (object or subject).

The criminal and the slave are ghostly figures of death that attest to such procedures of knowing, that which subtends the norm that is the life civilly lived. Crimes cannot but be designated as nonsense shaping the sovereign jurisdiction of sense. Hegel thus succinctly nominates crime, in an obscure corner of the *Science of Logic*, as a more “serious” example of the “absurdity” that is the negatively infinite judgment⁹⁹. The infinitely negative judgment is a subdivision of the “Judgment of Inherence”. While a positive judgment stands for the

“reciprocal determination of subject (individual universalized) and predicate (universal individualized), in a negative judgment for example, it is said that the rose is not red, it is only the *determinateness* of the predicate that is negated and separated from the universality which likewise belongs to it; the universal sphere, *colour*, is preserved; in saying that the rose is not red, it is assumed that it *has* a colour, but a different one. In respect of this universal sphere the judgment is still positive”. The negatively infinite judgment in distinction stood for “absurdity” and is called a “nonsensical judgment”. “Examples of negatively infinite judgments are easily obtained: determinations are negatively connected as subject and predicate, one of which not only does not include the determinateness of the other but does not even

contain its universal sphere; thus for example spirit is not red, yellow, etc., is not acid, not alkaline, etc., the rose is not an elephant, the understanding is not a table, and the like. These judgments are *correct or true*, as the expression goes, but in spite of such truth they are nonsensical and absurd. Or rather, they are *not judgments at all*. A more realistic example of *the infinite judgment* is the evil action". In other words, "crime [evil action] is the *infinite judgment* which negates not merely the particular right, but the universal sphere as well, negates *right as right*"¹⁰⁰.

Our sage jurists therefore realized that the sentencing of death was not so much judging as a declaration that a 'something' required a response. It was rather assigning him that non-place — 'a state of nature' — so that killing him is no longer a crime in a manner echoing the *advaitin's* difficulty in denying what was never there. True judgment remained — whether until Judgment Day or into another life — so that the life lived and the death dealt was always redeemable. The secular smudged twilight of justice becoming war is captured with particular power during the English civil wars and the French revolution when it came to the difficulties posed in trying the King. There was no forthcoming answer to Charles's question to the tribunal regarding its *locus standi* just as the French Revolutionaries wanted to kill the King as an act of war rather than in the execution of justice¹⁰¹. In miming sovereignty Ricardian political-economy provided a labour theory of value while at the same time treating labour as measurable quantity, time measured. Engendered was a monstrosity where measure and that which was measured were united and distinct. But it was not long before that which was measured itself became measure. Fixed capital — temporal encrustation of labour — while ostensibly emerging from human labour in fact succeeds in sublating and supplanting it. It will remain for Marx to push the analysis of such a conundrum to its end.

Here we can return to the figure of the slave who is in his theoretical function indistinguishable from the wage-labourer in their respective 'systems'. When Aristotle spoke of the distinction between production and action, or motion and action, what he alluded to was the fact that the latter had itself as its *telos* and was not determined extrinsically, such that, *that* it (even) had a nature, was put at risk;

becoming other or being qua other are accidental to the action-*telos* nexus¹⁰². At another philosophical grade, it addresses the distinction between the potential and the actual. To see means that we have simultaneously seen, just as to think means we have simultaneously thought. On the contrary, building or learning or walking does not mean that at that instant that we have built, learnt or walked; a distinction and distinguishing is possible. It is to be distinguished from motion which is by its very nature incomplete becoming-another or being qua other¹⁰³ with reference to that which is in potential (matter)¹⁰⁴. Analogously, the potential can be distinguished and partitioned from the whole in the manner that is impossible for an actuality; a person may be a scientist potentially when he is not one in fact, but when doing science he both does it and has proved that he can do it, i.e. shows that he has (had) the potential. It cannot be extracted as an object – which gives it the indifference of potentialia that can either be or not be – but is known in analogy — singularizing differentia — not by definition¹⁰⁵. That is to say a potential may or may not become something actual, and only actuality can lend actuality to what is potential, means that while the potential is destructible actuality is not¹⁰⁶. Thus actuality is prior to potentiality in “formula and substance”¹⁰⁷. This exposition of actuality and potentiality also becomes an occasion for a critique of Plato¹⁰⁸, who according to Aristotle does not tell us how the idea becomes something or is actualized.

The priority of actuality over potentiality also lies in its standing in for an end. An object or a subject if not accidental is understood by its end even while it may be described in other terms; a house is that wherein someone lives but it may be described as made of brick and mortar, and therefore potentially a house, that is as potential its predicates are indefinite and infinite¹⁰⁹. The slave and the one who acts are figures in a delineated logic that cannot transparently refer to the every day distinctions one is familiar with: shuttle, bed, man, and machine. But that slavery existed as an institution and doesn't exist today as such is no evidence of the bankruptcy of the category slave. Rather when Marx distinguishes the spider's web from human labour it is only so as to set up a conceptualization of the human that can at the same time depict the inhuman as modes of being: inhuman treatment expressing the inhumanity of the victim that is

the wage-labourer. In Aristotle's terminology the slave and the wage-labourer could equally well be characterized as a "non rational potency" which could only effect one effect, like the fire than can only heat, unlike the "rational potency" in the science of medicine that allows the doctor to cure and cause ill health¹¹⁰. The existence of the contrary in potential and the actual choosing indicates desire as an irreducible mark of intelligence¹¹¹. In contrast to difficulties that tie reason, man and object, the modern reduction of man to a definition rather than a position that subtends his appearance and disappearance renders redundant any *effort* to conceptualize – enter into – human affairs.

It is the idea of the end that includes but is not reduced to the series of predicates that can capture action, or in the terms of this book, sovereignty. In this sense an end i.e. action, is not an object as a subject of predicates – as in a judgment – but a nature that accomplishes itself. In a sense a norm that demands a characterizing of 'man' not as known or knowable, but as an image of that which is achieved. A definition makes it but a potential that can be determined either which way. On the other hand, it is the feature of death, appearance and finitude, resulting in a withholding of judgment precisely so as to preserve in every-day life a truth that is not voided in the instance, fact and morbidity of death. Hence what appears strangest to secular ears: the fundamental nexus between faith and knowledge. The meaningfulness of life is secured only if the encountered absurdity or injustice of the world is redeemable: ensuring action. On the contrary in taking in death, absurdity, injustice and appearance — ironically more seriously than the mendicant — skepticism takes refuge in denying the possibility of action (and meaning) as much as life which is shot through with a norm. The object — and not object-towards-end — allows for indefinite predication that incapacitates whether as abstraction or thing. While action brings forth a world, skepticism adamantly denies by characterizing it and itself as indefinite in discontent. The politico-ethical implications are crystal. But even the denial of the possibility of a world is superseded by a form of knowledge that goes by the names of science and logic. Holding on to the catechism of faith with such blind fear that even perceiving the world itself becomes superfluous since true perception is already to have been

achieved. This loss in the very power of depiction is a cascading abyss. It will not be long before the only way we understand a murder will be by a mapping of molecular transformations and neural firing, or as an evanescent charge on a statistical trajectory.

These three modes and moments, sovereignty, skepticism and science, and the ratio of their distinguishing – and the powers of their recognition of a general genocide – were our point of departure. By prodding the fragility of any epistemological operator the term genocide can be rid of the burden of any naïve understanding of intentionality and enter willingly into aporias variously named “false knowledge”, “negatively infinite judgment” or the “banality of evil”; the worst excesses being precisely that which might not be known. Aristotle’s salutary analogy of sight and thought for conceptualizing action should persuade us that the many hundreds of thousands that are registered on first glance in the newspapers and the immense singularity of injustice that implicates oneself are indeed real, and any reference to a holocaust as past or possibility is merely the thinnest veneer that prevents our describing its palpably undeniable presence.

NOTES

1. Ralph Lemkin coined the term “genocide” in 1944, and the term was closely associated with another new category, “crimes against humanity”, in the Nuremberg Trials. While associated with the Holocaust, Arendt argues that the later trial of Eichmann did not follow the resolutions adopted by the United Nations General Assembly on December 9, 1948 pertaining to jurisdiction. See the epilogue of *Eichmann in Jerusalem* (New York: Penguin 1994). Later in this introduction, we note Arendt’s own probing the historical uniqueness of the category of genocide.
2. We use “thinking” and “problematic” in a way analogous to that of Kant. Thinking goes not have a sensory given that is cognized by the concept (unlike knowing), and problematic is that which may well be as a judgment either affirmative or negative.
3. The debt to Indic philosophical traditions in their discussion of error – especially that of Sankhya and Vedanta – cannot be accounted for by a mere reference.
4. See the section on “The Truth of Self-Certainty” in Hegel’s *Phenomenology of Spirit* that turns into the master-slave dialectic. This

argument about the antinomies within truth when contingent on knowledge is also made in the critique of abstract moral rules. (pp. 254-255). The paradoxes of self references include not only the liar's paradox of arguable Greek provenance but also arguments about the verifiability criteria being presupposed and yet having to be established (through criteria not already included) as to be found in Sri Harsa in his *Khandakhandakhadya* Trans. Ganganath Jha (Delhi: Sri Sat Guru Publications 1986). See Hegel's *Phenomenology of Spirit* Trans. A.V. Miller (Oxford: Oxford University Press 1977) pp. 104-105, 254-255

5. Various forms of these aporias have been used restrictively. For instance Lyotard, in *Differend* Trans. Georges Van Den Abbeele (Minneapolis: University of Minnesota Press 1988) , when speaking of 'Auschwitz' and the exception, writes, "The deportee, according to this authority, cannot be the addressee of an order to die, because one would have to be capable of giving one's life in order to carry out the order. But one cannot give a life that one doesn't have the right to have. Sacrifice is not available to the deportee, nor for that reason accession to an immortal, collective name". Traced to the "savages", for Lyotard, Nazism restore this (i.e. the savages) "genre of discourse, which modernity has brought to ruin". On the other hand, Lyotard links the "savage's discourse" to the very heart of the French Revolution in its invocation of the nation. There is also an affinity of the deportee with the figure of the Homo Sacer, excavated by Agamben, "who may be killed and yet not sacrificed", as defined in *Homo Sacer* (Stanford: Stanford University Press 1998) p. 12
6. Farmers' suicides in India run into several lakhs and have been convincingly linked to changes in policy. Nothing less than the Supreme Court has indicted the government for the forcible displacement and interning of more than 2 lakh adivasis in Central India. The total figures for displacement – mostly without even a legal framework for relief and rehabilitation – in independent India run into millions. Legislation such as AFSPA spanning over territory the size and populations of many large countries place criminal offenses of the army – including rape and murder – outside the prevailing judicial framework. As Amit Bhaduri tells us, in *The Face You Were Afraid to See* (Delhi: Penguin Books 2000), "It has been reckoned that nearly 42 percent of the Indian population is absolutely poor by international standards with an income of less than 1 US dollar in purchasing power. More than three-fourths of the population has a daily purchasing power of Rs. 20 a day; nearly half of the children of India are undernourished which renders many crippled..." p. 30. Of course another apt example is the hundreds of thousands that

have died in Iraq after the coalition invasion of 2003. Studies undertaken in 2006 had put the figure above half a million; that is more than half a million in 3 years. See for instance the report in Washington Post, <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/10/AR2006101001442.html>. Naomi Klein in *Shock Doctrine* (London: Penguin Books 2008) provides a persuasive case for “economic genocide” in the context of the American campaigns – overt and covert — across the globe during the last 50 or so years.

7. The most insightful representation of such a formulation may be found in the works of Karl Polanyi, Hannah Arendt and Michel Foucault. Recently, Timothy Mitchell has argued that “only toward the end of the 1930s was the new idea of ‘the economy’ realized,” (82). However, his characterization of the traditions of political-economy of the 19th century is contestable. For instance, the argument that in Ricardo, “the difference in rent between land of different quality opened up the possibility of an increasing profit, and thus the general expansion of wealth”. This was in turn to have been superseded in the 1870s, by “ a new academic economics [that] abandoned this entire tradition, putting in its place a locationless notion of ‘exchange’.” (85). This argument is not quite accurate because differential rent in Ricardo was “the difference between the produce obtained by the employment of two equal quantities of capital and labour” (48); in a sense “locationless” as relation/difference. See *Principles of Political Economy and Taxation* (New York: Prometheus Books 1996). Thus, what Mitchell, following Simell calls the “character of calculability” is to be already found in Ricardo, as will be argued in subsequent chapters, especially chapter 4 below. See *Rule of Experts* (Berkeley: university of California Press 2002). More convincing is Emmanuel Arighiri’s argument in *Unequal Exchange* (New York: Monthly Review Press) that Ricardian differential rent in fact anticipated the marginalist theses.
8. Knud Haakonsen’s is the most sustained effort to develop a link between the question of natural right and the Scottish Enlightenment. Fundamental to his approach, and it is stated as such, is the distinction and tension between natural right and natural law. Haakonsen argues that “according to most natural lawyers in the seventeenth and eighteenth centuries moral agency consisted in being subject to natural law and carrying out the duties imposed by such law, whereas rights were derivative, being mere means to the fulfillment of duties” (6). In so far as this was a question of “moral discernment” such a set of problems was to have been inherited by the moral theory of the Scottish Enlightenment. A significant continuity is thereby posited

and it is argued for instance that the “perfect” and “imperfect” rights – rights whose violation legitimize retribution and other rights — of the 17th century had as their 18th century rough equivalents, Hume’s “natural” and “artificial” virtues (118). *Natural Law and Moral Philosophy* (New York, NY, USA : Cambridge University Press, 1996). Such a reading is questionable because the whole problematic of freedom/liberty and its paradoxical relationship with sin and grace is absent from Haakonsen’s theorizing of natural right and natural law. One might argue that it is the quality of being free that is fundamentally inscribed within a ‘theological subjectivity’, and in so far as one is fundamentally a subject of the Lord, the separation between natural law and natural right cannot be rigorously sustained – as it is by Haakonsen — because there is no explicit heuristic or sign given through which one might discern that which is either natural right or natural law. This is not simply a ‘scholastic’ point because this conceptual ambiguity was harnessed with great virtuosity by the tradition. One sees it when Hobbes is discussing sovereignty or when Locke is discussing the conflict between the executive and the legislature, wherein it is a sign from heaven and a call to war that provides the final resolution. It is the quality of freedom that is interwoven with the “light of nature/reason” and one who is free can therein decide on a course of action. Paradoxically this freedom is imbricated in original sin, and therefore original sin cannot be taken as the simple sign of servitude, or an imperative to merely follow natural duties defined as rules. Within the theological lexicon, reason enables one to decide on what constituted duty; and hence the distinction between duty and right cannot be designated and is not a real one i.e. outside the order of representations.

9. The richest and most eloquent articulation of this problematic is of course that of J.G.A. Pocock’s. See his *Virtue, Commerce, and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century* (Cambridge: Cambridge University Press 1985). See also I. Hont and Ignatieff’s *Wealth and Virtue: the Shaping of Political Economy in the Scottish Enlightenment* (Cambridge: Cambridge University Press 1985), Albert O Hirshman, *The Passions and the Interests* (Princeton, NJ : Princeton University Press 1996)
10. Ibid.
11. As I have argued, elsewhere, this position of Smith’s is at odds with the recent interpretation put forward by Jennifer Pitts in *Turn to Empire* (Princeton: Princeton University Press 2005). See my “Revenue Rent..Profit ? Early British Imperialism Political Economy and the Search for a *Differentia Specifica* (inter se)” *Indian Economic and Social History Review* Vol. 48:2 (June 2011). Adam Smith had argued “The

territorial acquisitions of the East India Company are the undoubted right of the Crown, that is of the state and the people of Great Britain, might be rendered another source of revenue more abundant, perhaps, than all those already mentioned" (1026). See *Wealth of Nations* (London: Penguin 1999)

12. See the pioneering works of Linda Colley and John Brewer on 18th century Britain, neither of which, attends sufficiently to constitutional questions that would force an accounting of the imperial dimension. Even the more recent 'imperial history' in its focus of identity and miscegenation fails to attend to these questions. See Kathleen Wilson, *The Island Race* (London: New York: Routledge 2003) and the Introduction to the *A New Imperial History* (Cambridge: New York: Cambridge University Press 2004)
13. The Thompsonian inquiry into working class identity could easily lead to a further investigation of what precisely identity meant in the work of the new imperial history.
14. This inattention cuts across otherwise firm divides such as those historians at pains to argue for continuity and those who argue for fundamental ruptures. Chakrabarty, in *Provincializing Europe* (Princeton: Princeton University Press 2000), problematically assumes the autonomy of the Western political/intellectual tradition, only questioning its adequacy to the lived experiences in the subcontinent, while on the other hand, C.A. Bayly is happy to accept the initial premise, only differing in the argument that indeed the Indian experience can fully become western. And so "western exceptionalism" in *Birth of the Modern World* (London: Wiley 2004) pp. 290-3, is the fate of all other places, as argued in *Empire and Information*; "north India's response to these modern forms of information diffusion and retrieval was determined to a considerable extent by existing communities of knowledge, styles of reasoned debate and patterns of social communication. Even in the realm of scientific knowledge such as the disciplines of astrology, geology, medicine where Western theories and techniques were to achieve domination in the long term the imprint of earlier Indian sciences and the virtues of indigenous practitioners remained significant to most Indians". Emphasis mine. Elizabeth Kolsky's *Colonial Justice in British India* (Cambridge: Cambridge University Press 2011) comes closest to addressing constitutional questions when she details arguments made by planters who assert that they do not accept the jurisdiction of the Company since they are subjects of the King. Kolsky's sharp focus makes for a convincing thesis on the violence of the colonial order and the anomalies in colonial jurisprudence but stops short of reflecting on the imperial system at large.

15. For the moment we take the everyday sense of authority – that is distinct from violence but in a sense sustained by it since it can always find its denouement therein – as being reflected in history.
16. Politics of course is etymologically traced to the polis as a city-space, as a specific de-limitable domain. Hannah Arendt distinguished this space from the *oikos* and sketched out the momentous implications of this distinction – historical and otherwise – throughout here oeuvre; but most elaborately perhaps in *The Human Condition*. (Chicago: University of Chicago Press 1958). More recently Marcel Detienne has underlined its spatial nature, but also speaks of politics as the place where people assembled and debated on the common interest. See “The Gods of Politics in Ancient Greek Cities” in Hent de Vries and Lawrence E. Sullivan Ed. *Political Theologies* (New York: Fordham University Press 2006). On the other hand, Giorgio Agamben has provided a rich conceptual history of ‘economy’ from the Greek provenance through to Christological discourse and its implications for thinking the nature of sovereignty and government in *The Kingdom and the Glory* (Stanford: Stanford University Press).
17. For instance this is Hobsbawm’s argument in *Age of Empire* (New York: Vintage 1989)
18. See *The Human Condition*, op.cit.
19. For a fine discussion adumbration on the adage “necessity knows no law”, see Giorgio Agamben, *State of Exception* (Chicago and London: University of Chicago Press 2003) pp. 24 – 30. Such a notion of necessity links it to the *oikos* in that what appears as power from one angle – or mute incomprehensible fact – finds meaning in the ends for which it is done. So the slave is ruled for his own good. Agamben points out that the adage is open to at least two readings 1) necessity as ‘fact’ is understood in terms of a *telos* (the medieval idea exemplified in Aquinas) 2) necessity grounds law itself (the modern idea exemplified in Santi Romano). This discussion – of necessity and science — should be supplemented by the one undertaken in the discussion of the *oikos* in the *Kingdom and the Glory*, from the Greek provenance to its development in the Christian Era. See *Kingdom and the Glory*, op.cit.
20. This might be a curious allusion to Plato’s *Meno* where Socrates argues that – in the context of virtue which can neither be taught nor is present by nature – men who manage cities (though virtue) do so in a way that they themselves cannot understand. Virtue is therefore only explicable by ‘divine apportionment’. On the other hand, or in parallel fashion, earlier in the dialogue, Socrates had shown that teaching in fact proceeded by aiding in recollection of that which is already present – through Meno’s slave. Interestingly, this argument and the *Meno*, is not thematized in Foucault’s detailed reading of

- Plato, especially, the *Alcibiades*, and its reception in the Hellenistic and Christian worlds in *Hermeneutics of the Subject* (New York: Picador 2005)
21. See, for instance, the detailed reading by Anthony Pagden in *The Fall of Natural Man* (Cambridge: Cambridge University Press 1982) pp. 42- 47.
 22. Aristotle *Politics* (Bk. I Chaps 3- 8) p. 1132 in *The Basic Works of Aristotle* Ed. Richard McKeon (New York: Random House 2001)
 23. Ibid. 1135
 24. Hannah Arendt, *Between Past and Future* (London: Faber and Faber 1954), p. 108.
 25. See *State of Exception* op.cit, p. 78, 83.
 26. J H Burns *Lordship, Kingship, and Empire* (Oxford: Oxford University Press 1992)
 27. See *The Human Condition* op.cit.
 28. W. Ullman “’This realm of England is an Empire’”. *Journal of Ecclesiastical History*, 30 (1979). Ullman argued for the specific appropriation of Constantine. Harold J Berman, in *Law and Revolution* (Mass: Harvard University Press 1983), also argues, that even by the late medieval period, empire has to be understood as a mode of authority rather than territorially.
 29. Carl Schmitt *Political Theology II* (Cambridge: Cambridge 2008). “This despite the fact that the proclamation of the monarchy of ‘God’ was an ‘essential element in the Christian course of instruction for baptism’ (pp. 35,117)”. (78). Schmitt’s critique of the Augustinian generalization of Eric Paterson reminds us of the difficulty of distinguishing the theological and the political at every level. “The categorical distinctions between the two kingdoms and spheres, which were handled in a practical way in epochs which recognized the institutions of state and church, do not work any longer when the religious cannot be clearly differentiated from the church and the political from empire or state. For the walls collapse and the spaces, which were once distinct intermingle and penetrate each other, as in a labyrinthine architecture of light”. (97). On the other hand, E. Cranz has argued that Nicholas De Cusa’s position was distinct from both; in his critique of a single form a power on earth that would ‘image’ the divine.
 30. Edward Cranz. “Kingdom and Polity in Eusebius of Caesara.” *Harvard Theological Review* 45 No. 1(Jan. 1952) 47-66. Eusebius is not fundamentally breaking with previous Church fathers even though the force, elaboration and context of his work might well be novel since as Cranz argues, “Origen, for example, argues that a single unified empire is necessary for Christian missions”. See also “Saint Augustine and Nicholas De Cusa in the tradition of Western

Christian Thought" *Speculum*, Vol. 28, No. 2 (Apr., 1953), pp. 297-316. This idea of the "divine monarchy" stretches down to Thomas Aquinas, as G. Agamben's *Kingdom and the Glory* op.cit., shows. In a different context Hannah Arendt has brilliantly argued that the notion of hell and divine judgment – so identified with the Christian tradition – was not so prominent in the Early Church fathers and gained its prominence due to the political valence of the heaven hell argument that can itself be traced to Plato's argument in the *Republic* for its fablesque use for the vulgar who cannot be convinced by the allegory of the cave. See "What is Authority" in *Between Past and Future* op.cit. All this to show the pliability in what is variously called the Christian tradition and its contingent porosity to political developments.

31. See, *Kingdom and the Glory* op.cit., pp. 1 – 52.
32. For a systematic treatment of the Father metaphor/analytic that includes Rome see *God as Father in Luke Acts* Dianne G Chen (New York: Peter Lang 2006). See also *Homo Sacer* op.cit., p. 87 – 90.
33. E.H. Kantorowicz *The Kings Two Bodies* (Princeton, N.J.: Princeton University Press 1981) p. 316. None of this complexity of analyses is preserved in Agamben's recent critique in *Homo Sacer*. See *Homo Sacer* op.cit.
34. The broad problematic goes against the modernist dismissal of Kingship as essentially despotic. There are echoes of this problematic elsewhere, for as Ananda K Coormaraswamy argues, "If the oriental and traditional Monarch is not a 'constitutional ruler' whose actions merely reflect the wishes of the majority of his subjects or those of a secular minister, nor King by virtue of his subjects or those of a secular minister, nor King by virtue of any 'social' contract, but a ruler by Divine Right, this does not imply he is an 'absolute' ruler, but on the contrary that he is himself the subject of another King, as is explicitly stated in A.I.109, an echo of B.U. 1/4/14 (*tadetat ksatrasaya ksatram yaddharmah*), where it is affirmed that the Law (dharma), that which there is nothing higher to, is the very principle of royalty and justice. We see, that accordingly, what value attaches to the expression 'King of Kings' (*adhirajo rajnam, patinam paramam patim*, Svet. Up. VI.7), and that by his equals, or even his inferiors, the ruler by Divine Right is controlled by a superior". pp. 7-8. See *Spiritual Authority and Temporal Power in the Indian Theory of Government* (New Delhi: IGNC 1993)
35. J.G.A. Pocock *The Machiavellian Moment*. (Princeton, N.J.: Princeton University Press 1975) pp. 3 – 31. The basic theoretical problem of emergency powers had already been outlined eloquently by Carl Schmitt in his entire oeuvre but perhaps most succinctly in his *Political Theology* Trans. George Schwab (Chicago: University of Chicago 2005) pp. 5-16.

36. On the specific use and history of habeas corpus as a function of royal sovereignty see Edward Jenks, "The Story of Habeas Corpus", *L.Q. Review*, 64 (1902), J.H. Baker, *Introduction to English Legal History* (Oxford: Oxford University Press 2002), Nasser Hussain, *Jurisprudence of Emergency* (Michigan: University of Michigan Press 2003), Paul Halliday and G. Edward White, "The Suspension Clause: English Text, Imperial Contexts, and American Implications", 94 *Virginia Law Review* (May, 2008), 575-714 and most recently Paul Halliday, *Habeas Corpus*, (Cambridge: Harvard 2010). The analogy between the miracle in theology and the decision/exception in law, as argued by Halliday and White above, has also been made in Carl Schmitt.
37. See for instance Julian Franklin's *John Locke and the Problem of Sovereignty* (Cambridge: Cambridge University Press 1981)
38. It would unfortunately not be possible to discuss these arguments because they are never institutionally realized. However, their arguments might well be recognized as catalysts – in the way Gautam Navlakha sees the Maoists today in *Days and Nights in the Heartland of Rebellion* (New Delhi: Penguin 2012) – to greater institutional representation. On the other hand, no doubt the arguments of canonical figures like Locke and Hobbes might be interpretatively stretched, especially on "natural law", so as to find common ground with some of their arguments.
39. Recently, Paul Halliday in *Habeas Corpus* op.cit. has documented the 'reasonableness' of this decision.
40. The Putney Debates best illustrate the relationship between property and political voice. Among others, the classic works of Christopher Hill tell us about the differing positions of the radical sects such as the Levelers, Diggers and Ranters.
41. Speaking on the first four councils condemning Arius (on the divinity of Christ), the Macedonians, (on the Holy Ghost), Nesotarians (on the personhood in Christ) and Eutyches (on the nature of Christ), respectively, Hobbes emphasizes (through B) that "All these councils were called by the emperors and by them their decrees confirmed at the petition of the Councils themselves" (10). This argument from Antiquity down to the 17th century on the sovereignty of the King is made throughout. On the other hand, at certain points – "For by disobeying Kings, we mean the disobeying of his laws, those laws that were made before they were applied to any particular person, for the King, thought as a father of children, and master of domestic servants, command many things which being those children and servants yet he commands the people in general never by a precedent law and as a politic, not a natural person" – becomes scarcely distinguishable from Filmer. See *Behemoth*. Such an argument

regarding the original right of emperors – from Constantine – and the usurpation of Popes was also made in Hobbes's early text "A Discourse of Rome" in *Thomas Hobbes Three Discourses*: Ed. N.B. Reynolds and A.W. Saxonhouse (Chicago: University of Chicago Press 1995) pp. 71-2. On the other hand, Hobbes's could equally well derive sovereignty from 'patriarchal power'. "Abraham's seed had not this revelation, nor were yet in being; yet they are a party to the covenant, and bound to obey what Abraham should declare to them for God's law, which they could not but be in virtue of the obedience they owed to their parents who (if they be subject to no other earthly power, as here in the case of Abraham) have sovereign power over their children and servants. Again when God saith to Abraham, "In thee shall all nations of the earth be blessed; for I know thou wilt command thy children, and thy house after thee to keep thy way of the Lord, and to observe righteousness and judgment, *it is manifest the obedience of his family, who had no revelation, depended on their former obligation to obey their sovereign*". (187-188). "If he [the sovereign] say it is done, then he [the subject] is not to contradict it. So also we see not, but only hear of a miracle, we are to consult the lawful Church, that is to say, the lawful head thereof, how far we are to give credit to the relaters of it" (300). Thomas Hobbes, *Leviathan*. (Indianapolis: Hackett Publishing Company 1994). Cf. with Spinoza, "We may therefore conclude with finality that religion, whether revealed by the natural light or by prophesy, acquires the force of command solely from the decree of those who have the right to command, and God has no special kingdom over men save through those who hold the sovereignty". (214).

42. I have elsewhere argued for the equivocal use of "natural right" through reason so that any particular sovereign may be undermined, in "Equality Right Identity: Rethinking the Contract through Hobbes and Marx". *TELOS* 154 (Spring 2011); pp. 75-98
43. Weston, C.C and Greenberg, J. R., *Subjects and Sovereigns: The Grand Controversy Over Legal Sovereignty in Stuart England* (Cambridge ; New York : Cambridge University Press 1981)
44. See David Armitage, *Ideological Origins of the British Empire* (Cambridge; New York: Cambridge University Press 2000). Analogously Anthony Padgen's distinguishing of Spanish arguments for conquest from English ones (which operate through the spoliation argument) would be considerably modified if the 'eastern' question were to be addressed. See *Lords of all the world: Ideologies of Empire in Spain, Britain and France c. 1500-c. 1800* (New Haven, CT; London: Yale University Press 1995)
45. See *Virtue, Commerce History*, op.cit.
46. For a recent rich account see Lauren Benton, *A Search for Sovereignty*

(Cambridge: Cambridge University Press 2010), pp. 105—161.

47. Paul Halliday and G. Edward White, “The Suspension Clause: English Text, Imperial Contexts, and American Implications, 94 *Virginia Law Review* (May, 2008), pp. 575-714. The illuminating argument regarding the distinction between royal sovereignty and law/property/custom is made through a reading of Mathew Hale.
48. *Ibid.*
49. In my dissertation, *Antinomies of Political-Economy* (2008), I had argued that the modus operandi of the East India Company’s conquests in the subcontinent reiterated (the history of) the history of Royal centralization in Britain. Using writers such as Blackstone and Smith, I used the term “feudal” to designate this reiteration of ‘centralization’ i.e. the distribution and redistribution of revenue and property right on the basis of conquest. “Feudal” would be a particularly apt designation because it was the establishment of right (and/as localized custom) on the basis of conquest; uncannily repeating the ambiguity of the significance of the Norman conquest, and its haunting of English politico-legal argument in the 17th and 18th centuries. Concrete illustrations of the said reiterations would include: the incursion into hereditary and other forms of right by royal courts over other forms of (local) authority in England and English history are mimicked by the Company – itself authorized by the same royalty – and its prerogatives in issues of hereditary and other forms of right over, above and through native/local authorities. These issues will be pursued below in chapters 2 and 3.
50. Blackstone, *Commentaries on the Laws of England*. Vol. IV (Chicago: University of Chicago Press, c1979) p. 239. Austin, *Province of Legislation Determined*, pp. 95-105 On the coronation oath, *Constitution of Church and State* p. 98
51. Maitland, *Constitutional History of England*, (Cambridge: Cambridge University Press 1977) pp. 434 — 435
52. On the role of the King in the 18th-early 19th century: See, Foord, A.S., “The Waning of the “Influence of the Crown””, *E.H.R.*, LXII (1947) 484 — 507; E A Reitan “The Civil List in British Politics: Parliamentary Supremacy versus the Independence of the Crown” *The Historical Journal*. ix ,3, (1966,) pp. 318–337.
53. See *Constitutional History of England*, op.cit., p. 392
54. See Austin, *Province of Jurisprudence Determined* (Delhi: Universal Publishers 2002) p. 292
55. See *Constitutional History of England*, op.cit., pp. 399, 404-5. Maitland writes, “ But we must not confuse the truth that the king’s personal will has come to count for less and less with the falsehood (for falsehood it would be) that his legal powers have been diminishing.

On the contrary, of late years they have enormously grown. The principle being established that the king must govern by the advice of ministers who are approved by the House of Commons, parliament has entrusted the king with vast statutory powers. Many of the governmental acts which in the last century would have required the passing of an act of parliament are now performed by exercise of statutory powers conferred on the King. Acts which give these powers often require that they shall be exercised by order in council. Thus in addition to his prerogative or common law powers the king now has statutory powers”.

56. Although Bentham is now much studied and discussed, his constitutionalist plans was as closely related to his times as Aurobindo's *Life Divine* was to the nationalist movement. On the other hand, Bentham's contemporary, Immanuel Kant, appeared to have had a much stronger grasp of the English constitution. Kant argues, “..What is an *absolute* monarch? He is one whose command if, he says, “war is necessary”, a state of war immediately exits. What is a limited monarch on the other hand? He who must first consult the peoples as to whether a war is or is not to be; and the people say, “there is to be no war”, so there is no war. For war is a situation in which all political power must be at the disposal of the sovereign. Now the British monarch has conducted wars aplenty without seeking the consent for them. Therefore, this king is an absolute monarch who ought not to be one according to the constitution; but he is able to bypass it precisely through those political powers, namely, that he has it in his power to dispense all appointments and posts, he can consider assured the assent of the representatives of the people. In order to succeed however this system of bribery must certainly not be publicized. Here is remains under the highly transparent veil of secrecy”. Earlier he had argued, “...some rather maintain that a constitution limiting the will of the monarch through the two Houses of parliament, acting as representatives of the people, is supposed to exist; and yet everyone knows perfectly well the monarch's influence on these representatives is so great and so certain that nothing is resolved by the Houses, except what he wills and purposes through his minister”. See Kant, “Conflict of Faculties” in *Religion and Rational Theology* (Cambridge: Cambridge University Press 1996) pp. 305-306
57. See Peter Miller's *Defining the Common Good* (Cambridge: Cambridge University Press 2004), pp. 214-256.
58. The older vast though specialized literature (K.N. Chaudhury, C.H. Phillips, Lucy Sutherland, Holden Furber) has in recent years been supplemented by the newer work of H.V. Bowen. Most recently Philip Stern's *The Company State* (Oxford: Oxford University Press

2011) is an important study of the state like nature of the EIC in the 17th century.

59. Keith Ed. *Speeches and Documents on Indian Policy* Vol. 1 (Oxford: Oxford University Press 1922) Furthermore, "All rules, regulations and ordinances made by the Governor General and Council would not be valid or have any force or effect, "until the same shall be duly registered and published in the said Supreme Court of Judicature". In the words of James Mill, "...a Court of Judicature was created, to which the title Supreme was annexed, and of which the powers, as well as the nomination of the judges, did not emanate from the Company, but immediately from the King". p. 267. See *History of British India* Vol. IV (London: Printed for Baldwin, Cradock, and Joy 1820)
60. See *Speeches and Documents on Indian Policy* Vol. 1 op.cit.,p. 55.
61. Ibid. In the *History of British India* (Vol. IV) op.cit., "The powers of the Board of Control convert the Company's courts into agents of its will. The real, the sole governing power of India is the Board of Control, and it only makes use of the Court of Directors as an instrument, as a subordinate office, for the management of details, and the preparation of business for the cognizance of the superior power" p. 489. It is thus not illuminating to speak of the mental illness of George the III and his treatment as an index of the waning of Kingly-sovereign power – as Foucault does in *Psychiatric Power* (New York: Picador 2008) – without positioning him in the system of the imperial architectonic.
62. See *Speeches and Documents on Indian Policy*, op.cit.
63. See *Speeches and Documents on Indian Policy*, op.cit.. For the argument that the powers of the Justices of Peace were enormously increased at the same time in England, see David Lieberman, *The Province of Legislation Determined* (Cambridge: Cambridge University Press 2002)
64. See, *State of Exception* op.cit., pp. 1-24.
65. As we will argue below, this era of the state or nation-state is preserved even in Hannah Arendt's genealogy of totalitarianism. It is one of the shibboleths of the historical profession to see in the 19th century the era of nation states even as the most cursory glance at the globe reveals only bloodthirsty empires. And so when specious arguments were made about the First World War as being fought on nationalist principles one can do no more than cite Rosa Luxemburg: "The overthrow of the German revolution, the treachery of the German bourgeoisie to its own democratic ideals, led to the Bismarck regime and to its creature, present day Greater Prussia, twenty-five fatherlands under one helm, the German Empire...it is a fiendish jest of history that the Social Democrats, the heirs of the German patriots

of 1848, should go forth in this war with the banner of the 'self-determination of nations' held aloft in their hands. But, perhaps, the third French Republic, with its colonial possessions in four continents and its colonial horrors in two, is the expression of self determination of the French nation? Or the British nation, with its India, and its South African rule of a million whites over a population of five million colored people?". See Hudis and Anderson, *The Rosa Luxemburg Reader* (New York: Monthly Review Press 2004) pp. 312-342. For a discussion of the Marxist diagnostic-critique of imperialism-nation-state nexus see my, "Nation State in the Age of Imperialism", *Economic and Political Weekly*, April 6, 2013.

66. See Ranajit Guha's *Rule of Property for Bengal* (Durham: Duke University Press) pp. 40-41, for Alexander Dow's critique of the early Company rule as a "double government". James Mill critiques the Pitt's India Act for the same reason; that gives the appearance of the Company's autonomy that is in reality denied.
67. See D. Lieberman, *The Province of Legislation Determined*, op.cit., pp. 88 – 94, which gives an instance of the importance of these disputes for the history of jurisprudence in England where equity and appeals to natural justice could negate precedent. The *Omychand vs Barker* case which gave Gentoos recognition could be used for other persecuted sects in England, such as the Quakers. Michel Fisher's *Counter flows to Colonialism* (Ranikhet: Permanent Black 2004) documents many such cases even in the 17th century.
68. Macaulay recognized this in his famous essay on Clive.
69. See among others, M. P Jain, *Outlines of Indian Legal History* (Bombay: Dhanwantra Medical and Law Book House 1972) and B.N. Pandey, *Introduction of English Law Into India* (New York: Asia Publishing House 1967) for a documentation of the disputes between the Supreme Court and Supreme Council.
70. Between the Regulating Act of 1773 and the Pitt's India Act of 1784, Chief Justice Mansfield had clarified by ruling, in *Campbell vs. Hall*, that "a country conquered by British arms becomes a dominion of the King in the rights of his Crown". See <http://www.commonlii.org/uk/cases/EngR/1774/5.pdf>. East India Company officials throughout the late 18th century – from Alexander Dow, Warren Hastings and Philip Francis to Thomas Law – had declared that they ruled on the ground of conquest. The "grant" of Diwani was in effect repudiated by Hastings when he stopped giving the tribute owed to the Mughal emperor by the stipulations of the Allahabad 'treaty', as well as taking charge of criminal jurisdiction; going well beyond the Diwani grant. From the British side, the Regulating Acts as well as the Pitt's India Act enunciated British sovereignty. The Supreme Court's

understanding of the 'subject' was thus congruent with the recent ruling of Mansfield.

71. Hannah Arendt, *Origins of Totalitarianism* (New York; Harcourt 1994) p.155; Michel Foucault *Society Must Be Defended* (New York : Picador, 2003) p. 103 It is not wholly out of character for a recent scrupulous reading – such as that of Agamben's in *Homo Sacer* – to have completely missed out on the importance of imperialism. For more recent accounts on the relationship between Arendt and Foucault, see Diana Taylor's "Foucault and Arendt on Race and Racism", *TELOS* 154, Spring 2011 and Marcelo Hoffman, "Containments of the Unpredictable in Arendt and Foucault", *TELOS* 154, Spring 2011. Taylor notes the significance of imperialism for Arendt, but not for Foucault.
72. The argument of the mass/massifying exists as a concept-image in both Arendt and Foucault.
73. See *Security, Territory Population* (New York: Picador 2007) p. 44. The editor says in a footnote that Foucault gets back to this point, but in fact Foucault never does.
74. See *Society Must Be Defended* op.cit., p. 259.
75. Ibid. p.260. Arendt makes the argument that the "mercy killing" was almost a template for the killings of the Jews in the post script to *Eichmann in Jerusalem*. See *Eichmann in Jerusalem* op.cit. See footnote 52 below.
76. Michel Foucault, *History of Sexuality Vol. 1* (London: Penguin Books 1978). p.137. Also see the analyses of Nazism in *Society Must Be Defended* op.cit., p. 256. Invocations of governmentality and bio-power in colonial and contemporary India, on the other hand, are used to contrast it with more explicit themes of violence and resistance. Such a position – that appears to displace concrete and sustained violence — has been articulated by Partha Chatterjee in his recent writings on "governmentality" in contemporary India. While there is indeed an ambiguity in Foucault on the relationship between biopower and sovereignty – sometimes they compete with the latter retreating, sometimes the latter is said to be penetrated by the former – what is without doubt is the concern with mass murder, howsoever understood.
77. See, *History of Sexuality* Vol. 1, pp. 136—137
78. See, *Origins of Totalitarianism* op.cit., pp. 139 – 147.
79. See, *Eichmann in Jerusalem* op.cit., p. 288
80. For the fullest theoretical elaboration see *The Human Condition* op.cit.
81. While imperialism is implicated but the English seemingly left out, the exact nature of the relationship between imperialism and totalitarianism – historico-conceptually – is never carried through.

82. See Hannah Arendt, *The Promise of Politics* (New York : Schocken Books 2005)
83. The “public sphere” has been most popular among historico-literary studies that take it to simply mean the minimal arena in which discourse and debate takes place. In such an avatar it loses even the philosophico-political charge that it had in Habermas.
84. Jurgen Habermas, *Structural Transformation of the Public Sphere* (Cambridge, Mass.: MIT Press ; Cambridge, England : Polity Press, 1989). In this vein he argues, “the bourgeois ideal type assumed that out of the audience-oriented subjectivity’s *well founded interior* domain a public sphere would evolve in the word of letters. Today instead of this, the latter has turned into a conduit for social forces channeled into the conjugal family’s inner space by way of a public sphere that the mass media have transmogrified into a sphere of public consumption. The de-privatized domain of interiority was hollowed out of the mass media; a pseudo-public sphere of a no longer literary public was patched together to create a sort of superfamilial zone of familiarity. Since the middle of the nineteenth century, the institutions that until then had ensured the coherence as a *critically* debating society have *weakened*” (162). Or a little earlier, “bourgeois culture was not mere ideology. The rational-critical debate of private people in the salons, clubs, and reading societies was not directly subject to the cycle of production and consumption, that is to the dictates of life’s necessities” (160)
85. *Ibid.* p. 143
86. See Gilles Deleuze & Felix Guattari, *Anti-Oedipus* (Minneapolis : University of Minnesota Press 1983) and *Thousand Plateaus* (University of Minnesota Press 1987) and Michel Foucault’s *Society Must Be Defended* (New York: Picador 2003)
87. Immanuel Kant, *Doctrine of Faculties* (New York: Abarais Books Inc. 1979)
88. Immanuel Kant, *Metaphysics of Morals*, (Cambridge: New York: Cambridge University Press 1996) p. 66. Marriage is included within “domestic society”, where in the Kantian doctrine each member had the right to use the sexual member of the other as-if it were a thing.
89. *Ibid.* p. 104. Locke had made a similar argument about the “despotic right” to the life but not the estate. Kant’s treatment of “domestic society” and the master-servant relationship is also conventional, found for instance in Blackstone and Locke. Heidegger’s scrupulous readings of Kant, that I am aware of, never confront the question of this category: analogous to a thing. While well aware of Kant’s understanding of personality as transcendental, psychological and moral, and even arguing that as psychological for Kant the ego is

really indistinguishable from the thing, the main argument Heidegger wishes to put forth is that Kant conceives the person and the thing in ultimately the 'same' way. It is to critique this univocal position that Heidegger puts forth his own distinctions such as the one between *dasein*/world and the intra-worldly. In this manner the Heideggerian problematic moves further away from the concern that propels our own investigations. The above reading is based on *Basic Problems of Phenomenology* (Indianapolis: Indiana University Press 1982) pp. 125-140.

90. Hegel, *Elements of the Philosophy of Right* (Cambridge; New York: Cambridge University Press, 2004) p. 361. This is an obvious critique of Kantian perpetual peace.
91. See, *Phenomenology of the Spirit* op.cit., pp. 272-3.
92. It is to the enduring credit of Uday Singh Mehta's pioneering *Liberalism and Empire* (Chicago: University of Chicago Press 1999) to have traced the problematic of imperialism found explicitly in Mill to Locke's philosophical anthropology; where exclusions were built into conceptions of liberty. Exceptions named such as that of childhood (Locke) could this way always be generalized as characteristic of whole civilizations (Mill).
93. The answer to the next question of the Yaksha makes the uncertainty of knowledge forms even more clear. The questions are in fact coupled (bracketed by two others): "What is most wonderful" What is the path". And the answers Yudhishtira gives to both are, "Day after day countless creatures are going to the abode of Yama, yet those that remain behind believe themselves to be immortal. What can be more wonderful than this? Argument leads to no certain conclusion, the *Srutis* are different from one another; there is not even one *Rishi* whose opinion can be accepted by all; the truth about religion and duty is hid in caves: therefore, that alone is the path along which the great have trod" See *Mahabharata* Trans. K.M. Ganguli at <http://www.sacred-texts.com/hin/m03/m03311.htm>
94. As Dumezil reminds us in *Mitra and Varuna* (New York: Zone Books 1988), Ulpian defined jurisprudence as the "knowledge of human and divine affairs of what is just and unjust". And as Marcel Detinee has told us, public, in the Ancient Greek City states, means the affairs of the gods and men. See "The Gods of Politics in Ancient Greek Cities" in Hent de Vries and Lawrence E. Sullivan Ed. *Political Theologies* (New York; Fordham University Press 2006). In this context, the general distrust of Epicurianism by so many traditions is not in its 'hedonism' but in its argument that fear of the future is the index for fear of the gods and therefore the only certain happiness that can be attained is remembering (and experiencing) pleasure. See Leo Straus, *Spinoza's*

Critique of Religion (Chicago: University of Chicago Press 1997) pp. 37-52. The importance of the nexus between death and judgment is certainly prominent in Hindu traditions as well as those of the Semitic religions.

95. This is the response of the “hero of the dialectic” which forces a turn – ultimately aporiatic – to an examination of knowledge rather than false opinion. In the *Theaetetus* and *Sophist* the thinking through the false judgment in relation to the known/perceived, and the problematic of deception, and ultimately contradiction, become crucial. As Socrates in the instance of the seal-impression argument notes, “in a word if our view is sound there can be no error or deception about things which a man does not know and has never perceived; in these alone opinion turns and twists about and become alternately true and false” (298). But later, “In the first place how can a man who has knowledge of anything be ignorant of that which he knows, not by reason, but by reason of his own knowledge?” (304). In the *Sophist*, the contradiction and false propositions are more strongly implicated by the Stranger, “How one ought to express the fact that it is truly possible to say or think what is false—how one can say this without becoming involved in a contradiction is indeed, Thaeetus, a perplexing problem” (386), but later “And in like manner a false proposition will be deemed to be one which asserts the non-existence of things which are and the existence of things which are not” (391). Plato, *The Dialogues of Plato* Trans. B. Jowett (Oxford: Clarendon Press 1953)
96. In K.C. Bhattacharya’s brilliant exposition of the advaitic example of the rope and the snake, “While existence is denied of the starting point absolutely, non-existence is not now predicable of it, for no possible object remains. The snake now referred to not by a negative judgment but by a self contradictory judgment which is no judgment. The judgment, ‘that snake is unreal’ – the implication of the cognition ‘rope, not snake’ – is now realized to be a contradiction” (98). See K.C. Bhattacharya *Studies in Philosophy* (Delhi: Motilal Benarsidass 2008)
97. Aristotle *On the Soul* “Once the mind has become each set of its possible objects, as a man of science has, when this phrase is used of one who is actually a man of science ... its condition is still one of potentiality but in a different sense from the potentiality which preceded the acquisition of knowledge by learning or discovery: the mind too is then able to think itself”. (590). Again potentiality/actuality is the analytic grid. Earlier Aristotle had argued that “the activity of the sensible object and that of the percipient sense is on and the same activity, and yet the distinction between their being remains” (583). And therefore “mind is in a sense potentially whatever is thinkable, though actually it is nothing until it has thought” and later “mind is

itself thinkable in exactly the same way as its objects are". See, *The Basic Works of Aristotle* op.cit.

98. Aristotle, *Metaphysics* (Beta). Trans. Hippocrates G. Apostle (Grinnel, Iowa: The Peripatetic Press 1979)
99. Hegel, *Science of Logic* Trans. A.V. Miller (London: George Allen & Unwin Ltd. 1969). The obscure – but to our studies central – issue of infinite judgments has received less than deserved attention. Exceptions I know of are H. Wolfson “Infinite and Privative Judgments in Aristotle, Averroes and Kant” *Philosophy and Phenomenological Research* 7: 1947: 173 – 87, and Amos Funkenstein *Theology and the Scientific Imagination* (Princeton: Princeton University Press 1986) pp. 351-356; both do not go beyond Kant and do not draw out the politico-ethical concerns – its designation as crime in Hegel – that are germane here. For our purposes, it is important to note Wolfson’s point regarding the translation of the “infinite” in Aristotle to the “indefinite” in Boethius. Hegel’s arguments in the Greater Logic explicitly make the move from the semantic to the more ‘serious’ domain of the political. See *Elements of a Philosophy of Right* op.cit., p. 121, which also nominates crime as the “negatively infinite judgment”, and makes explicit reference to the argument in the Greater Logic. This can be related to Plato’s “infinite double”. The arguments regarding the indefinite in an understanding of the infinite in mathematical practice have also been explored in Paolo Mancosu in *Philosophy of Mathematics and Mathematical thought and Practice in the Seventeenth Century* (New York: Oxford University Press 1996)
100. See *Science of Logic* op.cit.
101. Sample studies from such a perspective for the English and French cases would include Julian Franklin *John Locke and the Problem of Sovereignty* op.cit. And the essays by Fereno Feher and Michael Walzer’s in *Regicide and Revolution* (New York: Columbia University Press 1993). Hobbes, in the *Leviathan*, had made clear the distinction between the subject (who could be punished) and the enemy (who was ‘hostile’) where “infliction of evil is lawful”. In a definition as all encompassing as the anti-terror laws of today’s world, Hobbes writes, when interpreting hostility, “From wence it followeth, that if a subject, shall by fact or word, wittingly and deliberately deny the authority of the representative of the commonwealth, (whatsoever penalty hath been formerly ordained by treason) he may lawfully be made to suffer whatsoever the representative will” See *Leviathan* op.cit., 205-6. Yet Hobbes had the honesty to admit that laws were meant for terror (and not revenge), and gave an opening through natural laws that are no longer available today.
102. The following discussion draws primarily on Aristotle’s, *Metaphysics*

especially, books Eta, Theta and Lambda op.cit. These argument complement those analyses undertake in *On the Soul* op.cit.. Such a conceptualization of action may well be traced to the action of “heroes” – that “create, innovate or initiate” — forming a bridge between the human and divine worlds; as outlined in Jean Pierre Vernant’s *Greek Myth and Thought* (New York; Zone Books 2006)

103. Distinguishing between locomotion and alteration in an understanding of motion can be traced to Plato; in *Protagoras* and *Theaetetus* among other places. See *Dialogues of Plato* op.cit.
104. *Metaphysics* Theta 1048b [20-35] op.cit.
105. *Metaphysics*, Eta 1043b [25], Theta 1048bD [5] op.cit.
106. *Metaphysics* Theta 1050b10-25, op.cit.
107. *Metaphysics* Theta 1050a-1051a. op.cit. The difference in the line that I have pursued is no doubt different – and even critical – of that pursued by G. Agamben in *Potentialities* (California: Stanford University Press 1999), pp. 179 – 184, and *Homo Sacer* op.cit., pp. 31-33. Citing for instance the passage regarding the potential as that which can be or not be, Agamben does not link this with the destructibility of potential, the “necessity” of the actual or the general argument regarding the priority of the actual.
108. *Metaphysics* Lambda 1071b[15-35] op.cit.
109. *Metaphysics* Eta 1043a[5-25] op.cit.
110. *Metaphysics* Theta 1048a [5-20] op.cit.
111. *Metaphysics* Eta 1043a[5-25]op.cit.

CHAPTER I

THE JURIDICO-POLITICAL PARADIGM

“Wherever the English or any Europeans settle a factory in India, they must presently build them large Houses, Ware-houses and take many servants, and maintain the appearance and splendor of a royal court: and in many places where the company have not fixed garrisons they are forced to fortify their houses or else they will be despised by the natives and trampled upon by the Natives. If it be said this be done by a regulated Company I ask First, How shall they raise a stock to buy those the Company already have; with their Lands, Islands, Towns, Garrisons, Guns and Ammunition: which I am sure have cost the Company £ 300000?” Josiah Child, *New Discourse on Trade*, 1690.

“In a Country not furnished with mines there are but two ways to growing rich, either Conquest or Commerce. By the first the Romans made themselves Masters of the Riches of the World; but I think that in our present circumstances, no Body is vain enough to entertain the Thought of our reaping the Profits of the World with our Swords, and making the Spoil and Tribute of Vanquished Nations, the Fund for the supply of the Charges of Government, with an overplus for the wants, and equally craving Luxury, and fashionable Vanity of the People. Commerce therefore is the only way left for us”

John Locke, *Some considerations on the Lowering of Interest and Raising the Value of Money*, 1696.

“We see that in the Odyssey, Ulysses who was very seldom to give a true account of himself is often asked whether he was a merchant or a pirate. The account he generally gives of himself was that he was a pirate”

Adam Smith, *Lectures on Jurisprudence*, 1762-3.

“In short the priority that Britain gave to its navies was unique; it was also singularly appropriate for a State which governed a commercial society with such a commitment to overseas trade”

John Brewer, *Sinews of Power: War, Money, and the English State 1688-1783*, 1988.

Introduction

We now examine the early trade of the East India Company in conjunction with mercantilist discourse in the late 17th century. We begin by setting up an analytic optic, and then proceed by giving a brief narrative of the trade at a broadly discursive level. Then we go on to examine specific debates around the nature of the East India Company that formulate the relations between the economic and the political in intricate ways, placing alongside a discussion of three mercantilist writers — Nicholas Barbon, Charles Davenant and John Locke. These relations will be seen to be a part of a juridical cum political problematic that sees the question of sovereignty and sovereign right as one that needs to be addressed in the course of an investigation into political-economy. This will come out particularly clearly when the writings of the three figures will be examined in their entirety. However, the highly situated debate on the merits of the East India trade, that we also examine, opens up the question in a different way. The very existence of the Company was an instance of sovereign right in that it was a monopoly and was granted exclusive rights through positive law. Throughout its history this formed the basis of a critique, in the name of a ‘natural right to trade’¹, just as did the specific and allegedly harmful effects on the local economy in England. What made the late 17th century debate unique was that the shift in the East India trade, from bringing in unavailable goods to manufactured goods, foregrounded the problematic of ‘labour’ (the different levels of competition both domestic and foreign) as well as ‘credit’ (the scale of capital required for long-distance trade) at various levels. Yet, as will be seen, these loci were integrated within a discourse of sovereignty and/as public and national interest. And in this context we hope to show that the lesser known mercantilist writers, Davenant and Barbon, in conjunction with the newly minted strategies of long distance trade as conducted by the East India Company, would both challenge and complicate the theoretical lexicon that Locke develops as well as inherits in engaging the categories of sovereignty and labour, trade and conquest.

Just as the East India Company was a critical component of the English State, Locke, Barbon and Davenant too occupied key

institutional positions. While Locke is best known to us for his philosophical and political writings, he was also the Secretary of the Board of Trade and Plantations in 1668 and then helped in its revival in the 1690s; he took part in discussions on matters of economic policy and the remains of this engagement can be found in his writings on interest and coinage. Charles Davenant was thrice Member of Parliament, held the post of Commissioner of Excise from 1683 to 1689, and that of Inspector General of Exports and Imports from 1705 till his death in 1714; he also, along with Locke, took part in the great re-coinage controversy of the 1690s. Nicholas Barbon was also a Member of Parliament between 1690 and 1695; he took a great part in the rebuilding of London after the 'great fire' and by creating a fire insurance, he is arguably the founder of insurance policy. Thus, the writings we are about to examine were written by highly educated and highly influential men. However, before we actually attempt to examine the mercantilist text, it might be well in order to examine in a provisional and preliminary manner the conceptual heritage of 'political-economy' that these writers of the late 17th century acquire.

Oculus:

It is well known that economy comes from the Greek *oikos* that referred to the household, which was seen as a site distinct from the polis. In Aristotle, the *oikos* was the site of recognized despotism where the head of the household exercised power over the estate — that included people (family members and slaves) as well as things. It was in the sphere of the polis that freedom was expressed, through face-to-face discussion and rivalry. This exercise was rendered possible in literal and not so literal ways through the despotic household, that was also simultaneously the realm of need, and the necessary condition through which freedom was enabled². Just as the Greek polis was thus distinguished from the despotic household, in exactly the same manner it was distinguished from the Orient. In the Orient — in its Greek representation — despotism was exercised, but there it existed as a general condition. Replicating the despotism of the Greek household, the despot exercised full power over his realm indicating the complete absence of politics. Greek freedom —

politics — was, thus, predicated on a double articulation of despotism (the *oikos*) having its interior (household) and exterior (foreign) dimensions. Of course, the fact that the institution of Greek slavery was itself predicated on conquest and war implicates one into the other.

In Machiavelli, less is said of the household but the distinction between the Orient and the Occident is staged in terms of despotism and feudalism in the *Prince*. As we can see, the Orient remains unchanged in its despotism, but France (the European case that Machiavelli examines) is Feudal. Feudalism is not Greek democracy; it is rather a hierarchical distribution of sovereignty, where the King — in contrast to the Ottoman despot as the ‘new Orient’ — doesn’t own the land and the people but has a limited power over his inferiors, who in turn have power over their inferiors³. This political arrangement according to Machiavelli made it difficult to retain powers even after conquest, in contrast to the Turkish case. And yet, this is not the Machiavelli that late 17th century England inherits. It is the Machiavelli of the *Discourses*, the Machiavelli inspired by Republican Rome and sensitive to Roman decline, where the ideal republican city-state of citizen-soldiers is held as the demonstration of political virtue par excellence. Virtue as the exercise of the political is also that which is stripped of luxuries and superficiality and yet the body-politic is caught in an ineluctable cycle: virtue leading to prowess leading to luxury that negates virtue⁴. If the fruit of luxury is, indeed, poisonous, virtue would need to be Spartan.

‘Feudal law’ in 17th century England, rather than standing in for European ‘politics’ in contrast to Oriental ‘politics’ as in Machiavelli, right through the civil wars and up to the Glorious Revolution, and perhaps beyond, alluded to the relations between political right and conquest. Researches on the Battle of Hastings dispelled the myth of the ‘ancient constitutionalism’ and pointed to the brutal conquest of 1066. Thus, conquest becomes one possible grounding of Royal authority, although there doesn’t seem to be a consensus on how far this was pursued by the Royalists as an explicit argument for Royal power⁵. On the other hand, one Royalist — whatever his position within the royalist spectrum — grounds royal power not in feudal conquest but through ‘patriarchalism’. Here, the *oikos* of Aristotle is transferred to the whole political terrain, and the King’s authority is

held to be directly derived from a Christian God. This — treating the political as the household (*oikos*/economy) — is, of course, the Aristotelian understanding of Oriental despotism. Therefore, it is not surprising that patriarchal theory does not need an ‘oriental’ referent. It is this position that is challenged by the English republicans, like James Harrington and Algernon Sidney, who see in the militia/the armed citizenry, the exercise of political virtue⁶. Essentially: the right to bear arms and live as political citizens in contrast to a Royal despotism/patriarchalism. It is, thus, significant that this debate — English republicanism versus the Royalists and the Patriarchalists — doesn’t fully express a theory of “inter-polity relations”; since the household and its articulation as despotism is either rehabilitated as the political (Patriarchalism or Feudal law) or is simply subsumed under the political dynamic of republicanism (the cycles of virtue and corruption). Thus, the household and/as the foreign nation are simultaneously erased from the conceptual lexicon.

For a rediscovery of this nexus we could look towards another genealogy. Richard Tuck has recently persuasively argued about the intricate conceptual link between ‘natural rights’ and a theory of inter-polity relations⁷. Thus, in Hugo Grotius there is the analogy between the relationship between states, and the ‘original time’, the time when individuals had no mediating authority, for in both cases there is no established umpire who can decide on questions of right; what is beside (inter-polity as ‘nature’) is also the inside (‘nature’ as the genetics of political authority) opening up an equivalence between terms. Tuck has sketched out for us the Humanist as well as Scholastic genealogies of this position⁸. However, in the context of this double nature of ‘natural right’, he seems less interested in analyzing the fact that the argument which Grotius makes about the freedom of the seas is also an argument about commerce and exchange; and here exists a tension between a distinction and collusion as they express the relations between the political and the commercial in Grotius’s text, *Mare Librium*. First, Grotius argues that the privatization/appropriation of the sea is impossible, and so there is no question of its delineation as a right. Secondly, in so far as he is making a specific argument for the “commercial” rights of the Dutch East India Company to trade with/in the East Indies, he argues

that commerce has to be denominated under the rubric of the natural rights of passage and exchange. Here an analogy is made with pilgrimage routes, which even in land and under the domain of a political authority, cannot be sealed from anyone who wants to pass. This is said to have been the juridical bases of the Crusades. Commerce emerges theoretically from the *fact* of private ownership — of movables and immovables — and “the consequent annihilation of the universal community of use made commerce necessary not only between men whose habitation were far apart but even between men who were neighbors”⁹; although money as medium is derived from law expressing the simultaneous establishment of the juridical space. The unbounded sea, however, as distinguished from the bounded sea or land as bounded space, resuscitates the universal community of use, because nature “not only allows but enjoins its common use”¹⁰.

In Grotius, it is the strategic separation of the sea as such, and the sea as a means to something else, that allows the conceptual indeterminacy and mutual reversibility between politics and commerce; for the latter, in its ‘natural right’ to the ‘universal community of use’, reiterates the essence of the political (its haunting origin, that from which the political itself as a specific distribution of rights is effectuated) as well as its ‘beside’ (inter-polity relations as the rubric of natural right as ever-present). As such the sea is, indeed, infinite and invulnerable to any form of appropriation, but as such it is never the object of appropriation. Rather, as a means, which would retrieve the media of money and thereby signify the distinctions between already-existing rights-laws, is it an object of appropriation i.e. only as the element and medium of ‘trade’ in the East Indies, where polities-in-action have been established, does it carry value. The fact that exchange/commerce conceals within itself the domain of ‘means’, which already means a differential — the contested and open terrain of rights-powers-laws — is what is actively forgotten in Grotius’s distinction between the rights to the sea as such (natural rights/universal community of use/infinite), and the rights already-defined (finite ‘territory’/different laws-money/ commerce after the establishment of the Public). It is the forgetting of ships and guns, the instruments that fabricate the sea as *medium* in which exchange and commerce is carried out. Sanitized

and ‘naturalized’, exchange erases this subtext; the very infrastructure which releases the sea as a meaningful passageway. It is this exchange that can deceptively perform the function of nature enunciated anew as the law of nature i.e. Grotius can make the argument of the natural right to trade in the “universal community of use” with the sea as a case. Here the primordial coming-together of commerce and politics within the fold of the law of nations, reiterated as a ‘natural right’ and following natural law, is that which simultaneously positions as well as dissolves the distinction between commerce and politics. If land (juridically bounded space) is the present sign of the finite partition of property and jurisdiction concealing its past history of appropriation (its emergence from the state of nature) then the sea as such, even in theory, negates such a domain of distributed rights being a sign of the infinite; *presenting* a state of nature only as the future appropriation for the present; a wave swelling into and receding from the proper juridical habitat of land, as we will argue below in the concrete actions of trading companies that synthesized the functions of trade and war in their ships and forts. For the sea and land are not isomorphic theoretical and real templates that can clearly designate the proper distribution of natural right, but rather are held together and cut through by the movement of people and things and the acts and arts of exchange and war which retroactively name, when required, what is proper and what is universal/natural “use”. At this point we can understand why Grotius’s argument about the free seas is but a subplot within the larger book on plunder, booty and prize money.

Hobbes retains much of the conceptual set up of Grotius¹¹, but we must also remember his scientific eye — this is after all the time of the “scientific revolution”.¹² Treating the human subject as part of the objective continuum that is the world, Hobbes was able to theorize the polity and the inter-polity in a very specific way. Men were appetites, and seeking their good (pleasure). In this situation — the state of nature — it was understood that the pain and fear of constant violent encounters could only be mitigated by the setting up of an authority who would guarantee the following of certain rules — such as the observance of contracts. Thus, is sovereignty born, that has as its ‘analytic implication’ absolutism/despotism, the state of nature is here transformed (strategically) into political

society. No distinction is made between despotism and absolutism in such a milieu and limited sovereignty would be its own negation, a contradiction in terms. Of course, Hobbes leaves completely opaque the question as to how understanding itself or decision can be situated in such a 'materialistic' version of man. Or, for that matter, how the structure of anticipation or reasoning (prudence) can be coordinated in the state of object-ive nature, which is but matter and motion. It is simply asserted that the setting up of political authority has in-built within it its own negation, since in the interests of his life a man can disobey/rebel against the sovereign. In the same manner, the sovereign can put to death anyone who disobeys or has the intent of disobeying the sovereign¹³. Though the state of nature has been overcome in a particular analytic space, it still characterizes the relationship between polities. And here, it is interesting to note that under the denomination of the "private", Hobbes places the articulation of the foreign power, marking the collusion between the internal and the external. Hobbes immediately goes on to undo this distinction — state of nature/polity or polity/inter-polity — in his recognition of conquest as a means of achieving sovereignty; a form typologically distinct from 'instituted sovereignty'. And yet both of them are (re)equated in that they are covenants entered to under the pressure of fear¹⁴. Thus, the polity and the inter-polity (re)coalesce in a value neutered free space of nature. The Greek distinction between the despotic/economic and the political/free is undermined, as is the Republican distinction between virtue and absolutism. This is achieved in the new scientific idiom where men are treated as things in so far as they can be determined, for as determined they would then need to follow certain laws/rules. Greek despotic need, which was the articulation of a specific region, and was circumscribed so as to enable the domain of the political, have now been generalized as the Greek representation of the foreign (the Oriental despot). Let us recall the first enigmatic lines of the *Leviathan*:

"Nature (the art whereby God hath made and governs the world) is by the art of man, as in many other things, so in this also imitated, that it can make an artificial animal. For seeing life but a motion of limbs, the beginning whereof is in some principal part within, why may we not say that all automata (engines that move themselves by springs and wheels as doth a watch) have an artificial life? For what is the heart, but

a spring; and the nerves, but so many strings, and the joints, but so many wheels, giving motion to the whole body, such as was intended by the artificer? Art goes yet further, imitating that rational and most excellent work of nature, man. For by art is created that great Leviathan called the Commonwealth, or the State, which is but an artificial man, though of greater stature and strength than natural man, for whose protection and defense it was intended; and in which the sovereignty is an artificial soul, as giving life and motion to the whole body”¹⁵.

The animal and the machine exemplifications of necessity in the forms of appetite and the law pour themselves into the hollow of man as his nature. Here life is art — that which is made — in the enunciation of rules.

In a highly abbreviated and necessarily selective form, this is the complex heritage of the late 17th century English writers, concerning the relations between the political and the economic, that we are about to analyze. For our purposes, the concrete theoretical problematic — a heritage as much from Aristotle as from Hobbes and Machiavelli — would underline the shifting nature of the relations between the categories of men and things, liberty and despotism and what they designate in the elaboration of a field of political economy. This *fin-de-siecle* of the 17th century is also informed by a history of long-distance trade, with the Orient, which in turn begins to occupy a more and more insistent place in the English landscape — at the levels of State and society. But even so, such trade didn't receive adequate representation in the theoretical lexicon that was being developed in England on categories such as sovereignty and right. The English East India Company was, by the end of the 17th century, a joint stock Company that issued loans to the Crown and traded and acquired political authority within enclaves of the Indian subcontinent. This required a complex web of relations bringing together the emerging technologies of financial credit and forts, arms and ships, stock brokers and soldiers. However, neither a Hobbes nor a Locke devoted their attentions to understanding such a discursive formation. Locke, for instance, simply contrasted trade and conquest, arguing that the latter was no longer a viable strategy for the kingdom to follow and, thereby, underlined the 'alternative' of trade. However, the functioning of the East India Company — in its ability to combine finance, trade

and war — and the writings of Barbon and Davenant point to a much more intricate relationship between trade and war reconfiguring not only moral theory (Barbon can argue against Locke that private vices can be public benefits anticipating the Mandevilleian problematic) but also the ways in which finance can be the critical middle term between trade and war (Davenant can argue, following Child, that the Joint-Stock Company is best suited for the East India trade because it is only such a scale of finance that can support the required military infrastructure). This will be discussed in detail in the analytic section below, before which we will first need to sketch a brief history of the East India trade.

The Historical

EARLY TRADES OF THE EAST INDIA COMPANY UNTIL THE END OF THE 17TH CENTURY:

The East India Company was set up by royal charter in 1600 under the reign of Queen Elizabeth, the glorious era of flourishing trade and commerce. There are several indications that prove this special privilege granted to trade. For example, the seriousness with which the practice of owling — the nighttime transporting of prohibited commodities such as wool and sheep outside the country — was regarded. For this crime the offender was “put into prison for a year at the end of which his left hand was cut off and nailed at a public place”¹⁶. Similarly, it was, of course, the era of adventure, where the great voyages of discovery were made, and the age of Sir Francis Drake “the happy undertaker of a voyage which proved the second circumnavigation of the terraqueous globe...Drake, at St. Jago of Chili, pillaged that place, and others on that coast, which was in fact the principal end of that voyage...he at length took the immensely rich prize named the Cacofogo, with twenty six tons of silver, and eighty pounds weight of gold, beside jewels”¹⁷. This is the ‘marine element’ in which the East India Company was granted exclusive trading rights in the East, but had to renew its charter through paying the sovereign every fifteen years thereby maintaining its rights and privileges¹⁸. While in the first voyage the traders took upon the costs of the voyage themselves and also reaped the benefits, in 1612 a joint-stock association was formed. A fixed fund was established

through subscriptions, as was a Governor and a Court of Directors in London who controlled the Company's trading operations. Other than the profits managed by the Company, individual traders were allowed to carry on their private trade. The six thousand miles that separated England from India meant that the journey took two years, but even so, through what were called 'dispatches', a regular correspondence was maintained between London and India.

In the first half of the 17th century, the Dutch were replacing the Portuguese¹⁹ as the primary maritime and trading power in the East. The sophistication of the Dutch financial networks, as well as the combination of financial, trading and political power in what were called Councils ensured the efficiency and success of their enterprise. This also often meant the overt use of political and military force in trading operations in the East. The English, on the other hand, maintained a division between the Company officials and military officers: the Company was given the rights to conduct war with political powers in the East although denied the same right when it came to European powers. This did not mean the lack of tension and conflict between European powers in the East. In fact, there were many occasions when trading competition 'gave way' to explicit violence, at times being the consequence and at other times being the causes of tensions in Europe. The most notorious instance of outright hostility between the Dutch and the English took place in 1623 at Amboyna where Captain Towerson, nine Englishmen, nine Japanese, and one Portugese sailor were seized, accused of a conspiracy against the Dutch and summarily executed. An ironic, or perhaps not so ironic, result of this was that the Company petitioned the King to grant them the rights to punish their own servants abroad by municipal and martial law, a petition that was granted soon enough²⁰.

From the later Middle Ages onwards, the East was famed for its spices²¹ and it was the spice trade that the Dutch and the English involved themselves in when they first set up their trading companies. Most of the spices were to be found in the 'East Indies', the present Indonesian archipelago, and were largely controlled by the Dutch. However, the English had no goods to give in exchange for the much-valued spices, except for silver or cloth goods from the Indian subcontinent which were highly valued in the archipelago.

The export of bullion for the spices often went against the conventional wisdom of the time that underlined the value of precious metals. It is in this context that we hear the arguments of East India Company merchants like Thomas Mun,²² who not only questioned the equivalence of gold and value but also argued that in so far as the East India trade was also a trade that re-exported its goods to the rest of Europe, in the final analysis, in fact, there resulted a net surplus in bullion. However, to minimize the loss of bullion, the English set up 'factories' in Surat and Madras that gathered piece-goods manufactured in the hinterland which were then exchanged for the spices. The global dimensions of this trade are evident from its very incipience and it was not long before the English established contacts with Persia (to exchange English wool for silks), China and Japan (for silk and copper respectively).

By the time we reach the middle of the 17th century, we find a fundamental reconfiguration of trading patterns. The spice trade, largely in pepper, declines. The reason for this was 'intrinsic', its short life as a commodity — pepper spoils relatively quickly — which in turn required an accurate prognosis and understanding of consumption patterns in England. This was, considering the communication and transportation networks of the time and the distances involved, very difficult to accomplish. In addition, the increasing tension with the Dutch, who were gaining power in the East Indies, forced the English to reorient their trade. And so the English started to import Indian textiles in exchange for bullion and other raw materials such as lead and tin. English wools, that were the staple exports of England to the European continent, needless to say, did not find a large market in the warm climes of India. This reorientation of trade had adverse consequences for English industry, since now the Company was not importing unavailable goods, such as the spices, but textiles that directly competed with domestic manufactures. This became a site to frame the debate about the merits of the East India Company and it is the nature of this contestation that we will examine in greater detail in the next section.

However, first, a little more of the specifically political context in England would be in order. The Company, from the time of its birth, was criticized for its monopolistic privileges and its history was closely tied in with the relations between Parliament and Crown —

that granted its privileges in the first place. It was, thus, not impervious to the turmoil of the English civil wars²³. Charles the First in fact usurped many of the resources of the Company in preparation for his conflict with Parliament, which itself involved questions of trade and sovereign right. After the wars, and seen as a sign of royal privilege, the Company's charter was not renewed by Cromwell in 1653. The resulting 'free trade' policy was disastrous, upsetting the economy in ways which benefitted neither the merchants nor the State. As a result, in 1657, Cromwell issued a new charter that more or less followed previous charters. The Company's exclusive trading rights were always challenged, but the Thomas Skinner case of the 1660s, revealed the stakes of the conflict. In 1657, Skinner, a merchant, was seized with his belongings in the island of Barella, which he had bought off from the King of Java, and was forced to travel back to Europe by land by the Company. He sought redress at the House of Lords who charged the Company the amount of £ 5,000. The Company sought the help of the House of Commons who responded by sending Skinner to the tower, who was then however, in turn, rescued by the House of Lords. The conflict was such that the King had to postpone parliament no less than seven times, and the final outcome of all this was a status quo ante. Skinner was left with no redress²⁴. The same period saw an increase of interest in the East India trade by Colbert, and the establishment of the French East India Company in 1664. The same moment witnessed the outbreak of hostilities between the English and the French and the Dutch. While the Dutch were the greatest threat to trading operations in the early and mid-17th century, the growing empire of Louis the XIV posed a far greater threat towards the end of the 17th century.

By 1690, further criticism of the Company resulted in a Parliamentary inquiry that concluded its findings by recommending that a new Company be established by an Act of Parliament, until which the East India Company was allowed to carry on its own exclusive trade.²⁵ The Company looked for support, only to be further maligned by accusations of corruption; in 1696 bribery charges forced a prohibition of the Company's loans to the parliament. In 1698, William desperately in need of money for his war with France, auctioned the right to grant loans to the crown in exchange for monopoly trading privileges in the East. A new organization emerged

offering £ 2,000,000 to the crown at 8 per cent interest over the Old Company's offer of £ 700,000 at 4 per cent interest. The Old Company insisted that voiding their monopoly would be a violation of their rights to 'property', the 'dead stock' which included land, houses and fortifications. Such arguments were left unheeded and they were in turn told that being a monopoly was in itself a violation of the rights of all Englishmen who had a natural-sovereign right to trade. We will see these debates being replayed time and again in different contexts until the early 19th century. The new association that was formed after the disbanding of the monopoly was a 'general society', where subscribers might join together and trade in the East Indies and make profits from their capital. This allowed the old Company to regroup in the form of a joint-stock within the general society and carry on its own trade. This created a whole series of 'internal' conflicts, and flared up when the Old Company through their liaisons with political powers in India got Sir William Norris, a representative of the New Company, arrested. Realizing the 'impracticality' of the situation, detailed financial negotiations was carried out, and in 1709 a United Company of Merchants Trading in the East emerged from the union between the Old and New Companies.

Meanwhile, in India too, the Company was hardly impervious to the political dimension. Commerce at the time relied on a substantial military infrastructure — from armed boats and ships to forts on land — that was enabled by the joint-stock structure. The Company was constantly negotiating its rights to trade and build enclaves for the same. As early as 1639, they were granted rights to land and custom revenue (half of which they could keep the other half would go to the 'lord'), the right to trade custom free, and the right to build fortifications and conduct governance in Madarasapatnam by Damaraka Venkatadri, a Naik. These favourable conditions were attributed not only to the wisdom of the Naik, who recognized that the encouragement of commerce led to general wealth and prosperity, but also to the fact that they could provide the Naik²⁶ with horses²⁷ — a precious and rare commodity in those turbulent times — as well as with the ability to acquire things from Bengal through the Company's ships. Venkatadri is ousted from power soon enough and replaced by Raja Sri Ranga in 1645 who extends the same privileges to the Company. The 1650s witness its adjudication of

'caste' disputes, and the reform of the fortifications in the face of threats by the Dutch, and later on the French. The 1670s, under Streyasham Master, was a time of rapid juridical reform, the establishment of 'choultry courts', constables and marshals to take care of prisoners, trial by jury, negotiations with Golconda, extension of lands from which rent was collected and drill exercises for military discipline. Soon, courts of Admiralty came to be established, and in 1693 a capital punishment is carried out. The sentence read that the accused be "executed at the common place of execution and his body hang in chains on a gibbet near the high road leading to Ponammalai and that two junior justices see the same performed".²⁸ House rent is similarly understood as an expression of authority, an "acknowledgement to us as lords of the place"²⁹ not an 'economic' transaction. This was by no means a peaceful narrative, the Company had to constantly contest the rights of interlopers as well as negotiate with local lords.

The 1670s saw Josiah Child's rise to power in the Company's hierarchy, helped by royal power in return for not questioning the Roman Catholic Duke's right to succeed. Rewarded with a baronetcy, he in turn returned the favor with a gift of money from the Company to the King and his brother. Child also encouraged his own protégé John Child in Bombay — acquired from the Portuguese as dowry — to pursue an aggressive trade. This 'trade' flared up at four points: in Surat, where the Mughal governor decided to raise the customs (that then spread to Bombay), in Bengal where there were conflicts between the British traders and the Mughal *faujdar* (the police-officer), and finally a naval war with the King of Siam who was accused of opening up lines of communication to the French. In Bengal, Job Charnock, a Company official, decided to build fortifications to carry on customs free trade, and also attacked the Mughal forces at Hugli, backed by naval bombardment. The Mughal forces returned with reinforcements, and forced Charnock to retreat, who destroyed the river forts on the way. In the meantime, naval bombardment of the cities continued. This attracted the attention of the Mughal Emperor Aurangzeb who was in the Deccan fighting his military campaigns. Aurangzeb's response was swift: the Company's officers were arrested in Surat, and their goods confiscated, and a 20,000-manned force laid siege on Bombay. In

this conflict, the Company lost 104 men, had a 130 wounded and a 116 deserters.³⁰ A humiliating truce was signed and soon enough a humbled and kowtowing Company was readmitted into the trade through a Royal *firman*. Things didn't seem better in England with the death of Child, the exile of the Duke and the invitation to William and Mary. But the Company was able to worm its way back to Royal favor, once again.

Chiaroscuro and Figure

DEBATES AROUND THE EAST INDIA COMPANY

Trade is the explicit organizing principle of the discourse that we are considering.³¹ All the tracts concern trade and more specifically the nature and consequences of the operations of the East India Company, the latter being by the end of the century the largest corporation in the Kingdom after the Bank of England. Its importance in the economy of its time cannot be overestimated whether in terms of structure (joint stock, double entry book keeping, meticulous accounting, and larger organizational divisions into departments) or function (in the creation of financial liquidity as well as direct and subsidiary employment)³². Under this sign of 'trade', a multiplicity of issues such as employment³³, poverty, governance, money, social harmony, and sovereignty gravitate.

The primary normative resource that is the fundamental justification for the operations of trade is 'the people'. First with regard to the alleged fetishism of bullion. The East India trade was defended by its proponents who argued that though bullion was traded for goods, more bullion was gained though the re-export of the very same goods. But with the gradual abandonment of the spice trade and the increasing import of manufactured goods, the terms of the debate had shifted.³⁴ Manufacturing interests now argued that the import of foreign goods only served to undercut domestic industry, leading to unemployment, which in turn had negative implications for the price of land and thus for the landlords, the nobility and the crown. Unemployment was also 'actively' negative as it invariably translated itself into vagabondage, crime and rioting. Thus, the effects that trade had on domestic production was perceived as much in its positive aspects (when exports was seen as

encouragement to industry) as in its negative consequences (as when foreign competition threatened to wipe out domestic manufacturing). The supporters of the Company responded by arguing that the consumers benefitted by the cheaper prices of the foreign goods, and there was no reason why the consumer needed to pay more for what he could get at a lesser price,³⁵ and also that the Company was itself a huge employer both directly as well as indirectly. Thus, both producers and consumers claimed to represent the general populace and it was in these terms that framed the disputes. None of the perspectives involved in these tracts any longer debated the general merit of foreign trade³⁶ but only the extent to which the import of manufactured goods was beneficial to the country at large.

The paradoxical effect of the invocation of public interest is the simultaneous setting up of private interest as the site of reflection, as well as, object of critique. And so it was often argued that the merchants constituted a private interest that was in principle antagonistic to the greater good of the nation. As the middleman, it was he who benefited by purchasing cheaper products and then selling them at a higher price³⁷ and yet careful enough in undercutting the price of domestic manufactures through which he made his profit. The moral condemnation of the merchant is explicitly tied in with the general Protestant valorization of labor and industry.³⁸ It is by the same ethic that the counter argument is posed by supporters of the Company: for the employment of the supporting industries of the trade, the incentives that the trade gave to domestic manufacturing industries as well as the cheapness of goods for the consumers. The encouragement to industry as a moral imperative is naturally intertwined with the greater good of nation. Thus, labour comes to be the positive double of what we started off this discussion with: private interest.

Other than its links with bare fact of employment and production the debates coalesce around the producers themselves. This is not only in relation to the tendency towards violence when unemployed, but also in a more positive sense; such as when it is their prosperity that is able to serve as a general index of the prosperity of the Kingdom. One need only recall Josiah Child's remark that the rate of wages was the sign of the riches of the country in general.³⁹ Thus, wage-labour emerges as the crucial site of contestation, not the

quantitative measure of bullion. It is through wage and production that recognition of the commodity form as the primary locus around which the economy functions takes place, replacing 'the intrinsic value of precious metal'. We have a labour theory of value where time is now the horizon under which labour takes shape as the sign of general wealth.⁴⁰ It is only so, that there is an emphasis on education and the practical sciences through which production and trade can be harmoniously straddled for the greater good of the nation. Man in his labour has taken the place of gold which "is just another commodity",⁴¹ deriving its function within a general economy whose aim and meaning are no longer captive to the question of the quantitative measure of things. This point is often illustrated by the example of Spain whose access to precious metal was no guarantee to economic prosperity, and whose steady decline was attributed to the inability to establish the link between bullion and industry whose medium of articulation was nothing else but trade.⁴² Having established the question of the producer as germane and not accidental to the debates around trade we can turn to another crucial aspect of the economic discourse of the time: the value of circulation and its constitutive relationship with money and labour.

The velocity of the commodity is seen as directly proportional to the general wealth of the nation. In this context there is the recommendation that the interest rate be reduced so as to facilitate the circulation of money and commodities.⁴³ The volume of the East India trade by increasing the traffic of goods and money is held to thereby contribute to general prosperity. Herein the existence and prevalence of paper money (as 'credit'⁴⁴) is considered yet another sign of the wealth of the country. This is another way in which the fetishism over bullion is replaced by a far more complex theory of wealth, where circulation and production are knotted and signify wealth in their accelerating speeds. And, hence, the value and need of various kinds of credit instruments such as debts of transference are underlined, with the Dutch serving as the model⁴⁵. The argument for lowering interest rates often assumes a humanistic dimension for it is pointed out that widows and young men in need of money are the ultimate beneficiaries of such a policy. These different yet related planes of domestic and international circulation are seen as necessary to maintain the vitality and health of the nation in its

entire people; blood is used not 'merely' metaphorically but as a sign of the explanatory power of the concept of circulation introduced by William Harvey's work on the human body⁴⁶.

Just as a paradoxical effect of speaking of the public necessarily brought in the question of private interest/individual labour in the same way the fact of circulation and movement foregrounds the question of national sovereignty. At the most obvious level there is the common identification of the public with the Kingdom-nation. And yet there are much more concrete ways by which, in a very provisional manner, a national identity expresses itself⁴⁷. This emerges in the tightening of manufacturing and production centers that work through the function of an external determinant — the foreign market⁴⁸. Thus, the East India trade sets up interconnecting industries by which products are made for export. Here, an almost obsessive concern with population and the positive effects the latter has on production and by implication the general good manifests itself. It is even suggested that a 'naturalization act' be introduced that would encourage foreigners to settle down in the country thereby increasing production levels. The impinging threat of a depression in industry is also voiced in terms of the migration of peoples outside the nation and the calamitous consequences that would thereby ensue. This seems to suggest the beginnings of a territorial understanding of nationality⁴⁹. And yet this identity comes into play through a paranoia in relation to European rivals often routed by Asian and American markets. The Dutch are as much models to be emulated as they are threats to be on guard against.

In this context, national sovereignty takes the form of the protection of trading interests. So we at times hear that the forefathers of the English were hunter-gatherers and soldiers, but now they were traders⁵⁰. This by no means suggests the substitution of one over the other, but rather that military prowess was now the handmaiden of trade and not the other way around, as might have been the case earlier. It is here again that the Dutch are particularly admired for their ability to combine the two at the level of the individual as well as the 'council'. This military-political infrastructure of trade is also used as an argument for the preservation of the monopolistic privileges of the Company. Josiah Child had written that the multiple claims to suzerainty in the Indian subcontinent and the prevailing

tension required the kind of military might that only the Company — having a joint-stock structure — could provide. The presence of the military-political away from home and its violence is disarticulated through its dissimulation as ‘trade’, the activity that was the best guarantee against the worst form of violence — that of despotism at home. A ‘commercial empire’ that puts its naval infrastructure ‘under erasure’ through commerce, thereby, simultaneously secures ‘liberty’ at home by negating a royal despotism which exercised its law and power through the army⁵¹. Just as trading charters are granted to the Company by the English sovereign, the same kind of rights are bestowed upon them by the sovereign powers in India. Thus, Company officials argue that the rights and privileges they won through their effort couldn’t be simply given away to other English traders; an argument that reveals the thin line between proprietary and political right. Moreover, the Company claimed its rights to trade as representatives of a sovereign power, and sovereignty would be legible only if it was unitary and not one that fluctuated. This explicit avowal of the political nature of trade is what is held, as a requirement for its economic successes, since ‘open trade’ would be unsuccessful precisely as it negated the political dimensions of trade. And as Child argues, it is only the Company in its Joint-Stock form that can sustain the military expenditure of such commerce that in turn would bring benefits to the English nation at large⁵².

Other than being at the forefront in terms of its ‘economic’ organization, the Company lays another claim to our interest. This it does so in the claims it makes in having a ‘democratic’ structure. Here the primary antagonist against whom the Company measures itself is the Turkey Company that was given trading rights over the Levant. In contrast to the latter, the East India Company opened itself to merchants outside London, had no age restriction, required no apprenticeship and was open to all those who paid a certain sum of money⁵³. All stockholders were entitled to vote and therein lay its claim to being democratic. It is, in fact, this very openness that allows both the speed and scale with which it is able to raise money. This trade directly employed “mariners, shipwrights, pastors, clothiers, packers, butchers, brewers, bakers and other artificers”⁵⁴ who had an indirect effect of the prices of the goods connected.

Ironically, another way this democratic ethos is established can be inferred from the accusation of a critic who claimed that the cheap textiles, which the Company imported, disrupted the traditional hierarchies that was expressed through a calibrated semiology of attire. *Now* everyone could afford to buy the same things, and this sameness is even extended to the plantations disrupting traditional distinctions in status. However, one also hears the counter argument wherein it is claimed that the advent of cotton textiles instituted another way of distinguishing and reestablishing a hierarchy as now the nobility could dress according to season, and one in fact does find evidence for ‘fashions’, with the nobility constantly reiterating interest in something new⁵⁵.

In turn, there are strong ‘economic’ criticisms of the monopolistic privileges of the Company. One particular critique on account of its prescient nature merits a slightly detailed examination. An anonymous author — possibly Henry Martyn — in 1701 claimed that open trade and competition were beneficial in the long run (at this time monopolistic privilege had been taken away and there is a new Company, though the largest concerted interest within the new Company is the Old Company).⁵⁶ There are two fundamental dimensions to this argument, that of trade and that of production. By opening up the trade the consumer would benefit, as competition would ensure the decrease in the price of the goods being imported. “The profit will be less in proportion by greater in quantity” and though “less profitable to the merchant; certainly it must import more profit to the Kingdom”.⁵⁷ The language is again one of interest where corruption is moral and real when the private masquerades as the public. The price of foreign goods, would naturally take on a declining route. It is at this point that one can turn to that other dimension: production. It is argued that the cheaper goods from abroad would force domestic manufacturing to grow more efficient as in the old proverb where “necessity was the mother of all invention”. Thus, with a rather ruthless and almost Darwinian logic, it is held that the industries that cannot survive the competition would be wiped out and would move on to other more profitable occupations. There would be a resulting tendency toward equilibrium where the very need for foreign goods might no longer exist. What is remarkable is the way in which this ‘efficiency’ is

articulated through a certain disaggregation. At one level, the machine is seen as the way to minimize time and, thus, maximize labour and productivity. At another level, we have a full fledged theory of a division of labour where specialization is encouraged and said to contribute fundamentally towards production. This cannot but be for the good of the country for only the efficient would remain and the less efficient (“idle, unprofitable and vain labour”) would be forced to adopt fields where they can be productive and this again would benefit the nation at large⁵⁸.

Logical rigor, at point hard to discern, here seems to have fallen through a trapdoor into bottomless naiveté. Here the ‘fact’ of private interest isn’t factored into the institutionalization of efficiency. The Company functioned through its incentive to give others private benefit, a democratic ethos is, thus, necessarily saturated with imminent corruption, the incentive to gain, at the expense of others. The multidimensional transactions of the Company at the legal, political, and economic spheres questioned the merits of open competition; even if defining the ‘open’ of open competition would be impossible given the fact that there has to be a rationale, an authority to decide the extent of the openness. Yet an ignorance of its impossibility only serves as the veneer, which blindfolds one to the refractive machinations of power. William opens up the East Indian Trade for a simple enough reason: to finance his wars in the continent.⁵⁹ This was done through an auction and the only way in which a new company could be formed was by drastically opening up its membership, only to allow the Old Company to enter as the dominant vested interest. The “inefficiency” was realized in time and in 1707 the companies were merged yet again, as discussed above. The dyad pincers of the Company had stitched itself into the fabric of politico-economic formations both in Britain and in the subcontinent such as to have become as an indistinguishable part of the montage. To, thus, retreat into the space of the abstract level playing field — the free and open trade that Lord Protector Cromwell experimented with and had given up on the grounds of efficiency — that would guarantee equilibrium would be nothing short of naïve.⁶⁰ And being naïve, as Marx reminds us, is letting ideology play the ventriloquist.

Nicholas Barbon: Trade As Mediated Through Law and Market

In Nicholas Barbon too we witness the recognition of the crucial importance of trade in the general well-being of the nation. Here again trade is the overall sign under which the ‘public’ maintains its equilibrium in literal and not so literal ways. His preface in *Discourse of Trade* informs us that neither the writers of classical antiquity nor writers as recent as Machiavelli had dwelt on trade in their historico-political discourses. And yet this was understandable for in earlier times trade metonymized⁶¹ a range of weaknesses — luxurious goods and all its moral co-ordinates of weakness and effeminacy, and yet now, it was all but clear that trade was crucial both in “preserving governments as well as making them rich”.⁶² And this is what Barbon does by focusing on contemporaneous ‘accounts’ of trade. These accounts are in turn de-legitimized as having been written by merchants who, Barbon claims, were either ignorant about the nuances of trade or deliberately misinformed the public by dissimulating their own private interest as that of the public’s. Barbon cleverly notes that in an ironical de-linking of argument and its *telos*, merchants focused on the particular and argued for the particular — privileges for specific groups — in the name of the general/the public thereby revealing their true agendas. It is in this context — the fundamental importance of trade as well as an ignorance of and/or the lack of (its) true principles — that Barbon sets his text to work.⁶³

There is absolute clarity in the fact that here too trade as a category institutes within its realm the sectors of production as well as exchange. Goods that are the terms of the exchange are divided into the natural (that which is provided by nature such as the fish and the fowl) as well as the artificial (where the natural is submitted to the mediation of human art /labour). Immediately a survey of goods transforms into an evaluation: what is it that would qualify as (a) ‘good’? First, Barbon refutes the argument, which he attributes to Thomas Mun, but could also hold for Locke, that the moral virtue of frugality ensured economic prosperity. He does this by disputing the analogy that Mun draws between the nation and the person, and argues that the nation, unlike the person, was essentially infinite in terms of its potential as well as in fact, evident from the

innumerable ‘objects’ that existed in nature as well as its multiplication into innumerable forms once submitted to the human ‘arts’ of production and exchange. Yet he also collapses the categories of nation and person when he speaks of consumption and ‘wants’, for here the person too is the reservoir of the infinite.⁶⁴ The good(s) is, thus, the name of the mediation of a double infinity, each of which has its own sphere. There are continuities as well as ruptures when moving the analytic optic from moral quality to political economy. For instance, prodigality is a vice in the context of individual morality, but plays a positive role in considerations of political economy in its encouragement to trade, whereas, covetousness is despicable as a moral quality as well as unhealthy for general economic well-being in its accenting of accumulation at the expense of re-investment and circulation.⁶⁵ The science of trade cuts through the dimensions of the moral and the economic, reconfiguring their relations for new ends.

Such a theorization of trade is by no means a way to circumvent the political question. It is in the context of a theorization of Value that the importance of Law and the government is scrutinized. At the most perceptible level, government is responsible for ensuring the standardization of the quantitative aspects of goods — their weights and measures. This would ensure the homogeneity of a field through which an exchange can be worked out and take place. Yet it is Law that is the guarantor of as well as, at a more fundamental level, that which qualifies exchange and trade as such, not merely the quantity of silver in each coin, a position he attributes to Locke⁶⁶ (standardization). It is the power of governments, not the extent of silver that provides the basis as well as the medium for trade and recognition, the implicit infrastructure for the exchange transaction. Money “is an imaginary Value made by Law for the conviniency of exchange”.⁶⁷ It is this ‘conviniency’ that is threatened in other lands where the force of authority is not strong in itself to orchestrate the internal economy as well as external exchange; we see an echo of the East India situation. This is not merely an argument about the need for authority in securing the economic transaction, but rather a forceful evaluation of the political nature of economic exchange in general. For Barbon, money — that which derives its nature as Value from Law — is the measure of all values i.e. the value through which all things are evaluated.

It is Law that ensures the existence of value qua value, and to support this Barbon tells us that, literally, any thing would do as long as it was stamped by 'public authority'.⁶⁸ This argument is made by a scrupulous documentation of historical as well as ethnographic data. Here, the historical and ethnographic exhibit their status as documents at the service of a present argument rather than functioning as mere external referent or anecdote. This leads him to ridicule the Lockean position where 'social consent' is held responsible for the creation of value. He does this, in a manner reminiscent of Locke's critique of Robert Filmer, by asking rhetorically, when, where or how did — or could — such 'social consent' come into being?⁶⁹ That public authority exists is a fact for Barbon and he is uninterested in its theoretical or historical origin. In fact, historical discourse is a plane of referents that is used to buttress his position in very specific ways, such as when he argues that increasing the value of coin had clear historical precedent or that prohibiting building had proved disastrous in the past. Law or public authority in its existence is never questioned — the limiting function germane to the historical enterprise — and its distinction from the Prince's will is not scrutinized from either a historical or theoretical perspective but is stated as fact. The political is established at the level of the everyday, for even the smallest transaction carried out presumes the existence of Value and thus law; just as it is the medium through which trade is carried out. The principle of recognition, through which exchange is possible, is again carried out through Value/Law and not metallic content.

Having underlined the absolute necessity of Law and its determinative role in the valuation of money as money, Barbon goes on to make what may seem to be a series of arguments in contradiction. For he also tells us that Value is that which requires as a necessary condition, 'use'. There can be nothing that has Value in itself; the object has value because of what it can be exchanged for and it would be exchanged only if it had some use. From use as a fundamental determinant, it is rarity and plenty that determined the value — this is equated with price — of an object. And yet, the nature of the object could not be confused with its value, evident if one remembered that spices were of great value in England because of their rarity and they were of much less value in the parts they were

imported from precisely because they were found there in abundance.⁷⁰ Such an argument is crucial for understanding the principle of trade whose importance lies not merely because it provides employment but also because a surplus of goods would decrease the price/value. Trade existed because of the distribution of talents as well as goods across the world and this enabled exchange. We could substitute nature for talents and goods, for this natural and unequal distribution are what ensure and enable trade as a redistributive mechanism. Similarly, he argues against the prohibition of imports even when imports threatened the productions of home industries though he allows for an increase in duties. For circulation and exchange of goods was what contributed to the health of the nation and was what ensured general prosperity. This set of arguments leads Barbon to suggest that in a fundamental sense it was the “market that was the best judge of Value”.⁷¹ The market is, thus, an effect of a denaturing process that has as its heart an unequal distribution of natures (talents and goods).

And yet in Barbon, circulation — trade and exchange — per se is not what is crucial but rather its value lay in the ability to create employment by encouraging levels of production. Here we squarely confront the question of labour. This is underlined in Barbon’s critique of the methodological presuppositions of the ‘balance of trade’ theories. He argues that there is no precise way to accurately calculate the profits and losses of trade by solely looking at custom house records as they by themselves gave no indication of the levels of employment that are achieved through the carrying out of trade. The documentation of the transactions of the value/price of goods had no transparent relation to the value of/as labour and its relation to exchange. When dilating on the question of labour and production, Barbon routes value to the time spent by the artificer and his skill. This, according to him, seems to be the basis of production. Again, time as the horizon of labour is a signature of value, as discussed in Child. And yet, on the other hand, the merchant has to keep in mind the rates of interest, as it is interest that is the base line through which he can measure his profits. For, if the money made is greater than the interest, then there is a profit, otherwise it would naturally indicate loss. Here too, time is of definitive importance as a measure, for only if trade (labour-exchange) is denser in each unit of time than

interest (money-money) it survives.⁷² This equation incorporates the previous one of production when measured solely in terms of units of labour-time but is the one that is incorporated when production refers to general levels of populace becoming a vector that combines trade and industry; hence the blindness of custom house records to levels of employment. Depending on the angle of vision, the signature of value can be counterfeited, a forgery whose original is itself one that needs to be induced.

The levels of population re-route into the field of circulation. On the one hand, there is credit which is recognized as that which “is raised by opinion”, which for Hume in the next century made politics. In this context, opinion has no direct access to the field of production, but opinion doubles into something different when placed in the field of consumption. Here it plays a crucial role in the delineation of “fashions”. Here, a philosophical anthropology is revealed where desires of the mind are not only infinite; just as objects don’t have value in themselves, desires don’t have meaning in themselves. A system of equivalence is established where meaning/value becomes the univocal grid of intelligibility through which the ‘object’ and the ‘desire’ can be plotted. Here, the degrees of the object (delimited labour as thing, and its reflux from exchange) and desire (whether for the ‘object’ or in the system of credit, and its reflux from production) find ways and means to translate and effectuate one another. Desires play out in an economy of emulation, and hence the importance of the cities, the site of emulation par excellence.⁷³ Like objects, desires succumb to the ‘general’ forces of redistribution whose origins can no more be located than understood.

We have to now distill the antinomy that we have been sketching out: Law on the one hand and the market on the other. But even though there seems to be tension at the level of content, there is certain collusion at the level of mode. For just as Law puts on an imaginary Value that has real implications in the form of the market transaction, the market-value too is one that is founded on the imaginary, at the level of desire (of that is imaginary) and credit (opinion), that has real effects in the form of production. This is not a sequential equation, but one in which the direction as well as nature, the abstract nature of production in the form of time constructing real desire in matters of emulation, can be reversed

making it impossible to subject one to the other. Finally, it is clearly not metal (quantity/measure) that is the indicator of value but populousness: the populousness of things and the populousness of people as a system of transposed and intersecting vectors. Production and circulation are the conduits so tightly interwoven — in whose interstices time wells up — that the distinction between people and things is not a real one at all but rather categories that are traversed in the production of value. While the poor labour, things emerge through them and time (artifice, the mediation of nature through labour) and are sold and bought by rich desires (artificial in that they emerge from ‘fashion’). That ‘poor desires’ also have real effects is recognized by Barbon when he advocates raising the wages. The imaginary substratum of value that frames Barbon’s discussion is one that cuts through production and circulation thus eliding the distinction between men and things in the constitution of the imaginary with real effects — value. And vice versa.

But trade also has less macabre effects, or so Barbon tells us. For, according to him, peace is immediately encouraged and ensured by the onset of ‘trade’. Here again its general effects — the rapid spread of technologies, greater populations, and fortified towns — are all held to discourage wars. The site is Europe, and within Europe it was England that was best suited for trade because the English had liberty and England was an island. And through trade, Barbon argues, England was best suited to achieve “universal empire”, an empire that differed from other attempts in that it was based on the seas and on trade, and not on conquest or wars. However the text gives way, when it argues that wars took too many lives and considering the way in which lives could be put to use — which was what indexed the new economy — this would not be in tune with the times. At the same time, in anticipation of Hume, it is clarified that the advantage in trade lay not simply in inaugurating peace, but in its ability to immediately mutate and translate into military might. A profitable trade — for what else is trade for — could be easily harnessed for war.⁷⁴ The new modality of empire would emerge from liberty, precisely because it was free to enunciate the doubly folded logic of desire and labour, which in its expression plays out the immediate critique of its origin — ‘liberty’. Or put differently, it reifies its origin — things, people-things, labour is free to be bought

and sold — the cut up space of which is commodity as value. Where is man, where is thing, as the men are here free as things immediately susceptible to the organized forces of the State, the merchants, financiers, and the manufacturers. This is what has been articulated above at the levels of the political (Law) and the economic (market). And for this site to be secured, the larger global economy with and in explicit use of military might would have to play the general ‘enunciative function’.

Charles Davenant: Trade as Political Power and Political Threat

An Essay Upon Universal Monarchy and *An Essay on the Balance of Power* are good places to begin an examination of Davenant’s understanding of politics, history and the unique place of England. They were written in 1701, in the face of the growing power of Louis XIV, and though explicitly but a warning against the threat posed by the French Monarchy, they performed a more subtle function in locating the signs of absolutism and corruption (the converse of virtue) in England as much in France.⁷⁵ Absolutism is defined as the extinguishing of virtue. Virtue was a loaded category, and especially so in the aftermath of Machiavelli.⁷⁶ Here, it can be taken to signify a fundamental political condition of liberty. Virtue can preserve itself against absolutism whether that takes the form of French Absolutism or the absolutist potential within England; the two themselves rather than being discrete can very well be combined.

That circulation is as important as it is crucial is self-evident and yet, in the context of political economy, the difficulty is one of understanding the subject and object of circulation. For, we are not dealing with one substance (blood) and a spatially organized body, but with multiple ‘substances’ (money, labour, goods) that cut into and reconfigure each other, and disparate terrains (London-the English countryside, England-France, England-Colonies-Europe, England-East Indies-Europe) that are linked through circulation. What distinguishes money and labour is also, of course, that they combine qualitative as well as quantitative aspects. Both money and labour in their qualitative aspects induce circulation, but they are also very much part of circulation, as commodities/goods in their quantitative measure, and in this dimension do not express value.

This very complexity, all instituted under the sign of commerce, in fact signals a historical rupture. Commerce unveils a peculiar relationship between accumulation and circulation, and this dynamic produces Value. Thus, Davenant argues, that while money is necessary for carrying on trade, beyond a point it is not the quantity of money that is important but the speed and nature of circulation that expresses the growth of wealth⁷⁷. For while money leaves England it procures goods from the plantation trade and East India trades that are then re-exported to the continent resulting in greater amounts of money for England. However, the value of trade doesn't simply lie in the production of greater amounts of money, which could decrease its value (inflation). More importantly, goods from the trades, as they are cheaper, save England the money it would have paid if these very goods were bought from the continent; they also allow England to increase its exports. In addition, England re-exports cheap raw materials into the continent that then reduces its costs for the production of manufactured goods. Thus, England also saves in its importation costs. Very much part of this dynamic is the function of the northern colonies play in terms of a market for goods produced in England could be sent thereby 'exciting' the industry of the metropolis. Already one can see the break down of the Man/labour into a series of goods/things. The slave trade, in turn, ensures a kind of production, the northern colonies that serve as an 'outlet' also serve as a market, and this maintains the organization of labour-production in the metropolis. Davenant can argue for the merits of a populous nation suggesting a series of policy measures to encourage the same and at the same time speak of the merits of colonies and the exportation of people. This mirrors the argument about money, whose value doesn't lie merely in its quantitative measure but at the precise point in which it breaks off into a circulatory intercourse with goods and people. Thus, it is not circulation or accumulation per se, neither labour nor gold in themselves, but rather it is the 'logical dynamic' integrating heterogeneous movements that manages to produce a singularity that can be denominated as Value (that can result in the quantitative markings of 'wealth'). It is precisely in the lack of its susceptibility to quantification that it can be qualified as such. Hence, the seeming interminability of Davenant's economics when approached from a quantitative perspective: what to do with the

money got from trade? Invest it in trade. It is this perspective that must, therefore, be abandoned if one wants to harvest the seeds of this discourse.

There is an intimate link between trade and liberty. This because only where people are free will they be free to labour and will they labour to protect their freedom — it must be remembered here that trade is the complex sign under which both production/manufacturing as well as circulation is included. This sediments easily into the next level. Unlike the earlier and “rude” times where virtue was the exercise of freedom through heroic valour, this could neither be allowed, nor followed in contemporaneous life, as the nature of war had changed in fundamental ways. And here it is pointed out, quite literally, that war was a political activity, and only supported by a strong economic basis. Thus, speaking of the political is the voice of the economic⁷⁸. And the economic, as trade, is no longer the simple activity of exchanging goods, or goods for money as has been noted above. It is here, where the political and the economic are articulated onto one another that the science of ‘political economy’ sinks into focus. The old cataract of bullion and the older cataract of ‘heroism’ as the singular measure of value in distinct spheres is replaced by a single field that grounds the set of forces mentioned above. The political is forcibly reoriented by the rapid changes in the modes and methods of the economic. For here, labour — the ironic inverse of the heroic — takes its revenge by contracting with commodities and money. And it is only such that the political can be maintained.

Such is the context in which ‘political arithmetic’ is deposited on the shores of significance in the 17th century English history⁷⁹. This becomes the mode through which the people of England can be expressed and then become a referent and resource in an argument about the general wealth and prosperity of the Kingdom. It is a category that is embodied as object, an object that is being constructed and constituted in the execution of a science just as it is being deployed in the strategies of the political. Simultaneously referent and resource, the people, however, can here only be heuristically separated from the movement of goods and money. For their coming into being through documentation make sense as part of a politico-economic measure. The moment the question of the people gets

generalized in the mechanics of production and wealth, the immediate fall-out of this can be mapped out on the landscape of the political. For virtue and its relationship with wealth in Davenant's 'republican morality' needs to be scrupulously orchestrated; though wealth is required for its survival, a modicum of excess would negate virtue as such. This as we have seen would mean nothing more or less than the defeat of the very model of the political: liberty. Virtue renews its political precariousness (the absolutist threat) having been instructed in the economic drug.

Davenant proceeds to draw out such scenarios. First, elections, the principle of a generalization of the people as the political, are one possible way in which money can intervene into, and thereby simultaneously, negate the political. It is not corruption per se but the possibility of the domination of one faction over the English polity that serves as the most imminent threat: private as public. This is not a renewed paranoia about the absolutist tendency of the English prince or the French threat, but rather a reflection on the inauguration of a 'new absolutism', by the 'men of business'. While the very fact of the recent successes of the English polity in war are seen as evidence of the success of English trade, this also opens up the possibility of the rise of 'monied interest', under whose auspices long distance trade is carried out, and thereby new forms of corruption. Trade, thus, shines as a starkly ambiguous sign. While defending England against external absolutist tendencies (the French threat in its military form), it opens the possibility of a new form of absolutism at home (internal corruption). Davenant underlines the fact that it is not so much the Prince that is to be feared in England (except for his possible alliance with the French — the old threat) but the 'minister' who distills in his figure the new form of executive power that not only tends towards absolutism but also plays the medium through which the 'new men' exercise their private agendas. Private agendas that domesticate the public through masquerade; corruption par excellence⁸⁰.

One needs to further elaborate on the points of these articulations. The reason the English state can carry on such successful wars is because it can borrow large sums of money at short notice. This is possible through existing corporations such as the East India Company and the national Bank who can, thereby, leave their marks

on the thin surface of the political text. This is one direct way in which the economic enunciates its transference into the political (Influence). And yet another more intimate and ambiguous relationship is smuggled within this transfer. On the one hand, the King has an independent source of income (and is therefore less dependent on parliament), and on the other hand, the only means seen to alleviate the debt is through an increase in taxes. Both these phenomena indicate the increasing powers and reach of economic and politico-bureaucratic structures. For only large and successful corporations have the kind of financial liquidity to support the state apparatus, and only an efficient state apparatus can guarantee the successful collection of taxes. What else but the science of political arithmetic to inform the mechanisms of tax collection. Here, the intervention of the State into the everyday life of the people has become normalized, everyday life is now politicized in a full sense echoing in its effects Barbon's 'monetary theory'.

While 'public debt' — the phraseology is itself telling for it disguises transference into identity — is rendered possible and chronic through the monied men, for the purposes of war, its temporal structures render recurrent the policy of taxation⁸¹. As credit is about the future, and interest is one that multiplies with time, the only means to negate this is by regularizing taxation. Thus, it is the futural aspect of time (credit) which makes possible the regularity (interest) that requires regularity (taxes). Taxes have to keep up with 'public debt', an equation that successfully makes the income of the people the syntax in which the State and the financial elites are equilibrated. The regularization of the people into the *telos* of the State and its action is but the generalization of the people into the field and (f)act of 'political economy'. This is a more refined way in which life is politicized, just as labor is realized in the economy, and the State empowered, by and as the people, that is thereby able to short circuit the older fear and hostility of the standing army. The latter was based on the fact that a standing army was a sign of royal despotic authority. But we shall see it is no longer the army, but the navies, that guarantee and protect trade, which becomes the medium through which it is possible for the 'new despotism' to be exercised. What renders this whole edifice even more precarious is that the initial impetus for this is the 'new finance' whose determinants are

multiple and essentially fragile. For instance, the East India Company is a joint stock company and procures its profits through overseas trade/war and speculation⁸². Trade is carried out far far away in precarious environs and it is this distance that plays the mirror through which trade sees its reflection i.e. the political as well becomes the medium for its retranslation into internal 'native' politics through public debt and taxation. If war in Europe is one end of the spectrum, at the other end lie the East Indies; where war reduplicates itself as security for trade.

This is the reason Davenant puts forward for supporting the joint stock company structure of the East India Company. First, he argues echoing Child, that it is only the joint stock company that can raise the kind of capital for long distance trade. Secondly, only in this way can trade be secured in the East by constructing fortifications and the investing in arms and thereby building up its infrastructure. (These two points can only be heuristically distinguished). He argues that this kind of fixed capital lends a temporal continuum which would be devastated by an open trade. Such a temporal continuum is expressed only by respecting the 'property' of the trader, that is the East India Company, who should be allowed to benefit from what he has accumulated in terms of his *rights* (bought from local and foreign sovereigns) and his things (military apparatus, money and goods). Furthermore, the necessity of fixed capital — as military infrastructure — is justified by a portrayal of conditions in the Indian subcontinent. Political chaos and the complete lack of 'clear cut' sovereignty in the East are contrasted to the singular sovereignty of the Ottoman Empire. It is the latter that can afford a regulated company while, in the interests of the English nation, the former would need the services of a joint-stock Company. Thus, in the final analysis it is the efficiency of the Company and its capacity to produce wealth that overrides 'free trade'⁸³. It must be remembered that free trade as a principle is very much part of the political rights of an individual, for only after the establishment of the political nature of the individual can the question of rights even emerge. Thus, if monopoly privilege is defended in the name of the politico-economic leverage it can gain over its competitors we would have to reconsider the category of monopoly and examine its relationship with political and economic discourse.

Deeply buried in Eli F. Heckscher, and little noticed by his critics, lies an examination of the meaning of monopoly that would help us in our present investigation. Heckscher notes that medieval notions of liberty included within them ideas about the rights of the individual to trade on his own without interference⁸⁴. In almost counter-intuitive fashion, Heckscher makes the important point that medieval notions of 'just price' and its guild structures were not so much against monopolies per se as against monopoly price, and they were acutely aware of the possibility of the continual 'flux and reflux' — to borrow the phraseology of David Hume when discussing in a not very dissimilar context the phenomena of theism and polytheism — between monopoly and free trade. This crucial 'dynamic' is not conceptually elaborated in his monumental work. However, this has a direct bearing on the relations between the political and the economic that we have been trying to trace. For analogous to the virtue-absolutist relationship, the free individual/free trade and monopoly can no longer be seen as agonistic terms hermetically sealed from one another. Rather, their operations are germane to a conceptual continuum whose distinction can be secured only through arbitrary and/or strategic determinations. Heckscher spends much of his first volume outlining the centralization of the English State/king, and though the connection is never made by him, at the political level one can say that this brings to the fore the 'many' becoming 'one' that simultaneously claims to be the 'many' (as one). Thus, the State too is monopolizing power in the making of the many through representation and other such politco-economic technologies that we have discussed above. Similarly, as the joint-stock company structure admirably shows us, the monopoly structure takes for its internal predicate notions of individual liberty (people freely joining together to form a company — a supra individual) and through the 'magic one' (monopoly) claims to represent the many (the nation). The mutation from individual to sum which in turn is a monstrous individual in differentiation from others (the Company and others) is not the consequence of an errant or miraculous logic but is rather integral to the logic that renders the possibility of the individual. Let us scrutinize here the place and operations of this logic⁸⁵.

It has been pointed out that equality can only exist at the level of the abstract and to posit or even aim at the equality of persons (in his

possessions) is a contradiction in terms. This is easily demonstrated, because by definition the particular is in itself invulnerable to abstract commensurability⁸⁶. Thus, the rhetoric of equality naturally engenders its real negation. The joint stock company and the ‘men with projects’ exemplify this by ‘dealing’ with the abstract — the future/credit — and thereby simultaneously producing real effects. The East India Company straddles the abstract and the concrete in spectacular fashion, being a joint-stock company (thereby indexing value through abstraction — number and time) trading in goods (concrete exchange of things and money) and maintaining forts and guns (its explicit political nature combining sovereignty and might). However, none of these terms are simply transparent to, or merely separate from, one another. After all, the Company may be a monopoly in England, and have influence within that other emerging monopoly (the English State) but it doesn’t have the same status in the Indian subcontinent. It is this set of indeterminate and unstable mediations (Company/credit-English State, Company/trade-Indian subcontinent at the levels of the political and economic) that occupies Davenant. While the exchange in goods involves an increase in money as well as wealth (as when the exchange in goods and money is translated into the singular mathematical idiom of monetary value), it is the unpredictable and un-monitatable effects that this has on the political structure of the English State that causes him alarm. And yet the obvious advantages preclude a simple negation of such trade, since one of the recurring arguments in Davenant’s discourse is the economic basis of modern political power. Rather, it is only in England and Europe — for we have to remember the political involves not only the relationship between the English State and its people but also England’s relationship with the European continent — that the political as such is thematized as a site of reflection. The power relationships (the political as such) in the East are (re)configured purely in the mathematical quanta of economic argot. It is through keeping this in mind that we can understand Davenant when he supports the construction of forts and the expenditures on arms in the East; he does so only in the context of an evaluation of the form of ‘economic enterprise’ that would be most suitable for trade in the East and concomitantly England’s national interests. The ethics of implicating the use of force in the exchange of

goods does not even merit the status of a pause, not even a glance, so busy is Davenant, consumed in the intersecting vectors of the economic and the political at home that recuperates in a different idiom, the in-mixing of the political and economic abroad.

Let us look at the topography of the political and the economic once more. There are three sectors involved: the colonies in the Americas, relations internal to Europe and trade in the East Indies. In the context of the Americas, Davenant is vehement in arguing that the best and wisest policy is for England to ensure the dependency of the colonies and secure such dependency by all possible means⁸⁷ The possibility of the American colonies growing powerful with time is not lost on Davenant who spills much ink on the nature of such threats and the possible remedies of such a situation. In the East, as we've discussed above, military power is implicated in the practice of trade not only against local powers but also against European powers trading in the East. And finally, we come to 'Europe'. Here Davenant argues that the various countries should lower custom duties, so as to facilitate trade (the "free trade" argument)⁸⁸. Thus, we have a notion of 'simple circulation' par excellence, as Davenant seems to be pointing to the intrinsic good that would be achieved in the free exchange of trading articles. However, even Europe is not really exempt from force. And so in the context of Ireland and the threats it poses to the English wool trade Davenant can invoke the rights of conquest to establish an argument against free trade. A space for free exchange is, thus, secured only after having mobilized its predicates on either side: force of politics and the politics of force.

John Locke: Nature as Cipher and the Unbecoming of Man in the Treatises

In the *First Treatise*, mankind emerges as a category to leave as remainder nature. This is in contrast to Robert Filmer for whom Adam was given powers over nature, a nature from which (other) men were not distinguished in their subjugation to Adam and his heirs (Kings). Power over — to use and to destroy — nature is enabled by the grant of God. With Locke, Adam is but representative of Mankind, the species is beneficiary, enjoying the right to nature as

gift of God. Such distinguishing between man and nature is the first move that enables the emergence of something called property. In the Lockean state of nature, initially, man enjoys nature without mediation; his species-being exists without the mediation of either community or law⁸⁹. Fated to labour, “by the sweat of his brow”, he does so by mixing this (human) quality with nature; the product that becomes is his own. While labour and consumption are distinct in time they are indistinguishable in that something becomes one’s own only so long as one is using it i.e. either in the act of making it one’s own or having made it one’s own one does not allow it to *spoil* in the element of mere time.

The species nature of man in distinction to nature paradoxically makes for a commensurability with nature (property as subsistence and man as proprietor) that will not be allowed to man and man (equality as hostility). The unilateral relationship with nature — labour and consumption for subsistence — is allowed only so long as there is enough nature for others in the species to subsist. This, together with the spoliation condition, signifies the equality of man, not (yet) community. Crucially such a double determination is itself left undetermined by the very condition that ensured species equality: the law of nature. This law allowed each and every man to do what it takes for self-preservation and the preservation of the species enabling — without resolving — concrete conditions of conflict. Equality in the abstract unmasks hostility in the concrete, or its concrete possibility, resulting in a change in condition. A consensus emerges that a society be formed by the giving up of the natural right so that the ends of such a right in the form of life, liberty and the estate are preserved. Civil society as community now mediates the species in the element of civil (not natural) law. Such a consensus can be articulated by a majority since there can be no other rationale for action; another important implication of the condition of equality. It is seen here that the preservation of property — life, liberty and property — is the ends for which civil society and law are formed and to which mankind is now subject.

Majority arises from, and eviscerates equality, foregrounding the difficulties that assail a consideration of number from an ontological point of view. Unity (oneness) characterizes everything even as its own modes are absolutely distinct from each other: 2 is as different

from 90 as it is from 3. When a majority is formed in a collective — arrived at by the counting number man — is there a supercession of the measure so as to now result in two absolute different and discrete units, i.e. the majority and the minority? The abstract distinction takes real form when examined from the perspective of action, since such a difference in nature reiterates the state of nature wherein no rules or mediation exists between the two, opening the possibility of war. The indeterminacy of number — as abstract each number can number anything — reveals and is no longer distinguishable from the real indeterminacy of the name, man, casting the later as but a mode more than a substance. A slight detour to the *Essay* is in order, although a more detailed treatment will be undertaken later: Number is defined as a “simple idea”, a necessary constituent of any epistemological act. However, there exists a radical disjunction between numbers themselves, for numbers are no longer simple “but complex ideas of the modes of it (i.e. number)”. The difference between numbers is radical, “two being as distinct from one as two hundred; and the idea of two, as distinct from the idea of three, as the magnitude of the whole earth is that from a mite”⁹⁰. Thus, at every instance of its formation, civil society is already infected by the threat of decomposition that the production of that called mankind entails. Certain situations reveal that what appeared to be men are, in fact, not so, having been ostracized from being-human/humankind when in the “minority”. The denatured state of nature that is civil society has no respite from that which it sought to overcome.

The structure of sovereignty in Filmer has been doubly re-inscribed in the Lockean structure of property. Mankind is to nature (sans human) what Adam (and his heirs) was to nature (including humans). Filmer persists undefeated in the Lockean alternative of a world that fails to sustain a sundering into nature and the human species⁹¹. If nature is defined as that over which one has power (and right), it is this very structure that becomes the apt designator of what appears as the semblance of human relationships. The expulsion of nature as the procrustean bed for any object that one has power over — to use/to kill — results in its irrational subsumption of things including that thing called man but also known by names such as slave and criminal. The miscegenation

between man and things is concretely and calculatedly anticipated in the Lockean text by traversing and suturing the states of nature and polity. If initially the state of nature is there where every man has the right to kill another if he feels his property — his life, liberty and possession — is being threatened. Then, even within a civil society, human aggression is named as a momentous reversion into the state of nature, the inhuman turning nonhuman, allowing ('one') the right to kill and/or use ('another').

“And one may destroy a Man who makes War on him, or has discovered an Enmity towards his being, for the same Reason, that he may Kill a Wolf or a Lyon; because such Men are not under the Common Law of Reason, and Have no other Rule, But that of Force and Violence, and so may be treated as Beasts of Prey, those Dangerous and Noxious Creatures, that will be sure to Destroy him, whenever he falls into their power”.⁹²

Such bestialization is no mere metaphor; it is a philosophically rigorous plotting of consequence. Criminals and slaves might be killed or made use of. Such is the consequence of the state of war which is not identical to the state of nature — the state of real indifference enfolding equality and hostility — but which is indistinct from it in as much as the reversion of the individual into nature is possible in both states; nature becomes but the expression of, and justification for, the legitimate exercise of violence.

One mode of the incorporation of nature is but the subsequent naturalization of aggression. On the other hand, having put himself in a position wherein he may well rightly be killed, the 'victim' may choose to “delay” such a fatal act.

“Indeed having, by his fault forfeited his own life, by some act that deserves death; he to whom he has forfeited his own life may (when he has him in his power) delay to take it, and make use of him, to his own service, and he does him no injury by it”⁹³.

The slave is but the further modification of the criminal who may be “used” or “killed”, thereby well fitted in the element of nature: one returns to Filmer's Adamite and absolutist sovereignty over a nature that includes humans, property having become cause and consequence of man interred in the logic of naturalization.

Not that there is simply no difference between civil society and the state of nature. The situation of aggression outlined above is not natural to civil society but emerges only under particular circumstances. For the individual, who is the object of initial aggression, can now respond 'in kind', if and only if, there is no time to appeal to the neutrality of law i.e. the institutions of civil society. In this instant of the immanency of death, the law of nature — self-preservation as well as the introduction of the state of war by the aggressor — returns.

Crime as the surfacing of nature in society is analogous to conquest without right in the state of nature between civil societies⁹⁴. If the unsustainability of the distinction between crime and conquest is one way to foreground the take-over of the civil by nature, two notions of temporality render such appropriation legible. On the one hand, the state of war is legitimate only if there is no time to appeal to law embodied in the person of the magistrate. Thus, 'secular' time is a crucial criterion in the determination of legitimate violence as the effectuation of nature. Simultaneously in other places primary questions, such as who decides between the legislature and the executive and who decides whether the Prince actually employs illegitimate force, are deferred to eschatological time: to God as the judge⁹⁵. Nature operates in the fold of these two notions structuring the human world as the field of legitimate violence (state of war/nature) that mimics the original violence done unto itself.

Crime and war re-inscribe nature via the species being of man since it is the initial condition of equality that has as its implicate hostility, and subsequent species mutations: bestialization as both philosophical account and anticipation of events. Slaves and servants bring in nature through a further 'modification' of criminality. If beasts, fish, fowl and the earth were the original endowment given to man by God, power over them signified the right to use (for sustenance) and the right to destroy (for self-protection). Natural liberty in its in-mixing with nature (property) becomes such a qualifier of the species-being of man so much so that the thief may well be killed even if the latter had shown no design on life. The "horse or coat" has so entered the essence of man that threatening it becomes the rationale for provoking death.

The individuated grave of what had the semblance of man becomes the locus around which society lurks. For while the aggressor might well lose his life or become a slave, the aggressed does not have a right to his property. The aggressor has in such aggression detached himself from his 'estate' which is now for the society or its rightful inheritors, and cannot be possessed by the rightful conqueror although he may well keep the conquered as a slave and thereby as his own property. What seems human thus zigzags between a multitude of things in the eventful plot of earthly time. The slave may well appeal to heaven and fight, the ultimate accounting of which will occur only in the hereafter.

Passing on to the Essay: Becoming and Redemption

That man is caught between various becomings as illustrated above is well accounted for in the *Essay*. In its own almost technical lexicon, 'man' is the name of a complex idea of a substance, i.e. [that of which] "we have no such clear idea, and therefore [we] signify nothing by the word substance, but only an uncertain supposition of we know not what (i.e. of something whereof we have no particular distinct positive) idea, which we take to be the substratum, of those, ideas we do know"⁹⁶. Humanitas (human nature) was "not the abstract essence of any substance but was an abstract name of a mode and its concrete humanus (human), not homo (human being)"⁹⁷.

The quality of being human — not the human being — is meaningful because being is not a subject knowable or better known through a quality. Such a quality is a power whose contingent naming may always prove corrigible⁹⁸. This signifies a de fault becoming in that one cannot say whether what is seen as coming to be *is* (completed change from what was and is identifiable as distinct and distinctly real subject) or is, in fact, but the same (a contingent modification/appearance of an identifiable real subject): the doubling of humans into things/animals in the *Treatises*. Being human could qualify an individual instance in its recognition as a sample of a species but such a quality is conditioned by knowledge-language, experience and their fallibility; instance (human being) in its contingency is strictly proportional to the status-contingency of

the species (human) since the latter is not known a priori. Such a discussion replaces the scholastic ‘substantial form’⁹⁹ which designated individuals as real representatives of (their) species-being in a really existing world, clearly and rigidly graded, bracketing out the mode, content and essential contingency of such knowledge-acts with which Locke had them indelibly associated. In the latter sense, species are but “nominal essences”, themselves grounded in substances of which there could be no *a priori* definition; the “internal constitution” of which is not knowable. Species are contingent on naming with real distinction not open to designation. It is in such a context that Locke’s discussion of the foetus and the changeling — indexing the real indiscernibility between sorts of being — acquire their force¹⁰⁰. A substance can be known, to the extent that it can, only through a “natural history”¹⁰¹; that is by observation and hypothesis, which can never be definitive. Gold and man as exemplary substances are commented upon by the *Essay* constantly, signaling to the conceptual moves in the *Second Treatise* alluded to above, and the writings on money, to be discussed below. In the words of the *Essay*, “The yellow shining color, makes gold to children; others add weight, maleableness, and fusibility: and others, yet other qualities, which they find joined with that yellow color, as constantly as its weight and fusibility: for in all these, and the like qualities, one has as good a right to be put into the complex idea of that substance, wherein they are all joined, as another. Therefore different men leaving out, or putting together several simple ideas, which others do not, according to their various examination, skill, or observation of that subject have different essences of gold, which must therefore be of their own, and not of nature’s making”¹⁰².

Within such a sensory-reflective medium¹⁰³ morality and mathematics are analogous as “mixed modes” and, paradoxically, capable of demonstration¹⁰⁴. Ideational and propositional they do not bear the trace of reality (substances). 4 plus 7 being 11 or justice as giving every one his due do not have archetypes in the way yellowness, dissolvability, *aqua regina* and ductility might have their combined significance in the archetype, the name of the substance, gold. The former — morality and mathematics — relations between ideas, as between words, might well be eternal and universal precisely because they do not carry the burden of reality, even while they may

be most uncertain since they do not have the direct sensory foothold that substances provide us with¹⁰⁵. Reality and reason are being conceptualized in their own particular way. Reason rather than being a rule abstracted from the sensorium of things in fact names twin faculties, “sagacity” and “inference”. Sagacity indicates perception and inference, the linking, whether agreement or disagreement, between two ideas (perceptions). The regulation of what is known as well as its increase is possible only by the latter faculty (inference), while each step in a deduction that is reasonably arrived at is intuited (sagacity). Such is the mode of demonstration, and for Locke its exemplary form lies in the demonstration of God. While one intuits — without knowing — oneself, and senses others, the existence of God is demonstrable. In its demonstration reason does not need to live to the proofs set up by the skeptics, and Locke cautions his contemporaries against the search for such proofs. In distinction to such demands reason like language has the world as penumbra, signifying that which is always open to (further) determination. It is constituted by the interstices (linking) within the intersections of an existing world (words, things and ideas). If reason could be reasoning among particulars, and ideas (in the Lockean sense which includes perceptions) were themselves existentially undeniable, truth emerges in the yoking of such particulars, and hence the intimacy with language. Truth can only be applied to propositions and yet even ideas (perceptions or appearances) i.e. what may appear as particular contains a “secret or tacit proposition” allowing for the denomination true or false; if taken in themselves ideas no more than names can scarce be characterized by such an appellation but often they do illustrate more than themselves (a world/order) and can never be uniquely singular. This doubling of ideas and words is illustrated in the “double conformity” of words and words (collective and customary naming) with words and things (ideas).¹⁰⁶ Such a strong nexus between reason, language and God require further explication.

The argument for God is deduced from our first intuitions, our own existence and the irreducible faith that we are reasonable beings. Such characterizing of the latter is indiscernible from the characteristic harmony and beauty of the world.¹⁰⁷ Since reasonable beings cannot be produced by that which is devoid of reason, it self-

reflexively “leads to the knowledge of this certain, evident, truth, that ‘there is an eternal, most powerful, and most knowing being’; which whether anyone will please to call God, it matters not”.¹⁰⁸ Knowing God is exemplary reason because it signifies the intercalation of reason among things, ascertaining, even if only within the horizon of contingent experience, but at the same time revealing such ascertaining to be limited such that it itself announces the possibility of its super session. Fallibility is proof of the possibility of truth just as it cannot but be faith in it; such is the index of the divine which makes experience meaningful in spite of its evanescence. While distinct from intuiting, reasoning both intersects and includes it. The limitation of reasoning is equally evident in the domains of human beings and natural philosophy and what man actually is cannot be extricated from what he appears as: reasonable and bodied.

The insistence with which the identification of the immortality of the soul and its immateriality is denied by Locke is sign of the immense importance attached by him to action as key to the true nature of the human. Neither pure spirit nor pure matter requires action as a mode. Action as actuality-with-purpose and necessary consequence, all of which signify necessary reason, speak of God. Including matter without being limited to it, the point of such inclusion is the form of the body, and its continuity with the world, as experience, consists of grades of sense; giving birth to what Locke evocatively calls a “corporal sign”. The body as such, sans mind, cannot act because as mere matter its characteristic would merely lie in its divisibility unto infinity (whether one assumes atoms or plenum), the very same nature that grounds the argument for the existence of a rational God if the world as nature were to be apprehended as intelligible and meaningful. In other words, the humility of the self as reason (corrigible, capable and responsible to what indeed exists) and the beauty of the world as meaningful require divine presence.

The identification of the actor lies in the redemption of the action at the final judgment and is not a sign of a subject that is known or knowable *a priori*. If material and immaterial substances are really distinct in species the costs are to be accounted in an ethico-normative, rather than a metaphysical descriptive, sense. Matter is

not the body-entity, but that which as multitudinous can become one, what has the potential to become a 'this' as Aristotle would have said. Its becoming a this (unity) requires form and purpose. Whether it is a thought or a motion that which (either) thinks or moves would need to be distinguished from either as the subject is from its acts/accidents. It can neither be but material nor immaterial since if such were the case, thought would be identical to that which thinks just as motion with that which moves leading to absurdities such as motion moves or thought thinks¹⁰⁹. Such absurdities are avoided by shifting the terrain to action and ends, introducing an element of time as the sealing of duration which indexes the perfectibility of the purposive subject. In contrast, matter can be multiplied (divided) and has not the unity that it can give itself requiring that through which it becomes identifiable (a unity). A thought or motion are equally without an identity and can only be identified self-reflexively. Such identity — intelligibility — of the thought lies in the I-think, a nexus that is a microcosmic multitude (yet) open to determination across species. In thinking through the relation between the two, the body is necessary locus and instrument, even as the identity of action (meaning) lies in the accompanying consciousness that identifies the body, an identification that is the latter's shape; since per se the body as body is infinite. Such consciousness as meaning is confirmed or denied i.e. expressed ultimately only in judgment day when the true end of the series of particular action-consciousness are accomplished. Hence, Locke argues, personal identity when understood through action necessarily includes the immortality of the soul not its immateriality. From the ancient roman authorities to contemporaries in Siam, spirit is well recognizable as a finer, subtler body, rather than an independent isolate agent directing or commanding what is not its own: the body as discrete from it¹¹⁰. Otherwise, there arises the philosophical problem of the medium by which such direction is to be achieved. Like impulse that characterizes matter — hence, Newtonian gravity is explicable only via miracle — action is named spirit (subtle body) while mere un-embodied intelligence might distinguish the higher beings such as the angels.

The function of God lies in preserving the 'spiritual' i.e. moral element in what appears as human and necessarily bodied. If there

were no God (rationality) and but matter, one could neither explain the beauty of the world nor the actions of men.¹¹¹ Divine judgment is premised on the freedom of man, the ability of man to act rationally. The osculation of the moral and the rational mirrors the osculation of will and understanding. In such a plenum that is the world, the body, the sensorium, and ideas are formed. That act can accurately be named will which is reasonable, and has to be distinguished from mere indifference towards existence (possibilities) or what the modern will easily recognize as 'choice'. The latter cannot fill the gap between person and (pseudo) act (what is chosen), and this impotence is mistaken to be freedom; but such freedom has little to distinguish itself from the arbitrary.¹¹² On the other hand, liberty is the acting according to what one oneself considers reasonable rather than acting on a given set of options already given from which one is proudly discrete (multiple choice or which car?). As *in* the world one cannot will to will but only will to act indexing the lack of what the German idealists would call intellectual intuition. Such is the nature of man that the spiritual material dyad in the same have as their correlates in him, but not just him, activity and passivity, even while the two cannot be absolutely apart. Man can never act in a way wherein there exists no passivity (proportional to 'body'-indifference-infinite) even while action is measured by its proportion to the understanding. Passivity is what allows learning and takes place in the medium of body and time.¹¹³

Knowing can know only by leaving as unknowable its own limits and so Locke makes it clear that what appears as a pebble or a fly is equally opaque as that which we may call God¹¹⁴. However, such a condition scarce gives us the confidence to deny that which we do not understand. Understanding needs to be made conscious that it is action which it "usually takes no notice of".¹¹⁵ By speaking of thought as an action underlines its implication in the world alongside the consciousness of such implication and it is this responsibility that forms time and consequence. The importance of the action-passion nexus underlines identity as operation rather than fact, allowing it to be defined by and within a multitude of relations, rather than an isolated and self-subsistent atom; identity is itself defined as that subsisting in distinction just as a definition is that which is described by what is other than itself,¹¹⁶ underlining the

contingency and reality, identity and difference as proportionate. And hence, the various becomings of man crisscross with the myriad becoming of things and beasts in the political texts of the *Treatises*. They can only be framed artificially as discrete instants extracted from a perspectively unfolding event: aggression, defense, proprietorship as snapshots of a movement that is always whole. But even while the fibrillations of the world yield the image-frames of man beast and property only as the fragile heuristics of knowing, the moral drive to action would be un-accomplishable without the primary assumption of God: or the principle of actions and its results and the ideal informing idea of peace and happiness. However action — and not event — when evaluated from such a perspective would have to introduce the element of consciousness. One acts only if one is conscious of acting, since such an action can be attributed to you if its (moral) consequences were to follow. This is another way Locke defends personal identity, distinguishing it from questions of material and immaterial substances. Thus, from a moral perspective, by which one means from a perspective that views man as having liberty, only that can be attributed to him which he is conscious of. Attribution is here left indistinguishable from consequence in terms of the conscious actor. However, the perspective of civil law might well have to restrict itself to what it perceives since, as for instance in a case of drunken acting, “the fact is proved against him but want of consciousness cannot be proved for him”¹¹⁷. There is always the fundamentally qualifying clause of the “great day” [Judgment day] and there *hereafter*. This allows for a mode of acting beyond present circumstance reiterating to us what was more emphatically present in the *Treatises*, as the appeal to God. The moral is therein a crucial ingredient of the action-liberty nexus itself a value only when positioned within a theological horizon.

It is such an understanding of liberty that informs the conceptualizing of equality. For difficulties encountered in the *Treatises* that witnessed a neat commensurability between equality and hostility can only be framed within the distinction and integration of matter, form and time split along duration and *telos*. Duration is the reflection the “train of ideas” that one notices by reflection. This persuades us that duration is that which is experienced as the “fleeting and perpetually perishing parts of

succession”¹¹⁸. As a simple idea it is modified and measured by the regularity of motions which would itself have to be defined in terms of (periodical) “re appearance” of certain phenomena, whether ‘naturally’ observed (the sun, bird calls) or artificially (human instruments such as the pendulum). The difficulty lies in the fact that one can never demonstrate that any two parts — the ‘periodical’ of the re-appearance — are indeed equal for duration as such is constant, equal, uniform i.e. whole. Thus, the measures of duration can themselves never be certain leaving as uncertain the ascertainment of equality (the identity and equality of parts). Equality and its conceptualization is here demonstrated to be dependent on the more fundamental rock of identity; that has already been defined only in distinction. If equality is not to be found in nature or artifice because identification in ‘things’ is itself provisional and conditional rather than *a priori* how then is one indeed to say that humans are equal or human beings are pervaded by an identical substance: this allows for a skidding across the ontological zones in the *Treatises*. If consciousness is the differentia of action (and its nexus with the consequence) no philosopher’s stone can serve as presently certain judge; necessitating with reason the faith in the real future of the hereafter where the norm finds shelter.

Faith is not to be distinguished from reason as though it were an entity but rather is interpolated within reason itself. Reasoning requires faith in it since it is not Athena having emerged fully formed but itself dependent on intuition; what is received. The critique of the classical syllogism¹¹⁹ which moves from major premise to minor premise to conclusion gives lie to the subterfuge in the motion from the first to the third by showing that the major premise is what binds the minor to the conclusion, and universality cannot be more than the capacity to represent or correspond with more than the existing particulars being discussed. The minor premise is a predicate of the first and therein the subject of the last. Thus, all conclusions rather than being seen as really definitive are in fact already located within a structure of predication. Therein predication becomes the mode of human activity with the world as subject, since thoughts are indeed actions of the mind which require an existing locus that cannot be assumed to be self-made. By thereby defining reasoning as the linking of particulars — a proposition not to be denied by Leibniz¹²⁰

— that would itself need to be intuited allows the real distinction between subject and method, procedure and content to be rendered contingent. In this it links language (as defined propositionally) to truth, for the latter is an assertion of something about something and is doubly related to itself (the proposition itself) and the world (that towards which it refers); the ‘and’ is a necessary nexus. This impingement of the world into language and reason is the body, for, as Locke likes to remind us, we are always in the “neighbourhood of bodies”. Being in a neighbourhood of bodies ensures that our will is determined by a swarm called desire infinitesimally buzzing in all directions. Locke also names this uneasiness the absence of a present good. Such a condition is what allows for liberty as action. Human action requiring a passive and material substratum, but even so it can never be ascertained what precisely action consists of. Since what is named action is indeed more likely an effect and therefore requires a contingent completeness that will have to be zoned into an artificially segregated discretely cut out duration. Therefore, to distinguish activity from passivity is indeed provisional but the very distinction will have to assume as possible the moment of closure, i.e. the great day of judgment. Any other abstraction such as a future public good cannot be taken as actual, precisely since it is in the future and cannot compel/actuate a present condition. The present, in time, is indirectly measured by proximity and the body and bodily pain is, thus, seen as the greatest natural and material test to one’s liberty and power. Desire doesn’t thus refer to an absent object but signifies the absence germane to the embodied — and multiply bodied — being that is man. Alternatively interpreted, it is also the necessary condition for freedom as commensurate with ourselves though the route of consciousness, reason and God.

If for Descartes deception has to be warded off in the faith in God¹²¹ for Locke the indefiniteness of the intuition that is I-think doubles into the lack of a true principle by which to ascertain wherein true deception consists. The whole critique of innate speculative and practical principles amplifies the fact that we can never be a *priori* certain of what is certain¹²², for if that was the case nothing would be left that were uncertain.

“But I cannot see how any men should ever transgress those moral

rules, with confidence and serenity were they innate and stamped upon their minds. View but an army at the sacking of a town and see what observation or sense of moral principles, or what touch the conscience, for all the outrages they do”¹²³.

What is the characteristic by which to truly identify deception for one may well be deceived for one’s own good, and how is one to account for the fact that not only do individuals in fact act consciously against moral principles that we consider innate, but whole societies act without a trace of guilt in ways that would be abhorrent to our notions of innate ideas. If, indeed, that which was true was innate then one would have to admit to an infinity of innate principles, destroying the distinction between principle and fact. It would also mean there was no time of knowing, knowing being unable to perfect itself; the sign of humble reason. The so-called principle of identity is only realized in the act of identification. The child knows that bitter is not sweet without needing to know the principle “whatever is, is” (the principle of identity) for identity itself is known in distinction. Thus, what is present is a *faculty* — neither the empty *topos* on which facts accumulate nor the fully formed innate principle — given by God¹²⁴; the idea of the faculty brings us to a place not far from Descartes. The soul unless stamped by a norm and oriented towards it cannot otherwise become what it essentially is, for it can surely never become not what it is not i.e. the moral as discrete from the mind, which would be treating them in quantitative- material terms in which only such discrete distinction can operate. The attempt at a proof of God based on the belief in the solitary soul examining itself (Descartes) is turned into the world produced by the multitudinous continua of self-reflexive action.

*Returning to the Sovereign Figures of Money in
Locke’s Monetary Writings*

To move on to more ostensibly mundane matters, in examining Locke’s engagement with the monetary and commercial issues of his time, his general reflections carry the same amount of philosophical reflexivity as found in his philosophical oeuvre, but when it came to specific matters of policy his views seem to harden on the one hand and, paradoxically, radicalize certain positions on

the other. This difference can be plotted if we examine *Some Considerations on the Lowering of Interest and Raising the Value of Money* (which is more general in tone although it is an argument against the Public directly interfering in interest rates, written before the re-coinage proposals) and *Further Considerations* (which is specifically against Lowndess, supported by Barbon, and his recommendation to raise value by minting lighter coins). In the broadest sense, both are against active intervention, the first against the Public fixing of interest rates, and the second against a re-coinage that would lessen silver content and maintain the denomination thus increasing value.

In *Some Considerations*, which complements the *Second Treatise*, Locke argues that gold and silver assume the role of money since they fulfil its function — of being least liable to decay — best. This is a necessary condition but only once it has Value can it really qualify as money; this is anchored in social consent¹²⁵. Hence, the valuation of money and the birth of political society are folded into one another in terms of their mode (consent) as well as ‘cause’ (the quality and necessity of/for preservation: whether of/for men or goods). Second, while politics marks the possible mutation of the human into the non-human in the name of the social i.e. crime/conquest, money marks the possible preservation of Value as the social through the negation of the value of individual labour. And yet, just as in the political arena, within political economy too these inferences are not susceptible to a strict protocol. Thirdly, following from the second point, while labour in ‘original societies’ is the immediate human incorporation of the thing or animal, in later societies money through its temporal structure is the ‘thingly’ incorporation of labor. Money is thus the real negation of equality through enunciating two related yet antinomial qualities: abstract mediation (value – social consent) and self-preservation (now, metal – intrinsic quality). It is time which straightens the contradiction through converting the first to the second; although Locke’s nostalgia for the past traverses the contemporary condition.

In more concrete terms, the value of goods depends on the relationship between scarcity and vent. Money can play its role as a “standing measure”, since its vent is fairly constant, though its quantity might vary. The different nature of goods themselves is recognized, what economists now days would call elasticity. Value

is understood by trying to relate two variables — quantity and value — which are characterized by “constant mutability”. It is important to underline that in *Some Considerations*, the enduring nature of money does not result in its being a “more settled value but a more known one”, in the designation of its number and weight¹²⁶. Continuous mutation disallows any strict way of predicting or fixing value. At one point even the idea of equilibrium is questioned, through the analogy of a balance with two goods, which will constantly be changing due to the essential changeableness of the goods themselves due to conditions atmospheric pressure¹²⁷. In the same way as in politics, the value of life — the question as to who is really rebelling — is strictly non-determinable. Money’s peculiarity lies in its “double value”, resembling other commodities (in procuring necessities and conveniences, its consuming through using) as well as land (getting returns through merely holding on to it: interest). But unlike land, money doesn’t really produce interest but “transfers the reward of one man’s labor into another man’s pocket”¹²⁸. On the other hand, very soon the unequal distribution of money is explicitly compared to land, pre-empting any argument for redistribution on any basis i.e. we see here an essentially conservative argument, at least in relation to his political theory of “rebellion”¹²⁹. It, thus, seems clear that although money is in its essence the enunciator of inequality par excellence and in this it has overcome the importance of labour — the original form which guaranteed a form of equality through the immediate incorporation of the thing and/or animal — its present distribution cannot be questioned any more than the distribution of land.

The land labour analogy gets increasing power when a sociological description of the kingdom is undertaken. While initially money and its value is established by ‘social consent’, neither by decree nor by intrinsic quality, likening it to political authority, this tie is undermined in different ways. For the categories of the kingdom established include the labourer, the landlord, broker-merchant and the consumer. The merchant is the one who deals with money, representing the mediation between goods for the sake of more money. In the terrain of political economy it is he, rather than the criminal and/or conqueror, who destabilizes and challenges the integrity of the body-politic. It is argued that trade is by its very

nature that which is over and above 'use' and so necessarily dedicated to the sanctum of profit.¹³⁰ The variables that determinate this equation of trade and profit are, thus, outside the domain of the Kingdom and beyond its control; hence the prosperity of Kingdom and the trader's gain enjoy an indeterminate relationship; as opposed to the landlord and the labourer who literally form and integrate the body-politic experiencing its prosperity and decline. The merchant is, thus, the one who is automatically suspect as his profits and national prosperity are not transparent terms. While the merchant is, thus, the suspect, he is not immediately blamed, because the merchant by himself cannot cause the decline, but can only add fuel to a fire already started. And it is here that the text exhorts the landlord to spend wisely and manage their lands well. Only he who spends on luxuries and is swayed by the fashions, can encourage the merchant in turn and corrupt his lands¹³¹. Here, the analogy with the kingdom takes its starkest hue: just as the economical landlord represents the prosperous kingdom, one who cannot be a proper husbandman must similarly spell the decline of the kingdom. In this way the moral quality of frugality is encouraged, in the face of trade, especially foreign trade, and its temptations. And this once more forms a striking contrast to the evaluation of Barbon, who underlines the necessity of consumption, even in luxuries, in oiling the wheels of commerce.

Though Locke extorts one to be economical, he understands full well the contemporary importance of trade and its relationship with wealth, and this is a tension that is never fully resolved. Contrasting it with conquest, he argues that trade did make the kingdom rich, and was all the more necessary in England which had no access to mines. It is in his specific contribution to what has come to be known as the re-coinage controversy that the specific aspect of the determinate — at the level of signification — comes to occupy a hitherto unprecedented insistence. While in general terms the specific value of money is held to be a variable, in this specific context the silver portion of the coin is held to signify its intrinsic value. Neatly separating words and things — marking a clear departure from the intended arguments and the unintended implications of his other work — denomination has absolutely no relationship to value, and it is the silver content that can serve as its real index. People exchange

things in a market, and when they accept money they accept the relationship between denomination and silver content. Public authority is that which assures the integrity of the relationship between (silver) content and number, and thus plays its role in guaranteeing value rather than expressing it¹³². This is the reason Locke argues against coining the money lighter, since this would simply mean treating the clipped coin as the real coin. This was a direct response to Lowndes who had proposed that the silver content should be reduced in the coins, thus raising its denomination (value in this sense). On the other hand, it is insisted that this would be a general defrauding, because people were exchanging for the determinate silver content, not simply to acquire the stamp of the Public. Most importantly, taking a position that is both in continuity with, and a critique of the *Essay*, he argues against any change, which in his perspective, would only prove the instability and vulnerability of the present itself, placing one on the slope where it would be impossible to distinguish between the present as the sign of the 'natural', and the clipping of the present, whose meaning and value would, henceforth, prove intrinsically elusive. This is why the standard itself is left essentially as arbitrary while at the same time its mere existence is taken as its infallibility¹³³; the (present) perfect representation of the natural forces (in) political-economy.

Already we see a reiteration of the tension not only in the theory put forward in *Some Considerations*, but also the more general epistemological position sketched out otherwise. For our purposes it is also important to underline that a substantial subplot of the silver-intrinsic value thesis lies in the evaluation of foreign trade. Foreign trade is conducted based on the par, the proportion of relative silver content. When Locke argues about the intrinsic value of silver he in effect tries to radically distinguish the commodity nature of money; something that he had emphasized earlier. This is why to the argument that coining money lighter was a response to the rising value/scarcity of silver; Locke simply points to this being impossible. Here the argument is reiterated through example; if in an island the currency were caco nuts then the numbers would have to be equivalent at all times even if with time numbers stood for different things i.e. there occurred inflation/deflation¹³⁴. Here the theoretical aspects of Locke's argument appear weak in that they take silver as

having a determinate value, while the mode of this determination is left undermined. Moreover, the main emphasis — in the context of the re-coinage controversy — lies on politico-social implications. First, the State was disavowing its responsibilities in refusing to back its denomination-silver content ratio that already existed, and in this sense, the argument coincides with the argument against the Public setting interest rates. The status quo was as such a result of the ‘natural-logic’ of exchange patterns and interference, in any form, would in itself be unjust and counter productive. Another facet of such interference would be its deleterious effects on different classes. Here also a rather paradoxical point is pursued: while it is claimed that the creditors would lose, it is simultaneously claimed that the debtors wouldn’t gain. The only real gainers from such a measure according to Locke would be the hoarders, men who had large sums of money, as well as the mint-officers¹³⁵. For such people would re-coin at great advantage through a re-coinage that would raise the value through lessening silver content. And here one sees once again the ambiguities in Locke’s writings on money and trade, the understanding on the one hand of the need for money and its circulation for trade and riches, and on the other hand the general condemnation of the acceleration of desires which in fact serve as a medium for trade. In a deeper sense, the Public itself is naturalized as the condition(al), and not recognized as an (already) active agent, hence arguments against its ‘interference’ relapse into an argument about its invulnerability.

Unlike Barbon, who had argued that desire was the buzzing milieu for trade, Locke is more ambivalent. And he recognizes the critical role of the international setting in the series of exchanges within England — one of his key arguments against Lowndess was that by altering silver content one was changing the rules established by the ‘par’ of the exchange rates between various national currencies — he at the same time is not able to conceive an active role for England within the international milieu. It is in this sense that his clear-cut distinction between conquest and trade is fundamentally challenged in various ways, even if sometimes disguised, by Child, Barbon and Locke. Recognizing the links between finance, trade, its increasing capacities to support and undertake war, and its role in a ‘centralization’ with an ever widening domain and influence, the

former are able to sketch a theory of sovereignty that will at once prove more accurate and enduring than the 'political-labor' accented theory of the received Locke. In effect they are able to connect the growing source of revenues (financiers and the taxes) and view them as political problems, while at the same time underlining employment in its relationship to trade and manufacturing; here we may note that in Locke's class theory there isn't even a place given to the manufactures, it consisting solely of the labourers, the land-lords and the brokers. In this context, the derivation of the intrinsic value – silver content – from labouring in the mines reveals in acute fashion Locke's missing the boat, the sails of the emerging discursive networks of sovereignty. Financial groups wanting the monopoly of the East India trade were able to raise as much money as the land tax, and thereby secure rights from King William for his wars in the continent, just a few years after their failed attempt to undertake a major war in the subcontinent. While the importance of the Company as a 'political interest' group had been understood throughout the long 17th century, as has been well sketched by Brenner, the relationship between its fiscal structure and its military might has been less attended to. Here while in a general sense Locke's theory of money (as the critique of labor) in the *Second Treatise* as well as his theory of desire (which has no determinate object like the will, and consists in the general milieu of unease) outlined in the *Essay* may be vindicated, a more specific understanding of sovereignty in its labor-Public guise seems to have been rendered obsolete at the moment of its conception by both the concentration of national power as well as the operationalization of its international spread.

Encrypting the Crypt/Arcana Impeiri: *How Political-Economy Makes the Political*

THE PEOPLE AS THE POLITICAL

With the Reformation the 'people' as a category gets readily introduced into the framework of a discussion on the constitution of sovereignty in the European continent. The writings of the Monarchomachs with their theory of the ancient contract between people and King as underlining sovereignty, and the immediate and mediate implication of the possibility of the overturning of

monarchical authority in the wake of a breach in trust and obligation. On the other hand, the Absolutists write of sovereignty as an 'analytic implication' using logic to shore up the authority of monarchical power. Thus, Jean Bodin argues that the legitimacy and the power of the king emerges directly from God and isn't at all mediated by the people. However, keen to distinguish the absolutism of the monarch from the 'despotism' of the East, Bodin also insists on the importance of customary law. Many commentators of Bodin have underlined this although there is no dispute in the scholarship on the fact that for him the 'people' in-themselves were not an independent source of authority¹³⁶.

In England, a transformation in political idiom occurs with the publication of the "Answer to the Nineteen Propositions". In the rush of the pamphlet wars during the civil wars, law-making comes to be recognized as the critical component of sovereignty. Relying on medieval traditions as well as experiences in the continent, parliamentarians try and argue that the king could not simply dismiss the propositions of parliament. Here we see the introduction of the 'community' centered theory of sovereignty where the community becomes a source of authority, and is held by certain of the radical faction of the parliamentarians, to be the mediating power between the king and God. However, the idiom of the sanctity of kingship itself is never completely questioned. Using the theory of 'balance' present in the "Answer", parliamentarians use the argument of the 'single major' or the king's two bodies for their purpose. Implicit in this political position is the theory of the historical antiquity of the House of Commons. With the Restoration, there is a renewed attempt by Royalists to derive the legitimacy of the King directly from God and not from the community. Simultaneously, a battle over the historical importance of the House of Commons ensues: the 'Brady Controversy'. This is, of course, key to the evaluation of the contemporary powers of the King in relation to the House of Commons, and implicitly the community. While the Exclusion Controversy had the indulgence as its subject, historians have argued that in fact a constitutional principle was at stake: could the King use his prerogative to negate statutes? In broader terms, did sovereignty emerge from a co-ordination principle or did it ultimately reside in the King? The Glorious Revolution and the simultaneous

Bill of Rights seemed to have resolved the question for the moment although the delicacy of the issue is clearly evident by attempting to maintain continuity by speaking of the “abandonment” by James. For the moment it seemed as though sovereignty lay in the conjoint authority of King, Lords and Commons.

Critical to Whig ideology of the late 17th century was the triennial sessions on parliament and its powers. Locke’s *Treatises* don’t immediately follow on this political agenda. Even on the question on the Prerogative he is not in favor of the Legislative (the Parliament). Rather, at the moment of crisis, power reverts to the community; although famously there is no means spelt out to determine who it is that is really rebelling. But sketching out a direct reversion to the community rather than to a constituted body like the parliament allows the ‘people’ as a category to come back into focus as the source of ultimate political power. This is a position that also goes beyond the Huguenot (Monarchomach) theories of the preceding century in that, while for the Huguenots, the original contract was between the King and the people, the Lockean contract is ‘between’ the people in the setting up of political authority¹³⁷. But it is also a return to Hobbes and the natural law tradition¹³⁸, with Locke’s particular contribution lying in its theory of property and political labour.

This is a brief history of ‘the people’ and it was without doubt a critical component of political ideology from the civil wars onwards to the late 17th century: the focus of this chapter. However, it is in the terrain of political economy that the people can be embodied and instrumentalized and, thereby, rendered intelligible and expressed, both as parts and as a whole, as sketched above. While in political discourse the people formed the referent in a discussion that was either championed or denigrated, it is in the strategies and tactics of political economy that the people is rendered meaningful through its paradoxical deconstruction into a multitude of objects. It is not the people in general but the quality of people — labour — that articulates in a dramatic and meticulous fashion the value of man-people and simultaneously relocates it — value — in its participation with/in and in the enumeration of things. Dissolution enables a reconfiguration that doesn’t simply repeat its point of departure, and this takes form in a series of ways. On the one hand, there is the

cataloguing of people as things objects numbers. What was earlier a specific political technology of rule becomes a newly refined science; for such experiments were earlier, as in the old census and the Down Survey in Ireland, essentially markers of conquest. Now, “the” people are objectified in numbers according to certain criteria — income, place of domicile. The this – thingness – of the people is extracted and scripted in the sheets of arithmetic only to then be subject to the larger machinations and *telos* of political calculation. So a tax regime is but the result and redoubling of public credit. On the other hand, exists the more material conversion of labor into goods and money subject to the mercantilist ethos of ‘commerce’, where patterns of large scale exchange which is often global in scope directly affect the everyday livelihood of the populace, whether on the question of price-inflation/deflation or employment. Time and number are the factors that mediate between labor and political economy.

Conclusion/Passage

Contrary to the conventional perspective, this chapter has argued that ‘modern’ natural rights as found in Locke and Hobbes cannot be characterized as “subjective’ and neither can they be fully unravelled without taking into consideration the theoretical linkages between reason, sovereignty and God¹³⁹, which regulates the distinction between person and person, private and public, person and thing. Such a rubric inscribed political power within the very essence of being-human, and at the same time fully recognized the possibility of dehumanization whether in crime and/or war. It is in this context that the ‘contract’ can be understood, the crucial issue being that even in Hobbes, contrary to the claims of the more recent scholarship, the distinction between the state of nature and civil society is not a real one, i.e. it is artificial and strategically reversible. This is indexed through the nexus of sovereign right and reason within a theological horizon – retained even in the civil society — as well as the perpetual inter-text of that other state of nature (inter-polity relations). Such a conception of man that exists on the sliding scale of nature is further accentuated by Locke’s elaboration of political economy wherein money very soon re-codes labor as the figure of value, allowing a reorienting of politics into one that *sui*

generis opens out to the domain of political-economy. In almost reverse gear, at the moment of political action par excellence, conquest, Locke had argued that one had “despotic” right over the life but not the estate, once more underlining the ‘super cession’ of property over the person.

If the philosophical idiom is such that allows for the expression of value in terms that overcome the political potential of the human qua human, it is in this context that one can interpret the workings of the East India Company, and the writings of Davenant, Barbon and Child. Such a discourse reveals that just when, one can locate the allegedly torturous origins of modern-state building and the articulation of modern notions of political right, it is already besieged by problems of a distinct and organically linked order: the linking of the Public to rationales that have little to do with ‘its’ people (Public debt/credit and taxes) and the new exchanges between commerce, financial liquidity and war (whether in relation to the Public or Transnational ‘Merchant’ corporations). In this sense, just as Locke by focusing his analytic attention on labour/property had begun the possibility of a re-orientation away from ‘right’, mercantilists and the state of affairs, were raising the stakes, ratcheting it up a notch further. Barbon argues that money expresses sovereignty more directly than Locke is willing to concede, Davenant can distill a medium in which commerce and conquest meet, and the East India Company further undertakes juridical and executive functions. Rather than viewing these perspectives as competing visions and lexicons — whether ‘civic humanist’ and ‘juridical’ — the attempt has been made to locate their integration in the problematic of the nexus that composed itself of commerce and law, market and the public, and whose relations were anything but clear, but whose essential unity was never put in doubt. Even while in theoretical terms the languages as developed by Locke and Hobbes allowed for a representation of the interchange between war and trade, man and thing, this was being immediately reconfigured at different, perhaps more radical, levels.

In this sense it should come as no surprise that the navigation laws of time and scholarship have sunk the mercantilist problematic, and now the wreckage remains the provenance of the specialist. While Grotius, Hobbes and Locke find harbour at many a port, and

have been renewed time and again for theorizing the conversion of labor into politics through the free individual, Child, Barbon and Davenant have been consigned to the museum of history. But it is no coincidence that the encryptions they were undertaking in trying to link international trade to sovereignty, and war to production would be distorted and ridiculed as jumbled ramblings by their successors' texts even as they find their unrecognized voices in the events to come. It is only by accepting that the relations between politics and money, exchange and war, polity and inter-polity, are anything but settled, that we can render intelligible, and perhaps meaningful, the discourse of these mercantilists. And here the East India Company, a trading-body that continues to trade-war, for the next 150 years or so, acquiring an empire and managing a regime hitherto unprecedented in scale and style, certainly builds a promontory, a vantage point from which the relationship between war and trade is out at sea.

NOTES

1. See Thirsk and Cooper Ed. *Seventeenth Century Economic Documents* (Oxford: Clarendon Press 1972). A sample of the discourse is as follows: "All free subjects are born inheritable, as to their land, so also to the free exercise of their industry, in those trades whereto they apply themselves, and whereby they are to live. Merchandise, being the chief and richest of all other, and of greater extent and importance than all the rest, it is against the natural right and liberty of the subjects of England to restrain it into the hands of some few". Sir *Edwin Sandy's Report from the Committee on Free Trade*, 1604 (437). "There was a motion made, that the House should enter into debate according to his Majesty's pleasure, both of the causes and the remedies of the want of money...first in the case of the lowest we should find that they had inheritance of their hands taken from them through monopolies and restraint of commerce..", *The Same Commons Debate Recorded by Sir Thomas Wentworth*, 1621. (2). "The said bill was contrived for sinister ends and purposes of private men, and to carry on a monopoly against the common and statute laws of this realm". *Lobbying By the White Paper Makers*, 1690. (314). See also William Sykes, *To the right honourable, the High court of Parliament. The humble remonstrance of William Sykes merchant, for free trade in transporting and importing lawful and needful commodities* (1646) . See *Making of the Modern World The Goldsmiths'-Kress Library of Economic Literature* (hereafter MMW)

available at <http://www.columbia.edu/cgi-bin/cul/resolve?clio5495305> . Here the argument is made that “free trade was a birthright” for those of the commonwealth and that the “monopolizers” like the East Indies Company and the Turkey Company haven been “sellers of the inheritable right” and have caused great grievance to the community at large. See also *An Apology for the English nation: viz. that it is as much the interest for the English nation, that the trades to the East-Indies and Africk, should be as Free as That to Spain* (1695), where it is claimed that “Every man by equal right or the Law of Nature may entertain Commerce or Trade with one another by exchanging things”. Available in MMW.

2. The classic statement on the introduction of despotism as a critical term in 17th and 18th century Europe is R. Koebner's. See his . “Despot and Despotism: Vicissitudes of a Political Term”. *Journal of the Warburg and Courtauld Institutes* (XIV, 1951, pp. 275-302). For a fine reading of the constitutive role of despotism within the Greek political see Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press 1958). All relevant references to Aristotole's *Ethics* and the *Politics* may be found above. In this context, see also Karl Polyani, “Aristotle Discovers the Economy” in *Trade and Market in the Early Empires: Economies In History and Theory* edited by Karl Polanyi, Conrad M. Arensberg, and Harry W. Pearson (Chicago : H. Regnery 1971). Even in Shafterbury's *Characteistics of Men, Manners, Opinions and Times* (1711) ones sees the use of ‘economy’ in the Greek sense as well as in the sense it has come to acquire in the later 18th century: the general ordering of objects.
3. See Niccolo Machiavelli, *Prince* (New York: St. Martin's Press 1964), p. 15. For the classic work on the introduction of Machiavelli to English thought see J.G.A. Pocock, *The Machiavellian Moment* (Princeton: Princeton University Press 1975)
4. Other than *Machiavellian Moment* *ibid.*, see also David Armitage, *Ideological Origins of the British Empire* (Cambridge: Cambridge University Press 2000)
5. See J.G.A. Pocock, *The Ancient Constitution and Feudal Law: A Study of English Historical Thought in the Seventeenth Century*, (Cambridge: Cambridge University Press 1957). For a critique, see Q. Skinner “History and Ideology in the English Revolution”. *The Historical Journal*, Vol. 8, No. 2 (1965), pp. 151-178 See also Weston, C.C. and Greenberg, J.R., *Subjects and Sovereigns: The Grand Controversy Over Legal Sovereignty in Stuart England* (Cambridge: Cambridge University Press 1981)
6. See *Machiavellian Moment* *op.cit.*, *Virtue, Commerce and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century*

(Cambridge: Cambridge University Press 1985); *Ideological Origins of the British Empire* op.cit.

7. See Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (New York: Oxford University Press 1999)
8. See Richard Tuck, *Natural Rights Theories, their Origin and Development* (Cambridge: Cambridge University Press 1979). Here Tuck argues that the idea that man was the subject of 'natural rights' in pre-civil society was a scholastic inheritance although Grotius's argument against the equivalence of dominion in a state of nature and civil society was a humanist inheritance. See also Richard Tuck, *Philosophy and Government 1572-1651* (Cambridge: Cambridge University Press 1993). Here it is argued that although the humanist lineage is emphasized by speaking of the importance of 'self-preservation', as a critical skeptical-stoical virtue in the turn to Tacitus, in late Humanism it became linked to the importance given to the doctrine of the *raison of state*. In *Rights of War and Peace*, Tuck argues that the contemporary state of international relations was used to imagine the 'state of nature' of pre-civil society. I cannot go into here explicitly the set of fascinating insights developed in these works such as that it was a theory of natural rights that could justify slavery (for one owned ones liberty like ones property and so was able to sell it, a notion foreign to Thomistic traditions and inspired by nominalistic ones), or that is the right to violence in the state of nature and international relations mutually re-enforced one another, but the problematic will be retained. Tuck's work can well be supplemented by Brenner's *Merchants and Revolution* especially as regards the 'interests' of the new merchants in supporting the Parliamentary cause and its relation to the Spanish and Dutch interests. See Robert Brenner, *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550-1653* (Princeton: Princeton University Press 1993)
9. See Hugo Grotius, *Freedom of the Seas* (New York: Oxford University Press 1916), p. 62
10. Ibid. p. 30
11. All of Tuck's work cited above documents the intimate relation between Hobbes and Grotius, through Selden, on the question of 'natural right'. As opposed to Grotius, Selden of course argued that there was no negative community and rights were already proportioned.
12. See Shapin and Schaffer, *Leviathan and the Air-pump: Hobbes, Boyle and the Experimental Life* (Princeton, N.J.: Princeton University Press 1985). This study ties to relate the scientific and political theories of Hobbes. It relates the conflict between the metaphysical notion of cause

(Hobbes) and the experiment as description. (Boyle). Unfortunately much of the scholarship on Hobbes doesn't treat as a problem the relation between his epistemology and his politics. For instance, Tuck deals with his epistemology in a discussion of the *Elements of Law*, but doesn't note its importance to the *Leviathan* in *Philosophy and Government* op.cit. To thus say Hobbes was following an epistemology that depended on a "non representational theory of perception" would need greater clarification.

13. See Thomas Hobbes, *Leviathan* (Indianapolis: Hackett Publishing Company 1994). "Besides, if any one (or more) of them pretend a breach of the covenant made by the sovereign at his institution, and others (or one other) of his subjects (or himself alone) pretend there was no such breach there is in this case no judge to decide the controversy; it returns therefore to the sword again, and every man recovered the right of protecting himself by his own strength contrary to the design they had in the institution" p. 112. "But if a man be held in prisons or bonds or is not trusted with the liberty of his body, he cannot be understood to be bound by covenant to subjection and therefore may, if he can, make his escape by any means whatsoever". (145). "For rebellion is but war renewed". (208). However, a full discussion of Hobbes – which cannot be attempted here — cannot do without linking the question of natural right and the Jewish question for which see my, "Equality, Right and Identity: Rethinking the Contract through Hobbes and Marx". *Telos* 154 op.cit.
14. See *Leviathan* op.cit., chapter XX. "Of Dominion Paternal and Despotical". "And this kind of dominion or sovereignty differeth from sovereignty by institution only in this, that men who chose their sovereign do it from fear of death, and not of whom they institute. But in this case they subject themselves to whom they are afraid of. In both cases they do it from fear, which is noted by those that hold all such covenants as proceed from fear of death or violence void; which if it were true no man in any kind of commonwealth would be obliged to obedience" p. 127.
15. Ibid. For the private as the articulation of the foreign, see p. 146
16. William Blackstone, *Commentaries on the Laws of England*. Vol. IV. p. 154 (Chicago: University of Chicago Press 1979)
17. See Anderson's *Origins of Commerce* Vol. II. (Dublin : Printed by P. Byrne 1790), p. 149. See also John Bruce, *Annals of the Honourable East India Company* (London: Black, Parry and Kingsbury 1810) . For secondary sources see below endnote 18.
18. For a birds eye view history of the East India Company see (the suitably titled) Philip Lawson, *The East India Company: A History* (London: Longman 1993). For fine analytical accounts based almost

exclusively on primary sources see K.N. Chaudhuri, *The English East India Company: The Study of an Early Joint Stock Company 1600-1660* (New York, Reprints of Economic Classics 1965) and *The Trading World of Asia and the English East India Company 1600- 1760* (Cambridge [Eng.] ; New York : Cambridge University Press 1978) and for an interesting narrative account see part one of Holden Furber, *Rival Empires of Trade in the Orient 1600- 1800* (New Delhi : Oxford University Press 1990). For a clear and compelling argument for the critical importance of the East India Company in an understanding of the history of economic thought see William Barber, *British Economic Thought and India, 1600-1858: A Study in the History of Development Economics* (Oxford: Clarendon Press 1975). See also, *Merchants and Revolution* op.cit., for a tracing of the different typologies of trade and traders – the merchant adventures, the Company merchants and the New Merchants – and their rise and fall. Brenner is also particularly useful in tracing the relationship between the Company and the Crown, and its position in the larger European scene of colonial and mercantile rivalry. Yet this assessment of the ‘decline’ of the Company merchants in the face of the New Merchants may well be contested.

19. For the Portuguese context as well as the initial forays into trade see S. Subramanyam, *The Career and Legend of Vasco De Gama* (New York: Cambridge University Press 1997)
20. See, *Annals of the Honrable East India Company* op.cit.
21. See Sidney W. Mintz, *Sweetness and Power: The Place of Sugar in Modern History* (New York: Penguin Books 1986) and Ferdinand Braudel, *Wheels of Commerce* (New York: Harper & Row 1982)
22. Thomas Mun, *Discourse in Trade; From England to the East Indies* (New York, The Facsimile text society 1930)
23. See, *Merchants and Revolution* op.cit.
24. See, *Annals of the Honrable East India Company* op.cit.
25. Ibid.
26. For the *Nayakas*, see, Subramanyam, Shulman and Rao, *Symbols of Substance* (Delhi: Oxford University Press 1992). See Col. Love. See *Vestiges of Old Madras*. (3 vols.). (London: J. Murray 1913), pp. 15-24.
27. Ibid., p. 18. The importance of horses, and the military dimension of the political problematic has of course been emphasized time again, from Simon Digby to Andre Wink.
28. Col. Love. See *Vestiges of Old Madras*. (3 vols.). (London: J. Murray 1913), p. 496.
29. This paragraph has mainly used that wonderful collection of primary sources put together by Col. Love. See *Vestiges of Old Madras* op.cit.
30. For a details on this conflict see Bruce Lenman, “The East India Company and Aurangazeb” *History Today* 37, no. 2 (February 1987): pp. 23-29.

31. This is what is generally understood to come under the category of 'mercantilism'. For a recent critique of this category see D.C. Coleman's "Mercantilism Revisited", *The Historical Journal* Vol. 23, No. 4 (Dec 1980), 773-791. Other studies that have been largely intellectual histories of the period in terms of individual contributions see William Letwin's *Origin of Scientific Economics* (Garden City, N. Y., Doubleday 1964), Lars Magnusson, *The Shaping of an Economic Language* (London: New York: Routledge 1994), Terence Hutchinson, *Before Adam Smith: The Emergence of Political Economy*, (Oxford: B. Blackwell 1988), Douglas Vickers, *Studies in The Theories of Money* (New York : A. M. Kelley 1968) and Andrea Finkelstein, *Harmony and the Balance* (Ann Arbor: University of Michigan Press 2000). See also Joyce Appleby, *Economic Thought and Ideology in Seventeenth Century England* (Princeton: Princeton University Press 1978) for a thematic approach, that however is interested in plotting a scientific teleology for these writers and suggests that what can be seen as mercantilism proper can be identified towards the end of the 17th century where a static bullion oriented model replaces a dynamic one. My differences with the above studies are methodological as well as substantive, what is seen as a move to greater scientificity in Letwin and Appleby to me signals a 'forgetting' of the politico-military, and even an otherwise nuanced work such as that of Finkelstein's at times is teleological to the extent that it includes a discussion on GDP and uses this modern definition as a measure for Davenant. In addition, most of the above studies are intellectual histories whereas my interest is in ideas as they are transformed within as well as inflect a political discursivity. For a counter reading of the commercial though the political see Brenner, *op cit*. On more substantial terms the above studies read Child only for his views on interest, and as will be evident I have explicitly challenged Letwin's characterization of Child as bullionist.
32. Works that have acquired a classic status on early modern and modern Britain have underlined the importance of the Company but have continued with denominating their activities as "trade". See John Brewers, *Sinews of Power: War, Money, and the English State, 1688-1783* (Cambridge, Mass: Harvard University Press 1990) and Linda Colley, *Britons: Forging the Nation, 1707-1837* (New Haven: Yale University Press 1992)
33. The importance of the question of employment in this 'phase' has been underlined. See Keynes to Furniss and from Magnusson to Finkelstein.
34. See *Early English tracts on Commerce* McCulloch, J.R. (John Ramsay), 1789-1864. (Cambridge [Eng.] University Press 1954), pp 115-211. For a broad overview of this shift in terms see William J

Barber's *British Economic Thought and India, 1600-1858* (Oxford : Clarendon Press, 1975) pp. 28-56. Barber examines the late 17th century debate on prohibiting East India imports.

35. "Why should we interrupt that Trade, which not only affords us the cheapest Commodities in the World, but likewise encourages the Building of large ships, which in cases of necessity may be useful for the defense of the Kingdom", *Eleven queries humbly tender'd, relating to the bill for prohibiting the wearing of East-India silks, and printed and dyed calicoes* (1697). Available in MMW
36. Even the unknown author who is critical of the Company on the importation of manufacturing products makes it clear that "for it is not the East India Trade in general that is complained of, nor that we seek relief against; but only such of the goods as interfere with our own Manufacturers". P. 21 in *Reasons humbly offered for restraining the wearing of wrought silks, bengals, and dyed, printed, and stained calicoes, of the product and manufacture of Persia and the East-Indies, in England and our plantations* (1699). Authorship unknown; available in MMW.
37. "as shall serve instead of our own manufacturers which used to employ the largest number of our poor.. ..yet there is nothing more at the bottom of their design, than their own private gain, to enrich themselves in particular though it be to the Extremist damage and prejudice to the nation in general" pp. 4-5, *The great necessity and advantage of preserving our own manufactures: being an answer to a pamphlet intitul'd The honour and advantage of the East-India trade, &c* (1697) written by a "Weaver of London". "If this Trade be profitable, it is only for private persons and not to the Nation; for better lost than kept" in *An Answer to the Eleven Queries* (1697). Available in MMW.
38. "...the great business of the Nation being first but to keep the Poor from Begging and Starving and ensuring such that as are able to Labour and Discipline, that they be hereafter useful Members of the Kingdom" (75). See the whole of chapter 2 entitled "Concerning the Relief and Employment of the Poor" pp. 55-79 in Josiah Child, *A discourse concerning trade*. Available in MMW.
39. "Where-ever Wages are high universally throughout the whole World, it is infallible evidence of the Riches of the Country" in the Preface to *A discourse concerning trade*. Available in MMW.
40. This is most explicitly theorized by Child and the anonymous author in *Early English tracts on Commerce* and seems to be the implicit assumption of all the tracts examined. This chronological placement of the labour theory of value has sanction even in Marx when he reads Petty. See *Theories of Surplus Value* (New York: International Publishers 1952)

41. "Whereas in truth the Stock and Riches cannot properly be confined to Money, nor ought Gold and Silver to be excluded from being Merchandise, to be traded with, as well as any other sorts of goods" p. 4, Thomas Papillion. "I am of opinion that Silver and Gold, coined or uncoined, tho they are used for a measure of all other things are no less a commodity than Wine, Oil, Tobacco, Cloth, or Stuffs; and may in many cases be exported as much to the Natural advantage as any other Company" p. 4 in Josiah Child, *A Treatise*; available in MMW
42. "In Spain the usual interest is ten and twelve per cent, and there, notwithstanding they have the only Trade in the World for Gold and Silver, Money is nowhere more Scarce; the people poor and despicable, and void of Commerce other than such as English, Dutch, Italians, Jews and other foreigners bring to them; who are to them in effect, but as Leeches, who such their blood and vital Spirit from them". p. 15. Ibid.
43. See chapter one pp. 1- 55 as well as the section entitled "A Small Treatise against Usury" (pp. 205 – 240) in Josiah Child, *A New Discourse on Trade*; available in MMW.
44. "Paper money is nothing but credit". See *Early English tracts on Commerce* op.cit., p. 577
45. See pp. 106 – 112, Chapter entitled "Concerning Transference of Debts" in Josiah Child. For a discussion on the Dutch serving as a model see *Economic Thought and Ideology in Seventeenth Century England* op.cit. Other than Child, William Temple was of course the foremost admirer of the Dutch.
46. As a matter of fact many of the most important political economists of the 17th century were trained physicians. Among them were William Petty, John Locke and Nicholas Barbon.
47. This is not to underplay the strain of Protestantism that one at times finds in Child.
48. "...as for his comparison that the worsted weavers of Norwich may as well complain against the silk weavers of London, it is altogether false and illusive; for London and Norwich are Members of the Same Body and therefore what is laid out with One or Other is still within the Nation and will circulate like blood in the Veins. But all the Treasure laid out with the Indians for their Manufacturers to wear here, is as entirely lost for ever to think Kingdom, as the Blood that by cutting the Veins, being shed upon the ground is to the body" pp. 10-11. *The great necessity and advantage of preserving our own manufactures: being an answer to a pamphlet intitul'd The honour and advantage of the East-India trade, & (1697)* ; available in MMW.
49. On the specific argument for an act of Naturalization see chapter VII, "Concerning Naturalization", pp. 122-127 in Josiah Child. For an

argument for the deleterious effects of Trade on the population see *Reasons humbly offered for restraining the wearing of wrought silks, bengals, and dyed, printed, and stained calicoes, of the product and manufacture of Persia and the East-Indies, in England and our plantations* where it is held that.”

50. “It is evident that this Kingdom is wonderfully fitted by the bounty of God Almighty for a great Progression in Wealth and Power; and that the only means to arrive at both or either of them, is to improve and advance Trade; and that the way to those Improvements is not hedged up with thorns, nor hidden from us in the dark, or intrigued with Difficulties, but very Natural and facile, if we would set about them, and begin right away casting off some of our own mistaken Principles in Trade, which we inherit from our Ancestors, who were Soldiers, Hunts-men, and Herds-men, and therefore necessarily unskillful in the mysteries of, and methods to improve Trade” in, Josiah Child, the Preface to *A Treatise*.
51. “A Naval power never affrights us; Seamen never did nor ever will destroy the Liberty of their own Country: They naturally hate Slavery because they see so much of the misery of it in other Countries. All tyrannies in the World are supported by Land-Armies: No absolute Prices have great Navies, or great Trades” (28) in J. Child, *A Treatise*; available in MMW. This is a point that Brewer makes in *Sinews of Power* without being reflexive about the military dimension of the Trade something Child is more than ever of.
52. “The East India Company of England, Holland, and all other European Traders have power by their Charters to Make War upon any Nation in India at their Discretion. This is a power they must and ought to have for the well carrying of their Trades” (38). And besides “my fifth argument is drawn from the great Losses, Damages and Depredations that the Nation sustained in the short time of three years of open trade” (35). *A Treatise*; available in MMW.
53. Pp. 14 - 15 in *A Discourse Concerning Trade*, op cit. On the critique of apprenticeship cf. with Adam Smith’s *The Wealth of Nations* (London: Penguin Books 1999) and its identification with a Corporation, pp. 70-71.
54. P. 159 in Josiah Child, in *A Treatise*; available in MMW.
55. “that Foreign Silks that come ready wrought with their painted Calicoes, are generally slight and very cheap, and set up the meaner of People (as Maid-Servants, and others) in the garbs of Gentry, which otherwise would wear the decent, useful and profitable wear of Cloth, Kerfies and other stuff made of Wool” in *Reasons humbly offered for restraining the wearing of wrought silks, bengals, and dyed, printed, and stained calicoes, of the product and manufacture of Persia and the East-*

- Indies, in England and our plantation*; available in MMW. On the counter argument where such imports underlined social distinctions, see pp. 287-290 in *The Trading World of Asia and the English East India Company 1600- 1760* (Cambridge: Cambridge University Press 1978).
56. See “Considerations upon the English Trade” in J. R. McCulloch, *Early English Tracts On Commerce* (Cambridge: University Press 1954). pp. 541-631.
 57. *Ibid.* p.563.
 58. One almost hears Adam Smith here with the labour theory of value along with the division of labour, on the one hand, and the argument for there to be open trade and the Government to take over in the East, rather than have a Company rule, on the other hand. See *Early English Tracts On Commerce* op.cit., p. 566 and *Wealth of Nations* (Oxford: Oxford University Press, 1976) p. 84.
 59. Thus, a purely economic reading of credit founding capitalism through ‘forgetting’ its political dimensions is hardly salutary. On such a reading see Jean Favier, *Gold and Spices: The Rise of Commerce in The Middle Ages* (New York: Holmes and Meier 1998). Favier writes as though the western economy was autonomous and following its own destiny, such a thematic elaborated through the liberal use of metaphors such as ‘horizons’. Schumpeter’s understanding of credit too as the enunciator of a certain break within the ‘economic circle’ is unhelpful in its blindness to the politics of such a maneuver. On this see J. Schumpeter, *The Theory of Economic Development : an Inquiry into Profits, Capital, Credit, Interest*, (Cambridge, Mass: Harvard University Press 1934). Detailed studies on the ‘financial revolution’ such as Dickinson and Rosevere are also of not too much help here. Bruce Caruthers takes his point of departure the political nature of public credit but focuses this question largely in terms of political parties – the Whigs and the Tories. See his *City of Capital: Politics and Markets in the English Financial Revolution* (Princeton: Princeton University Press 1996).
 60. Brewer’s work has demonstrated that the very issues on which Adam Smith was at times critical about – the nature of the English State – might have led to its rapid development. See *Sinews of War* op.cit.
 61. I use metonymy in the Lacanian sense to not just indicate a range of juxtaposed associations but more importantly an anxiety provoking series of displacements. This anxiety was often expressed by the ‘republican’ tracts of the times in the following sign chain: riches - luxury - effeminacy -slavery. See Lacan, “Instance of the Letter” in *Ecrites* for Lacan’s understanding of metonymy. And see *The Machiavellian Moment* op.cit. for an account of the English republican reception of Machiavelli.

62. Nicholas Barbon, *Discourse of Trade* in MMW.
63. Ibid, the "Preface"
64. Ibid, the "Preface" and p. 11. Barbon writes, regarding Mun's argument, "This is true of a Person but not of a nation; because his Estate is Finite, but the Stock of a Nation Infinite, and can never be consumed; For what is Infinite, can neither receive Addition by Parsimony, nor suffer Diminution by Prodigality". "The Wants of Man are infinite, Man naturally Aspires as his Mind is elevated, his Senses grow more refined and more capable of delight". p. 14.
65. Ibid. "Prodigality is a vice that is prejudicial to the Man but not to Trade; It is living a pace, and spending in a year, that should last all his life: Coventousness is a Vice prejudicial to Man and Trade" p. 32.
66. This is of course in the context of the re-coinage controversy in the late 17th century. Here Barbon seems to have anticipated both Locke's argument, and its retelling by Caffentziz in *Clipped Coin, Abused Words and Civil Government: John Locke's Philosophy of Money* (Brooklyn, N.Y. : Autonomedia 1989) where it is argued that Value could be produced ex nihilo if one took coin to the market in Amsterdam melted it and re-coined it, by saying that the profits would be too small in comparison to the risks (death penalty) for the rich; and the poor wouldn't be able to afford such an undertaking. See *A Discourse concerning Coining the New Money Lighter* p. 68 in MMW. On the re-coinage controversy, the classic description remains that of K Horesfield's *British Monetary Experiments* (Cambridge, Mass., Harvard University Press 1960). This is Barbon's summation: "The Question betwixt us here will be Whether Money has its sole Value from the Quantity of Silver in each piece of Coin Or whether Money has not some Value from the Authority of the Government where it is coined above the Value of Silver" pp. 12. See *A Discourse concerning Coining the New Money Lighter* op.cit., p. 68
67. Ibid., p. 22
68. Ibid. "The Contrary propositions in Answer to Mr. Locke are these: That Money is the instrument and Measure of Commerce, not Silver. That it is the Instrument of Commerce from the Authority of that Government where it is coined; and that by Stamp and size of each piece Value is known. That Money differs from uncoined silver in this, that the Authority of the Government gives a fixed and certain value to each piece of Money, which is generally beyond the Value of Silver in it. That it is Money that men give. Take and contract with for all other Commodities, and by which they estimate the Value of all other things; having more regard to the stamp and currency than to the quantity of Silver in each piece". "It is not absolutely necessary Money should be made of Gold and Silver; for having its sole Value

from the Law, it is not Material upon what Metal the Stamp has been set. Money hath the same Value, and performs the same uses, if it be made of Brass, Copper, Tin or anything else” pp. 16-17.

69. Ibid. “What Mr. Locke means when he says that the intrinsic Value of Silver is the Estimate that common consent hath placed on it, I do not well understand and must be excused if I do not well answer it. If he means that the common consent hath placed on silver; he ought to have given account of how and when they made such agreement” p. 9
70. “The Value of all Wares arise from their Use” (13). “The Price of Wares is their present Value; And ariseth by Computing the occasions for use of them, with the Quantity to serve that occasion; for the Value of things depending on the use of them, the over-plus of Those wares which are more than can be used, become worth nothing; so that Plenty in respect of the occasion, makes things cheap; and scarcity dear”. See, *A Discourse of Trade* op.cit., p. 15. “It is the occasion and usefulness of things that creates Value for them; And it is the Plenty and Scarcity of things in respect to their occasion or use, that makes them of greater or lesser Value; Plenty makes things Cheap, and Scarcity Dear (5). “Value is the Price of Things: That can never be certain, because it must at all times and in all places of the same Value; therefore nothing can have intrinsic value. But Things have an Intrinsic Vertue in themselves; as the loadstone to attract iron and several qualities that belong to herbs, drugs...But these things thought they may have great Virtues may be of small or no value according to the place where they are plenty or scarce..and so are the Spices and Drugs in their own Native soil of no value, but as common shrubs and weeds; but with us of great Value, and yet in both places of the same Excellent intrinsic Vertue” (6-7). See *A Discourse concerning Coining the New Money Lighter* op.cit.
71. “Some upon this consideration are for prohibiting not only almost all sorts of manufactured goods but several other Commodities because they think that they hinder the making and consuming of their own Native Commodities and Manufacturers. But in this they are under a great mistake; and perhaps there is nothing more prejudicial to the Trade of England as the many Laws for prohibiting Commodities, or laying too high a Duty, which amounts to a prohibition: For by such Prohibition, the trade to such a country is wholly lost, by which the profit that the English Merchant used to get by selling the Foreign Goods, the profits of the Owners of the Ship for the Freight, the profit from the Native commodities that used to be sent in Exchange, with the Profit of Customs to the Government are lost”. (42). “That Nation is accounted rich, when the greatest number of Inhabitants are rich.

And they are made rich by Industry, Arts and Traffic. By Industry and Art the Minerals are dug out of the Earth and made useful; the Land made more fertile by which is produced a greater increase in Native Stock: And from the Profit of this the increase of Stock, the people are paid for their Time, Art and Industry, which makes such inhabitants rich. And by Traffic and Commerce the Merchant, Owners of Ships, and Sailors grow rich by carrying away surplus of what is improved more than can be used in the Country, and exchanging it for something that's useful which that Country could not produce; which surplus if it were not carried away, would by its plenty bring down the Value of Native Stock, and put a stop to the Labor and Industry of the People in further improving the Wares of the Country. (49). See *A Discourse concerning Coining the New Money Lighter* op.cit.

72. See above, but also *A Discourse of Trade*. "There are two ways by which the value of things are a little guessed at; by the Price of the Merchant and the Price of the Artificer; That Price that the merchant sets upon his Wares is by reckoning Prime Cost, Charges and Interest. The Price of the Artificer is by the reckoning of the Cost of the Materials, with the time working of them; the Price of Time is according to the Value of the Art and the skill of the Artist...Interest is the Rule that the Merchant trades by; And Time the Artificer, By which they cast up Profit and Loss; for if the Price of their wares so alter either by Plenty, or by change of Use, that they do not pay the Merchant Interest, nor the Artificer for his Time, they both reckon they loose by their Trade. But the Market is the Best Judge of Value; for by the Concourse of Buyers and Sellers, the Quantity of Wares, and the Occasion for them are Best known: Things are just worth so much, as they can be sold for according to the Old rule, *Valet Quantam Vendi Potest*". (16). See, *A Discourse of Trade* op.cit.
73. "Credit is a Value raised by Opinion, it buys Goods as Money does; and in all Trading cities theres more Wares sold upon credit, than for present Money" (18-19). *A Discourse of Trade*. "For things have no Value in themselves; It is opinion and fashion that brings them into use and gives them a value:" (43). " Things have Value by being useful to supply the wants of the Mind, are all such Things as satisfy Desire (Desire implies a want and it is the Appetite of the Mind and as Natural as Hunger is to the Body)..and things of the greatest Value are used to set forth the Pomp of Life; such as all sorts of fine Drappers, Gold, ..they are badges of the Rich and serve to make distinction or Preference among them" (2-3). *A Discourse concerning Coining the New Money Lighter* op.cit. "Fashion or the alteration of dress is a great Promoter of Trade, Because it occasions the Expense of Clothes before the Old ones are worn out; It is the Spirit and Life of Trade" (33).

“Beside, There is another great Advantage to Trade by Enlarging of Cities; the two Beneficial Expenses of Clothing and Lodging are increased; Man being naturally Ambitious, the Living together, occasion Emulation which is seen by Out-vying one another in Apparel, Equipage and Furniture of the House.” (34). In *Discourse of Trade* op.cit. See also Richard Cantillon’s *An Essay On The Nature of Commerce in General* (New Brunswick, N.J. : Transaction Publishers, 2001) for a similar evaluation of cities. Werner Sombhart and Max Weber too underline the city as a center of consumption.

74. “It is difficult to keep a Country in Subjection, as to Conquer it. The people are too numerous to be kept in obedience; to destroy the greatest part, were too Bloody and Inhuman; To Burn the Towns, and Villages and so force the People to remove, is to loose the greatest share in conquest; for the People are the Riches and Strength of the Country”. (29). “The ways of preserving Conquests gained by Sea are different from those of Land. By the one the Cities, Towns and Villages are burnt, to thin the People, that they might be easier governed; by the other the Cities must be enlarged and New ones built” (30). *A Discourse of Trade* op.cit.
75. “However as soon as their treaty was made public they cried it up among the obsequious herd, whom they had long accustomed to applaud whatever came from them; these they persuaded to approve of a counsel that did so plainly put an aspiring monarchy into a better posture both at land and sea to enslave Europe, than it was before the war. They themselves immediately became a foreign faction..they whose principal had heretofore been, that parliament had a right to enquire into leagues and alliances, and be consulted in matters which had relation to war and peace, came presently to give up that essential point and have nothing in their mouths but the prerogative” (332). See, Charles Davenant, *An Essay on the Balance of Power*. In Charles Davenant, *Political And Commercial Works*, Vol. III (London : printed for R. Horsfield, T. Becket and P. A. DeHondt, and T. Cadell, and T. Evans 1771).
76. This is perhaps the one issue that all of Machiavellian scholarship from Louis Althusser to Isaiah Berlin and from Quentin Skinner to J.G.A. Pocock agree on. Again the classic statement on Machiavelli and his relationship to English republican through is *The Machiavellian Moment* op.cit. Much of the discussion on Davenant is as indebted to, as it is engaged with, Pocock’s reading of Davenant. In the words of Davenant, “By virtue I do not mean that which is commonly opposed to vice but by virtue I here understand piety to out country, zeal for its interest or glory, patience under adverse fortune, temper in prosperity, obedience to discipline and the laws, foresight in business,

secrecy and firmness in councils, vigor in action, courage, military skill, thirst or honor, magnanimity; and these are the virtues upon which dominion is founded". *An Essay Upon Universal Monarchy* See, *Political And Commercial Works* (Vol. IV) op.cit.

77. Of course the fact that money as quantity was useful only in its circulatory capacity (quality) can be found in Petty. "Nor were it hard to substitute in the place of money (were a competency of it wanting) what should be equivalent unto it. For Money is but the fat of the body-politic where off too much doth often hinder it Agility as too little makes it sick". See William Petty, *Economic Writings* (New York: A.M. Kelley, Bookseller 1963-64), p. 113.
78. This has been well documented but the scholarship on Davenant. See Pocock, Hont and Finkelstein.
79. Political Arithmetic is the phrase coined by William Petty. He clearly demarcates the need of this science for holding the King and the populace accountable to one another. The other well known 'political arithmetician' was Gregory King. Both these figures are mentioned with great respect by Davenant although he is also all too aware of the lack of complete certitude in this science. See Hoppit, Julian Hoppit, "Political Arithmetic in Eighteenth-Century England". *The Economic History Review*, New Series, Vol. 49, No. 3 (Aug., 1996), pp. 516-540. See also the discussion in Mary Poovy, *The History of the Modern Fact* (Chicago: University of Chicago Press 1998).
80. "No small proportion of our gentry have neglected and lost their country-interest by hawking after preferments at court, so that elections come to be made at random, without any regard to virtue or merit; at which we are not to wonder, when the gentlemen have been taught to sell their votes by a long practice of exposing their own voices in St. Stephen's chapel...the busy men of the town they who talk and appear most about, have a different interest from that of their country. They neither mind peace nor war but as their Bank, new or old East India Stock, may thereby be affected; the interest of Europe weighs nothing with them, in comparison of the interest upon their tallies; they think a high discount upon exchequer bills, bank notes, malt or lottery tickets would be of worse consequence than the King of Spain's will. They are not at all concerned when it is represented to them that France, in a very short time, may supplant us in our Spanish or Turkey trades.... it is to be feared that making the highest stations of the kingdom the rewards of treachery and base compliance, by bribing members of parliament with pensions and places, and by the immense gains which a negligent and corrupt ministry has suffered private men to make out of the kingdom's treasure, almost all ranks of men are come to be depraved in their

principles ...everyone is upon the scrape for himself without any regard to the country; each cheating, ranking and plundering what he can and in a more profligate degree than has ever yet known. In short this self-interest runs through all our actions and mixes in all our councils” (301-2). “To begin with what comes most in our present view: the very foundations of our liberties have been struck at, by the audacious attempts that some persons have lately made to bribe and corrupt the boroughs, in their elections of members for this parliament. It is said, there are known brokers who tried to stock-job elections upon Exchange; and that for many boroughs there was a stated price..for many attempts have been made to corrupt here and there a borough, but the cry was never so universal as at this time; it comes now from the east, west north and south. Some persons have considerable stocks in the bank of England, and in the New East India Company, are more particularly charged with these facts. It is to be hoped, neither of these societies as they are a body, have promoted or countenanced these proceedings; for if this should appear, they have drawn themselves the kingdom’s utmost indignation” (326-7). See *Balance of Power in Political And Commercial Works*, (Vol. III) op.cit.

81. “They will desire to know what necessities could compel men of business to give such large premiums and high interest; and whether the promoters of the council so pernicious did not lend their own money; and whether they have not been parties deeply concerned themselves in usurious contracts; they will enquire upon what consideration, and for what services immoderate grants of lands and money have been made, and they will do it the more strictly if such grants were passed, it should happen that the nation was indebted and paid heavy taxes”. (363). See, *Administration of Public Affairs in Political And Commercial Works*, (Vol. IV) op.cit.
82. “There is likewise another piece of economy after which for some time or other it may be worthwhile to make enquiry. The old-East India Company offered to raise two millions then wanted and to deposit £ 200,000. to make good their proposal, not did they propose or expect any premium or deduction whatever; yet their offer was discouraged and rejected by some of our men of business; and the same persons found it reasonable to allow a new company a premium of £ 6,500. which defaulted out of the first payment of £ 200, 000. part of which premium is contrary to the express direction of the act of parliament. It will cost England a large tax to raise the sums lavished in these two instances, but we shall say no more upon these particulars, leaving the reader to make his own comment upon such unaccountable proceedings” (293). “France was once upon a right foot in relation to its liberties; and they who peruse their history will care to find, that

arbitrary power did not so much bring in highest taxes, as high taxes introduced arbitrary power; for when that golden idol of an immense revenue was once set up, all the nation bowed to it" (297). See, *Political And Commercial Works*, (Vol. IV) op.cit.

83. With regard to the East India trade Davenant states, "But there seems good reason to fear, that a regulated company will not invite unto the trade a large sum of money, as may be brought in for adventures in a joint-stock; that such a form will be inconsistent with a nature of this Traffic. ...it is a large treasure running in this channel with a constant and continued course that much enrich England, and not a few ventures made by starts at random, in an unsettled manner." He goes on to mention the fortifications build by the East India Company and asks "The question therefore will be, incase of a regulated trade, whether these forts and places of strength shall be preserved or slighted?" (130-1). See, *Political And Commercial Works* (Vol. II) op.cit. "Upon the whole matter it does seem evident enough, that their Trade cannot be preserved by an alliance and treaty of commerce with Indians; that forts and places of strength are essential to its preservations and protection; that these forts cannot be conveniently held and maintained by adventurers under a regulated company; that a regulated company may set the trade so loose at home and so weaken it abroad, as to endanger its utter loss and that to manage it with a joint-stock seems most good for this kingdom" (137). See pp. 126-145. *On the East India Trade*. See *Political And Commercial Works*, (Vol. II) op.cit. It is thus strange to hear Hont when he says "If England wished to remain a strong, glorious and independent nation, it had very few options. It must strive for commercial empire through *its dominion in the seas*; it must retain and exploit the *captive markets* of its own territorial control, whether in Ireland or the West Indies, and must restructure its domestic industries in accordance with *rules of international price competition*. There is no reason to doubt Davenant's sincerity when he argues in principal for a free constitution, for freedom in the international arena, or for the well being of the English working classes" (emphasis mine). See I Hont, "Free trade and the economic limits to national politics" in *Wealth and Virtue* op.cit. . It is this aspect of the explicit linkaging of commerce and military prowess that is less foregrounded in Armitage's otherwise rich discussion in *Ideological Origins of the British Empire* op.cit.
84. See Otto Freidrich Gierke, *Natural Law And The Theory Of Society 1500-1800* (Cambridge : The University Press 1950)
85. See Eli F Heckscher, *Mercantilism Vol. 1*. (London: George Allen & Unwin Ltd. New York: The Macmillan Company 1955) pp. 269-294. Unfortunately this point and the admirable emergence of the

centralization that Heckscher documents in the first volume has been ignored and his rather more schematic presentation of wealth and power as well as his famous ‘fear of goods’ given pride of place in the reception of this work. See *Revisions of Mercantilism* op.cit. On the claims of the East India Company as representing the interests of the nation, see section one.

86. See Hegel’s *Elements of the Philosophy of Right* (Cambridge: Cambridge University Press, 1991) pp.79-81.
87. See *On The Plantation Trade*. See, Charles Davenant, *Political And Commercial Works*, (Vol. II) op.cit.
88. On the argument about the nature of the East India trade see above foot note. On ‘Europe’, “By what has been here advanced, we hope to have made it apparent, that there may and does lie the same necessity upon great empires to enlarge their foreign business, as upon smaller states and dominions; and that it imports England as well as Amsterdam, Venice, Leghorn, and the other trading cities of the world, not to fetter up its treasure by laws and prohibitions but rather give it a free course in order to get more”. One has to note the elision the cataloguing of cities to ‘the world’. (117).
89. “That by this Grant God gave him not Private Dominion over the Inferior Creatures, but right in common with all Mankind.” (157). “yet in respect of God the maker of Heaven and Earth, who is sole Lord and Proprietor of the whole World, Man’s Propriety in the creatures is nothing but that *the Liberty to Use them*, which God had permitted” (168). “Property and Fatherhood being as different as Lord of Manner and Father of children” (195). Locke makes it clear that sovereignty arises from begetting and nurturing and so in this power is also ‘universal’ and thus finally political society can be only a function of consent; of course this excludes children who are under their parents protection. Reproductive labor is the other sign of the human that guarantees its universality. See, *Two Treatises of Government*. Ed. Peter Laslett (Cambridge: Cambridge University Press 2002)
90. See John Locke, *An Essay Concerning Human Understanding* (London: Penguin Books 1997) p. 195. We cannot ascertain whether this is a recuperation-continuation of the Greek mathematical cum philosophical problematic of the one and the many. Jacob Klein has brilliantly argued that it was this problematic where the unit and the amount were cast in the same terms that made it impossible for the invention of a symbolic language like algebra that depended on the introduction of the zero. Thus the difficulty encountered by the Greek mind in relating arithmetic (discrete units –the “numbered assemblage”) and geometry (continuous magnitude). This makes any direct relation between the one as an ontological problematic

and the numbered aporetic. See Jacob Klein, *Greek Mathematical thought and the Origins of Algebra* (Cambridge, Mass: M.I.T. Press 1968). Leibniz in his correspondence with Arnauld says “it is the animated substance to which matter belongs that is truly one being, and the matter taken as a mass in itself as only pure phenomena or well founded appearance, as also space and time...I accept of course that we can give the name ‘one’ to a collection of inanimate bodies even if no substantial form connects them just as I can say ‘there is a rainbow’, ‘there is a flock’; but that is a phenomenal unity or a unity of thought, which is not enough to constitute what is real in phenomena” (131-2). See F.G. WLeibniz, *Philosophical Texts* Trans. and Ed. R.S. Woolhouse (Oxford: Oxford University Press 1998)

91. Foucault in *Discipline and Punish* often claims his study as the underside of contract theory. Elsewhere in the move from King Kong to Tom Thumb, Foucault is brilliant in the schematization of the abnormal and the plane on which jurisprudence and psychiatry, in their discourse, as well as in their institutional formulations, articulate onto one another; but he is less interested in the recursive and recoiling nature of the *conceptual* movement from man to monster to criminal – something I’ve tried to attend to in Locke. See his lectures of 74-75 titled *Abnormal* (New York: Picador 2003). See also Sylvere Lotringer Ed. *Foucault Live* (New York: Semiotext(e) 1989) where he says “I therefore left the problem of the basis of the right to punish to the side, in order to make another problem appear, which I believe was more neglected by historians: the means of punishment and their rationality. But that does not mean that the question of the foundation of punishment are not important. On this point...we no longer know what we are doing when we punish and what principal, at bottom, can justify punishment. p. 427.
92. See, *Two Treatises of Government* op.cit., p. 297. These passages have been noted by John Dunn, in *The political thought of John Locke* (London: Cambridge University Press 1969), and more recently by Jeremy Waldron in *God, Locke, and Equality* (Cambridge: Cambridge University Press 2002). While Dunn tries to ameliorate the situation by the use of metaphor (they should be treated as-though), for Waldron this is a greater embarrassment for unlike Dunn he wants to argue for the essentially Christian religious foundation of Lockean equality. Waldron never succeeds in squaring this with Lockean equality which is not surprising since equality presupposes the more fundamental problematic of identity (being and unity), and since it is this that shifts the problem of equality it can never be addressed a la Waldron who fails to note the intrinsic conceptual connections between conqueror, criminal, beast, property, labor and money. This inattention of the

aporiatic ontological implications is what mars Waldron's analysis of Lockean ideas such as equality and species, which we have interpreted differently. Leibniz's position on animals and reason is unclear for though affirming their "lack of reason and freedom" they can still be managed through reason, for "rewards serve us no less in managing animals: when an animal is hungry, the food that is given to him causes him to what otherwise would never be obtained from him". (160). See *Theodicy: Essays on the Goodness of God, the Freedom of Man, and the Origin of Evil* Trans. E.M. Huggard and Ed. A. Farrer (La Salle, Ill. : Open Court 1985). Thus for Leibniz "there is a connection between the perception of animals which has some resemblance to reason. But it is only grounded in the memory of facts or effects and not causes. That is what happens when a dog runs away from the stick with which it was beaten, because memory represents to it the pain it was caused. In fact human beings, to the extent that they are empirical – which is to say three quarters of what they do – act just like animals". See *Principals of Nature and Grace Based on Reason* in *G.W. Leibniz: Philosophical Texts* op.cit., p. 261. The dog analogy continues with his engagement with Pierre Bayle and is explained through continuous apperceptions rather than sudden change. This is of course picked up by Deleuze. For our purposes it only seems necessary to underline that the fundamental distinction for Leibniz is the metaphysical distinction between the eternal truths and the principal for sufficient reason, final causes (souls) and efficient causes (body) and it is this that cuts across other classifications of the world such as say the distinction between man and animal. Hume radicalizes this position as we hope to show in the next chapter.

93. See, *Treatises of Government* op.cit., p. 284.

94. "But force or a declared design upon the Person of another, where there is no common Superior on Earth to appeal for relief, is the *State of War*; And tis the want of such an appeal give Man the Right of War : and even against an *aggressor* though he be in Society and a fellow Subject. Thus a *Thief*, whom I cannot harm by appeal to the Law for having stolen all I am worth, I may kill, when he sets on to rob me, but of my Horse or Coat: because the Law which was made for my Preservation, where it cannot interpose to secure my Life from present force, which if lost is capable of no reparation, permits my own defense and the Right of War, a liberty to kill the aggressor because the aggressor allows not time to appeal to our common judge , nor the decision of the Law, for remedy in a Case, where the mischief may be irreparable. *Want of a common judge with Authority, puts all men in a State of Nature: Force without Right, upon a Man 's Person, makes a State of War, both where there is and there is not a common Judge*" (281).

The states of War and Nature have coalesced. Further, “Should a Robber break into my House, and with a Dagger at my Throat, make me seal Deeds to convey my estates to him, would this give him any Title? Just as a Title by his Sword, has an unjust conqueror, who forces me into submission. The injury of the Crime is equal whether committed by the wearer of the Crown or some petty villain” (385). See, *Two Treatises of Government* op.cit. In Hobbes we can detect a similar ‘regression’ into Nature – which is, of course, not to claim no distinction with Locke – but to only underline a collusion. “.. but against enemies whom the commonwealth judgeth capable to do them hurt, it is lawful by the original right of nature to make war, wherein the sword judgeth not nor doth the victor make distinction of innocent and innocent.....and upon this ground it is also in subjects who deliberately deny the authority of the commonwealth established the vengeance is commonly extended ..because the nature of this offence consisteth in the renouncing of subjection, which is a relapse into the condition of war, commonly called rebellion; and they that so offend suffer, not as subjects, but as enemies. For rebellion is but war renewed” (208). In Hobbes too the relations between commonwealths are described as existing in a state of nature. It may also be pointed out here that for Hobbes the distinction between the acquisitive and instituted sovereignty can also be undone in that both are based of fear.

95. “The Old question will be asked in this matter of Prerogative, But who shall be Judge when this power be made use of? I Answer: Between an Executive Power in being, with such Prerogative, and a legislative power that depends on his will for their convening, there can be no Judge on Earth...the people have no other remedy in this, as in all other cases where they have no Judge on Earth, but to appeal to Heaven. (379) Or further “...if any Men find themselves aggrieved, and think the Prince acts contrary to, or beyond that Trust who so proper to judge as the Body of the people (who at first lodged that trust in him)how far they meant it to exceed? But if the Prince or whosoever they be in the Administration, decline by way of Determination, the Appeal then lies no where but to Heaven. Force between either persons who have no known superior on Earth, being properly a State of War, wherein the appeal lies only to Heaven, and in that state the injured party must judge for himself, when he will think fit to make use of that Appeal, and put himself upon it” (427). Hobbes had similarly argued, “Besides, if any one (or more) of them pretend a breach of the covenant made by the sovereign at his institution, and others (or one other) of his subjects (or himself alone) pretend there was no such breach there is in this case no judge to

decide the controversy; it returns therefore to the sword again, and every man recovereth the right of protecting himself by his own strength contrary to the design they had in the institution". See *Leviathan* op.cit., p.111. Of course this is not to deny the counter point/ repetition in the Lockean text that 'rebellion' was an act by political authority in the reneging of trust and in cases of political oppression people "therefore had a right not only to get out of it but to prevent it" (411). See, *Treatises of Government* op.cit.

96. See, *Essay Concerning Human Understanding* op.cit., p. 100
97. Ibid. p. 424
98. Ibid. p. 134. "Whatsoever the mind perceives in itself, or is the immediate object of perception, thought or understanding that I call idea; and the power to produce any idea in our mind, I call quality of the subject wherein that power is".
99. Ibid. p. 447. "Substantial form" as a recognizable scholastic category while similarly critiqued, in fact ridiculed, by Hobbes, is found useful by Leibniz who writes in his correspondence with Arnauld, "If the body is a substance, and not a mere phenomenon, like the rainbow, or a being unified by accident or by aggregation like a heap of stones, it cannot consist in extension, and we have to conceive of it as having something like what is called a substantial form.. which in some ways corresponds to the soul. Almost despite myself I have finally been convinced of this, after having earlier been very far from it. Nevertheless, however much I agree with the Scholastics on this in general and so to speak the metaphysical explanation of the principle of bodies..". See *Leibniz: Philosophical Texts* op.cit., pp. 113-114.
100. See, *Essay Concerning Human Understanding* op.cit., p. 507.
101. Ibid. p. 463
102. Ibid. p. 409. This very same argument with gold as an example is repeated obsessively, pp. 513-523. "And thus speaking of a man, or gold, or any other species of natural substances, as supposed constituted by a precise real essence, which nature regularly imparts to every individual of that kind, whereby it is made to be of that species, we cannot be certain of the truth of any affirmation or negation made of it. For man, or gold taken in this sense and used for species of things constituted by real essences, different from the complex idea of the speaker, stand for we know not what: and the extent of these species, with such boundaries, are so unknown and undetermined, that it is impossible with any certainty, to affirm, that all men are rational, or that gold is yellow." Here the distinction between substance and mixed-mode and (Caffentziz) and archetype and ectype – see, James Tully *A Discourse on Property: John Locke and his Adversaries* (Cambridge: New York : Cambridge University Press

1980) — is more intricate and problematic than it is made out to be. Hegel will say “but the line of demarcation of what is distinctive of, say an elephant, oak, gold, of what a genus and what a species, passes through many stages into the endless particularization approximates again to singles, and again, here and there, descends to it entirely, there is opened up an inexhaustible supply of material for observation. But here, at the boundary line, of the universal where an immense field is opened up for that instinct, it can have found not an immeasurable wealth, but merely the bounds of Nature and its own activity. It can no longer know whether what appears to possess intrinsic being is not really something contingent”. G.W.F. Hegel, *Phenomenology of the Spirit* op.cit., p. 148. One cannot but think that the elephant is from the Jaina metaphor, a familiar cliché to Orientalist scholarship.

103. As Locke tells the Bishop of Worcester, “though to me sensation be comprehended under thinking in general..” See *Essay Concerning Human Understanding* op.cit., p. 705.
104. Ibid. p. 568
105. Ibid. p. 347
106. Ibid. p. 347
107. This is what Kant would critique as the physico-theological proof of God although Locke was by no means using this as a proof.
108. See, *Essay Concerning Human Understanding* op.cit., p. 549.
109. Here we trace Hobbes’s second objection to Descartes’s *Meditations*. As Hobbes says, “I am a thinking thing tis true; for because I think or have a phantasme (whether I am awake or asleep) it follows that I am thinking, for I think, I am thinking signify the same thing. Because I think it follows that I am, for whatever thinks cannot be nothing. But when he adds, that it is, a mind, a soul, an understanding, reason, I question his argumentation; for it does not seem right consequence to say I am a thinking thing, therefore I am a thought, neither I am understanding things, therefore I am understanding. For in the same manner, I may conclude I am a walking thing, therefore I am walking itself”. See R. Ariew and D. Garber Ed. *Descartes Works in Translation* Vol. II, (Bristol: Thoemmes Press 2002).p. 118. In Locke’s words, to the Bishop of Worcester, “ In short, my Lord, upon my principles, I.e., from the idea of thinking, we can have a certainty that there is a thinking substance in us; from hence, we have a certainty that there is an eternal thinking substance. This thinking substance, which has been from eternity, I have proved to be immaterial. This eternal, immaterial thinking substance has put into us a thinking substance, which, whether it be a material or immaterial substance, cannot be infallibly demonstrated from our ideas”. See, *Essay Concerning Human*

Understanding op.cit., p. 700.

110. This is argued through in the subsequent correspondence with the Bishop of Worcester where authorities from Cicero and Virgil to Scripture to ethnography are all employed to allow for the possibility of the spirit being a kind of body and the soul not necessarily being immaterial though immortal. See pp. 698-99, 720-726. See, *Essay Concerning Human Understanding* op.cit. While Leibniz's position seems comparable, it is odd when he writes with clear reference to Locke, "There is another significant point on which I must differ not only from our author but from most of the moderns: I agree with most of the ancients that every Spirit, every soul, every created simple substance is always united with a body and no soul is ever entirely without one". *New Essays on Human Understanding* (Cambridge: Cambridge University Press 1981) para 58. This is where his doctrine of the "pre-established harmony" comes in, detailed in among other places, in the *Theodicy*; but see also the correspondence with Arnauld. Leibniz perhaps did not have access to the last exchange of letters between Locke and the Bishop where the former makes his position clear.
111. The structure of this argument is not foreign to even someone as different as Kant. Kant writes, "The purposes that we must presuppose even for cognizing the inner possibility of many natural things is quite unthinkable to us and beyond our grasp unless we think of it, and the world as such, as a product of an intelligent cause". Later, "For it seems that judgment is quite unable to study, even if it restricts itself to experience as a guide, [how] such objects are possible, without [using] the teleological connection of causes and effects. [Yet] it also seems that for external objects as appearances we cannot possibly find an adequate basis that refers to purposes, but it seems instead that, even though this basis also lies in nature, we must still search for it only in natures supersensible substrate, even though all possible insight into that substrate is cut off from us". See Kant's *Critique of Judgment* Trans. Werner S. Pluhar (Indianapolis/Cambridge: Hackett 1987), p. 286, p.294.
112. See *Essay Concerning Human Understanding* op.cit., p. 224.
113. This can be explored through Locke's well known distinction between primary and secondary qualities. The simple ideas of solidity, extension, figure, motion, or rest, and number, called "primary qualities", are the inferred constituents of any act of thought-perception and are not to be taken as the merely received. By naming them primary qualities, Locke makes it quite clear that they are the primary "powers" of what has to be seen as distinct – even if indistinguishable – from oneself as perceiving (ideas). Qualities are

not the real predicates of really existing and designatable objects, but rather that which is produced in us (“power”) when confronted by precisely what we can never really know. The opaque depth of the ‘object’ is also illustrated by the secondary qualities which are said to be more clearly experienced by us and in no way characterizing the object as such. The difference between the two is that while in the first case we cannot think an object as not being constituted by them in the second case this is possible even while what is experienced can clearly be demonstrated to be thought-perception leaving in suspension the precise relation between them and the ‘object’. “And such as sense constantly finds in every particle of matter, which has bulk enough to be perceived, and the mind finds inseparable from every part of matter, though less than to make itself be singly perceived by our senses e.g. take a grain of wheat divide it into two parts, each part has still solidity, extension, figure and mobility; divide it again and it still has the same qualities” (p. 135). Ibid. The very distinction between primary and the secondary qualities are characterized as unknowable: “Nor can reason show, how bodies by their bulk, figure, and motion should produce in the mind ideas of blue, or yellow” (p. 141). We see here an objective correlate of the relationship between mixed modes and substances and the indefinite link between objective powers and subjective acts and as Locke says, “Since the mind, in all its thought and reasonings hath no other immediate object but its own ideas, which it alone can contemplate, it is evident that our knowledge is only conversant about them” (469).

114. Locke Ibid., p. 225. “The idea then we have, to which we give the general name substance, being nothing but the supposed, but unknown, support of those qualities we find existing, which we imagine cannot exist *sine re substante*, without something to support them, we can the support *substantia*; which according to the true import of the word is in plain English, *standing under, or upholding*” (269). Locke throughout makes it clear that there lay no value in the category of substance in philosophy. For instance see pp. 168-169 when he is speaking of simple modes. “If it be demanded (as usually is) whether this space, void of body be substance or attribute, I shall readily answer, I know not: nor shall be ashamed to my own ignorance till they that ask show me a clear distinct idea of substance...had the Indian philosopher (who imagined the Earth also wanted to bear it up) but thought of this word substance, he needed not to have been at the trouble to find an elephant to support it, and a tortoise to support his elephant, the word substance could have done it effectually...so that of substance we have not idea of what it is, but only a confused idea of what it does”. Such instances can be multiplied.

115. Ibid. p. 55.
116. Ibid. p. 378.
117. Ibid. p. 310.
118. Ibid. p. 181.
119. Ibid. pp. 596—607.
120. See *Theodicy* op.cit., 107, 109. Later, Leibniz argues that “external senses, properly speaking, do not deceive us. It is our inner sense which often makes us go too fast”, p. 109. This is naturally linked to the body-soul nexus. See, *Theodicy* op.cit., 107, 109. Descartes had also made clear in his *Meditations* that corporal bodies were inherently obscure.
121. See the *Mediations* by Descartes. See also the objection by Hobbes, who argues that we may well be deceived by God, just as a physician or father might deceive the patient and child for their own sake. This brings in the dimension of purpose, to which Descartes has no real answer. See Objection XV in *Descartes Works in Translation* op.cit., pp. 151-2.
122. Certainty is not different from knowing, and as Locke writes to the Bishop of Worcester, “ For with me; to know and to be certain is the same thing” in *Essay Concerning Human Understanding*, op.cit., p.694.
123. See *Essay Concerning Human Understanding* op.cit., p. 78.
124. “But the goodness of God hath not been wanting to men without such original impressions of knowledge, or ideas stamped on the mind since he has furnished men with those faculties, which will serve for sufficient discovery of all things required to the end of such a being; and I doubt not but to show that a man by the right use of his natural abilities, may, without any innate principles, attain the knowledge of a God, and other things that concern him”. See, *Essay Concerning Human Understanding* op.cit., p. 97. Thus in no way can “somaeconomics” i.e. “the theorization of economic behavior in terms of the emotional and sensual feelings that are both the causes and consequences of economic exertion” be traced to the “empiricist epistemology” of Locke. See Catherine Gallagher, *The Body Economic* (Princeton: Princeton University Press 2006), p. 3.
125. John Locke, *Some Considerations* “Which intrinsic value though it be not natural but only in the opinion of men consenting to it, yet being universal, has generally but not always (for we see that in a Siege or a man of war silver may be of equal value to gunpowder and in a famine Gold may not be worth its weight in Bran) the same effect as it were natural”. (30). “Because a law cannot give to Bills that intrinsic value, which the universal consent of mankind has annexed to silver and gold”. (31) in MMW.

126. Ibid. "Money has a Value, as it is capable of Exchange to procure us the Necessities and Conveniences of Life; and in this it has the Nature of a Commodity, only with this difference, That it serves us commonly by its Exchange, never almost by its Consumption; but has not at all a more standing settled Value in Exchange with any other thing, than any other Commodity has, but are known one, and better fixed by Name, Number and Weight, to enable us to reckon what the proportion of scarcity and Vent of one commodity is to another". (51). "They who consider things beyond their names will find that Money as well as all other commodities is liable to the same changes and inequalities; Nay in this respect of the variety of its Value brought in by time in the succession of affairs, the rate of money is less capable of being regulated by law in any county than the rent of land because of the quick changes that happen in trade" (50).
127. Ibid. "There being no two Things in Nature whose proportion and use does not vary its impossible to set a standing regular price between them. The growing plenty or scarcity of either in the Market (whereby I mean the ordinary places where they are to be had in Traffic) the real use, or changing fashion of the place, bringing either of them more into demand than formerly; presently varies the respective value of any two things. You will as fruitlessly endeavor to keep two different things steadily at the same price one with another, as to keep two things in an equilibrium, where their varying weights depend on different causes. Put a piece of sponge in one scale and an exact counterpoise of silver in the other, you will be mightily mistaken if you imagine that because they are today equal they shall always remain so. The weight of the sponge varying with moisture in the air, the silver in the opposite scale will sometimes rise sometimes fall. This is just the state of silver and gold in proportion of their mutual value. Their proportion, or sue, may, nay constantly does vary and with it their price". (169).
128. It is thus difficult to agree with Kelly when he claims that in the text there is a "tendency to treat supply as a given factor". And further in the footnote (2) "Locke's theory of price, conceived in terms of quantity and vent rather than supply and demand, took quantity as a given and vent as the variable factor" (75). *Locke on Money* ed. Kelly (Oxford: Clarendon Press 1991).
129. Ibid. "For the unequal distribution of land, (you have more than you can or will manure, and another less) brings you a tenant for your land; and the same unequal distribution of money; (I having more than can or will employ, and another less) brings me a Tenant for my money". (54).
130. Ibid. "...that if the Merchants return be more than his Use (which tis

certain it is, or else he will not Trade)” and further “for the merchant may get by a Trade that makes the Kingdom Poor...When a Nation is running to decay and ruin, the Merchant, and the Monied Man, do what you can will be sure to starve last” (86). Interestingly compare this with Hobbes’s characterization of the ‘private’ as the possible articulation of the foreign. “Private are those which are constituted by subjects among themselves or authority by a stranger”. See, *Leviathan* op.cit., p. 146. Needless to say the Company can thus be read as ‘private’ in two ways then, and so doubly threatening.

131. “Tis not the merchants or the monied man’s gains that makes land fall; but the loss of the kingdom, in our decay of trade which the land always first feels. If the landed gentlemen will have by his example make fashionable to have more claret, spices, silk, and other foreign consumable wares, than our exportation of commodities does exchange for; money must unavoidably follow to balance the account, and pay the debt” (115). The criticisms of fashions and luxury can be found on pp. 92-95. See, *Some Considerations* op.cit.
132. “Men in their bargains contract not for denominations or sounds, but for the intrinsic value; which is the quantity of Silver by public Authority warranted to be in pieces of such denominations. And tis by having a greater quantity of Silver, that Men thrive and grow richer, and not by having a greater number of denominations; Which when they come to have need of their money will prove but empty sounds if they do not carry the real quantity of Silver is expected”. (415). “For it is only the quantity of silver in it, that is eternally the measure of its value”. (416). “For when the Coin, is as it should be, according to the Standard (*let the Standard be what it will*) weighty and unclipped, it is impossible that the value of Coin Silver should be less than the value or price of Uncoind; Because as I have shown, the value and quantity of silver are the same..this instance therefore of the present price of Bullion, proves nothing but that the quantity of Silver in money governs the value of it, and not the denomination”. (428). See, John Locke, *Further Considerations* in MMW.
133. “The having the Species of our Coin One Fifth bigger, or One fifth less than they are at present, would be neither good nor harm to England, if they had always been so. *Our standard has continued in weight and fineness just as it is now, for very near this hundred Years last past: And those whole think the Denomination and Size of our Money have any Influence on the State of our wealth, have no reason to change the present Standard of our Coin;* since under that we have had a greater Increase, and longer Continuance of Plenty of Money, than perhaps any Other country can shew; I see no reason to think that a little bigger or less Size of the pieces Coined, is of any moment one way or

t'other. *The Species of Money in any country, by whatsoever Sizes, fit for Coining, if their proportions to one another be suited to Arithmatic and calculations in whole numbers, and the Ways of Account in that country; if they are adapted to small payments, and carefully kept to their just Weight and Fineness, can have no harm in them. The Harm comes by change, which unreasonably and unjustly gives away and transfers Mens properties, disorders, trade, puzzles Accounts, and needs a new Arithmatic to case up Reckonings and keep Accounts in; besides a thousand other Inconvinences; not to mention the Chanrge of recoinng the money*". (463). John Locke, *Further Considerations*. Emphasis mine. See also above where he says "let the standard be what it will"; available in MMW.

134. Ibid. p. 437.

135. Ibid. pp. 443-44.

136. See J M Franklin, *Jean Bodin and the 16th century Revolution in the Methodology of Law and Hýstory* (New York: Cambridge University Press 1973)

137. See for instance *The Ancient Constitution and Feudal Law* op.cit., "History and Ideology in the English Revolution" op.cit., *John Locke and the theory of Sovereignty: Mixed monarchy and the Right of Resistance in the Political Thought of the English Revolution* op.cit., *Philosophy and Government* op.cit., and *Subjects and Sovereigns* op.cit.

138. See for instance *Natural Law And The Theory Of Society 1500- 1800* op.cit., and *Natural Right's Theories, their Origin and Development* op.cit.

139. The extent to which 'natural reason' (and the attendant theological horizon) was critical to the Hobbesian construction has been obscured by the secondary literature. See *Leviathan*. op. cit. When defining the "right of nature" Hobbes argues it is that "which writers commons call *jus naturale*, is the liberty of each man hath to use his own power, as he will himself, for the preservation of his own nature, that is to say of his own life, and consequently of doing anything which, in his *own judgment and reason*, he shall conceive to be the aptest means thereunto". (emphasis mine). And "A law of nature is a precept of general rule, *found out by reason*, by which a man is forbidden to do that which is destructive of his life or taketh away the means of preserving the same, and to omit by that which he thinks it may be best preserved" (79). (emphasis mine). What mediates both is "reason". Later, "But God declareth his laws in three ways: by the dictates of natural reason by revelation, and by the voice of some man to whom by the operations of miracles he procureth credit with the rest. From hence ariseth a triple word of God, rationale, sensible, and prophetic, to which correspondeth a triple hearing, right reason sense supernatural and faith." (235). For instance see the chapter "Of the Kingdom of God by Nature", "And here it comes to pass that

intemperance is naturally punished with diseases; rashness with mischances, injustice with the violence of enemies' pride with ruin' cowardice with oppression: negligent government of princes with rebellion; and rebellion, with slaughter. For seeing punishments are consequent to the breach of laws, natural punishments must be naturally consequent to the breach of the laws of nature, and therefore, follow them as their natural not arbitrary effects. *And thus far concerning the constitution, nature and right of sovereigns, and concerning the duty of subjects, derived from the principles of natural reason*". (243). There is neither the "negative liberty" of Berlin, (and followed by Skinner) nor the "voluntarism" as defined by James Tully in *Approach to Political Philosophy* to be found here. For an elaboration of such an argument see my, "Equality, Right and Identity", op.cit.

REMARK ONE

Number: We have underlined the critical importance of number – as well as its unstable status – in the constitution of the political and the economic as well as the ways in which one term fills another. Studies on the scientific revolution have taught us that number and the new mathematics occupy a privileged place in indexing the ‘natural’ world¹. Our studies have tried to relate this to the emerging plane of political economy by tracing a circuit from the nature of the world to the nature of man brokered by the transformative effects of the numerical mechanism; even the simplest of phenomena such as inflation and trade indicate the indeterminate ways in which number and value mediate one another: denomination and coin, price and labour, money and interest, credit and trade². While the modern notion of number may have branched off from the old ‘identification’ of One with the Multitude in the Greek world³, the discourse of political economy seems to resuscitate the specter of nature as it is repressed by the new symbolic formulation of number.

We will proceed by condensing, and hopefully not distorting, one strand of Jacob Klein’s brilliant studies on Greek mathematical thought and the origin of Algebra. The earlier aporias concerned the manner in which the counting number (unit) was a multitude whether in the sense of pure units (number which began at two) or sensory objects (numbered). Both were one and many and therein the platonic introduction of the “eidetic number” so as to give unity to what was otherwise multiple, operating in-between ‘pure’ units (what was arrived at by a separation from the sensory) and the sensory. Yet the eidetic number revealed the real nature of number in the *aoristas dyas*, the two-fold that characterized all logos, articulating at its most fundamental the self-same and the other. The self-same as distinguished from the other was one (self-same) and therein in *distinction* to that which it was not (other), allowing the mixing of being and non-being (other) with no a priori de-limitable boundary. The lie, the false, the error and the illusion were, thus, a kind of being that was non-being, the othering of being, rather than non-being as such (which was inconceivable). Even what were considered opposite – what appears as indubitably *two* – had to be subjected to this dialectic; rest and motion were both a kind of being but each in its own way. This ‘both’ as a kind of being if it were to

have its own nature would have to be neither rest nor motion (seemingly impossible, leads to regress). Therefore, the being of rest and motion would have to have mutually infected each other, revealing the shadowing of being by non-being revealed as being (and non-being). If number (as the *aoristas dyas*) traced the world across logos, the one would have to be that which was the principle of number and not a number itself; the source as whole beyond yet permeating the world. In Aristotle, while pure units are recognized as multitudes (limited and identifiable) their independent status cannot be absolutely cut from their nature as abstracting from things-of-the-world. Critiquing the Platonic chorismos, the unit is functionally related to that which it is a unit of, as measure. However, preserved in this operation is the distinction between the unit and that which is measured (number/numbered).

The introduction of the cipher and the place-value system into mathematics allows for a reconstitution of number as a symbol wherein unit and number are no longer really distinguished. The void (zero) allows for one (the unit) to be but a number. The modality of the number and numbering in ascension (Plato and the Whole) or measure (Aristotle) is abandoned as a problem with number being absorbed into the continuous (magnitude) that had earlier characterized geometry. Number is the 'second intention' (sign of a (first) sign (signifying a thing)) that becomes the first intention (sign signifying a thing). The latter as object is open to a set of operations in which it acquires identity: hence, the importance of treating number as a species. The void is the topos on which identity and operation [operability within a set of rules] can coincide. Its becoming subject to operation (a being/object) and the continua, in which it is abstractly identified, make it indiscernible from a ratio. However, this number is itself object and therein subject to operations even while its precise mode – its definition in terms not merely of itself – is left suspended. Such a notion of number and notation allows abstractions to fly free of that from which they are abstracted by performing specific roles with mathematic calculations. Fictions such as infinitesimals and fluxions though recognized as not-real (being qualified) are still meant to perform functions in reality.

Building on Klein one may say that, it is this tendency that Leibniz will critique through his principle of indiscernables, itself a critique

of the purely numerical distinction. Numbers are not themselves characteristics and therefore cannot characterize objects; no two objects are so alike as to be distinguishable only numerically. Oneness as unity is that which constitutes number and therefore cannot be one of its own constituents except in an ultimately arbitrary, imaginary and therein phenomenal way. Already anticipated in lucid terms are the set theoretic paradoxes which will haunt the early 20th century. Herein, rigor demanded from an ontological perspective is thoroughly investigated and will continue to be done by Berkeley, Kant and then Hegel.

REMARK TWO

Geography: In his *Nomos of the Earth*, Carl Schmitt dives deep to recover a conceptual kernel from the positivistic geography his times. Arguing for re-thinking the organicist link between order and orientation, he gives us a rich narrative and a compelling argument for inscribing the political as a propellant within the juridical category. In Schmitt's schema, the modern state's emergence in the 17th and 18th centuries can only be understood as a necessary consequence of the creedal wars associated with the Reformation, the discovery of the "New World" and the great seas to the East. With the loss of an institutional cum theological referent that decided on the justice of actions and the opening up of the large continental spaces of the Americas, Europe was re-configured into an inter-state system. In a strange way the Americas replace the Church as the 'outside', the vacant spot, looking at which the European powers found themselves in a new equality. Such an atomistic picture this side guarantees war as a matter of form, where its valence is determined by the quality of participants whose nature is itself rendered analogical i.e. equal. Whereas earlier, the primary interpretative looking glass of war focused in on the question of cause – aggression was not an issue as long as the cause was just – the new ethic maintained the nominal equality of entities, where justness was inscribed within the 'juridical person', (only a State – as now 'essentially just' – qualified) undertaking the war, rather than being related to the specific nature the war's cause (in the fullest sense). War was, thus, a recognized code of conduct between legitimate participants contrasted to the (recently 'discovered') free lands to the west and the free seas to the east (where 'trade' flourished). Freedom was here the slate on which any pike could engrave its victims, the arena where one always risked one's life, for in it there existed no law(s). The formalized and bracketed wars of Europe were thereby the 'order' which was itself guaranteed by the free orientation to the domains where Europeans could freely kill one another as well as anyone in sight, east or west. With the awakening of a global dawn, Europe's place in the world had changed from a singular Katechaon endowed with a specific theological orientation to an inter-state system that partitioned the

earth into distinct juridical states. According to Schmitt, it was this distinction between states that coded the meaning of sovereign States within Europe as opposed to the blind slates of freedom elsewhere.

One more bracketing at a stroke signifies the order-orientation nexus (*nomos*) that Schmitt wants to articulate. His own understanding of the emergence of the 'sovereign-state' system can be read symptomatically if one takes the conceptual antinomies within political-economy as a vantage point. Thus, the discourse of political economy – in the way examined above – allow us to interrogate Schmitt's own vision and his investments in the radical separation of Europe and its others. Locke's very theory of resistance – there is no calculus for determining who it is that rebels – puts into suspension the radical demarking of space just as his theory of despotic right retreats to the point where labor bifurcates into things and people. Similarly, Schmitt's resounding silence with regards to the seas as means – rather than the sea as simple arena – is especially shrill when we understand the workings of the East India Company whose very existence expressed in a radical way the unfolding of the seas into the land. The nature of its political threat as an incursion into the State – as for instance is found in Davenant – is accomplished through its ability to grasp at the same time the free aspects of the sea and the firm aspects of the land. And here Grotius – dismissed by Schmitt – provides a language that in fact supports the reversals and combinations of the sea and the land. "Free Commercium" that signified the freedom of trade and passage meant at one and the same time the political and the economic bringing together of the past (Crusades and Trade) and the future (the wars and trade of the Company in the subcontinent). Importantly in the case of the subcontinent where political legitimacy was recognized and the Company as a sovereign representative acquired rights to trade was a case quite different from the Americas where in relative terms annihilation – conquest pure and simple – flowed as blood. Thus, the subcontinent puts into question in a radical way the nature of trade and politics, since the Company came to trade in a sovereign medium (Royal monopolistic privilege as well as the Mughal and other *firmans*) and participated in the political code. This situation cannot be accommodated within the Schmittian schema because

the Company was an integral organ of the English State. On the other hand, even while the (political) violence exercised within Europe may have paled in comparison with what happened in the Americas, the same could not be said of the East where elaborate codes existed between parties. Child's abortive attempt at once shows us both the politico-economic nexus as well as the established 'diplomatic' framework in which polities operated. (There were no wars of annihilation and the English re-established themselves by following the protocols they well comprehended).

Thus, the atomistic picture – and the void as an implicate – that Schmitt gives us will not do. States within Europe were hierarchically arranged, and the relationships they established within the subcontinent cannot but be denominated as political. Davenant could use the language of the rights of conquest (as he did with regards to Ireland), at the same time underline the political nature of fixed capital investments as well as the close and necessary link between financial liquidity and war. Though Schmitt's broader argument about foregrounding the relationship between order and orientation (*nomos*) is certainly valid, it is precisely its conceptual nature that disallows its simple application to an empirically cut up time-space. This can only be explained by Schmitt's own investments, for he is arguing for a return to the ordered state system which is held up as a nostalgic guarantee against what he saw as the nihilism of the 20th century and the advent of total war. Yet this does not convince for there is no reason to believe that a coded war is in some way intrinsically more humane than other wars; there is no reason why at any point one cannot be converted into the other in a sovereign instance. When heaven is witness, what is the nature of war? So Schmitt is neither successful in exorcising the feudal (political action recognizing rights of conquest) nor in fortifying the European states from the elsewhere (there is substantial evidence pointing to the colonial genealogy of the First World War). And if one were to believe Hannah Arendt, the nihilism and total war were consequences of the twining of internal (the Jewish question) and the external (colonial wars) and in this sense germane to the 19th century European setting. But we have already gone too far a field, suffice to note that rather than demarcate the sea (free, that which order is oriented towards) and the land (firmness, order) it seems

more important to locate the various point at which the sea emerges from the land, the land from the sea and render visible where foam turns to shore and isle to empire. In other words, genealogy always unfolds as an invention; the finding and fabrication of a promiscuous *topos*.

REMARK THREE

Credit, or the Primitive Accumulation of Conquest: J.G.A Pocock's *The Machiavellian Moment* has eloquently sketched out for us the ways in which the Whig position towards the end of the 17th century – the period we are considering – was significantly different from the Harringtonian portrayal of Oceania. The emergence of credit and its powers rendered the older republican ideal truly past, and the new alchemy of value that seemed to have lost any direct and perceptible link with material goods and land exercised the imagination of its commentators. While Locke too understood the importance of trade and its role in the production of riches his attitude was marked by an ambivalence never fully resolved; on credit, he had little to say except in the most general sense that all monetary exchange was a form of credit, and when one used public currency then the king was backing the specific coin. This was of course behind his argument linking intrinsic value to silver content. For Locke, contemporary times induced and necessitated trade, but it was not something to be simply and wholeheartedly embraced; hence, his suspiciousness of the merchant whose profits was not proportionally linked with the kingdom's prosperity. On the other hand, like the illustrious natural law tradition that he inherited, he was fully comfortable with the category of conquest. Conquest was recognized and validated within a well articulated framework. If it were undertaken defensively, though of course no clear criteria were ever given for recognizing the signs of 'defense' as opposed to 'offense', it fully formed part of one's natural right. In fact, it was the very extremity of conquest as a measure that allowed a regression of the aggressor into a 'beast' or a 'thing' that could be destroyed; outside the pale of the law he was a legitimate object of the hunt. In the course of defending the rights over the life of the aggressor – that is characterized as "despotic" authority – Locke curiously invokes the Aristotelian sense. Paradoxically, the 'defender' has the right over life, but not the property of the victim, thereby indexing a reversal between person and thing. The person can be destroyed, but his property has to be spared. Once again the original germ that inseminates property as property – life, labour and liberties – forms a complex that cannot be disaggregated into person and thing. Here

the question of conquest is squarely placed within the dynamic of the relationship between labour, property and political authority. What once existed as nostalgia – when referring to the possibility of the time before money as a time of peace – is terminated by the overcoming of the person by himself as property. This arcing of labour into politics, and its vulnerability to a reversion, has no theoretical place for credit in its relation to trade and the exchange of things. Inter-polity relations are but a reiteration of the natural law problematic, as the ever-present state of nature, and have no place for thinking about the effects of long distance ‘trade’.

In recognizing, validating and theorizing a right of conquest, Locke was hardly unusual. Such a right was well ensconced in the political lexicon whether one adopted the idiom of Feudal Law or the Biblical Nimrod, Natural Law of the “despotic/acquired” sovereignty of Hobbes. Conquest was always double, both signaling the vertical (national/natural right) and horizontal (inter-polity/state of nature). With the Glorious Revolution, however, internal revolution/conquest seemed to have been momentarily suspended – not withstanding the Jacobite threat – and while the king had given up many powers he had also acquired new ones such as the excise duties. Furthermore, other than the parliament whose consent he needed to tax, the king also found he had new sources of revenue to undertake his adventures. With the renewal of the war with Louis the XIV, he could look to financiers for credit, and he once again, as discussed above, put the monopolistic rights to trade in the East Indies for sale, so that he could continue his war. Thus, the mode and levels of political intervention – achieved through the infiltration of traditional domains of the king by merchants whose operations depended on a set of variables completely abstracted from the immediate condition of the Kingdom – could scarcely be captured by a debate on the nature of sovereign and natural right. Risk, speculation and the concentration of capital had enabled a set of trading (ad)ventures that were simultaneously military as well as political and took different forms abroad and at home. Here, ‘fixed capital’ was the ascription of a military armature that was itself enabled by the ‘abstract’ money of credit and speculation. It was this combination of the abstract and the base, as well as the set of articulations that the abstract could have abroad, and not only at

home, in the name of trade and commerce, that is less attended to, not only in contemporaneous natural-rights discourse but also in the best of contemporary scholarship such as that of Pocock. It was the confidence of such capital and its ability to propel trade-war that allowed Josiah Child to challenge the might of the Mughal Empire. Although this resulted in humiliating defeat, the East India Company could remain a potent force in the political worlds of the subcontinent, sustained as it was by the fiscal liquidity of its joint stock structure. And herein, far flung imperial expansion, or rather what we can call at this moment only attempts at this state, recoils at home, forcing a rethinking of traditional morality on questions of consumption and luxury (Barbon). At the same time, the dense coils between consumption, production and employment through trade and industry forms the territory on which the argument between private vices and public benefits can be flagged. It is this thickening set of increasingly interrelated issues – trade, consumption, industry, employment, taxes – that challenges contemporaneous delineations of political right as put forward by the natural law theorists as well as the “civic humanists”, concerned as they were solely with what now amounted to the domestic cycles of virtue and corruption.

NOTES

1. See Edmund Husserl's *Crisis of the European Sciences and Transcendental Phenomenology* (Evanston, Northwestern University Press 1970) and Martin Heidegger, “Age of the World Picture” in *The Question Concerning Technology, and Other Essays* (New York: Harper & Row 1977). The transcendental subjectivity inaugurated by Descartes is held to have enunciated the possibility of an ‘epistemological operation’ that is completely self-referential: the operations of mathematics describes and structures the world. See also Alexandre Koyre, *From Closed World to Infinite Universe* (Baltimore: Johns Hopkins Press 1957) who emphasizes the Platonic dimension as opposed to Paolo Mancosu who, in *Philosophy of Mathematics and Mathematical thought and Practice in the Seventeenth Century* (New York: Oxford University Press 1996) underlines the Aristotelian dimension, especially the Posterior Analytics in a definition of science that privileges formal and material over instrumental and final cause.
2. Mary Poovy's *A History of the Modern Fact*, makes an important contribution in attempting to relate mathematics to political economy

in the making of the “modern” fact. However, the work is marred by the fact that it does not take any cognizance of ever a cursory history of the philosophy or practice of mathematics in the 17th and 18th century. “Arithmetic”, for instance, is used in without any discussion of its changing practice without even noting the importance of algebra and the changing relations between arithmetic and geometry. For an entry point into this literature see end note 3, below. Similarly the discussion of Aristotle – that serves as a jumping point to discussing the making of the modern fact – is all too cursory. The distinction between “fact” and “reasoned” fact, in Aristotle, insightfully and persuasively exploited by Mancosu in *Philosophy of Mathematics*, op cit for an understanding of 17th century mathematical practice is scarce recognized.

3. See Jacob Klein, *Greek Mathematical Thought and the Origin of Algebra* (Cambridge, Mass., M.I.T. Press 1968). The importance of algebra and the zero in the ‘invention’ of analytic geometry (Descartes) and the calculus (Newton and Leibniz) is undisputed. See also Carl A Boyer, *The Concepts of the Calculus* (New York: Dover 1959) and “Descartes and the Geometrization of Algebra”. *The American Mathematical Monthly*, Vol. 66, No. 5 (May, 1959), pp. 390-393. See Alain Badiou, *Theoretical Writings* (London ; New York : Continuum 2004) for the Greek conception of number and the radical change brought about by the introduction of the zero.

CHAPTER II

PASSIONS, SCEPTICISM AND THE SOCIO-HISTORICAL COMMODITY IN THE IMPERIAL HORIZON

“Which intrinsic value though it be not natural but only in the opinion of men consenting to it, yet being universal, has generally but not always (*for we see that in a Siege or a man of war silver may be of equal value to gunpowder and in a famine Gold may not be worth its weight in Bran*) the same effect as it were natural”.

John Locke, *Some Considerations*, 1696.

“Let us chase our imagination to the heavens or to the utmost limits of the universe; we never really advance a step beyond ourselves, nor can conceive any kind of existence but those perceptions, which have appeared in that narrow pass. This is the universe of the imagination, nor have we any idea but what is there produced”.

David Hume, *A Treatise of Human Nature*, 1739.

“...The said Company, for granting them all such further reasonable powers and privileges, as may be advisable, for the better support and improvement of their trade, have our especial grace, certain knowledge and mere motion, given, and granted, and by these presents, for us, our heirs, and successors, do grant unto the said United Company of Merchants of the English trading to the East Indies, their successors and assigns, all booty or plunder, ships, vessels, goods merchandizes, treasure, and other things whatsoever which since our royal letters patents of the Nineteenth day of September past, have been or shall be taken or seized from the enemies of the said Company, or by any of our enemies in the East Indies...”

George the Second, *Letters-Patent*, 1758.

“Every view of this kind however was laid aside, when the Council of

Revenue went up in the city immediately after the conclusion of the famine; and although that dreadful calamity, in addition to other distresses of the country, had swept away near one third of its inhabitants, and the poverty of the natives was manifest in every part except Calcutta, the present object of the Board was to procure an increase of the revenue.”

Philip Francis, *Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement*, 1776.

“Bengal, from the decrease of her specie, feels *in fact*, the miseries which we have *in speculation* just described.”

Alexander Dow, *A Dissertation concerning the Origin and Nature of Despotism in Hindostan*, 1768.

Introduction

This chapter attempts at recasting the nexus of relations — that is political economy — through reading the oeuvre of David Hume (from the *Treatise* written in 1739 to the *Essays* that was, among other things, engaged in theorizing political economy, to the *History of England* which was completed in 1762), and will have as its conceptual reflection the activities of East India Company, as they took place between 1757 and 1772. Through an analysis of Hume’s writings and the Company archive it seeks to defend the following thesis: Humean skepticism erases the ‘political’ by undercutting any possible theoretical and rights based justification for the constitution of political authority and obliquely played its part as an ideological justification for the status quo in Britain; at the same time the Company as “sovereign representative” of the British State recovers and perpetuates the political in new ways through conquest in the subcontinent with a rationale that was unique in its *combination* of finance, commerce, politics and war. In this sense, the Company inaugurates and perpetuates in its own way a form of rule that is at every level an equivocation between the political and the economic.

While Scotland was incorporated into the British Empire in 1707,

Jacobitism proved to be a threat for half a century more, challenging the British State from the most substantial grounds possible: inheritance. In this context we read Hume as having established a philosophical method that reconfigured 'history', which had always been integral to the constitution of sovereignty as shown previously, into social historicity; thereby 'representing' the newly fortified British State. While the British State was thus engaged in an internal stabilization, the Company was undertaking conquest, a set of activities intimately involving the British State, yet finding no such representation in English discourse. Commerce a key term and category that was being developed – from Montesquieu to Hume and Smith — to describe the state of British society, was being activated in a rather different manner through the politics of a commercial body: the Company. But the nature of its conquests as well as the regime that it sought to establish, was novel, and we use the Bengal famine (1769-72) and the Arcot debts (1762-77) to delineate this new enunciation of political rule. The famine in its devastation between a third and a fifth of the population¹ was to have perished is unique not only in terms of its extent, but also in terms of its political 'management'. The rationale of such 'politics' was to be found, not in the well-being of the populace or the prince, the traditional principles that authenticated politics, but rather in the desires and expectations of stockholders, who driven by profits demanded greater and greater dividends. In this sense, the Company was singular not only in its indulging in war, but also in the formulation of its regime. On the other hand, we examine the 'annexation' of Arcot wherein again the peculiar combination of military might and fiscal virtuosity is put to play. Here the Nabob is forced into debt, under the threat of explicit conquest, after which exorbitant rates of interest are charged, which is then recompensed only by the slow and protracted incursion into territorial revenue. Outright conquest wouldn't have been able to extract the same kind of returns. The Company regime, thus, articulates, for perhaps the first time in history, the manner in which death and devastation can be *systemic* results that find their origins in realms through which they are implicated in a lengthy concatenation via the media of finance, war, and politics. Thus, we hope to show that while Humean discourse operates as a symptom of the disappearance of the political

as conceived in terms of 'natural right' involving an almost anti theory of (human) life and self, in the latter's' extermination in practice (the British empire was relatively stable by the time we reach mid-century) as actualized in the Company, one sees its recuperation, via the British empire, in a particularly virulent (and opaque) form.

Hume participated in the exciting scientific cum philosophical interrogation of the world of sense-perception and lived in a political time that both saw the increasing powers of the executive as well as the continued rise of men who combined economic and political power through the financial instruments of credit. The dissymmetry between the concentration of power in its point of application (exemplary was the standing army that was unpalatable to Hume until his final years) and the continual flux that served as its source (whether they be the transactions of the financiers or the contest between factions who held the reins Parliament) occupied his thoughts and forms the themes on which he essayed frequently. And it was here that his philosophical outlook enabled him to come up with unusual and complex responses. This series of interlocutions also, rather paradoxically, found concrete distillation in another scene, 6000 miles away in Bengal, as will be explicated.

In the following section we will introduce in greater detail some of the theoretical intentions of this chapter, and then will proceed to further analyze the writings of Hume and the Company record, after which we will end with a set of implications that can be extricated from combining Humean discourse with Company rule.

Oculus

The last chapter took as its point of departure the nexus of relations between the political and the economic and traced the conceptual recasting of this cluster in the writings of late 17th century writers, concerned as they were with the by-then established domain of political economy; this chapter will continue the investigation. Here, it will be seen that in a complex way the sovereign-juridical problematic mutates into a socio-historical one that locates in 'sentiment' the primary epistemological protocol which both uncovers the foundation of humanity in its species-being as well as explains the contemporary social through the 'common life' of man.

It is within this rubric that the question of political authority is dyed. While for the 'natural law' tradition natural right was linked to the sovereign subject position who was 'free' to protect himself and had the right to continue the species, in the new conceptual configuration it is merely the species that gets underlined, dissolving the subject – and with it God – into a relentless skepticism. Reason is removed from its ontological domain – where the sovereign and the moral were intertwined – to become the privileged medium of such skepticism: these are the self-destructive arguments in the first book of the *Treatise*. It is when reasoning on the passions and the moral – the second and third book of the *Treatise* as well as his essays – that make the social and the historical, that 'sentiment' as the time of custom is revealed as the only reliable and hardly infallible lens to document human action. Sentiment comes to lever the present(ed) social condition of inequality as locus of investigation. Reason in its impotence (the first book) becomes an all-powerful immobilizing history (the second and third books). This is but the most sophisticated elaboration of a perspective hardly absent in the 18th century that in such a manner elided the question of political and natural right, and left in its place a precarious description of the social as the inevitable and contingent resting point of (social) convention and reconvention. A concrete illustration would be Hume's argument for a hereditary, as opposed to elective, chief magistrate: in uncritical inheritance we find the power of a skeptical history².

In his own peculiar manner, the *Treatise* renews the Lockean unification of morality and science ("mixed mode"³). For Locke, as argued in the *Essay on Human Understanding*, mathematics and morality could be unified under a single rubric since they were both 'artificial', and had no substantive value-real existence. However, in his *Second Treatise*, substance in its theological guise plays a critical lever in the constitution of the political decision. Thus when we reach the primary political impasse – who is it that makes the decision on who is reneging on the fundamental political obligation – Locke advises us to appeal to God. Here, substance plays the centre of equilibrium as it does in Locke's 'epistemology', that 'inside-outside' which is referent and resource for action/knowledge. In Hume, on the other hand, it is the *political present* that plays the role of Lockean

'substance'⁴, resulting in a generalization of Locke's "Law of Opinion", without the political labor of the *Second Treatise*. Here, the political present functions as that which empowers as well as legitimizes action and which is, as such, invisible to the operations of knowledge, robbing from the latter any dimension of action. Relentless reasoning as skepticism is found to self destruct into the "common life" because as Hume argues one cannot truly *live* if one was constantly questioning (reasoning) and searching for evidence and proof for what one intuited as one's everyday life. Everyday life as the social present represses the political-infrastructure on which it is based. The double symptom of this repression of the political present in its absence is its transference into another landscape in the guise of a commercial body: the East India Company. While the commentators of the late 17th century were fully cognizant of the political dimension of the economic transaction, by the time we reach Hume the obfuscation of the political as 'right' secures its successful dissimulation as economic exchange (the Company as a merely trading body).

Claiming a disinterest in 'final causes'⁵, Hume simply assumes the political present as that through which he can theorize that nexus of relations between self and society. There is here a reappearance of the mercantilist rubric – discussed in the last chapter – that understood the emerging commercial condition as one that at once both superseded an older political ethic (martial valour can no longer compete with the financial capital that could purchase arms) and inaugurated a new grid of intelligibility through which the social could be examined and articulated. We have already seen in Barbon – private vices and public benefits – what will become crucial in Mandeville; even while such arguments in their specificity are reoriented through their positioning within an overall skepticism that recoded sentiment and history. However, as opposed to Hume's concerns, key to the earlier phase of thinking political-economy' was a pursuit of the political whether it took the form of Davenant's conceptualization and re-conceptualization of absolutism and liberty, Barbon's understanding of sovereign law as a determination of the economic in the last instance, or Locke's own theory of political founding and resistance. Such reflection secured the political as an object, ensuring that, at moment's notice the political can always be

thought and acted otherwise. They were also debates anchored in the present and articulated positions by which the present could be (re)directed. This is not simply because they were concerned with matters of policy, but also because it was also a question of the historical situation in which they acted and wrote. Whereas the late 17th century signaled the end of a certain political vision, and the culmination of a series of violent political revolutions, the mid-18th century was a period of political consolidation in England. While for Locke the theological principal played its role through opening the possibility of (re)orienting the present through action, in Hume, with the marvelous felicity of the philosophers – sleigh of – hand, the political present is indistinguishable from the uncertainties that characterize what has-been. By explicitly avoiding speculating on ‘final causes’/purpose, the political present is thereby robbed of actuality to become the spectatorial sight of reality that if reflected upon would prove to be mere semblance. The action-purpose nexus that proved a critical component in late 17th century discourse transforms into a palimpsest of sentiment in Hume.

Perhaps, the ‘real historical’ reasons provide an explanatory context: the English state is fighting the Jacobite rebellion, and as such is ideologically and militarily mobilizing itself – and this included its ideologues, among whom Hume could be included in so far as he accepted its legitimacy – and thereby sensitive to critique. The challenge of the Jacobite rebellion was a political one and posed a severe theoretical problem in so far as it was ideologically basing itself on *inheritance*, on returning to the true line of the Stuarts. Hume’s *Treatise* was written when the Jacobite position was still a real one, and it was a position to which he had a complex philosophical response. One way this can be seen is in the paradoxical effort to disguise the historical and contingent monopolization of power – the new political – as a strata within an epistemological act, where ‘present possession’ is prior to ‘conquest’, thereby eliding the question of politico-natural right. This finds reflection in the successful establishment of imperial apparatuses. The loss of the political opens to the social where the relations between men and men, men and things, men through things, become in their unity the urgent focus. The arts and the sciences in their relentless proliferation into things produce new kinds of people who have to confront each

other in their distinctions. It is this negotiation – the passions that enunciate the nexus between people and things – that becomes the stuff of social morality occluding questions of politico-sovereign right.

Such a shift is perhaps better understood by examining the intellectual milieu of the early 18th century. Here the new articulation of the problematic of ‘morality’ and the moral sense can be taken as a point of departure. Arguing against Mandeville, Hutcheson had forcefully argued that precisely because man’s moral cum aesthetic responses could not be explained, by reason, this was to be taken as proof of the fact that ‘self interest’ wasn’t the primary constituent of the human in his humanity⁶. This ‘moral sense’, as a way of deciphering social action, has no strict equivalent in the 17th century which saw the human being as participating in the twin orders of passions and actions, and derived its real nature as a free and rational being from a Christian God. Whether one looks at Descartes, Hobbes, Spinoza, Locke or Leibniz, the action/passion nexus⁷ is related to reason and will, and though all these philosophers ‘resolved’ the immensely complex and intricate relationship in distinct ways, they all took for granted the ontological continuum between the human being and his actions with(in) the world and God to be the ‘problem site’. It was within this rubric – how is the nature of body or action related to and distinct from the nature of reason – that the question was posed. For instance, in Descartes, the passions challenged his own radical distinction between mind and matter as two substances, and Leibniz often placed Spinoza along with Hobbes, accusing them both of recognizing only ‘power’ and not ‘wisdom’, thereby reducing the whole of man to simply the nature of the world, i.e. natural phenomena.

In the early 18th century, with Hutcheson’s elaboration of moral sense and his intense engagement with Mandeville, the place of the moral within social action and its relationship to public interest became the key subject of investigation in England. Such a debate took place within a Christological framework that took for granted God as germane to such reasoning, just as it was, although in a different sense, with the great philosophers of the 17th century. Other than the great debates around moral philosophy, the ‘historical jurisprudence’ of Montesquieu and his attempt at relating positive

law to climate and custom, formed the other great dimension of the landscape. Hume and Rousseau in different ways try and account for the moral at a more fundamentally human level than Montesquieu, and do so by radicalizing the ‘customary’ dimension; here Berkley is the critical philosophical medium. The moral is now articulated within a specifically temporal framework through which man and the nature of his species-being – the category of population as perhaps another mercantilist heritage – come to define and explain the foundation of positive law. However, the historical strata that Hume and Rousseau uncover functions more as an epistemological protocol, one that cannot be empirically verified, and in a curious way thereby resembles the heuristic it supplants: God. This is not simply a question of being historical but rather validating history as a particular theoretical lens under which the human in his species being could be examined.

The *Second Discourse* introduces ‘feeling’ — self-preservation and compassion — as that which defines man’s original ‘natural being’ as a species⁸. Soon, combining with numerous “foreign causes”, the increase in population leads to mankind forming associations on a temporary basis, which is then perpetuated in the interests of the rich and the powerful. In a post-natural state, inequality takes its starkest forms because the original feeling – self-preservation and compassion – has become something else: *amour-propre*. It is this quality that becomes the urgent pretext and instrument to prise open the zones of historicity which *now* characterize man in his essential being. There is no need for God, and when Rousseau mentions divine intervention it is cited merely as a tool enlisted by the powerful in the perpetuation of socio-political inequality⁹. What characterizes this new quality of the human is the need it has for *expressing* itself in various *things*, which is the enunciation of a temporality of which the natural savage had no consciousness. While the latter borrows a bed for the night¹⁰, returns it and then returns to ask for it again, the new mankind recognizes the passing of time through an investment in things (humans and other beings). Things are the medium of time, and this consciousness is in itself socio-temporal, giving birth to the peculiar vice of the modern: accumulation. No longer solitary, he now derives value/meaning only through other beings, enabling a history which is the mere historicity of the combinatory that is

person and thing. Anticipating Hegel and returning to Aristotle, Rousseau tells us that in society “each became in some degree a slave even in becoming a master of other men: if rich, they stood in need of the services of others; if poor, of their assistance; and even a middle condition did not enable them to do without another”.¹¹ Here society is naturalized as a historical condition and the political is itself but an expression of society itself in its inequality. The reality of this inequality lies in the combination of the political and the economic, thereby, reiterating the organic link between justice and property. Ironically, while earlier Rousseau had indicated that the human distinguished himself from other beings by having the quality of perfectibility as part of his species-being, his own plotting of humanity in its temporal unfolding points to an accelerated rise of unhappiness and misery.

For our purposes, it is important to emphasize that Rousseau marks his debt to the mercantilist problematic in the argument that the social and the historical are tied together through ‘feeling’, without the God of the natural right tradition or Hutcheson, in that commodities — a thing that expresses the value of the human — become the sign of the social. This is closely related to another point, i.e. the characteristic of the modern is the power of accumulation; what the mercantilists had argued for in the service of the State (political), Rousseau recognizes as the differentiator of society par excellence. “I could show that among the four kinds of inequality, personal qualities being the origin of all others, wealth is the one to which they are all reduced in the end; for as riches tend most immediately to the prosperity of individuals, and are the easiest way to communicate, they are used to purchase every other distinction”¹². This radical ‘internal’ critique is established only by allowing the simultaneous germination of self and society in their complicity. And it is intelligible only in the face of a commercial society which crystallized and encrypted in starkest fashion the calibrations of (social) inequality. The question of sovereign-right is no longer intelligible.

We are very close to the central problems of Hume, who had published his Treatise more than a decade before Rousseau’s *Second Discourse*, and also seemed keen on extracting an epistemo-historical heuristic to explore the relation of man and society. Less concerned

with this 'theoretical' genealogy of sentiment and its historico-political dimensions, recent literature¹³ around the Scottish Enlightenment is more intent on tracing it to juridical as well as civic-humanist traditions. However the philosophical complexity of Hume's *Treatise on human nature*, also necessitates a different kind of approach. The text itself is divided into three books: The Understanding, The Passions and the Morals. And there lies an intricate and often deliberately confusing relationship between all three books. While in the section on 'understanding' the notion of the self as coherent category is obliterated, in the 'passions' the self as subject position is incorporated as a point of departure from which the scene of the social in its distinctions is exhibited¹⁴. It is the social as the web of relationships that hosts – in a contingent way – the 'self' in its miscegenation with things and thereby becomes the site of inequality and negotiation. It is a passion, i.e. sympathy that explains the formation of society, where an idea is converted to an impression. One cannot understand the various passions – reflexive ideas in Hume's terminology – in the old sense of 'passivity' but rather only as that which is imbricated in the new 'history' whose horizon lies in houses, gardens, horses, and businesses. In this manner very specific and deliberate reversals of the postulates enunciated in the first book are carried out; although the relentless 'skeptical' critique of the 'understanding' and its retreat to the 'common life' had thereby already made way for a theory of the passions. The residue of the first (common life) becomes the subject of the second which is also how the exile of the first (self) finds itself hosted in the book of passions. In the third book, the morals, a historico-temporality is introduced as the method and site to explain the emergence of political authority.

Although discrete stages are plotted, Hume often allows a relapse, and not only an orderly one but one that could leap backwards over an 'intermediary' stage. The stages themselves are as follows: 1. The 'fiction' of the state of nature 2. The rules of society also called the laws of nature which are: a. determination of property, (occupation, prescription, accession, succession) b. transference of property by consent and c. performance of promises. 3. Political society derived from long possession, present possession, conquest, succession and positive law and 4. The Laws of Nations¹⁵. But crossovers were

possible, and so when discussing ‘accession’ we are given examples of our rights to the products of our slaves, or the fruits of our trees; but how is slavery to be understood without the accounting for a political condition? In the same way we are expressly told that our political condition cannot be derived from the ‘performance of promises’ rule – an obvious critique of Locke and ‘the social contract’ – although in some conditions resistance is recognized¹⁶. Towards the end of the book on morals, after detailing the formation of society and the polity, Hume returns to virtues and vices, reiterating the importance of the ‘social’¹⁷ – as the heuristic — dimension in the construction and construal of human nature. In the same way, trade is encouraged because it literally produces a reserve army of people, who can play a key role in military conflict and at another place the decision to undertake war is itself traced to “sentiment”. Such instances can be multiplied, but for the moment, suffice it to note that the social is the jumping off point from which an archeology of the species-condition can be undertaken.

It is in the *Essays* and the *History* and through categories such as ‘taste’, political monopolization, and their relationship that ‘positive’ history is developed, where commerce is recognized as a key lever in the constitution of the present political condition through Royal centralization. While the problem of the transition from the barbaric to the commercial was a specifically mercantilist problematic and its relation to the Humean horizon has scarcely been discussed, much work has tried to contextualize these writings of Hume as a member of the Scottish Enlightenment and as participating in a broader response to the union between Scotland and England in 1707. Departing from the martial cum civic-humanist patriotism of Andrew Fletcher, the Scottish thinkers provided nothing less than a universalist analytic by which sovereign right and social morality could be posed. Historical projects – that were new in so far as they were global in scope and method – were undertaken in which detailed narratives of sovereignty were constructed in relationship to socio-economic conditions that were schematized as the Hunting, Shepard, Agricultural, and Commercial stages. These conditions – which served as optics and principles – enabled an integration of the world through analogy. What was Europe’s past in many respects could now be found in the present, in different parts of the

world, thereby passing empirical as well as logical tests. This is what distinguished these projects from the grand and contentious reconstructions that the long 17th century was involved in, in that the latter were avowedly local and written in the context of very specific debates around questions of sovereign right¹⁸. While resembling Montesquieu in terms of geographic scope, climate was no longer a real principle. However, the very globality of the 18th century histories is also the precise means through which a specifically western European site unfolds. It is the introduction and progress of the arts and commerce that forms a critical component which marks off (western) Europe from the world. And in this manner, through a retroactive reflexive mechanism, it is sentiment that levers the historical narrative. Thus, key turning points such as the outflanking of the old feudal class by the combination of royal power and the burgers are closely tied in with commerce. In the same way such a reconfiguration of political power enables the social as the locus of the new 'manners'. That Hume all the same believed in a hereditary chief magistrate – the latter a term for the monarch – is testimony to the fact that 'conservatism' in a method that appears skeptical grounds the web of sentiment that is object of study.

While the social as a specific and unique scene becomes the dominant theoretical trope, it displaces the *problem* of political power and right. Although Hume is attentive to the new threat – already diagnosed by the mercantilists – in the form of public debt and the standing army, such a threat is never fully elaborated and linked to the 'philosophical' treatment of human nature. Hume simply points to it as a threatening possibility in his *Essays*, and it cannot be a coincidence that in the *History*, he characterizes the Norman Conquest through its introduction of the "feudal institution" of the standing army¹⁹! This is an unmistakable comment on the contentious contemporary discussions over militias and the professional soldiery. But for a full and macabre realization of his speculations, history and conjectures one needs to study the simultaneous activities of the East India Company. There, the feudal, both as idiom (the language of the rights of conquest) as well technique (hostage-taking, ransom, escheat, restricting fortifications, and ward ship) is deployed and anticipates the coming to be of the history of large parts of the Indian subcontinent. Such an ensemble is combined

with the financial technologies of an advanced joint stock company, having connections with members of Parliament, providing employment for huge numbers of people in the shipping and other allied industries²⁰, and being granted the monopolistic right to trade as well as decide on war and peace with non-Christian peoples. And war and peace included plunder and booty, as proclaimed in the following Bill of 1758:

“George, the Second, by the grace of God, King of Great Britain, France, and Ireland, King, Defender of the Faith & c. To all to whom these presents shall come, greeting: whereas by virtue of several charters or letters-patents, heretofore granted by divers of our royal predecessors, to different companies of merchants of London and of England trading to the East Indies, which have formerly been incorporated, such former companies have had power to send ships to wars to their settlements in the East Indies, to raise and keep a military force, and make peace or war with princes or people, not Christians, in any places of their trade; and also to right and recompense themselves upon goods, estate or people of those parts by whom they should sustain any injury, loss or damage or upon any other people that should any way interrupt, wrong, or injure them in their trade, within the limits of their charters...they have the power to raise and maintain a body of standing forces at their several settlements in the East Indies and such a number of seamen and ships of defense as shall be necessary for the safeguard and defense of the same and to take and surprise all and every person and persons, with their ships, armor, and ammunition and other goods, as shall in an hostile manner invade or attempt the defeating or destruction of the said United Company’s settlements, or out subjects inhabiting therein, and upon just cause to invade and destroy the enemies of the same”²¹.

And while the arts and commerce of India send the invitation, since the English did arrive in the East for commercial purposes (whatever the medium) and traded in the fine merchandise produced by Indian hands, it is that curious concentrate of the feudal, the technologies of finance capital, the avarice of the stock jobbers, and the greed of consumer society, that increasingly takes over. At the level of discourse, India is read as the land frozen in the ‘last’ stage – commerce – it arrives there without a real history (politics)²². Here the arts and commerce (the civil) seem to have established a perpetual union with the despotic while it is history that had allegedly pushed

Western Europe to the citadel of commerce, sending the political down the black hole. But that is past, whereas in the present the Company inaugurates a new regime of rule — not simply about a merchant being a sovereign — which results in famine and devastation, triggering an unprecedented dynamic. The stock proprietors greed for dividend in England, though the concatenation that is the Company directly effects crop cultivation (through interfering in territorial revenue and right) and the circulation of essential commodities (its monopolization by the Company). While Hume's speculation on public debt killing 'the' kingdom is realized time and again as a political strategy in India— through loans the EIC infiltrates and manages governance — until 1857.

Meanwhile, philosophy teaches us that Man doesn't function as a principle; that there is no abstract idea of man just as there is no abstract idea of a triangle, since, Hume argues like Rousseau and following Berkeley, it is only signification that is general, and something that is generalized: the medium of custom-time²³. However, the situation as generalized is as such a snapshot of the imagination. This is the impasse — objectivity as objectivity can exist as such only *for* a subject — that establishes the continuum between man and things and their essential reversibility, they can only be understood as functioning according to the same rules²⁴. In itself not at all an unusual stance, but what makes Hume's version unusual is his theological-political subtraction. And it is this that positions Hume's voluminous writings on economic, political and historical themes in a particularly enigmatic way. The world of sense perception is continuous with the 'matters of fact' that history provides in that they are yielded by the custom-imagination nexus. So for instance a guiding thread in Hume's six-volume history is the centralization of power in the English monarchy, and viewed from within this trajectory it was parliament that was usurping the powers of the King, not the King who was making uncharacteristic demands, during the civil wars²⁵. Thus, the objectivity of historical fact is instrumental in undercutting parliamentary claims, but this is not to mean that the parliamentary powers at present are to be resisted. For precisely because the objectivity established is *historical*, the historical as such has no relevance and power to (re)direct the present. But ironically a speculative historicity which cannot be

faithful to 'the' past, enigmatically crystallizes (in) the present and provides the truth of the future i.e. direction of the now. The violence and modes of conquest described as feudalism, and the political threat of public debt – one as history and the other as possibility – are both *being realized* by the Company in the subcontinent.

Chiaroscuro and Figure

DAVID HUME: THE UNDERSTANDING AND THE PASSIONS:
OBLITERATING THE SELF, TO HOST IT FOR SOCIETY

Human nature is the internal dimension that contains within it the series of aporias that philosophy – natural and moral – have to confront. In the first book on understanding, on the one hand, it is clear that the origin of sensations – as the first kind of impression – is unknowable which all the same initiates that which will become the understanding. Sensations leave as their traces, ideas, which are reflective impressions (passions), which in turn through the faculties of the memory and imagination give rise to ideas again and so on. What is cordoned off as the unknowable origin (of sensation) mediates the entire formation of understanding since ideas and impressions are not themselves to be distinguished but only in terms of force and vitality²⁶. The very idea differentiating sensation and reflection is but an instance of the latter that is distinguished from the former only in degree. Memory as an idea, consists as a degree between impression and the idea, whereas the imagination is at a greater remove from the impression (the original force). The latter is that by which complex ideas are constructed; the “uniting principle” behind as well as the space onto which ideas as projections take form. Like the origins of sensation these ‘precise principles of union’ that determine the imagination cannot be known a priori. Resemblance, contiguity and cause and effect however are modes by which the imagination and understanding operate. Ideas are particular, while what they mean result from a generalization. When thought they are concrete, though criteria may be formulated by which a number of thought-objects (particulars) are to be subsumed. The formulation (of criteria), the subsumption (of qualities) and their identification is the *act* of generalization: reasoning and/or custom. Criteria as constituents of the idea are informed by the imagination,

which moves from 'object' to 'object'. So while gold may first be characterized by its color, later its solubility in aqua regina may be added as a characteristic; an echo of Locke sans Lockean substance. Time and conscious-acts mask subject-formation as predication finding its only rationale in the immediate 'purposes of life'. Such a mode of knowing probably distinguishes itself from knowing as demonstration. The latter cannot be questioned, or even conceived of otherwise i.e. that whose contestation would imply a contradiction. However, with probability and via the imagination that which is not contradictory has to be allowed as possible: having implications from meaning and meaning production. Every term – image particularity or idea – is but a nexus of relations which in combination with other terms is an arrangement that the mind *accustoms* itself to, just as though a term. The most naturalized of judgments concerning equality of proportion between figures – as in geometry – is in fact subject to constant modification (from the mind's perspective) and transformation (from the objective perspective). Here the mathematical sciences and their claims to abstractness cannot be extricated from the process by which it is traceable an impression²⁷.

It is in this sense that mere existence "adds nothing to the idea". Difference cannot be signified on the basis of mere existence but has to be shown since existence as such is not predicable. For only perceptions are present to the mind, and (external) 'objects' – inter se – can be inferred but not known. Probing identity cannot be done on the basis of mere existence but has therefore to be shown in the element of causality. How are we to infer the sameness of the 'object' in the light of perpetual perceptual interruptions even while the latter are themselves to be inferred? Conceiving the possibility of change qualifies a conception of its remaining; the distinctions between 'it' changing into something/changing from something and merely changing thereby being contingent and artificial. Such is the labyrinth of causality. Contingency and particularity in the medium of temporal and spatial becoming prohibit the general predication of an idea which is no different from the claim that existence as such can have no particular qualification. As adding nothing to *the* idea-object it is no different from the latter's essential identity as mode and the indeterminacy of that which alternates

between and becomes subject-and-predicate is illustrated in its fanning out as the many worlds of objects (cause/effect as nexus)²⁸. Grounded in *living experience*, it is as fictitious as a solitary idea abstracted from the world. Its relation to existence is neither intuitively (perceptually) nor demonstratively certain. Abstract reasoning – however complex or intricate – is always anchored in (the) present impression. Thus, the study of history is grounded, in every sense, on the present document, which is an-object-of-sense: a perception. For what is present is the present impression and it would be impossible to *compare* – an abstracted operation – two object-ideas since in fact they already exist as one in a nexus *at present*. The distinction can only lie in the “superior force and vitality” of the memory²⁹.

From another angle, causality is the relation (constant conjunction as experienced) that relates two relations (contiguity and succession). This is an ‘idea’ *drawn* from an impression, an idea that has preserved in itself several instances of /as the same. This inference that becomes a definition of causality is predicated on the principle: “the instances of which we have no experience must resemble those of which we had experience and the course of nature is always the same”³⁰. It cannot be derived either from knowledge (because we can at least conceive a change in the course of nature), or probability (since probability is itself dependent on the “steady course of nature”). Instances are completely discrete and, therefore, there can be no relationship between them. Thus the billiard ball-pushed-by-another-one-and-ensuing-motion is completely (in)different from/to the previous experience of the ‘same’ sequence³¹. There is nothing in the object (instant) that in itself forces one to infer motion. An alien however *reason-able* without any experience, will not be able to infer motion from the contact of two billiard balls. Thus the ‘power’ that one generally assumes in things (objects) is really present and presently realized in the mind, a result of a series of repetitions, retrospectively presented. This is the uniting principle by which a relation is traced between cause and effect, this is the pathway through which the mind transits from object to object. However, the nature of this ‘uniting principle’ is mysterious. This doubles as the mystery of the object itself, in this case the purported source of sensations. It is mysterious here because we have no impression of

'power' and therefore cannot have any idea of it. It is herein that mind and matter form a continuum. We 'know' ourselves only in so far as we experience ourselves. However the precise nature of the *acts* of understanding is indeterminable. Meaning cannot be devoid of the perception of objects in motion. Therefore, can there be no strict distinction between the moral and the physical. If meaning is symptomatic of the relation between causality and time, it too would need to be blind to the distinction between the moral and the physical. Since ideation is held to be a predication of existence, caught up in the instance of time, 'power' can no longer be the/an ultimate referent. It is rather indistinguishable from the presentation of the representation of the object and, therefore, "distinction between power and the exercise of it is without foundation"³². This brings us back to the claim that 'power' lies in the soul, in the *act* of the synthesizing imagination. However this direction back to the soul is reversible in the relation that the imagination has with the (unknowable) outside, through the impression. It is here that the critical component of 'circumstance' comes into play. Just as the truth of an object – in its customary transition – is fixed only after repeated experiment, in a similar way the truth of a moral action is also accompanied by such a specific *consistency*, and it is only by (repeated) experience that one can come to its truth. The onrush of past repetition is synthesized and re-recognized as truth which combines the paradoxical functions of the limit: defining through a possibility that engenders (its) negation³³.

Truth is that which "has no other effect than to procure an easy reception for the ideas, and to make the mind acquiesce in them with satisfaction, or at least without reluctance"³⁴. An examination of truth is undertaken in its relationship to poetry and historical narration. Belief supports the imagination and is in turn supported by it. The act of the imagination being critical in the transition from idea to idea (truth), it is vulnerable by its very nature to poetic fancy. The imagination also in its strength can easily lead to madness or fever – of course here the relationship is strictly reversible. We may in truth be convinced by poetical fancy just as the poet in truth has a "counterfeit belief, and even a kind of vision of his objects"³⁵. Remembering the false connection between vision and object one could *truthfully* infer the poetic world from the poet's word³⁶. Truth

herein appears as a matter of chance – perfect indifference – the very negation of cause. Probability cannot follow from the nature of events but is a function of the production of imagination that is the mind. However probability as it assumes causality has essentially to do with proportion; the proportion between the possibility of a certain result in relation to results. The latter signifies chance in its indifference and such sequencing is indistinguishable from causality. Number is introduced such that greater the number the greater would be the force as it acts on the mind: this reluctance is named probability. Certitude is not its object but is its character, as relation *posited* by the mind in its recollection. Probability always contains within it a contrary possibility; it is this that distinguishes it from certitude. But if probability and possibility are of the same nature they are distinguished only in terms of number. Number here is the function of events as synthesized in self-experience. It is number that unites and forms a force that has an impact on the mind and thus probability is made up by force of numbers. There is no principal in the understanding that provides the reason through which past experience can be projected on/as the future. Rather it is only association and the habitual transfer of the mind that articulates itself as probability³⁷.

Having distinguished probability from demonstration a series of ‘skeptical arguments’ in contrast are presented. Knowledge is the “demonstrative science of rules”. However rules have to be applied, and are so effectuated only by the mediation of our ‘fallible and uncertain’ faculties, themselves organs in/of perception. To check such uncertainty another judgment has to be made that aims at enlarging the field to include prior errors. However, this very effort to shield oneself from error is the sign of error as possibility. The correcting is the poison that continues into the correction, marking the two as indistinguishable. Immediately what was considered knowledge degenerates into probability – for probability forms a continuum with possibility. There survives only a species of probability. The text then proceeds to point out the ‘empirical circumstances’ that form the truth of a scientific community. For the mathematician looks to the learned world for approval and consent, and it is through the latter that the truth of his ‘proposition’ is established. Yet the ‘established’ conceals in it the history of

'establishing' – where the mathematician was searching for proofs for his find – and this 'establishing' thus always points to the possibility of its reversal, its negation. Thus again, "knowledge resolves itself as probability, and becomes at last of the same nature with that evidence, which we employ in common life"³⁸. Continuing the skeptical assault soon enough directs us sense-perception. The opening problematic here is: whether there exists a body or not? "The present enquiry is concerning the causes which induce us to believe in the existence of a body"³⁹. This is done by asking for the reasoning behind the attribution of distinctness (from the mind) and continuity (even when they are not present to the senses) to the object⁴⁰. The senses cannot provide for either continuity (an object might disappear from them and be assumed to be existing) or distinctness (since a single perception can never perceive a 'double existence' – of ourselves and the object). Distinctness is related to identity. In this context, the 'external object' – the body – is perceived only through the mediation of the mind. It is only in the mind – though experience – that the object can be re-cognized. In the same manner, paradoxically, its independence is also inferred.

Objects are *attributed* a continuity and independence, and this attribution cannot be the result of the impression since impressions themselves are (dependent on) perceptions. The continuity is of a peculiar nature; things do change and yet we perceive in them a certain 'coherence'. This cannot directly be the result of 'custom' because a mere regularity in our perceptions cannot be the foundation of a greater degree of regularity in our perceptions. The result of repeated perceptions custom needs another principal to ground the particular perception of continuity and independence. In the order of reasoning, continuity precedes independence because when we regard an object we *regard* it as continuous in spite of breaks in perception. Continuous blinking – the breaking up of perception(s) — doesn't prevent us from assuming the continuity in the existence of the object in front of us. We conceal the difficulty encountered by the difference in perceptions by assuming a singular identity in the object that persists in the different perceptions. This assumption turns into belief through memory, fortified by the force of prior repetition. The 'consistency' of the object expresses the spurious consistency of perceptions reproduced through the fiction – a

primitive accumulation of 'fact' – as alibi in the face of the regress as really presented. Identity as such cannot be conceived since this would be simple "unity"; and neither can it be conceived through differences which would be merely "number" (discrete units and/ as infinite). Any number can be attributed a unitary sense through the introduction of meaning; there are ten oranges, (but) the concept of orange is (necessarily) unitary. They are strictly discrete except by the introduction of time/duration as sequence: a succession of points. This succession is doubly viewed. An object can be conceived through an instant: idea of number. In one instant an orange can be 'modified' only numerically, producing identity. Or time can be conceived as a sequence of ideas. Here, it is imagined that time is that which is changing while the object is imagined to remain the same. An orange is an orange because it remains /it is, as – we imagine – time passing⁴¹.

Time is that which has to be thought through for identity to take shape and remain. While the vulgar *attribute* independence and continuity to the object for them this assumption is (subsequently) concealed resulting-in-a-fact. However, the philosophers distinguish the object from the perception by recognizing the interruptions of perceptions and their in-mixing. Philosophers are sensible to the interruption/irruption of perceptions and thus the differential of perception – the identity of the object – as being *maintained* by the imagination. What is produced is "monstrous offspring" of the crossbreeding of contrary principals, the (1) imagination and (2) reflection. This contradiction is resolved through a new "fiction", the construction of two tales: perceptions (naming interruptions/differences) and objects (naming continuance). However, there can be no basis through which one could distinguish one from another, as one cannot *conceive* an object distinct from and independent of perceptions, leaving object and perception undistinguished. The philosophical position, "at once establishes and at the same time denies the vulgar one", by depending on perceptions but then proceeding to erect a new set/strata of objects without explaining the mode of the transition or the (f)act of inference. This mode is itself held to be strictly speaking impossible, for the object is deduced from the perception and cannot be conceived

otherwise. Not vulnerable to conception, the absurdity of it's (the object's) baptism under the names of 'qualities' and 'soul' is made evident. A resolution appears by inscribing another form of time, to over-come as well as under-stand the vulgar and philosophical opposition, a form of time that is inscribed within the *life* of the philosopher-vulgar. Thus, the philosopher qua philosopher *thinks* philosophically (skepticism in Humean terms) but can *act* only in a 'vulgar' manner. Life is here played out within the continuum (philosophical and common – vulgar – life)⁴² and alternates between skeptical thought and its stable presumption (action).

Such is also the indistinguishability of the materialists and the Christians. Both see perceptions as ultimately mediated by (the) simple undivided *substance*. The impossibility of distinguishing object and perception occasions the imagining of substance. If defined by itself it would not be distinguishable from any perception-object. The house or the taste of a pineapple 'exists' by itself, and distinctions in so far as they exist have to assume existences that exist by themselves. Hence there is no conceivable need to ground distinction in 'something' that would be a necessary constituent for the production of differences, as well as perception-objects. This would mean that we are unable to recuperate the *meaning* of/through substance; since all that we have – perceptions/objects – could very well be substances, there could be no conceptual need to delineate or define substance. The retort by the theologian and materialist: What is seen, as a 'modification' of the (immaterial) soul is not taken as a *real distinction* but as an act of abstraction, a "distinction in reason". Need/genesis here makes an appearance. If perceptions are distinct and separable it is still yet to be established the manner in which it would be possible to conceive of the 'what' behind that which is modified, which is that through which the abstract mode as a medium of difference (needs to) takes place. For something, for instance motion, is not an independent perception-object but one that varies in relation to other perception-objects. The distinction between external objects is reiterated in our ideas of their relations; as well as their multiplication. The uses of the word substance do not help explain this *range* of mobile differences. Materialism is in this sense indistinct from theology: the basing of sense on that which

can never yield sense. Both positions lead to absurdities. For example, it would be impossible to understand how the same substance could produce contraries such as that “square table and the round one”. If everything was re-sourced to the substance in the guise of the deity as the theologians argue, we could also not really distinguish between matter and mind, this distinction itself being a “modification”, an “abstract mode”; something the Lockean argument had indeed raised⁴³. However while pointing to the collusion between the materialist and the theologian, the text is tied into this very point of collusion. For in what way could one distinguish its synthetic principle of the imagination from the “distinction in reason”?⁴⁴

The self cannot be derived from an impression since it is the referent through which the impression is to *make* sense. On the other hand, the self cannot be thought of as devoid of a certain perception – the self is always *this* certain of itself at the very least. Since perceptions are always separable there cannot be any intrinsic meaning in the self. It is only through the *act* of the mind, that the continuity in the object – whether external or the ‘self’ – is imagined. This difficulty in maintaining relentless difference gives way to a fiction (the imagination in action) that facilitates the smooth passage of object/perception to object/perception while maintaining a unity. The passage can be constituted only through a double reification, the two terminal points i.e. object and object. This fiction is the functioning imagination that constructs and construes identity. Changes observed too are arbitrarily – and in this sense customarily – ignored at the behest of univocal meaning. While at times another artifice is coined to lend the same unity – purpose. It is only in this way that we can justify continuing to call the object ship a ship even though its materials are constantly changing. Or a church that goes to ruins is ‘rebuilt’ with completely different materials and is still perceived as the *same* church. In this sense the question of identity is one that can be seen as a grammatical rather than a philosophical issue. The production of meaning – identity – is the function of the arbitrary and customary partitioning of specific sets of rules (grammar) rather than the implication of a singular, underlying and univocal source (philosophy).⁴⁵ Or so it is contingently claimed.

The Passions

In the book of passions, a reversal in the relationship between understanding and passion takes place. While the book on the understanding deconstructs self-identity in multitudinous ways, as discussed above, the book on passions takes the self as an “original object” thereby distinguishing it from the variety of circumstance and cause. Passions themselves are located in that enigmatic in-between of impressions and ideas – since they are secondary impressions and thereby reflective. It is in the indirect passions – “arising from good/pleasure and evil/pain but mixed with other qualities” – that the self is taken as the primary ‘object’, while cause is bifurcated into ‘quality’ and ‘subject’. A man who has a good house, has his self as the object, and beautiful as the quality and the material house as the subject. It is the “*double relations*” — a phrase taken up by Rousseau – between impressions and ideas that are the passions. In this taxis of the passions, the self is “original and natural”, but the “causes” are perceived as varied, following the principal of association. Yet pride as a passion – that requires the self as an object – is *necessarily* mediated by an alien thing (the ‘subject’). The mediation articulates a double temporality, the materialization of the double relation – (1) the present (as impression) and (2) causality-consequence (as the idea). A multitude of differentials thereby characterize what was called the “original and natural” self⁶⁶.

To vice and virtue as pleasure and pain are traced the causes of pride and humility. Riches and property are similarly examined in the context of the causes of pride. Just as the understanding of the ‘self’ is ‘reconfigured’ in its passions, the univocal metaphysics of power and its exercise in understanding (and its books) is differentiated in the passions. Uneasiness in the face of the enemy who carries a sword is not erased by the presence of the civil magistrate. Even a strict calculus of the probability based on the experience of the past – say in this case the power of the magistrate – cannot liquidate the chance (in the Humean sense: as the negation of cause/history) of the enemy attacking. Passions thus constitute the unstable mediation between power and its exercise, and draw their powers therein. In the order of things from impression to idea,

the reflective passion in its sliding back and from idea to impression is thus able to evade the tranquilizing charm of understating as a natural regress into infinity (skepticism). The miser uses money as a sign to imagine riches, and this is predicated on its possibility-contradiction: his real ability to acquire riches. The sign can thus naively proliferate in its wealth (riches) or sentimentally articulate the difference by which wealth exists in its being-imagined. Thus, the inverse role of power and its effects in its two sites, the passions and the understanding⁴⁷.

In 'sympathy' too one finds the same inversion. Whereas in the first book/understanding the formation of ideas-objects was traced to an impression, in the passions/second book the passion of sympathy is traced to its "conversion" *from* an idea-object. The passions double as well as contest the understanding/first book in placing the self as an 'original' idea. The 'double relations' of the passions only replicate the double relations – never called as such – implied in the understanding, where memory and imagination play the role of reflective ideas, necessary for the relations between impression and idea. This characteristic of sympathy is explored in the section on the rich and the powerful. Our sympathy for the rich and powerful arises neither from their possessions (the material objects: houses, gardens), nor from the expectation of reward (since sympathy exists even when this is least probable). It moves from the material objects to the owner, *understands* that their relationship is one of pleasure (an idea for us) and this idea is converted into a passion (sympathy) in which we are affected by pleasure. The rich man similarly does not merely derive any happiness from the material things 'themselves' but for the consciousness of arousing pleasure in the spectator. Sympathy is the 'interest of the spectator' – oneself as other – between possessor and spectator produces interest (*inter-esse*). It is partaking *in* pleasure through which we enter into the 'sentiments' of others – constituted by the relations between two 'objects' – the (other) person and (his) things. Thus is exhibited the continuum between man and man and man and thing (the Humean 'subject'), and the strategic if contingent investment in their distinctions⁴⁸.

The object of critique in the understanding – the distinction between primary and secondary qualities – is rehabilitated by

aligning ideas with the former, and impressions with the latter. External objects, when objects of speculation, are bound to draw us into contradiction and absurdity, in contrast to the simplicity of passions that can convert impressions, which unlike ideas by nature recalcitrantly endure. This explicates sympathy and one of its descendents, *pity* which arises from the participation in sentiment. When we are told “So little are men governed by reason in their sentiments and opinions, that they always judge more of objects by comparison than from intrinsic worth of value” this is not a privileging of ‘intrinsic value’ or reason but a descriptive designation of the passions (comparison as present act). In malice and pity the self is only shown in comparison. [comparison is possible] Envy is when the other’s pleasure causes (our) pain, and malice is when the other’s pain causes (our) pleasure⁴⁹. Comparison signifies homogeneity and a difference in but degree; the objects compared when undergoing the operation have to be “part of the same species” and yet only therein identified. For “a mountain neither magnifies nor diminishes a horse in our eyes, but when a Flemish and a Welsh horse are seen together, the one appears greater and the one less when viewed apart”⁵⁰. For further instantiation of this argument about comparison, difference and identity, we are led to historical accounts. In a civil war – where the same breaks up – one faction is more likely to invite foreign support than succumb to the other faction. Defeat by the same is more unbearable because then it is defeat that becomes the defining distinction of the defeated, but when it is the ‘foreign’ that rules, defeat is not constitutive of identity, having been absolved by a set of differences to which it can therefore be indifferent⁵¹.

Identity is also complicated by the introduction of the temporal dimension. Sympathy is generally that which is present though in itself it is characterized by an orientation (future). When a person on the field is threatened by a horde of horses, we put ourselves in his position and our fear arises in anticipation of (his) death. Thus, an idea (our self becoming his self) becomes a reflective idea (fear): sympathy in its classical form. However, in this case the accent is on the present. To make the future an explicit object another principle is enlisted: “conformity in the tendency and direction of any two desires, which arise from different principles”⁵². What distinguishes a rival

from a partner is not the degree of resemblance (classical sympathy) but rather interest (bringing in time). It is thus the combination of resemblance and interest that leads to the principle of “parallel direction”⁵³; passions such as pride and humility, being pure sensations, can be categorized under mere sympathy but passions such as benevolence and love that are intrinsically *directed* towards *action* would fall under the second principle. In these emotions one wishes to do something for the other: action is time oriented. This distinction is amplified in certain contexts. Sympathy (‘resemblance’) may arouse contempt when confronted by poverty, but extreme poverty may arouse benevolence (action). Similarly, a barren or desolate country arouses contempt but when reduced to ashes provoke benevolence. Just as in the framework of sympathy, injury to others is the doubling of hatred (our self as other) in the framework of “double sympathy” our pain at someone’s misfortune is the result of our placing ourselves as the victim-object, identifying the misfortune with the cause-author and this distinction is the *topos* for action. Becoming other as person (identification: we take the place of the victim) and othering the other person as quality (identification again: he is simply misfortune) is the condition for action⁵⁴.

In the section on the will and direct passions, the *Treatise* reiterates the arguments against the “fantastical system of liberty”⁵⁵. Liberty is equated to indifference and chance, in opposition to causality and custom. Just as there are differences in tastes of fruits from the same trees growing in different regions, just as the cohesion in the parts of matter naturally arise, so men seek society and form governments, just as the “skin, pores, muscles and nerves of a day-laborer are different from those of a man of quality; so are his actions, sentiments and manners”, and “it is more certain that two flat pieces of marble will unite together, than that two young savages of different sexes will copulate”⁵⁶. For what is necessary is not a quality of the thing or the relation between things themselves, but is that which acquires relation in the imagination. The understanding of liberty that opposes it to necessity is antithetical to both civil and divine laws. For laws – which depend on the necessary relations between actions and their results, rewards and punishments – would completely be broken down by an understanding of liberty which divorced it from the principles of causality. This would also delink person from action

and would make it impossible for the attribution of praise or guilt. If man was 'free' he would necessarily always be so, anarchy would be an analytic implication. The real anarchy of passions – for how else can we really *understand* the Humean physiology of passions – substitutes for a possible anarchy of individuals⁵⁷.

This is a critique of the distinction between passions and reason. In the text passions – in their pure state – are non-transitive (“direct passions”). “When I am angry, I am actually possessed with a passion, and in that emotion have no more a reference to any other object, than when I am thirsty, or sick or more than five foot high”⁵⁸. It cannot be contradicted by reason, since only that can be called unreasonable which itself has a reference to reason. Reason, contradiction and judgment are present when passions are accompanied by representations. The desire to exchange the ruin of the whole world to relieve a finger itch – Hume’s example – cannot be called un-reasonable since this passion is not accompanied by a (false) judgment. To help unravel the impossibility of the opposition, the passions are divided into the calm and the violent, and the latter are called ‘determinations of reason’. Trying to understand or predict human actions, or the ‘governance of the will’ through general principles like public good will not work since men often act even contrary to their own – perceivable— interest. While judgment involves ideas and is a post-facto representation what is understood as a passion; that latter necessarily now past. Reasons are the understanding of passions and are, therefore, a re-inscription of the passion in determinate and correspondingly weak terms: representation i.e. ideas as a system of determinations. Time is used as the guise in which reason traps passion – denominating it reasonable or unreasonable by changing it into the species of ideas. These are no longer passions and so cannot be opposed to reason⁵⁹.

Morality and the Social Arts of Politics

MORALITY AS HISTORY NOT REASON

Moral distinctions are not real distinctions, in that they are not derived from reason (relation between ideas whose contradiction cannot even be conceived). As inert the latter cannot be the source of action. Only impressions and sentiments can be the source of actions,

actions (morality) being defined by their immediate relationship to pleasure (virtue) and pain (vice). If grounded in reason a moral distinction would have to be an essential one, without accounting for circumstance. This would also translate into an absolute distinction that would be unable to recognize degrees. The erasure of circumstance as particularity would imply absurdities. For instance, if parricide were considered essentially (ideationally) evil this would have to be a characteristic of the non-human world: the 'evil' sapling of the oak that may destroy its progenitor. The attribution of will to the human wouldn't resolve the issue since ideational thought is that which concerns the relations between ideas and the relation is equivalent (murder of progenitor) even if the causes are seen to be different ("will" and "matter and motion"). Other instances include incest. To argue that animals have no reason and so couldn't be expected to be moral would be circular since this would be taking the object to be proved as a presupposition: it is the 'reasonable' nature of the moral distinction that has to be proved, and so this cannot be taken as an assumption. Reason might accompany the action but is disallowed as a source. In the desire for a fruit of our fancy we might undertake reasonable or unreasonable methods to obtain our object, but the desire or the set of actions that ensue cannot explain or serve as origin. Action in itself, as an object-idea, say murder, cannot be the object of morality, for morality can be derived only in the effect it provokes in the mind: a sentiment⁶⁰.

However, the natural particularity of the pleasure-virtue/displeasure-vice dyad makes a discourse on morality impossible. For following Locke, this, the cataloging of the infinite – particulars – is doomed from the start. Since each particular has its own 'internal' generality in being formulated as a particular: underlining the circumstantial nature of morality. This is not to argue that there is a relativity of reason or multiple reasons for the same set of events/actions but rather, that reason qua reason cannot possibly be the origin of a sequence of actions. The source (the urge) and terminal point (the response/reaction as a feeling) can lie only in the impressions. This we repeat is a retrospective framing of/by 'reason'; the action as no longer action is (present) understanding. Thus, the act denominated as murder, both the will-to-murder and the horror-at-the-murder are located in the impressions that can, only later,

slow down into/as the reasonable judgment (ideas as ‘copies’, fainter representations). The particularity (action) is not a sudden bolt onto ‘us’ signifying a limited and immediate relationship between us (the person) and the event, but also a ‘grammatical’ understanding, (re-cognizing/contemplating it as murder qua murder). Always double one is called interest (relating to us) while the other is moral (the particular generalized as it is contemplated/re-cognized); “they naturally run into one another”⁶¹. Such a distinction is evident when we “respect” an “enemy’s” qualities. However, these qualities have their own inheritance (custom). Thus, the original (f)acts and their mutations (into moral actions) are infinite and yet there is a way in which they may be dealt with. It is in the passage, within the particular (the event and its archeology as custom) but also between the particular (action) as it fans out into general (us contemplating it) delimits the art cum artifice of morality⁶².

In an exploration of the moral – whose aspects are justice and property – the nature-artifice distinction is elaborated. First, the natural is the immediate conjoint nature of pleasure and action and is that which may be called virtue. Yet some pleasures result from mediation; introducing artifice. The latter are to include the “circumstances and necessities” of mankind; these two qualities characterize the nature of man. However, the moral is that which is signified by a specific consciousness and motive which characterizes action. “An action is evaluated as moral if the motive is moral, evidenced even in *common life* where the generous actions are qualified as generous only if the motive is generous”. Even if a virtuous motive is not present, this absence is recognized as absent and disguises itself in its expression as action. A man feeling no gratitude might act gratefully out of a sense of duty which might still be called moral because the grateful action now presupposes an understanding of morality. The moral obligation that one feels – for instance to repay a debt – conceals within it a (human) nature whose *construction* signifies the expulsion of a prior nature. For the savage – the one who lived in “rude times” – would be unable to recognize the moral obligation that the contemporary feels automatically (now-naturally). Such ‘second’ nature is the inheritance of history as a form of socialization, just as initial denaturing will account for the reversibility of natural history and custom-artifice. Nature

rearticulates the moral as circular if we merely trace it to the intention, characterizing that as moral which the subject thinks to be moral. The ‘something else’ that would get us out of the circle indexes the ‘double relations’ of the passions in the time of artifice and education (history). In so far as humanity is thought through the eyes of the artificial – at the various levels of metaphysics (perceptions), history (socialization as an expulsion of the natural man) as well as morals (arriving at pleasure through mediation) – the artifice is internalized as the natural in the (re)production of the human. And it is only such that morality itself can be conceived. “Mankind is an inventive species; and where an invention is obvious and absolutely necessary, it may properly be from original principles, without the intervention of thought and reflection”⁶³.

The Natural Savage Becoming Social:

Man is characterized by an inadequacy germane to his nature: that between his needs/desires and his means. This condition is remedied only by becoming social – the making of society – through which he is able to “raise himself up to an equality with his fellow creatures, and even acquire a superiority above them”⁶⁴. Society, however, doesn’t extinguish his desires and needs but only multiplies them; but it also provides means. The basis on which he can *compare* the two differentials, i.e. the savage that is the disequilibrium between needs/desires and means, and the social man that is the *same* disequilibrium, is left unclear in the *Treatise*. The only clear distinction lies in the identification of and supremacy over nature; for society is that by which man is extracted out of his natural condition as nature is simultaneously banished (nature) and internalized (*human* nature). It is the circuit that both establishes — as well as that which is expressed by — the new needs/wants - means; achieved through the productive ethos of the division of labor (human nature as social nature). This ends in the multiplication of things through art (making). The principle of production where the division of labor has a common purpose in the production of things is what distinguishes society from nature/natural man, branding the ‘new nature’ as simultaneously raw material (nature) and *telos* (the real nature of the human). This form of socialization as

history may be recognized as the logic of production: nature, commodity and the market.

Such socialization is marked by a proliferation in the species of goods: the “internal satisfactions of the mind”, the “external advantages of the body” and the “enjoyment of such possessions as we have acquired by our industry and good fortune”⁶⁵. The third species – actualization of labour as the expression of the objectivity of things, i.e. enjoyments – is distinguished from the other two in that it alone can be transferred. These things – the human (labor) externalized into a proliferation of object/artifacts – qua thing provides an exit from the savage state only to allow the entry of “instability and scarcity”. For while in the savage state ‘Nature’ was responsible for scarcity – the inadequacy of means and ends – in the social state the scarcity of Nature is transformed into the natural disequilibrium as social. Things – determinate labour and the effect of labouring – become the prime determinant and symptom of such inadequacy. This determinate human as quantity – labour as measure expressed in the object – corresponds to the new human quality of desire and ‘partiality’. One now naturally desires other people’s things, where desire, people and things intersect. The ‘remedy’ of conflict is double articulated in artifice. On the one hand, (potential) conflict in the name of things is (really) already to have been preempted by the assumption of socialization – education and custom. Alongside, a “convention” is presupposed, that is to have guaranteed the stability of goods, and maintained the status quo.

This convention is one that emerges from the point of convergence between the passions and the interests, i.e. it fulfils the need/desire to enjoy ones own possessions through the recognition of the others desire to enjoy ones i.e. their own possessions. It is the concrete realization of the separate interests as they are articulated in one end: the preservation of property. However, it is induced by natural interest and does not consist in the nature of a promise, in that it is not confined to an act, neither is it a *sign*, no words are exchanged, and in so far as it has no specific referential capacity one might very well ask in what way is it human⁶⁶. Hume argues that it has its own particular historicity – illustrating the limit of reason rather than its use – even as it cannot refer to future time as does the promise. Characteristic of ‘convention’ is the absence of agency since it is not

a promise which is the result of a decision/action but rather explained through the analogy of people working together with oars. The social division of labor becomes a mechanical division of labor that mimics its progeny: things. After all, if things are the *telos* of this schema, in the first place, then this is a *telos* that has left its footprint on its history, for men have come together in a logic which is explained thoroughly by their nature and therefore in their contracting with things and for things. And yet it is the persistence of this peculiar human nature— avidity for possessions which is “insatiable, perpetual, and universal” and the productive ethos – that continues to render possible its wholesale negation: “direct destruction of society”⁶⁷ through conflict. Desire and labour spiraling in their incommensurability.

The other way by which the social can be made conscious of its emergence from the nature is the “natural principal of sexual appetite”. Natural appetite is resolved into the union between male and female and this translates into ‘concern’ for the offspring. Care is induced by/with time. Parents now rule over their children through superior strength and wisdom but are restrained by their ‘natural’ affection. The numerous families form a society and the children observing the advantages – although they have no vantage point from which to evaluate the savage state – become socialized (morality). Soon enough, selfishness – the self expands to include within it the family – arises as a new threat to infant society⁶⁸. The household model, in which parents establish the rudiments of justice are scaled up to form societies and communities. Here, as in the above ‘convention model’, it is the historico-temporal dimension that marks it off from the social contract. While the convention model points to the stability and production of things as the principle of socialization, in the household model it is rule and its responsibilities and the place of hierarchy which is construed as germane to the human in his socialization.

It is through this intertwining between the convention and the household model that contractarian model is, thereby, critiqued. The primary engine for this critique is its temporal modulation: custom as a form of retrospective rationalization, as opposed to the instantaneous act of decision. On the other hand, the philosophical

fiction of the state of nature is invoked, but done so by tethering it to the poetic image of the 'golden age' where the generosity of nature is re-instantiated in the generosity of man. Yet contrary to the contractarians, the heuristic value of the poetic image lies in the fact that such an image implicitly recognizes that the state of plenty – nature in its generosity – would not require the rules of justice and the qualities of virtue⁶⁹, the age of the Platonic gods. We cannot underestimate the nature of this heuristic function (as fiction), remembering the critical place of the imagination and the poetic vision in the constitution of being and time itself. Hence, the reiteration of the art and artifice of justice, necessitated by the original inadequacy of nature, manifest in/as human nature and as the scarcity and "changeableness" of things in society. Justice has to be explained and critiqued through the making of society and is not an abstract pole star comprehended by a star gazing of reason.

The Social Becoming Political: Property and Justice Re-inscribed

Once public interest via justice has insinuated itself into the moral it becomes the general measure of conduct. This is so because its violation would re-invoke the disorder and violence of the state of nature. The first impulse towards socialization emerged from 'natural interest', but with the growth of society this becomes 'sympathy'. Whereas in the natural state there existed no justice or property, the social state enlists sympathy as the form of public interest; the latter a translation of the rule of property. The *stability of property* lends (*new*) *meaning* to action. The social state is the arena of sympathy; the latter defined as an impression converted into an idea. And while the rule of property and the sequence of its temporal consistency are signified by the dialectical weave of action and things, other interventions are inserted by the *Treatise*. The *interest* of politician⁷⁰(s) – the precise emergence of whom is sought to be accounted for by the vague general interest that will have led to his election – now expresses public interest and supplements education (the household). It is only so that reputation and concern for justice *become*, with time, moral virtues. And yet while the force of the intervention of the public (the politician and his site) and the private (the household and its hearth) catalyze the sequencing of nature into

culture, they occlude their own particular agency and historical trajectory.

The rule of property, as provided for by the *Treatise*, has to be dismembered. If justice is the preservation of property and property does not exist in the natural state, the nature of the latter's emergence is left unaccounted for. The most 'reasonable' rule of property would be its own maintenance and this idea is naturalized as custom. This illustrates a differentiated yet indifferent isomorphic historicity: "every one *continues* to enjoy what he is *at present* possessed of". Reason becomes its own principle for existence in effect erasing the distinction between one and the other. Violating the claim made in the first book on understanding, here mere existence does add something to the idea, shaping it in the turgidity of undeniable fact. But, Hume will argue that such valuation does not extend beyond the "first formation of society" even while no means of marking off the signs of what might be called the "first formation of society" are given. One might even argue for its impossibility in so far as history is itself the retrospective rationalization of a contingently experienced fact. To break this impasse the 'real circumstances' of history are surreptitiously made to substitute (for) the original desire to find the "reasons that modify the general rule (of property) and fit it into the common use and practice of the world" voiding reason rather than making reasonable⁷¹. Property is a "relation of cause and effect" which is to say a nexus — a reality whose imagined nature is as incomprehensible as it is undeniable — that is disaggregated in this part of the *Treatise* into occupation, prescription, accession and succession. Even while we are simultaneously assured that we can never determine possession — its genesis or nature — since "long tracts of time" obscure original acts. History and custom thus alternate between reason and its negation.

In understanding property, promises are enlisted as the other sign of the human that exhibit the social that is the new nature; Humean social laws are natural laws. They are artificial and are required for the general well being of society and cannot be natural in that they speak of the future (their obligatory nature is what rescues them from being 'natural') as well as the past (to a 'convention', only through which they would be intelligible). This separation from the natural — as custom thickened into time — in an "oblique" way

induces self-interest so as to render it natural. When mutual help cannot be undertaken simultaneously, a mechanism has to be instituted to ensure the reciprocal carrying out of actions in time's futurally unknown direction; promises are just such a mechanism. They, however, cannot but be instituted or guaranteed by custom and education (past); the public becomes the moral and material element in which interest is maintained. However, in that words are an essential component of promises, they can, qua words signify contradictory things (in relation to their contexts) and are fated to specific ambiguity: it is their ultimate reference to the felt natural (impression/passion) or the public (reason/idea) which as we have argued cannot themselves be really distinguished a priori⁷². It is indeed impossible to distinguish between the public institution of promises and those made to a bandit in fear.

In yet another way Hume locates a temporal energy at the very heart of the temporal construction of human societies which makes it impossible to distinguish between reason and history. While humans prefer what is present to what is remote, it is the preference for the remote that is required for the emergence of society. This is the same principle wherein known interest (understanding-ideas) is eviscerated by passion (present/contiguous). Yet there is also reason to prefer the remote because qua remote it is abstract commensurable with ideas. For actions 12 months hence, it is no effort to plan for the general good. However, on nearer approach as the abstract loses its abstractness and shows particularities, then the present as present impression reveals its power. Now passions cannot be voided, becoming the locus for/of conflict. *Now*, it is at this point that the need for government is established. For Hume the mutation of ideas into passion is what necessitates the establishment of a reason that has compromised with passion i.e. interest. The impasse lies at the level of its grounding. It can only be established retrospectively – in distinction from passion even while it emerges from the latter and only therein finds its necessity – and (already) lies in the domain of reason. Thus government is – understood to be – that which has its interest in the interest of society rationalized by that (passion) which it has to assume does not exist.

The distinction between societies and government carries through the argument that 'allegiance' – the acceptance of and submission

to prevailing political power – is not *sui generis* but itself predicated on social/natural laws. The social-natural laws, named by Hume, are the stability of property, the transference of property by consent and the obligation of promises. In so far as these are necessitated by human nature they are also denominated as natural laws. So the political is enunciated as a value only as an end of natural laws. Government arises not directly from the people (society) but from conflict between ‘societies’. In a time of crisis, authority has to be erected for the protection of life and property. This authority to be effective has to be stable and so is *rendered* perpetual. Stability is a function of the two poles of authority, in its execution (war) and in the anticipation of its execution (peace). In the meantime, that is peace, the advantages of government are appreciated and so retained. This genealogy of government is “verified” by a reference to the American tribes. Such an inference is then transferred to ‘western’ history, where too governments were originally monarchical and only later, in the wake of abuses, other forms of authority arose.

Governments, thus, result both from the increasing – regard to – riches and possessions (peace) as well as from the fear of the possibility of ‘external’ conflict (war). Even as allegiance may be routed to social laws, especially the obligations of promises, with time, Hume argues, it takes root, developing its own principals of authentication again: custom and education; history as unaccountable by reason is presented as rationale yet again. From the original principals of interest grow general rules of ‘allegiance’ to a government that guarantees general rules. And yet general rules can be overturned by their own principals, through the return of (natural) interest, for an interest that cannot generalize itself will remain ‘private’. Thus, if one person rebels against the state he is a criminal and if the state is cruel and reneges on its promise of security it would self-destruct; the evidence of this is merely in its realization in fact. Rulers rule, not through their ‘superior’ nature but solely through their “situation”, that is by definition contingent on the performance of its function. Within the government is thus shown the signs of its own destruction, as inherent in the one (unit) is the many (amount); just as within the absolute monarchy *lies* the republic (as evident in the Hume’s *Essays*), and just as within monotheism

lies polytheism (as evidenced Hume's *The Natural History of Religion*⁷³).

The history of Europe teaches us – in the voice of the *Treatise* – that the sources of sovereignty lay in “long possession, present possession, conquest and succession/positive laws”. The first three sources are understood to imply one another. The very term possession expresses conquest, “No maxim is more conformable, both to prudence and to morals, than to submit quietly to government which we find to be established in the country where we happen to live, without enquiring too curiously into its origin and first establishment. Few governments will bear being examined so rigorously”⁷⁴. The last source, positive laws, themselves have to find their legitimacy in the first three and can only therein derive its authenticity. The “natural state” has been formulated as conquest, and conquest is *in turn* foundation for the relations of power and allegiance. While in the natural state, equality is posited as the ruse to ensnare the time of history, in the political state, time domesticates historical violence as nature. Analogously, in the natural state while equality is posited and retrieved by the doctrine of interest, in the history of conquest, inequality rules the general economy of fact replicated at the level of territorial geography; the place of expanding nations. Conquering nations is simply act and presents itself as norm. It is in Hume's essays on political-economy that the relations between states are thematized.

Politics Becoming Political-Economy

In the essays on economic themes by Hume, the question of history as mode and referent continues to occupy its critical place; while commerce is the symptom and cause of the emergence from the savage state, it is the possibility of a temporal regression in the face of a crisis that guarantees its use. The advantage of the increases in production levels and the release of labour for the institution of the manufacturing arts and commerce has its primary function in the potential of reconvertng this ‘superfluity’ into military prowess against a foreign threat. While the threat of conflict had earlier guaranteed the mutation of the savage into the modern, it is the

(p)reservation of the 'savage' – as sign of conflict – in the fact of the modern that signals its own modernity. Here, the equivalence of the "happiness of the subject" and "public interest" is rendered actual, and this is what distinguishes the modern condition from antiquity where the relation between military might and the refinements/commerce seems to have enjoyed an inverse relation. Sparta is named by Hume as exemplary of the old situation. On the other hand, the unique modern condition is the recognition of the continual use of the *stock* of production, labor; whether in conflict (politics) or in the production/exchange of things (the economy). Labor is the link and medium between real riches and real value⁷⁵.

Value lies not in money per say but "industry" – the stock of labor *as stock* as well as *in use*. Money is only the "oil" not the "wheels of commerce" and its function lay in its *representative* value (within a nation). In foreign transactions – "wars and negotiations" – *money itself* was of critical importance. From an endogamous perspective, money did not have any value in itself but only in its proportion to labor and commodities since if mere money was multiplied, prices would simply rise, and so there would be no real change in the economic scene, no production of real value that had to do with industry/labor. As mere method – an operation as well as an index – money enables one to *register* the economic transaction as well as *calculate* economic effects. Yet money as such, within nation also, has value in that its increase incites the industry of the country as documented in the influx of precious metal with the "discovery" of the American mines. The concomitant rise in production is measured by the interval in time between the influx and its effect: the rise in prices. The delayed effect is the measure of the rise in value, the increase in industry. Money thereby mimics labour, in its double nature of being in stock (quantitative measure) and in use (the dynamic of effect) thereby inciting it. While introducing the 'foreign' it fails to explain it: 'influx' is a nominative that dissimulates as 'natural' and/as mechanical a whole history of violence; the conquest of the Americas⁷⁶.

While the foreign is naturalized as an influx, artifice is recognized in the internal economy of the national unit. Instruments of credit – including banks, paper-credit and bills of exchange – are 'artificial' ways in which prices are increased. The 'counterfeiting' of money

through paper-credit and banks results in the inflationary effects of any influx in money, but in this case these ill effects are not countered by the possibility of its use in foreign transactions. Metals have both an exchange value (as an abstract representation of labor) in the economic transaction as well as a use-value in the political transaction (foreign affairs: such as war and negotiations). On the other hand, paper-money had no use value, and in its functioning as exchange value only serves to “banish” money by monopolizing the market. This resulted in the inflationary effects of increasing money supply. However, this should not be seen as a problem if we were concerned with merely the kingdom *sui generis*. Thus to make Hume’s own argument effective, concerning the deleterious effects of inflation, we would have to undermine its assumption (about looking at a nation merely from within). For inflation can be a problem when looked at from the perspective of foreign trade. It is from this perspective that one could conclude that if prices were high it would be difficult to find an export market⁷⁷. Thus, one would have to re-charge the critical gaze back to the foreign transaction, which Hume is only too happy to do⁷⁸.

When directly discussing the international relations of commerce, Hume, following Barbon, argues that in the first place one can only make a general argument since there was no way of calculating precise profits and losses. Because custom house records were not always reliable and it was impossible to know the price rates of exchange through all international transactions as well as the exact value of goods entering and leaving a particular national economy. The general argument that applies is that one should encourage trade between nations as value was analogous to water and would ‘ultimately’ find its own level. A country where there was plenty of money, would also witness a rise in prices, this rise in prices would allow a poorer country to undersell the richer country, thus attracting wealth to its shore, and the cycle would repeat itself. This was a peculiarly moral attraction where the different talents and wealth of different regions were engaged in transactions that would result in mutual prosperity. Thus, following Davenant, he argues that “absurd duties” should not be imposed by legislatures who should encourage commercial transactions. This interaction would also encourage industry and emulation through competition; it would

encourage the refinements of the arts engaged in production as well as the arts of leisure.

It was not merely money that was the index of wealth and improvement but the “manners and habits” of the people. A country isolated from the trade was like the savage or the rural landlord who had no refinement in his sensibility. It is here that Hume sketches the curious economy between the passions and industry. In the modern age passion becomes a passion for gain and so it is a passion intimately linked to industry and frugality. It is this passion – as industrious action and thereby also the source of real value – that can serve as an index to the wealth of a nation. Right through this argument, the parallel one of the reversibility of military might and commercial superfluity is hardly alluded to.⁷⁹

Gain and its abstract nature – as well as the legislature and its relation to the economic – finds apt illustration in “public credit” of which there were advantages and disadvantages. On the one hand they – public securities like other instruments of credit – “banish” money and its “value”, and on the other hand they facilitate circulation, crucial for the flourishing of any economy. Public credit – as the term implies – is the credit that the state owes, and the English state had a relatively large public credit since the ‘financial revolution’ in the late 17th century. Though sensitive to the advantages of public credit – national debts furnish merchants with a species of money, enabling them to bring down prices, causing a “quickenning of labor and helps to spread arts and industry throughout society” – the thrust of Hume’s famous essay is on its pernicious consequences. Apart from pointing out to a series of disadvantages such as the excessive centripetal pull towards cities like London at the cost of the country and the idleness this form of profit seems to induce, Hume seems most concerned with the point at which public debt has repercussions on the very body-politic where the relations between foreign and local resurface. In a preliminary sense, many of the merchants *are* foreigners, not simply having ‘foreign interest’, and so they can have a role in the running of the polity. But at a deeper level, national debt could require an increase in taxes that would have direct effects on the populace. Thus people-in-the-nation would be extremely vulnerable to a whole set of transactions – commerce being undertaken by the merchants

in far away lands – over which they have no control. Simultaneously, the increase in taxation would indicate an increase in the power of the executive that could pave the way to despotism – whether by the single prince or by the council involved. This, by the very nature of Britain’s body politic, would be “a degree of despotism which no oriental monarchy has yet attained”⁸⁰, since the actions of the sovereign in this case directly impinges on the circumstances of the people. Ironically an “oriental despotism” would have no such fear since there – according to Hume – the monarch has no right to increase taxes. Here we witness the ways in which international commerce could directly contribute to the construction of unmitigated despotism, a despotism that is the (ironic) result of the linkages between all parts that existed within Britain – *the body-politic*— just as *otherwise* it is a reflection of its freedom⁸¹.

Free governments could themselves turn despotic via commerce but they have historically also been the worst oppressors provinces acquired through conquest. While an absolute monarchy would not make a distinction in the general laws between his own provinces and the conquered ones, a ‘free government’ would make such a distinction, “the conquerors in such a government, are all legislators, and will be sure to contrive matters, by restrictions of trade, and by taxes, so as to draw some private, as well as public, advantage from their conquests”⁸². Moreover, frequent rotations of provincial governors would only encourage greater plunder of the provinces; a motif that rules with a vengeance in relation to the Company in Bengal under the rubric of “security of property”. Free governments necessarily imply other unfreedoms; even while what one means by free would have to be closely examined. If free indicated a partitioning and balancing of powers in Britain’s proud “mixed constitution” parliament concentrated all powers within itself by holding the purse strings. Such “absolute” powers were once the king’s. Yet the historical tendency in the weakening of parliament through factions, while the crown as single most powerful player was augmenting its power. “If it (Parliament) continues we shall suffer all the tyranny of factions, subdivided into new factions. And, as such a violent government cannot long subsist, we shall at last after many convulsions, and civil wars, find repose in absolute monarchy, which would have been happier for us to have established peaceably

from the beginning. Absolute monarchy, therefore, is the easiest death, the true euthanasia of the British constitution”⁸³.

Encrypting the Crypt/Arcana Imperii:

FAMINE IN BENGAL AND DEBT IN ARCOT: STRATEGIES AND DIMENSIONS OF COMPANY RULE

From the tangled density of the conceptual threads of political economy let us enter the domains of the East India Company. In this section we will examine its activities first in the regions of Bengal and then in the Carnatic, in the 1760s, primarily through its relationship to Siraj-ud-Dowlah in Bengal and Muhammad Ali, the Nabob of Arcot. Here we will analyze the institutional and political expressions of rule by a financial-joint stock venture thereby putting on stake the polite sociality of commerce and its imbrication within the field of political-economy.

In the case of Bengal, much of the historiographic literature on these years either examines the nature of the Company-State, in the ways in which it was similar or dissimilar with native polities, and its “response” to the famine⁸⁴. However, in many of the relevant East India Company documents an insistent concern is with the legitimacy of Company rule and its role as the primary structural element in the devastation of Bengal. In this context, the question was not only about conquest as submitted through the 18th century lexicon, but also linked to the fact that the Company qua trading company though undertaking conquest, had to define the political context in which it placed itself as sovereign power i.e. had to determine the political hierarchy wherein it reigned and at the same time was also a commercial joint-stock body whose responsibility was the profit to be handed to its subscribers and the English State (during times of charter renewal). It is the problematic of this double nature – the ways in which the Company debates its own nature as a “government” and as a trading body – that is less emphasized in the historical literature. In this part I try and understand how the famine, a synecdoche for the general “calamity” repeated time and again in the primary documentation, can be sutured to the specific essence of the Company regime as well as its initial attempts at self-understanding in the face of such devastation. I distinguish my

approach from the more current historiography by trying to investigate both the meaning of terms such as 'free trade' and 'commerce', 'private' and 'public', 'value' and 'money', simultaneously with the way in which such an understanding can better enable us to comprehend the institutional mechanisms of Company rule, thereby challenging the contemporaneous theoretical extrapolations of commerce in England.

Between the late 1760s and the early 1770s, over a million people died in the lands controlled by the East India Company, in what is known as the "Bengal famine"⁸⁵. According to some estimates of the time the death toll amounted to a third of the population of the regions under the East India Company in northern India⁸⁶. To what extent can one blame the East India Company for this catastrophe, is a question that presupposes another one i.e. how are we to understand the East India Company in its functioning during this period, and in this region? What remains undisputed – in the whole literature surrounding the nature of the East India Company and its implication in the famine – is that the famine was perceived as a "decline" of epic proportions. How did Bengal, regarded as one of the most flourishing regions of the world in the living memory of the writers, come to be afflicted with such catastrophe? The issue under debate in the literature is thus necessarily both analytical-historical as well as 'futural' in so far as it is concerned with an understanding of the present – the catastrophe – which will serve as the enabling condition for alleviating the devastation. This discourse, since it is a response to the crisis in Bengal, is also concerned with the situation in London, as the East India Company had throughout its history been a critical conduit to, and component of, the English financial and political worlds, as has been discussed in the previous chapter. And since such discourse was a response to the situation in Bengal, it was also a reflection of/on the multifaceted nature of the East India Company, encompassing within it and often without discrimination, the merchant, the financier, the soldier, and the politician.

In the early 18th century, the English and the French Companies were already part of the political worlds in peninsular India⁸⁷. In Bengal in 1756, Siraj ud Dowlah⁸⁸, the nabob of Bengal, destroys the Company's *properties citing the latter's violation of certain agreements*.

As we will see below the exact nature of this political (ad)venture is still not clear. The Company troops with the help of the Royal Navy defeat the nabob's army, after which new treaties are signed and protestations of friendship demonstrated. In the meanwhile Meer Jaffer, a commander of the forces of the nabob of Bengal defects to the East India Company prompting the Company to attack and defeat the nabob of Bengal's forces in the Battle of Plassey in June 1757. Meer Jaffer is then installed on the throne and the Company is given many benefits, *including the rights to territorial revenue*. The military might of the Company and the clauses of the treaty with Meer Jaffer ensure the permanent influence of the Company in matters of governance. This is soon enough demonstrated when the Company not only plays an instrumental role in repulsing Ally Gohar, the Mughal prince who is nominal suzerain, but also when it deposes Meer Jaffer and installs Meer Kasim on the throne. The Battle of Buxar in 1765 where the Company defeats the combined forces of Shuja ud Dowlah and Meer Kasim give the Company the rights of Diwani, or the rights to collect revenue over the lands of Bengal, Bihar and Orissa in the name of the Mughal emperor. These rights are granted by the latter. It is well recognized now, just as it was then, that this was all political drama played out at its most burlesque level. The Mughal emperor had long lost any real authority, and had no military prowess of any sort; in fact the granting of the *diwani* with such dignity couldn't hide the fact that just some years ago the Mughal emperor was repulsed by the Company's own forces in his attempted incursions into Bengal. Thus, in the late 1760s, the Company was the paramount power in Bengal and was involved in all the activities that were worthy of a sovereign power. It is this nexus that needs unpacking – not simply the collusion of the economic and the political – but their simultaneous and reciprocal doubling and dissimulation.

Both East India Company officials as well as its detractors were agreed in the responsibilities for the Company in the devastation of Bengal, but they disagreed in terms of their understanding of the malaise. The debates are again framed in terms of private and public interest, primarily in relation to Britain but tangentially in relation to Bengal. It is this 'tangential' that is the first symptom of the strategic dissimulation of the politico-economic into the political and the

economic. Thus, as the East India Company is primarily a trading body and a body that derives its rights from the British sovereign, the 'public' it serves is the British one wherein it authenticates its rights to existence; whereas since its relationship with Bengal is mere trade, this relationship is one that can be by the same logic, instrumentalized. Bengal's prosperity is critical only to the extent that it ensures the profitability of the trading (ad)ventures of the Company. What prompts the prolific diagnostic literature on the Bengal famine is not the devastation in Bengal per se but its capacity to neutralize the profitability of the Company, and thereby in its ability to affect not only its own very existence – profit is the alleged *raison-d'être* of the trader – but also the British State. More than one writer reminds us of the parable of the hen with the golden eggs, and the dictates of prudence against excessive greed and avarice. Thus, the shortest distance between two points – the Company and the English public – is not the straight line but a longer route that would have to stop at Bengal. The conduit that connects the financial world and political worlds of Britain is one that is predicated on the events of Bengal. And so wherein lies the malaise and in what terms are the diagnostic critique mounted?

First, it would do well to examine the political morality of the actions of the Company. The Battle of Plassey depended not only on the secret treaties with Meer Jaffer but also on the famous deception practiced on Omnichund, one of the parties in the secret treaty, by Clive. This was accomplished through the forgery of Admiral Watson's signature to the secret transaction. Let us remind ourselves that such actions invited the death penalty in contemporaneous England, and this case of forgery involved a representative of the British sovereign, an Admiral. Secondly, there is the famous 13th article of the treaty with Meer Jaffer that prohibited the Company from deposing him⁸⁹. This was again conveniently lost when Meer Kasim was installed on the throne. These are simply two acts of deception. But these particular acts only bring us to the more general question regarding the status of the Company and its transactions. Even before 1757, the Company was directly involved in the politics of the Deccan along with the French East India Company. Siraj-ud-Dowlah's destruction of the properties of the Company itself is one of the great mysteries. This act of destruction was supposedly in

response to the nabob's demand that the Company hand over a native subject, Kishenchand, as well as the Company's violating of prior agreements regarding the building of fortification; indexing the problematic of the political.

All these treaties of the Company have to be interrogated, not only in relation to their consequences, whether they were adhered to or not, although here we have a wealth of evidence pointing to systematic violation – but also with regard to their form. The first select committee obsessively questioned the status of the treaty itself, a question that we cannot cease to ask: was the treaty in reality a result of coercion or was it one that was entered into freely; invoking the problematic of the contract? The answers are, of course, history. But this very history can be read as the success of the Company in *unveiling* its political status, as previously discussed. We have with us the British monarch's authorized 'rights to prize money' and the 'plans for plunder', the mechanisms through which the loot would be distributed⁹⁰, and the consistent formulation of war in terms of its ends: peace. The acts of building fortifications as well as the 'protection' of natives were political acts that had precedents in the Company's own history as previously discussed, as well as in England's feudal character, that Hume was trying to sequester to 'the' past. What appeared new was simply their spectacular success. And the 'entering' into the political domain also triggers the series of deceptions and violations that are the common history of colonialism. Of course this is not at all to suggest that the Company had also monopolized intrigue and deception. Rather, it is the thrust of this investigation to attempt to elucidate the politico-economic form that is the *situation* of a catastrophe — the death of at least a million people and the destruction of a flourishing land – and put into focus the globality of a financial cum military regime, overcoming, instituted partitions of political territory⁹¹.

Henry Verelest who held the post of governor of the East India Company between 1765 and 1769 lays the blame squarely on the proprietors of the East India Company whose demands for an increase in "investment" – the money spent on Bengal goods that were to be brought back and traded in the British and European markets – accelerated⁹². In this context, we have to note how the nature of the 'trade' had changed fundamentally from the 1750s.

The East India Company was now entitled, through force of arms to territorial revenues, and so no longer needed to bring bullion into Bengal. Thus, revenue collected from Bengal was itself used to pay for its own goods that were then exported to England and other parts of Europe. Demands for an increase in trading 'investment' added pressure on the political activity of collecting territorial revenues. Although the heyday of the Mughal Empire clearly segregated the powers between the *diwan* and the nabob, with the decline of Mughal sovereignty 'regional' powers tended to combine the two functions. The British in Bengal were thus peculiarly placed in that they inherited this monopoly of power by their military prowess but they carried out a double dissimulation through retaining the nominal sovereignty of both the nabob and the Mughal emperor. Now in possession of territorial rights and responsible for the collection of land revenues, functions with which the Company had little familiarity, resulted in their depending on many local hands to help them understand the complex labyrinth-like world of revenue administration. Here we witness the intimate and organic link between trade and politics in the form of the 'exchange' of goods ('commerce') and the extraction of revenue ('politics'). The pressure on the Company from the English State can be deduced from one of the first actions of Lord Chatham after the Seven Years War, which was to approach the East India Company for financial help⁹³. These requests and demands from the Court of Proprietors, the governing body, persisted, and were based on the political powers of the Company and their access to the rich and flourishing lands of Bengal in the form of revenue. However, as has already been mentioned, the access to land revenue cut off the supply of bullion to Bengal and this was to play a role in its subsequent devastation. It also left the Company at the cross-roads between two forms of 'despotism'. It could either demand a certain amount of revenue, enforcing this through coercive means. This would unleash a chain of coercive measures, as it did, within every link in the chain of officials, whether native or foreign, money lender or *zamindar* indulging in mimetic coercion⁹⁴. Or it could, as it did briefly, assume a completely interventionist despotism where East India Company officials would directly send its own officials to evaluate lands and keep accounts of revenue collection. The latter was the supervisory scheme

undertaken under Henry Verelest for Midnapur. Either case assumed – in the active and passive sense – absolute power based on military might.

In addition, the political powers of the Company were won, but not without a real cost. The expense of the armies, the stationing of battalions in lands away from Bengal (one of the terms of the treaty resulting from the Battle of Buxar) and the stipend to be paid to the Mughal emperor in exchange for the *diwani* – all contributed to a drain of specie. An increase in ‘investment’ was perpetrated in many instances through coercion; this resulted in a complete monopolization of the manufacturing products of Bengal. That there were many instances of coercion both in the context of ‘trade’ as well as revenue collection is denied neither by the Company officials nor by its detractors. Disagreement lies only in the precise evaluation of this coercion on local manufacturers. The Company officials laid the blame of blatant acts of brutality and force at the hands of “private traders”⁹⁵, Europeans who had come to India as Company writers but who also were allowed to carry out their own ‘private’ trade. This did not cause any concern until the large scale acquisition of governmental power by the Company. Once the Company became the paramount military power, and held the reign of real political power, it was argued by Company officials that these very private merchants and their Bengali agents carried out the worst kind of atrocities in the *name* of the Company. Thus, inland trade – and trade in essential goods such as salt, betel nut and tobacco – was taken over by private merchants to the detriment of the local populace. Using this argument the Company responded by instituting a “society” to monopolize the inland trade of these items. Thus, we have a monopoly within a monopoly instituted in the name of justice. This monopoly was also instituted as a response to the fact the Company soldiers could no longer officially accept ‘presents’⁹⁶. Here again the Company is reacting to itself, although the effects are felt everywhere around. The full control of these important trades – that were often the markers of sovereign power – signals the simultaneous rationalization and institutionalization of the new sovereignty, which is dissimulated in reality, leaving the nabob as but a name.

One of the most persistent critics of the Company’s policies was a private trader, William Bolts. Bolts uses the argument of “free trade”

to question the legitimacy of the Company's monopolization of the inland trade⁹⁷. He argues that though the Company was given monopolistic privilege over goods to be traded to and from Bengal, they had no rights over the trade within Bengal. This monopolization of the inland trade is rendered as an instance of the oppressions practiced by the Company, not only on the natives of Bengal but also on the subjects of England who were entitled to 'private trade'⁹⁸. The argument of the Company⁹⁹, was that open trade was *itself* the site of the political since oppressive practices were allegedly undertaken in the name of the Company. This is countered by Bolts who argues that if it was, indeed, the political that had emerged as a critical term in the execution of trade, then the Company needed to simply relinquish its rights in favour of the British State. The explicit political articulations of trade, whether in the name of, or in the actions of the Company, have been catalogued by many observers. The prices of daily necessities like salt were fixed, engrossed and then sold at inflated rates. The various established monopolies coercively vaccinated all other trades: the flourishing trades that connected Bengal with the Middle-East and South-East Asia¹⁰⁰. In addition the tea trade, involving global dimensions, is carried on with China, through bullion extracted from Bengal. We, thus, witness the radical effects of monopoly in its complete clamping down on its host, draining the latter of both resource and intercourse; the 'savage isolation' hypothesized by Hume. And in so far as a monopoly is the institutional rationalization sealed by an (in)determinacy (the opening through which anything can be part of the monopoly), the Bengal famine is not hard to digest, in analytical terms. It is the abstract nature of the entry-point into the monopoly that allows anyone, whether native or European, access to the monopoly of military might that the Company enjoys. It is this (in)determinacy and its exploitation that is the vector of oppressions. For whether there is a trading monopoly or an 'open' trade, as long as the military monopoly is secure, there seems no possibility of a radical change in the situation¹⁰¹. Here we see that the debate between the 'open' trade and the monopoly is again a specious one in so far as it is the political – the name or (f)actions of the Company – that establishes the terms and infrastructure of unequal exchange.

Having distilled the political as the break-up of the false

distinction between open and monopolistic trade, it would do well to try and focus on the shape of this creature a little more attentively. Bolts as well as Dow deploy the figure of despotism. In Dow, the Mughal despot is a positive force when powerful, in that he protects the lowliest *ryot* (peasant) from the depredation of other more powerful classes, such as the money lenders or *zamindars*. This is part of a familiar logic of interest, for the despot has more to fear from the *zamindar* than from the *ryot*, and yet this interest translates itself as justice, in the protection of the *ryot*. But this justice is predicated on the absolute powers of the sovereign, and in the context of the Mughal Empire, on the sovereign person. Thus despotism is the absolution of power in the singular point of its enunciation: the person of the sovereign. This is not merely arbitrary power since sovereign power does justice to the 'people' and also rests on its "opinion"; as Dow makes clear, following Hume¹⁰². This opinion is a critical constituent. With the decline of the Mughal Empire and the introduction of the Company regime, in Dow's narration, this singular point has become a vanishing point, retaining merely nominal power. And here too we have despotism, but *now* of a different kind. In this scenario one sees sovereignty in continuous-action. Nowhere does it show itself, at no point can it be 'held' responsible. This is the 'traffic in nawabs', the continuous installation and deposition of (nominal) sovereigns by the East India Company in Bengal. In the space of 10 years three rulers have been installed and deposed. The garb of sovereignty-in-dissimulation by the Company is necessary because a direct taking on of the mantle of sovereignty would result in the dilation of the primary contradiction: trade and governance. This would trigger a whole host of uncomfortable questions. How could a trading body qua trading body govern? Would not the costs of governance – establishing judicial, administrative and legislative institutions – undercut the immense profits that were being made presently by the Company? In what terms could such sovereignty be legitimized in this case, except by returning to the beginning: the laws of conquest?

Alexander Dow and William Bolts advocate the establishment of British sovereignty over the lands of Bengal¹⁰³. Bolts and Dow do this in admirable detail through a hypothetical balance sheet, argue that only a flourishing Bengal can benefit Britain. The East India

Company ruined it, and a recovery of Bengal was now possible only through the active intervention of the British State since the Company had depleted not only the financial and economic resources of Bengal but at the same time had robbed it of its political resources. Such an intervention would include the setting up of a governmental apparatus in Bengal. For only a secure state, and here both Dow and Bolts anticipate a notion of the 'permanent settlement' in so far as they point to the ruinous consequences of the annual auctions of revenue-collecting rights, would ensure the economic prosperity of the region¹⁰⁴. A re-sourcing of all sovereignty into the British State would then take expression in the just system of the separation of powers between the executive, legislative and judicial. Both writers do not see this separation as peculiarly British in that even the Mughal Empire instituted such a separation. Bolts, more concerned with the rights of 'private traders', also perceptively notes another oppressive result of the dissimulation practiced by the Company. He argues that the Company had all the real power and since they subsumed within themselves economic as well as judiciary powers, there was no court of appeal for anyone, whether native or British. He cites cases where injustices were rampantly orchestrated by Company officials whose absolute power made it impossible for natives as well as private merchants to appeal elsewhere¹⁰⁵. He further notes that it was impossible for the victim to even appeal to courts in England since the Company professed power only over British subjects and within the confines of Calcutta and could thus disguise their injustices outside the city and on the natives and private merchants by claiming that they had no rights to intervene in lands over which the nabobs held sovereign sway¹⁰⁶. Thus, the nominal power of the nabob was strategically used as a smokescreen to hide the real power, and oppressions, of the Company. This was a way of continuing, and a reason for maintaining, the farce of their status as primarily traders. We here see the stakes involved in the preservation of trade as a means to perpetuate the political. And we also have the lineaments of a new despotism in so far as power is not only absolute but completely arbitrary, an arbitrariness that enunciates itself in a series of levels: not only the levels of the Company operating within Bengal (the direct and indirect forms of 'plunder') rather than being captive to the singular will and caprice

of the orientalist despot, but one must also keep in mind the critical conduit with the financial world of England and the English state (the financier-parliamentarian-industrial nexus). Thus, both Bolts and Dow argue that only the establishment of the British state within the regions of Bengal, and the *assumption* of absolute sovereignty by them, would mitigate its ills.

Money is the other scene where the question of the political is posed. Here we can examine one of the most respected experts on political economy of the time – James Steuart. Steuart was hired by the Company to diagnose the ills of the economy in Bengal and offer remedies¹⁰⁷, and has been appropriated by various quarters in the long 20th century. Whether seen as the culmination of mercantilist doctrine, (which is evaluated negatively as still being blind to the true principles of economics or positively as a founder of the ‘economics of control’ and thereby a precursor to Keynes) or as one who still was sensitive to the politico-moral co-ordinates of economic activity, whether as a coherent alternative to the Smithian view or not, all approaches are agreed both on the importance of re-reading Steuart’s *Inquiry* as well as the critical political dimension of Steuart’s theorizing on the economy¹⁰⁸. While here we will attempt a reading of his specific evaluation of the East India Company’s policies, in the concluding sections of this chapter we will also draw on his major work.

Henry Verelest, a governor of the Company, appears to respond to Steuart’s suggestions without naming him. What is beyond dispute – and this is shared by many other writers on the subject such as Dow and Bolts – is the ‘drain’ of specie and its ruinous effects. To reiterate this drain: the replacement of the influx of silver that earlier paid for British imports by local revenues (a result of land revenue rights), the increasing demands for ‘investments’, the outflow of silver to finance the China trade, the stipend to the Mughal emperor, the financing of armies stationed in Allahabad and Lucknow, and the lending of silver to foreign-private merchants such as the Dutch and the French. All this is acknowledged and both Steuart and Verelest are agreed in connecting money supply to trade, industry and value¹⁰⁹. This is not a crude confusion between value and bullion, but the recognition that coin and its circulation – by playing a role in exciting industry – constitutes the critical lever of value.

Thus the implication of money and value – witnessed in Hume too – serves as the index for the political texturing of the economic transaction.

The debate between Verelest and Steuart takes place at what is simultaneously a more rarefied as well as a more concrete level. While Steuart argues for the institution of a ‘standard unit’ a fictitious point that would denominate the value of the coin, Verelest believes this to be theoretically and practically impossible¹¹⁰. In his *The Principals of Money applied to the Current State of Bengal*, Steuart argues, that a standard unit had to be conceived that “would be the denomination that determines the proportion of value” and the situation where different metals are used for coinage “the denominations of all the coins ought to be in an exact proportion to the value of the metals they are made of”¹¹¹. This standard has to be fixed for “to suffer the standard denomination to be valued by the accidental currency of any coin, is contrary to every principal. The current rupee, and not the *sicca*, or any coin whatever, must be the standard by which every coin or currency is to be valued”¹¹². However, having set up these theoretical postulates, Steuart seems to subvert them in his recommendation of policy as well as in his readings of monetary history. For he argues that the most common mistakes made by sovereigns had been to raise denomination, for the necessary result of this would be the debasement of the coin. Here, he points out to the necessary relationship between coin and denomination, something he was keen to separate. In his analysis of the East India Company he continues to point out to the interrelationship between coin and denomination. Thus, the overvaluation of gold by the Company, a measure to increase the volume of gold transaction and thus preserve silver (that was being drained) backfired because the undervaluation of silver in Bengal only resulted in silver being melted and exported. Instead, Steuart argues “that the only encouragement it was possible to give gold coins was, to fix a denomination to the new gold coins above their due proportion to the silver currency”¹¹³, undermining his original postulates.

In matters of policy, Steuart is thus insisting that the Company assume absolute sovereignty in determining the “standard unit”, and this would also mean monopolizing the mints, the

standardization of currency and the extermination of the *shroffs* (money changers/mint officers). Verelest is quick to point out, in response, the tension between the theorization of the standard unit and its vulnerability to manipulation, and instead argues that it is the direct relationship between the coin and the prices of necessities that determine value (the denomination of the coin). Such a denomination, it is held, cannot be fixed through a sovereign decision unless the price of all commodities was similarly fixed. On the contrary, he argues that it would be impossible to fix the relative value of gold and silver, the quantity and demand of the two metals being in constant flux. Here Verelest alludes to market transactions as being the final guarantor of value, and not an arbitrary-sovereign decision, as proposed by Steuart. Verelest seems to be proposing the market as the ultimate principle in contrast to the despotic authority that Steuart argues as being the only measure to secure the recovery of Bengal's economy. It is in this manner that Steuart, like Dow, recommends the establishment of circulatory mechanisms such as banks and paper credit¹⁴ constituted as they would be by absolute authority and its governmental ensemble.

Verelest's position on the market and market/variable determination however is not merely a general philosophical position, though it is that too. His interest in philosophical matters emerges in a footnote where he points out that the "standard" that Steuart is proposing seems to be merely an idea having no relation to reality, thus strictly outside the domain of sense, a position that is reminiscent of Berkeley and Hume. However, this sophistication is not lacking in the dimension of historico-political analyses. He argues that the English State was able to secure its economy only through a series of radical steps, and by the assumption of an absolute form of authority. Only through steps such as the death penalty for economic crimes was this ensured¹⁵. In Bengal, he argues, such – despotic? – measures would neither be possible nor advisable. Rather, the traditional indigenous methods would suffice as long as 'extraneous pressures', i.e. the series of drains alluded to above were mitigated. In this vein he recommends a continuation of the old policy where silver was to lose a determined portion of its value every year, and at the end of three years the coins were brought back to the mint to be re-coined by the *shroffs*. Both the *shroffs* as well as

the sovereigns – in this case the East India Company – were given a *batta* (a cut in the percentage). Verelest insists that a continuation of this policy without the drains would ensure the recovery of Bengal. We, thus, see that even technical issues like relative currency rates are actually indications of political forms of governance. Verelest's position is one that occludes the explicit assumption of sovereignty that *has in effect already taken place*. Here, influenced by Montesquieu whom he cites liberally, he argues that the particularity of cultures and customs would make the introduction of English laws impossible, and if they were simply enforced it would be an instance of despotic and cruel authority. Of course, he doesn't think it important to contest the arguments made by other commentators that the Company in any case had absolute de facto authority; it was this dissimulation and elision that engendered the worst oppressions, since sovereign acts could be carried out without sovereign responsibility. Thus again, the question seems to be an aporetic one: whether the assumption of absolute real authority (economic, political and juridical) or its continual dissimulation. Commerce – as any exchange, at any rate and at any exchange rate – seems to be an ineluctable modality of the political. And as to real policy: the only point, on which most commentators agree on, is the stoppage of the drains, which is not followed. Except for the case of China, where an ingenious solution is soon thought of. Bullion is replaced by coercing farmers to grow opium and the latter becomes the medium of the China trade. This, of course, leads to another kind of political engagement culminating in the opium wars.

The wars in the East were simultaneous with the Company's wars in the South. Yet the southern regions had a slightly different history since they were at the frontiers of the Mughal Empire. The early 18th century saw a range of conflicts between kingdoms in the Deccan intertwined with the rivalries between the international trading corporations such as the English and French East India Companies. These bodies were also simultaneously military orders, and though never claiming direct sovereign power, they allied with local sovereigns in their wars. Enrolling as "auxiliaries, allies and mercenaries" the French and the English East India Company supported rival claimants to the 'nabobship' of the Carnatic, in a conflict that later proved to be historic¹¹⁶. The 'nabobship' too was

an office, a governorship whose political power was ultimately authorized by Delhi. But after the death of Aurangazeb in 1707, and keeping in mind that the Deccan and the Carnatic were always frontier regions of the Mughal Empire, political power constantly shifted allegiance, a handmaiden to military might. Other than the 'nabobship', the other major political powers included Mysore, the Maratha confederacy and Hyderabad (which was a representative and officer of the Mughal Emperor). At the same time the region was peopled with individuals who claimed political power at a very local level, a claim that was often realized through force of arms, but that also recognized more dominant powers. Among such petty-princes was Pertaupa Singh, the Raja of Tanjore. His claim was partially authenticated through descent from Maratta chieftains. Recognizing his political title the English allied with him, just as they allied with Muhhammad Ali against his rival, Chunda Saib who was supported by the French, both of whom were fighting for Mughal governorship over the Carnatic¹⁷. These wars – hot and cold – continued until 1761 when the English victory at Pondicherry established a military control over the larger Madras region. The Treaty of Paris signed in 1763 ratified English superiority over the French while at the same time supported the Company's treaties with local sovereigns.

Though militarily sovereign – yet eschewing sovereignty – the English East India Company arranged a treaty between their allies Pertaupa Singh and Mohammad Ali, the newly established Nabob of Arcot who was now the official Mughal governor of the Carnatic, in 1762. This was an attempt at formalizing the relationship between the Raja and the Nabob, each of whom accused the other of encroaching on their respective 'legitimate' rights and realms. While earlier recognizing the Raja to be sovereign and having been precisely the force behind the sovereignty of the Nabob, the treaty of 1762, engineered and guaranteed by the Company, established a *feudal* relationship between the Nabob and the Raja, the former as overlord and the latter as vassal. This was a median point between the claims of the Nabob (derived as it were from Mughal sovereignty) and the Raja (derived by a Maratha lineage). Perhaps, we have to remind ourselves here that the Marathas were themselves the paramount power in the country, although they themselves at times

ruled and fought under the Mughal seal¹¹⁸. The terms of the treaty bound the Raja to the Nabob and the English and required the Raja to pay an annual sum of money to his overlord, the Nabob. While the English staged this treaty with the Nabob and the Raja under their puppet strings, in neighboring Mysore, Hyder Ali, a military 'adventurer', had virtually established his own suzerainty¹¹⁹. The Byzantine intrigues that really form the gist of 'inter-polity' relations flashed into the threat of real military conflict between Hyder Ali and the English in 1767. The Nabob saw Hyder Ali as his enemy and was willing to ally with the Marathas, who were also in continual conflict with Mysore, against him. In this he wished the English to join him having no military might of his own. Aligning with the Marathas meant going against Clive's "grand plan" which saw the Marathas as the predominant power of the subcontinent. But in the present context which saw the rise of Mysore, Madras was willing to ally with the Marathas as well as Hyderabad (from whom too they succeeded in taking away land revenue rights and over whom they exercised a measure of control). Such detailed plotting however backfired. The Marathas were angry with the English for not sending troops soon enough, while Hyderabad in its desperation for money was bribed by Hyder Ali. In the meanwhile Ali through sheer strategic brilliance after having waylaid the Company's troops was soon knocking on the gates of Fort St. George. Having no military personnel the Company was forced to sign a defensive truce with Mysore¹²⁰.

In the meanwhile the 'ambitions' of the Nabob of Arcot over Tanjore, a rich and flourishing country, were not assuaged by the treaty of 1762 and various disputes continued, not least of which was the rights over the Cauvery river that was critical for the plains of Tanjore. These ambitions were themselves fuelled by his debt, a debt, whose nature will be explored below. When the Raja proceeded to subjugate the refractory *poligyars* of Marwar and Nalcooty, and delayed his tribute payments, this provided the Nabob with a pretext. The handling of the *poligyars* was of course, in the Raja's perspective, his sovereign right, and as regards the tribute payments, the Raja believed that the Nabob's claims didn't take into account either the assistance the Raja had given him (and the English) in the wars with Hyder Ali, nor the fact that the Raja was monetarily penalized

by Hyder Ali for aligning with the English and the Nabob even though he played no part in the decision to commence hostilities with Mysore. These wars with Mysore took place in the late 1760s and resulted in a truce that the English were forced to sign with Hyder Ali as described above. Even so in 1770-71 the Nabob urged the English to conquer Tanjore in defense of the rights of the *poligyars* and desperate in need of money to finance his debts. The Company, being a body of mercenaries, was willing to comply as long as they had their share in the rewards, a part of their fee in engaging in their many wars. Tanjore was conquered, and the Raja forced to pay greater sums of money even though complete and direct control over his lands was not undertaken. Here the differences between the Nabob and the English surfaced sharply, for while the English wanted to permanently garrison a body of their troops in Tanjore, the Nabob would not hear of this. Rather his own greater aggrandizement led to the British suspecting him of building up his military strength; what unnatural predilections for a sovereign! However, the threat of a full scale Maratha invasion – raids had already been carried out – as well as the growing powers of Hyder Ali prevented an open conflict. The *Marwar* and *Nulcooty Poligyars* were of course forgotten, and the mere intentions of the Raja were once again suspect, he might always ally with the Marathas, the Dutch or the French. A second invasion in 1773 by the Nabob and English troops captured the Raja and imprisoned him in the Nabob's dungeons. But London was now a changed place and no longer consented to such behaviour. Lord Piggot was sent back as Governor and does nothing less than reinstate the deposed Raja of Tanjore. Of course such a reinstatement was accompanied with the usual Company trademarks, its own particular brand: a garrison of the Company troops were stationed in Tanjore, to be maintained and paid for by the Raja, repairs and fortifications of the forts were to be undertaken by the Company engineer at the Raja's expense, no treaty with a foreign power could be undertaken by the Raja without concurrence by the Company and the number of native guards supporting the Raja would be fixed by the Company. This was a veritable wish-list from Hume's 'feudal past'. Piggot¹²¹, however, is himself put in prison by disaffected elements and soon dies under confinement. Who or what were these powerful interests that were responsible?

We can now return to what Burke immortalized in his address to Parliament: the “Nabob of Arcots debts”¹²². The Company was unscrupulous in its financial demands for military services rendered. With the regulation act of 1767, they could no longer accept any “presents” from Indian sovereigns. And as they no longer could accept, they decided to lend. Here we come to a careful unraveling – phantasmagoric in its grotesquery – that is also paradoxically an instantiation of what has been dismissed as Hume’s alarmist reading of public credit: “either public credit must destroy the nation or the nation must destroy public credit”¹²³. The demands – coded as debts/credits – that were owed to the Company could not be paid by the Nabob, who was then forced to further borrow from private creditors. These private creditors were none other than Company officials themselves, who now revealed themselves in their private avatar (a form of ‘private trade’ that has scarce received attention from the historiography). While the Company might have charged “reasonable” rates of interest, the private creditors charged exorbitantly high rates that climbed as high as 20 to 25 per cent. Public credit and its function is ‘inverted’ since the public is taxed (interest) by the private (the Company) even if in its normal forms it finds its origins in wars (Steuart’s *Inquiry*). Thus, merely the interest became supplementary salaries to many an official, for there was no way the principal capital could be paid. Even here the Nabob was unable to fulfill the demands and so, as a substitute, grants to territorial revenue were made over. This was almost exactly similar to Clive’s famous *jagir*, which had created a scandal in Britain for it foregrounded the problematic nature of Company sovereignty. Such a state of affairs rendered the abstract losses of the Nabob exponential, abstract because there was no way the Nabob could ever repay the actual amount he owed. A curious combination of abstract and concrete was here a ‘futurity’ that guaranteed the continual extraction of funds; continual in the sense of perpetual as Blackstone will argue. Simultaneously, the capital that was being withdrawn – since they did not come from the Nabob’s coffers – was in reality being squeezed out of ordinary cultivators (rents/territorial revenue). Desperate for funds the nabob soon gave out territorial rights to anyone willing to pay. Since these new creditors had no real interests in the land that they now lorded over, no real care was given to cultivation and

resembled the auctioning schemes, and resulting ruin, in Bengal. This was just the start of a vicious unilateral super-exploitation which was sustained by the constant change in revenue-collectors. (Lands got even less profitable, prompting the nabob to resell the rights at even lower rates, leading to greater exploitation).

Such was the situation. As though this was not enough the political intrigues of the Company prompted outright conflict with Hyder Ali in 1767. Almost reaching Madras, Hyder Ali destroyed much of the land on the way, laid all the fields to waste, as the common expression went. This land was, of course, nominally under the Nabob, controlled by the Company. Being unconcerned with the direct management of lands and crop cultivation and simply being fixated on the abstract – the numerical multiplication of debt figures charged to the nabob at will – ensured that no leniency was granted even in the face of political violence. Thus, even in a situation of war, one that was only repeated in the 1780s with another attack by Hyder Ali, the peasants were forced to pay amounts that were calculated according to times of ‘normalcy’ and had to keep up with the nabob’s accumulating debts. This is of course precisely the case in Bengal, where too ‘famine’ was normal for the purposes of revenue collection. Yet the issue is again not simply the extent of the exploitation, but its rationale as well as the novel structural elements introduced. The collection of funds were remitted back to England and played a role in the amassing of massive private fortunes. This had been well documented by the Company detractors as well as encoded within the contemporaneous literary cum cultural representations. These fortunes were then retranslated into the political idiom when they were used to buy seats in parliament, purchase baronetcies or create and support particular interest groups and political factions. It was through these very interest groups within Parliament that the Company could yet again achieve support. The case of buying baronetcies was a particularly ironic form of (re)translation. Barons of course were historically those who challenged monarchical centralization through their military prowess. Now the Company – through force of arms as well as their financial wherewithal – became the backdoor through which the Baron could re-visit his past and replenish his present.

The relationship between capital funds and interest rates was

the principle by which taxation worked; taxes were the charges to repay the interests of public debt as discussed by Davenant and Hume. The East India Company had always played a role in English public debt and in principle it played the same role in India (for rates of interest were being charged on a unitary lent sum). It was the presence of public debt that ensured the regularity of taxation, the greatest source of power for the newly centralized English State. It was precisely this that had been diagnosed as well as critiqued by Blackstone, Hume and Smith. The absolute vice like grip that the State had over its people would be detrimental to the formation of a free citizen body. At the very same time the origins of such debt would always be mysterious since it lay within the very abstract realms of stock speculation as well as in the hands of people who might very well be outside the body-politic; such was the very nature of finance capital. It is no wonder that the first regulating act of 1767 was also designed to limit foreign interest and investment in the East India Company, an attempt to deal with fears expressed by Davenant and Locke as shown in the previous chapter, and repeated by 18th century commentators.

However, there was no stopping the regime of taxation and within the womb of this 'military fiscal state' new pathological strains were bred. In the subcontinent, one sees the 'perversions' which were themselves derived from a precarious and fragile normality. The Company served as mercenaries, and hence charged exorbitant fees through which they both successfully conquered kingdoms as well as prevented the emergence of any form of local power. Combining military and financial might they suspended sovereignty constructing a permanent grey through which a particularly virulent form of despotism was orchestrated¹²⁴. The Nabob himself, set up by the Company, could never challenge the military strength of the Company. Yet it was not simply the Nabob; his vassal (the Raja of Tanjore), his overlord (the Mughal), his 'colleague' (Bengal), their vassals (various *zamindaries* in Bengal, Bihar and Orissa) were all forged in the smithy of war and made into a chain of intermediate interdependencies. In addition the Battle of Buxar in 1765 gave the Company a 'legitimate' title – anointed by an emperor who was beaten off in battle but a few years ago – to land revenue as well as direct influence in the large kingdoms of Oudh and Hyderabad.

These kingdoms also had to cede lands (“ceded territories”) as well as revenue rights. In addition the Company extended a strict surveillance over these Kingdoms and ensured the impossibility of their independence as well as the possibility of their conniving with each other. Such a grand strategy – based as it was on military prowess – cost a great deal of money. And it is here that the English State was able to lend its hand of support. The other hand was of course that of the impoverished cultivators of the subcontinent.

Yet the strong arm of the English State was not simply indulging in *caritas*. The Company’s debt increased while at the same time war expenses, peasant exploitation, and the famine, also increased. Increasing debt, and not the state of devastation in India, partially caused by increasing demands from London, forced the English state to undertake regulatory acts. It was this rather concrete fact of bankruptcy that generated the huge literature and scandal around the Company’s activities. It was easy to scapegoat particular individuals but changes could only be nominal, and the Company was past master in the arts of using the nominal. It was sovereign, not quite a sovereign, a trader, not quite a trader. Nominal stature was precisely the means by which, as in the case of Bengal and Arcot¹²⁵, it could generate an intricate web that would benefit itself as an organization, as well as a set of private individuals. It is this combining of the private and the public, political and economic that we will need to examine once again; in the mean time we are not far away from Hume’s “war and negotiations” in his writings on political economy; the second factor to be taken into account during ‘external trade’.

A final indication of the set of contradictions we are trying to explore: the Mutiny Act gave the Company extraordinary powers over its armies – European and native. And so we can see Major Adams briskly recounting to the Select Committee the tying of the ‘blacks’ to the cannons and blowing them up one after another in response to the mutiny of 1765¹²⁶. The last minute abortion of the mutiny of the European soldiers and the court-martialing of Robert Fletcher¹²⁷ underscores another facet of the same problematic. This was attempted because of the demand that the ‘*double batta*’ – the increase in pay after the Company victories – be made permanent in response to new regulations on the prohibition of private trade and

the acceptance of presents. The economic measure of monopolizing the salt, tobacco and beetle-nut trade was indeed an urgent response to this dangerous state of brewing mutiny. But first we must remember that it was a double circumstance which made a mutiny criminal: the peculiar position of being in the army as well as the more general issue of the entering into a 'combination'. In civil life one could resign from one's work, as a natural right, but one could not resign and 'combine' with others in resignation. Must we recall the basis of the political society in general – whether in the Lockean or Humean (dis)guise – and reiterate the singular theoretical matrix underpinning the political and the economic? Even so, in this context the Company is yet again in an eminently ambiguous position. Being a trading body, the officers had a contract and thus had the legal right to quit. But the Company, suitable to its special position, was also given special rights. We know that the number of people Bolts cited as having being forcibly transported were in fact mutinous Englishmen, and some were in fact executed. The 'mutiny and quartering' act originally designed to integrate the armies with the civilian population ironically also gave greater powers to the military courts. Evidence once again that social integration is simultaneous with the *assumption* of singular, despotic, power. And yet, the British State denied the Company the right to recruit for its armies in Britain. Clive's plan¹²⁸ for recruiting in England was defeated in Parliament largely because of the fact that the Company was able to pay more than the State, and the fears that if the Company did actually start recruiting this would mean a direct drop in the recruitments to the national army. The servants of the East India Company here literalize Hume's argument about superfluity *becoming and relapsing* into necessity, about commerce and its reversibility into the military.

Deductions: Marine Circuli

For Hume, "common life" is the shade where one finds refuge when scorched by the relentless rays of skeptical reasoning. One cannot live by constantly questioning – being critical is what reason is reduced to – what is experienced. This is an argument already made by Locke¹²⁹, but the real impossibility of skepticism in life is demonstrated so as to necessitate the theological – as the nexus

between the rational and the moral – that becomes the rationale for action rather than the resting point of “common life”. Reasoning and reason are not the same after Hume and with the theological subtraction, shelter is found not in a norm to which one oneself strives towards but rather in the placid place where one is *already* living. The imperative to return to the common life can only be a reflective operation that is the failure of tireless reasoning and the recognition of one’s own present place as an immensity that cannot be shaken. Reflection self-destructs in everyday life, the site where it reaches its vanishing point. This is duplicated in the “historiographic operation”. Thus, the work of history as the exhibition of the past is the negation of the present as itself historical – a site for action – which is but a critique of the present that disappears in the indefinite domain of reflection. The negation of the political present as sovereign reason is rendered possible by tracing its origins in/through ‘sympathy’ that immobilizes the present and past at one stroke. So the present of politics cannot be derived from a “promise” (the social-natural law) since the mere existence of the political, as the retrospective realization of custom, as present, is the only guarantee of its value.

Such value is rendered impregnable, on the other hand, by exploding the category of measure. In concrete terms: In the *Treatise*, *Essays* and *History*, resistance to political power is deemed justifiable if its political present is ‘like’ the situation under Nero and Domitian. This is impossible precisely because the situation of Nero and Domitian form a piece of the past, which is past. And the conditions prior to the civil wars did not pass this test, as it could not have. And yet a *result* of the Elizabethan Age of despotism and civil wars was the “glorious plan of liberty”. This is not merely Hume’s ‘subjective’ approval of the post civil war settlements but is an evaluation that has already been programmed by his understanding of the relation between past and present. Speaking of his present is a way of yielding to the past of course, but acting in the present is impossible because of a lack of a theological principal that orient rather than indefinitely reflect. As argued earlier, it is the latter position that plays a crucial role in Locke’s political theory, which in Hume is consigned to history where it is retold as a principle that is closely linked with war and conquest¹³⁰. The victor is the favoured in history. Simultaneously,

this very historicism of the political is being put to severe test by the East India Company that demonstrates in real terms its validity as a principle and as a mechanism. And the fact that the East India Company was essential to the English state, and had been throughout its history, only underlines the problematic.

This operation – the political as history – is undertaken for present (polite) society in England. Reflection as abstracted from action also cuts off history as a political resource – where it once invited mimesis as in Machiavelli or established the political in the long 17th century – and history is now simply “recommended to my female readers” for it is “as an occupation, of all others, the best suited to their sex and education, much more instructive than their ordinary books of amusement, and more entertaining than those of serious composition, which are usually to be found in their closets. Among other important truths, which they may learn from history, they may be informed of two particulars, the knowledge of which may contribute very much to their quiet and repose; that our sex, as well as theirs, are far from being such perfect creatures as they are apt to imagine, and that love is not the only passion, which governs the male world, but is often overcome by avarice, ambition, vanity and a thousand other passions”¹³¹. A source of instruction for the present – that is itself thereby explicated as the social. In this sense Hume’s *History* is the positivity that can emerge only from the hollowed space from where reason as actualizing principle was exiled. Hume was unable to provide an interrogation of his political present – and in this he was merely symptomatic of an age of political centralization, and where the (English) State was growing too powerful to brook any challenge and was fattened with the people, incorporated as they were, through ideological and institutional technologies – yet he was able to provide vignettes of truth that often found their brute distillation as fact elsewhere. For in the ‘elsewhere’, the Company was harvesting history, English as well as Indian, as a resource to legitimize authority as well as to institute new technologies of political power – the unique combination of the fiscal and the military – that challenged as well as ‘accelerated’ to an unrecognizable degree, the theoretical idiom being established in England.

The 1750s was also the time when Emer de Vattel was theorizing the nature of international relations in what will have become a

foundational text of the discipline. Here he criticizes Grotius, for inadequately distinguishing between the constitution of political authority *per se*, and the relationships between body-politics i.e. constituted political authorities. Germane to a theory of natural right would be the impossibility of fully abstracting the law of nations from the formation of civil-society, since political power was in essence a degree of natural-sovereign right. It is thus no surprise that Hobbes's two sources of authority (instituted and patriarchal/depotic) derive from the univocal principle of fear, and Locke's theory of rebellion has no meaningful theory of 'international laws': political society was hemmed in by the doubly folded structure of the state of nature that was both at its origin and at its side (the law of nations was the state of nature). Hume's general theory of 'human nature' also plots discrete units – nature-convention-society-polity-interpolity – where the gears could be reversed; any one term could recode itself into another at a moment of crisis. And it is here that his philosophical groundwork is critical. Thus he argues that it is merely 'customary' that the rigidity of the rules between nations is more lax than the rules between private persons within a body-politic, or that princes relate to one another in relation to their citizens relating to one another in ways analogous to the virtues of men in relation to women. It is in the same way that 'political economy' in Hume gives the international – in the shape of "wars and negotiations" as well as Public Credit owed to merchants – a constitutive role in the evaluation of value. But to sequester a theorization of international rules, indirectly results stabilizing the body-politic. And since Vattel is writing keeping in mind the *expanding empires* – "wars and negotiations" – of the French and English, such a codification, ironically, takes no account of the simultaneous construction of imperial territoriality as a *mode* of the domestic-national. It is here in the imperial space that the older state of nature gets actively spun, a fabrication that has as its recoil the internalization of the nation which is but the private site, in turn, of the public at war. (imperial activity). This disjuncture between the names and things – nation is the equivalent of the private within a violently expanding terrain – will accelerate with time as we hope to show in subsequent chapters. In opposition to Vattel, Steuart indicates the links between the birth of contemporaneous politics and their relations between one another.

In his major work, the *Inquiry into the Principles of Political Economy*, one finds much by way of the historico-theoretical genesis of the contemporaneous politics. Retaining one dimension of the ancient Greek lexicon by using economy in the ‘internal’ sense —the treatise is on domestic policy – Stuart expresses the dilemma that institutes free liberty through the monopolization-centralization of political power. In this way he argues that on the one hand contemporary governments intervened into, and had the capacity to affect the lives of its citizens to a far greater degree than the past, while on the other hand, this also, paradoxically guaranteed a liberty to the general populace, hitherto unimaginable. So with the growth of trade and wealth, the Prince gets jealous of his private citizens, borrows money, institutes public credit for which a generalized tax regime is then instituted¹³². Yet, such a system could work only by empowering the people through the emasculation of the great feudal lords, while at the same time the everyday lives of the ordinary populace becomes vulnerable to political intervention in new ways. Here, there is a curious and complex conjoining of liberty and despotism, and in this sense Albert O Hirshman’s account of the “Montesquieu–Stuart” doctrine, doesn’t do full justice to this set of problems and paradoxes. For instance, Stuart is an avowed admirer of the Spartans and of their frugality, and underlines the importance of the ‘older passions’ such as patriotism and valor which according to him are required for war, and at the same time seem to be disappearing in contemporary commercial societies¹³³. While at the same time he notes the importance of demand and luxury¹³⁴ for the new economy, never however going to the extent, like the mercantilists, to claim that such factors in reality rendered the older virtues and passions obsolete. In this context the subtlety of Stuart’s analysis lies in the “precariousness” that he finds characterizing modern governments and societies¹³⁵; the delicate clock that can at any time go all wrong, as opposed to the simple wedge of the Spartans. The “precariousness” of the modern economy renders wisdom all the more urgent and it is here the Stuart’s own finds its voice; an exigent recuperation of the mirror of princes it is addressed to the Prince, indicating that his importance has but grown with the modern system.

The essentially delicate nature of the modern machine of governance also comes off in the technical aspects of the *Inquiry*,

such as the sections on money and coinage. On the one hand value is severed from denomination; denomination is but the arbitrary partitioning of an arbitrary whole¹³⁶. This is the basis of the standard unit argument present both in his recommendations to the East India Company as well as in his major treatise. Yet such an argument presents a stable state of affairs *already* existing, where currency manipulation, motivated interventions in money supply and the manipulation of trade in essential commodities do not exist. However, it is all this and the milieu of war and violence that the Company activates in the subcontinent that constitutes the scene of devastation and destruction that Steuart is meant to help ameliorate. Hence his (abstract) arguments about improving circulation cannot directly help or do not take into account the real situation, because they never addresses the political issues at hand. Although he does recommend that the British Kingdom take direct control from the Company, such a directive tacitly disregards the fact that the Company functioned through the authority of the Kingdom in any case. In this context, Steuart's larger argument about the importance of the mutual reciprocity that constitutes the "web" of the social being critical for political stability is realized otherwise where the web of the social is maintained only through an active political destabilization while having recruited the newly minted technologies of war and finance in their unison. Public credit, rather than enabling any arena of liberty, becomes a finely calibrated technology of politics at the hands of the Company, just as the reciprocity of stock-holders engenders famine and conquest through an 'action at a distance'. The precariousness as a possibility is realized otherwise, just as the many hypotheticals in Hume.

It is, indeed, uncanny that many of Hume's tales – who more than Hume has done to undermine the fact fiction dichotomy – find themselves welcomed elsewhere. What is the past/passing of England, where the state hasn't yet centralized and where the military power and political power colluded, can be found at the same time in the subcontinent. At the same time when speaking of the possibility that national debt will destroy England, this finds its truth in the fact that the 'national debt' definitely devastated Bengal and the Carnatic; as well as France of course in the revolution to come. And therein destroyed metropolitan Britain too; in the same

and not so same manner. Instead of Britain finding euthanasia in absolute monarchy, it enforces such a condition in the regions of the subcontinent by empowering the king nominally and playing the absolute puppeteer. But this recoils to Britain, for though it doesn't repose in 'absolute monarchy', the state becomes absolute in a way Hume would never have been happy with. The precariousness of morality – a famine in distant China couldn't bother us as much as a toothache says Hume – is adumbrated by a real history, where in fact the British state through the East India Company had 'caused' a famine in Bengal. The condensation of sympathy as a site that distinguishes itself from what is distant is achieved only by the actual incorporation of vast terrain (empire) that can no longer find representation.

With Hume, we have of course to be acutely attentive to the 'dialectical' nature of each and every conceptual term. Thus the indeterminacy of the predicate, the absolute liberty/power of the savage, to the absolute liberty/power of the monarch, to the absolute liberty/power of parliament, proliferates into a fertile field of mutually reversible subject positions. The same logic repeats in religion—the reflux and flux of polytheism and monotheism. What is the status of the 'speculative' claim conceptually implicating the extreme cruelty practiced by the free government on its provinces that finds its distillation in the mere facts of Bengal? The condition in the Indian subcontinent was a combination and concentrate of his worst fears, bringing together the worst elements of past and present. The East India Company's activities were completely feudal in that they derived their political powers from military conquest, and yet while in the normal trajectory this would have treaded the path of centralization and 'responsibility', in this case the feudal was worked-through by the greed of the stock jobbers. The complete disconnect between action and decision ensured this particularly virulent strain of despotism. Exemplary both in caprice (the avarice of stockholders, and the interests groups of parliament 6000 miles away) as well as power (whose military might in potential even threatened that of the English state). This situation is compounded by the fact that this situation is an internal predicate of the English state; there is a sure and necessary link between it and the Company. The impotence of the political in one place seems to ensure its blind

rage elsewhere, and this is the variegated nexus that Hume brings about powerfully in its symptomatic luminosity.

Conclusion/Passage

The previous chapter delineated the ways in which the juridical paradigm unifies in different ways and through different lexicons, the nexus of relations we call political-economy and it did so at its most theoretical level (Locke) through an anchorage in sovereign right-reason and the divine. With Hume, while many of the arguments remain, the theological subtraction expresses a radical reorientation. For instance, like in the 17th century, Hume too recognizes conquest, and preserves its link with political authority, just as he recognizes the “keeping of promises” – the idea of the covenant that under-girds commerce and politics – as a social cum natural law basing political allegiance. If he had argued precisely in this context that “No maxim is more conformable both to prudence and morals than to submit quietly to government, which we find established in the country we happen to live, without enquiring too curiously into its origins and first establishment. Few governments will bear being examined so rigorously”¹³⁷, he might have been repeating the words of Hobbes who had also in the context of the rights of conquest, told us, “...there is scarce a commonwealth in the word whose beginnings can in conscience be justified”¹³⁸. The organic link between justice and property as well as the historical narrative about the link between commerce and centralizing authority ensure the ways in which the political and the commercial are mutually implicated in one another. And much like Hobbes and Locke, Hume too doesn't believe in ‘man’ as a coherent entity, as if an independent constant in the theoretical construction of political-economy.

However, a historical orientation – reasoning as indistinguishable from skepticism – replaces a theological one. This is a critique of the reason-right nexus. The Humean reconfiguration of the self and the passions, as well as history and political authority allow no redemptive horizon, and provide no heuristic by which a right can be justified or a subject perceived. The lack of a final purpose opens the stretches of infinity, unmooring reason from any stable referent (an onto-subjectivity that was guaranteed by the divine). Action is

divorced from *telos* and defined by (its) discrete object and (its) indefinable impulse. The 'self' is valorized only in the distribution and redistribution of things (passions), which punctuates a desacralized temporality (the morals), and only here can the person be chiseled into relief; in the expanse of commodities that can have no self subsisting ratio. Put another way, a theoretical language that justifies rebellion is no longer available – as it was in Hobbes and Locke for whom sovereign right and natural reason were inseparable – reflecting a state of affairs where the 'naturalization' of political authority in Britain has slowly come into its own, as the vanishing point of the older sovereign person. But even while a politically charged idiom is fading away, Hume's speculations on the nature of politics and commerce, morality and war are being virtually realized elsewhere.

Contemporaneous with Hume, the East India Company illustrates in clear fashion the power of 'public credit', and the newly forged and effective links between commerce, trade, and conquest retrieving the concerns of Davenant and the proposals of Barbon. Undertaking sovereign acts in the name of the British Crown, the Company realizes the complete negation of the political in the name of 'commerce'. If Hume, like his contemporaries, had argued that commerce designated the historical overcoming of political conflict, the Company inverted the order of things and the arrangement of signs; by undertaking political conquest in the name of commerce. The newly minted technologies of war here included the harnessing of public debt (Arcot), just as famine (Bengal) was caused and recognized only in relation to the instruments of financial speculation. If Hume's jettisoning of the theological problematic had formulated a theory of passions that found its final value only at the point of *methexis* within the domain of things – gardens and mansions – the East India Company posed concretely and brutally the ways in which the giving and taking of life was regulated by the exchange of goods and the expectation of capital. It also continues with the mercantilist text on which the invention of Hume clearly shines in relief.

When arguing against the principle of induction, by pointing to it being both circular as well as falling into an infinite regress – induction is based on the fact that things will follow the 'course of

nature' which is itself only a product of induction – Hume explicitly establishes his kinship with an old lineage: that the problematic of cause is the problematic of being. But by refusing to accept even a demand for a norm in the acceptance of a relentless custom he in turn denies one's everyday desire for one even in "common life": leaving in his philosophical wake but an alternation between evanescent phantoms and discrete things. When read as indices the latter appear in the most unexpected of places, places never (even) imagined. People and situations he is not aware of, and which and with which he is all the same complicit: the famines in China are not so distant after all precisely when nominated as distant. If our own present is anything to go by, the East India Company in its indifferent destruction of life and property will have been the real harbinger of modernity. While the French, English and American revolutions concerned as they were with mere political representation without outlining a commensurate and convincing locus which could legitimately serve as correlate, *are past* the revolutions in Bengal concerned as they were with the immediate overcoming of political representation in its formulations *will have* continued.

NOTES

1. "Every view of this kind, however, was laid aside, when the Council of Revenue went up to the city immediately after the conclusion of the famine; and although that dreadful calamity, in addition to other distresses of the country, had swept away near one third of its inhabitants, and the poverty of the natives was manifest in ever part except Calcutta, the present object of the Board was to procure an increase of the revenue." (45). *Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement*; available in MMW. "The diminution in the population from the famine of 1770, by which a fifth of the inhabitants, on the most moderate computation is supposed to have perished" (31). *Minute of John Shore, dated 18 June 1789, respecting the Permanent Settlement of the Lands in the Bengal Provinces*. W.K. Firminger Ed. *The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company, 28 July 1812*. (New York: A.M. Kelley 1969).
2. "Politics as Science" in *Essays: Moral Political and Literary* (Indianapolis: Liberty Classics 1985)

3. For Locke on the “mixed mode” and the equation of morality and mathematics in their certainty as well as their being “complex ideas” see pp. 262 to 268 and pp. 498 to 508. See, *An Essay Concerning Human Understanding* op.cit. “And hence it follows that moral knowledge is capable of real knowledge as mathematics For certainty being but the perception of the agreement, or disagreement of our ideas, and demonstration nothing but the perception of such agreement by the intervention of other ideas, or mediums of moral as well as mathematical, being archetypes themselves and so adequate and complete ideas all the agreement or disagreement which we find in them, will produce real knowledge as well as mathematical figures...all the discourses of mathematicians about the squaring of a circle or conic sections, or any other part of mathematics concern not the existence of those figures, but their demonstrations, which depend on their ideas, are the same, whether there be any square or circle existing in the world or no. In the same manner the truth and certainty of moral discourses abstracts from the lives of men, and the existence of those virtues in the world whereof they speak” (501). Although Hume wants to distinguish the moral from the mathematical in opposition to Locke, their collusion is a necessary implication of the reversibility of the idea and the impression. This will be elaborated in the chapter. The intimate links between morality and science in their ideational basis can be found in Hutcheson too where “seeing and hearing denote the different powers of receiving ideas of colours...the mind has a power of compounding ideas which were received separately, of comparing their objects by means of the ideas and of observing their relations and proportions” (pp.19-20). He also sees no harm in literally using mathematical formulae to “computing the morality of actions” see pp. 116 to 135. See *An Inquiry into the Original of Our Ideas of Beauty and Virtue* (Indianapolis : Liberty Fund, 2004)
4. For the value of substance in Locke see chapter 1 in this book.
5. See his letter to Hutcheson (p 32) in *Letters of David Hume* ed. TYG Grieg (2 vols) (Oxford: Clarendon Press 1969)
6. So it is argued, “such are the offices of friendship, gratitude, natural affection, generosity, public spirit, compassion, men are conscious of no such intentions or acute reflections in these actions. Ingenious speculative men, in their straining to support a hypothesis may contrive a thousand subtle selfish motives which a kind generous man may never have dreamt of. In like manner, this scheme can never account for the sudden approbation, and violent sense of something amiable done in distant ages and nations. While the approver has perhaps never thought of these distant tendencies to his happiness”. (135). Or later, “without a moral sense no explication

can be given of our ideas of morality; nor of that reasonableness supposed antecedent to all instincts or affections". (176). See Hutcheson, *An Essay on the Nature and Conduct of Passion and Affections, with Illustrations on the Moral Sense*. (Indianapolis: Liberty Fund 2002). The general arguments of Mandeville are too well known to be rehearsed. The theological framework is crucial to both frameworks.

7. Descartes's "dualism" and the problems it poses are well known but it is in the treatise on passions, that this is, perhaps, complicated to its furthest degree through the theorization of the 'gland'. But for our purposes it is enough to note the first article of Rene Descartes, *The Passions of the Soul*, (Indianapolis: Hackett 1989). "That which is a Passion with respect to a subject is always an action in some other respect" and the proceeding explanation that frames the discourse. In Hobbes, a "body is said to work upon or act, that is to say do something to another body, when it ether generates or destroys some accident in it: and the body in which an accident is generated or destroyed is said to suffer, that is, to have something done to it by another body; as when one body is putting forward another body generates motion in it, it is called the agent; and the body in which motion is so generated is called the patient", all under the heading "action and passion what they are". See Thomas Hobbes, *Metaphysical Writings* (Chicago: Open Court) pp. 69-70. Also the introductory sections outlining the materialist and geometric grounding in the *Leviathan* as well as the chapter on "Persons, Authors and Things Personated" in *Leviathan*, op.cit., pp. 101-106. See Spinoza's *Ethics* where, "...the mind and body are one and the same thing, conceived at one time under the attribute of thought, and at another under that of extension. For this reason, the order or concatenation of things is one, whether Nature be conceived in this or that attribute, and consequently the order of the state of activity or passivity of our body is coincident in Nature with the order of the state of activity and passivity of the mind". (130). See also his critique of the gland theory in pp. 252-255. In Locke's *Essay* op.cit. . "The efficacy whereby the new substance or idea is produced, is called, in the subject exerting that power, action: but in the subject, wherein any simple idea is changed or produced, it is called passion" (267). In Leibniz, the operating principles are the principle of contradiction (ideas) and the principle of sufficient reason (body), and he often clubs Spinoza and Hobbes together in what he terms a philosophy of mere power (with no wisdom), mere nature, and thus brute necessity. See *Theodicy* op.cit. and his correspondence with Clarke.
8. "Solitary, indolent, and perpetually accompanied by danger, the savage cannot be fond of sleep; his sleep too must be light, like that of

the animals, which think but little and may be said to slumber all the time they do not think. Self preservation being his chief and almost sole concern, he must exercise most of those faculties which are most concerned with attack or defense, either for overcoming his prey or for preventing him from becoming the prey of other animals" (58). And later, "There is another principle which has escaped Hobbes; which having been bestowed on mankind, to moderate, on certain occasions, the impetuosity of amor-propre, or before its birth the desire of self-preservation tempers the ardor with which he pursues his own welfare. By an innate repugnance at seeing his fellow-creature suffer. I think I need not fear contradiction in holding man to be possessed of the only natural virtue which could not be denied him by the most violent detractor of human virtue. I am speaking of compassion, which is a disposition suitable to creatures so weak and subject to so many evils as we certainly are by so much the more useful to mankind, as it comes before any kind of reflection". (73). *Second Discourse*. See Jean-Jacques Rousseau, *The Social Contract and The Discourses* (London: David Campbell Publishers Ltd. 1993). For a careful analysis of the triangular relationship between Rousseau, Smith and Mandeville on the question of 'identification' as well as Rousseau's differences with Hume, see Pierre Force, *Self Interest Before Adam Smith* (Cambridge: Cambridge University Press 2003)

9. "But the terrible and innumerable quarrels and disorders that would necessarily arise from so dangerous a privilege, show, more than anything else, how much human governments stood in need of a more solid basis than reason, and how expedient it was for the public tranquility that the divine will should interpose to invest the sovereign authority with a sacred and inviolable character, which might deprive subjects of the fatal right of disposing it"; in the *Second Discourse*. op. cit. See also *Political Economy*, op. cit. "With whatever sophistry all this may be covered over, it is certain that if any constraint can be laid on my will, I am no longer free, and that I am no longer master of my own property if any one else can lay a hand on it. This difficulty which would have seemed insurmountable, has been removed, like the first, by the most sublime of all human institutions or rather, by a divine inspiration, which teaches mankind to imitate here below the unchangeable decrees of the Deity. By what inconceivable art has a man been found of making men free by making them subject" (135). See *The Social Contract and The Discourses* op.cit. And there is of course the well known discussion in the *Social Contract*. op. cit.
10. This is repeated by Kant in his *Anthropology* op. cit. without attribution.
11. See Jean-Jacques Rousseau, *Second Discourse* p. 95 in *The Social Contract and The Discourses*. (London: David Campbell Publishers Ltd. 1993)

12. See *Political Economy*, op. cit. p. 111 “A third relation, which is never taken into account, though it out to be the chief consideration, is the advantage that every person derives from the social confederacy; for this provides a powerful protection for the immense possession of the rich, and hardly leaves the poor man in quiet possession of the cottage he builds with his own hands. Are not all the advantages of society for the rich and powerful?” See *The Social Contract and The Discourses* op.cit., pp. 160-161.
13. The famous chapter of the *Treatise* on personal identity demolishes the notion of the ‘self’: “Thus we feign the continued existence of the perceptions of our senses, to remove the interruption and run in the notion of a soul, a self, and substance to disguise the variation” (302). While this chapter is most succinct in its critique of personal identity the whole tenor of the book on understanding is similarly oriented. Yet in the book of *Passions*, the self has to be preserved even if merely as a heuristic, so the book has to start off with the primary passions, pride and humility: “Tis evident that pride and humility, though directly contrary, have the same object. This object is the self, that succession of related ideas and impressions, of which we have an intimate memory and consciousness”. (329). See *Treatise on Human Nature* op.cit.
14. See Book III of the *Treatise*. “Though I assert that in the state of nature, or that imaginary state, which preceded society, there be neither justice nor injustice, yet I assert not that it was allowable in such a state, to violate the property of others, I only maintain there was no such thing as property”. (552). “We have now run over the three fundamental laws of nature, that of the stability of possession, of its transference by consent and of the performance of promises. Tis on the strict observance of these three laws that the peace and security of human society entirely depend; nor is there a possibility of establishing a good correspondence among men, where these are neglected. Society is absolutely necessary for the well being of men, these are necessary for the support of society”.(578). “.the observance of those three fundamental laws concerning the stability of possession, its translation by consent and the performance of promises. These are therefore antecedent to government and are supposed to impose an obligation, before the duty of allegiance to civil magistrates has been thought of. Nay I shall go further and assert that government upon its first establishment would naturally be supposed to derive its obligation from those laws of nature, and in particular from that concerning the performance of promises. (592-3). See, *Treatise on Human Nature* op.cit.
15. Ibid.

16. Ibid. See Book Three Part III. But the importance of society had already been constantly underlined by Hume. For instance he argues, “This is still more conspicuous in man as being the creature of the universe who has the most ardent desire of society, and is fitted for it by the most advantages we can form, there is no wish which has not a reference to society. A perfect solitude is perhaps the greatest punishment we can suffer” (412).
17. The most prominent controversies around the civil wars and the researches of Prynne and later Peyt and Brady.
18. On the Militia question, and Hume’s as well as Smith’s position and their differences see, Duncan Forbes’s *Hume’s Philosophical Politics* (Cambridge: Cambridge University Press 1975) and Donald Winch’s *Adam Smith’s Politics* (Cambridge: Cambridge University Press 1979)
19. See for instance, H.V. Bowen, *The Business of Empire* (Cambridge: Cambridge University Press 2006)
20. Letters-Patent, 1758. Both the scholarship on South Asia as well as that which speaks about the new development of commerce haven’t taken into account the explicitly feudal nature that ‘trade’ could take, a trade that was explicitly supported by the King. This category of ‘prize money’ is itself enough to force a rethinking of the nature of Company *Raj*. See “Prize Money” in Peter Auber, *An Analysis of the Constitution of the East-India Company, and of the laws passed by Parliament for the government of their affairs, at home and abroad. To which is prefixed, a brief history of the Company, and of the rise and progress of the British power in India*. (London, Kingsbury, Parbury, and Allen; J.M. Richardson; [etc.] 1826)
21. “It is in India, and in the regions of this hemisphere, which are visited by the vertical sun, that the arts of manufacture, and the practices of commerce, are of the greatest antiquity, and have survived, with the smallest diminution, the ruins of time, and the revolutions of empire” Adam Ferguson’s *An Essay on the History of Civil Society* (Cambridge: Cambridge University Press 1995). How does one square this with the four stage theory, or with the fact that the civil is identified with the arts and commerce? As Hutcheson says – and as Hume and Smith will say – the civil is the opposite of the despotic. Whereas in India they seem – that is the arts and despotism – in perpetual harmonious union.
22. Berkeley is cited admiringly by Hume as one who understood that abstract ideas were but generalized representations of particulars. We know Berkeley’s work was in a large part a critique of – his understanding of – Locke. From the *Essay on Vision* (79-80) to practically the whole of the *Principals of Human Knowledge* (Oxford: Oxford University Press 1998), as well as towards the end of the *First*

Dialogue. Whether Locke does conform to Hume's and Berkeley's representation is questionable. When he says "whenever we go to seek it elsewhere in experiment, or observations without us, our knowledge goes not beyond particulars. Tis the contemplation of our own abstract ideas, that alone is able to afford us general knowledge" (523). Or when he says "and the ideas first in the mind, tis evident, are those of particular things, from whence, by slow degrees, the understanding proceeds to some few general ones, which being taken from the ordinary and familiar objects of the sense, are settled in the minds with general names to them." (527). See *An Essay Concerning Human Understanding* op.cit.. How different is this from "Now the set rules or established method, wherein the mind we depend on excites in us the ideas of sense, are called the Laws of Nature: and these we learn by experience, which teaches us that such and such ideas are attended with such and such other ideas, in the ordinary course of things" (36). See *Principles of Human Knowledge*. Rousseau continues with the triangle example: "If you endeavor to trace in your mind the image of a tree in general, you never attain to your end...the definition of a triangle alone gives you a true idea of it: the moment you imagine a triangle in your mind, it is some particular triangle and not another, and you cannot avoid giving it sensible lines or a colored area". (68). *Second Discourse* op.cit.

23. The singularity of the rule as encompassing was both commonplace as well as one of the most contentious debates of the time. Thus the "geometric method that takes place all at once"; and so Hobbes can say that thoughts are but "a representation or appearance of some quality or other accidents of a body without us" (6) and go on to further say that mental discourse is predicated on imagination-fancy and "all fancies are emotýons within us, relics of those made in the sense" (12). This does not stop him from theorizing on the political condition; the continuam between matter and thought ýs posited and left as unintelligible. See *Leviathan* op.cit. In Spinoza too "Prop. X The being of substance does not pertain to the essence of man, or, in other words substance does not constitute the form of man. Prop. XV. The idea which constitutes the formal being of the human mind is not simple but composed of a number of ideas. Prop. XVI The idea of every way in which the human body is affected by external bodies must involve the nature of the human body and at the same time the nature of the external body. Prop. XVII If the human body be affected in a way which involves the nature of any external body, the human mind will contemplate the human body as actually existing or as present, until the human body be affected by a modification which excludes the existence or presence of the external body. Prop. XIX *The*

human mind does not know the human body itself, nor does it know that the body exists except through ideas of modifications by which the body is affected. XXIII The mind does not know itself except yn so far as yt perceives the modification of the body". (emphasis mine). See the *Ethics* op.cit. For Leibniz, this is a form of "Turkish Fate", a form of "Brute necessity" and absolute pre-determination. In the debate with Clarke, ironically, he is attempting to rid himself of the very same charge and we thereby see clearly the very fine line between materialism and theology. While for Leibniz God's wisdom necessitates an order of things, without which the deity would be a mere despot, for Clarke, Leibnizian wisdom is a negation of human freedom. The political language in addressing this dispute is of critical importance. See the *Theodicy* op.cit. and the *Clarke-Leibniz Correspondence* op.cit.

24. See Hume's *History of England from the Invasion of Julius Caesar to the Abdication of James the Second, 1688* (New York: Harper & Brothers 1879). So, for instance, the Norman Conquest is named conquest with all the implications of the naming. It is here that one can understand feudal law, a law that carries with it the trace of military conquest. "Feudal institutions which were calculated to maintain a kind of standing army always in readiness to suppress any insurrection among the conquered people" (I, 143). So William after the conquest "took care to place all real power in the hands of the Normans, and to still keep possession of the sword to which he was sensible he owed his advancement to sovereign authority. He disarmed the city of London and other places which appeared most war-like and populous...he bestowed the forfeited estates on the most eminent of his captains and established funds for the payment of his soldiers; and thus while his civil administration carried the face of a legal magistrate, *his military institutions were those of a master and tyrant, at least, of one who reserved himself, whenever he pleased, the power of assuming that character*" (I 152). "He introduced the feudal law which he found established in France and Normandy...he divided all the lands of England, with very few exceptions, besides the royal demesnes, into baronies, and he conferred these, with the reservation of stated services and payments, on the most considerable of his own adventurers. These great barons who held immediately of the crown, shared out a greater part of their lands to other foreigners who were denominated knights and vassals, and who paid their lord the same duty and submission, in peace and war, which he himself paid to the sovereign". (I 161). Following William, a guiding thread in English history is the contest, on the one hand, between the monarchical power and the great barons (who claimed to have their rights too from conquest) and, on the other hand, between the monarchical power and the Church. Needless to

say both contests are implicated in international politics. The most spectacular representation of the second one was between Henry II and Thomas Beckett. Henry the II tried to institute laws and sent “such constitutions to pope Alexander, who then resided in France, he required the pontiff’s ratification; but Alexander, who, through he owed the most important obligation to the king, plainly saw that these laws were calculated to establish the independency of England on the papacy and of the royal power on the clergy and condemned them in the strongest terms” (I 251). The most spectacular representation of the first contest is the Magna Charta during John’s reign that was to be a guarantee to the *liberties* of the barons where “A conference between the king and the barons was appointed at Runnedmede, between Windsor and Staines...the two parties encamped apart, like open enemies, and after a debate of a few days the king with a facility somewhat suspicious, signed and sealed the charter which was required of him. This famous deed, commonly called the Great Charter, either granted or secured very important liberties and privileges to every order of men in the kingdom, to the clergy, the barons and the people.” (I 353). Thus although the people were a recipient of this charter they were by no means the cause. In any case the “principal articles, (were) calculated for the interest of the barons, the charter contained nothing further, national happiness and liberty had been very little promoted by it” (I 354). Conquest is of course not simply a descriptive term but a principle, one that seems to inhere in Hume’s *History*. Thus he can say in the context of Henry VII “*there was yet a third foundation on which Henry might rest his claim (to sovereignty); the right of conquest, by his victory over Richard, the present possessor of the crown*” (III 29). He also was able to, indirectly destroy the great barons. “but the most important law in its consequences which was enacted during the reign of Henry was that by which the nobility and gentry acquired the power of breaking the ancient entails, and of alienating their estates. By means of this law, joined to the beginning and luxury and refinement of this age, the great fortunes of the barons were gradually dissipated, and the property of the commons increased in England. It is probable that Henry foresaw this consequence; because the constant scheme of his policy consisted in depressing the great, and exalting the churchmen, lawyers, and men of new families, who were more dependent on him” (III 86). Henry the VIII was of course attempting to institute a univocal sovereignty, and this “introduced there a greater simplicity in the government, by uniting the spiritual with the civil power, and preventing disputes about limits which could never be exactly determined between contending jurisdictions” (III 189). This, however, laid the

groundwork for tyranny and Henry brooked no dissent. Even a mere verbal denial of his supremacy was treason “It was certainly an instance of tyranny to punish the mere delivery of a political opinion, especially one that nowise affected the king’s temporal right, a capital offense, though attended with no act” (III 199). Religious denominations were equally affected for “While Henry was exerting his violence against the Protestants he spared not the Catholic, who denied his supremacy, and a foreigner at that time in England had reason to say, that those who were against the Pope were burned and those who were for him were hanged, the king even played in an ostentatious manner this tyrannical impartiality, which reduced both parties to subjection and infused terror in every breast...through the spirit of the English seemed to be totally sunk under the despotic power of Henry there appeared some symptoms of discontent; an inconsiderable rebellion broke out..” (III 247). It is in his evaluation of Elizabeth’s reign that Hume makes it most clear that James and Charles were merely following their “inherited rights”. For “Elizabeth only supported the prerogatives transmitted to her by her predecessors: she believed that her subjects were entitled to no more liberty than their ancestors enjoyed”. It was not simply the Star Chamber that was a sign of the despotic for “martial law went beyond these two courts in a prompt, and arbitrary and violent method of decision” (IV 245-7). It is only from this perspective that Hume can read the civil wars in the following way: “Even after the people were enflamed by the long civil war, the execution of Charles I could not be deemed a national deed; it was perpetrated by a fanatical army, pushed by a daring and enthusiastic leader; and the whole kingdom had ever did entertain, and did still entertain, a violent abhorrence against that enormity” (VI 289). And again it is this very perspective that engenders a sympathy for James II “It is indeed singular that a prince whose chief blame consisted in imprudences and misguided principals, *should be exposed from religious antipathy to such treatment, as even Nero, Domitian, or the most enormous tyrants that have ever disgraced the records of history, never met with their friends and family.*” (VI 288). (All the above emphases mine). For a deployment of the “feudal” in the early 18th century in the confrontation between the country (Bolingbroke and his circle and the financial cum executive centralization in Walpole) see I. Kramnick’s *Bolingbroke and his Circle: The Politics of Nostalgia in the Age of Walpole* (Cambridge, Mass.: Harvard University Press 1968)

25. It is this distinction in degree between the idea and the impression that hasn’t merited the attention it deserves, coming as it does in the opening statement of the *Treatise*. “All perceptions of the human mind resolve themselves into two distinct kinds, which I shall call

impressions and ideas. The difference betwixt these consists in the degrees of force and liveliness, with which they strike upon the mind, and make their way into our thought or consciousness". See, *Treatise on Human Nature* op.cit. p. 49.

26. Hume wants to distinguish geometry from arithmetic and algebra in that geometry is held to be still concerned directly with spatial figures; although the fundamental argument of the relation/reversibility between the idea and the impression serves to deny such a distinction. The collusion between algebra and geometry from Descartes in his analytic geometry as well as the 'invention' of the derivative and the integral doesn't seem to occupy Hume's attention. One can only assume that he would have agreed with Berkeley's critique of for instance Newton's use of the increment and the fluxion. On Berkeley's critique see the *Analyst* and the *Defense of Freethinking mathematicians* in Berkeley, *Works* and the Hegelian renewal in the *Science of Logic* op.cit.
27. See pp. 114-116 and pp. 121-131. *ibid.* Immanuel Kant in his refutation of the ontological proof would say "'Being' is not a real predicate, that is, it is not a concept of something which could be added to the concept of a thing" (504) in the *Critique of Pure Reason* Trans. N.K. Smith (New York: Humanities Press 1962). Kant in the early part of his critique faults Hume and says "But since he could not explain how it can be possible that the understanding must think concepts, which are not in themselves connected in the understanding, as being necessarily connected in the object, and since it never occurred to him that the understanding might itself, perhaps through these concepts, be the author of the experience in which its objects are found, he was constrained to derive them from experience, namely from subjective necessity (that is from custom) which arises from repeated association in experience, and which comes mistakenly to be regarded as objective." (127). He goes on to say that by deriving everything empirically Hume left the whole of mathematical knowledge unaccounted for. This last claim is simply erroneous since Hume distinguished the "relations between ideas" and the "matter of fact". What is more interesting is the fact that Hume does show how the understanding thinks concepts which are not themselves connected in the understanding but necessarily connected in the objects and how the understanding through these concepts authors experience: he does this through the imagination—rules of association nexus (concepts) through which the objectivity of the object is constituted. The role of the imagination is not very different from its deployment in the first edition of the *Critique* where too the synthesis of reproduction takes place in the imagination ensuring its structural

intimacy with time. In the *Inquiry concerning Human Understanding* the arguments against forming casual principals is not accompanied by the persistent scrutiny of the status of the object and its 'conversion' into a perception – the critical charge of the *Treatise* – and so is perhaps vulnerable to a charge of mere psychologism. Hume's debt to Berkeley in his understanding of causality is also evident. Thus, Berkeley argues that "the connection of ideas does not imply the relation of cause and effect, but only of a mark or sign with the thing signified. The fire which I see is not the cause of pain I suffer but the mark that forewarns me of it" (52). See *Principles of Human Knowledge* op.cit. Of course the difference is there are no "spirits" in Hume.

28. See, *Treatise on Human Nature* op.cit., p. 134.
29. See, *Treatise on Human Nature* op.cit., p. 137. Thus, Hume does not simply "codify our most elementary inductive practices leaving higher codification to others" and it is thus misplaced to claim that "Hume abandoned the central problem of the philosophy of science, which is to give an account of the status of theoretical language and its relation to common language" (157). See Donald W Livingston's *Hume's Philosophy of Common Life* (Chicago : University of Chicago Press 1984). Rather Hume provides a strong critique of the certitudes of science by disrupting the real and isomorphic distinctin between the scientific and the common.
30. See, *Treatise on Human Nature* op.cit., p. 214. This celebrated Humean argument is not without precedent and its meaning rests on the nexus between time and identity. Locke had in fact argued, "That which, I think very much disposes men to substitute their names for the real essences of species, is the supposition before mentioned, that nature works regularly in the production of things, and sets the boundaries to each of these species, by giving exactly the same real internal constitution to each individual, which we rank under one general name. Whereas anyone who observes their different qualities can hardly doubt that, that many of the individuals, called by the same name, are, in their internal constitution, as different from one another, as are several of those which are ranked under specific names. *This supposition, however that the same precise internal constitution goes always with the same specific name, makes men forward names for the representation of those real essences, though indeed they signify nothing but the complex ideas they have in their minds, when they use them*". pp. 446-7. This is in line with Lockean substance and the implication of language in Locke is insufficiently attended to in Hume.
31. *Ibid.*, p. 222.
32. *Ibid.*
33. *Ibid.*, p.170.

34. Ibid., p. 174.
35. Ibid., pp. 167-174.
36. Ibid., pp. 174-193.
37. Ibid., p. 231.
38. Ibid., p. 238.
39. This is why Mary Poovy's argument that, "the problem would not have derailed Hume's philosophical project had he not assumed that observed particulars, whether the secondary qualities of objects or the subjective perceptions of the observer, carried unique epistemological significance" (202) needs to be questioned. See Mary Poovy, *The Making of the Modern Fact*, op. cit. The point is that Hume disputes the very logic of particularization.
40. Ibid., pp. 250-252. For the Hegelian 'inner dialectic': "Now the limiting number is the number as determined relatively to other numbers as distinguished from them. But this distinguishing does not become qualitative determinateness but remains quantitative, falling only within the compass of external reflection, the number as one, remains returned to itself and indifferent to others. This indifference of number to others is an essential determination of it and constitutes the implicit determinateness of the number, but also the number's own externality. Number is thus a numerical one as the absolute immediacy and for which, therefore, the relation to other is completely external. Further one as number possesses determinateness (in so far as this is a relation to other) as the moments of itself contained within it, in its difference of unit and amount; and amount is itself a plurality of ones, that is, this absolute externality is the one itself" (204). See *Science of Logic* op.cit.
41. See, *Treatise on Human Nature* op.cit. pp. 259-268.
42. This was precisely the position taken by Locke and has been discussed above. Husserl explicitly takes on the Humean understanding of "distinction in reason" towards the end of the first *Logical Investigations*. Hume occupies an insistent, even if peripheral, place from his earliest works (*Philosophy of Arithmetic*) through the *Ideas* and finally to the *Crises* where he says it was Hume who founded in a certain way the transcendental method. Although Husserl's critique is characteristically extremely thorough he fails to take into account Hume's writings in its entirety. If this undertaken it would not be possible to merely conceptually designate such skepticism as 'nihilistic' but also 'constructivist'. Hume's perpetual concern to unfold the 'empirical' through its critique would have then merited greater attention. The Deleuzian Hume who is 'positivistic' offers a good counterpoint but is much too confined to what Deleuze reads as a 'subject position' prior to the Kantian problematic.

43. See, *Treatise on Human Nature* op.cit., pp. 280-299. Real distinction referred to *creation*. (Aquinas). In this case the mind itself is a distinction that is posited and in so far as it is posited its characteristic is its limitation. Thus the distinction *is* real. This is opposed to a distinction of reason where the difference is assumed to take place in-through the thinking subject. For a discussion on this see Heidegger's *Basic Problems of Phenomenology* op.cit.
44. See, *Treatise on Human Nature* op.cit., pp. 299-311.
45. *Ibid.*, pp. 327-341.
46. *Ibid.*, pp. 340-49 and pp. 360-366.
47. *Ibid.* This first definition of sympathy can be found on page 367; the paragraph also uses material from pages: pp. 406-414.
48. Here Hume clearly departs from Hutcheson who cannot even conceive of malice in his moral system. See *An Inquiry into the Original of Our Ideas of Beauty and Virtue* op.cit.
49. See, *Treatise on Human Nature* op.cit., p. 427.
50. *Ibid.*, pp. 414-415 and pp. 420-429.
51. *Ibid.* p. 433.
52. *Ibid.* p. 432.
53. *Ibid.* pp. 429-437.
54. *Ibid.*, p. 452.
55. See also David Hume, *Enquiry Concerning Human Understanding* (Indianapolis: Hackett Pub. Co., 1993), p. 57. "And indeed when we consider how aptly natural and moral evidence link together and form only one chain of argument, we shall make no scruple to allow that they are of the same nature and derive from the same principals. A prisoner who has neither money nor interest discovers the impossibility of his escape, as well when he considers the obstinacy of the gaoler, as the walls and bars with which he is surrounded; and in all attempts for his freedom, chooses rather to work upon the stone and iron of the one, than upon the inflexible nature of the other. The same prisoner, when conducted to the scaffold, foresees his death as the certainty from the constancy and fidelity of his guards, as from the operation of the wheel or the axel"
56. See, *Treatise on Human Nature* op.cit., pp. 447-460. Here too the position in itself is not different from either that of Locke's or Leibniz's. Cf. *The Theodicy*. "As for volition itself, to say, it is an object of free will is incorrect. We will to act, strictly speaking, and we do not will to will; else we could still say we that we will to will and have the will to will, and that would go on to infinity" (151). "Experience proves that the fear of chastisements and the hope of rewards serves to make men abstain from evil and strive to do good, one would have good reason to avail oneself of such, even though men were acting under necessity,

whatever necessity might be” (160). See chapter 2.

57. Ibid., pp. 462-463.
58. Ibid., pp. 460-474.
59. Ibid., pp. 507-620.
60. Ibid., p. 524.
61. Ibid.
62. Ibid., p. 536.
63. Ibid., p. 537.
64. Ibid., p. 539.
65. One of course doesn't need to recount here the whole philosophical tradition Hume was familiar with for which speech was tied in with being-human.
66. Ibid., p. 543.
67. Ibid., p. 538. “The natural appetite between the two sexes which unites them together, and preserves their concern for their common offspring. This new concern *becomes* also a principle of union between the parents and offspring and forms a more numerous society, where the parents govern by their superior wisdom, and at the same time are restrained in the exercise of their authority by that natural affection which they bear their children. In a little time, custom and habit, operating on the tender minds of the children makes them sensible of the advantages, which they reap from society, as well as fashions them by degrees for it” .
68. Cf. with Bernard Mandeville, *The Fable of the Bees : and Other Writings* (Indianapolis : Hackett Pub., 1997) “In such a golden age no reason or probability can be alleged why mankind ever should have raised themselves to such large societies as there have been in the world, as long as we can give any tolerable account of it. Where a man has everything he desires, and nothing to vex or disturb him, there is nothing that can be added to his happiness”.(136)
69. In David Hume, *Enquiry Concerning the Principles of Morals*, op.cit., Hume suggests that there is a similarity between superstition and justice “I may lawfully nourish myself from this tree; but the fruit of another of the same species, ten paces off, it is criminal for me to touch ...the same species of reasoning, it may be thought, which so successfully, is also applicable to justice” (31). Hume distinguishes the two on the basis only “materially” and on the basis that while one is useless and burdensome” the other is “absolutely necessary for the well-being of society”. But who is to judge and decide what is useful? Hume does not clarify. To read a fundamental shift between the *Treatise* and the *Enquiry* as one that maps a shift from the ‘psychological’ to the ‘social’ seems erroneous and here Haakonssen is clearly more convincing than Cumming and Capaldi. See his *Science of a Legislator*

pgs. 4-5. Though Haakonssen also seems less sensitive to the complex of relations. The reference to the class interest of politicians is reminiscent of Mandeville. Cf. with Mandeville, "...the first rudiments of morality, broached by skillful politicians to render men useful as well as tractable, were chiefly contrived that the ambitious might reap the benefit from, and govern vast numbers of them with greater ease and security. This foundation of politics once being laid, it is impossible that man should long remain uncivilized" (39) See, *An Enquiry into the Origin of Moral Virtue* op.cit.

70. See *Treatise on Human Nature* op.cit.
71. Ibid. p. 543; pp. 568-578. This section on promises has received a fair amount of attention from different quarters. For instance Pistson's article that undertakes a comparison with Searle and ends with "Indeed, if the virtue of an action resides in the motive from which it is performed, the credit which we give to such a man has to do with his recognition that he is bound to the performance of his promises independent of considerations of interests or the like. His motive is precisely that which Hume seems to dismiss as impossible: namely, a regard to virtue itself". This reinstates precisely the circular argument – the virtuous man desires to do the virtuous action – that Hume wishes to avoid. "To suppose that the mere regard to the virtue of the action must be the first motive, which produced the action and rendered it virtuous, is to argue in a circle" (530). See Antony E Pitson, "Hume on Promises and their Obligation". See also Pierre Force's *Self-Interest Before Adam Smith* (Cambridge ; New York: Cambridge University Press 2003)
72. See the "flux and reflux of polytheism and theism" (157-58) in the *Natural History of Religion* and "Whether the British Government Inclines more to Absolute Monarchy or, or to a Republic" In David Hume's *Essays: Moral Political and Literary* (Indianapolis : Liberty Classics 1985)
73. See *Treatise on Human Nature* op.cit., p. 609.
74. See "Of Commerce" in David Hume, *Essays: Moral Political and Literary* op.cit.
75. See "Of Money" in *Essays: Moral Political and Literary* op.cit. Thus metallic content is critical even though not equivalent to value.
76. Thus, the only attention to the political texture of the economic transaction would enable one to be attentive to the relation between money and value. Far from being a simply obfuscation of gold and value as historians since Adam Smith have tended to do, this implication of money and value is an index of the political. This point will be fully explored in the section on the East India Company, but has already been registered in the previous chapter

77. See “Of Interest” in *Essays: Moral Political and Literary* op.cit.
78. See “Balance of Trade”. Ibid.
79. I. Hont cites Hume’s claim that the public credit system would attain to a degree of despotism that no oriental monarchy had ever attained, but in his exposition, explains this as an “absolute state more dangerous than Europe had yet envisaged”, leaving the place of ‘oriental despotism’ as a category unclarified. The essay itself on Hume is characteristically nuanced. See *Jealousy of Trade* op.cit. . See also Stuart’s *Inquiry* and his reading of ‘despotism’.
8081. See “Of Taxes” and “Of Public Credit” in *Essays: Moral Political and Literary* op.cit.
82. Ibid., p. 19.
83. Ibid. p. 53. See “Whether the British Government Inclines more to Absolute Monarchy or to a Republic”
84. See for instance Rajat Dutta, *Society, Economy and the Market: Commercialization in Rural Bengal c.1760-1800* (New Delhi: Manohar Publishers & Distributors 2000) and J R Mc Lane, *Land and local Kingship in Eighteenth Century Bengal* (Cambridge: New York : Cambridge University Press 1993). See also Sugata Bose, *Peasant Labor and Colonial Capital* (Cambridge: Cambridge University Press 1993). Other recent historical accounts on the period include Kumkum Chatterjee, *Merchants, Politics and Society in Early Modern India; Bihar, 1733-1820* (Leiden: E.J. Brill, 1996), Sudipta Sen, *Empire of Free Trade: The East India Company and the Making of a Colonial Market Place* (Philadelphia: University of Pennsylvania Press, 1998). Sushil Chaudhuri, *From Prosperity to Decline: Eighteenth Century Bengal* (New Delhi: Manohar 1995), P.J. Marshall, *East India Fortunes* (Oxford: Clarendon Press 1976) and Holden Furber, *Private Fortunes and Company Profits in the India Trade in the 18th Century* (Brookfield, Vt: Variorum 1997). On the specific nexus between the Company and the English State see Lucy Sutherland’s *The East India Company in Eighteenth Century Politics* (Oxford, Clarendon Press 1952) and H.V. Bowen’s *Revenue and Reform*. (Cambridge: Cambridge University Press 1991).
85. See footnote 1 for estimations by Philip Francis and John Shore. Hunter in the late 19th century gave the figure as 10 million. More recent historical accounts see this as an exaggeration and yet historians have found it impossible to precisely quantify the numbers.
86. The famous minute of John Shore. See Volume III, *Affairs of The East India Company: Being from the Select Committee f the House of Commons, 1812* op.cit.
87. See for instance Robert Orme’s considerably detailed account in *A history of the Military transactions of the British Nation in Hindoostan, 1745*. It is of course not without interest to note the deployment of the

phrase 'military transaction'.

88. For spellings of Indian names, I follow the British primary documents.
89. See, *The Minutes of the Select Committee appointed by the House of Commons to Enquire into the East-India Affairs 1772*; available in MMW.
90. See also Peter Auber, *An Analysis of the Constitution of the East-India Company* (London, Kingsbury, Parbury, and Allen: J.M. Richardson 1826) pp. 586-589.
91. The morality of the forgery, the giving abode to Kishenchand, the missing article in the treaty can all be found in *The Minutes of the Select Committee appointed by the House of Commons to Enquire into the East-India Affairs*. See also *An Inquiry into the Rights of the East India Company of making war and peace and of possessing their territorial acquisitions without the participation or inspection of the British Government*; available in MMW.
92. See Henry Verelest's *A view of the rise, progress, and present state of the English government in Bengal: including a reply to the misrepresentations of Mr. Bolts*. (London: printed for J. Nourse; Brotherton and Sewell; G. Robinson; and T. Evans, 1772). "The too eager desire of parliament, and the proprietors of India stock to derive immoderate advantage from the acquisitions of the Company gave birth to many evils, which a wiser policy and a more temperate conduct at home might easily have prevented" (84) and further "When the growing scarcity of silver was explained in a former part of this chapter I had no intention even to insinuate that the price of Bengal manufactures brought thence to Europe should be paid in bullion by the India Company. This can never be done without sacrificing our own interests, and rendering the revenues of a distant country useless to Great Britain. Bengal like other subjected provinces must yield its tribute; but experience will inculcate the necessity of moderating out demands that the country may be enabled to long continue its payment. If the Court of Directors will, for the future, be contented with an annual investment, not exceeding five or six hundred thousand pounds, and discontinue entirely the exportation of silver from Bengal, the foreign trade of that country may revive" (103).
93. See, *Revenue and Reform* op.cit.
94. "The deficiency must be found in the collateral causes...the *Izaradars*, or farmers who occupy the place of the *zamindars* are in general persons taken from the dregs of the people, the Baniyas of Calcutta ...who take farms at any rate, depending on the influence of their masters..these people make good their engagements, extort the last *anna* from the *ryot* and when they get no more, and their master's influence is on the wane they fly leaving a depopulated and impoverished country behind" Extract of a minute of General Clavering,

Colonel Monson and Mr. Francis, 1775. This system – the ‘Replacement’ of the *zamindar* was of course instituted by the Company. “Whether it be owing to “excessive impositions, or to an unequal distribution, or to an injudicious mode of collection, or to the united operation of these causes, it is notorious that the country is impoverished, and in a great degree depopulated...instant profit without regard to immediate or distant consequences was the general principal of action. If any conclusion may be drawn from fact to principals, the Company’s servants must be supposed Bengal as an estate to which the Company had good title, which they had no hopes of possessing long, and which it was their interest to exhaust and make most of, while they had it in their power. I speak of public measures only. From the years 1768 to 1771 the letters from Bengal were filled with the most urgent and alarming representations of the decay of trade and circulation, the depopulation caused by the famine, and the general decline of the country and yet in 1772 the committee made a settlement for the *duanny* lands, which promised a higher revenue than they had ever paid to the government”, pp. 24-26. Philip Francis, *Plan for a Settlement of Revenues, 1776*, available in MMW.

95. Hastings was one of the most vociferous proponents of this position. For primary source documentation on this see Henry Vansittart’s *A Narrative of the Transactions in Bengal from 1760-1764* 3 vols (Calcutta: from the press of Stuart and Cooper 1788)
96. Of course the question of the gift brings into relief the whole question of the political. The most spectacular instance is the ‘black jagir’ presented to Clive for his services. This opened the question about sovereignty; who really ruled Bengal if the Company was directly beholden to a local prince? The fact that this had a long history is not as important as the fact that the historical specificity of the large acquisition of political power by the Company forced the British State to be sensitive about the actual source of the Company’s sovereignty. Thus it was claimed that the gift undercut British sovereignty. For an account of this controversy see “Robert Clive, the Black Jagir and British Politics” by Bruce Lenman and Philip Lawson. *Historical Journal*, xxvI, 4 (1983).
97. See William Bolts, *Considerations on India affairs particularly respecting the present state of Bengal and its dependencies* (3 vols); available in MMW.
98. *Ibid.* pp. 152-191 of volume one and pp. 148-206. The oppressions on the Armenians are especially highlighted by Bolts and finds a lot of space in the colonial record.
99. See *A Narrative of the Transactions in Bengal from 1760-1764*. (3 vols.) op.cit. Hastings is quoted as one such person greatly concerned with

the name of the Company. Vantsittart seems comfortable operating under the suzerainty of the local lords.

100. This can be found in Dow and Bolts. Recent historical work has corroborated it. For instance see *From Prosperity to Decline: Eighteenth Century Bengal* op.cit.
101. It is the analytical implications of the 'monopoly' and its precariousness that is missing in Sudipta Sen's otherwise astute work. Only by ignoring this can Sen finally accede to a binary that views the European as bringing in more homogenous conceptions contra mixed, and layered conceptions in India. See *Empire of Free Trade* (Philadelphia: University of Pennsylvania Press 1998)
102. "The despotic form of government is not, however, as terrible in nature as men born in free countries are apt to imagine. Though no civil regulation can bind the prince, there is one great law, the ideas of mankind with regard to right and wrong by which he is bound. When he becomes an assassin, he teaches the use of the dagger against himself; and wanton acts of injustice, often repeated, destroy by degrees that opinion which is the sole foundation of his power". p. xii; See, *A Dissertation concerning the Origin and Nature of Despotism in Hindostan*. Hume says that "It is therefore, on opinion only that government is founded; and this maxim extends to the most despotic and the most military government well as to the most free and the most popular" (32). See "On the First Principles of Government" in *Essays: Moral Political and Literary* op. cit. In fact however, counter-intuitive as it may sound, Hobbes had in *Three Discourses* spoken about opinion as the foundation of government. Dow is also clearly influenced by Voltaire in his estimation on the influence of climate on human "manners". This has been noted by Guha in *A Rule of Property for Bengal* (Paris: Mouton 1963) and here he is clearly departing from Hume who discusses the subject in "Of National Characteristics" in *Essays: Moral Political and Literary* op.cit.
103. As Dow puts it "The British nation have become the conquerors of Bengal, and they ought to extend some part of their own fundamental jurisprudence to secure their conquests. To call the possessions by any other name, is to leave them undefined. The sword is our tenure, not the *firman* of an unfortunate prince" lxxxii, , *A Dissertation concerning the Origin and Nature of Despotism in Hindostan* This argument of deriving tenure from conquest is reiterated by Hastings and has been noted in Ranajit Guha.
104. Ranajit Guha has of course seen Dow as a precursor for the Permanent Settlement, but his reading of Dow's (alleged) mercantilism can be questioned. . See *A Rule of Property for Bengal* op.cit.
105. *Considerations on India affairs particularly respecting the present state of*

Bengal and its dependencies; available in MMW.

106. *ibid.*
107. See James Steuart's, *The principles of money applied to the present state of the coin of Bengal* op. cit.
108. See for instance SR Sen's *The Economics of James Steuart*, (New York: Routledge 1999) and the critique of R.L. Meek in *Economics and Ideology* (London Chapman & Hall 1967). See also the more recent exchange between GM Anderson and Tollison with Salim Rashid on an evaluation of the respective merits of Steuart and Smith. Albert O Hirschman of course in the *Passions and the Interests* op.cit., greatly emphasizes the work of Steuart through his "Montesquieu-Steuart doctrine" that emphasize the civilizing effects of commerce.
109. "We have seen all merchants from the interior parts of Asia effectually prevented from having mercantile intercourse with Bengal.. At the same time the natives in general are in fact deprived of all trade within those provinces, it being wholly monopolized by a few Company's servants and their dependents. In such a situation what commercial country can flourish? Or who can be at a loss to account for that decrease of the Company's credit, and the great scarcity of specie in Bengal? Which last though greatly promoted of late years by the different drains, such as that of the treasures carried out of the provinces upon the flight of Nabob Kasim Ali Khan, the exportations to China and other parts of India, the suspension of importations from Europe and the introduction at Calcutta of the above mentioned over-rated gold coin" (201) *Considerations* vol. 1 in MMW. See Dow's *History* pgs. Lxxvii-lxxviii. In MMW. See also Steuart's *The Principals of Money*, pp. 64—68; in MMW. Pp. 64-68. This argument is not simply a confusion between value and metal an argument about a deficit in capital.
110. See *A view of the rise, progress, and present state of the English government in Bengal: including a reply to the misrepresentations of Mr. Bolts* op.cit., pp. 88- 95.
111. Pp. 5-8. James Steuart, *The principles of money applied to the present state of the coin of Bengal*: in MMW.
112. *Ibid.* p. 11.
113. *Ibid.* p. 27.
114. Circulation was thus understood to be closely linked to Capital. This lack of Capital was noted by Sleeman in his *Rambles and Recollections*, but of course not developed into a critique of colonial rule. It was Dadabai Naoriji that first articulated a full-fledged critique of colonial rule based on a 'drain' that simultaneously deprived India of Capital and was thereby responsible for de-industrialization. Much later Ambedkar too attributed the poverty of India to the lack of credit,

and circulatory mechanisms through which Capital could be accumulated.

115. "It has often before been remarked that the necessities of a people extort many laws from their rulers, from a very sanguinary nature, which even a savage despot would condemn, when applied to a different state of society. The amazing extent of public and private credit in Great Britain has induced its legislators to punish forgery with death" (141) in *View of the Rise, Progress*. See also Blackstone's *Commentaries* and Smith's *Lectures on Jurisprudence* for a discussion on this issue. Contemporary historical corroboration can be found in D. Haynes Ed. *Albion's Fatal Tree* (New York: Pantheon Books 1975), and Peter Linebough, *The London Hanged* (Cambridge : Cambridge University Press 1992). See also Carl Wennerlind's "The Death Penalty as Monetary Policy: The Practice and Punishment of Monetary Crime, 1690-1830." *History of Political Economy*. March 2004. Vol. 36. No. 1: 129-59.
116. There is a voluminous documentation of the correspondence between the English and local sovereigns on political questions before the spectacular success in Plassey. For instance Governor Mackenzie in January 1747 writes to the King of Tanjore, "...The French nations (enemies to both your majesty and the English) had fitted out a force with design to drive out the English out of India, and had they been successful they would not have stopped here but would have made settlement in whatever parts of your country they liked best...but it pleased God that their vile designs have been prevented, for our ships met them at sea, and took and destroyed the whole of them...we have now with a great number of men and all sorts of stores a force sufficient to drive the French out of India. A scheme they have designed for us...I do not at all doubt but that in a short time we shall put in your possession of Carrical which I hear you so much wish for". And in just a couple of years - 1749 - in exchange for military support the Company "put in possession of the fort of Deva Cotta, with the lands adjoining thereto, annually producing the Honorable Company the amount of twelve thousand pagodas, the greatest part of the country thereabouts being very fruitful in grain...besides which there is a river from the sea running around the fort at present capable of receiving small vessels". *Fort David Consultations April 10, 1749*; available in MMW.
117. The precise status of the Raja and the Nabob was of course the site of much debate, with various commentators supporting the Raja and others the Nabob. James Macpherson could argue: "It has been proved, by the most incontestable evidence that neither the Raja nor his ancestors, possessed the titles, rights, or independence of royalty.

That the first of the race was a Maratha plunderer, who seized Tanjore, by perfidy, about 80 years ago, and expelled the hereditary *naik*. That Tanjore, before it was seized by the Marathas was subject to the Mughal Empire. That the Nabob of the Carnatic, in vindication of the right of his Sovereignty to Tanjore, reduced the son of the Marratta to total dependence on the Nabobship of Arcot" (258). See *The History and Management of the East India Company*. On the other hand, George Rous argues that the English had earlier recognized the status of both the Nabob and the Raja; "one recognized Mohamad Ali in the Carnatic; the other guaranteed to Pertuapa Singh the peaceable possession of the kingdom of Tanjore...in the small part of the Carnatic, which Mohamed Ali possessed, innumerable Poligyars and Chiefs of various denominations had established themselves in independence. Present possessions, by the terms of the truce, had become the foundation for peace and an attempt to subdue those chieftains might have drawn both parties back into the field. (15). Further, "By the laws of all civilized nations, possession long continued is justly deemed a solid foundation of private right; and the best writers on the laws of nations have thought the same reasoning much more forcibly decides on the claims of Sovereigns. Between them there is no judge on earth; the appeal is to the sword, and their quarrels usually terminate in blood. Possessions of sovereigns therefore must not be easily disturbed, but being, long continued ought for ever to be reputed just" (28); in MMW. This critical episode has received scant attention from the historical scholarship. The notable exception is Nicholas Dirks's *Scandal of Empire*, that argues for the constitutive function of corruption – in the fullest sense – in early Company rule and the threat, in the eyes of Burke, it posed to English virtue.

118. See Andre Wink's *Land And Sovereignty* (Cambridge: Cambridge University Press 1986) and Stewart Gordon's, *Marattas Marauders* (Delhi: Oxford University Press 1994). Both these works speak of the Marathas in the context of 'state-formation'. See Frank Perlin's *Invisible City* (Aldershot: Ashgate Pub. Co., 1993) and Radhika Singha, *A Despotism of Law*, (Delhi: Oxford University Press 1998)
119. On Hyder Ali's views see Appendix XI of Vol. II in Rouse. See also Letter from the Committee of Assigned Revenue to the President of the Select Committee, 1782. Appendix no. IV in Burke, *Works* Vol. IV (Hatchard and Piccadilly 1803); available in MMW.
120. The details to the negotiations can be found also in *Palk Manuscripts* (London, H.M. Stationery Off., 1922), pp. 155-279. As well as the volumes of primary documentation in Rous (volumes 2-4) in MMW.
121. The intentions and assurances of Piggot before in his earlier stint and

his untimely demise can be gleaned from the correspondence. “We are very sensible of the improprieties of the Officers or their Debashes meddling in the country affairs, therefore we will give orders to prevent such practices, and show our displeasure to them. The tranquility of the Carnatic I consider before anything else, therefore I give orders according to your highness’s desire, that as well in the countrys the garrison the Company shall not interfere. (11 April 1768). “We hope that the friendship and the attachment of the English nation to your Highness may be so apparent all over India, that it may be seen that who disturbs the tranquility the Carnatic will be punished” 13th December 1768. “I will give orders to the sepoy not to interfere with the country or the inhabitants upon any account, provided they are supplied with provisions.” 18th July 1769. “According to your desire I send orders to the Commanders of the garrisons that they are to apply to your *aumildars* for all such coobys, cuttle and provisions they may want; but they are not on any account to employ sepoy or make use of force in this business”. 29th November 1769; available in MMW.

122. See “The Nabob of Arcots Debts” pp. 183-444, in Burke, *Works* Vol. IV (Hatchard and Piccadilly 1803). Burke, as was not atypical of the time, attached copious primary source documentation in the form of footnotes as well as appendices.
123. “On Public Credit”, Hume, *Essays: Moral, Political and Literary* (Indianapolis: Liberty Classics, [1987]) See footnote 2, above.
124. In Burke’s words, “Instead of receiving presents they made loans. Instead of carrying on wars in their own name they contrived an authority, at once irresistible and irresponsible, in whose name they might ravage at pleasure; thus being freed from all restraint, they indulged themselves in the most extravagant speculations of plunder...they fell upon and totally destroyed the oldest ally of the Company, the king of Tanjore, and plundered the country to the amount of nearly five millions sterling; one after another, in the nabob’s name, but with English force, they brought into a miserable servitude all the princes of the great independent nobility of a vast country”. pp. 255-256. *Ibid.*
125. Discussing Paul Benfield one of the key ‘creditors’ Burke argues, “Here is a specimen of the new and pure aristocracy created by the right honorable gentleman [Pitt] as a support of the Crown and Constitution, against the old, corrupt, refractory, natural interests of this kingdom, and this is the grand counterpoise against all these interests. A single Benfield outweighs them all; a criminal who long since ought to have fattened the regions kite with his offal, is, by his majesty’s ministers, enthroned in the government of a great kingdom,

and ensconced with an estate which in comparison effaces the splendor of all the nobility of Europe". p. 308 "The Nabob of Arcots Debts", 1785. Burke. Ibid.

126. See *The Minutes of the Select Committee appointed by the House of Commons to Enquire into the East-India Affairs. 1772*; available in MMW.
127. See *The Case of Robert Fletcher* in MMW.
128. Ibid.
129. Locke says, almost in anticipation, "He that in the ordinary affairs of life, would admit of nothing but direct plain demonstration, would be sure of nothing, in this world, but of perishing quickly. The wholesomeness of his meat or drink would not give him reason to venture on it: and I would fain know, what tis he could do upon such grounds, as were capable of not doubt, not objection". *Essay on Human Understanding* op cit. p. 562.
130. See his treatment of Henry the VII in the *History of England from the Invasion of Julius Cesar to the Abdication of James the Second, 1688* op.cit.
131. "On the Study of History" in *Essays: Moral, Political, and Literary* op.cit., pp. 563-64.
132. "So powerful an influence over the operations of a whole people, vests an authority in a modern statesman, which in former ages, even under the most absolute governments, were utterly unknown. The truth of this remark will appear upon reflecting on the force of some states, at present in Europe, where the sovereign power is extremely limited, in every arbitrary exercise of it, and where, at the same time, it is found to operate over the wealth of the inhabitants, in a manner far more efficacious than the most despotic and arbitrary authority possibly can do. It is the order and regularity in the administration of the complicated modern economy, which alone can put a statesman in a capacity to exert the whole force of his people. The more he has their actions under his influence, the easier it is for him to make them concur in advancing the general good. Here it is objected, that any free people who invest a statesman with a power to control their most trivial actions, must be out of their wits, and considered as submitting to a voluntary slavery of the worst kind. This I agree to; supposing the power vested to be of an arbitrary nature, such as we have described in the thirteenth chapter of this book...the power of a modern prince let it be by the constitution of his kingdom, ever so absolute, immediately becomes limited so soon as he establishes the plan of economy which we are endeavoring to explain. If his authority formerly resembled the solidity and force of a wedge (which may indifferently be made use of, for splitting of timber, stones and other hard bodies, and which may be thrown aside and taken up at pleasure), it will at length come

to resemble the delicacy of a watch, which is good for no other purpose than to mark the progression of time, and which is immediately destroyed, if put to any other use, or touched with any but the gentlest hand. As modern economy, therefore, is the most effectual bridle ever was invented against the folly of despotism; so the wisdom of so great a power never shines with greater luster than when we see it exerted in planning and establishing this oeconomy, as a bridle against the wanton exercise of itself in succeeding generations". (278-279). The earlier analogy of the Lacedemonian wedge and the modern/watch was followed by the chapter that opens with, "The republic of Lycurgus represents the most perfect plan of political economy, in my humble opinion, anywhere to be met with, either in ancient or modern times". (218). James Steuart *An Inquiry Into the Principles of Political Oeconomy*. (Edinburgh: London, published for the Scottish Economic Society by Oliver & Boyd, [1966]). Reading the possible disturbance of the watch, Hirschman in the *Passions and the Interests* (Princeton, N.J.: Princeton University Press 1977), argues that "this means that the penalty for old fashioned arbitrary *coups d'authorite* is so stiff that they simply have to seize" (p. 86). Other than the fact that this claim is not substantiated by any textual support, it ignores the more complex ambivalence that seems to mark Steuart's analysis. Also in relation to Montesquieu the fact that he recognizes a despotism that completely monopolizes commerce shows that commerce as an activity emerges from the political set up and there is a way for the latter to dominate the former. The EIC is of course the most stunning instantiation of this possibility: a 'despotic commerce'. A key drawback in Hirschman lies in his not taking the theoretical implications of the constitutive and historic link between Public credit and commerce.

133. "This class of inhabitants (nobles) remaining inactive in the country during the revolution mentioned above, have in consequence of the introduction of trade, industry and luxury, insensibly had the balance of wealth and consequently of consideration turned against them. Of this there is no doubt. This class however has retained the military spirit, the lofty sentiments; and notwithstanding their depression in point of fortune, are found calculated to shine the brightest when set in a proper elevation. In times of peace when trade flourishes the luster of those who wallow in public money, the weight and consideration of the wealthy merchant and even the ease and affluence of the industrious tradesmen eclipse the poor nobility; they become an object of contempt to bad citizens, an object of compassion to the good...but when the danger threatens from abroad, and when armies

are brought into the field, compare the behavior of those conducted by a warlike nobility and those conducted by the sons of labor and industry; those who have glory, with those who have gain for their point of view.” (71). See, *An Inquiry Into the Principles of Political Oeconomy* op.cit.

134. Ibid. The importance of luxury is scattered throughout the treatise, although “excesses” are warned against. “But no man can become luxurious, in our acceptance of the word, without giving bread to the industrious, without encouraging emulation, industry and agriculture; and without producing the circulation of an adequate equivalent for every service. This last is the palladium of liberty, the fountain of gentle dependence, and the agreeable band of union among free societies”. (268).
135. Ibid. On the one hand there are the analogies with the “delicacy” of the clocks, on the other hand there the recognition of the despotism ‘internal’ to law. “So far as a power of dispensing with, restraining or extending general laws, is left in the hands of any governor, so far I consider public liberty precarious. I do not say it is thereby hurt; this will depend upon the use made of such prerogatives. According to this definition of liberty, a people may be found to enjoy freedom under the most despotic forms of government; and perpetual service itself, where the masters powers limited according to natural equity, is not altogether incompatible with liberty in the servant” (207).
136. See *Principles of money applied to the present state of the coin of Bengal*, available in MMW, as well as the sections on money and coinage (406-437) in *An Inquiry Into the Principles of Political Oeconomy*. op. cit.
137. See, *Treatise on Human Nature* op.cit., p. 609. In a footnote Hume tries to assure us that rights of conquest is not necessarily sufficient, though sometimes it many sanctify the weaker title. But as is often the case and discussed in the analytical section, one right flows into the other, and so even when the right of conquest is opposed to the right of long possession, when discussing the later Hume argues, “tis certain that if we remount to the first origin of every nation we shall find that there scarce is any race of kings, or form of commonwealth, that is not primarily funded on usurpation and rebellion, and whose title is not at first worse than doubtful and uncertain”. p. 607. . Kant as will be discussed is all the more severe.
138. See, *Leviathan*, op.cit., p. 492. Hume also follows Hobbes in many other ways, for instance the fundamental ‘metaphysical nominalism’. But also in many specific instances like the difference between a King and a tyrant are simply the different perspectives that the newly-conquered have of the same.

REMARK FOUR

Scepticism: Hume's famous argument regarding causality and contingency are not new even if their peculiar resulting valorisation of the "common life" may well be so. The latter in effect institutes "custom" and does not prevent the extensive mediations on politics and history that resulted in the great big tomes that bear Hume's signature. They obliquely empower ideological formations at the very moment when they did not have the power to do so directly. Common life is thus the great abstraction produced — the life of happiness and measure — that is denied to the many. One might on the other hand look towards other kinds of argument that in their critique of the principles of reasoning take recourse and result not so much in a "common life" — that cannot avoid its historically and politically given content — but common speech. It is language that becomes exemplary being in disallowing predication but at the same time providing for community, speech and therein the human world. It is the sheer existence of the latter that Sri Harsa, in 11th century Kannauj points to, when he says that the disputations regarding the principles of reasoning — as sources and instruments — have to be assumed to already be in existence before the attempt to prove (or disprove) the validity of the latter is undertaken. That is to say our community as existence can only be characterized by asking: if rules of validity cannot be assumed prior to debate but have to in essence be established therein how is one to characterize (reasonably?) such (already existing) discourse.

Some centuries before Hume, Sri Harsa laughingly disputed, "The cause has this distinguishing feature that with regard to it we have the idea that it necessarily exists previous to the effect (though this in no way establishes the *reality* of the case)"¹. Among the many ways in which causality is treated, let us single out a few. The Vedantin argues that there is little difference between what is taken to be real and unreal, existence and non-existence. He does this through an examination of causality, and in asking at what point does the cause terminate so that the effect may appear. In so far as one makes a distinction between cause and effect — in time — there would be no error in supposing non-existence to cause effect. If the opponent argues that the determination of the effect lay in the

“immediate sequence” to the causal conditions, the Vedantin retorts by saying that this can only be characterized by simultaneity and in such a condition, it is impossible to distinguish between the determined and the determining. Thus, cause can have no reality and is not in reality to be distinguished from the effect.

True cognition can only be self-luminous and cannot be derived from either (another) cognition or an object. Non duality as the non difference between cognition (subject) and (its) object but also the non difference between (cognized) objects. When one distinguishes the pot from the jar one cannot at the same time distinguish this distinction from the distinction making (cognition). A relation can speak of distinct things but the latter cannot be itself distinguished from the relating (cognition). “Cognition while manifesting itself may not manifest its difference from its object”². When seeing the difference between two things, the difference in fact speaks of the identification by which difference is legible. For, to cognize mere difference would mean cognition was but revealing the nature of the things themselves which would be impossible since they then cannot be cognized (together)³. This is why the various *pramanas* cannot supersede scriptural declarations about the all because they are by themselves irreducibly particular. I being particular, it is in it’s being that one can speak of non duality. Proofs that are based on the distinction between the object to be proved and the reasoning cannot escape from regress since the distinction will pervade any reasoning that cannot but be particular and therein amenable to an object status. Distinctness per se cannot testify to reality since one can by all means distinguish between a sky flower and a barren woman’s son. The point is not either about existence or non-existence about which one is indifferent but about the “euthanasia” of reason when it exceeds its use and claims to be able to qualify what is outside of existence (experience). This is not to mean that the latter is outright negated and so Sri Harsa can distinguish himself from the Buddhists for whom he (otherwise) has great respect, by saying that “nor can we regard it as unreal since this would strike at the root of all empirical thought, speech and action of intelligent men in the world”⁴.

The demand for the proof of non-duality would imply that the conception of the latter was present. The latter could be either true or false. In case of the former, the demand relapses into redundancy

while the latter would contradict itself. One cannot get away by saying that non duality would be true for Vendantins and false for others and therefore requires proof, for this would end being the absurdity of asking for proof for what is characterized as a wrong / false cognition (the Vedantins)⁵. If the cognition were to be distinct from the cognized, simple expressions like “I know” would be unintelligible. Similarly, the arguments that the self-luminous cognition cannot be intelligible because it does not distinguish between action and end (object) is invalid because neither can a valid definition of the object in such a way be given nor can the nature of the distinction be proved. In common speech such as the “river rises” or the “fruit ripens (by itself)” or “I know myself”, this former distinction is invalidated. On the other hand, the absence of an attribute and the falsity of attribution to the one cognizing cognition is not to be taken seriously because just as in the realization of the error of perception – seeing the shell as silver – such error of attributing makes no difference to the real substrate (the shell) in the same way wrong attributing makes little effect on the real oneness of cognition⁶. In fact, the logician’s tenets of criticism such as “contradiction” in fact rebound on themselves. For instance, there is no way in which the logician can distinguish a contradiction from a common sentence such as “there is no jar in this place”. The retort that the negation is not applied to the object that is otherwise affirmed will not hold because in such a statement in fact applies to what is (otherwise) said to be “the [existing] jar”⁷. On the other hand, it may well be asked whether the contradiction is rightly cognized or wrongly cognized. The former would be itself a contradiction, thus, making the designation contradiction too wide for analytic use and if the latter, the contradiction remains intact once again revealing itself to be devoid of meaning.

The opponent may argue that the difference between two entities may well not be differentiated from the cognition that cognizes them — annulling difference — but a further cognition may well cognize the difference between the cognition and the cognizing of difference (between the entities). But the Vedic declaration of non-difference would immediately apply here too for a sublating cognition would have to rest and in resting it annuls the difference between itself and its cognition. “However far you may go in constantly bringing

forward other cognitions to sublimate the non-duality texts, you will at a certain point have to admit a cessation of the series of sublating cognitions otherwise in the first place there would be no room for the appearance in consciousness of any object and in the second place there would be an endless regress; and to that very cognition at which you stop, the non duality text will at once attach itself, and this having obtained a footing rescue the entire series of objects and cognitions to no-duality". It is important to note that, that the Vedic declaration of non-duality is (even) to be taken as sastra, a canon of rules by which truth or victory is to be ascertained, is attributed to Udayana⁸. Rather, scriptural testimony speaks but to the oneness of all things which can in no sense be sublated by a (cognizing) knowledge that cannot but define itself as particular. For difference cannot reside either in what is different or in something non-different⁹.

Scriptural testimony — word — is, therefore, final in the exhibition of the non-duality of the world and in the destruction of arguments by reference to particular word formations. In this sense, this form of argumentation while seemingly similar to the destructive tendencies of Hume prove the latter to only be a 'euthanasia' so as to render natural – and impregnable – a particular state of affairs: ideology through and through.¹⁰

NOTES

1. Sri Harsa *Khandakhandakhadya* Trans. Ganganath Jha (Delhi Sri Sat Guru Publications 1986), p. 21
2. *Ibid.* p. 50
3. *Ibid.* p. 62
4. *Ibid.* p. 40
5. *Ibid.* p. 45
6. *Ibid.* p. 78
7. *Ibid.* p. 468
8. *Ibid.* p. 490
9. *Ibid.* p. 73

CHAPTER III

ECONOMIC AND SOCIAL VALUE IN AND
OUT OF THE IMPERIAL-JURIDICAL

“If a covenant be made wherein neither of the parties perform presently, but trust one another, in the condition of mere nature (which is a condition of war of every man against every man) upon reasonable suspicion it is void; but if there be a common power set over them both, with right and force sufficient to compel the performance, it is not void”.

Thomas Hobbes, *Leviathan*, 1651.

“Too violent a propensity to those detestable passions renders a person the object of universal dread and abhorrence, who like a wild beast, ought, we think, to be hunted out of all civil society”.

Adam Smith, *Theory of Moral Sentiments*, 1759.

“Moreover, the subject itself [revenue/finances of Bengal], besides affording the pleasure of novelty, would, we presume, be highly interesting to the public as forming the beneficial justifiable grounds for the continued dominion of Great Britain over the richest of all her Asiatic possessions, and opening a field for useful speculation in experimental politics; hitherto imperfectly explored, or wholly neglected by European philosophers”.

James Grant, *Historical And Comparative Analysis of the Finances in Bengal*, 1786.

“The agreement, which manifests itself by means of a sign, and the performance are therefore kept separate among civilized peoples, whereas they may coincide among the uncivilized. In the forests of Ceylon there is a nation of traders who lay out their property and

peacefully wait until others come and put theirs down beside it; in this case, there is no difference between the mute declaration of will and its performance”.

G.W.F Hegel, *Elements of the Philosophy of Right*, 1820.

Introduction

In what follows we will study the works of William Blackstone and Adam Smith along with the debates that lead up to the Permanent Settlement (1793) in Bengal. We argue that while jurisprudential theory in mid-18th century England has as its constituent a historical cum theoretical reflection on the relationship between conquest, sovereignty and trade, Smith’s *Wealth of Nations* inaugurates the possibility for theorizing “economic” value without clarifying the grounds of political authority. On the other side of empire as it were, the East India Company, an international joint-stock trading corporation which was also a “sovereign representative” of the Crown, both in its self representation as well as in its modus operandi, questions the possibility of separating trade and war, economic value and military prowess. Such a combination and integration is intelligible from within a ‘juridical framework’ – as found in Blackstone’s *Commentaries* and Smith’s *Lectures* – but becomes barely legible in the analytic construction of “economic value” which is emerging in the *Wealth of Nations*. This chapter will be interested in tracing the ways in which the “natural rights” perspective that Blackstone still retains combines what we take to be questions of trade and politics. It will then study the shifting nature and translations of these categories across Smith’s writings on science, sentiment, jurisprudence and wealth, and have as its ‘quilting point’ an interpretation of the East India Company in Bengal, which both expresses as well as challenges the development and deployment of juridical and ‘economic’ categories in England. A guiding thread will be the argument that the emerging form of knowledge – that has as its object ‘economic value’ – represses the hitherto in-mixed relations between “right”, justice and commerce on the conceptual cum institutional register. At the same time, it plays a role in both concealing the logic of empire under commerce and the segmentation of space into different autonomous territories.

With regard to this translation of juridical and economic languages, key instances, by way of introduction, can here be cited: Rent from referring to the conqueror's blade – an index of political authority and thereby part of the feudal ensemble – is transferred into another arena, becoming an 'original source of value' which is calculated after profits and wages have been accounted for¹. Similarly real and personal property, movables and immovables that operate in designating the relationship between person and possession as well as the historic relation between the King and the kingdom, is airlifted from such a provenance and soon becomes fixed and circulating capital, heuristics in the analytic construction of value. However, this juridical machine which is outmoded in the new economic science – an accomplishment of discourse whose theoretical pace accelerates with Ricardo and Malthus – retains its fidelity (translatability) to the older discourse when one is confronted with undertaking the task of interpreting the East India Company and its activities in Bengal; in a singular imperial-feudal iteration. This uncanny sign of the past is what explains Smith's vehement, and nonetheless questionable, attack on the Company's combining economic and sovereign functions. He attacks the Company for devastating Bengal but his solution to the predicament is the retaining of sovereignty in Bengal for the English crown². It is only by strategically forgetting the explicit political functions that were already entailed in the carrying out of trade, from the side of its actions as well as its origins in 'sovereign monopoly', that Smith can turn 'naïve', criticizing the Company for combining the political and the economic. This perspective is the very same one which is responsible for his misrepresentation of mercantilist thought, some of which directly commented on the East India Company, even in purely 'economic' issues such as when he accuses them of conflating metal with value³. While the Company is but a slightly unusual beast when examined from the juridical optic, from the newly refined economic lens being perfected in the *Wealth of Nations*, it can only appear as a monstrous anachronism. In the meanwhile, Company administrator-soldiers themselves are constantly debating their own nature – often through mixing juridical and political languages – while at the same time enunciating policy that affects the life of millions. Exemplary instances would include the debate about

whether there existed 'property' in India, or whether the revenue extracted by the Company could be termed 'rent' or 'tribute', questions concerning the distribution of political power within India as well as the place of the Company. What is at stake is not the merely nominal, rather once again the nominal tears into the questions about the precise nature of the relations within political-economy, a set of issues that are constantly mutating even at the level of discourse and one that has real consequences at the level of policy. It is this set of relations – the uneasy, shifting, changing and exchanging relationship between the juridical and the economic – that will be the subject matter of this chapter.

But first a brief recapitulation is in order. The previous chapter interpreted the Bengal famine and the Arcot debts in conjunction with David Hume's work and its intellectual milieu. The complexities of Hume's philosophical method in no way impeded its incursions into the realms of morality, law and economics. In certain ways heir to the natural law tradition, in combining the political, the economic and the moral, Hume also signals a radical departure. He at once reinscribes the moral-natural connection within a temporal formulation and at the same time subtracts the theological element (final cause/purpose that establishes the whole as such) only to replace it with a 'sentimental historicity'. This also suspends any real distinction between the moral and the natural-physical, thereby eliding the natural law tradition which derived the political and the economic from the moral quality of freedom; which returns us to sin as that through which freedom can be exhibited and for which only God can serve as guarantor. This loss also ensures that the political – an axis on which meaningful action can be undertaken in relation to/by constituted authority – disappears since there is no principle from which univocal meaning can be derived: but a symptom of the growing invulnerability of the English state apparatus and its bloody victories over the Jacobite rebellion which challenged the English crown from the most substantial grounds possible: inheritance. It is this recourse to history that Hume can undercut and, paradoxically, his position, since it suspends the distinction between principle and instance, accomplishes this very task in a ways which cannot but be ironical. Arguing that the tooth ache can cause more pain than the famine in China, Hume himself forgets that the political

structure that secures his own condition is complicit in the devastating famine in Bengal. But explained is the avarice – the proprietor who looks merely at his profit – which can ignore the cost that is in the lives of millions. Similarly the historical instances of feudalism or the tyranny exercised by Free States – in a speculative history and a speculative politics that is necessarily so in the Humean system – are realized in the colonies in the massive violence that the English state exercises on India through the Company as a medium. The irony is of course that while the earlier histories in the 17th century were not interested, occupied as they were by questions of sovereign right, in the historicist operation – past as past – Hume’s relegation of a meaning as past comes-to-fruit in his life in the arms of the Company in another site. The East India Company in itself defied any characterization in the set of historical examples that are given to us. Strictly speaking a monster – a cross between different species across time and space, memory and fantasy – by its very existence it thereby questions in very real ways abstractions such as politics and economics, sovereign rule and banditry. Ending with the ‘instances’ of famine and debt was thus a concentrate of the Humean aporias as well as milestone in another interpretation of the meaning of ‘political economy’ and takes us at the same time to the extremity of Hume’s mediation on the keeping of promises, a law of nature/society itself the precondition of the political condition: when a bandit approaches, what does a promise mean.

Oculus

The 1760s that witnessed the conquests of the Company was also the time when jurisprudence was being institutionalized in England. The University of Oxford was endowed with its first chair – signaling the formation of this new discipline – and William Blackstone delivered the first series of lectures on this subject. Of course it was not the subject that was new, customary laws had always existed in the Inns of London and cannon law was known and studied among the elites; but only now was it being formalized. This was not the case in neighboring Scotland which had about half a century ago itself been incorporated into the Empire. There, at the very time that Blackstone delivered his inaugural lectures, Adam Smith elucidated

the subject of jurisprudence to his students at Glasgow University. Much of what they say and much of what they discuss is of direct pertinence to the activities of the Company in Bengal, who cite and rely on Smith and Blackstone, among others, in framing many of their policy documents. Both Smith and Blackstone use time – their narrating history – to unfold the problematic of jurisprudence. This mode of understanding jurisprudence is not confined to Smith and Blackstone but is replicated in the debates among East India Company officials in the enunciation of their rule.

Through reading the Company's archive along with the works of Smith and Blackstone, we qualify the thrust of established scholarship on South Asia⁴ in arguing that the radical dichotomizing of the Orient and Europe as present in English discourse cannot be taken at face value. The line between the English and the Oriental as it appears in the theoretical texts as well as administrative archives is often a thin and shifting one, and an excessive attention paid to words without enough attention to their use within the contemporaneous milieu can be counter productive. So even the most assiduously 'Orientalist' of the policy makers, James Grant, uses the term 'despotic' frequently in his characterization of sub-continental history but he is similarly able to argue, in a different context, that contemporary Scottish landlords were in fact "slaves"⁵. The attention to history and custom by the Company was not a local compromise undertaken by universal reason⁶, for universal juridical reason would not have had any meaning at the time. Custom and history were operators in the enunciation of law – whether in England or in India – which could not but be "reasonable"; no other way could law be comprehended⁷. In this sense the continuity of the discourse between England and Bengal is established. Equally, the employment of the nominal 'despotic' signals the very precarious status of the political condition within England; let us remember that Hume, Smith and Blackstone at times read a movement towards (a new) absolutism, and absolutism, despotism and tyranny are used more often than not interchangeably in their texts. Just as there is no necessary contradiction noted with "free states" introducing slavery in the Americas, in the same vein the histories of England characterize English monarchs such as Henry the VIII and Elizabeth as despotic— sovereigns who laid the institutional foundations for

English liberties – mirroring the despotic tendencies that existed in contemporary England articulated by features such as ‘public debt’ and the standing army. While on the one hand the distinction between monarchy and despotism isn’t all too clear in Hume, Blackstone and Smith, on the other hand, Burke can passionately argue that despotism was not characteristically oriental⁸.

It is rather France which theoretically mobilizes the category of despotism, but had done so as a means to critique the growing powers of the French King⁹. The pinnacle here is Montesquieu whose elaboration in his great work is marked by the tension between the typological dimension (that occupies the first books) which treats despotism as a separate case, and the genetic dimension (found in the last books) which often locates it at the foundation of the French monarchy. This provides an interesting access to the debates around East India policy, since Montesquieu was another writer liberally cited among officials. And just as the Company is the archetypal Montesquieuan despot – being merchant and sovereign – in the same way its own monopoly over essential goods such as salt is justified via reference to the French *gaballe* as well as alleged precedent in sub-continental history¹⁰. Rather than simply being the symptom a blinkered notion of Asiatic Difference such characterizations point to the shifting boundaries between despotism and absolutism, freed states and tyrannies in their conceptual articulations. Must we recall Quesnay’s ‘legal despotism’ and his argument for China as a model for Europe¹¹ as well as James Steuart and his plotting of free laws and the despotic¹²? Physiocracy in its rationalization of the ‘economy’ was in fact an effectuation of absolutism – clearing the intermediary feudal powers – and thereby a curious return to the classical *oikos*. When Grant has to tell us that in India despotism was real not fictive (referencing Blackstone) such a telling indicates the uncertainty and leakages within and between concepts rather than a confident pronouncement. As we will see, despotism will have to be located at the level of the Company’s ‘doings’ refracted in their word-propositional structures, and not in mere isolated and abstracted semantic content. In this manner a ‘genuine despotism’ can be elaborated.

Despotism as a category is closely linked to the notion of property. In Machiavelli the Turkish prince is defined as a despot only he is

free and everyone else is a slave, whereas France is defined as Feudal because France exhibits a hierarchical distribution of power. In Blackstone however the Machiavellian definition of despotism is what characterizes feudalism, and here he follows a tradition of English historians¹³. This ambiguity about the nature of instituted authority is re-played in Bengal where we witness debates on whether “property” existed in the subcontinent; with overwhelming evidence provided as “proof”, which will be discussed below. This attention to history and custom is undertaken so as to define the status of the Company itself in the wake of conquest. At face value such a status is wrinkled with contradictions. Not the simple contradiction between the political (sovereignty) and the economic (commerce) – that Smith would like to point to – but rather the contradictions within the political (on the one hand, being beholden to two sovereigns, English and Mughal, and on the other hand being a feudatory, having but delegated power, and yet undertaking sovereign actions such as minting coins) and within the economic (are they extracting “rent”, “profit”, “taxes” or “tribute”?). Such is the situation *de jure*, and *de facto* the situation is even more complicated with the English being the paramount military power in the region but hiding its responsibilities through the screen of nominal powerlessness; this has been previously discussed. Here we are concerned with policy in the *aftermath* of a calamity that took the lives of millions of people. It is only such a crisis in its English articulation that prompts introspection. This leads back directly to the question of how to rule; or rather how to rule ‘profitably’ since the Company is a Company, in turn leading to an examination of local custom and history for establishing the lineaments of authority. Like Hume, Blackstone and Smith the Company officials thereby narrate a history in the process of framing the urgent juridical problem of rule.

However, there is a fundamental distinction between the situation of the Company and the situation in England. This has little to do with the fact that the Company undertook conquests in the subcontinent. Conquest was of course a recurring motif in the histories and present of England; a recognized source of political authority¹⁴. Rather, the difference lay in the fact that while the histories of England proved that the logic of military might was

dictated by the integration of people (the King got the financial support of 'the people' against the Barons and in turn allowed them to participate in politics), in the case of the Company there existed no such rationale. While the burgers in England lent their money – the sinews of war – and supported the King in his battles, they were recompensed by forms of representation; in the case of the subcontinent the Company got its funds from the nexus of the English State and the financial world and had little need for including the local populace in its 'management'. It had a relationship with the English state that was reciprocal; just as in the late 17th century the Company helped the King in his battles with funds that equaled the entire land tax¹⁵, in the same manner the Company could rely on the English state to provide the funds for trade which could at anytime be translated into war. The financial revolution of the late 17th century not only allowed the State to borrow but also allowed it to lend vast sums that were enabled by an institutionalized tax structure. With a monetary circuit thus paving the way for the Company's victories it simultaneously capitalized on such military victories to in turn extract greater revenues of varying kinds. Hence the "debt mechanisms": extracting money from local polities after defeating them militarily, placing them in debt and charging high rates of interest, forcing local polities to pay for Company armies that were stationed within nominally sovereign territory, as already discussed.

Here Hume was more than right about public debt, for other than France (and can we forget this?) we just have to turn our eye towards the subcontinent where kingdoms were being destroyed by "public debt". At the same time areas within the Company's control were bleached of natural resources, and used as points from which global "trades" could be carried on. This whole range of operations did not at all require any form of 'participation' from the local populace, and it is only this that can explain the devastation. Unlike a local sovereign, the Company had no reason to invest or patronize – in any form – anything local. This is the reason why the debate about whether the East India Company was simply another local sovereign or whether it 'taxed' more than other native polities seems misplaced¹⁶. If we do not understand 'taxes' as extractions that simply flow into the void, the real question is then where the taxes

might go or rather its function within a discursive setting. Even if local kings indulged in ‘useless expenditure’ we have reason to understand this as being far more beneficial than revenues being simply taken to the English financial world. In Europe, the court as a centre of consumption was a critical step in the formation of industry, as has been documented time and again and referenced by Cantillon, Steuart and Smith¹⁷ himself, whereas in the case of India the systematic conquests of native polities and patron-groups and the near total absence of any form of capital re-investment marks the clear difference.

Thus, while the situation of the Company was clearly different, it had to present an argument for its own self-preservation at a time when it was in debt to King-in-Parliament. This meant that it would need to prove its use to the English state as a provider of capital. The famine in Bengal was a symptom in its failing to prove its use and at the same time, ironically, the sign of the extent of its willingness to make its case (the ‘famine’ itself was often blamed on the greed of the stockholders and the high expectations and demands in England by Company officials). Thus, the problem of rule is an articulation of the problem of how to be efficient and profitable (for the English state and people). It is here that any analysis of the Company proves the continuous in-mixing and separation of the juridical and the economic. Was ‘tax’ a form of ‘rent’ in the sense provided to it in the *Wealth of Nations* (a mere landlord basing his demands on how much the tenant can give, and thereby pure exploitation) or in the Blackstonian sense (where it is a political demand for acknowledging superiority and right)? How are we to understand Smith’s characterization of the Company’s demands in terms of ‘profits’ when such was certainly not the case (since it had multiple sources of revenues including rents)? These distinctions are not simply one of nomenclature, but were also debated in the context of policy formulation. Similarly, in the words of Philip Francis, a Company official, should the Company’s relation to the people be an “oeconomical one” (if it proceeds in its intention to evaluate all the lands thereby exercising full rights over the land-people in treating them like an object; “property”) or a feudal one (merely extract some tribute as a political right). Both these categories can mean the same thing if we remember that the feudal according to Blackstone as well

as Smith indexed conquest (and thereby complete powers over the defeated person rendering him as object-thing, following Hobbes and Locke and many other commentators) just as the 'economic' can similarly be derived from the Aristotelian *oikos*, 'despotic dominion'. Or is it the prize of the Aristotelian hunt, the other source and mode of slavery? Should one follow the despotism (institutional centralization) of Mir Kasim, who was ironically responding to the incursions of Company power and was finally deposed by the Company, or the original "Institutes of Akbar" in its feudal tendencies?

The only way to think through the multiple ways in which the economic and the political align, coalesce and separate is by attempting to locate their complicity in their fundamental presuppositions. It is at the level of the definition of the person and the thing that we can locate the most abstract origin as well as most radical explication. Now we turn to what can only be named the conceptual indeterminacy between thing and person returning us to the natural law tradition. Blackstone locates himself here. In this sense the whole problematic of the state of nature as well as its relation to God become critical heuristics to speak about justice and property which are intimately connected. For the state of nature is the structural precondition for the emergence of both property and sovereignty. The *raison d'être* of political power is the protection and securing of property (the thing-person, that "degree of labour" as Blackstone tells us). However, with the emergence of the body politic a double relation is articulated – the power of the sovereign in relation to his new himself (the body-politic) and in relation to others (body politics and individuals outside the pale of the law) which is a remnant/return of the state of nature. The former is defined as the private since it is explicitly concerned with conserving property (the relationship between the Person and his things, the Sovereign and his people, the people among themselves through the sovereign) while the later is defined as the public (two sovereign persons and the rebel who puts himself outside the Public). In so far as the Public is the sign of the relapse into the state of nature, it can also be defined by its immediate relationship to death and the divine. Here only God can decide whether the taking of life is legitimate. This right over life in so far as it exists as a right is an aspect of the

Public, though its orientation can also be turned inwards, when it decides a crime is a public threat and therefore invites extermination. Thus, within the body politic there exist the crimes for which death is warranted, and it is public authority which can play executioner, a public that asserts itself *is* the otherwise private. Now we have the slow incursion of nature within, which is compensated by its mirror image from the individual perspective, who too has a natural-sovereign right to protect himself, when his life is threatened. Giving death becomes the way to discern between person and thing, for he who is legitimately killed is retroactively denominated as one who had no rights to live thereby stripping him(self) of humanity. All these sets of structural contradictions and the mutual convertibility of public and private, life and death, thing and person will be detailed and explored below in the analytic section.

The categories of private and public, thing and person is present in Smith's jurisprudence too. However, Smith's eclecticism prompts a very particular modulation. On the one hand, the primary mode in which the juridical problematic presents itself is through history: a history – unlike Blackstone and without the state of nature and its guarantor (God) – which follows a specific global schema that includes the Hunter, the Sheppard, the Agricultural and the Commercial stages. Following French and Scottish trajectories¹⁸, Smith explains the historical movement through a 'logic' that eschews any reference to sovereign-natural rights (as conceived in the tradition). Rather, a particular material set of conditions is proposed as the regulator cum operator of juridical cum economic phenomena. Thus, in primitive stages the lack of the development of private property at the time means the lack of the development of centralized institutional authority. Judges gain in power with the decline of forms of tribal egalitarianism and the rise of royal sovereignty. This recounting – which is at the same time explaining – of the development of the State and its body-politic and the distribution and redistribution of power and property, is the subject of Smithian jurisprudence. But this subject finds its own kernel in moral sentiment which is construed as the primary (epistemological) category for the unraveling of material and social 'governmental' conditioning¹⁹. The richness of moral sentiment unfolds in direct proportion to progress. The commercial stage in which Smith

describes contemporaneous England becomes an index of equality-inequality, in effect the new political condition. When looked at from the looking glass of his jurisprudence it enunciates a very specific set of political issues. The direct military power and oppression exercised by Royal and Baronial authority is replaced by the greater spread and hold over 'the' populace – always expanding – through more indirect mechanisms such as taxation. This is not without paradox because taxation was the means by which the burgers obtained greater liberties by simultaneously empowering the King and thereby disempowering the Barons. And yet public debt only increases the burden of taxation and plays its part in instituting a professional soldiery, which can no longer be challenged within the State. The absolute monopolization of political power is coeval with the spread of liberties; which is why Smith always characterizes it as a system, a system of liberties like Hume's 'great plan'.

Thus, the formal increase in the power of the Commons by no means ensures the extinction of an executive power which can always convert itself into a form of despotism. Mirroring this political condition is the canvas of the social that illustrates in clear fashion the various hues of malice, envy and other passions that in their gradation and variety are peculiar to the commercial state. This commercial state can now become an autonomous subject of investigation in its own right after the 'resolution' of the political problem, i.e. the absolutization of the political. Here i.e. in civil society, the 'political' problem is recast as the relationship between it as a society and it as a polity. Only after suspending the conceptual becoming of the political – where the 'international' and the historical are part of the same nexus – Smith can stabilize the category of society. It is this site that now would require a science of wealth that can no longer directly involve itself with its own political infrastructure: economics is released and no longer *bears* politics. We scrutinize the signs of repression as they return into the economic text. As a clue, we can note that Smith locates the science of wealth within the rubric of the police (internal policy) wherein, other than guaranteeing cheapness and cleanliness, the State is to get rid of crime, the greatest source of which lies in the – now – obsolete class of feudal retainers. The political can exist only as waste once

superseded and economics has only one word to describe this left-over of the political: crime. In this sense it should surprise no one that the *Wealth of Nations* is in essence a meditation on the “police”²⁰.

From such a perspective the key lever that maintains society as society is the “invisible spectator”: a symptom which is at the same time a (photographic) resolution of the conflicting opinions of society. While in the *Lectures on Jurisprudence*, history graphs the coercive mechanism of the centralizing state, in the study of moral sentiment the ‘invisible spectator’ is set up as the result/presupposition of contesting opinion. Finally in the *Wealth of Nations* the invisible spectator becomes an “invisible hand” – combining the harshness of the State with the gentleness of society – that regulates the wealth and well-being of the nation (state and society). The *Wealth of Nations* inaugurates a lexicon in which one finds a series of such translations that will be further analyzed below. We can simply point to them here in a schematic fashion; and add that, ironically, this final synthesis signifies a certain privileging of the ‘thing’ over the person. Rent – that referred to the personal relationship which also extinguished personality from the juridical optic – becomes a mere remainder of the price of the individual commodity. The King – which in his *person* was a force in history from the juridical angle – now becomes the mere equivalent of the “buffoon” (part of “unproductive labor”). And finally, real and personal property as juridical categories that referred to the Person are converted into, Fixed and Circulating forms of Capital. Of course, the signs of such a translation are present in the *Wealth of Nations* itself, as for instance when arguing about the dangerous powers of the executive (perhaps the buffoon merits seriousness), or the large sections on justice and defense, or finally, when speaking of the King-buffoon as the legitimate heir to the conquests of the East India Company. Only the Crown can after all undertake war, the personal-political action par excellence.

But, perhaps, the real clues emerge when studying the activities of the East India Company, which can serve as a sort of ‘secret dictionary’ to the study of Smith and Blackstone. Here, threats of despotism are realized otherwise and one regresses and reverses into the juridical domain although nominally holding on to the economic. The *passage* between debt and despotism, conquest and

trade, rent and profit, property and sovereignty, person and thing, are all stark challenges as well as uncanny leaks of the conceptual lexicons found in Smith and Blackstone. We end with a reading of the activities of the Company as a critique – and a challenge – to the inauguration of the new economic language as Smith tries to mid-wife it from the jurisprudential womb of Blackstone and his own past.

Chiaroscuro and Figure

WILLIAM BLACKSTONE: PERSONS AND THINGS AND THEIR THEOLOGICO-POLITICAL RATIO

Blackstone divides his commentaries into four books with the following headings: on the rights of persons, on the rights over things, civil/private injuries and public injuries. They are meant to establish the “original principals and elements of jurisprudence” as a rule of action which defines a reciprocal set of duties between public and private, subject and sovereign and conceptualize these very categories, i.e. determine them in their coming to be. Such a conceptualization is done via a “state of nature” and the “natural right” of self-preservation which in the conventional theological lexicon of the “light of nature” and the “light of reason” is identified with reason as defined in terms of self-preservation. The state of nature, the place where and wherein anything can be “used, enjoyed and disposed”, and distinction between man and thing, public and private is yet to be. The Natural laws in operation – the laws of self preservation²¹ – prevent any distinction between rule and fact, whereby the former can designate the latter in either/or legal (just/unjust) or moral (right/wrong) terms. Killing the person and consuming the thing are not to be differentiated, since any action receives its meaning only by a community defined rule which assumes a society that does exist.

The move – and its intention – superseding such a state of nature is narrated without being fully explained. Consciousness as consciousness-in-common and its expression in “wants and needs” – unsatisfied in the state of nature – leads to society. Desire as abstracted from act introduces time now in the act of reflection wherein

an object is determined qua object. Acquisition can now be idealized, i.e. abstracted in the mode of the possible, enabling a recognition of desire itself in common and thereby a rule: the recognition that unsatisfied wants and needs are characteristic of beings-in-common and a common rule to alleviate the same may be formulated. Such recognition – the contract—is the simultaneous erection of authority (rule); a superior is founded who now has “supreme, irresistible, absolute, uncontrolled, authority”²². Consciousness of “weakness and imperfection” in the state of nature, effectuates the union (community) and authority (sovereignty): this is the social being in common subjugation to an absolute authority. The ambiguity about whether the people in common erect authority that is very much their own or whether they erect such authority by contracting with one outside is illustrated by the fact that sometimes the contract is seen as that between king and people and sometimes it is held to have taken place between/among a set of people in their equality. The precise meaning of the principle of authority escape, for it may well be possible that he who is found is actually the one who founds i.e. *forces* the present condition (authority-in-community). From here society is indistinct from nature (modality of “use” in the state of nature), and its human nomination of conquest, where the superior being as superior exercises his power – and right – over society. A central ambiguity allows the retrospective nomination of abstract equality (the conceptual constituent of a ‘contract’) to be indiscernible from the present realization of superiority (authority over the many).

Leaving the conceptual ambiguities of nature and its socialization – and the socialization of nature – aside, one confronts the questions besetting a post-natural society/state. What emerges is human law, the “rule of action that a superior prescribes for an inferior”. “Commanding what is right and prohibiting what is wrong”²³; ascriptions of seeming absolutism. However, the individual has not been deprived of all his rights and powers since natural rights are said to remain because they do not originate in civil law. Thus, crimes-in-themselves (*mala in se*) such as murder, theft and perjury as well as natural rights such as those to life and liberty come under the purview of natural not civil law. It is only with regard to “things indifferent” that civil law has its say in characterizing them as either lawful or unlawful²⁴. If absolute rights are, indeed, intrinsic to the

individual and owing to God (nature/reason), and social rights are “incidental and relative”, what is the principle of unity that determines political society? The distinction posited between the thing-in-itself (owing directly to God and/or reason/nature) and the thing indifferent (civil/positive law) breaks down on further scrutiny. Natural right – that is not eliminated with the coming of the civil state – is evocable when it perceives as threat to itself any *pre-emption* of its ambit by civil law. Monopoly rights granted by the sovereign are an example of such pre-emption. The fact that I cannot sell this because it has been prohibited by civil law, even though my action doesn’t deprive anyone else of his or her natural right, is thus itself a violation of natural right. Such a conversion of the thing-in-itself into the indifferent is the sovereign act and recollects immediately, the conceptual ambiguity between compact and conquest.

This general problematic is that which informs the specific case of England even while the latter is always in a state of nature in relation to other polities. Written or statute law, and the unwritten or common law are the two specific sources of law in English jurisprudence. The latter extends beyond memory and history and has its principals in “use” and “reception”: present as gift of the perpetual. It is this which ensures that the judge doesn’t accede to mere private opinion in making a decision but adheres to truth and law. Furthermore, what is presented as law is not a mere collection of data but reason itself for “what is not reason is not law”²⁵. Custom consists of various reports, and exists as a compendium of legal proceedings which direct the course of the juridical decision. Statute law has two relations to common law; it is either declaratory or remedial, taking precedence over the latter in times of conflict. Statute is derived from sovereign power — for England from the King and the two houses of parliament with the Magna Charta as its first instance. Pertaining to sovereign power, it is thereby political power while common law reveals its lineage from nature (beyond temporal determination). But if one reading rescues statute law and sovereignty from “nature”, its spatial history (and present) proves otherwise. The English sovereign has dominions and in its relations with other kingdoms necessarily brings in the laws of nature. Such interconnections can be based on the right of conquest, on the “compact

between the conqueror and conquered”, the conquered is released from death (being an enemy) by his conversion into subjecthood. From such a perspective even English history cannot be rescued. After all, the Norman Conquest (those “badges of slavery”) with its symptoms — the use of French words in present sovereign ceremony — starkly signifies the secretion of the law of nature into the English constitution. Simultaneously, custom as the other source of law in its adherence to the ever-present also captures a wide range of “substantive” infiltrations through a history that is one of conquest: brought time and again from the Saxons, Romans, Danes, and Goths²⁶. Nature, thus, haunts the identity of the present on temporal and geographic registers.

Trying to establish the uniqueness of England, the *Commentaries* continuously affirm that its general freedom lies in the balance between the King and the parliament. Even so the precise demarcation of powers is impossible to specify. While on the one hand, the maxim stresses that not only can the King do no wrong he can even think no wrong²⁷; on the other hand, the historical formulation of jurisprudence shows that the King is not a constant in the equation of time. Thus ‘empire’, the making of the body-politic through the exercise of absolute power, is achieved only by overcoming both papal and baronial power *historically*. In the remodeling and expropriation of Roman history and law the imperial *is* the body-politic itself, and yet it is made through the agency of the King; a making that forms the stuff of Blackstone’s narrative-jurisprudence. This making is the heuristic setting up of the false distinction between ‘internal’ (The Crown asserting power over the Barons) and ‘external’ (the growing independence from the Church, beginning from Saxon times, to the low point of William the Conqueror, from Henry the II to Edward the II and finally to Henry the VIII)²⁸. The classical mark of this formation is royal prerogative which decides the limits of legislative authority — having the power to inaugurate and dissolve it — as well as the rights over war and peace. While denying the absolutism of the prerogative at present is also to deny its crucial role in the making of the present, the exact nature of the relationship between the legislature and the prerogative is left indeterminate. While it is the state of nature that explicates the logic of international relations, the increasing use of the capital

punishment in positive law — re-introduces in a graphic way — the place of the King's ('natural') vengeance in the body politic. Here, the relentless logical consequences of a *contract* theory – the death penalty is compared to self-mutilation, a dismembering of the body-politic itself and therefore unjust – is presented but at the same time disallowed, for Blackstone himself (in a certain way analogous to Hobbes) does not support such a penalty²⁹.

The construction of the broad terrain of the economic is but the tighter spread of the sovereign-political within a specific locale ("territory") that is all the same never free of inter-polity relations. International trade and mutual intercourse is held to be the benign face of the law of nations/ state of nature substituting for the violence of classical conquest. Even as in practice the management of trade involves violence of the highest degree. For instance, as already said when one committed *owling* (the nighttime transporting of prohibited commodities such as wool and sheep outside the country) in Elizabethan England, the offender was "put into prison for a year at the end of which his left hand was cut off and nailed at a public place"³⁰. This is just one index of the attention – kind and magnitude – paid to the glorious vocation of trade and commerce that the English monarchs turned to, in turning their backs on the bloody wars of inheritance in the continent (the French conflicts). The significance of trading activity is measured by its public management in the long 17th and 18th centuries: the introduction of capital punishment for counterfeiting coin, forgery and a whole range of offences that inform the 'everyday' (merely private as allegedly distinct from the public when defined in terms of other publics)³¹. Similarly, taxes are proportional to the national debt, bloating for the first time in the late 17th century, since they are used in paying off interest to creditors largely straddling the domain of the foreign (state of nature), including speculators and corporations such as the East India Company. The debt itself was caused by the renewed wars – public acts rebounding inwards – in the continent during the time of William of Orange's reign.

The recognized forms of appropriation and ownership are: occupation, prescription, conquest. Purchase as yet another mode is determined by a relation between subjects that is not necessarily constitutive. Ownership – the chief characteristic of the subject –

allows the production of surplus and such a system enables its exchange (alienation and purchase). Such transfer is guaranteed only by the existence of the civil state which is assumed as structural pre-condition. This 'civil' transaction cannot explain the transference of the public *itself* since there is no subject of such a transaction: the King cannot own the kingdom as though the two were distinguishable. The problem of the inheritance of sovereignty is at the same time the inherent problem of sovereignty. The classical resolution of this problem was the *fiction* of the King's two bodies³². But the fiction of perpetual sovereignty is also replicated in ownership and property. This is expressed in the fact that the relation between a person and a thing may well be but a characteristic of one or the other: amplified and illustrated in the cases of the prisoner of war (public) and the servant (private). Here actual property lies in "perpetual service rather than in the body or the person"³³. This "perpetual service" is enabled by the body and/or the person. Depending on one's angle of vision, one could either nominate it a body (a being as a thing that is "used") or a person (a being that has to obey and is under the despotic dominion). While the original intention was to rescue the being from the transience of the state of nature, this turns out to be, in the civil condition, but a release into the perpetual ambiguity between the one who transfers (who as essence) and that which is transferred (what as existence). Not confined to the "private" history this fact documents the same fate for sovereign polities – ravaged by "occupation, prescription and conquest" – what is denied in principle (the fiction of the two bodies).

The use of fiction is employed to understand that exemplary event of English history: the Norman Conquest. Treating it as a truth, Blackstone argues that the Norman Lawyers of the 11th and 12th centuries actually made use of a fiction – the Norman Conquest. What was in "reality a mere fiction became a fundamental maxim and necessary principle", the King being the lord and original proprietor of all lands. "The clever Norman interpreters put their own construction as if it were true...our ancestors barely consenting to this fiction saw the construction as unfounded and this facade continued till King John, when the Barons rose up. Thus our liberties are not encroachments on Prerogative but the restoration of the ancient constitution defrauded by the art and fineness of the Norman

lawyers more than Norman arms”³⁴. However, the employment of a fiction is recommended as highly “beneficiary and useful”³⁵ even in the contemporary, as when the King’s Bench that is a court which had original authority only over crimes generated by “force and arms” (Public) comes to be used in personal injuries of all kinds (the Private)³⁶.

A land of liberty and a land where an absolutist monarch reigns are distinguished by the fact that the latter has a distinct order of arms. Unlike the case in England, the Absolutist King rules through fear and so needs armed protectors against the populace. With the Conquest and the division of the lands into feuds, the various Knights owed personal service to the King; even so there was no need for a standing army. One of the key issues around which the civil wars churned was the militia and the question of who really controlled it – here the legality of the parliamentary position is questioned; a conflict which had itself arisen in the context of quelling the Irish ‘rebels’. (Once more the distinction between polity and inter-polity is indistinct). What was tolerated as a temporary measure in response to a particular crisis was then accepted as permanent; the “fashions” of the times. A disapproval of the standing army is however asserted, which would be but a form of “martial law that is inherently arbitrary” thereby questioning the distinction between England the land of liberties and Absolutist kingdoms. Ironically, the new “Mutiny and Quartering Act” only increased such fears³⁷. Although its intention lay in mixing the armies with the general populace in order to do away with the stigma of the sequestered armed camp, the real consequence was simply the generalization of ‘martial law’ in time and space. The same act allowed capital punishment, at any time, in retribution for indiscipline. (We saw this translation in the Mutiny of 1765 in Bengal). This was in effect an exemplary instance of the declared state of martial law; right of capital punishment was here rendered indefinite and therein ever-present. Paradoxically, it is capital punishment – the perpetual overhanging possibility of juridical murder for things indifferent – that internalized a state of nature most explicitly releasing its real function – facing other Publics in Nature – into superfluity. This “hastily penned act” is criticized as being no different from a keeping an armed band of slaves within the polity, on whom one was fully depended on for protection,

generalizing servitude. Thus, distinction between England and an Absolutist state in its real effects is dissolved. On the other hand, the act also empowers the King – he is after all the supreme commander of the armed forces — and such power combining with the growing national debt, throws the weight in favor of the executive.

To better comprehend this new territory, we will have to capture its ‘pre-history’. In the *Commentaries*, the forests are the distilled evocation of this vanishing past. A mythical past: the state of nature, where all was forest, all was common, and one had the direct right from God to access anything, as long as that wasn’t a direct violation of the same right of access also given to others: although there was no way of deciding *a priori* whether this would be the case except by that turn heavenwards. In addition, there is that other kind of mythical past, though situated in historical time: the Saxon past where the King had not monopolized powers to such an extent as to be able to sequester forest land as his property (private property as public property, the King’s domain as kingdom). In Saxon times, the forests – the foliage, the fowl, the birds and the beasts – shined forth as the residual leavings of an original natal right. With the Norman Conquest, the new forest laws as they were enunciated, continuing into Blackstone’s present, “owe their immediate original to slavery”³⁸. Now the forest as a sign has inverted, it signifies in exemplary fashion the sovereign-King’s proprietorial right. This is the disappearance of the public – the place where one can meet as equals and as equals consume that which is subordinate(d) to us – another instancing of the conversion of the people into property, a conversion rendered visible through history. The other side of the generalization of ‘private property’ is the ban on hunting; the means to disarm the people and thereby pre-empt rebellion. The incapacity to rebel is, in fact, the brand of the slave. For the sovereign, hunting as a form, is also a delightful sport, the rehearsal that prepares the hunter as a warrior. The old Aristotelian genealogy of hunting and war, and the exposure of the slave who keeps life and gives up freedom is ever present. Blackstone’s chapters on hunting and privilege once again underscore the means in which meaning can be extricated only at the cost of a *methexis* that no longer places any real distinctions between time and place, person and thing, man and beast. They reiterate the real implications of a standing army.

As we have seen, the deployment of history in the *Commentaries* is by no means simple. The origin is itself a crisis determining the before and the hereafter; this is the Norman Conquest as decisive turning point, the primal event which refuses to disappear. Not simply past, the remainder reminders exist not only in the use of language (French words), but also in many of the institutions. Essentially, feudal law brought about by the Conquest – “that without which no one can study the laws of England”³⁹ – is germane to the understanding of the present, in its potential as history and prognosis, even when reserved for many a harsh criticism. Paradoxically, it is also the fallow field in which is planted the recovery of ancient (Saxon) English liberties. The formal contradictions have of course detained us before – there were the Bretons before the Saxons, what of them, there were many other Roman, Germanic, Scandinavian and Danish customs ‘added’, what of them, if ancient liberties are tied in with custom itself where does one find a univocal origin and perform the cut – but here it suffices to note that the intent seems to be one spent in finding a rationale for both the status of Kingship and the history of a post-conquest England.

The key changes that the Conquest brought included the separation of the theological and political sources of power, and the kings after and up to the present play a role in this dissolution cum recovery. Yet this historical trajectory is indelibly marked by the Royal person; after all much of the actual telling is about the acts of various Kings, through which occurs the centralization of the State. Though legislative authority is held to have continued through custom and the ancient constitution (exemplified by the Jury), Blackstone doesn’t ignore the systematic empowerment of executive power, especially accentuated by the new institutions of the standing army and the national debt. In addition, the liberal use of the capital punishment for crimes that have to do with *positive* law – there are over 160 crimes for which it may be awarded, and even though the Elizabethan statue of awarding it for keeping company with an Egyptian (a gypsy) was perhaps not strictly enforced, it still served as a reminder of executive power and violence — retrieving in a radical way the state of nature. Though the savage trials by the ordeal (where one dipped ones hand in boiling water or walked

over coals) or battle (introduced by the Normans) seem to have been well dispensed with in the basement of history, the necessary consequence seems to have been the concentration of power, a nexus as exorbitantly powerful as it is enigmatic in its operations. It is crime (inherently public) that is the publication of society because it is both reason and site dissolving the distinction between private and public, for one can be drunk oneself but cannot be drunk in society, and a felony is one that affects the individual as a member of the community. Punishment is to set an example, to anticipate and preempt the dissolution of society, for as Blackstone argues, expiation concerns the creator.

Even so, it is uncertain whether each invocation of the capital punishment – whose frequency Blackstone laments and whose efficiency he suspects – does not re-introduce the state of nature and the naturalizing of the public and generalizing of the Private (strict equality)? Disagreeing with Grotius and Pufendorf who argue for such a re-introduction of ‘natural right’ when for instance the individual is threatened with a death due to economic deprivation, thus legitimating theft, Blackstone argues that the particular State of England, with its poor laws and charity houses ensuring minimum sustenance, favours civil right over that of the individual. Here we have come full circle. Positive law that had earlier been banished from the arena where the decision between life and death was primary, now becomes the route through which the individual is deprived of this fundamental right in his own name, his bare sustenance as the ‘economic’. Rather than the difficulty of conceptualizing violence that is legitimate we are now left with the question as to how existing public violence can ever be rendered illegitimate.

Science and Sentiment in Smith: The Object as Reproductive Organ

The theoretical problematic: how does the articulated relation between thing and person (re)configure and regulate the poles in conceptual regime(s)? Thought and object in philosophy, person and possession in jurisprudence, sentiment and art in moral theory, and labour and capital in economics. Although in the realm of history – as the formulation of the juridical – there is much that is in common

with Blackstone, Smith's orientation is towards Rousseau and Hume rather than the natural law tradition. And this difference opens onto radical implications, which will be re-integrated when we track the East India Company archive. But first: in so far as Smith considers all his writings as a unitary whole, it would be best to start with his writings on science and philosophy concerned as they are with "perception": a combinatory of thing and person. Hume's presence is here persistent.

Wonder is the 'original' of philosophy/science. The world that is present is chaotic; the immediate registration of the chaotic as such is indistinguishable from the desire to rationalize i.e. assimilate. This is the representation that is philosophy. "Philosophy by representing the individual chains which bind together all these disjointed objects endeavors to introduce order into this chaos of jarring and discordant appearances, to allay this tumult of the imagination and to restore it, when it surveys the great revolutions of the universe to that tone of tranquility and composure which is most agreeable in itself and most suitable to its nature"⁴⁰. Rationalization as the move to greater simplicity is proportionally abstract, with its own rationale lying in calming the imagination. The latter – as in Hume – is both the seat as well as the principle through which the world is represented as a rational, harmonious and beautiful system⁴¹. All three adjectives reflect one another and index a translation of bewilderment and terror (of the unknown as intuited) into the leisurely contemplation of the known (that is deducted). Such a conceptual schema of philosophy unravels its own historicity. Such a criterion expresses the progress in different representations of nature; from the crystal spheres of Antiquity to the epicycles of Ptolemy to the simplicity of Copernicus. A history of philosophy also unfolds as a history of astronomy, as it is the celestial spheres in their mystery and magnificence that first provoke terror and awe. However, this graphing of history as a unidirectional propellant is paradoxical. While the machines – systems of representation – are indeed getting simpler and simpler, their relationship with the world of direct sense-perception grows proportionally opaque. Representation gets increasingly 'abstracted' from that which it purportedly represents. It is now the representations themselves that become terrorizing subjects: "the

novelty and unexpectedness of the view of nature which it opened to the fancy, excited more wonder and surprise than the strangest of those appearances which it had been invented to render natural and familiar"⁴². Leaving this paradox in suspension rather than trailing in its catastrophic wake, is what distinguishes Smith from Hume. It is the self-evident everyday, which marks the point of departure for his series of meditations. This everyday taken as the world of sense-perception is the world that will have been the event; catapulting the human mind into the domains of philosophy. In true dialectical style, what is taken as point of departure in the histories of science is taken as the point of arrival in the essays on the senses and the arts.

It is in this context that the thing – the ‘simple’ object of the senses – is reflected upon. In the conceptual history of philosophy categories (logic) and elements (physics-nature) give way to the place of dialectic. Signaled above where understanding undertakes to explain that from which it is derived. Presence as undetermined initiates representation so as to make the distinction ineradicable. It sustains and alternates between external (presentation) and internal (representation). While science as a machine at the level of intention replays to infinity such distinction as distinguishing in proportionate abstraction Smith simultaneously reverses gear into a more ‘immediate-immanent critique’. Following Locke, Hume and Berkeley, he presents the world of objects that we sense-perceive as having no substantive reality. Though distinct we cannot be certain of that which makes them distinctive. Rather as perceived and understood they embody the sedimentation of “custom”. All these objects are simultaneously judgments, having memory and imagination as constituting dimensions, thus positing as unposited that which is not itself amenable to principals of determination since its existence is as such unknowable. For instance, tactility is that which defines the visual object even though its exact nature and precise relation to vision remains unknown. Rehabilitated in Berkelian idiom is Locke’s argument that the distinction between primary and secondary qualities is arbitrary. Only via the sensation – involving fancy/memory – of touch can distance become *in* understanding the void in which the opacity that is the ocular object be set in relief⁴³. The object is staged by the simultaneous setting up

and erasure – through motion where distance is unfolded by the extension and reversion of the hand in reaching and falling back in the grasp of the object in the representing mind – of space. Objects are spoken by nature, speaking to the harmony of mind and world in action. Art – theoretical and aesthetic – is made in this sense. While the theoretical arts are mired in the impossible task of attempting to exhaustively represent that which is present, the aesthetic arts try and produce what is real without assuming what is present to be the mere referent, as if independent and knowable in its independence. “The copy of a picture derives its merit not so much from its resemblance to the original, as to the resemblance to the object, which the original was meant to represent”⁴⁴. A painted flower is more beautiful than an artificial one though the latter approximates to the flower that we see with a greater degree of accuracy. Overturning the pseudo Platonic injunction, art becomes the means by which action can take form, and reflect on itself in movement, through the double mediation of the two frames; rather than the vain attempt to simply represent in its authenticity what it already there. It is science that is ironically sequestered here even as contrary to its intentions, it provokes wonder and pleasure. The aesthetic arts on the contrary find their means and ends in that pleasure which science simply chances upon and takes as a point of departure.

The external object has the imagination as a constituting ingredient as much as person and his emotions. The *Theory of Moral Sentiments* renews an attention to the imagination as conduit and seat; that by which identification takes place. This is named sympathy or fellow feeling, and yet not merely fellow-feeling because sympathy is accomplished, not when we feel what others feel, but when we feel what we would feel if we were in the other person’s *situation*. The imagination reproduces us as the other, where the difference between our new selves and the imagined other is merely one of degree. Seeing someone else in great pain we too feel great pain. Our pain is not less than his pain – what (he) feels we can never truly know – but is less than what we imagine him to be going through. The fact that we sympathize with the mad person and the dead only serves to drive home identification as but a form of reproduction through which affect takes place. Hence, the fear of death is what we

imagine the dead person feels as we imagine ourselves dead. The imagination is what passes between people, indexes sociality. When upset, the friend's presence alleviates our sorrow, because he assumes some of our pain just as we assume some of his calm, indicating the porosity characteristic of ourselves as feeling beings rather than the abstraction of knowing that sees itself in splendid isolation. I cannot know the other as other but can only become another by imagining or feeling what the other is. Thus, the social too rather than being assignable *a priori* emerges only therein. Affect is simultaneously a judgment and the only standard we can adopt is our own that is in itself never to be known. The reality of such feeling informed judgment in the making of the social, is forcefully spelt: "Too violent a propensity to those detestable passions renders a person the object of universal dread and abhorrence, who like a wild beast, ought, we think, to be hunted out of all civil society"⁴⁵. While in Locke what branded an outlaw as an outlaw was his violation of natural law, the right to self defense and perpetuation, in Smith 'it' is one who violates the sociality of sentiment. The mere existence of the outlaw inscribes his own life as death sentence, inducing and crystallizing his expulsion.

Traversing across the social, the distinction between the virtues of justice and beneficence is exhibited by the question of equality. Justice is there where punishment is a consequence of a real injury. Beneficence is a virtue that is lauded but not required. It is in the situation of equality that justice can operate, when it touches the natural laws of self preservation and perpetuation. But civil society shifts the meaning. For it is not merely that equality has been transfigured into hierarchy, but also that actions in themselves "indifferent", now enter the ambit of law. Not unlike in Blackstone, "the civil magistrate is not only entrusted with preserving public interest by restraining injustice, but of promoting the prosperity of the commonwealth by establishing good discipline...he may prescribe rules, therefore which not only prohibit mutual injuries among fellow citizens but command mutual offices to a certain degree"⁴⁶.

Justice is now made a necessary ingredient of the social without which the latter's dissolution is certain. Such dissolution would not

only mean a lack of beneficence (indifference to the suffering of others) but rather the much more 'positive' thriving of sadism; the derivation of pleasure from the suffering of others and its continual attenuation. Thus, distinction between a state of equality and a state where the civil magistrate wields the scepter, requires scrutiny. This is not simply an abstract inference from much of what is about justice and the nature of society, but an implication that appears very succinctly in the text. "It is needless to observe, I presume, that both rebels and heretics are those unlucky persons, who, when things have come to a certain degree of violence, have the misfortune to be of the weaker party"⁴⁷.

It is their *weakness*, a paradoxical retrieval of the state of nature, which determines their designation as 'rebels and heretics'. This insight erupts in a long discussion on the 'impartial spectator' as being the one who legislates on moral sentiment, one that undermines previous arguments about the critical reproductive power of the imagination. The impartial spectator much like the civil magistrate emerges, Athena-like, fundamentally contesting the epistemological protocols that are otherwise rigorously adopted.

The introduction of the impartial spectator complicates the earlier positions on sentiment and society. Its origin lies in reason and reflection, but paradoxically also in, custom and habit. Conscience as the impartial spectator and reason are indistinguishable. The Smithian derivation of the sentiment from reason doesn't explicate the status of the passions. Another dimension of this is the antinomy between the impartial spectator and the essential derivation of sentiments through an experiencing of the other. The former assumes/dictates that "before we can make any proper comparison of those opposite interests, we must change our position. We must view them neither from our place nor yet from his, neither with our own eyes nor yet from his but from the place and with the eyes of a third person, who has no particular connection with either and who judges with impartiality between us"⁴⁸. Yet, many of the other arguments employed are in direct contradiction; such as the identification of sentiment and judgment, or the inclusion of the other in the (re)production of sentiment and the rules of morality. And this would be one way of reading, "that the foolish liar who

endeavors to excite the admiration of company..the important coxcomb who gives himself airs of rank and distinction...are both of them no doubt pleased with the applause which they fancy they meet with. But their vanity arises from so gross an illusion of the imagination that it is difficult to conceive how any rational creature should be imposed upon it”⁴⁹.

“Fitness” and the arrangement of contrivances rather than their utility interpreted as *ends* inspire sentiment. Through ‘imagination’ we feel the ‘machine’ in its granularity and experience a range of emotions. While an epistemic protocol imagination is simultaneously a necessary “deception” of Nature that performs a crucial role: “it rouses and keeps in continual motion the industry of mankind”⁵⁰. Such deception prompts the rich to indulge in “luxury” and “caprice” that in turn *create* employment for the poor. The rationale which frames society – the relations between rich and poor – is drawn from an analogy between the capacity for happiness and the size of the stomach. One cannot eat – or consume wealth – beyond a certain threshold and any surplus (in the hands of the rich), feeds and supports the poor (being distributed/transferred via employment). The “invisible hand” ensures the “distribution of the necessaries of life”⁵¹. Logic is held to account for and explain a fundamentally just and economical partition of things and the state of affairs. The invisible hand renders in-extricable the joining of the rich and the poor inscribing the redistributive function in the very nature of things – hence ‘invisible’ – embodying faith in things as they (presently) are rather than norms that are achievable. Rich and poor arrive on the scene as-if independent of each other but will necessarily ‘end up’ in happy commerce.

Instead of justice being inscribed within the problematic of the invisible hand it is explained (away) as a virtue which distinguishes itself from other virtues by being given to precise rules, and admitting of no doubt, not unlike grammar. However, it is also under the rubric of Morals, which cannot be given any exact determination, as with the Ancients where they “did not affect any nice exactness but contended themselves with describing, in a general manner, what is the sentiment upon which justice, modesty and veracity are founded”⁵². This tension is exacerbated when defined as the main *end* of jurisprudence: “the *theory* of rules by which civil governments

ought to be directed”⁵³. This is ironically rendered in a fictive present devoid of time: the prevention of “the members of a society from encroaching on one another’s property or seizing what is not their own”⁵⁴. The further argument is that the science of “natural jurisprudence”, still in its infancy, was the theory of general principals that lay the foundation of all the laws of all nations independent of all positive institution. However if a nation’s idea of justice was to be *defined* naturally it would be juridically indistinguishable from other nations erasing the contingencies and accumulations of time and custom. For a resolution of these difficulties, the other major ‘storey’ in the Smithian mansion – *Lectures on Jurisprudence* – need exploration.

Smith’s Lectures on Jurisprudence: The Sentimental Historicization of the Sovereignty

The *Lectures* continue with a discussion of justice and morality, however by, linking it to the historicity of property. Preservation of property is – Hume’s law of society and in Blackstone natural law – the first object civil government while the prevention of accident is the second (injuries and fires). The maintenance of the cheapness of commodities and the collection of revenue through rents, taxes, and customs is the third objective, and defense from “foreign injuries” is the fourth and last objective⁵⁵. The departure from Blackstone and Hume who had undertaken a clarification of property itself before discussing the political question is made clear. In Smith, the occlusion of natural rights as an inalienable one (Blackstone) and the social-natural laws (Hume) as determinants of property is achieved through their replacement by a civil government whose origins in epistemic terms are obscure. Even though “natural jurisprudence” had been declared independent of positive institution, the *Lectures* in practice argue that each of the objectives was accomplished in different ways in different nations according to their *form* of government. Government becomes the key category. Jurisprudence, from the very beginning seems to be concerned fundamentally with the domain and distribution of things which involve the human as only an ingredient, as recorded from the first three objectives, property, injuries *and* fires, prices, revenue; and only the last objective has to

do with the person as person, in the context of the defense of the realm. It is not the making of the government that is of concern – that we saw in Hume and Blackstone – but its operations and history, once already established.

Soon enough a qualification arises. “The first and chief design of all civil governments, is, as I observed, to preserve justice among the members of the state and prevent all encroachments on the individuals in it, from others of the same society. {That is, to maintain, each individual in his perfect rights}.”⁵⁶ There is a fundamental difference between ‘perfect’ and ‘natural’. Rights can be divided into rights in the capacity of a man, as a member of a family and as a member of a state. The fact that it is the state that is guarantor to these rights ensures its occupation of the very idea of right. Bracketing this fact, the rights of person as person can be violated with regard to his reputation and estate. As a person, he has a right over his body and the right to the “free use of his person” i.e. a right to do what he wants as long as it doesn’t prove detrimental to another person. A right to reputation means the right not to be called what is below the “common standard amongst men”. Thus, to be called a knave is a violation of such a right, but to be called honest even though one may deserve greater praise, cannot be called an injury and comes under the purview of imperfect rather than perfect rights. Only the latter has to do with jurisprudence whereas the former has to do with the system of morality. And finally, the rights regarding his estate, refers to either his ‘real rights’ or his ‘personal rights’. A real right refers directly to things, and exemplifies the “full right of property”. The key conceptual marker here is exclusivity, dominium. It is precisely the quality of exclusivity that allows it to subsume the rights of inheritance and monopolies. These are mostly constituted by civil law, although there are some that are derived from “natural reason” such as the right to hunt down the game one has begun. The *Lectures* don’t define or elaborate upon ‘natural reason’ – which would reconnect to the natural law tradition – even as the example given is one to have been much abused. As opposed to real rights, personal rights refer to that which is owed, and includes contracts and quasi-contracts. The former refers to explicit promises and expectations, and the later to restitution, as in when one finds a watch one is bound to return it to the owner. “Natural rights” when

concerning man as man, and man and his reputation are said to be perfectly self-evident, whereas “the only case where the origin of natural rights is not altogether plain is in that of property”⁵⁷. Property is here extracted from the nature of man while its original could be found in occupation, tradition, accession, prescription and succession. Conquest – key to the texts of Blackstone and Hume – is allowed little part. And so property is the origin-subject of history as a narrative where the self-evidence of man – his person and reputation – is consigned to the mute realm of nature; they really have no tale to tell.

This is the context for the four stage theory of ‘conjectural history’ – hunters, shepherds, agriculturalists, commerce – marked as it is immediately by ambiguity; is it the plot through which all societies go through or could it be the conceptual schema, the grid of intelligibility deployed to understand any and every history? It is arrived at through hypotheticals (if a group of people were stranded in an uninhabited island they would first hunt...) as well as through pointing out facts (the Arabs and Tartars were still subsisting as shepherds, through flocks and herds and *signify* the past). This ambiguity does little to hamper the sequence where property is increasingly defined and valued. An implication of which is the rise in theft as of laws which multiply, becoming more rigorous⁵⁸. Hunting societies know property only through possession marking them as evanescent. Shepherds through domestication introduce a modicum of stability. Animals are possessions, the law of occupation ascertained not only through the stringent requirement of actual possession, but through habits. The animals that regularly return to a certain person are presumed to be his. The rationale for occupation itself – why should the apple that I pluck be mine and not be open to the appropriation of the other – is accounted for by the “impartial spectator” whereas Hume’s *Inquiry* had left it at the door of arbitrariness/custom. ‘Sentiment’ – criss crossed by conscience and custom – explains history providing the ‘rationale’ of property and justice. As the *Lectures* declare, it is the sentiment of resentment that one feels when one’s right has been violated which is the origin of the judicial-political program. It is the shaking hand of morality that seems – in contradiction to what we were earlier told – to ultimately hold the keys to the domains of justice.

Rather than a principle, conquest forms the subject matter of the political text as presented in the *Lectures*. It occupies as it folds territory into territory, person into thing signifying signs in a logic very much its own. Rent is that which was originally an acknowledgement of personal dependence rather than an abstract evaluation of land and simultaneously enunciates the paradoxical conversion of the personal into the real through the command of sovereign-civil law. The person is quartered by land into dependents and the independent, and it is the roving independent [Lord] that is the force of the political. This is why realm – the land as the field in which force occupies the dependents as people who are essentially in a continuum with this field – necessarily shifts as is its nature. With time, the increase in the concentration of the power of the sovereign is directly in proportion to his spread, although he is yet to fully monopolize power within his realm. The shift from the allodial to the feudal is precisely this increase in power, where the emissary of the sovereign – or one trying to become sovereign – is not “laughed at and massacred”⁵⁹. The torturous temporal curve in which Smith traces the protracted increase in the intermeddling of civil power, indexing the growing powers of the king, is littered with violence, and resistance⁶⁰. It is here that civil law can be seen as the unraveling of the Personal into the Real (the King now lording over land) and where the individuals, whether Baron or peasant, disappear into the night of civil jurisdiction, where exclusive right is not the exercise of the individual but the gift of the civil power. While the narrative spiral is constituted by the telling of conquest and violence and since it cannot explain itself, the ‘external’ peg where it is hooked is not public utility – as in the natural law tradition from Grotius and Pufendorf – but ‘sentiment’⁶¹. It is this that accounts for nuance and difference; simple reason would imply that any act contrary to public utility such as exporting wool or a sleeping sentinel would merit capital punishment. And though such power was indeed allowed at various points, the fact that this punishment was ameliorated in later times is only to be explained by sentiment, because such a brutal punishment didn’t evoke ‘sympathy’ anymore even if the theory of moral sentiment had intimated to us the hunting down of the social outcaste in the new sociable milieu.

In this sense the becoming of sovereignty is a hoarding of sentiment. In earlier times when a crime was committed it was the sovereign who took injury and offense; his revenge came down as the executioner's blade⁶². The appropriation through representation doesn't discriminate between civil and criminal although it is the criminal that is first behind the sovereign. Lying behind – as the past that one was – as the train that conceals and trails. Through an impressive array of techniques – fees such as ward ships, and marriage, escheat and alliance – feudalism replaces the old allodial framework. From a set of localized territories with a finely graded continuum – different people were rated differently along a gradient that found its nadir in the laborer tied to the land – we see emerging a localizing of these very differential powers of sovereignty that is directly proportioned to the increasing range over which it can target its effects. The range is homogenized by the coefficient of sovereign power. The King integrates in his person the realm, and liberates many of the common people in his protracted contest with the nobles. The burgers are elevated in status, and granted the right to form corporations, and the King takes more immediate control over the land and the people. Now all land is immediately or mediately beholden to him⁶³. However contrary to the East, there existed laws not merely will. This typological distinction is undermined time and again by the historical narrative that Smith traces. In allodial times, the people were slaves to the will of those who lorded over them and at the height of the localization of sovereign power in the King's person – such as during the reigns of Henry VIII and Elizabeth – the people as well as parliament were completely subject to royal will⁶⁴. Among the types of government – monarchies, aristocracies, and democracies – it is in monarchies that the people are the slaves of the King.

And yet the strict Aristotelian typology – monarchies, aristocracies, and democracies – breaks down at the force of history-in-space. Phrase-categories such as “monarchical republic” or “monarchical aristocratic”⁶⁵ indicate the weakening assimilative and explanatory power of *a priori* categories. While Kingship indicates slavery it appears also true that the latter will more likely be abolished in a monarchical government than in a democratic one

because in a democratic one the people make the laws⁶⁶. The slave through conquest is converted from a political being (one who possessed rights) to a thing (one who has no such rights). And in so far as the people – here a set of political beings – find the institution, beneficial, slavery will continue. In a monarchy the single person has full rights, in the face of who all are slaves and an inherent division between the slaves serves no intrinsic need for monarchical power to be enunciated and can therefore be done away with. Political forms as inflected by the stadial theory only increase such interpretative complications. For instance, the very lack of government is said to be democratic – the hunters had little government and were so democratic – where judicial power was exercised by the whole body. Even with the increase in property and concomitant disputes, for Sheppard society, judicial power is still rather democratic although during wars, the need for a strong executive prompts momentary deviations into monarchy indicating the temporary priority of executive power over juridical power⁶⁷. Such a historical emergence of power in institutions emerges therefore not from a consensus, but through the “natural progress which men make in society”. In fact, juridical power was initially an extension of executive power as documented by historical examples: in the earlier stages if someone refused to join the fight against an enemy he was killed, but if one continues to fight an enemy even after the cessation of hostilities, he is not punished. His execution was the result of resentment: by not joining he had unfolded himself as an enemy, but since no authority had yet been constituted, he cannot be ‘punished’ if he who continued to fight. Thus, punishments emerge as that violence turned ‘inward’, inward only because the inside has been revealed as really outside, the foreign. With the introduction of agriculture and commerce we see the establishment of sovereign power as feudal where the power of government has clearly established itself as authority through its acts.

Such acts are feudal signs; techniques which establish royal authority and encroach into allodial powers and constitutes itself in a centralized manner by establishing a juridical structure⁶⁸. The King claims all the lands and so the common peasant can seek refuge in his power when oppressed by his ‘local’ lord. Crucial to, and explanatory of, the decline in the powers of the nobility – that is in

essence the rise of royal authority – is the improvement of arts, sciences, commerce and luxury. While in earlier times the sign of political power is the presence of retainers, with time, the retainers are replaced by objects. Things-commodities in so far as they express a value greater than people, become the objects of display, signs of power and the new indices of value. The increased need for resources forces the lord to increase rents, which he can do only if he allows longer leases to the peasant. For the same reason he provides capital, and releases him from some his dues as long as he can provide money with which luxuries can be bought. This introduction of money while immediately resulting in an increase in the labors of the peasant becomes the means by which he can enrich himself. After he has paid off the landlord, he can use the money to buy other things, something not possible if ‘rents’ required non monetary returns and are signs of political power, and indicated a simple continuum between things and services. Simultaneously, the King has given many liberties to the burgers that make large amounts of wealth by trade, and in turn empower the King’s coffers. The increasing infiltration of money into the economy also signals the growing dependence of the King on the ‘commons’ and independence from the lords, and in this process the commons usurp greater and greater privileges⁶⁹.

We here see a whole reconfiguration of political-economy. The proliferation of the arts – the integration of nature, labor and time – introduces aesthetic taste but is also that which defines society as such. Continual exchange ensures the tightening and interdependence of people within what comes to be society, Stuart’s “web”. The single commodity contains within it an archeology of the labors of the social, and the key lies in money, an insight first fully elaborated upon by Mandeville but traceable to Locke. This along with the geographic situation of England – which was an island and required no standing army that could be the lever of royal sovereignty⁷⁰ – is held to be responsible for the civil wars and the regicide. Having no army, and “not agreeing to their demands, they took his head”⁷¹, Smith nonchalantly notes. The Cromwellian reign repeats the military dictatorship of classical times – where too luxury and arts had devoured martial spirit, allowing the creation of a standing army that in turn was used by a powerful general to

institute his will – but is soon replaced through the Restoration because of the weakness of Richard. If a vigorous prince was brought back to power, one would have perhaps slid to absolutism but this was not to be; and with the Glorious Revolution the introduction of a new and therefore hesitant family, Parliament only dug its heels in further. Of course the Glorious revolution was not so glorious in Ireland that saw huge massacres, but Ireland as outside territory and conquered land is nature.

This hailed “system of liberty” is made possible by the bloody work of Royal centralization⁷². The monopolization of political power is re-instantiated in the economic realm when exclusive privileges are granted to certain groups in production and trade. And according to Smith, though they were necessary in a certain past/passed context – for instance in the economic realm they were necessary to accelerate the division of labor – they were now superfluous. Thus, the new system of liberty expresses the twinning of the economic and the political realm. And in so far as it exists, sovereignty cannot but be absolute. Uneasy tensions remain: for while in other cases the temporal formulation of a contradiction is explained (away) as dialectical (like the monopoly that was fit for earlier times, not now) the case of sovereignty proves recalcitrant. On the one hand, in explicit disagreement with the contractarians, neither can a contract be considered as the basis of political power nor can the right of resistance be upheld⁷³. On the other hand, a “certain degree of outrage and absurdity” does allow resistance and once again, like Hume, Roman tyrants are cited. The ‘relevance’ of what is by definition a historical example and its self-evidence is not probed. Rather a theory of sovereignty as grounded in sentiment⁷⁴ is reiterated. Sovereignty here derives from a disposition to respect authority and the desire for general interest. It is this combination, inculcated since childhood, witnessed and absorbed in all ones transactions that explain the fact of sovereignty. As a matter of ‘existing fact’, it does not unravel the act of sovereignty in its meaning-making. A history documented otherwise is littered with the traces of the wielded sword of sovereignty. This comes out even in language; we have no words from Welsh in the English language, an indication of their extermination under the Saxons. The Normans were, perhaps, less brutal since they allowed signs, from which

their brutality could be derived⁷⁵. But (historical) act and sentiment coalesce at least in one instance, just as the act of resistance is written out of the domains of legal discourse, so is its sentiment, in an impossibly paradoxical manner, considering its undeniability. Even imagining the death of the King invites the classical sovereign act, capital punishment⁷⁶.

The Wealth of Nations: The Birth pangs of a Ratio

Whereas jurisprudence was conceptualized through a 'sentimental' historico-political analysis, it is the 'police' that comes to be the arena where the State gazes exclusively at itself. Towards this end is the *Wealth of Nations* addressed. The main components are "cleanliness of the roads and streets", "security" and "cheapness and plenty". However, this 'house-keeping' function does not rid itself of the subject matter of jurisprudence, because it argues that the main source of criminality lay in the surplus retainers of obsolete feudal lords; a chronic problem that, for instance, litters the East India Company record. In such naming, crime disguises the structural preconditions that enable this new site of the economy to which the police tends. Similarly earlier 'feudal' rights in their political capacity – such as the right to tax – are overcome by appeal to a logic only once the legitimacy of (state) monopoly is already accomplished and left unquestioned. In so far as this sphere is concerned with the 'private', i.e. it is not posed at the level of the legitimacy of the state itself (public), it has no place for force or violence. Rather, only by such a historically forced stabilization of the private is its theorization accomplished. This is to be also achieved by misrepresenting the history of political economy on ideational and institutional registers. One witnesses this not only with regard to specific issues such as the claim that mercantilists couldn't distinguish metal from value or the Spanish East India Company was not a monopoly and still successful. But even in more general ways, present artifice – a stabilized private as occluded political – is projected into the past which is at the same time faulted for not measuring up. An examination of the emerging theoretical stance in its detail allows for a more careful extrapolation of what has just been said.

In the *Wealth of Nations*, a very peculiar understanding of the concentrate that defines the human in relation to other beings makes its appearance. It is the propensity to “truck, barter and exchange one thing for another” that distinguishes the human from the other “races” of animals. This propensity as a quality also has a specific mode and end: utility. Benevolence is discharged from the realm of the distinctively human; as even a dog gets things by fawning over its master, the mere quality of benevolence would not extricate the human from the world of animality. (Veiled here a critique of Shaftsbury and Hutcheson⁷⁷). By contrast, in “civilized times” – the twinning of the civilized and the human is here enunciated – human beings qua human look to their own self interest to accomplish their aims, accomplished by (similarly) serving to the interest of others as indistinguishable from their own. The mark of human and/as human is the “concatenation of interests” which forms the social. Unlike the animal, or perhaps the savage, the human is fundamentally bound to (other) humans.

Into this differentia, a very specific temporality is inscribed. The original propensity simultaneously turns into a *talent* for production – which always produces more than necessary (surplus) – and is thereby exchanged for the surplus of another production. This is the division of labour through which things are produced, with greater and greater efficiency. The whole juridical problematic is herein reconfigured and circumvented. While for the latter the contract is instituted for the production of political power that arcs back, and rationalizes the contract, the former case sets the groundwork for the production of *things* that has no (formal) limiting principal i.e. the division of labour and exchange propensity for producing are given a perpetual and originary (human) status. The formulation is one of simple production through which the human is distinguished from what he is not, simply producing and exchanging that which is commensurate to the point of possible equilibrium. An explicit rewiring of the Hobbesian (and the general juridical type we see even in Blackstone) dictum of ‘command’ – a direct personal authority – takes place, becoming one that is now exercised over things; Capital is now defined as “direction” for the sake of production. The quality of human nature as such – talent-for-production-that-will-be-exchanged – is open to internal modification

through time. The distinction between a porter and a philosopher is attributed to “custom”, and not nature, although even such a distinction is enabled by – and meaningfully articulates – the infrastructure of the already theorized human.

The division of labour is intrinsically linked to the market, or the “power of exchanging”, allowing labour itself to be exchangeable. The market is signal indication of human beings in totality; society not polity. In this context, *money* acquires function. While the market enunciates the logic of the surplus, money is the medium and measure through which such an exchange is defined and facilitated. Metal is the exemplary element of money, because of its specific combination of ideality and concreteness. Being least perishable and at the same time capable of division (and recombination) metal can signify an abstract element (numbers) through which value is (materially) designated. However, the facilitation of exchange is enabled only if it is possible to secure the consistency of money i.e. only if the equivalence between the material (finess) and its abstract signification (value) is maintained. This is itself enabled by the public stamp i.e. another genealogy of government is derived where it acts as mere guarantor, akin to the Lockean economic idiom but without the rights-based deduction. What was meant to provide security in effect often subverts its own function; the “avarice and injustices of princes and sovereign states, abusing the confidence of their subjects, have by degrees diminished the real quantity of metal, which had been originally in their coins”⁷⁸. The relation of the materiality of the coin and its signification becomes vulnerable to the operations of the sovereign.

This signification i.e. value, is to be further scrutinized. Here occurs a spiral of dialectical reiterations, like the fishes and ponds of Leibniz. First, value is itself unfolded into two meanings, the “utility of a particular object” and the “power over goods which the possession of that object conveys”, use and exchange value. It is the latter that merits greater attention since it expresses the human situation: the social cum market condition through the division of labor (production-and-exchange). Exchange value or real price has labor as its measure because one determines the value of an object that one exchanges by the labour that one saves or will possibly expend i.e. the “toil and trouble” of acquiring it. This is the ‘original’

situation, before the advent of money. With the historical becoming of the human condition, labour itself takes on different values in different places, and it becomes impossible to measure the concrete (particular kinds of work, the “hardship” or “ingenuity”) through an “abstract notion” (labour). At this point, the value of the object is that for which it will sell in the market, based on the principles of demand and supply, determined as it is through money, the medium of the market. However, money too is not simply abstract and the concrete translation into gold and silver signify a return to the market (transactions in metals in the market of supply and demand) and to chance (the discovery of mines); and the actions of the sovereign (stamp). The inconsistency of a variable (the value of money dependent on a host of formally indeterminable variables) is yet taken as measure; and the return of labor for “equal quantities of labor are equal at all times and places”⁷⁹ – repeating Locke’s argument for silver content – which allows it its place as measure.

The human as measure requires a formal construction, for: “In his ordinary state of health, strength and spirits; in the ordinary degree of his skill and dexterity, he must lay down the same proportion of his ease, his liberty and his happiness”⁸⁰. The ordinary is the average which is taken as the real measure, distinct from the values given in the market; the latter is named ‘nominal price’. Labor in its empirical actualization is a variable commodity and fetches different prices – the original unresolved problem of ingenuity and hardship – and its value is determined through the medium of money. Its real price, however, is understood to be the “necessaries and conveniences of life”, the primary condition in/through which labor can maintain (reproduce) itself. While the real price remains abstract its nominal price varies according to its medium (money). The latter includes inherently variable conditions that include chance (the ‘discovery’ of mines) and the political (sovereign interference in monetary circulation). Documenting the uncertainty of this measure gives way to substituting it with circularity: abstract labor is transparent to itself, irrespective of time and place. It is this circularity which then serves as the origin of a history that is significant in the way it differs from his *Lectures on Jurisprudence*.

Originally then, when all labor is of equal quantity, it is/in its true measure. However, with the *accumulation* of stock and the

appropriation of land this condition is altered: what was expression in Rousseau is here turned to (expendable) cause. This alteration is left opaque in the *Wealth of Nations* but was the subject of detailed documentation in the *Lectures*. Now stock and land re-distribute the original equality (labour) into a differential (labour and accumulated labour which is labour absorbed into the commodity). The one who has stock advances his material to the laborer whose labor now valorizes the material and bifurcates ‘it’ into two portions; one of which he keeps and the other is rendered to the advancer (the capitalist). In the same way, with the appropriation of land, the landholder “reaps what he doesn’t sow” and acquires value through the labor of someone else: again the laborer. We observe the infiltration of the ‘thing’ (appropriation-accumulation) into the (abstract) structure of the relation between humans, and the paradoxical changes thereby wrought. Value that is produced by the labourer and appropriated by the one who doesn’t labour is called either profits (when the advance is material) or rent (when the advance is land), and the value which the labourer gets to keep is called wages. These three categories are dissolved into labour by affirming that in so far as price – the combination of all three component parts – can only be measured by the labour it can command, it is labour that would have to be re-instated as the real measure of value. Labour, therefore, vacillates between very distinct positions that cannot be rendered commensurate, but all the same designate a field. If time is the measure of labour, it is congealed time in the shape of the ‘thing’ – appropriation and accumulation – that enunciates the logic of difference between man and man when human society has advanced beyond its original situation (savage liberty/ simple labor). This concentration enables the potentiality (power) of one and the actuality (work as work piece) of the other. A reading that finds justification in the fact that the former is called ‘hazard’ while elsewhere it is also defined as “the labor of inspection and direction”⁸¹. A radical alteration has been effectuated from the “original condition”.

The “component parts of price” – profits, wages, and rents – are the original sources of revenue and function as theoretical optics rather than ‘real’ instances. Examples of situations where their different functions are combined or displaced are given. An

additional source is mentioned when the question of ‘replacement’ is examined; for things undergo ‘wear and tear’ with/as time and it is asked whether this would need to be cited as a fourth source of value. However the issue is resolved through labour again *for at each and every instant* any thing can be resourced into the three components making a fourth one exclusively concerned with replacement i.e. time thereby redundant. Time rather than being an external measure of the nature of things is here fully expressed – engendered – by labour. The component parts retain their analytic independence and like labor have their own natural rates. Here natural and average are completely commensurate, dissolving the domain of logic into empirical record keeping. On the logical register the natural refers to “subsistence” (maintenance), profit is dictated by the subsistence of the capitalist and wages is dictated by the subsistence of the worker. Average assumes and stabilizes a certain reality for which a calculation can be made. But the empirical scene in its specificity returns with market price. Here it is supply actually brought, and effectual demand, that provide the fundamental determination, a dialectic which however inscribes within itself the “natural price” as standard; for effectual demand is oriented by “natural price”. In words well known, “The natural price therefore is, as it were, the central price, to which the prices of all the commodities are continually gravitating”⁸². The possibility of “accidents” are not denied just as the greater deviations are attributed to ruinous policy – the well known critique of monopolies – but there is an insistence on the fact that whatever be the case market prices always *tends* towards the natural. The natural is itself dependent on a whole set of variables – the general state of society that Smith divides into the Advancing, Stationary and Declining⁸³ – and so the threat of vicious regress remains.

It is the original societies that always form the departure for Smith’s analysis of the wealth of nations. While originally labor was transparent to itself, with time, a differentiation is effectuated. Now the primary distinction is between the laborer and the capitalist. This primary conflict is expressed by the set of combinations that ensue, between the two. The combination of the capitalists are so fundamental as to make them invisible, in being taken as familiar they take on the chameleon-like intonation of the natural. It is the

clamor of the laborers – in essence their failure – that marks them in their visibility. Just as *The Wealth of Nations* doesn't detail to us the 'becoming' of the capitalist and the laborer – the historical legibility of which is archived in the *Lectures* – the connivance between law and the capitalist is merely stated, without documenting the form of this collusion⁸⁴. Yet this relationship of conflict that is foregrounded masks, signifying complicity at another level.

The wages of the laborer are determined by the value of the stock of the capitalist i.e. the accumulation, the thingly (incorporated) aspect of the capitalist. The latter determines the human (relationship) casting it in its own image. While in times of slavery the *needs* of the slave was fulfilled by the master, however careless he might be, in modern times it is the value of the *commodity* that determines the value of life. Hence, the distinction between the summer and winter wages where the commodity which emerges from the hands of the labourer immediately escapes into the realm of the (dead) thing – the locus where the relations between stock and demand are determinants – only to (re)appear as the bare life of the labourer (maintenance) in its despotic capitalistic determination. Despotic, because the labourer has no voice in the way in which his (own) labour is defined and valued. In the same way the labourer's labor becomes the mere brand of his being – he lives in so far as he labours. It is this very quality that in the same way makes it impossible to stand up to the capitalist; the doomed nature of 'unionizing', the *fait accompli* of a structure and (pseudo) logic. In essence, time, and again in this sense, labor, as the site of theft and residue, is not on his side. The capitalist can subsist, can remain as he is without the labourer, but the labourer doesn't have such time, and so in any conflict his defeat has been destined by his essence. It is in the nature of the capitalist to survive as potential – hence, its other characteristic as risk and speculation whose stock-option is the dead/objectified labour of the labourer – which is expressed and subsists through the labourer labouring: the bare life of survival. The commodity is here the ventilator through which labour can but barely breathe in the element of capital; his bare being is brinkmanship between work (labour that deadens) and death (if disowned by that which possesses the means of production).

Though in its conflict with capital it is destined to defeat, the

Wealth of Nations does chart out how different situations affect the rate of wages. Funds or stock are necessary for wages to which they enjoy a proportionate relationship. However, the issue is not merely a quantitative one where greater funds imply greater wages. Rather, it is the rate of change that plays determinant for it is where there is “continual increase”⁸⁵ that the wages are highest. Exemplary in this instance are the Americas where the increase in wages and rise in riches is taken as the greatest sign of growing wealth. In China, it is the growing population that is the cause of competition which in turn reduces wages; even though the quantitative measure of wealth is great. The fundamental principal that relates competition to a reduction in value applies not only to labor but also to stock. An increase in stock, thus, decreases profit, and effectually increases wages if the population is not itself growing at a greater rate. In Bengal, run by the East India Company, the decrease in capital stock is reflected in the rise in profits which is also, simultaneously, responsible for a decrease in wages. Here, the rise in profits is to have simultaneously translated itself into a rise in interest thus making the condition of the laborer even more precarious. This is how the “Bengal famine”⁸⁶ is explained. Profits have in this case eaten up rents, and interest has eaten up whatever little profits the farmer might have expected. This condition is contrasted with the Americas where the acquisition of large territories make the rise in profits and wages go together, although with time Smith predicts a decrease in the latter. Such an inference is drawn from the fact that an accumulation of stock would reduce profits, just as it would increase industry and therefore riches. In this schema the whole political question has completely receded. It is the gaze of Medusa that has turned the whole native American population into inanimate things, part of the gradation of “territory” which can be “acquired”; one doesn’t even need the full juridical appellation of ‘conquest’. Similarly in the case of Bengal the wiping out of the political contest—that formed a hyperactive structural element of the East India trade—is absented in analytic construction.

Although rent and profits can be combined and distinguished from labour in their mediation with the non-human (the thing-commodity in its absorbent capacity), they themselves are distinguished because while rent refers to the land, profits refer to

stock (or material). Blackstone as well as Smith in their lectures on jurisprudence had combined canon, feudal, constitutional and natural law theories; and in their temporal staging of justice dramatized numerous crossings between the strictly juridical categories of the real and the personal. Thus, in the logic of feudal conquest, the King reigned over his populace in person and thus land is in this instance incorporated within the personal. However, through a 'fictive' mechanism this personal was (re)converted back into the real which now simply referred to its quality of being 'immovable' (perpetual fiefs as gifts). The personal will of the sovereign is substituted with the real property of land through the principles of prescription and custom; although in Blackstone the spectral stain of sovereign rule i.e. conquest is never fully erased. Herein lies the ambiguous and shifting place of 'rent' in the unraveling of jurisprudence. In the *Wealth of Nations*, rent is now simply "the highest which the tenant can afford to pay in the actual circumstances of the land...it is naturally a monopoly price not at all proportioned to what the landlord may have laid out for the improvement of the land, or what he can afford to take: but to what the farmer can afford to give"⁸⁷. Rather than giving a political history to this analytic principle that would in essence be a chronicle of the conqueror's sword, *The Wealth of Nations* charts out what appears to be a mere "logical historicity" to this postulate.

In this construal, man multiplies, "like all other animals", in proportion to his subsistence, but land always provides more than the necessary subsistence of the laborer who labours on her. It is this intrinsic quality, her generosity, the *sui generis* production of surplus value, in addition to its situation (its distance from the market) that determines the rent that is paid. The latter determination is one that depends on the value of the commodity; for rent is what *remains* after wages and profits have been paid, and thus the remainder procured after the other two component parts have been subtracted. The ensuing contradiction – a function of the natural property of producing surplus as well as the mere remainder after the consumption of profit and wages – that can only be resolved by constructing rent as the indeterminate excess which is distinguished from the dialectic of wages and profits (capital and labor) as an independent *topos* of investigation. The badge of slavery unraveled

by a jurisprudential history is rendered as an originary principal in the analytics of economics.

Even when independent of rent, profits and wages are not without tension. The introductory section of book two formulates an explicit contradiction that is maintained in the rest of the text. On the one hand, in original societies – almost an obsessive-compulsive reiteration of the origin – there is no need for stock to be accumulated because labour is transparent to itself: man supplies his wants as they occur. It is when the division of labor comes about that the produce of labour can supply only a small proportion of ones wants; and so stock has to be accumulated. On the other hand, in the very next paragraph, the *Wealth of Nations* argues that a division of labour necessarily assumes a “previous accumulation” of stock, through which the division of labor can be ‘initiated’, and continue as a process⁸⁸. This relation – that seems antinomial and dialectical at the same time – between stock and labor, spiraling as history, requires elaboration. Capital is defined as that portion of the stock which can return as revenue, as opposed to that which is the object of immediate consumption. Capital is itself further divided into fixed and circulating capital, the former earning revenues while remaining with its master and the later earning revenue through changing hands, through a series of “successive exchanges”. This is, however, not a typology, but the (re)articulation of the same when examined from different vantage points. “Every fixed capital is both originally derived from and requires to be continually supported by a circulating capital”⁸⁹. Labour is not that which is antithetical to the category of Capital but one in which it is inscribed. When labour is treated as a talent, a “dexterity”, it is no different from a machine (fixed capital) in that it recuperates revenue while being bound to the same master, yet when it is treated in its transience – it has to be “maintained” – it falls under circulating capital. Labour and capital rather than being opposing entities in actuality coincide in ‘parts’ when in operation. Their absolute coincidence is the vanishing point where *origin* (in original societies labor cancelled itself though superseding the production-consumption dialectic) and *telos* (the society Smith describes revolves around consumption: “To maintain and augment the stock which may be reserved for immediate consumption is the sole end and purpose of both fixed and circulating capital”⁹⁰) coincide.

Immediate consumption takes us – not without irony – to the distinction between productive and unproductive capital. While productive capital is that which promises a return through the super addition of value, unproductive capital is what perishes “in the very instant of their performance, and seldom leave any trace or value behind them”⁹¹. The latter includes within it quite a spectrum of labourers: menial servants, churchmen, lawyers, physicians, men of letters of all kinds, players, buffoons, musicians opera-singers, opera dancers, in addition to the “sovereign with all the officers both of justice and war who serve under him, the whole army and navy”⁹². The productive labourer par excellence is the manufacturer who adds value to the thing. That which has its *telos* in a purely human function is bound to be unproductive, mere *services*, in that the human as such is mere appearance, mere transience, not very different from Leibniz’s rainbow.

However, a reading remains that contradicts this (in)difference in/to things. When speaking about money and its circulatory production of value, the text outlines an indeterminate relationship between signification and its material medium. Thus, while money indexes both value (as signification) as well as body (metal) the relationship between the two cannot be precisely charted. The introduction of paper money and banking operations only help in the production of value through a facilitation of circulation. However, the relationship between money as metal and money as value is emphasized in the denunciation of the projectors and the speculative schemes, those “wagons in the air” that have lost all connection with their base (metal). To prevent the disastrous consequence of such free-floating, the *Wealth of Nations* argues that the “the prince...ought upon this account to guard not only against the excessive multiplication of paper money which ruins the very banks which issue it, but even against that multiplication of it which enables them to fill the greater part of the circulation of the country within it”⁹³. And in this way the value of metal is lured back to labor, and the relationship between the value of money as metal and the value of goods can only be related to the labour required to bring the metals from the mines. The text doesn’t further explore the relation between the intervention of the Prince (is it all that unproductive, vanishing at the instance of its birth) and the labours of procuring

metal (surely its not only in hindsight that one can say what kind of labour was involved in procuring the metals from the Americas and intervening politically through the King in the East Indies). Neither does the “buffoonish” perspective of the king quite square with the importance given to defense in the last books of the *Wealth of Nations*: the traditional domain of the King, well recognized and documented. Again, the distinguishing of labour informs the distinctions within capital signifying itself in the tensions of the political.

Encrypting the Crypt/Arcana Imperii

THE DEBATES LEADING TO THE PERMANENT SETTLEMENT

The general perspective cum locus for what follows is not only the analyses extracted above but also the nature of the imperial as outlined in our introduction where the figure of the King and his persistence was outlined. This is documented in the echoes, complicities, criss-crossings, resemblances and ruptures, between the East India Company and the theorization of the political and the economic in the metropolis. The specific debates that are examined below on the nature of the *zamindar*, the nature of property right and the nature of rule, although ostensibly about specifically ‘Indian’ institutions, in fact in their articulation express the fraught nature of the Company itself and its own relationship with the Crown in England. What are taken to be local disputes can, thus, be understood only if what is taken to be non-local – the British Empire itself – is put to question and not regarded as *a priori*. Debates about the *zamindar* and the Company, land and power, trade and authority in the delineation of the Permanent Settlement reveal the unsettled nature of these very categories when applied to the Company/Empire and or (even) their theoretical formulation as discussed in England. All too often the latter is obscured in the hunt for what is taken to be a more thorough empirical investigation of a particular region.

The East India Company did assume both economic and political functions in Bengal in the mid to late 18th century. Its economic structure as a joint-stock Company had always been seen as integral to its military and trading ventures. When Bengal was conquered in the Battle of Plassey (1757), speculators in the London stock exchange

were ecstatic as they believed that they had now access to one of the richest parts of the world⁹⁴. These hopes were, however, soon crushed, and far from providing grand returns, in the late 1760s, the Company found itself in huge debt, and had to be bailed out by Parliament. It was the financing of this debt that provided an explicit point of entry for the King-in-Parliament into the Company's management, although often enough, in later times, it was held that such intervention was made on behalf of Bengal, which had been devastated by the famine and Company policies. The East India Company Act of 1773 reorganized the administrative hierarchy by setting up a Supreme Court of Judicature under the authority of King-in-Council, and named Warren Hastings as the first Governor General, who had supreme powers in the subcontinent, but was to rule with the approval of the Council of Four, Lt. General John Clavering, George Monson, Richard Barwell and Philip Francis. The Pitt India Act of 1784 instituted a Board of Control (that was to be composed of the Chancellor of the Exchequer, The Secretary of State, and Four Privy Councilors nominated by the King) that superintended all activities of the Company. This series of measures clearly declared the Company's conquests to be on behalf of the Crown.

From here we can analyze the debates that lead up to the Permanent Settlement⁹⁵. These often took the Bengal famine of the late 1760s and early 1770s as a reference point.

Phillip Francis, one of the members of the newly constituted Council of Four, in his famous Plan of 1776⁹⁶ had argued for a restoration of the *zamindar*⁹⁷ as a way to alleviate the devastation of Bengal. This proposal exacerbates a set of theoretical contradictions that we have already witnessed in Locke, and can see persisting in Hume and Blackstone, as discussed in previous chapters. Locke in the *Second Treatise* had argued in rather paradoxical fashion that the kind of sovereignty established through conquest entitled one to rights over the lives of the conquered but not his property. In Hume, while on the one hand, government is based on social and natural laws i.e. essentially the institution of property, on the other hand, government in its modality of conquest serves to undermine these very rights. The historical narrative that Hume provides us with documents very clearly the increasing concentration of power which

at the same time is able to expand its range. It is this condition that ironically creates the condition for the rule of the new “plan of liberty”, a plan that can be understood theoretically only by its grounding in ‘despotism’, witnessed historically in the reigns of Henry VIII and Elizabeth and reiterated by the physiocrats in their advocacy for a despotism that superseded ‘feudalism’. The critical place of conquest in the constitution of sovereignty is well coded and the historical task is then expressed as the decipherment of its sedimentation into peace. In Bengal too, the discourse around the acquisition and conquests of the East India Company is well recognized as such, although what makes the situation unique is not the location of Bengal in the exotic east, but rather the peculiar status of the East India Company that appeared to take on the functions of sovereign power.

It is from the birth pangs of the concrete that the abstractions of this dilemma emerge. When Clive “acquired” the rights of the *Diwani* in 1765 through force of arms, the English financial and political worlds were convinced that they had discovered the keys to a treasure trove of riches. It was this situation – firm military control over the lands of Bengal as well as the high delirious expectations of the establishment in London – which led to the calamities and famine of Bengal. The agrarian structure was decimated through increased revenue demands rapaciously enforced by the new elements (*aumildars*, government agents) introduced by the Company within the power-hierarchy; the monetary system too was completely rendered dysfunctional, not only through increased expenses but also through the series of drains described in the last chapter. Revenue demands increased even when literally millions were perishing because of the famine⁹⁸. Money was being siphoned back to Leadenhall Street and the political establishment, and even so it was simultaneously necessary to maintain the massive military expenditure of the Company as well as satisfy the demands of the other presidencies⁹⁹. The situation was such that the Company had to request funds from the Treasury. King-in-Parliament’s motives were by no means altruistic, for the Company was in multiple ways already plugged into the domain of the English State and society¹⁰⁰ at so many levels, that it would have been impossible to simply disband it; and there was also of course the expectation of future

reward. It was this financial crisis that resulted in the Acts for direct superintendence over the Company, mentioned above¹⁰¹.

This did not resolve the fundamental contradictions the Company found itself in. Closely tethering the Company's resources to the British sovereign didn't in any way negate its nominal subservience to the Mughal sovereign in Delhi, in whose name it held the rights to territorial revenue. The establishment of the Supreme Court in Calcutta tried its cases in the name of the British sovereign while the Company minted coins in the name of the Mughal emperor¹⁰². The constant battles – that were the ultimate determinants of the Company's state and status – were decided upon and initiated by the Company officials themselves. In the face of the absolute devastation of the lands of Bengal and the depletion of the Company's financial resources the question of immediate policy had to be coeval with the more abstract question about the Company's nature. This is where there were fundamental differences between Philip Francis and the newly appointed Governor-General, Warren Hastings. It was the proposed creation of an administrative post that became the scene of a fundamental clash in principle and policy. While Hastings proposed the creation of an office that would determine the "real value of the lands", Francis was opposed to such a proposal, on what were simultaneously pragmatic and on 'principled' grounds. However, before leaping into the midst of this debate we must recollect the mirroring presuppositions of both positions: the devastation in Bengal could not be sealed from the East India Company's intervention into the world of Bengal, a fact recognized by both antagonists¹⁰³. It is the brutality of conquest and calamity that sutures the otherwise conflicting stances of Hastings and Francis.

The office proposed by Hastings was an administrative one that would penetrate into the heart of the agrarian world of Bengal in order to determine the real value of the lands, which would in turn determine the revenue demands of the Company. The prior policy of simply auctioning the lands to the highest bidder proved disastrous because it meant the intervention of parties that had no real, permanent, interest in the lands which destroyed any real security in property. Flying in the face of the contemporary maxims of political-economy, such a policy orchestrated an elaborate

symphony of mimeses. The fluctuating mode of sovereignty (wars which ensured the constant change in government) was replicated by the fluctuating intermediary classes (*zamindars*, those who collected revenues, the ‘land-lords’ that were linked to sovereign power) that in turn only oppressed the *ryots* (the peasantry, the immediate cultivators who were naturally affected by changes in the agrarian structure and were only taxed more during times of war) resulting in “depopulation” and diminishing land fertility. To prevent this it was agreed in principle, by all concerned, that the Company had to institute security and a longer term interest in the soil. However, in the face of such devastation Hastings thought it prudent to investigate the records – that in his view were richly documented in the *moffusil* (local) records – on which the Company could then base its demands¹⁰⁴. Francis opposed this policy on many grounds, one of which was his fundamental mistrust of the concentration of governmental power in the Company. After noting the contradictions germane to the Company’s status – such as being beholden to two sovereigns and conducting war and trade at the same time – he argued that the devastation of Bengal required a lenient policy where the Company need simply base its demands on previous precedent, making allowance for the present impoverished state of Bengal. Further, as a matter of policy, Francis encouraged the ‘restoration’ of the *zamindars*, who he believed to be the rightful landed proprietors, and who were to be held responsible for the collection of revenue. In this way, according to Francis’s *Plan*, they were to be allowed to continue with their ‘ancient’ privileges which would in turn restore the prosperity of Bengal. In this view the *zamindars*, as opposed to the *aumildars* (who were merely government agents), had an interest in the soil, an interest that would ensure that the lands were well cultivated and the *ryots* well looked after¹⁰⁵. In this context, following contemporary wisdom in England and France it was crucial that the security in the lands be provided, and this could be done by *fixing* the revenue demand which was another way of recognizing property right¹⁰⁶. In this vein, Francis argues that the Company should decide its status once and for all, and act as a sovereign, demanding tribute (where the property of the subject was recognized) rather than as a landlord demanding rent from his estate (where property was absolutely the landlord’s)¹⁰⁷.

Francis read Smith with admiration, and in the *Wealth of Nations*, rent was defined as the amount of money that the landlord took, basing such a demand not on what he needed but on the amount that the farmer could pay; an echo of Montesquieu¹⁰⁸. Being a “natural monopoly” for Smith, rent was thus the highest possible price that the peasant could give. In the same manner, Francis reiterates the argument that the Company was not a proprietor of the soil, but rather the sovereign, and in this sense it had rights to a tribute but not rent¹⁰⁹. And he made clear, following Smith, that the distinction lay in the fact that while rent was based on what the farmer could give, tribute was based on what was needed for the functions of the government. Further, an inquiry into the precise value of lands was one that only the proprietor had a right to, not the government. And as the land of Bengal was not simply the estate of the Company, the Company would be simultaneously exceeding its rights and violating the rights of others if it undertook a precise evaluation of the lands (A right that was a proprietorial one). To the argument that the restoration of the rights of the *zamindar* would inevitably result in the oppression of the *ryots*, Francis responded by saying that the government would ensure that the *zamindars* and the *ryots* would fulfill their reciprocal duties through the *pottas* (traditional agreements that already existed). Here he again returned to the fact that the early 1770s was not just any time; it was a time that witnessed the greatest oppressions on the *zamindars* and the *ryots* because of the Company, and once such pernicious policy was reversed, things would return to a peaceful normalcy, and the state of prosperity prior to Company intervention. The place of the Company as the government was left undisputed; it was only at the level of policy that radical changes needed to be introduced. And the radical nature of these changes were not the introduction of anything new, but rather were simply a returning to the “ancient constitution”¹¹⁰ and a negation of the Company’s recent rapacious policies.

Normalcy, peace and prosperity is framed in terms of a return to an ‘Indian past’ that in its wisdom had passed the tests of contemporary European prudence. Herein Francis makes clear that the Mughal past recognized private property and if certain words alluded to the King being the lord of the land, this had to be read as a “feudal fiction”¹¹¹. Negating contemporary policy and returning

to history would inevitably result in all round prosperity; little else explains the fact that Bengal was rich and flourishing prior to the recent conquest. So, deep into his plan, Francis seems to have elided the basic contradiction that he had begun with: How could the Company be a government (where its nature was to extract tribute and provide security) and a trader (where its nature was to extract as much profit as possible). Here, Smith's evaluation of the Bengal crisis in terms of the trading body that had engrossed all rent as profit comes to mind, for trading activity is not one that requires itself to implant the seeds to security and permanence. And it is in the establishment of security and permanent interest that Francis seems to base his plans on. But surely this wouldn't necessarily appease either the stock-holders at Leadenhall Street or the British Government which had depended on Company loans. It is from this perspective that one can try and understand Hastings's position. Although Hastings never commits himself to answering Francis's charge of the Company extracting revenues based on what the farmers could pay, rather than what the Company itself needed, he does make the argument that, far more than in England, in Bengal land revenue contributed to a far greater proportion in terms of value and the Company being sovereign – a status left uncontested by Francis – it thereby had the right to examine revenue. The indirect taxes that appeared to have formed the bulk of the English State's revenue couldn't apply to Bengal, and therefore the Company was justified in extracting far greater territorial revenue;¹¹² we have to note here that the rights to customs and excise were given to the King in England in exchange for his rights over land.¹¹³ In this context, basing his argument on the very same presuppositions – the state of conquest and devastation – Hastings argues that the government i.e. the Company had a right to investigate the real value of the lands of Bengal. The displacement of old families and the recourse to fraud that was merely a self-defense mechanism in the face of calamity, meant that only "records" would speak the truth; it was here that the creation of the new office would be of immense help¹¹⁴.

Naturalized and unquestioned was the right — retrospectively anointed through sovereign (f)act — to governance. Conflict, thus, arose from the differing interpretation of the nature of this fact – sovereignty – and its peculiar historicity. As we have seen, Francis

advocated his policy as a return to the “ancient constitution”, and this was not simply a compromise with the local customs of the East, but rather an argument made on the more universal grounds of morality and reason. Let us remember that ‘custom’ too, in Hume and his philosophical cum juridical milieu, let alone ‘common law’, was itself ‘reasonable’ and may even be the test for reason¹¹⁵. Here, Francis was making a case for a return to the ‘ancient constitution’ of the Mughals, not the more recent ‘usurpations’ starting from Aliverdi Khan; although here too the record is deemed to be far better than the Company’s. Hastings too takes recourse to precedent, but a more recent one. In defense of his proposed investigation he makes reference to Meer Kasim’s policy, a policy that had attempted to cut the intermediary – the *zamindar* – in an attempt to estimate the real value of the lands¹¹⁶. That it had been just over a decade since the Company had dislodged Mir Kasim from the throne on the basis of allegations that he was opening communications with the Dutch¹¹⁷, and that he was acting contrary to the interests of the Company and treaties made with the Company, was no obstacle to Hastings’s analogy. One knows that the aggressive campaigns of Meer Kasim were in fact attempts to assert sovereign authority in the face of the Company that was aggressively monopolizing both trade and real military prowess. Yet, it is not ironic that Hastings claims Meer Kasim as precedent in his argument for greater power for the Company, and uses Meer Kasim’s policy as argument for the legitimacy of governmental intervention. In this vein the Company can – reasonably – play the despot, ignoring the distinction between proprietor and sovereign. And all this is accomplished as a trading body, managed by a joint-stock Company structure and beholden to the crowns of Britain and Delhi.

Here are tracked the differences between Hastings and Francis up to the point where their positions collude, as for both the fundamental fact of the Company and its pretensions to sovereign right were not open to question, and the dispute was enacted merely in relation to its mode. And for both the fundamental fact of sovereignty was secured plainly through conquest. A longer term history of conquest cum trade is argued for by another commentator, Jules Mickle, who after insisting on the necessary nature of the monopoly structure – in its military cum trading dimensions – goes

on to argue that there was no real reason to believe that the assumption direct sovereignty by England would put a stop to the abuses catalogued by the Company's detractors. Here, Mickle gets to the heart of the Francis-Hastings collusion, for he claims nothing was peculiar to Company's sovereignty since any sovereignty was necessarily undertaken by the actions of people. And in so far as sovereignty, rather than being simply abstract rule was conducted by a people, and for a people, there was nothing in it that would itself ensure its adherence to a specific moral code. In one swoop the elaborate edifice that attempted to fortify the idea of sovereignty from the ensemble of its actions. Mickle in effect calls for an avowal of the military dimension to the sovereign enterprise¹¹⁸. However, he also indicates the very direct recoil of sovereign operations by pointing to the fact that if the British Crown usurped the rights of the Company's conquests, as Smith was proposing, this would allow the King a source of revenue independent of Parliament, thus jeopardizing the fragile equilibrium in Britain¹¹⁹. We, thus, see how the question of sovereignty in its conceptual articulations is in fact in-formed by a differential set of situations.

Philip Francis in 1776 had asked whether the Company was to treat its lands as an estate (thereby acquiring rent) or as a subject-territory (thereby acquiring tribute). He posed this question in an attempt to resolve the set of contradictions that he felt the Company was embroiled in. However, this very question only smuggled in a whole series of other questions. For instance, Francis assumed that "rent" was proprietorial and therefore exploitative (squeezing as much as the farmer could give, following Smith's definition), whereas tribute was merely political thereby non-exploitative (taking in only as much as was required for setting up the basic structural conditions for the well-being of the country). Such a bifurcation had no founding in the histories provided to us by Blackstone and Smith where the monopolization of power ensured a singular right. In the same vein colonial policy documents used 'conquered territories' as well as 'dominion' to refer to annexed polities, and while dominion had a specific juridical genealogy in the economic realm – private ownership – in its use, it brings back the theoretical ambiguity between ownership and jurisdiction.

At the same time this problem is indicated in another way: the

place of the *zamindar* revealed a certain conceptual recalcitrance. After all the *zamindar* was a proprietor in the 'old' sense in that he combined in his person juridical and economic functions, and by underlining his 'proprietary' function Francis was at the same time depriving him of his juridical functions. This becomes especially clear when he argues that the big *zamindaris* be split up into smaller territories as this would be more "economical" and serves the purposes of general welfare best. In his plan too there is no doubt that the government had absolute power and would be the deciding factor in any kind of dispute and the *zamindars* were to be restored only after they were domesticated politically. His concern was merely to attempt to place something between the ordinary people and the government (the Company), arguing that an erasure of the intermediary body would signal an "oeconomical" relationship i.e. a despotic one. We see that while Francis starts by questioning the status of the Company, in the specific portrayal of his plan he elides the fundamental politico-sovereign question demonstrating his collusion with his antagonists. In this he echoes Burke who, with all his vitriol against the Company could throw up his hands and merely exclaim, "But there we are; there we are placed by the Sovereign Disposer; and we must do the best we can in our situation"¹²⁰; there is no question of a withdrawal.

The academic elaboration of Francis's argument about the *zamindar* as one who possessed property can be found in Charles Rouse-Boughton who was also a colonial administrator. Through his detailed researches as well as through the examination of testimonial evidence, Rouse argues for the existence of landed/private property in the subcontinent. The Koran as well as Hindu scriptural sources are used to establish the rights of *zamindars*, just as history is mobilized for the same purposes¹²¹. While the link between conquest and sovereignty is reiterated time after time, the institution of property is linked up to the very existence and history of the Company itself. For just as sovereign grants were also the charters that created the *zamindary*, in the same way the Company too acquired proprietary rights through grants from the sovereigns of the subcontinent. Disputing these grants, as well as the treaties signed between the Company and other powers, would question the very status of the Company itself¹²². Deploying Aristotle as well

as the various historians of England – Blackstone and Littleton – Rouse-Boughton plots an interpretative framework that unifies the histories of India and Europe. This dissertation then becomes a way to direct contemporary Company policy, and for this purpose, the “law of nations” – a doctrine quite “in vogue in Europe” – is invoked. Conquest implies a change in sovereign power but not a complete annihilation of the vanquished¹²³. Private property is protected even in the face of invasion, and the social structure is, thereby, meant to be preserved. It is in this manner that the Company ought to respect private property, i.e. the *zamindar*'s proprietary right. However, if as in many cases and as terminology indicated, proprietorial right had as an essential ingredient jurisdiction, then how was one to understand such rights? It is as though defeat in the battlefield ensured that what was once the public (the sovereign face) could be translated as private (mere proprietorial right) without anything really being lost in between.

The question of the *zamindar* and his relationship with the sovereign — coding and obscuring the more urgent and obscure questions regarding the rights and status of the East India Company — was one that continued to animate the debates of colonial administration in the 1780s. A debate that founding its resting place in the ‘permanent settlement’, and if one can, with Guha, admire its elephantine gestation, one can simultaneously admire the pseudo elephantine memory that energized its discourse leading to 1793. The most elaborate argument and one that lives up to its reputation as a “Byzantine thicket”¹²⁴ is the work of James Grant. Grant’s fundamental proposition is that the *zamindar* is in fact, and had always been, simply a governmental agent, and not one who had any kind of proprietary right in the soil. Following from this, he argues that the incompatibility in Europe between actual sovereignty and proprietary right didn’t hold in Asia where the ruler was a despot and combined in his will the later functions¹²⁵. Yet the structure of his argument is the historical text as he excavates and interprets it. It is this — the proposition as well as its modality and justification through history — that will prove to be a theatre of contradiction. For according to Grant, sovereignty in India is traced to conquest, the Mohammedan conquests of the 10th and 11th centuries, and later that of the Timuraid dynasty that introduced a

milder despotism. This despotism was established through the *zamindars* who in Grant's construal were simply delegated agents who had revenue as well as juridical functions. Yet in time the Timuraid throne's actual control over its many provinces weaken, and in this context the *zamindars* stake their claims, in act and in right, to real proprietorship. Anarchy – the suspension of despotic authority – is the site where new claims to right can be actualized even in (f)act. Further complicating the scheme is the reference that Grant makes to the rights of the “ancient constitution” that the *zamindars* refer to in the wake of anarchy. Here, the East India Company, granted rights by the Mughal sovereign would have to retrieve the “original right” and this can but be done by destroying the powers of the *zamindars*. Therefore, there was no need go back to the wise institutes of Akbar, because the Company had recent and legitimate precedent not only in Mir Kasim,¹²⁶ but also in the measures of Louis the XIV with a physiocracy where “feudal remnants” had to be destroyed”¹²⁷.

The tensions have already burst from the cocoons. If in fact conquest – the transparency between act and right – can serve as a source of the original Muhammedan sovereignty, as a principal what is it that inoculates it from present use? All the more so if the “ancient Hindu constitution” was itself one that was simply trampled over by the hordes from Central Asia. If the Company itself owed its juridical status to the grant of the Mughal emperor, there was absolutely no justification for it to assume the powers of the sovereign, as Grant was insisting it do through the destruction of the *zamindars*. Although Grant always begins, much like a musical refrain, with the difference between Europe and India, the logical ramifications of his argument always succeeds in smuggling Europe into his Indian history, thereby, and this time perhaps like Vinteuil's refrain, proliferating in ways which he cannot but leave as unaccounted. This happens at the level of words, the most prominent of which is ‘feudal’. Though insisting that, unlike in Europe, India was in no way feudal, while making a substantive argument Grant has to use the word feudal, in a way that would make sense only if granted its European (semantic-historical) provenance. So speaking about the militia he insists that the Company use the feudal militias in the subcontinent. Despotism is described as a form of government that

is simply caprice, the will of the sovereign. And yet, his own detailing of the 'system' of finance and administration of the Mughal dynasty with its "checks and balances" militates against it being simply a function of singular and arbitrary "will". The distinction between Europe and India is stated in its most pregnant terms when he says that unlike in Europe where the sovereign had an absolute sovereignty through a "fiction" (Blackstone), in India the sovereign had such power in actual fact¹²⁸. But if it was simply fact that was an indication of right, we return to the question as to on what basis the right of the *zamindar* be contested, who had marked his presence on the virgin terrain of "anarchy", through strength of arms.

It is clear that when Grant is arguing for a despotism that is based on will, he means despotism is but based on power. Through this power, the transparent sign of right, he paves the way for the assumption of East India sovereignty in fact and in right. The audacity of this endeavour is breathtaking, considering the eminently multivalent position the Company was itself in, beholden to two sovereigns, and combining trade and politics. And yet is it unmistakable. This becomes especially clear when Grant speaks about the reign of Mir Kasim, following Hastings. The complete concentration of power that Mir Kasim attempted is placed as the model and source for Company rule. The irony of course, as explained, is that Mir Kasim's attempted assumption of absolute sovereign can only be measured in its agonistic contest with the Company itself. Mir Kasim was put on the throne by the Company, and much of his rule was an attempt to retain the full right of the sovereign, not in relation to *zamindars* but rather in relation to the Company. For it is well known that the "anarchy" of the 1760s was a function of the various guises of Company monopoly in trade, harnessed by military might. Here we see the exemplary ruse of anarchy, a trope that is deployed retrospectively to prepare the ground for a despotic take-over. In more than one place we are informed of "anarchy" as though it were was simply a fact of nature, when in fact we know that it was in essence a cover for an arena that witnessed the violent competition between diverse sets of claims actualized in conflict. In the late 18th century, the Company was the jewel in conquest's crown, and it became so through the meager claims of the right to trade fairly; subsequently justifying these very

actions only through other (political-military) means. A final irony, of course on the stilts of hindsight, is that other than Indian precedents, Grant also seeks to legitimize Company rule through reference to actions undertaken by French absolutist monarchy. The *gabelle* is cited as a justification of the assumption of the salt monopoly by the Company. While in France, a weak monarchy deep in public debt and unable to exercise its might through taxation is overthrown, in India the very same mechanism – public debt – plays the reverse function. While this linked the Company with the English crown, it also militarily hollowed out the native ones.

John Shore famously opposed Grant in his minute of 1789. And the discussions around it emphasize once again the tangled nature of the Company's status. Maintaining that the *zamindar* in fact was a proprietor of the soil, Shore argues that a fixed settlement ought to be made with him¹²⁹, although he points to the various counter-arguments. In this arrangement, the precise nature of the Company in its relation to its subject population is underlined by the old question about whether the Company has to behave as a landlord or a sovereign, the distinction itself being taken for granted. By fixing a proportion of the land revenue, Shore hopes to be following the wise institutes of Akbar. Like his predecessors a normative agreement is indelibly legitimized by recourse to history. In this vein, Shore argues that it is with Jaffer Khan and Aliverdi Khan that in addition to the original assessment, new cesses (*abwabs*) are superadded. Observing that during previous reigns the *zamindars* were wealthy and the country populous. Shore infers that the new exacting taxes couldn't be construed as being oppressive. However, recent years, especially in the aftermath of the famine during which at least a fifth of the population perished, testified to the poverty of the *zamindars* as well as a devastated peasant (*ryot*) class. The alleged defalcations of *zamindars* are attributed to the over-rating of the lands in the face of the growing addition of taxes. Unlike Grant, Shore agrees with Francis in viewing the assessment as over-rated. In doing this, he reiterates the importance of noting the devastation of the lands and the poverty of the people. This experience is what he argues needs to inform Company policy not simply a theoretical and hypothetical comparison with the demands of Akbar and Kasim Ali that were undertaken by Grant¹³⁰. While the latter is the hero in Grant's

narrative – the one who decimated the oppressive intermediary class – he is the archetypal despot in Shore’s eyes and certainly not an example to emulate. In addition, Shore does not shy away from underlining the role of the Company in recent devastation, from the drains¹³¹, (reiterating that other trades were stopped with Company monopoly, and the fact that not only was the specie flow stopped but was now siphoned off elsewhere) to the constant fluctuation in governmental authority (the Company’s officials were constantly changing Crowns). These markers actualize in a fundamental way the classical sign of an imagined oriental despot, a fluctuating uncertain centre, much more than any personal ‘will’ could.

By restoring the proprietary right to the *zamindar*, Shore in no way repudiates the role of the government (the East India Company) or questions its status or right. It is the government that is to see to it that the *ryot* is treated justly through the old institution of the ‘*pottas*’. Although he does point to the fact that more often than not it was the *ryots* who were not keen on the *potta*, seeing such a specification of terms as detrimental to their freedoms and latitude¹³². In addition — in the name of reviving the “ancient institution” of the *canungoes* that had recently fallen into disuse¹³³ — Shore puts in place collectors to superintend the powers of the *zamindars*. The rights of the *zamindar*’s in adding cesses (*abwabs*) are taken away, although doubts are indeed expressed about whether such actions wouldn’t in fact undermine the proprietary status of the *zamindars*¹³⁴. This is soon dismissed, as it is argued that the exclusive *right* to taxes was surely the right of the sovereign power thereby obscuring the logic of rent, taxation and their relationship to right; in no sense could one question the Company per se to be sovereign. The *zamindar*’s rights to set up markets and stalls are swept away by the Company. For now it is the government that will decide the amount, clear up the bottleneck of intermediary rights, and convert alienated lands into crown lands. If a *zamindar* was seen as unsuitable for any reason, he would be given a pension and his rights immediately rescinded. The numerous taxes and cesses on goods taken away, that were in effect in the first place rights of a political nature, were done so allegedly in the name of the freedom of trade and the free movement of articles: the emergence of a Smithian economics as an organization of an politico-militarily “pacified” internal site. But it was the Company that had

itself monopolized most of the essential trades, and so this clearing up was but the nourishing of the soil on which only the Company's assets could grow. Here, the economic and the political become directly transparent to one another, thus becoming invisible as such for the discourse. How else can we explain its complete absence as a problem in the political lexicon? To articulate the knot in Smithian terms: While the Company repeatedly disavows its right as a Landlord, this is accomplished in fact by its continuous interference in the profits (taxes, terms) of the farmer and the landlord.

As indicated, the "restoration" of the *zamindar* is enunciated through depriving him of a whole set of his rights: his juridical and policing rights as well as his rights to tax commodities. In Thomas Law's writings this is articulated in all its implications. In the first place, the cesses are compared to bottlenecks that obstruct the free circulation of goods and this is the reason stated for their abolition¹³⁵. However the act is immediately replaced by a whole set of additional taxes – on houses and excise – in the name of the advantages that would accrue through the free circulation of goods! Double speak here truly loses track of itself. The Company is absolutely unembarrassed about arguing against exclusive privileges and monopolies (when it is itself one) and at a time when the maritime trade in Bengal was possible only if one paid the exorbitant rates of the Company's ships. Having instituted its own navigation laws¹³⁶, and charted out a whole series of taxes, Law quotes Turgot, Blackstone and Smith, liberally in advancing an argument about cutting through the numerous (political) rights on articles that took the form of internal taxation. The clinching factor is however that numerous citations from the *Institutes of Akbar* from which it is gleaned that in reality, and according to the "ancient constitution", the government really had full rights over *sayer* duties, and it is this precedent that establishes the *zamindar's* restoration to his original (inferior) status¹³⁷! In addition a veritable wish list of a 'feudal lord' is fulfilled by taking full control over the *zamindaris* of minors and women, taking in land where inheritance is 'disputed' (escheat), requiring a documentation of all lands, and a generous cut given to those who inform the Company of unauthorized alienations, the conversion of waste lands into crown lands, the appropriation of endowed lands (lands given by prior sovereigns to religious

institutions)¹³⁸. History here reveals its political brand, for it is the *Ain* that is being adhered to while the real sovereigns in Delhi and London are scarce mentioned. In this context Smith's reading of Company rule as simple profit makes sense in so far as the category of profit has fundamentally engrossed rent.

While in the hands of Grant the *Ain* was used as a way to undercut the *zamindar's* proprietary right over land tax/rent, in the hands of Law the establishment of the proprietary right of the *zamindar* and the permanent settlement doesn't in any way conflict with using the *Ain* to establish absolute governmental rights over internal duties. It is this question that bothers Shore who explicitly questions the inherent contradiction between both establishing the *zamindar's* right and at the same time undercutting it in various ways¹³⁹. This leads Shore to the conclusion that the best plan would have to be a decennial settlement, a plan that in his eyes would allow the Company to determine the exact nature and values of land tenures. It would also allow government flexibility, for if revenues do indeed increase then the Company could always increase its revenue demands. In contrast Law and Cornwallis¹⁴⁰ see this as undermining the very principals of permanent settlement i.e. security. Law argues that the monopolizing of internal trades – that Shore recognizes as a possible invasion of *zamindari* right – allows the Company a possible source of revenue. These could always be increased if it was felt that more revenues were needed. In the realm of land revenue there would be absolute rigor, which meant that all the *zamindars* would have to sign leases in the terms decided by the Company, and any resistance would mean immediate forfeiture. They would also be stripped of all juridical functions as well as their rights over internal trade. Even natural calamities – such as floods or famines – could not serve as excuses for non-payment, and the vigorous execution of the 'contract' between the *zamindar* and the government would be rigorously adhered to¹⁴¹. In this way, we see the heuristic nature of the difference between customs and (land) taxes, and by extension the difference between the internal and the external. It is in this sense that rights over customs could equal the rights to the militia and provoke the great civil wars in the long 17th century in England. Whereas in late 18th century India, in the same way the absolute prowess of the Company's armies allows it to hedge its bets both on

trade as well as land, and in such a manner establishing an unparalleled leverage over the resources of the country.

Deductions: Marine Circuli.

Things articulate their identity in so far as they are encapsulated in a set of rules; this aspect subsumes them under the rubric of laws. From a theological perspective – still as dominant framework in many of the politico-moral discourses of the Enlightenment – man was abstracted from the order of things in so far as he could act freely. Acting freely meant the ability to deploy reason, acting through his will; this was his 'nature'. Such was his being. That he could act freely was axiomatic but what it *meant* to act freely provoked the greatest debate and this issue is necessarily aporiatic. For here a definition qua definition would negate that which it purports to define. Man as man was rendered free from a theological vantage point which in itself contained within itself explanatory power. *Now* the precise relationship between man as man in his freedom, and the thing as thing in Nature, is also obscure. Yet this is the manner in which the political and the economic, the public and the private are delineated. At the same time, one can witness the torturous emergence of a new explanatory framework whose epistemological stance is not theological (God-Reason-Freedom). One finds, most notably in Rousseau, Hume and Smith the argument that it is the historical – sentimental and customary – which cuts the theological head, quickly usurping its place. Reason rather than being a conduit that finds its source within the handiwork of God, now becomes the way of fleshing out sentiment. Sentiment in its turn engineers the social as a human-commodity complex that as such threatens the political with suspension. Feeling itself – here there is no way to really distinguish interest and passion – becomes a way in which the socio-political gets established and narrated. Whatever the stage, in the theatrical sense, feeling sticks in the operations of the political when turned inward (Justice). But first, a quick run to the traditional typology of governments: monarchical, republican and democratic.

In Aristotle, as we have already noted in chapter 1¹⁴², within this typology a structuring condition is despotism, i.e. the household. This despotic condition is reproduced as the condition of the Persian

Empire where the King rules his empire as a household (there is no distinction). On the other hand, in the Greek case the same face turns both ways, as a despot (when looking at his *oikos*) and free (when facing other free beings in the public). This structuring condition can also be a transforming one. In times of war, the captive becomes a slave, he who was free can be domesticated in the economy, within the household. While at one level the private enunciates a doubly encoded logic through their identity (Asia and the Household) the public becomes the classic ceremony of conversion; achieved through the 'metaphor' of hunting. The freeman can become a slave once he is captured. In the Greek democratic house, continuous war is the trapdoor and passageway by which the free can be sent to the basement of slavery. This (lower) level enunciates the private; the realm of things.

Returning to the 18th century, we see an ambiguous reconfiguration. Despotism is now preserved merely for the Asiatic kingdom (which targets Russia and Turkey as primary referents). This preservation is however not without internal contradiction. While Filmer's Patriarchal theory — where the King rules as he rules his household — had already undone the distinction between private and public, in Hobbes fear plays its role as the univocal determinant of the 'political' (whether 'instituted' or 'acquisitive') erasing the distinction between a despotism and a monarchy. The state of nature argument, Feudal law, as well as the turn heavenwards (Locke), made it impossible to determine a general rule of discernment by which political/public action can be recognized. However, the 'private' in Locke is preserved as the property — the combination of the human and non-human elements — at the cost of life itself. One can kill another in the state of war but cannot take his property. Despotism is here recognized with the surfacing of war, releasing the human being in his humanity precisely so that he can be decapitated for the preservation of property. In contemporaneous France, however, despotism rather than being a way to comprehend the political as such is employed by French writers such as Pierre Bayle to critique the expansion of the powers of Louis XIV. Within this general rubric, Montesquieu is, perhaps, the first and last thinker to develop a coherent theory of 'despotism' in the middle of the 18th century¹⁴³; even as many of his characterizations of the despotic

retain both contemporary and prior descriptions of legitimate sovereignty. In the *Spirit of the Laws*, the key distinction between the two lay in the fact that while the Monarch had absolute authority he (still) followed laws, whereas the despot followed (merely) his will and/or caprice¹⁴⁴. It is here that we will need to separate ‘will’ and ‘rule’ which immediately takes us to the axiomatic points of (theological) departure: rules and laws referred to things while the person as human is moral/free (has reason and will well integrated). While Montesquieu’s first book outlines most elaborately the distinction between despotism and monarchy, his last books undercut this very typological distinction when finding in despotism the genealogy of the French Monarchy. The sign of the Monarch following laws is the existence of intermediary bodies (nobles) between himself and the people while the despot directly acts on the people. However, ‘originally’ in the French monarchy, the fiefs were revocable indicating the absolute power of the sovereign, and only with time are fiefs rendered perpetual. This is the conversion of the personal into the civil indicating, according to Montesquieu, a decrease in Royal authority¹⁴⁵. Laws in a Monarchy are also distinguished from the ‘customs’ that serve as the only checks on the Oriental despot. (Here the theoretical problem of despotism again arises if we remember that Montesquieuan despotism is actually a reiteration of Bodin’s absolutism where – ironically – it was the presence of custom that distinguished the monarch from the despot (*grand-seignior* as feudal)). We now know that England would have to see things differently.

Blackstone and Smith paint a picture similar to Montesquieu but they are not interested in abstracting legitimate monarchy from despotism and, therefore, do not confront the contradictions internal to Montesquieu. This also allows them to note that the rendering of fiefs perpetual while indicating the power of sovereignty a “degree removed” is not a transparent indication of the weakness of the monarchical institution. As they argue this only strengthens the monarchy rendering it “tyrannical and despotic”, as especially witnessed in the reign of Henry the VIII and Elizabeth. Smith can nonchalantly tell us that it is precisely because in a monarchy all are slaves except the monarch — radically undoing the despot/monarch distinction — slavery as a systemic politico-economic condition is

least likely to occur in a monarchy/despotism. It is in a republic and a democracy, and Smith simply has to look west towards the Americas, that the structural inequality between groups of people can be maintained since the profits of exploitation equilibrate the oppressing group as such. Here, slavery is the stomach lining of a democracy/republic, returning to the Aristotelian problematic. Thus, we have emerging, a theory of slavery that is not predicated on the political condition of despotism. The despot is simply a form of super-structural governance and thereby it is no surprise that the Asiatic referent is lost. However this is by no means to suggest that for Blackstone and Smith the place of the King in England is in any way unimportant. As Smith tells us even imagining his death warrants the death penalty (a curious inversion of despotic caprice), and for Blackstone he still owns all the land, even if fictively. And alongside Hume, both Blackstone and Smith express their fear of the renewed dangers of the concentration of executive powers, with the King as centre in the specific context of the 1760s (the standing army and public debt).

The King is critical because he is the public face of the body-politic. He is the person as Public, deciding the limits of the body politic (war and peace) as opposed to the thing as Private (which is the domain of civil law and has essentially to do with property). Let us recall that while the Public was that which had essentially to do with legitimate murder (the state of nature between publics and the unfolding of the criminal within into an enemy who has invoked the state of nature) the private has to do with property (here the abstraction of thing from the person). In this context, trade occupies an ambiguous position. For a while, it is essentially denominated under the domain of the civil, it also invites the political under certain circumstances, counterfeiting coins invites death, the grant of monopolies as the intervention of the political within the civil. When Smith attempts to devise a new language – and thereby attempts to manufacture the entity called the economic domain – it is no wonder that he has to repress the political in its shape as a regulating problematic. Through such a repression, this new language can only make sense in its own world. A world where the taken-for-grantedness of the political ensures a perfection that can release it into absence. It is after all the crown which is here the Turkish

automaton – or the buffoon – that oversees the game of interest. The personal and real property that was ensconced within a juridical provenance is hunted down for economics. The personal as the political signaled the King in his person who could treat people and things in the same manner (the revocability of the fiefs) whereas real referred to simply land or that which sustained. Under certain historical conditions the real as land was realized in its perpetuity and it combined with the lord to become part of the public state apparatus i.e. The Kings armour. The importance of the crown in its political or rather public role however surfaces when Smith argues that the conquests of the Company are in fact the Crown's legitimate inheritance, where the King is supreme commander of the armed forces. Here of course the 'private' once more shows its vulnerability to the public, for the East India Company was a corporation having its own 'property' on which it based its own legitimacy. A standpoint from which it had traditionally combated the calls for the destruction of its monopoly which it saw as an invasion of its private property, i.e. the kingdoms the subcontinent! While in the subcontinent it ruled in the name of the Mughal emperor.

Yet, the East India Company and its activities can best be 'framed' within a juridico-political tradition. As a Company it can no longer erroneously be perceived as an anachronism that eludes the blossoming of the new economic science. It is this very quality that also ensures its 'success'. Just as it fulfilled Hume's fantasy about public debt killing 'the' kingdom, in the same manner it virtually actualizes Montesquieu's despotism. As it conquered the kingdoms of the subcontinent it did engross trade effectuating the illicit commerce between trade and sovereignty. Ironically, it is precisely because it establishes right by conquest – territory – that the English Crown can usurp its property; thus, establishing the monopoly of violence as exercised by the Crown; again Montesquieuan and Physiocratic despotism sit well with English sovereignty. Having itself always been a *zamindar* – from the 17th century onwards – it also uses treason as a trademark. Its many wars are after all treasonous, but its success takes us again back to Locke's heaven. While at the same time, it itself weaves its own narrative that becomes the telescoping into the future. Whether arguing for the rights of the *zamindar* – the wretched tolls/added taxes, let us remember, are but

the custom houses of the land – it simultaneously renders him powerless. This is the way his stipend functions, signaling a coercive and unilateral incorporation into the Company state apparatus. It acts directly on the people, for even while restoring the *zamindar*, the collector as governmental agent keeps close watch, thereby fulfilling another clause of the despotic definition. At the same time the Company evades every right of property – real or imagined – through modes of evaluation. Here it at once takes us back to the land of conquest, the very *act* of land surveys were always etched by the victor's sword. The Domesday book for England after the Norman Conquest and the Down survey of William Petty in conquered Ireland; just as the evaluation of lands in Britain were consistently seen as an invasion of property right.

Here too the Company invents – etymologically speaking for it finds a new place – itself. It combines both old and new forms of conquest. Earlier, the war in its actions entailed the momentary theory of spoils, but the establishment of peace meant the preservation of the private, i.e. the social/civil structure would remain as it was even if the politico-sovereign was placed on a pike. The history of the Company shows us that while the acts of violence in the moment of war were very much accomplished (the 'plans of plunder', 'prize money' and 'natural' death), peace time did not in any way allow the 'private' (social structure/civil law) to remain. Both domains were consistently radicalizing Smith's rather naïve apprehension about the permanence of taxation¹⁴⁶ through public debt erasing the line between war and peace. Using land revenue (public-political rights) to repay debt and increase the dividend for its proprietors (being a private body carrying out its trade) and at the same time monopolizing trade and politics within its domains outran any 'theory' that could have been put forward by Blackstone, Hume, Smith or Montesquieu.

The Regulating Acts of the 1770s and Pitt's India Act of 1784 only serve to emphasize the powers of the King, in relation to the growing empire of the subcontinent. An increase in power which is for different reasons looked upon with apprehension by Blackstone, Hume and Smith in their works¹⁴⁷. And what better way to examine the King i.e. King George the III, than from the vantage point of that other newly emerging science, medicine. Being 'unwell' the *Report*

from the Committee appointed to examine the physicians who have attended His Majesty During his Illness: Touching the State of His Majesty's Health tells us the ways in which the King was subject to regulated “blistering” and tonics of all sorts. This administering is accompanied by the constant scrutiny of the King’s conversations with members in high places which are of course full of political import¹⁴⁸. It is under such a King that fears of absolutism are expressed.

Conclusion/Passage:

This chapter has argued that even while a “natural rights” perspective remains in the writings of the foremost legal theorist of the day, it is fast disappearing in a theoretical discourse that can no longer distinguish between personal and proprietary right, and person and thing¹⁴⁹. Blackstone explicitly grounds his discussion of law within the rubric of the state of nature and a God-given natural reason, but at crucial points, the changing political condition, make it impossible for him to follow it through its radical implications. It is instructive that he differs from Grotius on the question of whether a hungry man can use the natural right argument to forcibly acquire food. While Grotius had recognized such a right, Blackstone argues that in England the poor laws had ensured the well-being of the people, and in this context, one did not indeed retain natural rights even if one was at death’s door. The insistence in this case, militates against his own theoretical elaboration of natural law and right, that included the right to self-preservation. We here once again witness the slow retreat of the personal-political nexus when faced with the ‘economic’ functions of the State, which had underwritten the natural law perspective.

Smith, on the other hand, philosophically, notwithstanding differences, continues into the Humean horizon: the time of things which now measures the expanse of experience. By the same token he is more circumspect about the right of conquest, even though in particular instances he is more than willing to recognize it: not only in its legitimacy but in the resources it provides, as in the case of the Crown’s rights over (East India Company) conquests. While conquest is thus coded at the level of instances, the elements of a theoretical

language of 'value' can be extracted from the *Wealth of Nations*, an idiom that has no need to address the question of political right.

Reason and reasoning are, thus, rehabilitated in the construction of the commodity, rather than in the person-subject. Hence the importance of "sentiment", and here Smith's critique of Grotius is that "reason" can never be discerning because it can never anticipate the changing shades of the situation. And paradoxically, this state of affairs — where the commodity and its value signify and enunciate a changing state-of-affairs — finds its most exaggerated gesture in the British crown's activities through the East India Company. This line has to preserve, simply at the level of an archival trace, the elements of the 'older' juridical question. Thus, in the debates around the Permanent Settlement, the organic link between sovereignty and property, and the arguments about the "king's rights" and delegated rights are vociferously debated, precisely because the situation is one of war and conflict. Adam Smith's inauguration of the 'economic' idiom obscures not only the naturalization of the political condition in England — the artifice of which Hobbes had long ago recognized — but also the continuing state of war that the British King involved himself in, even while remaining a "buffoon" in Smith's newly minted constructions. The recurrent use of "despotism" to characterize local Kingship in India, was a strategic ploy that guaranteed to the inheritor his inheritance, i.e. the Company. It was also a unique opportunism that adopted certain contemporaneous arguments for despotism (the physiocratic one that demanded a clearing of the political gradations to encourage circulation) leaving other important arguments out (such as that a legal despotism had to be unitary and one that avowed itself, otherwise it would turn out to be precisely that hated entity which undercut the rationality of despotism: a monopoly). The East India Company could illustrate in as clear a fashion, the changing and competing theorization of various categories such as rent and commerce, from both the vanishing juridical perspective (Blackstone) as well as the newly emerging ones (Smith). The increasing pace of conquest at the same time signifies its receding place within the theoretical landscape.

And there isn't a better indicator of this than the mutability of names. At a time when the American revolutionaries were decrying the despotism of Britain and instituting slavery as a systemic politico-

economic condition, how are we to understand the name-word, despotism? In what way were the slaves in this system people? Perhaps, Turgot has an answer: under the section title “Examples of those mean valuations which become an ideal expression of value”, he writes, “In the Slave trade to the American Colonies, a cargo of Negroes is sold at the rate of so much per Negro head, a piece of India. The women and children are valued in such a way, that for example, three children, or one woman and one child, are reckoned as one head of Negro. The valuation is increased or diminished on account of the strength or other qualities of the slaves, so that certain slaves are reckoned as two head of Negro”¹⁵⁰. Whereas in just a few years, in fact the very year of the Permanent Settlement, the French King’s head is chopped off, the end of a train of events whose origins can be traced to the public debt which it itself acquired through its intervention in the American war against despotism. Physiocracy and the argument for ‘legal despotism’ appears to flounder, but works its way back into the Revolution and the Napoleonic imperium where the work of the administrative monarchy is but furthered¹⁵¹. On the other side of the globe, the Company proves itself to be made of sterner stuff by combining the political and the economic, and there Turgot is cited approvingly in his arguments against the internal polls, the economic translation of intermediate political powers, that in his view discouraged commerce. Thomas Law employed these writings to destroy the (political) rights of the *zamindars* in the name of an abstract argument about circulation. He in this case equates the Company with the ‘legitimate despot’ of the Physiocrats. However, it is critical for him to ignore other arguments of the Physiocrats wherein they emphasized the primacy of taxes on rent (land was only truly productive since a distinction could be made between net and gross profits with the former including profit) as opposed to the indirect taxes, that they saw falling on mainly consumption (again for the same reasons that internal tolls were discouraged). Law on the other hand simply *adds* taxes on consumption while negating the proprietorial cum political rights of the *zamindar*. The latter is simply “restored” as a docile agent of Company rule. In this sense the Company insists on its singular claims to sovereignty and prepares a form of rule that brooks no challenge.

Hence, whatever the situation – whether famine or earthquake as Law argues¹⁵² – the Company can still demand its dues. Ironically the so-called natural calamities that Law alludes to are rendered superfluous by the artfully created multiple crises that characterize its regime. And while revenues from natives are demanded with a despotic regularity – it is the Company that of course defines what constitutes normal and regular – the Company is itself directed by the Court of Proprietors (its stockholders driven by profits), the Board of Control (controlled by interest groups in Parliament driven by their own ‘private’ concerns) and an unwell King. No definition of ‘oriental despotism’ could outmaneuver this set of many ‘wills’. Its unity lay in the object from which it drew its nourishment, an object from which it was at the same time fundamentally delinked, and which it dispersed into the state of nature. If ever there was a banality of evil, it was here, where for perhaps the first time a global network acts out its schizophrenic personality. Even as a new form of knowledge emerges that aims to separate jurisprudence from the economy – that we take to be foundations of our own – by repressing that which it cannot confront: the nature of imperial violence. Denying the latter is political representation, that allegedly unique child of modernity that will have nourished itself through the metonymic contagion of a newly minted despotism. A form of representation that obscures the categorical relations between authority, power and territory, blinding one to what the archives document: the singular violence of imperial rule that is coded by the indistinction of the politico-military and the economic-commercial.

NOTES

1. See *Commentaries on the Laws of England*. Vol. II. op.cit., p. 57. “These were the principal, and very simple, qualities of the genuine or original feuds being them all of a military tenure, and in the hands of military persons: though the feudatories, being under frequent incapacities of cultivating and managing their own lands; soon found it necessary to commit part of them to inferior tenants; obliging them to such returns in service, corn, cattle or money, as might enable the chief feudatories to attend their military duties without distraction: which returns, or reditus, were the original of rents.” “Almost all the real property of this kingdom is by the policy of our laws supposed to be granted by,

dependent upon, and holden to some superior or lord, by and in consideration of certain services to be rendered to the lord by the tenant or possessor of this property. This thing holden is therefore stiled tenement, the possesse thereof tenants, and the manner of their possession tenure. Thus all land in the kingdom is supposed to be holden, mediately or immediately, of the king who is styled lord paramount, or above all." (59). See also, *Wealth of Nations* op.cit. p.167; "Rent, it is to be observed therefore enters into the composition of the price of commodities in a different way from wages and profit. High or low wages and profit, are the causes of high or low price; high or low rent is the effect of it".

2. See, *Wealth of Nations* op.cit., p. 1026. "The territorial acquisitions of the East India Company, the undoubted right of the crown, that is, of the state and people of Great Britain, might be rendered another source of revenue more abundant, perhaps, than all those already mentioned".
3. Such an evaluation is present towards the end of the *Lectures on Jurisprudence* and is present in substantial sections of the *Wealth of Nations*. See pp. 455 -563 of *Wealth of Nations* on the evaluation of the 'mercantile system'. It is now commonplace to question Smith's reading. See also chapter 1 for a reinterpretation of some of the mercantilists through reading Charles Davenant, Nicholas Barbon and John Locke.
4. This has been discussed in the introduction. Ranajit Guha in his classic study – *Rule of Property for Bengal* op.cit. — was characteristically careful in his handling of the terms of the debate. However in the aftermath of Edward Said's *Orientalism*, the category of despotism as an 'orientalist' symptom has taken on increasing importance. But whatever the differences between the field of scholarship known as 'post-colonial studies' and the work associated with Cambridge school – and they include substantive as well as methodological issues — neither position has adequately theorized the nature of 'despotism' as it functioned within its intellectual milieu. The notable exception here is the illuminating study by Nasser Hussain in *The Jurisprudence of Emergency* (Michigan: University of Michigan Press 2003)
5. See James Grant, "A Letter addressed to the Heritors or Landed Proprietors of Scotland: Holding their Lands of Subject Superiors or Mediately of the Crown"; available in MMW.
6. Robert Travers, for instance, has recently argued that "In constructing their elaborate political arguments British-Indian politicians often tried to marry the twin imperatives of local custom and universal reason (represented by British and European philosophy)". p. 540. See, 'The Real Value of the Lands'. The British, the Nawabs, and the Land Tax in Bengal", *Modern Asian Studies*, 38, 3, 2004, pp. 517-558.

7. Recently Lieberman's *Province of Jurisprudence Determined* op.cit., has give ample evidence of the relationship between common law and statute and the understanding that both – even such distinguishing is but analytic – had to be “reasonable”. Common law was not justified by mere existence but could be conditional on passing the test of reason – which was adjudicated by the Courts.
8. See, *Commentaries on the Laws of England Vol* op.cit. “...many free states, by departing from this rule, had been endangered by the revolt of the slaves: while, in absolute and despotic governments where no liberty exists, and consequently no invidious comparison can be found, such incidents are extremely rare. Two precautions are therefore advised to be observed in all prudent and free governments; 1. to prevent the introduction of slavery at all or 2. if it be already introduced, not to entrust those slaves with arms who will then find themselves an overmatch for the freemen”. (404).
9. See Reinhardt Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (Cambridge: MIT Press 1988)
10. See Montesquieu, Charles de Secondat, Baron de, *The Spirit of the Laws* (Cambridge: Cambridge University Press 1989). “The laws must also prohibit the nobles from engaging in commerce; merchants with such a rank would set up all sorts of monopolies. Commerce is the profession of equal people, and the poorest despotic states are those whose prince is a merchant” (53). See also the small section “That the prince should not engage in commerce” on p. 349. James Grant, “Historical and Comparative Analysis of Bengal” in *The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company, 28 July 1812* op.cit.. “This usual necessary means of public supply hath however of late years though doubtless on mistaken ground fallen under the common appellation and usual opprobrium annexed to the idea of monopoly and a celebrated orator of our own nation has condemned it, in the most unqualified terms, as administered by the servants of the Company in India while he bestows by implication, the highest eulogium on a similar impost under the denomination of gabelle, infinitely more oppressive to a rival kingdom in Europe, in a strain of general panegyric on one of its best and ablest financiers on occasion of the famous literary performance, entitled “Compte rendu au Roi”, in which perhaps the facts, political maxims, and reasoning on this very article of the revenue, may be considered most worth of the notice or adoption of other estates similarly circumstanced. In truth then, the difference in principle between the Bengal and French systems is merely nominal, or rather the prejudice raised against the former should be attributed to the odious meaning of the word made use of to express it and not

to any comparative defect in the institution itself” (177).

11. Arguing against Montesquieu, it was Quesnay’s position that ‘despotism’ could be used interchangeably with absolutism, since both enunciated singular authority. He accepted the fact that such authority could be abused. This was closely linked to understanding of China’s political system on which they of course took diametrically opposing stances. See the opening statement of *Despotism of China* “The term despotism has been applied to the government of China, because the sovereign of that empire takes into his own hands exclusively the supreme authority. Despot means master or lord; this title may therefore be applied both to rulers who exercise absolute power provided by law, and to rulers who have usurped an arbitrary power, which they exercise, for good or for evil, over nations whose government is not protected by fundamental laws. Thus, there are legal despots and arbitrary or illegal despots. In the first class, the title of despot does not seem to differ from that of monarch, a title that is given to all kings, that is to say both to those who have absolute and sole authority, and to those whose authority is limited or modified by the constitutions of the governments of which they are the heads”. *China A Model for Europe*. (San Antonio, Tex., Paul Anderson 1946). The differences with Montesquieu are spelt out most clearly in pp. 212-220. This sat very well with the economic coding of ‘internal conquest’ – crushing the feudal nobility and their rights – into the benefits of circulation. “In this way a kingdom can in a short time progress to a high degree of power and prosperity. Thus by very simple means a sovereign can win victories within his own state which are more advantageous than those which he could win over his neighbors”. See also the critique by Rousseau and Mably, recounted in Michael Sonenscher’s *Before the Deluge : Public Debt, Inequality, and the Intellectual Origins of the French Revolution* (Princeton : Princeton University Press 2007). Foucault (and this is surprising since he has elsewhere outlined an ‘aristocratic’ theory of sovereignty resisting the Hobbesian-absolutist theory of sovereignty) and I. Hont miss out this crucial political dimension of Physiocracy. See, *Security, Territory, Population* op.cit. and *Jealousy of Trade* op.cit.
12. See, *An Inquiry into the Principles of Political Oeconomy: Being an Essay on the Science of Domestic Policy in Free Nations* op.cit, p. 207. “So far as a power of dispensing with, restraining or extending general laws, is left in the hands of any governor, so far I consider public liberty precarious. I do not say it is thereby hurt; this will depend upon the use made of such prerogatives. According to this definition of liberty, a people may be found to enjoy freedom under the most despotical forms of government; and perpetual service itself, where the masters

power s limited according to natural equity, is not altogether incompatible with liberty in the servant”.

13. This relates back to the whole relationship between feudal law and conquest and the great historical reconstructions of the long 17th century.
14. Blackstone and Smith will be discussed in the following sections. For Hume too, conquest was a “source of allegiance” as discussed in the previous chapter. See also Edmund Burke, *Fragment: An Essay towards the History of the Laws of England* (1757), in Edmund Burke *The Writings and Speeches of Edmund Burke*. Edited by P.J. Marshall Vol. I as well as his speeches on Hastings where conquest is understood within a theological problematic. See *Speeches on Impeachment of Warren Hastings* (Delhi: Discovery Publishing House 1987)
15. See W.R. Ward, *The English Land Tax in the Eighteenth Century* (London: Oxford University Press 1953) for land tax figures. For a discussion on the place of the EIC in the late 18th century see chapter 1.
16. This has received renewed attention after the adoption of “military-fiscalism”.
17. See *Essay on the Nature of Commerce* op.cit.,. Steuart’s *Inquiry* op.cit.,. and Smith’s *Wealth of Nations* op.cit., as well as his *Lectures on Jurisprudence* op.cit.,. Werner Sombart’s work is also crucial in his theorization of the court as a center of consumption as well as the capital involved in long distance trade. See his *Luxury and Capitalism* (Ann Arbor: University of Michigan Press 1967)
18. A full length study on the stadial theory – and the French and Scottish connection — is to be found in Ronald Meek’s *Social Science and the Ignoble Savage* (Cambridge: Cambridge University Press 1976)
19. See Adam Smith, *The Theory of Moral Sentiments* (Indianapolis: Liberty Classics 1982). “Proper resentment for injustice attempted or actually committed, is the only motive which in the eyes of the impartial spectator, can justify our hurting and disturbing in any respect the happiness of our neighbor. To do so from any other motive is itself a violation of the laws of justice which force ought to be employed to either restrain or punish. The wisdom of every state or commonwealth endeavors, as well as it can, to employ the force of society to restrain those who are subject to its authority, from hurting or disturbing the happiness of one another. The principles upon which those rules either are or ought to be founded, are subject of that particular science, of all sciences by far the most important, but hitherto perhaps least cultivated, that of natural jurisprudence” (218). And in the *Lectures on Jurisprudence*, op.cit., p. 130. “In the first stages of society, when government is very weak, no crimes are punished; the society has not sufficient strength to embolden it to intermeddle greatly in the

affairs of the individuals. The only thing they can venture upon, then, is to bring about a reconciliation and obtain some compensation from the offender to the offended. But when the society gathers greater strength they not only exact compensation but change it into a punishment. The punishment in this stage of society are always the most severely imaginable possible. It is not the injuries done to the individuals that a society which has lately obtained strength sufficient to punish crimes will take into its consideration, there it can only enter into by sympathy by putting itself in the state of the person injured. Those who immediately affect the state are those who will first be the objects of punishment. These the whole society can enter into as they affect the whole equally. Of this sort are treason and all conspiracies against the state, and deserting the ranks in the field of battle and all such cowardice". Smith's critique of Grotius is again based on his principle of "resentment"; "Yet as far as I know there is no country where the attempt to commit a crime is punished with the same severity as the actual committing of it. The resentment is not so great, and it is on this that I have endeavored to show that the punishing of criminals is founded"

20. Police is of course to do with policy. See Bentham's etymological derivation in *A Fragment on Government and An Introduction to the Principles of Morals and Legislation* (New York: Macmillan 1948)
21. See *Commentaries on the Laws of England* Introduction, Chapter 2. op.cit., "That man should pursue his own happiness. This is the foundation of what we all ethics or natural law. For the several articles into which it is branched in our systems, amount to no more than demonstrating, that this or that action tends to man's real happiness, and therefore very justly concluding that the performance of it is a part of the law of nature; or, on the other hand, that this or that action is destructive of man's real happiness, and therefore that the law of nature forbids it. This law of nature, being coeval with and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe, in all countries and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original" (41). "If man were to live in a state of nature, unconnected with other individuals, there would be no occasion for any other laws than the law of nature, and the law of God. Neither could any other law possibly exist; for a law always presupposes some superior who is to make it; and in a state of nature we are all equal, without any other superior being but him who is the author of our being..the law of nations; which as none of these states will acknowledge a superiority in the other, cannot be dictated by either; but depends entirely on the

rule of natural law, or upon the mutual compacts, treaties leagues, and agreements between these several communities: in the construction also of which compacts we have no other rule to resort to, but the law of nature; being the only one to which communities are equally subject” (43). “The only true and natural foundations of society are the wants and the fears of individuals...though society had not its formal beginning from any convention of individuals, actuated by their wants and fears, yet it is the sense of their weakness and imperfection that keeps them together; that demonstrates the necessity of this union; and that therefore is the solid and natural foundation, as well as cement of society. And this is what we mean by original contract of society; which though perhaps in no instance has been formally expressed at the first institution of a state, yet in nature and reason must always be understood and implied in the every act of associating together: namely, that the whole should protect its parts, and that every part should pay obedience to the will of the whole; or in other words that the community should guard the rights of each individual member, and that (in return for this protection) each individual should submit to the laws of the community; without such submission of all it was impossible that protection could be certainly extended to any. For when society is once formed, government results of course, as is necessary to preserve and keep that society in order. Unless some superior is constituted, whose commands and decisions all members are bound to obey, they would still remain in a state of nature, without any judge on earth to define their several rights and redress their several wrongs” (47-8). “The rights of persons considered in their natural capacities are also of two sorts, absolute and relative. Absolute, which are such as appertain and belong to particular men, merely as individuals or single persons: relative, which are incident to them as members of society, and standing in various relations to each others...by the absolute rights of individuals we mean those which are so in their primary and strictest sense; such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy whether out of society or in it. But with regard to the absolute duties, which man is bound to perform considered as a mere individual, it is not to be expected that human municipal laws should at all explain and enforce them. For the end and intent of such laws being only to regulate the behavior of mankind, as they are members of society, and stand in various relations to each other, they have consequently no business or concern with any but social or relative duties” (119-20).

22. See, *Commentaries on the Laws of England, Introduction* op.cit., p. 49. “However they began or by what right so ever they subsist there is

and must be in all of them a supreme, irresistible, absolute, uncontrolled authority in which the *jura summi imperii*, or rights of sovereignty, reside”.

23. See, *Commentaries on the Laws of England, Introduction* op.cit. Chapter 2, “Of the Nature of Laws in General”.
24. See, *Commentaries on the Laws of England, Introduction* op.cit., pp. 54-55. “Those rights then which God and nature have established, and are therefore called natural rights, such as are life and liberty, need not the aid of human laws to be more effectually invested in every man than they are; neither do they receive any additional strength when declared by the municipal laws to be inviolable. On the contrary, no human legislation has power to abridge or destroy them, unless the owner shall himself commit some act that amounts to a forfeiture. Neither do divine or natural duties (such as for instance, the worship of God, the maintenance of children and the like) receive any stronger sanction from being also declared to be duties by the law of the land. The case is the same as to crimes and misdemeanors, that are forbidden by the superior laws, and therefore stiled *mala in se*, such as murder, theft, and perjury; which contract no additional turpitude from being declared unlawful by the inferior legislature ..so that upon the whole the declaratory part of the municipal law has no force or operation at all, with regard to actions that are naturally or intrinsically right or wrong. But with regard to things in themselves indifferent, the case is different. These become either right or wrong just or unjust, duties or misdemeanors according as the municipal legislator sees proper, for promoting the welfare of the society, and more effectually carrying out the purposes of civil life”.
25. See, *Commentaries on the Laws of England, Vol. I* op.cit.,pp. 48-53.
26. See, *Commentaries on the Laws of England, Vol. I* op.cit., pp. 57-83
27. See, *Commentaries on the Laws of England, Vol. IV* op.cit. “Under every monarchical establishment it is necessary to distinguish the prince from his subjects, not only by the outward pomp and decorations of majesty, but also by ascribing to him certain qualities, as inherent in his royal capacity, distinct from and superior to those of any other individual in the nation...the law therefore ascribes to the king not only large powers and emoluments which form his prerogative and revenue, but likewise certain attributes of a great and transcendent nature; by which the people are led to consider him in the light of a superior being, and to pay him that awful respect, which may enable him to carry on the business of government. This is what I understand by royal dignity, the several branches of which we will now proceed to examine. (234). “The king, moreover, is not only incapable of doing wrong, but even incapable of thinking wrong: he can never mean to

- do an improper thing: in him is no folly or weakness” (239).
28. See, *Commentaries on the Laws of England*, Vol. IV, op.cit., pp. 61-68
Commentaries on the Laws of England Vol. III pp. 102-119; pp. 358-368,
pp. 400-436.
 29. See, *Commentaries on the Laws of England*, Vol. IV, op.cit., Chapter 1,
“Of the Nature of Crimes and their Punishment”.
 30. See, *Commentaries on the Laws of England*, Vol. IV, op.cit., p. 154.
 31. See, *Commentaries on the Laws of England*, Vol. IV, op.cit., pp. 84-93.
 32. “and hence in our laws the king is said never to die, in his political
capacity; though, in common with other men, he is subject to mortality
in his natural”. See, *Commentaries* Vol. 1 op.cit. , see Chapter 3 “Of the
King, and his title”. The classic study of the King’s two bodies remains
Kantorowitz’s *The Kings Two Bodies* (Princeton, N.J.: Princeton
University Press 1957). See also FW Maitland. *The Constitutional History
of England* (Cambridge: Cambridge University Press 1926).
 33. See, *Commentaries on the Laws of England* Vol. 1, op.cit., Chapter 14 “Of
Master and Servant”. There is a rich literature on the importance of
the Master- Servants acts in the juridical regime of England until well
into the 19th century that belied any normative claims to equality.
 34. See, *Commentaries on the Laws of England* Vol. VI, op.cit., Chapter 33,
“On the Rise , Progress and Gradual Improvements, of the laws of
England”.
 35. See, *Commentaries on the Laws of England* Vol. III, op.cit.,p. 43 “And
these fictions of law, though at first they may startle the student, he
will find upon further examination to be highly beneficial and useful”;
See also Chapter 27 “Of proceedings on the Courts of Equity” for the
usefulness of juridical fictions. Recent works of legal history, such as
those of Milsom, have documented the importance of such fictions in
the making of the common law system.
 30. See, *Commentaries on the Laws of England* Vol. III, op.cit., p. 45. “The
King’s bench to correct all crimes and misdemeanors that amount to
a breach of peace, the king being then plaintiff, as such offences are in
open derogation of the jura regalia of his crown. And the exchequer
to adjust and recover his revenue, wherein the king also is plaintiff, as
the withholding and non-payment thereof is an injury to his jura
fiscalia. But, as by a fiction, almost all sorts of civil actions are now
allowed to be brought in the king’s bench, in like manner by another
fiction all kinds of personal suits may be prosecuted in the court of
exchequer”. See also, *Lectures on Jurisprudence*, op.cit., p. 280 “The
Court of Kings Bench, being superior to the Court of Com. Pleas and
having causes frequently transferred to them from that court, came
to take upon it to judge in civil causes as well as in criminal ones, not
only after a writ of error had been issued out but even immediately

before they had passed though the House of Common Pleas. This they did by a fiction of trespass, that the person concealed himself and would not appear at the court when he had been cited”.

37. See, *Commentaries on the Laws of England* op.cit., Vol. 1, Chapter 13, “Of the Military and Maritime States”.
38. See, *Commentaries on the Laws of England* Vol. VI, op.cit., Chapter 33, “On the Rise , Progress and Gradual Improvements, of the laws of England”.
39. See, *Commentaries on the Laws of England* Vol. II, op.cit., Chapter 4, “Of the Feudal System”.
40. Adam Smith, *Essays on Philosophical Subjects* (Indianapolis: Liberty Classics 1982), pp. 45-46;49. “This scientific intention to tame chaos is even traced to the primitive state where “the origin of polytheism and of that vulgar superstition which ascribes all irregular events of nature to the favor or displeasure of intelligent thought invisible beings, to gods demons, witches, genie and fairies” p.49. See also, Hume’s *Dialogues on Natural religion* (Oxford: Oxford University Press), p. 139, “in short the conduct of events, or what we call the pain of particular providence, is so full of variety and uncertainty, that if we suppose it immediately ordered by any intelligent beings, we must acknowledge a contrariety in their designs and intention, a constant combat in opposite powers and a repentance or change of intention in the same power from impotence or levity”. Of course in Hume there is the ‘intentional reflux’ into theism.
41. See, *Essays on Philosophic Subjects* op.cit., pp. 40-41. “When two objects, however unlike, have often been observed to follow each other and have constantly presented themselves to the senses in that order, they come to be so connected in the fancy that the idea of the one seems, of its own accord, to introduce that of the other...when objects succeed each other in the same train in which the ideas of the imagination have thus been accustomed to move, and in which though not conducted by that chain of events presented to the senses, they have a tendency to go on of their own accord, such objects appear all closely connected with one another and the thought glides easily along them, without effort and without interruption. They fall in with the natural career of the imagination: and as the ideas which represented such a train of things would seem all mutually to introduce each other, every last thought to be called up by the foregoing, and to introduce the succeeding”.
42. See, *Essays on Philosophic Subjects* op.cit., p.75 .
43. See, *Essays on Philosophic Subjects* op.cit., pp. 154-155. “As we frequently ascribe to the objects of Sight a magnitude and proportion which does not really belong to them, but to the objects of touch which they

represent, so we likewise ascribe to them a steadiness of appearance, which as little belongs to them, but which they derive altogether from their connection with the same objects of Touch". "To speak accurately, it is not the same visible object which we see at different distances, but a succession of visible objects, which, though they all resemble one another; yet are all really different and distinct. But as we know that the tangible object which they represent remains the same, we ascribe to them too a sameness which belongs altogether to it: and we fancy we see the same tree at a mile, half a mile, and a few yards distance". Berkeley is consistently cited admiringly

44. See, *Essays on Philosophic Subjects* op.cit., p.178.
45. See, *Theory of Moral Sentiments* op.cit., p.40.
46. Ibid. p.81.
47. Ibid. p. 155.
48. Ibid. p. 135.
49. Ibid. p. 115.
50. Ibid. p. 183.
51. Ibid. pp. 184-5.
52. Ibid. p. 340.
53. See, *Lectures on Jurisprudence* op.cit., p. 5.
54. Ibid. p. 5.
55. Ibid. pp. 5-7.
56. Ibid. pp. 12-13.
57. Ibid. p. 13.
58. Ibid. pp. 201-207. "The age of shepherds is that where government properly first commences. And it is at this time too that men become in any considerable degree dependent on others. The appropriation of flocks, and herds renders subsistence by hunting very uncertain and precarious. Those animals which are most adapted for the use of man, as oxen, sheep, horses, and camels, etc which are also the most numerous are no longer common but are the property of certain individuals. The distinction between rich and poor arise...property is then introduced and many disputes on that head must inevitably occurs"
59. Ibid. p. 246 "The king also found it absolutely necessary to grant the power of jurisdiction to these lords; for as he had no standing army there could be no other way of bringing the subjects to obey rules. A debt could not be taken up, or an offender punished any other way. A king's officer would have been laughed at or massacred".
60. Ibid. pp. 244-264.
61. Ibid. pp. 126-140. "Yet as far as I know there is no country where the attempt to commit a crime is punished with the same severity as actually committing it. The resentment of the party injured is not

however so great, and it is on this, as I have endeavored to shew, that the punishment of criminals is founded". (138).

62. Ibid. p. 108. "By degrees the sovereigns came to consider, at least in practice, themselves as the persons chiefly injured. The addition therefore which was made to the punishment of the offenders as not to the composition or windgild due to the friends of the deceased, but to the frankgild of the king".
63. Ibid. p. 251. "Our phraseology of tenure etc came about at that time along with the feudal law properly so called, when everyone held either mediately or immediately of the king who had dominion direct of the whole, and his tenants of whatever sort, noble or ignoble, the dominion utile".
64. Ibid. p. 262. "The Tudors accordingly were absolute. They imprisoned any one at will; which liberty destroys the freedom of the people altogether, as imprisonment will compel one to agree to anything. The Parliaments had then no power, but were altogether ruled by them, Henry the VIII and Queen Elizabeth. Freedom of speech was then a crime. A member happened to oppose a bill which Henry wanted to be passed, Henry called him aside and putting his hand on his head told him, Man I'm informed you opposed the bill; if you do so I will take off your head. This promise, as he generally stood by all of this sort made the man alter his design. And in the same manner the fall of the nobles, left no rival to the king's power, established an absolute government". Expectedly, Hume's *History* is cited. "The Tudors are now universally allowed to have been absolute princes. The parliament at that time, instead of opposing and checking the measures they took to gain and support their absolute power, authorized and supported them" (264).
65. Ibid. p. 258.
66. Ibid. p. 186. "In a democratical government it is hardly possible that it ever should, as the legislators are here persons who are each masters of slaves; they therefore will never incline to part with so valuable a part of their property...in a monarchical and absolute government their condition will possibly be a good deal better; the monarch here being the sole judge and ruler, and not being affected by easing the condition of the slaves, may probably incline to mitigate their condition; and this we see has been done in all arbitrary governments in a considerable degree". Much later, "In a free government the members would never make a law so hurtful to their interest, as they might think the abolishing of slavery would be. In a monarchy there is a better chance for its being abolished because one single person is a lawgiver, and the law will not extend to him nor diminish his power, tho it may diminish that of his vassals. In a despotic government

slaves may be better treated than in a free government, where every law is made by their masters, who will never pass anything prejudicial to themselves. A monarch is more ready to be influenced to do something humane to them” (452).

67. Ibid. pp. 200-222. “In the age of hunters there can be very little government of any sort, but what there is will be of the democratical kind...with regard to juridical power, this in these nations as far as it extends is possessed by the community as a body” (201). “I should say that the age of shepherds is where government first commences property makes it absolutely necessary...in the age of hunters a few temporary exertions of the authority of the community will be sufficient for the few occasions of disputes that can occur. Property that grand fund of all dispute is not then known...laws and government can be considered in this and indeed in every case as a combination of the rich to oppress the poor, and preserve to them the inequality of goods which would be soon destroyed by the poor, who if not hindered by government would soon reduce the others to an equality with themselves with open violence. (208)
68. Ibid. pp. 251-2. “We may here observe also another mistake of the general writers on this subject. They seem to think that this change of allodial into feudal lands was a usurpation of the nobles, as they, according to their opinion, changed a precarious into a certain possession, who took an opportunity in the troublesome times to nestle themselves into their estates. But this is altogether a mistake, and was on the other hand an augmentation of the king’s power, as we find that here were many allodial lords before that time who were free from all burthens, as is shown by Bouquet, which were hereditary and had many of the regalia and jurisdiction they had”.
69. Ibid. pp. 252-276. “The tradesmen or merchant in a country in that state would be altogether helpless. They were generally slaves of some lord, or if they were poor freemen they become dependents either on the king or on some great lord, according as their lands lay most contiguous and were best able to afford them protection and liberty. By this means they were very better than villains or slaves of these great men—the king however, being jealous of the power of the nobles, found it to be his interest to weaken their power and therefore (re)leased all their villains, and those more especially who were least dependent and could be most easily freed from their authority...they were afterwards formed into corporations holding *in capite* from the king, having a jurisdiction and territory for which they paid a certain rent ...in this manner small towns became free and able to protect themselves” (256). “The power of the nobles however declined in the feudal governments from the same causes

as everywhere else, viz., from the introduction of arts, commerce and luxuries – their power consisted in the number of their retainers and tenants...but when elegance in dress, building, and gardening, cookery, etc. was introduced it was no difficult matter to spend a fortune even as great as that of the Warwicks and by this means he would loose all his retainers except a few menial servants who could give him no influence". (261).

70. Ibid. p. 265. "The absolute power of the sovereign has continued ever since its establishment in France, Spain, etc. In England alone a different government has been established from the natural course of thingsit was united at length with Scotland. The dominions were then entirely surrounded by the sea which was on all hands a boundary from its neighbors. No foreign invasion was therefore much to be dreaded...they were therefore under no necessity of keeping a standing army; they did not see a necessity for it..." (265).
71. Ibid. pp. 266-267 and pp. 296-97. "The king had no military force to resist them, nor money to procure one. He applied to Parliament but found they were of the same sentiments as the Scots, being puritans at heart as well as they; so that they would grant him no supplies. He was therefore obliged to capitulate with them; but at last, not agreeing to their demands, they took off his head" (267).
72. Ibid. p. 260; 272. "We see accordingly that those which are most favorable to liberty are those of martial, conquering, military kings. Edward the 1rst and Henry the 4th, the two most warlike of the English kings, granted greater immunities to the people than many others" (260). "Another article which secures the liberty of the subjects is the power which the Commons have of impeaching the king's ministers of mal-administration and that tho it had not visibly encroached on liberty, this power still remains, tho it has not been exercised since the time of William IIIrd. This privilege as well as many others favorable to liberty we owe to that tyrannical prince, Henry VIIIth. The ordinary method which he took to get free of any of his ministers of whom he had become jealous was to get him impeached by his servile House of Commons, and from this time they have still retained it". (272).
73. Ibid. "All disputes of this sort have to be decided by force and violence. If the sovereign got the better of the subjects, then they were condemned as traitors and rebels; and if the subjects have got the better of the sovereign, he is declared to be a tyrant and oppressor not to be endured." (311). "There was a time when the judge was considered merely as a mediator in criminal cases and an arbiter voluntarily chosen in civil ones, tho at length they became absolute...now their authority is so well established that no one

complains, whatever injustice he may think he suffers, as they are absolute and without appeal. All resistance is unlawful and tho perhaps it is natural enough to make resistance yet it is altogether prohibited, in the same progress as that by which it is now lawful to continue in war or to continue correspondence after war with the enemy, after the publick have agreed to the discontinuance of war and peace” (312-13). “In whatever place there is a sovereign, from the very nature of things the power must be absolute; and no power regularly established if calling the sovereign to account, as the sovereign has an undoubted title to the obedience of the subjects”.

74. Ibid. “This principal or duty of allegiance seems to be founded on two principles. 1st we may call the principle of authority, and the 2nd the principle of common or general interest.—with regard to the principal of authority we see that every one naturally has a disposition to respect an established authority and superiority in others, whoever they may be. The young respect the old, children respect their parents, and in general the weak respect those who excel in power and strength”.
75. Ibid. p. 245. “The Saxons seem to have entirely terminated the inhabitants of England, or put them to the sword. They certainly did not admit them into their society, for there is a considerable mixture of Saxon and Norman language, in the Scots and English dialects, as those latter conquerors did not exterminate the inhabitants in the same manner, yet there is no mixture of the Erse or Welsh in either of them. The conquerors in other countries did not proceed wit the same severity”.
76. Ibid. p. 294. “the 1st article of the Act of Treason therefore provides that it is treason any way to compass or imagine the death of the king, and that not only when really accomplished but when it is declared by any overt act, as forming a conspiracy against him or providing arms against him”. Blackstone repeats this. See also pp. 74-94 of the *Commentaries* Vol. IV.
77. Shaftsbury and Hutcehson, who propagated the benevolence thesis, were said to represent the ‘modern position’. Both Hume and Smith gave them considerable pride of place when discussing the theorists of morality. Such a position was both contrasted to the Stoic one as well as that of Mandeville.
78. Adam Smith, *Wealth of Nations* (London: Penguin Books 1999). p.30
79. Ibid. p. 36
80. Ibid. p. 36
81. Ibid. p. 54
82. Ibid. p. 65
83. Ibid. pp. 79-87

84. Ibid. pp. 76-77
85. Ibid. p. 79
86. Ibid. p. 111. "The workman must always have been fed in some way or other while he was about the work; but the landlord may not always have been paid. The profits of the trade which the servants of the East India Company carry on in Bengal may not perhaps be very far from this rate".
87. Ibid. p. 167.
88. Marx of course develops a critique of Smith in his own "primitive accumulation of capital" in *Capital I*. More recently this issue has been richly explored in Michael Perelman's *The Invention of Capitalism* (Duke University Press 2002)
89. Adam Smith, *Wealth of Nations*, op. cit., p. 302 "Every fixed capital is both originally derived from and requires to be continually supported by a circulating capital. All useful machines and instruments of trade are originally derived from circulating capital which furnishes the machines they are made, and the maintenance of the workmen who make them. They require too a capital of the same kind to keep them in constant repair".
90. Ibid. p. 307
91. Ibid. p. 361
92. Ibid.
93. Ibid., pp. 747-846. Other than the Prince's intervention in circulation Smith of course famously spends many pages discussing the importance of defense and its relations to justice.
94. Philip Francis, *Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement*, 1776. See also, See Henry Verelest's *A view of the rise, progress, and present state of the English government in Bengal: including a reply to the misrepresentations of Mr. Bolts*. (London: printed for J. Nourse; Brotherton and Sewell; G. Robinson; and T. Evans 1772) p. 84.
95. The classic work on the Permanent Settlement which has an enduring value is Guha's *Rule of Property in Bengal* op.cit. Many of the issues regarding the conceptual lexicon being adopted and employed were pioneered by Guha, such as the nature of the crisis as "colonial", and the avowed use of conquest as a source of authority. Our differences would however lie in the evaluation of these debates within the larger history of political-economy as an epistemological arrangement; for instance in the evaluation of mercantilism or physiocracy. Or the argument made, in *Dominance without Hegemony*, on the shift from the "mercantilism" / conquest argument of the 1770s to the legislative arguments of the early 19th century, as for instance found in James

Mill. One might argue that the 1770s had a legislative intent, and arguments deriving from conquest were used in different parts of the subcontinent – as they were being conquered and ruled – well into the 20th century. Thus the legislative and conquest were inextricable throughout the record of the British, marking the violence and violating nature of their presence. Even so much of my discussion is indebted to Guha's work, specifically, *Rule of Property*.

96. The classic study of this plan is still Ranajit Guha's *Rule of Property for Bengal* op.cit., where Guha sketches Francis's physiocratic lineage. More recently, Robert Travers's, *Britain's Asiatic Empire; Ideology and Colonial State-formation in Bengal, 1757-93* brings back questions of intellectual history. Although rich in texture Travers depends heavily on Guha, and doesn't allow a reading of the colonial archive to rethink the categories in England. For instance rather than focusing on the "ancient constitution" it would have been more consistent and perhaps faithful to the Indian context to invoke "feudal law" and the general recognition of conquest as a source of authority. For details on the relationship between Hastings and Francis see Sophia Weitzeman's *Warren Hastings and Philip Francis* (Manchester: Manchester University press 1929).
97. The exact meaning and significance of the meaning and status of the *zamindar* is anything but resolved in the present state of medieval historiography, lying as it does at the heart of a theorization of Mughal sovereignty. The 'classical position' is that of Irfan Habib's *Agrarian System of the Mughal Empire*, (Delhi: Asia Pub. House 1963) which envisions a centralized state structure with *zamindars* as instruments of exploitation. This view was initially challenged by Heesterman's essay in the *Inner Conflict of Tradition* (Chicago: University of Chicago Press 1985) and later the work of Frank Perlin, *The Invisible City* (Aldershot, Hampshire: Ashgate 1993). Andre Wink *Land and Sovereignty in India* (Cambridge: Cambridge University Press 1986), Sanjay Subramanyam *Penumbra Visions* (Ann Arbor: University of Michigan Press 2001) and Muzaffar Alam *The Crisis of Empire in Mughal North India* (Delhi: Oxford University Press, 1986) offered different understandings of Mughal sovereignty, and the status of the intermediary. See Alam and Subramanyam Ed. *The Mughal State* (Delhi: Oxford University Press 1998), for a sample of views. The long editorial introduction is especially pertinent.
98. *Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement 1776* in MMW; p. 45.
99. On this see Warren Hasting's *Memoirs Relative to the State of India* (London: J. Murray 1787). "It seems to have been supposed that the

resources of Bengal were inexhaustible; and to the measures which sprung from such ideas must we ascribe a great part of the distress which its government has experienced. Whatever charges might be incurred at the other Presidencies, whether occasioned by speculative plans of increasing their investment or by a lavish waste of their treasure, it was the less regarded how far their own resources fell short of their disbursements, since Bengal was looked upon as an inexhaustible fund from whence the deficiency might easily and readily be supplied" (19-20).

100. For a recent attempt to place and evaluate the role of the Company in Britain's 'local political economy' see Bowen's *Business and Empire* (Cambridge: Cambridge University Press 2006)
101. For details of the monetary transactions between the Company and the English State during this period see H V Bowen's *Revenue and Reform* (Cambridge: Cambridge University Press 1991) pp. 119 – 169.
102. "The Company's right, as a Duan to collect revenues and to insist on the payment of duties (from which they tell us they cannot recede), is founded on a grant from the Emperor. They coin money in his name while they make war and peace on their own. At the same time we have a Supreme Court of Judicature resident at Calcutta whose writs run through every part of the three provinces in his Majesty's name, indiscriminately addressed to British subjects, who are bound by their allegiance, or to the natives, over whom no rights of sovereignty, on the part of the King of Great-Britain, has yet been claimed or declared. While the contradictions are permitted to subsist the actual government of the provinces must continue to be an arbitrary succession of powers without right" (26). *Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement 1776* (London, Printed for J. Debrett 1782)
103. Pp. 118—133 *The Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement, 1776* op.cit. in MMW.
104. Pp.. 118-201. *Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement 1776* op.cit..
105. "The mode of collecting the rents from 1766 to 1769 is of itself a strong presumptive proof of the general reduction of the country. As the greater part of the *zamindars* were ruined and dispossessed of the management of their lands, and there were few people of rank and family left, or of those who had formerly held high employments; such as there were looked for large profits, which the country could not afford them and pay the rents also. People of lower rank were

therefore of necessity employed as aumils or collectors, on the part of Government. These people executed a contract for a stipulated sum for a district to which they were appointed and in effect may be considered farmers of revenue...as the country became poorer, and the lands less cultivated, taxes were of course multiplied to make good the agreement with government; until the *Ryots*, finding the demands made upon them accumulating, found various expedients for procuring or extorting abatements in the *awsil*, or original rent. A timid people have no defense against oppression, but fraud" (42-3). "The plan itself will require nurturing and indulgence. As the new establishment gains strength, the *zamindars* should be gradually replaced in the exercise of all their ancient duties..one essential reason, why government should endeavor to restore the *zamindar* to a state of competence at least, if not affluence, is that they are not only stewards or collectors of the public revenue, but are or ought to be the instruments of government in every branch of civil administration." (60). *Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement 1776* (London: Printed for J. Debrett, 1782).

106. Guha, in *Rule of Property*, has convincingly demonstrated the Physiocratic genealogy of this equating this demand with the *impot unique* and *produit net* nexus. However the problematic relationship between rent as sovereign demand and rent as proprietorial demand is documented but not similarly pursued; the arguments regarding free circulation and political control are noted, but their relationship and its implication for a new 'modern' despotism is not analyzed, nor is more general critique or configuration of the emergence of the economic and the political. What Guha sees as the underdevelopment of pre-Ricardian political economy, might be better analyzed as a more faithful capture of the colonial situation in Bengal than anything achievable by Ricardian economics.
107. Ibid.
108. This has been developed by Ranajit Guha in *Small Voice of History* (Ranikhet: Permanent Black 2010)
109. See pp. 164-170 in *Wealth Of Nations* op.cit., pp. 164-170, where Smith defines rent as "not at all proportioned to what the landlord may have laid out upon the improvement of the land, or to what he can afford to take; but to what the farmer can afford to give". (167)." That the governing power should stand paramount, and hold the sword over the rest, wasting the administration of every subordinate department, contended with a gross but moderate tribute proportioned to the necessary expense, and guarding the country

from being ruined in detail by Europeans...the moderation of the tribute imposed by the Mohamadan conquerors, and the simplicity of their method of collecting it, accounts for the surprising facility with which they retained possession of their conquests. The form of their government was despotic, but in fact it was not oppressive to the conquered people..with respect to the collection of revenues of our present government, is upon principle the reverse of what it ought to be, and I believe, such as never was adopted by any government. Instead of leaving the managers to the natural proprietors of the land, and demanding them a fixed portion of the produce, we take the management upon ourselves, and pay them a tribute. Government stands in place of a *zamindar*" (30-1). "I would first ask, what is the purpose of this accurate valuation of the lands. Is it meant to exact from the people the utmost revenue they can possibly pay? Or shall we content ourselves once and for all with such a revenue, as the services of Government constituted as it is at present indispensably require? (122). Later on pp.. 127-129 he cites Montesquieu, Steuart & Smith. *Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement 1776* (London, Printed for J. Debrett, 1782).

110. This argument is forcefully put forward by Edmund Burke in his attack on Warren Hastings, where he argues that "oriental" sovereigns were in no way despotic. See *Speeches on the Impeachment on Warren Hastings*, op.cit., pp. 104-126.
111. "It is true, the forms of the royal Sunnads, or grants, to the *zamindars*, suppose them to hold the sovereign in capite; but this I consider as a kind of feudal fiction, of which the sovereign in fact never pretended to avail himself, as constituting a right to assume to transfer possession". (72). He also cites the opinions of natives on pages 72 to 80, both Muslim and Hindu, to support his claims. The sources used by the natives are both textual and 'customary". *Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement 1776* (London: Printed for J. Debrett 1782). Guha in his study had noted this influence of Blackstone on Francis.
112. Ibid. p.144-5.
113. See, *The Constitutional History of England* op.cit.
114. "Many of the lands have suffered by ruin, inundations, or other temporary calamities which though affecting the immediate collections cause no diminution in their real value. In some instances the rents have been completed by loans or made up from private fortunes of the land holders: in other places they have been enabled

to fulfill their engagements by oppressive exactions. (149). "It appears therefore that the regular payment of the rents for three years is no proof of the proprietors ability to continue to pay the same rent that, if he falls in arrears his estate is sold...the truth is that it is impossible to form a just judgment of the value of lands, and consequently of the Revenue which they should pay, but by an inspection of their Mofussil records" (151). *Original Minutes of the Governor General and Council of Fort William on the Settlement and Collection of the Revenues of Bengal with a Plan for Settlement*; available in MMW.

115. It is here that the 'orientalist' grid of viewing the discourse as operating within a binary (European universal reason vs. Asiatic despotic/custom) proves inadequate. As shown, for instance, Francis argues, following an Aristotelian genealogy that wiping out the *zamindar* would reduce the political relationship to an oeconomical i.e. despotic one. "...Government then acts directly upon its subjects by its own officers, without the assistance of those intermediary gradations of rank, authority, and responsibility, by which all great civil societies are held together. A system which professes to destroy that medium, might as well profess at once the dissolution of the state; unless by the word state, we are only to understand the oeconomical relation of master and slave, not the political union of a government with its subjects" (61). Similarly the duplicity of the *zamindar* is often blamed on the oppressive exactions of the Company. In both instances he is voicing a critique of a uniquely Company policy. The constant references to Indian precedent is part of a 'juridical reason' that is present at the heart of English juridical cum philosophical discourse witnessed in Hume and Blackstone. And although Asiatic despotism is often contrasted to English law in the debates, often enough this very binary is undermined in the specifications of policy and the details of argumentation. The numerous analogies to England and contemporaneous France (from the 'copyholders' of Blackstone to equating the salt monopoly to the gabelle) cannot be fully analysed here.
116. As Francis says, "To this policy the natives ascribe the good order of Akbar's government, and the regard shown, in the subsequent settlement of the revenues, to the rights of the *zamindars*, the ancient proprietors of the soil" (32). "Cossim Ally's government is universally allowed by the natives to be the period, when the ancient establishments and the rights and property of the *zamindars* were overthrown...his principle is said to have been, that whatever the *Ryots* paid should be the property of government; thereby totally excluding the *zamindars*. His officers acted accordingly." (38). *Original Minutes of the Governor General* in MMW.

117. See Henry Vansittart's *A Narrative of the Transactions in Bengal from 1760-1764* 3 vols. (London: J. Newbery 1766)
118. "By the foregoing historical detail it is evident, that forts and war-like fleets have ever been, and still are necessary, to the very existence of naval commerce of Europe with India" (17). "With the greatest confidence, the learned and ingenious Dr. Smith has often appealed to the example of the Portuguese in support of his system of free trade with, and a royal revenue drawn from India...but however it may redound to our authors ingenuity, in this impressing the Portuguese into his service, without a lawful warrant, it happens rather unlikely for his learning, that the Portuguese never did, from their first arrival to the present day, enjoy a free trade with India...the Portuguese commerce with India ever was and is a regal monopoly under the severest restrictions" (20). He cites approvingly the author of the *History of Portuguese in Asia*, "all the artillery of arguments, drawn from the abuses committed by the servants of a Company may thus with accumulated force be turned against the servants of a prince" (24). And later, "every institution relative to man is not only liable to corruption, but such is the imperfection of human nature, is sure to be corrupted. Both the servants of a Company and the officers of a King are liable to the influence of self interest". He goes on to argue that the systemic nature of a Company was more beneficial. See J. Mickle's *A Candid Examination of the Reasons for Depriving the East-India Company of its Charter* (London, Printed for J. Bew and J. Sewell 1779). Available in MMW.
119. He again approvingly cites unnamed writers attacking Smith's argument of turning Company revenue into the Royal coffers: "The immense power which would be added to the Crown by our dominions in the East falling immediately under its management, must be a serious consideration, with everyone who believes the prepondering weight which that part of the constitution already possesses". And later, "a system which would render the sovereign the military despot of an immense and rich territory and make him sole master of an unconstitutional revenue, a revenue which in the hands of a corrupt Ministry would easily defeat the noblest check against arbitrary power provided by the British constitution, the right of taxation in the House of Commons" Ibid.
120. Cited in Peter Marshall, *Free Though Conquering People*. op.cit., p. 14.
121. See, *Dissertation Concerning the Landed Property of Bengal* (London: Printed for John Stockdale 1791), pp. 41-68, where philology, the researches of Gladwin, Dow as well as 'primary' sources both textual (Ferishta) and testimonial (witnessed brought forward to the Board) are mobilized to establish the existence of property throughout the subcontinent's history. Available in MMW.

122. “How much more is it incumbent on us to observe this tenderness towards our Indian subjects, when it is considered, that the cession of the country, although it is now held, and will be maintained, by Great Britain in a state of sovereign dominion; was made at the tie under the name of the ancient office of the Mogul empire: the public seals and forms of which were then adopted, and have been used in all the subsequent arts of the administration, so that the people seemed only to change their governors, nor their government” (129-30). *Dissertation Concerning the Landed Property of Bengal*; available in MMW. . The argument about the Company itself being a kind of *zamindar* can be found in the dispute between the Armenians under W. Bolts and Verelest, discussed in the last chapter.
123. “Things taken in war, belong to the conqueror. This does not embrace any particular distinction of property; much less does it point to any subordinate possessions of land, held under the conquered sovereign: and one may fairly doubt whether the opinion extends even to the effects of individuals not taken in war” (126). “But even, if it were to be proved, that landed property exists in neither of those provinces; and my own opinion is that it exists in all of them; I should still stand up for the peculiar customs of Bengal, where the claim of hereditary property has been more tenaciously maintained, and every conqueror, whatever might be his inclinations, his usual practice, or his religious tenets has been under the necessity of making a compromise with local landholders” (142). “annihilate the *zamindars*, with the whole system of landed property that prevails there: and the sum of your gain will be, a territory despoiled of its most powerful incentive to industry; a government without series or subordination; a society robbed of its best, if not its only cement” (192). *Dissertation Concerning the Landed Property of Bengal*, (London: Printed for John Stockdale 1791). Available in MMW. Rouss was also depending on the scholarship of Anquetil Duperron, which can once again take us back to the French context.
124. Firminger’s introduction to *The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company*, 28 July 1812 op.cit.
125. “But as limited monarchy and freedom peculiarly distinguish Europe, so despotism and slavery seem to be the universal indelible character, in which nature has stamped the civil society in Asia; and if one local division of this quarter of the globe can be said to bear the first and strongest impression it is undoubtedly Hindostan. From the remotest antiquity, this country has not only been subject to the single arbitrary will of native rulers in patriarchal feudatory subordination to one or more superior chiefs, but it hath constantly in whole or in part, been

held in a state of double vassalage or tributary dependence on foreigners, until its final absolute conquest by the Mussalman arms at the close of the 13th century". (18). "All these territorial proprietors therefore, in general, whether free or tributary rajas, deshmooks, or chowdries, acting in their different capacities, or self-dignities with Hindu titles, usurping the real property of their Mohamedan masters, or mere feudatory or simple pensioners for life, yet claiming on the ipse dixit weakly or ignorantly acknowledged lawful inheritors of their conditional temporary benefices were ultimately confounded with each other, and classed under the same common well known appellation *zamindar* or landholder" (23). "That with respect to the natives of Hindostan, it would be a most dangerous innovation, diametrically opposite to the letter and spirit of all Oriental legislation, ancient and modern, devised by conquerors, to admit, either in theory of practice, the doctrine of private individual landed property by inheritance, free or feudal tenures, extending beyond the period of a single life (62). "The private right of a more extensive landholding could only be acquired by conquest, royal grant, hereditary or prescriptive tenure of free or feudal possession while it is notorious that every *zamindari* title is the most limited and precarious in its nature, depending on the arbitrary will of the lowest provincial delegate". (94). See James Grant, *Political Surveys of the Northern Circars*. "It is further advanced as incontrovertible that the *zamindars* or other classes of natives, hitherto considered the rightful proprietors of the lands, are actually no more than annual contracting farmers or receivers of the public rents, with stated allowances in the nature of a commission on the receipts, and a small estate or portion of their territorial jurisdictions set apart for constant family subsistence whether in or out of office" (171). James Grant, "Historical and Comparative Analysis of the Finances of Bengal" in *The Fifth Report* op.cit.

126. See *A Narrative of the Transactions in Bengal from 1760-1764* op.cit.
127. One may very well speculate that the EIC critique of *zamindars* and both their 'defalcations' and tendency to fraud is derived from the writings of Turgot. See his *Reflections on the Formation and Distribution of Wealth* (London : Printed by E. Spragg: Sold by J. Ridgway 1795)
128. "The sovereign ruler in all parts of Hindustan, if not the whole of Asia, unless it be in the Russian dominions is declared to be the sole virtual proprietor of the soil not in the European feudal acceptation of the term, agreeable to which it hath lately been attempted to be qualified implying a fictitious tenure as lord paramount, from whom all lesser holdings are supposed to be derived by every class of subjects, but in right and fact, the real acting landlord entitled him

and receiving from the *ryots* or husbandmen, a certain portion of gross yearly returns of the country” (170). “At least such must be our determined belief, after having presumed in the present or a former political Treatise, submitted in like manner to ministerial consideration to decide authoritatively on the highest of the possessive right of territorial property, controvert received opinions, and assign to the sovereign power in Asia which, in Europe universally, by fiction of law virtually, is vested in the subject”. (206). *Historical and Comparative Analysis of the Finances of Bengal* reprinted in *The Fifth Report* op.cit.

129. “We have admitted the property in the solid to be vested in the *zamindar*; and although it should be proved under the Mughal system, which I deem impossible, the Company ought in my opinion to relinquish it”. (61). The plainest, most natural, and wisest method is certainly to levy them from the proprietors of the soil...I am of the opinion, that the settlement should be made wit the *zamindars* upon a fixed and permanent plan” (62). “I consider the *zamindars* as proprietors of the soil, to the property of which they succeed by right of inheritance, according to the laws of their own religion; and that the sovereign authority cannot justly exercise the power of depriving them of their succession, nor of altering it when there are any legal heirs. The privilege of disposing of land, by sale or mortgage, is derived from this fundamental right, and was exercised by the *zamindars* before we acquired Diwani” (81-82). Shore, *Minute*. Reprinted in the *The Fifth Report* op.cit.
130. “Mr. Grant computes the gross revenue of Bengal expedient and proper to be drawn into the royal exchequer at Rs 5 crore 3 lakhs...I neither admit his estimate nor his conclusions, both which I deem wholly unsupported by established facts or solid arguments. No man of experience will I believe assert that the country exhibits any external signs of this prodigious wealth...the labour and ingenuity of his researches are highly meritorious they display a superior degree of knowledge and abilities, which I most readily applaud, and am happy to avail myself of them whenever I can, with practical experience in the collections and management of the revenues which Mr. Grant does not profess to have acquired. He might have found many reasons to distrust the reality of his speculations and still more, the possibility of reducing them to practice. On this point, indeed my sentiments are absolutely irreconcilable with those which he has adopted” (36). Shore, *Minute* in *The Fifth Report* op.cit.
131. *Ibid.* p. 32. “The Company’s trade produces no equivalent returns. Specie is rarely imported by the foreign companies; not brought to Bengal from other parts of Hindustan, in any considerable quantities. The exports of specie from the country for the past twenty five years

- have been great; and particularly during the last 10 of that period.”
132. Ibid. “A *ryot* pays his rent either by formal or implied agreement. The first is a deed, called a *pottah*, which ought to express the nature and terms of his tenure and the amount of his rent”. (54) “It has been found that the *ryots* of a district have shown an aversion to receive *pottahs* which ought to secure them against exaction, and this disinclination has been accounted for in their apprehension that the rates of their payments being reduced to a fixed amount, this would be a basis for future imposition” (56).
133. Ibid. “In the Institutes of Akbar the several inferior officers for registering the accounts of the land and the rents, are recited under various denominations, some of which are no longer preserved..of late years the whole system has fallen into insignificance and disuse, the *canongoes* have been as ready to take advantage of this as others, and hence the officers have been by some condemned as of no use, because little was derived from it. The conclusion is not warranted by the laws of reasoning” (59).
134. Ibid. pp. 491-493. See Shores responses to the 4th resolution: “that the *gunges*, *bazaars*, *haits* and other *sayer* collections, be not included in any settlement with a *zamindar*; but that the present remain under the exclusive jurisdiction of an officer appointed by the collector, who is to propose regulations as he may think best calculated for regulating and collecting duties” Shore responds by saying that “Amongst the objections raised to the proposition I find only one stated against it as an invasion of the *zamindary* proprietary rights”. See pp. 491-493. W K Firminger Ed. *The Fifth Report* (Vol II). op. cit.
135. Law cites the *Life of Turgot*: “Mr. Turgot respected the right of property, and he rather respected it, because he understood with more than common exactness its true extent. But tolls are not property, they are a local tax, which was introduced in times of anarchy, when corporations and lords of manors shared between them a part of that prerogative of imposing taxes, which regular and tumultuous assemblies at that time contested with a sovereign destitute of power” (193). “...the sovereign power has retained the right of abolishing these imposts, from the moment it gives the possessors an undemnification, equal to the injury they sustain. To those who form accurate ideas, the suppression of such privileges will not seem an attack upon property, while the establishing of such, and the restraining by means of them, the liberties of commerce is an incontestable encroachment upon it. As this useful operation took away privileges from certain families, a cry was excited, that the minister was attacking property. But not only a privilege can never be property, nor can government the commission of a privilege, lose

its imprescriptible right of changing the form of that concession, and of substituting an indemnification. It is the same with respect to exclusive privileges, where the concession implies a sacrifice of a part of the natural liberty of the citizens" (194). Further pursuing the French analogy he cites the centralizing measures of Colbert positively on page 212 and further argues that "even in the provinces effectively sovereign, there are particular duties, called tolls, transits, and domain customs, which cramp and embarrass circulation. This whole establishment appears monstrous in the eyes of reason; it is evident that the duties on importation and exportation ought to be equal throughout the kingdom" (213). *Taxation and Police*. Further "The imposition and collection of internal duties, have from time memorial, been admitted to be the exclusive privileges of government, not exercisable by any subject without its express sanction; and, consequently it has been a well known law of the country that no person can establish a Gunj, Haut, or Bazar without authority from the governing power. Grants from the sovereign, or his representative, delegating this authority, as well as universal tradition prove this right was asserted by the Mussalman government and the orders of the Court of Directors, as well as repeated declaration and the promulgations by their officers on the spot demonstrate that the same has been constantly asserted by the Company" (246). *Regulations for the Guidance of the Board of Revenue and Collectors relative to the Sayer or Internal Duties – passed by the Governor General in Council on the 11th of June 1790*. in Thomas Law, *A Sketch of some Late Arrangements and A View of the Rising Resources in Bengal* London, 1792. Available in MMW.

136. Law quotes a letter, "All this, to my mind seems easy of attainment by allowing an unrestrained intercourse; but whilst the trade is restricted to the Company's ships, no extension can be hoped for. The very heavy freights that are charged for goods laden upon the Company's tonnage, confine all exports from hence to England to articles of little weight and bulk, in proportion to their value; whereas some of the most valuable products of Bengal are of considerable size and weight when compared to their price. By lessening the expense of conveyance you open them all the markets of Europe, and in such articles cotton, sugar, hides, skin, hemp, grain & c there is no limiting to the extent to which the exports might rise" (xxviii). See also the complaints of the indigo planter regarding the same issue of Company monopoly on pp. 264-73. Available in MMW.
137. "The Ain Akberry (our best authority) states bazaars in the list of royal taxations. The *zamindars* have always claimed a share of the Sayr, and the Aumils denied it" (157). "1. The resumption of

government's privileges. 2. Compensation to individuals. 3. The modification of the duties. The first and most material is decided; for on the 11th June, the government promulgated final resolutions respecting resumption of internal tolls and imports. If any further arguments were necessary to prove the practice of the Mogul government, the accompanying extract from the Ain Akbery would avail; or if general reasoning were wanting to evince the justice of this measure, the annexed extracts, from the *Life of Turgot* would confirm it" (184). "Let it be remembered also that under Mogul government, the rent-free landholders were bound to join the monarchs standard" (185). *A Sketch of some Late Arrangements and A View of the Rising Resources in Bengal*. Available in MMW.

138. "The *zamindars* have no longer the influence of Feudal lairs in exercising jurisdiction over their *Ryots* in levying fines and forfeitures, & c but are now reduced to simple land-holders" (201). "See the form of the Caboolut to be signed that among many other things made the signatory promise that he would "faithfully account with government for all uninheritable property of persons dying and fleeing from the country, and give up all rights hitherto". (225). And further "If the honorable Company in England, or the ruler of that country refuse to confirm this Moccury lease to my heirs, I hereby declare this engagement to be made for one year only, and after that time is expired, to be of no validity whatever" (226). "No grant of Maliconnah land shall be deemed valid excepting such as may have been made, or confirmed, by the supreme authority of the country; that is the governor-general and the council for the time being" (239). Blackstone (177-9) and Smith (171) are cited approvingly when criticizing internal duties, when 'describing' the sovereign overcoming of feudal 'impositions' (245), *A Sketch of some Late Arrangements and A View of the Rising Resources in Bengal*. Available in MMW. For a discussion of "escheat" see not only Blackstone but even Jeremy Bentham who in the end of the 18th century makes a strong case for the same. Nandini Bhattacharya-Panda's recent work has meticulously demonstrated that many of the Company's actions were justified with reference to Hindu scriptural authority that were themselves manipulated – in translation and codification – to suit their own commercial ends. See *The Appropriation and Invention of Tradition* (Delhi: Oxford University Press 2007).
139. See endnote 105 above.
140. See Cornwallis's Minute of 1789 in response to Shore. "Mr. Shore says we cannot pronounce absolutely upon the success of our measure, without experience. I must ask what are these measurers, on the success of which there can be doubt? Or what is the experience that is

wanting; and what, by delaying a permanent settlement for a few years, would probably be improved? (513). Shore's *Minute*; "But I have on a former occasion expressed my doubts whether the Company or Government in England, should bind themselves to fix the assessment of this country, in perpetuity. These doubts were suggested by mature consideration of the various existing abuses which I have so fully detailed and very serious reflection upon the consequences of them, and the difficulty of establishing regulations which shall in their progressive operation, correct them. They have a reference to the circumstances of the country at this time, independent of the question of general principals" (515). Cornwallis's *Minute*: "He (Shore) also contends, that the taking into the hands of government , the collections, of internal duties on the commerce and allowing the *zamindars*, and others by whom these duties have been hitherto levied, a deduction equal to the amount which they now realize from them will not be productive if the expected advantages to the public at large, and that it is moreover an unjustifiable invasion of private property.. I now come to the two remaining points on which I have differed with Mr. Shore, and the final decision regarding which must rest with the honorable court of directors, viz the expediency of declaring the decennial settlement permanent, and appointing officers on the part of government, to collect internal duties on commerce" (528). Reprinted in *The Fifth Report from the Select Committee of the House of Commons on the Affairs of the East India Company, 28th July, 1812*. (New York, A. M. Kelley 1969) Vol II. See pp. 478-527.

141. As Shore says in response to Law, "Can we declare that no allowance shall be made for calamities of this nature, when they are extensive? Mr. Law remarks that should an earthquake happen, overflowing rivers deposit sand, or mistaken assessment render the village inadequate to bear the land tax, the proprietor should be at liberty to resign the estate which may be transferred to another. But the difficulty requires another solution, and under the principle of a fixed assessment, one or other of these consequences may ensue; that the estate of a proprietor may be forfeited without any fault on his part; or that the assessment will be subject to diminution without sufficient provision for the restoration of it". (519). See, *The Fifth Report* Vol. II. op.cit. Thomas Law had indeed argued that " Should an earthquake happen, overflowing rivers deposit sand, or mistaken assessment render the village inadequate to bear the land tax, the proprietor should be at liberty to resign (the quit rent being the condition of his tenure) and the board of revenue may grant it to another" (95). "The government being sovereign, or having become sovereign through

war, can choose where to shift the burden. So if the permanent settlement restricts access to land resources, this could be shifted to manufactures, "Government may always obtain a portion of every improver's profit, by duties on articles of manufacture which he will expend" (98). See Thomas Law, *A Sketch of some Late Arrangements and A View of the Rising Resources in Bengal* London, 1792. Available in MMW.

142. As points of departure we had noted in chapter 1: R Koebner's "Despot and Despotism: Vicissitudes of a Political Term" *Journal of the Warburg and Courtauld Institutes*, Vol. 14, No. 3/4 (1951), pp. 275-302 and Hannah Arendt's *The Human Condition*. (Chicago: University of Chicago Press 1969).
143. Although despotism as a category was familiar, Montesquieu seems unique in his full elaboration of a theory, by placing it alongside republics and monarchies. Here he is followed by Helvetius who takes a point by point refutation of the climate-despotism nexus. See his *Essays on the Mind* (New York: B. Franklin 1970)
144. Montesquieu, Charles de Secondat, Baron de *The Spirit of the Laws* (New York: Cambridge University Press, 1989). "There are three kinds of governments: republican, monarchical, and despotic. To discover the nature of each, the idea of them held by the least educated of men is sufficient. I assume three definitions, or rather, three facts: one republican government is that which the people as a body, or only part of the people, have sovereign power, monarchical government is that in which one alone governs, but by fixed and established laws; whereas, in despotic government, one alone, without law and without rule, draws everything along by his will and his caprice" (10).
145. *Ibid.* "The king, the ecclesiastics, and the lords, each levied regular taxes on the serfs of their domains. I prove it in regard to the king, by the capitulary devillis; in regard to ecclesiastics, by the codes of laws of the barbarians, in regard to the lords, by the regulations that Charlemagne made for them. These taxes were called census; they were economic and not fiscal rights; they were exclusively private ground rents, not public burdens" (637). "It cannot be doubted that fiefs were at first revocable. One can see in the Gregory of Tours that everything that Sunnegisi and Galomagnus had had from the fisc was taken away from them and that they were left with what they held as property. When Guntram put his nephew Chilbert on the throne, he met secretly with him and indicated to him those to whom he should give fiefs and those from whom he should take them away. In a formula of Marculf, the king gave not only the benefices that his fisc held but also those that another had held...finally from those

who wrote the book *On Fiefs*, we learn that at first the lords could take fiefs away at will, that later they secured them for a year and afterward gave them for life” (640-1). Thus the tax and the census as political technologies of rule have unfortunately in recent scholarship been reduced to mere signs of “epistemic violence”. Montesquieu is trying to carve out a middle position between the ‘feudal’ theory of Boulainvilliers and the work of Abbe Dubois. For the ‘feudal context’ see for instance, Harold A Ellis, *Boulainvilliers and the French monarchy : Aristocratic Politics in early Eighteenth-century France* (Ithaca, N.Y. : Cornell University Press 1988)

146. “The return of peace, indeed seldom relieves them from the greater part of the taxes imposed during the war. These are mortgaged for the interest of the debt contracted in order to carry it on..the new taxes were imposed for the sole purpose of paying the interest of the money borrowed therein” p. 997-8. Adam Smith, *Wealth of Nations* op.cit.
147. “Monarchies are the prevailing government; they set the fashion and give the tone to the custom of all the others”. See, *Lectures on Jurisprudence* op.cit., p. 292. As has been discussed Hume, Blackstone and Smith further fear the growing powers of the executive – signaled by the institution of public debt and the standing army – the traditional domain of the Monarch.
- 148-149. See *Report from the Committee appointed to examine the physicians who have attended His Majesty [George III] during his illness: touching the state of His Majesty’s health*. Michel Foucault uses this text to underline the change in sovereign power, but less interested in the imperial dimension he is less attentive to the violent ensemble over which the King rules. See Michel Foucault, *Psychiatric Power* (London: Palgrave Macmillan 2006)
150. The other context in which the natural rights argument was used was in the case of the Americas; whatever the ironies. For a careful treatment see Peter N Miller, *Defining The Common Good* (Cambridge; New York : Cambridge University Press 1994).
151. See A.J.R Turgot, *Reflections on the Formation and Distribution of Wealth* op. cit., p. 60.
152. The classic Tocquevillian argument – without physiocracy –revived with added force by Françoise Furet’s classic *Interpreting the French Revolution* (Cambridge: Cambridge University Press 1981). See also Foucault’s perceptive study of the political reading of the ‘aristocratic reaction’ in *Society Must Be Defended* op.cit.
153. See endnote 112.

CHAPTER IV

THE ECONOMY-OIKOS (OUT) OF
IMPERIALISM

“Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do”.

Jeremy Bentham, *Introduction to the Principles of Morality and Legislation*, 1789.

“This Cheena Murdoo was the ostensible sovereign of an extensive and fertile country, and his general residence was at Sherwee...it was he, also, who first taught me to throw the spear, and hurl the colery stick, a weapon scarcely known elsewhere, but in a skilful hand, capable of being thrown certainly to any distance within one hundred yards. Yet this very man, I was afterwards destined by the fortune of war, to chase like a wild beast; to see badly wounded, and captured by common peons; then lingering with a fractured thigh in prison; and lastly, to behold him, with his gallant brother, and no less gallant son, surrounded by their principal adherents, hanging in chains upon a common gibbet!”

James Welsh (East India Company, Military Officer),
Military Reminiscences, 1830 [references to the
campaigns in southern India
in the early 19th century].

“The actions of other men, considered as means for the attainment of the objects of our desire, are perfect and imperfect, in proportion as they are or are not certainly and invariable correspondent to our will. There is no limit, therefore, to the demand, of security for the perfection of that correspondence, a man is never satisfied with a smaller degree if he can obtain a greater...the demand therefore of power over the acts of other men is really boundless. It is boundless in two ways; boundless in the number of persons to whom we would extend it, and boundless in its degree over the actions of each”.

James Mill, “On Government” *Political Writings*, 1820.

“The Public on the other hand under the influence of a partial patronage, demand, a full, free and unbounded enjoyment, as of natural right, of all the branches of Indian commerce. They look at India, without reflecting on the length and nature of our intercourse with it, as a vacant soil – open to the cultivation of every adventurer who shall think fit to cultivate it; a produce rich field to which they have a right, equally with the Company; and hence they set up a loud, undaunted cry, as if it had never been before urged and silenced, against monopoly and usurpation”.

Letters On The East India Company Monopoly, 1810.

Introduction

This chapter charts the means through which the political and the economic in their combination is finally released both from its cosmological (nature-man-God as exemplified in the natural law tradition until Blackstone) as well its sentimental historico-political dimension (Hume and Smith), finally securing for itself a method which as purely self-referential is thereby abstractly independent of its/any object. While at the same moment the East India Company is institutionalizing itself as an expanding politico-economic regime, i.e. as a conquering State in the subcontinent. We will analyze the writings of Bentham, Malthus, Ricardo and J. Mill, in conjunction with the debates around the Ryotwari settlements as well as those around its monopolistic rights as they took place in Britain. In terms of the conceptual lexicon, it is Bentham that breaks a path which is in many ways trodden by Malthus, Ricardo and J. Mill. Other than Ricardo, all three figures either commented on or were directly involved with the East India Company. Bentham’s works are scattered with references to the Company as well as the broader issues of empire. Malthus occupied the first chair teaching ‘Political-Economy’ in Briton, in the newly established East India College set up by the Company to train those who were now not merely merchants but statesmen. Although this new plan of education was intended to indicate the conversion of the merchant into a governor, not anyone could simply enlist in the East India College. Only those who were nominated by the Court of Directors – elected by the stockholders – were allowed to commence their journey into the establishment of the East India Company. Mill, also an employee

wrote his monumental history with the aim of training young Britishers in the history and culture of their conquered domains. The actions (politico-administrative) of and debates around the Company (was it primarily a political body or was it primarily a commercial body, and on what basis could it claim monopolistic privileges in trade) and the emerging discourse on political-economy unfolds the means whereby, not without irony, the phrase ‘political – economy’ gains currency only through severing the essential and fundamental link that the political and the economic had hitherto enjoyed.

The Company established the first chair for the study of political-economy in the British Empire in 1805¹. And this was given to Malthus who was by this time well known for his writings on the ‘inadequacy’ between the geometric increase in population growth and the arithmetic increase in subsistence production. He also used the phrase ‘laws of nature’, but now, rather than signifying an onto-anthropological predicate cum probe, it has become a heuristic to understand the human condition defined as a species. This insistence on the species nature of man – rather than in terms of a moral-ontological dimension – though radically departing from the natural law tradition, was continuous with Rousseau and Hume, for whom too it was the species nature of man – an increase in population for instance – that in part accounted for the present political condition: Justice and Property as the exemplary sign of intra-species inequality once the primitive condition has been superseded. For the natural law tradition, on the contrary, man as such was free in so far as he was characterized as free (theology) and the fundamental laws of nature signified the *right* of self-preservation, *and* the preservation of the species. By using the laws of nature as a mere designator of the principle of rationality within the newly fabricated ‘nature’ – that included man in his species-being – the political question of the ‘rights’ of man as a morally free being gets completely elided. Severing this theologico-political rubric, the divine in Malthus becomes a property of nature *itself* (land), from which the analytic natural history of the human species can be deduced. In a not dissimilar vein, Ricardo speaks of economic trade as mere exchange and in his examples makes use of commodities – such as tea, cloth and silk which were fraught with political contestations — as ciphers in the

course of an (necessarily) abstract argument about the evaluation of value. This scientific technique in its progression, can be charted as a 'regression-analysis', if the Company, in its praxis, as it expands into the subcontinent, is taken as a vantage point. By *naming* the political conquest of various kingdoms, "land settlements", the Company merely enacts the shifts in discourse that conceal its nature.

Malthus was not the one to inaugurate a rationality that no longer clarified the relationship between itself and its object. It was Bentham who in his critique of Blackstone had already designated the whole natural law tradition as confused debris. Dismissing the debate around the state of nature and the law of nature he took it upon himself to construct a jurisprudence that would be concerned with the rationale of its *operatibility* rather than with the nature of the subject-object – or its end – under whose aegis it was meant to function in the first place. Rather than clarifying the nature of the human qua human and the move from the state of nature to civil society, he systematized the whole domain of human action under a single principle: pleasure and pain are crowned as the "sovereign masters", the univocal vector on which human action and its meaning could be traced. From this perspective, and solely for this end, communities are formed, rewards given and punishments enacted. The privileged mode by which the science of jurisprudence can now be ascertained is through the classificatory table wherein under different headings the various actions of human beings – defined in terms of its sovereign principles pleasure and pain – are catalogued. The table clarified by being rendered independent of its own authentication – political or epistemological – and becomes the guide for judges and lawyers. Although Bentham's jurisprudence is informed by a complex theory of meaning – which in many ways undercuts any simple correlation between the principle and its site of application – this in no way mitigates the transparency between laws and actions or the disjuncture between him and the natural law tradition. The nature of the person, as moral, free and rational at the same instance is abandoned in favor of a new lever – pleasure/pain – that becomes the single framework which underpins the structure of jurisprudence. It is this Bentham, who can institute a method that is a ground which has no need to show its own grounding, that becomes a model for Malthus, Ricardo and Mill.

When Bentham names the sovereign masters pleasure and pain, a study of the Company helps us understand this to be no trivial or metaphoric (in the trivial sense) remark. For, it was a political and governmental body in the subcontinent, and with Pitt's India Act (1784) its authorization lay with the Board of Control (the Chancellor of the Exchequer, the Secretary of State and four Privy Councillors appointed by the Crown) and the Court of Directors (elected by the general assembly of stockholders). The Board of Control was instituted as a superintending body with commensurate powers, while effective management lay with the Court since it had the powers of "patronage", i.e. it decided the personal composition of the establishment of the Company (except for principle servants like the Governor-General, the Governors, and the Commander-in-Chiefs which required approval from the Board and the Crown) in India as well as on matters of war and peace; decisions themselves largely made by the Governor-General in Council with the Court's approval. Being a joint-stock Company its 'nature' was to enrich its proprietors and pay them as handsome a dividend as was possible; which it managed to do paying on an average a high 8 to 10 % even while in massive debt, both in India and England, and even while involved in, and initiating numerous wars.

In the same manner its relationship to the English King-in-Parliament had changed, the one time creditor (the late 17th century) now was in debt. While, on the one hand, it was a Civil Person (a corporation beholden to the English Public), on the other hand the Court of Directors as well as Company officials, under various specified circumstances, decided on matters of war and peace in the subcontinent. Political violence was undertaken under the supervision of profits with little of the accountability of political action; notwithstanding the courts of judicature While the natural law tradition had tethered any analysis of the political to freedom (the human being was a free, moral rational being), Bentham's re-orientation into the domain of interest and affect can only be comprehended under the sign-post and reflection of the disjunction between the Company's interests (aim) and actions (political infrastructure as mere means). Its efficiency is attributable to its financial inventiveness, and liquidity, which in turn enabled and followed a series of violent articulations² (political warfare) in the

subcontinent; using a political technique (feudalism as a description of the rights of conquest) which was being abandoned in England (or rendered superfluous). Here, we witness a combination of brute military might integrated with other more protracted technologies of conquest, most common of which was the “debt mechanism” discussed in the previous chapter. We will further analyze the activities of the Company as it further unravels its political dimension in the subcontinent just as it provides an ironic justification of Benthamite political theory, or the lack of it.

The singular rubric under which the political is erased also has a rather paradoxical effect on theorizing the state of inter-polity relations. While the precarious nature of such relations was earlier maintained through its conceptual kinship with the theorization of political subjectivity itself, once the latter is suspended the former gets recoded as the sign of a benign economic. Here, Mill and Ricardo are exemplary in assuming inter-state relations to be free, stable and isomorphic illustrating to perfection the principle of equality. The ancient *oikos*, home of unfreedom and despotism, is unfolded here as the site of free exchange par excellence. Once again the Company ‘ironizes’ contemporaneous discourse. Just as the legions of free trade are emphatic in their rhetoric, yes the Company gives up its monopolistic privilege (1813), but only *after* institutionalizing its political infrastructure in the subcontinent. Now freedom can exchange its wares under the watchful hand of the political master’s hand, while discursively Bentham can code as affect that which had already been accomplished in the facts of violent imperial expansion. Affect, in its most ‘private’ of forms, (stock-holders greed, the minister’s interest and the King’s madness) has now acquired a field of operability which was hitherto unimaginable, truly ‘action at a distance’. It is in the face of this that Benthamite jurisprudence and contemporaneous *laissez-faire* i.e. “let it happen” can make sense; even if only as an indecisive vacillating alteration between irony and symptom.

Oculus

We have previously documented Hunting (Blackstone) and Fishing (Grotius) as privileged epistemic operators in a genealogy of the

present. In a juridical discourse it was intimately linked to the question of political (re)distribution; whether it designated the place of the King who hunted – in his – domains, or whether it indicated the original democratic distribution of power where property, and thereby politics, had not yet come into its own (Blackstone and Smith). In Ricardo and Malthus this political investiture is supplanted by a heuristic that simply narrates a story from a time when accumulation (Capital) hadn't yet taken place; the originary fable that supports an analytical economic history³. Such a telling is possible only after the construction of the political field has already been accomplished in England; the borders have been sealed, that themselves open out to a frontier which is the place that captures the effects of the initial sealing. The frontier zone is the juridical forest, still “public”, still free, the state of nature construed as the open site of conflict. It is here that the political story, throttled in England, can speak, with the Company in its political expansion reflecting past English violence. One could demarcate two domains of the political that are reciprocally self-constituting like the “double relations” that Hume talks about in his disquisition on the ideas and impressions. A politically established zone (the metropolis where the English State faces no ‘internal’ military threat), at whose limit a frontier opens out (for our purposes this can be designated by the subcontinent). Within the established zone any signs of its political becoming would at the same time unravel its contingency, and reveal the clues to its unbecoming (history in the 17th century sense that hovered around questions of sovereignty). Such is the sign of ‘history’ as a discourse that tells the story of sovereignty, and thereby is able to designate an ‘internal’ limit to its constitution. Securing such a zone from such history is crucial, hence its domestication as a time of fable (the time before accumulation and the new economic science). At the same time history as a sign of sovereignty is released in the frontier zone: conquest and its long train of history; the voluminous proliferation of such questions when it comes to the “land settlements” of the Company. It is only through this doubly folded structure that we can understand the differing status of ‘history’ as it functions in the metropolis (English discourse for England in its economic idiom) and the frontier (English discourse on indigenous sovereignty)⁴. The vanishing point of history – there cannot be a real

history in the new economic lexicon – can be recognized in its explosion at the limit-frontiers.

As in Bentham's celebrated definition of sovereignty: "Now by a sovereign I mean any person or assemblage of persons to whose will a whole political community are (no matter on what account) supposed to be in a disposition to pay obedience: and in preference to the will of any other persons"⁵. What is bracketed is necessarily so, since until now it had been that – history-natural law – which rendered the result (sovereignty) uncertain. Such bracketing is altogether erased in any analytic sense in Bentham's writings (followed by Malthus, Ricardo and Mill who have similarly recoded it into a logical historicity) while its fecundity in producing history, justice and paper documentation on these issues is unparalleled in the Company debates. In place of history the temporal inflection of Benthamite jurisprudence is towards the future – "expectation" being crucial to his legal theory – and has little to say or reflect on the nature of the historical formulation of the jurisprudential regime or the juridical subject. In essence a critique of the present – history as a discipline was nothing but showing the presenting of the present – is no longer possible. The concern for the future ideal is but the concealment of an ideologically determined present.

Bentham's argument about pleasure and pain as sovereign masters, the identification of the useful, the good and pleasure, in its immobilization of time, returns to the ancient problem of the distinction between pleasure and the good. Socrates in the *Gorgias* and *Philebus* had argued that the relationship between the good and the evil cannot be analogous to the pleasurable and the painful because the latter terms may well be simultaneous and therein indistinguishable but the former terms exclude one another⁶. When one is thirsty (pain) and drinks water, the pleasure and the pain is simultaneous, just as the ceasing of pleasure and pain is simultaneous. However the good and the evil cannot be ever understood in such a way. The good – as opposed to the pleasure – requires an art that is concerned with its subject its nature and its end. This concern in the realm of anthropology was explicitly developed in the natural law tradition and indirectly reflected upon in skepticism (Hume). Benthamite logic on the other hand feels no such compulsion and so constitutes a 'science' of morality and

jurisprudence that no longer speaks of the status of its object or what is but the same thing, itself: the nature of justice.

In the analytic section below we will have occasion to note that this epistemological strategy is not without its own, self-induced, difficulties. For now we will argue that Bentham's outlawing of history as a theoretical resource that indexes questions of sovereignty and political constitution is one that is adopted by the economists. Furthermore we have to remind ourselves that the political status of England has been more or less secured by the bloody victories of the Jacobite "rebellion" which had displayed in acute terms the importance of the historical question: the issue of inheritance. Coming on the heels as it did of "Glorious Revolution" – not so glorious for Ireland – which could be accepted through the fiction of James's abandonment, curiously replicating the older fiction of the king's two bodies. By the time we reach the end of the 18th century – the time of Bentham – since there was no substantive military challenge to the legitimacy of the English state apparatus from 'within', it was now time for discourse to reflect this state as ideology. Even the mid century's hesitation about the growing possibility of despotic power, as well as the embarrassment about growing inequality (Rousseau, Hume, Blackstone and Smith) had been overcome. Herein, we can place and position Bentham and his followers. We can better appreciate the peculiar status of England and the exile of History, as a political question, by examining contemporaneous Germany and France.

Bentham's illustrious contemporary Immanuel Kant put the matter succinctly when he tells us that history should be disregarded and if it was undertaken with the intent of changing the constitution by force it would be punishable⁷, thereby indicating the political implications of history. In what could be taken as a critique of the Benthamite position, he argues that what appears as present is what has been made to be so and history therefore as a "regressive synthesis"⁸ cannot be abstracted from the present that is before us. This political implication of history was no trivial designation. For Kant, the criminal qua criminal had deprived himself of his (own) right to live and therefore needed to be punished. Having an ontological status like a thing⁹, the criminal became a criminal through his freedom as a man, and that very freedom is the key to

unraveling his non-human nature in the self-induced descent into 'thinghood'. This was hardly a unique Kantian perspective, and in many ways in such a view he located himself squarely within the natural law tradition. Man as a free, moral and rational being had freedom through which he formed a society whereby the newly formed society (the Public) reigned supreme. Reason was linked to the Moral (freedom) quality of being human¹⁰ which in turn was the quality from which the Public could be deduced.

Like the natural law tradition, this was an eminently theological framework, where God was a "postulate" in the theoretical construction of man and civil society and reason by its very nature could not have an object but stood for the totality – and therein necessarily unconditioned – of conditions for any given conditioned. Where Kant might have departed from the natural law tradition was in his understanding that the very same rationale that dictated the movement from the Moral person as individual into society, also dictated the movement of nations/societies into a 'cosmopolis'¹¹. Yet this whole theoretical edifice would be threatened by the historical undermining of specific empirically determined sovereign states. It is only in this context that we can understand at one and the same time both the suspension of the empirical as well as an evaluation of its threat. In the Kantian transcendental framework on the other hand this movement into the 'cosmopolis' is one that is inscribed within the architectonic of nature-purpose-providence, which is why Kant cannot give us the means to arrive at such a state. The political state in this sense mirrors the 'species state' wherein its becoming is suspended in perpetuity since *telos* is ascribed to it as such.¹² The animating focus being the nature of man as such – as a being endowed with freedom and rationality by God – the specification of moral rules either among men or among society cannot be permitted i.e. they cannot be ascribed a given object in intuition. At the same time the Company brings a multiple perspective on the Kantian category: "like a thing". In the first place political violence is dictated by the exchange of things, not only in the abstract sense of it being a commercial body, but also in the literal sense of the political composition of its establishment is achieved through "patronage" (the Court nominates personnel)¹³. Indian territory – that combines the land and its people – is itself

designated as the “property” of the East India Company and it is on this basis that Company officials argue for the continuance of their monopolistic privileges: arguments dating to the 17th century but continuing through to the debates around charter renewal in 1813. Thus the juridical reversal of person and thing in Kant is virtually achieved in the oikonomic regime of Company rule.

In the context of Kantian jurisprudence, we can better appreciate the radical nature of Bentham’s enterprise. But we need not just look at Germany. William Paley, another illustrious contemporary, who penned the classic text book on politics and morality continued to derive right from Patriarchal authority¹⁴. Filmer was by no means out of place in late 18th century England; and this fact cannot be forgotten when studying Company policy documents and their eloquent description of the patrimonial nature of the Oriental state. But if Bentham signaled a simple departure from erstwhile theorizations of politics, we can look to the writings of Malthus and Ricardo for their uncanny recuperation. While the latter were indebted to Quesnay and the Physiocratic School in their evaluation of land, they at the same signaled a shift through a ‘political subtraction’. In mid-18th century absolutist France, Quesnay and Turgot had analyzed the importance of land as part of a meditation on the political distribution of power, encouraging a rationalization of the economy, i.e. unilaterally expropriating the rights of various (feudal) lords¹⁵. “Legal despotism” in its economic articulation would mean the abolishing of “local” cesses, and imposts thereby allowing a freer circulation of goods as well as the institution of a tax on the nobles (proprietors). We know that taxes were signs of servitude – the old census – and it was in their political valence that they were in turn resisted by the feudal lords. But Physiocracy – the regime of nature(!) – strongly argued for a complete monopolization of sovereign authority whereby the nobles were converted into agents of absolutism. Agriculture had to be encouraged since it was food that was the only medium of surplus, and such increased production would, thereby, allow an increase in taxes (increasing monarchical income). Indirect taxes were seen as the bane of the Kingdom, arresting and clogging the commercial arteries by blocking the natural circulation of grain. Along with the Physiocrats, were the men of letters who supported and were in turn devoured by, the

French Revolution triggered as it was by the “aristocratic reaction” and “public debt”. The nobility – as reminding scar of past wounds – is unpeeled by Sieyès in his key document, retranslating the economic idiom back to a historico-political dimension: unproductive workers are the German conquerors who have no place in the public domain¹⁶. The triggering of the series of events called the “French revolution” by the public debt can be placed in reverse gear when examining the conquest of India. Harnessing and harvesting public debt the commercial warriors of the Company, penetrated the body-politics of the subcontinent, actively supported by the English Crown. What was, perhaps, tried for the first time in Arcot, was repeated in Oudh. This did not prevent the Company from being either mercenaries or political actors. Rather it was the combination of military prowess and fiscal virtuosity backed by English finances and driven by English commerce, which orchestrated the new forms of imperial rule in India.

Being a ‘private’ body, in normal terms its violent excesses could only be comprehended under one term: enthusiasm. And it is precisely in this way that the English comprehended the violent events of the revolution in France: the real absence of a Public, a return to the great creedal wars of the 17th century. In the late 17th century, it designated an irrational servitude to the inner voice. Leibniz had already spoken of its more positive origins¹⁷, but in the aftermath of the sectarian conflicts, enthusiasm signaled a madness where merely one’s own (the private) calling was adhered to with a complete blindness to the Public (as reason). Locke and Leibniz had agreed on the need to safeguard the sanctity of conscience as long as it posed no challenge to public authority; even if Locke’s own theory of politics gave no heuristic to define the real public (the natural right problematic). In the aftermath of the violence of the French revolutions the English harked back to the idiom they were familiar with. Thus, the revolutionaries had no respect for constituted tradition – and it is no wonder that Kant would call a counter-public history ‘criminal’ – and simply followed their own ideas (as private). In the well known dynamic, the Napoleonic wars re-constituted the motor of Public authority with its imperial core.

It was the possibility of a ‘private’ irruption of violence that prompted Malthus to revisit the problem of political constitution. In

the early 19th century this was but a simple recuperation of the ancient problematic of the *oikos*; how does one manage the internal equilibrium? The state of Britain as a system of forces has to be 'maintained' if its 'public' actions were to be secured. (We need hardly remind ourselves of Britain's involvement in Continental theatre). Here the threat is not a 'feudal lord' with a retinue but rather the urban crowd. It is the crowd – as a factor of production – that occupies a level of reality which effectuates the power of Britain, within and beyond its immediate domains, as well as reserves the possibility of violent action i.e. the country has been cleared of its feudal lords whose very retainers are now the urban proletariat, a history we have already sketched. Thus, while the old state of nature is in the guise of the frontier – for instance the subcontinent – within the British state since there is no longer any enemy (a combative military threat), the people themselves have to be managed so that their revolt will not destabilize the state that is Britain i.e. this state *is* the well administered zone of political economy. But Public action, the brute military might of sovereignty, is exercised in fact not only in the wars of Europe but also through the medium of the private (the Company).

While the state of nature is *kept* – in both senses – at a distance by Britain, ironically, the economic comes to code its external relationship with kingdoms. Here the economic stands for 'freedom' in the benign sense and it finds its exemplary signs in the writings on international trade by Malthus, Mill and Ricardo. Portugal and Britain that shared a fraught political relationship is translated into the famous law of comparative advantages by Ricardo. While the 'internal' political question is one of management – and no longer in the juridical provenance of right – the external encapsulates in the same instance the 'freedom' of exchange. While in fact a state of war, not only Napoleon in Spain and Italy but also Britain in Asia, in theory it represents with mathematical precision the laws of demand and supply. The political loses its double nature (political subjectivity in its juridical appellation of right being the univocal determinant of internal and external sovereignty), the social loses its political nature (the historical genesis of inequality as the present social condition found in Rousseau, Hume and Smith) and the economic inverts its role (coding the free relations between publics

rather than the internal despotic dimension of the political), only to give birth to a new understanding of the political: one whose long shadows stretch to the present. For this, we will have to turn to J.S. Mill. In Mill, the primary political problem is how to guarantee the freedom of the individual within a political set up already determined once he has been robbed of any political potential. (Natural Right). Unlike Rousseau, Hume and Smith, who while superseding the question of natural right, still recognized the inherent inequality of the state of affairs (coded impotently as ‘social’) the early 19th century has lost the capacity to articulate the inequality germane to the state of affairs; at a time when imperialism in Asia is blossoming at a pace unprecedented in world history. Perfecting the techniques of feudalism – the whole assemblage of rights of inheritance, ward ship, hostages and war – the British State through the medium of the Company expands rapidly until 1857 by which time it has “annexed” over a million square miles. The subcontinent herein reiterates on a vastly expanded scale and in qualitatively new ways the ancient political genealogy of the economy as despotism.

We will now analytically amplify the theoretical issues that envelop every instant of the narrative proposed above. Since the thesis of this chapter is that the ideological invention of epistemology can be traced to Bentham’s writings in whose shadow Malthus, Ricardo and Mill follow, it is with Bentham that we begin. And since the ‘quilting point’ is really the dynamic of the Company, in its providing a lens through which the shifts in discourse can be mapped as ideology, it is with it that we will end.

Chiaroscuro and Figure

JEREMY BENTHAM: LEXICALIZING THE SOCIO-POLITICAL

Bentham’s critique of Blackstone’s *Commentaries* is so thoroughgoing and fundamental that it opens up the whole new discursive terrain of jurisprudence that we can recognize as modern. Although written a mere decade or so after Blackstone’s *Commentaries* it would have been inconceivable for Blackstone to have uttered the opening lines of Bentham’s *Fragment*: “The age we live in is a busy age; in which knowledge is rapidly advancing towards perfection”¹⁸. In this midst of ‘busyness’¹⁹ knowledge is the site for knowledge – not man –

realizing itself in self perfection. The model for knowledge of the human being and his age is nature; but nature as it is articulated through science where it exists not as a principle but as a delimited region of objects. Natural science and not the law of nature – as an order – formulates jurisprudence according to a specifically cognitive calculus: a calculus that has abstracted from nature in that it cannot pose itself as a question in its claim to naively encounter the facts of the case. An abstraction which is paradoxically itself the necessary stage on which nature – as understood through natural science – serves as exemplar. Rather than the contingent naming and in-mixing of nature and the human in natural law – the laws and right of self preservation and freedom – Benthamite jurisprudence finds its syntax in a cognitive realm that is formalized in a series of binaries: the is and the ought, fact and reason, understanding and affectation, particular/local and universal *respectively*²⁰. It is the work of the jurist to set-up and demarcate the arena and criteria by which the conduct of man can be evaluated. While in the natural law tradition the moral was the marker of the freedom of man in his being, it now simply becomes both the index of affectation (pleasure/pain) as well a rule (the epistemic operator) by which conduct can be disaggregated and weighted according to its value.

Man in this new incarnation is simply a unit in a social terrain which is mapped into actions and pleasures, and it is the latter that will come to determine the former, anointed by jurisprudence to be the being of man's species-being. Man, not qua man but as a community, as defined as numbered discrete units, displays its importance not in its substantive form but in his commensurability to the technical operation. The greatest happiness, as defined by the greatest number, is the principal; that through which the "arrangement" of the jurisprudential will be ordered. Arrangement along with narration ("that which is settled") and conjecture ("that which is obscure and therein needs interpretation") *compose* the "demonstration" of the new science²¹: the presencing of the Laws. Knowledge perpetuates itself in its *functions* perpetually suspending the unitary essence of man through formulating a series of media in which he can be exhibited: this is social infrastructure: four sources of pleasure/pain, four circumstances of pleasure/pain for the individual, seven circumstances of pleasure/pain as a community,

13 simple pleasures and 11 simple pains, 32 circumstances influencing sensibility, 11 properties of punishment, five divisions of offences with their various subdivisions. The only principle by which all this is understood is the tendency towards happiness, defined as 'utility' and it is this that becomes the gravitating point around which the traffic of jurisprudence is staged. But since utility is itself defined by the act, the proliferation of classes that we are treated to, finds no real measure, for a measure to make sense would have to be distinct from that which it measures.²²

Having studied Blackstone, how do we now understand Bentham's understanding of Blackstone? The latter, unlike the former, announces a singular principal, the measure through which the domain of human action can be determined: utility. A principal, however, whose meaning cannot pre exist the (f)act to be perceived, hence immediately negating its status as a principle. For Bentham, the purported immediacy of utility as a principal short circuits the circuitous fiction of natural law and/or original contract-covenant. While accusing Blackstone of confusing society and government as well as nature and government, and being unable to distinguish or define terms, when the time comes this very question is left unresolved: there is indeed no "distinguishing mark" by which we can distinguish society from government, except for the *names* of office, such as King, Sachem or Senator²³. This doesn't tell us *how* a government comes to be formed.

The other way in which Bentham's jurisprudence proceeds is to understand the two terms – society and government – not as discrete, but as terms that can find their meaning only in proportion²⁴. An 'exterior' criterion binds them and becomes the medium of nomination: this is the *habit of obedience*. Here, conformity to a set of rules exhausts the meaning and nature of government and society. There is, in fact, no way in which the rule is defined so as to understand its application to a particular situation; rather the situation itself relapses into the definition of terms that is the alleged rule making; it is in actuality indistinguishable from the rule. One will obey if it is in ones interest to obey, only if it is useful. Logic transpires into its result in full transparency. On the other hand, it formalizes content in its factuality, turning it into itself. For instance, the reason behind the preservation of society and/as government –

the keeping of promises – exists merely in its performance; subtracting the Humean political temporality as previous discussed. Now, people will revolt if they find that they are unhappy, and will not keep their promises if they find that the promises do not accord with their interest (utility). Through one swoop the “fiction” cuts through the obliqueness of natural law tradition. However, the solution ends up equating form and content in mere abstraction. That people will revolt if they feel it is in their interest to revolt has already been determinately anticipated by the conceptual coupling of the human to/and his actions: he does what he wants to and whatever he does is that which tends towards his happiness, utility. The ‘power’ of the ‘fiction’ in the armature of the natural law traditions are not lost out in Bentham, who in fact faults Blackstone for not being able to distinguish – through the latter’s juridical stance – the just from the unjust, the criminal from the political action. While ambiguity there may well be usurped in its actualization as an event that it is humbly opened to, here ambiguity is reduced to austere impotence: for it is admitted that we cannot discern any “common signal” by which we can distinguish society from government, crime from politics, freedom from despotism²⁵. The reiteration of the principle (utility) in its immediacy is spuriously maintained by the setting-up of circumstance. When we are to decide on the meaning or value of an action, whether it is beneficial or mischievous, we are to resort to “testimony, experience, and observation”²⁶. How is this not the dreaded summation of the private i.e. common law which triggered such allergy in Bentham?

To evaluate the principal of utility in its performativity we will have to examine the *Introduction to the Principals of Morals and Legislation*, for the *Fragment* is admittedly one that is confined to its “censorial” duty. However in the Introduction the distinction between the ‘is’ and the ‘ought’ is once again explicitly annulled in the *operation* of its primary principle: utility. Such a collapse is effectuated by the *sovereign masters* – pleasure and pain – who now come to determine the meaning of action in its totality (actuality/potential, is/ought)²⁷. This sovereign characterization is not misplaced in that governance has now to take on an abstract determination, even as it thereby elides any analysis of socio-political domination. In this context that which was battled in Blackstone –

the nexus of relations that constitute society and government in the natural law problematic – turns into a binary bleached of its political genealogy: individual and community. The whole set of aporias that characterized natural right in its re-inscription in political society is now reconfigured into a calculus that reduces the qualitative break – hence the problem of transition – into quantity with a singular measure: utility. The utility calculator derives its power only once the community can simply be defined in terms of the “sum of individuals”²⁸. Hence it is possible to determine the value of an action in terms of its convertibility into a set of utility units. The specification of this convertibility and its *modus operandi* is left opaque; it is formally said, not materially shown. Materiality at the level of method in its loss is redeployed at the twin levels of locus and logic; neither the problem of other nations nor the relation between society and government exists anymore.

The question of what is it that precisely makes a mass of people *qualify* as a community and its problematic expression in the ‘law of nations’ is expelled. If abstraction can bulldoze, it similarly misconstrues its own fantasy. Bentham sees the ascetic and the sympathetic/antipathetic principals as those rivaling his own. Although his own systemic consistency is guaranteed by the fact/right-is/ought erasure this very emptiness is reprogrammed as a binary for his methodological critique. Thus, the – alleged – fact of governments and businesses never having usefully employed asceticism banishes it from the domain of right. Similarly the sympathy-antipathy principle is one that is necessarily private in nature and so subject to caprice²⁹. It is held – that by its own admission – it is antithetical to the notion of principle, since it states its preference without bothering to delineate an “extrinsic ground” on which to appeal. Its irrationality and exaggeration is revealed in the wares of history, where King James violently burns the Arian whom he hated. It cannot not be a coincidence that this instance is furnished by Hume’s *History*, the very same Hume known for his construction of society through sympathy. There is no more “extrinsic ground” in the material of the act than there is in Bentham’s sovereign masters: pleasures and pains. They “govern us in all we do, all we say, all we think”³⁰. Fantasy – as a protection of the inner core of inadequacy – relapses into the spell it was awakening from.

Community is itself a “fictitious body” composed “as it were” of its members³¹. Envisioned simply as an extension of individuals – individuals themselves understood in a homogenous cellular sense – it enables a “summing”. This deployment of fiction might seem surprising given that Bentham was rather “censorial” of its use in jurisprudence when examining Blackstone’s *Commentaries*. However, while in Blackstone the fiction served as an intellectual figure that was to attend to the problem of the continuity of sovereignty, through which laws and custom could at once be apprehended, here the fiction simply is stated as a fact, and left fallow. In negative terms it succeeds in bracketing off the genetic-political question of how the community *comes to be*. This use quadrates well with the “imagined” status of utility itself: “when an action, or in particular a measure of government, is supposed by a man to be conformable to the principal of utility, it may be convenient, for the purposes of discourse to imagine a kind of law or dictate, called a law or dictate of utility; and to speak of the action in question, as being conformable to such a law or dictate”³². Not only is the principle of utility imagined for the purposes of discourse, which in turns arc back to the fictitious community, but such a set of operations is secured by expelling the set of problems associated with the constitution of government in its conceptual cum genetic dimensions (the feudal). While this nexus – how does government come to be a ‘society’ of equals – was the animating agent of the natural law tradition, Bentham’s fundamental escape from the scene is marked by his simpler definition of government as that which is completely transparent to society (habits as second nature). In this sense government action is *simply* the action of a set of individuals. The flight from the problematic is reiterated in the understanding of the moral. While earlier the moral was that which *characterized* man in his essential political subjectivity, for Bentham this merely denotes the ‘popular’. The making of nature into civil society is translated as merely a sum – the summing of discrete units – from which a ‘majority’ as the new public, can be deduced.

The taxonomic becomes the privileged technique with which to construct the science of jurisprudence. Since a classification enunciates itself necessarily through criteria that are not internal to the classification, the nature of their exteriority too has to be secured

from critical scrutiny if the classificatory table is to unveil itself as all powerful. Pleasure/pain is here the handle, the *ratio* that orients the economy of the table underlining all its subsets. It is only this that justifies the (false) familiarity with infinity: every act can in itself unfold into an infinity of consequences, an act is the centre of which there is no circumference. Here lie the categories of circumstances that inform “human sensibility”, even as human “disposition” is itself defined as a “fiction”³³. The spreadsheet of the classification into classes – the kinds of circumstances, the kinds of offences, the consequences, – has its kernel in the pleasure-pain calculator; the nexus of problems concerning government and society, government and government, as historico-theoretically conceived, are abandoned. First, it was on the one hand claimed that there does exist a principle (the principal of utility as external) that determines action and on the other hand this is often enough internalized (an affectation cannot be abstracted and is therefore necessarily intuitive). Such a movement is left to slow exposure when on the terrain of ethics and legislation, in the following way: For Bentham ethics is defined as the private pursuit of self-government that looks at one’s own good while legislation is looked upon as government of/over others through what ought to be their interest. It is not clear when so defined how there can be any ratio between the two. How can self-government be pursued based on one’s own interest if it is simultaneously the object of a governance from which it is defined as different. Read otherwise, how does the public determine the ‘ought’ when the private is consumed in merely determining its own good. If indeed transparent to one another – as is otherwise asserted – the nature of the distinction is then left unclarified. Here Bentham’s critique of common law as well as the natural law tradition as merely being “private” and having no exterior standard rebound with devastating effect.

The social is the theatrical grid in which legislation and jurisprudence finds its object. However, it is made clear that only infinities and fictions constitute the mode by which specific actions and their meanings can be construed. The final business of government is – in this busy age – to “promote the happiness of society by punishing and rewarding”³⁴. Even if the factors by which such action is accomplished can theoretically multiply into infinity.

Thus, sensibility, circumstance, intentionality, action, consequence and disposition are all indeterminate sensors meant to trace the meaning of the act, and decide on its contribution to happiness. Contemporary understandings of ‘utilitarianism’ are questionable in the face of such complexity and paradox. It is not a question of determining whether consequence – conceived as exterior and independent of the act – and its validity is measured according to some happiness scale, disavowing the question of “distribution”. Rather, “among the consequences of the act, be they what they may, such only, by one who views them in the capacity of a legislator can be said to be material, as either consist of pain or pleasure or have an influence in the production in pain and pleasure. In certain cases the consequences of an act may be material by serving as evidence, indicating the existence of some other material fact which is *even antecedent* to the act of which they are the consequences”³⁵ (emphasis mine), later, “take any act whatsoever there is nothing in the nature of things that excludes any imaginable object from being a circumstance to it”³⁶, and later “disposition is a kind of fictitious entity feigned for the convenience of the discourse in order to express what there is supposed to be permanence in a man’s frame of mind, where on such or such an occasion he has been influenced by such or such a motive, to engage in an act which as it appears to him was of such or such a tendency”. And if “goodness and badness depends on circumstances”, and circumstances have to do with understanding and not will (intention) this again leads us down the slope of infinity, not unlike the ‘state of nature’ as it functioned in ‘natural law’³⁷.

This theoretic open-endedness doesn’t prevent the specification of conditions, but rather lays the groundwork for a heuristic of infinite interpretation. It finds concreteness and specification through a codification of probabilities as they relate to crime. Such a social grid – character and circumstance – castrates the natural right potential of the person that is to characterize humanity. It is rather this grid, as it unfolds as a vast spreadsheet that smothers the structural condition through which it enunciates itself: the political problematic. Even after basing itself on a set of vast fictions – community and disposition – the reality of the social perpetuates itself as a truth lying behind individuals. Here the social stakes out

an arena of governmental intervention which is perpetually auto-activated as 'nature' thereby impervious to challenge on the basis of any (natural right). Such fidelity to the nature of things – achieved through fiction – is similarly immune to a historico-political analysis of the sort found in Hume, Rousseau and Smith, for whom justice could never untie itself from property (inequality).

The new nature is nature in so far as 'facts' are merely juxtaposed with their ratio left in obscurity; since the principle that dictates behaviour – whether happiness, pain, pleasure or the greatest number – cannot be delimited and isolated from its enunciation. There are no clear criteria by which either happiness, or the "last man" can be established, that would enclose the community making it a unity. This problem is naively reformulated and acquires a temporal modulation in the *Defense of Usury*. Taking a position reminiscent of Locke, Bentham argues against legislative interference in matters of interest. It is held to be a matter of custom – a depiction of the way things naturally (is and ought) are – and thereby deemed outside the ambit of governmental action. It is in this rather brilliant way that the juridically rich category of "custom" – with no appended critique as found in his commentary on Blackstone – is redeployed: "Among the Romans till the time of Justinian we find it as high as 12 per cent: in England, so late as the time of Henry VIII, we find it at 10 per cent: succeeding statutes reduced it to 8, then to 6, and lastly to 5, where it stands at present. Even at present in Ireland it is at 6 per cent: and in the West-Indies at 8 per cent: and in Hindostan here there is no rate limited by law, the lowest customary rate is 10 or 12. At Constantinople, in certain cases, as I have been well informed, 30 per cent is the common rate. No, of all these widely different rates, which one is there, that is intrinsically more proper than another? What is that evidences this proprietary in each instance? What but the mutual convenience of parties, as manifested by their consent? It is convenience then that has produced whatever there has been of custom in the matter: What can there then be in custom, to make a better guide than the convenience which gave it birth?"³⁸. The massive density of the set of instances evoked is particularized into a multiplicity without measure or meaning. Whatever is, or was, provides itself as evidence for being as such. Whatever in abstract may be said about the relationship between money supply, the

legislature and trade, our studies have shown the ways and means through which they have been manipulated to effectuate certain ends. Here Bentham's discourse shines through precisely as what it often claimed itself to be – merely discourse – severing all relations with even the possibility of theorizing the *significance* of the relation between what are manufactured as pure data: interest rates, custom, parties.

Thomas Malthus: The Divine and Demand

In Malthus, the relationship between nature and mankind is intertwined at an abstract level while the consequences of such an epistemological maneuver are spelled out in concrete detail. Nature is primarily characterized, in abstraction from Man, as a sign of the divine in its ability to provide a surplus: land can give more than the labors it receives. The laws of nature now orchestrates itself as a rationale, suspending the earlier ontological support it received in man/nature, through which the conditions of man and his history can be accessed³⁹. That the laws of population and the multiplication of people will always outrun the production of food, are the laws of nature⁴⁰. Laws, denuded of an ontological substratum and the attendant problematic, operates, through reason on the fields of human history. The being of man in this sense gives way to the history of mankind, a history that can be plotted only through suspending the – questions surrounding – nature of man. Not without irony, it is only with Malthus and the *conversion* of man into population, using a 'scientific' method, an epistemological protocol, as a catalyst, that this is accomplished. The history of mankind becomes possible and the condition of the common people is let into the domain of science *only* when population as a category is endowed with meaning⁴¹. No longer surrounding the political – history orchestrated around the question of sovereignty, or history as orchestrated around the structural conditions through which the political condition is able to articulate itself – the history of the 'popular', the people in their everyday lives is enabled. It is argued, following Bentham⁴², that the *habits* of the population in their everyday lives are the key to understanding the state of affairs, not the general condition; the political as such in its institutional articulation is epiphenomena.

The habits of the poor and their crucial importance become the lens through which human history is rendered legible and evaluated. The histories of Hume and Smith, while concerned with socio-economic conditions, still formulated this by routing the political question via sentiment as the primary grid of intelligibility. By focusing on the habits and character – and nature as the opposing pole – the text can spread out a popular history to conceal its uncritical epistemological orientation. Nature in the form of natural laws becomes the lever by which human history is arranged. Plagues, wars, famines are all the natural results of humans who give in to their natural state – passions – without retaining their humanity (reason, prudence, anticipation). It is only the “positive checks” (the specification of the human in its ability to anticipate) that are the means by which the negative ones (nature in the forms of famines, plagues, and wars, resulting from the act of natural man in his passions) are avoided⁴³. This rationality encodes the great vibrations – the back and forth between increasing populations and the visitations of great death – of natural history. A condition in its oscillation – the constant reversals between the proportion of population and food — is an index of civilization. Savage societies are characterized almost solely by the negative checks and are, thereby, paradoxically, part of the continuum of nature without a Rousseauan redemption.

The nature of man, as it scripts itself as history, is how a critique of contemporaneous socio-political thought is undertaken. Seizing Condorcet’s hypothetical – *once* happiness prevails and the population grows *then* the problem of subsistence arises – and converting it into the primary narratological devise, a very specific relationship between logic, nature and history⁴⁴ is elucidated. The great vibration – the proportion between population and the limitation of the means of production articulates itself as the ratio between the nature of man (his drive) and the humanity of man (labor/production as limit/reason-anticipation) – is the language of history that prevents the mysticism of perfection. It is this very nature that pre-empts the possibility of locating the problem merely at the level of institutions, as in Godwin⁴⁵. Though the security of property and marriage are institutions, they have already been naturalized in the historical becoming of mankind and cannot be

abstracted away unless one wishes to return to the pure nature of man, the impoverished savage. With none of the sympathies of a Rousseau, the text holds the principle of the institution – and its structural inequalities – as a necessary *stimulus* to industry and labor as being *vital* for an unfolding of man's true nature. The alternative would be the return to the indolence of the savage: brute nature; Hume's margin is Malthus's centre. Thus, the problem with the "systems of perfection" is that they do not see the natural, at all levels i.e. constraints of human evolution which require scientifically calibrated stimuli: to extract labour and inculcate prudence. All this can only be deciphered through the natural laws as the new reason.

It is in the polemic with Paine that the political dimension crystallizes. It is not so much the rights of man that is disputed but the rights to subsistence without performing the requisite labour. Rather than locating the problem at the level of the institution, i.e. government, the problem is placed at the level of rationality/habit/nature. The argument is simply that if the poor work, for it they will be rewarded, and most of their misery – a misery that is not denied – is thereby placed at their door. The elucidation of the principles of population would help the poor understand that they should procreate only to the extent that they can provide for their progeny. Placing the stethoscope on the throbbing beat of habit and character performs many critical functions in such social theory⁴⁶. Focusing the problem on the government is not merely erroneous but disastrous, since it firmly latches the polity onto the bandwagon of perpetual revolution and violence. If habit, the *raison d'être*, is not addressed, no form of government will resolve the problem. Since, procreating more than it is possible to provide for – the real evil – creates the redundant population, a mob, unemployment, disease, unhealthy conditions and misery that erupts (yet) again into revolution. There is clear awareness that the *habit* of industry is anything but 'natural', and examples across history and geography are mobilized as evidence. Rather, it has to be *inculcated* and forged into that peculiar character of civilization: *taste*⁴⁷. It is only such desire – the desire for things which have a social brand (labour) – that can set industry into motion. It is at this level, in the prosaic that resists naming, that one can detect the political. Educating the masses through an industry that can no longer ask of the political inverts

both sentimental historicity (custom), and juridical right (natural law), through which the political was earlier established. Now the fundamental structural condition of the world as such – the division into the rich and the poor – has been sutured into the scientific gaze: of such things we can no longer question: “we come into a world possessed”⁴⁸. What sentiment tried to normalize as history, is here domesticated as the double that is nature and project.

For the whole political tradition up unto now the family was the model, the double, of the political condition by which hierarchy and rule were understood. After Locke’s well known critique of Filmerian Patriarchy, the family remained crucial to the debates around Walpole, Swift and Bolingbroke, re-emerging in Hume and Rousseau⁴⁹. The family is not only a way in which hierarchy is inscribed into the very emergence of the human – making inequality a primal condition as opposed to atomic individualism – but that which positions ‘education’. Political rule has inculcation as its second nature; the parents not only have power over their children but also educate their children, thereby constituting the doubling nature of authority. In Malthus, the family as a category is overthrown by the general condition of the population, which itself has now usurped the place of the ‘child’, who needs to be educated into his humanity. The face of authority is thereby elided – and with it the political problematic – through naturalizing reason. The specific principle of rationality which characterizes humanity in its inheritance is now prudence. Although “regulation” and “direction” are repeated like cant, no clue is given as to the precise means by which this would be enunciated. What is left is simply the *fact* of poverty that in a circular way accounts for itself. 1) They are poor simply because they are and one cannot hope to find any institutional-structural reasons or 2) They are poor because of their habits. Morality is rendered *intelligible* only in terms of its consequences⁵⁰ – whether eating bread from someone else or ones own is meaningless in the abstract but has meaning in its consequences – and thereby occludes the problem of the nature of the moral as previously articulated: inequality between men who as moral beings are/ought to be free. Steering clear of the political minefield is thereby enabled only through a relapse of reason as ‘method’ and its expression in the ‘facts’ of the world (poverty).

The range of the principle of reasons is unlimited, and holds the whole stage of political-economy in thrall. For while earlier historical researches – as evident in Blackstone, Hume and Smith – were interested in the question of Hunting and Shepard societies, studies that were supplemented by ethnographic data, offered here is a *logical schema* that substitutes for the ‘historical’ question. Once upon a time people, in the manner of a fable which is what method is now, people existed, there was fertile land and when the growth of population put pressure on land and subsistence, then people moved on to less fertile land⁵¹. Rent becomes the ineluctable marker of necessity in the logical tale, and its character as *appropriation* — at various levels as will be examined below – is that which is subtracted. In the first place the text replaces the political lens of feudalism through which the question of land-expansion as appropriation was narrated and now analyzed within a hypothetical/inferential modality. Rent is understood as simply necessary, and is insisted upon even while its entwinement with violence and the political structure is suspended. Leaving aside the historico-political modality, a critique is mounted on the position – attributed to many of the Economists – that rent is a common monopoly. This is read as fallacious because what distinguishes rent from a common monopoly is that the former produces necessities (food) while the later produces non-necessities. This would mean that with the later the “demand is exterior to and independent of the production itself”; there is no placing of a limit on the increase of the price of such a production since it is determined by the competition among buyers⁵². In the case of rent, on the contrary, in so far as it produces food, it itself produces its own demanders, following the principal of population. This demand cannot be independent of production, and the “laws of nature” would always proportion production and demand. These arguments fundamentally fall back on the *nature* of land as opposed to the nature of that which is produced by man, now understood *sui generis* as ‘luxury’. We will need to investigate this difference further.

Time and again it is insisted that land is to be looked upon as a gift from God, in that it is necessary for the sustenance of man and can support more than it consumes (the labor it takes in by being worked upon)⁵³. However, it is also *limited*, and it is this quality of

being necessary and being limited that enables the existence of rent. Thus the schema: 'once upon a time', when there was plenty of fertile land, rent could not emerge as an independent category. It is only when less good lands were worked upon, that the first piece of lands acquires rent because of the tendency towards a uniform rate of profit (competition). Quality now becomes quantity through taking the form of degree: it is the degree of fertility that proportions value. This differential is rent and is a necessary constituent in the natural progress towards civilization. Such a progress is characterized by an accumulation of capital (lowering profits) and an increase in population (lowering wages). This in turn is responsible for increasing the rents, although the two factors – decreasing profits and decreasing wages – might counterbalance each other. Profits and wages operate in the realm of demand and supply and are captive to their logics; rent is only partially captive to this dynamic (demand and supply) in its being the bearer of surplus values, and in its being a necessary constituent. Furthermore, improvements in agriculture that would diminish necessary labor as well as an increase in the price of agricultural labor from increased demand would also play a role in increasing rents. Agricultural improvements would increase profits and attract capital from manufacturing and commerce thereby accumulating capital, leaving the surplus again with the landlords. Increased demand would in turn bring new land into cultivation, equalizing profits and, thereby, leave a surplus to the landlord yet again. The ability in creating demand and the further proportioning of value with manufacturing and commerce (internal and external) allows rent to increase. However, such an increase will always decrease in *proportion* to manufacturing and commercial value⁵⁴. This is a point that seems of some importance to Malthus who wants to prove the logical progression of increasing rents and the simultaneous decrease in its proportional value in relation to manufacturing and commerce. Marx of course substitutes labour for rent, and thus attempts to prove that the increasing proportion of fixed capital ensures the decreasing proportionate exchange value – although increasing in quantitative value – of labour that leads to crises.

There is clearly a theory of surplus value that operates in the Malthusian text and infiltrates the whole argument. It is, as argued

above, clearly present in the theory of rent which is part of, outside, and yet an enabling structural condition for the cycles of exchange. This cycle of exchange – demand and supply – needs to be investigated further for here too is present a theory of surplus value. In the first place value is defined in terms of the “power of purchasing”, associated inextricably with demand⁵⁵. The final *telos* of the politico-economic plot finds its denouement in consumption. And this *telos* is one that is in itself, as such, outside the realm of supply and demand and is only thereby able to exert its pressure. While demand and supply proportion each other – taken by themselves – they cannot account for a theory of value, since proportionality is a theory of equivalence and evaluation would need to posit an exterior measure through which a measurement can take place. Equivalence yields only (at) the moment of its vanishing – this is of course what Marx will call simple exchange, the domain of money, in the *Grundrisse*. The exteriority through which the equivalent exchange can be accounted – as well as equilibrated for there is a dynamic dimension that has to be factored in – is Malthusian demand. It is in this manner that Malthus wants to extricate the science of political economy from the domain of mathematics which he sees as merely invested in “comparison and exchange”, as though values were empty, i.e. equivalent signs⁵⁶. This is the position attributed to Ricardo and others for whom trade and exchange can offer no theory of value, and only such a position renounces the possibility of a “general glut”⁵⁷. A specific glut is of course a function of the equation and will be made up elsewhere, but a general glut is impossible in a theory of equivalence for such a generality would itself as such have to have been *posited* by something ‘outside’. Fundamentally a theory of ‘crisis’ has been outlined through the ‘outside’ that is Malthusian demand.

“It is evidently not merely the extent of actual demand, not even the extent of actual demand compared with actual supply, which raises prices, but such a change in the relation between supply and demand as renders necessary the expression of a greater intensity of demand, in order either to peaceably divide any actual produce, or prevent the future produce of the same kind from falling”⁵⁸. A certain form of equivalence, comparison, is possible only when there exists a univocal medium, and yet such an operation is not something

which itself exists naturally but has to be posited by something that is not of the same medium. It cannot be an accident that extent (a quantitative measure) thus has to be set to work through “intensity”, a qualitative instance-institution. This excess which is also limit, whether it takes a temporal mode or a logical one – the distinction in this case is heuristic – is a necessary constituent in the understanding of exchange. This operation is not dissimilar to the operation of rent in the equilibrating of wages and profits, accumulation and population. Such an epistemological protocol is instantiated in very concrete terms. It is only in this way that the evidence of a general glut – even if as possibility – can be understood. The exhaustion of the exterior (demand) due to socio-moral factors could very well lead to a general glut, when taking the nation-state as a unit. It is through emphasizing demand that Malthus explains the advantages of a war where the capital saved is turned into productive capital through the medium of the State⁵⁹. Simultaneously, the need for the unproductive consumer who occupies the figure of the outside by means of which the cycle of production can be turned⁶⁰, is emphasized. Such an understanding is not without paradox – and not without insight – especially when we witness the argument that for the worker to work, his subsistence would itself need to be staked, and it is only the fragility of his existence which would prompt industry⁶¹. This, on the one side, has of course been supplemented by the super-valuation of the goods that the rich consume, as luxuries. The doubling of the surplus and the necessary is that which structures and stabilizes the category of value.

From such a perspective it is not surprising that little regard is given to the cost of production thesis or the labor theory of value that found its most articulate spokesman in Ricardo. For labor – delimited work – is simply a good like any other and so directly embroidered in the cloth of exchange. Cost of production is merely the necessary price, and one that doesn't exhaust the value which is dependent on a “stimulus”, i.e. demand. It is in this context that a new classification (“orders of production”) replaces the Smithian division between the productive and unproductive classes⁶². This schema is based on the renters, (who support themselves, the capitalists and the workers), the capitalists (who support the workers), and finally the workers (who are able to support only themselves). But though the workers

may seem unproductive from the angle of production (since they only are able to reproduce themselves) they are still productive in so far as they form a class of “demanders” (a problem revisited in *Capital II* discussed below). Here again we witness a paradoxical doubling of surplus value (the renters who productively consume) and necessary value (the workers who productively consume). It is only this schema that makes sense of the whole arena of political economy as well as its dynamic, whereas the cost of production thesis allegedly cannot explain many sectors of the economy including those that have largely to do with raw produce as well as monopolies (which have little to do with the cost of production).⁶³ The cost of production is merely a necessary component of price and value rather than its exhaustive interpretative devise.

The critical place given to demand and supply lead naturally to a closer attention on trade and foreign exchange, and yet we know that the landlord and rent is given pride of place in this economic theory. The ideal economic system formulated here is a combination of the agricultural and economic systems. It is the creation of a market – internal and external – that would benefit the home country, and hence Malthus underlines the importance of improving transportation systems, breaking down the barriers to the internal circulation of goods. However, he has constantly underlined the natural indolence of man, and hence he also places equal emphasis on the *cultivation* of taste, which is of course the critical lubricant to the market mechanism⁶⁴. The produce of grain increases the population and secures the nation from the uncertainties of foreign trade in such an important necessity; one reason why he supports the Corn Laws. On the other hand, the importance of trade is underlined as the only means by which an increase in supply need not lead to a decrease in prices. In this context, without the slightest reflection on the political dimension, he speaks of the importance of colonies not only in the context of trade but also in the context of *employment*. Employment again is an issue that can be resolved only through prudence (the principals of population) but also through the cultivation of taste and industry where demand would ensure the need for production and work⁶⁵. The political is only retrieved at this level – at the moment of its vulnerability – when unemployment and poverty could lead to the dangerous “mob”. The mob that by its

very nature leads to destruction and then necessarily to a despotism that in turn lapses into anarchy since the root problem, i.e. ‘natural inadequacy’ is left untouched. And the solution, as we’ve been reminded time and again, is prudence: the poor multiply beyond their means and thus create their own miseries. Rather, desire for goods – the *insertion and harvesting of taste* —becomes the salutary means to pre-empt the conversion of industry into revolt⁶⁶ (the political specter).

The Malthusian technique is exemplary in the way it translates the violent history of political conquest – land occupation in its feudal modality – into a logicist cum mystical account of surplus value. This attempt is not without contradiction, for it is never fully clear whether the (surplus) value of land is derived from its quality (land itself as a gift from God outside the human circuit) or its location near a market (human-political history)⁶⁷. This antinomy is that which is formulated as the rational, in place of the historico-political: fertile land would have been abundant at first, then population would have increased, people would have had to move to less fertile land, this would have caused the creation of rent. The divine nature of land is that which necessitates the importance of rent and food and is thereby the means by which the monopoly argument – of rent being a mere superficiality and *transference* of labour – is contested. It is at this point that the text can refer to Smithian prudence in its characterization of rent as a “natural monopoly”, where food is denominated as necessary and one that creates demanders thereby distinguishing it from the normal variety of monopoly. Yet, on the other hand, the Malthusian theory of demand underlines its critical place in the constitution of value, hence the location of the market – where raw produce can be sold – being a crucial determinant of rent. Demand doesn’t square with the qualitative nature of land which would ironically sit well with the Ricardian notion of value that is measured in terms of the cost of production. This schematic tension, however, does little to alleviate the structural violence inherent in appropriation. Such violence while replicated on a grand real scale, with British conquests the world over, i.e. land settlements, is simply tranquilized with logicist schemes.

David Ricardo: Labor as Medium, But Carrying the Message of Land

Ricardo is of course well known for his argument about the cost of production – or the quantity of labor – as being the determinant of value. The reasons he offers are, however, complex and often conflicting. Like Smith and Malthus, we witness the staging of the primitive condition as the scaffolding from where he sets his conceptual machine to work. In the original stages of society, labour, was completely equivalent to itself, and in this context the cost of production was no different from its price in the market⁶⁸. In so far as time is the medium as well as measure for labour, this meant that if it took one hour for the hunter to catch deer, and it took one hour for the fisherman to catch ten salmon, the price of ten salmon was equal to the price of one deer. Such equivalence was established by the fact that labor was merely labour power and in so far as its expression was time as measure, it was merely this time that determined price and value. This is a singular and homogenous time because it is prior to accumulation (whether of stock or the appropriation of land). Homogeneity is what renders number and its measure as discrete units. In such a time what characterizes the thing is that it can be multiplied (by labor) and thus its value is precisely its relation with the other thing through the medium of time-labour-number. Labor power is thus strictly transparent to the thing that in its potential can be multiplied, and that ‘it’ multiplies. This, the thing, can be defined – evaluated – only in so far as it locates itself as a world, where time, number and labor have not been distinguished. If this is the case in what manner can we speak of the value of the thing in its singularity? In effect we cannot, and it is this thing-in-totality that is denoted under the rubric of “relative value” or quantity.

It is only in such a state of innocence that Smiths two-fold definition – value as the quantity of labour involved in production and value as the quantity of labour that can be commanded in the market – is rendered meaningful. However, we are reminded that even in the rude times of a primitive state, of hunters and fishermen, time was not so simple. For the hunter, just as the fisherman would require tools, would require equipment through which they could then carry out his labor⁶⁹. The things exist as the already-made, thus able to critique – delimit – labour; as congealed labor is no longer be

simply transparent to 'labouring'. (We've been placed right in the midst of Locke's theory of money). In so far as such equipment is never ready-to-hand, a heteronymous temporality exists. Each thing has (already/all ready) its own time, a time that has been fleshed out through labor. The hunter would have had to have made his bows and arrows, and the fisherman would have had to have made his canoes and nets. Each one of those things would have taken time/labor, and each of those things would thereby be defined by its temporal consistency: duration. A bifurcation of the original labor is already signaled, a forking into capital (accumulation as the thing, a sealed time) and labour (action as the quality which articulates the thing). However, in as much as value is being conceptualized, evaluation would need a singular medium: that is denominated as labor/temporality. The time of the thing is its measure by labour, one's evaluation always takes place in the middle of an already differentiated temporality. It is only in this manner that one understands Ricardo when he says that even in rude times there had to have been things, through which labour is undertaken. The real question then comes to be: How is a differential temporality equilibrated?

In answer to this question, one sees a veering towards the Malthusian understanding of the crucial role of the market, the second definition offered by Smith. For the text argues, 'of course' men have different skills, and these different qualities – the term thus used is not without significance – come to be adjusted. "The estimation in which different qualities of labour held comes soon to be adjusted in the market with sufficient skill for all practical purposes, and depends much on the comparative skill of the laborer and the intensity of the labour performed. The scale once formed is liable to little variation"⁷⁰. Here we see different kinds of human labour in their differential temporality (intensity) and the establishment of their proportion (scale) by the market. This is strictly antinomial to a theory of the cost of production that he had argued for earlier. In addition to the different kinds of labor, the introduction of Capital (things/equipment) as a determining condition in the (re)production of value, only further complicates things. How are different things with the varying times that they take to be made – as well as their internal connection to one another, for one thing can be but a step in the

production something else – be equilibrated in a singular scale. The question cannot be left at the door of the market because if this were the case the whole *science* of economics would then be simply rendered obsolete. Market conditions are precisely the empirical instances that have to be explained, and therefore cannot serve as the primary explanatory schema. This predicament is especially threatening because Ricardo is interested in contemporaneous times that are characterized by the proliferation of things and capital, a time where the arts and commerce flourish, and thereby are at a far remove from the original and allegedly isomorphic relations between hunter and fisherman.

We have observed that the problem is simply not about the cost of production of a thing in its singularity as much as the market as a site which is concerned with value in its totality: the relationships between things as a whole. This theory of labour has already indicated an ‘internal’ relationship between things at the level of their very definition in so far as they are *branded* by/as the time/labour consistency. How is this internal grill related to the site of the market that is also presumably a mechanism through which value is measured in exchange cum totality. This dilemma is not simply resolved by being told that “in estimating the value for stockings for example we shall find that their value, comparatively with other things, depends on the total quantity of labor necessary to bring them to the market”⁷¹, because the “other things” are included in the production of the stockings and they would themselves, comparatively be related to that which they necessarily include. To break out of this perpetually self-adjusting distributive equilibrium, it is argued that it is in fact only the addition of a quantity of labor that would affect the (relative) price of a good, and thereby play the determining role in its value. Not wages which would perpetually be adjusted to profits and is already implicated in a (re)distributive mechanism, but “an additional quantity of labor”⁷². Theoretically this is still rather opaque, since how is one to account for an additional quantity of labor without taking recourse to profit, wages, and rent; except through the miracle of immaculate conception. Neither does the phrase “additional quantity” help, since quantity already presupposes a continuum, and the act of addition would therefore be necessarily an arbitrary act. But a clue is given by the

predicate that is often added in lieu of ‘addition’, which is ‘difficulty’⁷³. Here again a qualitative marker is both residue and precondition for the circulatory relation to take place, it is both inferred from the exchange relationship, as well is required for it. No conceptual clarification about this ‘addition’, how this could either be understood or accounted for, is provided.

Suspending the theoretical grounds for understanding labor as value-determinant, a taxonomy of Capital appears; which would in his analysis be a reiteration of the labor problematic. “Accordingly as capital is rapidly perishable, and requires to be frequently reproduced or is of slow consumption, it is classed under the heads of fixed and circulating capital”⁷⁴. The typical and easy examples given to us are the buildings (have greater durability and therefore fixed capital) and wages (consumed in subsistence and forms part of a repeatable movement and therefore circulating capital), and furthermore to disassociate any simple link between the physicality of things and denominating them as forms of capital we are told that whereas the farmer’s seeds would be part of his fixed capital (greater duration), a baker’s wheat made and sold as bread would be included in his circulating capital (shorter duration). However, the duration of the thing takes us back to the question of labor, since it is labor that is the ‘stuff’, the medium and measure, of duration. It is here that the proportion between fixed and circulating capital become a critical means by which the value and price of a commodity can be determined. An obvious implication being that, “in proportion as fixed capital preponderates in a manufacture, when wages rise the value of commodities produced in that manufacture is relatively lower than that of commodities produced in that manufacture where circulating capital predominates”⁷⁵. Implication here denotes a classificatory cum dynamic apparatus that erases the principal through which it is itself grounded: labour.

It is at the level of an articulation that the equilibrating (‘commensurating’) process (re)adjusts itself. And, thus, it is in this realm that we can find the primary categories already delineated by Smith – rent, profit and wages – play their critical roles. The section on value speaks of the inverse proportionality between profits and wages – touched on above – immediately after which he moves on to treat each of them separately. Rent, whose treatment was suspended

in the value chapter, becomes the first to merit independent attention; it is also the last chapter of the *Principles*. The doctrine of rent takes its departure from West and Malthus, which is itself a derivation from the Smithian hypothesis. We have above treated the radical nature of the shift that rent makes within the Smithian oeuvre – from the political to the economic lexicon – as well as the Malthusian recuperation of the divine as the heuristic in the development of a theory of surplus value. Here too, the quality of the land is crucial and in this manner it is argued that rent is indeed the compensation for the use of the “original and indestructible use of the soil”⁷⁶. However, rent is thus related to a *structural* condition of possibility and not proportionally linked to a theory of value or price. It is simply that which allows – but in no way forms part of or is related to – the production of value. Herein lies the manner in which it can be distinguished from profit that follows completely different laws, which is directly related to labor through Capital (accumulated labor). This distinction between labor/capital, wages/profit and rent/soil will be seen as primary and, similar to Malthus, formulated temporally.

Ricardo too recalls the fable of the time when men had all the fertile land they needed without any gradations, a time of no rent⁷⁷. Nature mirrored human nature in the absence of distinction; the value of soil was transparent to itself just as was labor. Then, with time, and with the growth of population, less fertile land is appropriated and it is this that formulates the need for rent. *Assuming the rate of profit to be the same*⁷⁸ it is argued that since equal portions of capital and labour are being used in production, the first piece of land would leave a residue for the owner/farmer: this is rent. Soil is thus conceived as a continuum made of successively less fertile land that is in turn sequentially appropriated by mankind. This ensures that the lands previously occupied accumulate rent – as time passes and labor sets to work – just as the least fertile land requires no rent. The micrological movement – discreet units being traversed — at this conceptual point unfurls a macrological reversal. Absolute fertility that required no rent is strictly equivalent to the limit that limits the series of increasing rent. By locating in rent merely the compensation for a strictly structural condition Ricardo is then able to render it vulnerable to the operation of “transference”; it need

not be substantively related to the production of value. The surplus labour that is required to work-through less fertile soil is transferred to the pockets of the landlords thus making the operation of transference an abstraction that is in no sense germane to the qualitative aspects of the soil⁷⁹. We have seen above the ways in which Malthus takes exception to this particular branching of the Ricardian theory for he wants to qualitatively link the capacity of surplus to the nature of demand. What distinguishes rent from mere monopolistic price is the fact that the soil necessarily creates its own demand, and is thus already tied in to the market-mechanism; a point underscored further by Malthus in his ambiguous theorization of the place of demand in the definition of rent.

The theoretical investment placed by Ricardo in radically distinguishing rent from the market is of course part of the need to fundamentally distinguish rent from profit. This enables him to make rent 'superfluous' i.e. a surplus and only such can it be subject to an operation of 'transference', where the two terms that would be required are not affected by the (abstract) mode of transference⁸⁰. It is not fertility as a quality that is germane to the production of rent, but rather precisely fertility as a degree – bringing in the quantitative dimension – that is responsible for rent. Fertility as a quality in fact ensured that rent wasn't needed at all; the primitive condition where rent was absolute (quality) and where there was no less-fertile-land (quantity) to appropriate. Thus, the increase in the comparative value of raw produce is not determined by rent but by the "additional labour" required for cultivating less fertile land: hence the necessary creation of rent. This is a loop back to labour in the understanding of value and its constitution. In this interpretation, rent is merely a symptom and plays no role in the logical cum genealogical construction of value. For the price of corn and raw produce in general is determined not by rent but by the absence of rent; the absence here functioning as the limit that the last piece of land which is worked on by capital and labour which doesn't require rent in its tending towards the general profit rate. (This is of course a conceptual reversion to the primitive condition).

Symptomatically rent signifies an increase in general wealth i.e. increasing production without a proportional increase in the value of labor when it is itself stationary or falling. Even if stationary of

falling – while at the same time increasing relative to the value of raw produce – it is itself effected by a number of factors that need have little to do with fertility and include trade (free importations of raw produce) and machinery (increasing agricultural production). It is here where the dispute with Malthus is rendered acute for the Ricardian argument in its implications tends to put manufacturing and trading interests as being inversely related to the interests of the land lords. For trade, manufacturing and the increasing efficiency of agricultural technology can counter the ‘naturally’ decreasing fertility of land i.e. an increase in rent. “Whatever diminishes equality in the produce obtained from successive capital involved on the same or on new land tends to lower rent, whatever increases that inequality necessarily produces an opposite effect, and tends to raise it”⁸¹. However, there is no chance against nature, and hence the Ricardian pessimism. The ‘additional difficulty’ in producing corn would always increase due to decreasing fertility, thus in the long run defeating the manufacturing and commercial sectors. Equilibrium is always regressive, because nature, the determinant of value in the last instance, is always being continually depleted⁸².

Profits occupy a paradoxical status, and such a system pushes this to the extreme. The essence of profits lies in its acquiring a return that is greater than its original investment. This is rendered possible through the existence of capital/ stock – accumulated labour – and is realized in the market place (structured through the forces of demand and supply). This site of realization as its ‘free-play’ – capital and labor are free and mobile – chips into its own origin though accumulation (labor – ‘thing’/capital (accumulated labor)) – accumulated capital – capital escapes elsewhere (declining profit rates). Of course the question as to how capital – itself accumulated labor – and labor can both be part of a function is left unclarified. Leaving this aside, we are informed that when in any particular sector – an arbitrarily delimited zone of production – the rate of return is increasing, capital accumulates there and brings it down, indicating an equilibrating tendency. The ‘original situation’ (itself a result of *primitive accumulation*) forms the center around which forces strive to return as necessity, at once conceptual and systemic. This movement is rendered perpetual through the structural asymmetry – labour and accumulated labour – *posited* at the outset.

Such an asymmetry is itself doubly posited; by land on the one hand and labor on the other. Ricardo can argue that rent always falls on the consumer by *equating* the naturally decreasing fertility of the soil i.e. 'expansion' to the increasing value of labor (the additional difficulty to produce the same)⁸³. This naturally *downward* spiral also thereby signifies the increase in money wages (due to an increase in labor-value) which is but the other face of the increase in rent. It is profits that as the in-between of these two conditions that can then truly reflect the condition of the downward trend in so far as it alone is not directly linked to value, but rather is a mere residue/return (of land and/as labor the original sources). An increase in value (difficulty of the additional unit of labor due to decreasing fertility) can only be nominally compensated by an increase in rent and wages. This means different things for the landlord and the laborer because the landlord doubly benefits (by the increasing value and price of corn in relation to other commodities) while the worker's increase in wages is merely nominal, offset by the increasing rise in the price of corn and its value/price related to other commodities, with his condition often worsening i.e. Corn and rising expense occupying an increasing share in his total expenditure⁸⁴. Even if an increase in his wages is only nominal, this has real effects on profits since they are inversely related. Thus, from this angle too the rate of profits necessarily fall. Uncannily similar to the 'death-drive' where the tendency is defined by its movement towards complete cancellation, the subtraction of which is (its) life.

Although admitting to the equilibrating tendency at the level of profits, when it comes to international trade it is argued that these laws cannot fully apply since Capital doesn't have mobility. Thus, in his famous example of Portugal and England, Ricardo attempts to demonstrate that even if wine and cloth could both be produced relatively cheaper to England, *it would still benefit Portugal to exchange English cloth for its wine if its wine production employed less labor than its cloth production*. This takes place because in its exchange with English cloth, Portugal is maximizing its own advantage both in its production as well as in its derivation from English industry. In this concrete case, units of English labor are truly more valuable than units of Portuguese labor although within the nation state all labor is equivalent (12 Englishmen is allegedly equal to 12 Englishmen

because of the free mobility of capital)⁸⁵. Assuming completely free competition within countries and sealing capital (and labor) within national boundaries – flying in the face of conventional wisdom and contemporary reality – allows Ricardo to return to the fact that exchange in any form cannot affect value; only the change in the additional difficulty of labor has this privilege. A theory of international trade that hypostatizes a particular distribution of value among countries – according to climate and talent – ignoring the historical interconnections between what were to become countries in the first place. At the level of profits and exchange, capital is free within the country just as the state of value is reified in its relation to other countries, while at the same time it can be directly affected only by a change in wages (which again is directly linked to labor-rare produce-rent). Increasing nominal wages – as alluded to above – serves to decrease the rate of profits and even if trade and agricultural improvements stem the increase in price the proportionate decline in the rate of profits is inevitable for the improving country since that extra bit of corn is always going to get more difficult to produce due to decreasing fertility. Ricardo often maintained his theory assuming money to be an invariable standard, but later goes on to argue that even an influx or efflux of gold can have no real effect on value, since the rates of profit are but dependent on labour and not on the circulating medium⁸⁶. It is no surprise that this is a position that needs to be mentioned considering that there is a constant movement of gold across national barriers, but this movement is explained in terms of – and thereby plays no determining role in – the theory of profits and trade sketched out above.

It is telling that Ricardo's title reads as *The Principles of Political Economy and Taxation*. It, thus, should come as no surprise that in all the sections that deal with taxes Ricardo never questions the right or the legitimacy of the State to tax. Stating the issue in characteristic fashion, he simply tells us that "taxes are a portion of the produce of land and labour of a country placed at the disposal of the government"⁸⁷. The pool from which taxes are derived are divided into capital and revenue. Capital is the fund for production, and revenue denominates the quantitative aspect of the returns; for it is the qualitative capacity to produce value – the measure of the

difficulty involved in production – that distinguishes the former from revenue. Although the discussion assumes historical and geographic aspects – such as Say’s interpretation of the gabelle or the land-tax imposed by William and Mary – that conceal political contestations, Ricardo translates these issues into abstract factorizations (the effect of taxes on value, production and distribution). It is in this sense that taxation is de-linked from the production of value and its meaning lies merely in the way it affects the primary categories of the Ricardian schema: rent, profits and wages. The absence of ‘politics’ is reflected by such an understanding of taxation. For instance noticing that the increasing expenditure of the British state also signaled increasing wealth, Ricardo still maintains that increasing taxes here played only a *negative role*; he argues, contra Malthus, that without them one would in fact have witnessed even greater wealth⁸⁸. Attempting to let taxation stay in the bare minimal, it is imperative that it should fall on revenue (numbered wealth) and not capital. This might reduce the enjoyments of the people but would thereby leave value – tied with production/capital – unaffected. However, abstracted from Value in such a way it can in no real way affect the fundamental arguments of the Ricardian system. Be they the ‘comparative advantages’ of international trade, the increasing conflict between landlords and other classes, or a theory of profits⁸⁹. In this way, the active power of the state is exiled as a mere variable – and thereby essentially irrelevant – to the study of the principles of political economy.

James Mill: Commerce And Politics, And Their Antinomy in the Colony

James Mill occupies a curious position in the intellectual scene we are engaged in analyzing. Friend and supporter of Ricardo and Chief Controller of the East India Company, he was known during his time for his essays on politics and political economy, but is perhaps discussed now most (in)famously for his massive history of India that was the textbook for aspiring Company officials. The styles and modes of writing politics, political economy and his history are rather different and express in exemplary fashion the increasing bifurcation of the two discipline-subjects in terms of their

thematic habitat but also the necessary in-mixing and antinomies in terms of their conceptual idioms.

The question of “government” is placed within the rubric of determining means and ends rather than ‘right’ or ‘sentiment’. Mill recognizes that his predecessors analyzed the question of government within the general question of human nature and public good. This orientation of the question is held to have been responsible for the vagueness and uncertainty surrounding the subject of politics, and Mill deems it his task to clearly ‘settle’ the principals. For this, however, he would, as he admits, completely abstract from discussing the nature of human beings and the nature of human freedom. Assuming subsistence and pleasures to be the end of man, he then goes on to locate their basis in labor, and defines government as the medium of their procurement through the means of other humans. Labour itself is read as both sign and negation of the scarcity of nature. Because the spontaneous production of goods and happiness from nature would render labour itself superfluous (an argument found, among others, in Hume and Smith)⁹⁰. Ironically, this inadequacy of Nature, labeled as a “law of nature”, is extracted from the rubric of freedom, reason and God where the natural law traditions had grounded them. Mill then reiterates the argument differently by pointing out that only through labour are “pleasures and even subsistence” are produced. The combination of people into a unity – society – is rendered actual through either force (“evil matter”) or the allurements of advantages (“good matter”). Only the latter is developed. Already from within the analytic descriptive – scarcity forces people together – a normative intrudes sans explanation: force as catalyst is summarily dismissed by *non sequitor*; it does not conform to the “greatest happiness of the greatest number”⁹¹. But even in the enunciation of this principle, what was initially negated – the evil matter or force – returns with added force as a possibility-conditional. Mill argues that it is the need for protection that is the mode of unity; hence leaving the ‘what’, i.e. that which is the object of fear and induces the ‘need for protection’ as an unanalyzed perpetual possibility. Such a unity is maintained, we are told through delegation: a small fraction of the people is left in charge of governance⁹². No explanation or analytic depiction is offered, but we can note the inversion of Hume and Mandeville who

argued that it were the ‘few’ (politicians) who allured the many signing off their interest as that of those unified. But here, “delegation” stands for the ‘end’ of government, and thinking the issue resolved it proceeds to explicate the ‘means’. A familiar set of problems appears. The very Hobbesian *threat* of force⁹³ already presupposes an ontological distinction, which would then have to be arbitrarily suspended to enact the combinatory operation (“unity”) which would at once either render the before (force) as superfluous (questioning the validity of the argument) or domesticate it into perpetuity (signaling the ever-present force as the integrating function of the political community).

Though the ill explicated operation of separating ends from means has been undertaken, we will notice that the means are intelligible only once the ends have been re-introduced. It is not this contradiction that interests us – since no line of reasoning is invulnerable to correction – but rather the fact that the execution of the divorce of means and ends disallows a detailed examination of the relationship between the external relationships among communities (‘unities’). This is less excusable precisely because of the argument made that the community unifies in the face of ‘external pressure/threat’: when the strong threatens, the weak get together forming a government. While the problem of the strong/force remain – via the retention of the ends of unifying – it does so only as internalized. The question now animating the understanding of government is how to limit its powers once it has emerged⁹⁴. This problem and the ‘origins’ of the government in the first place are univocal in their intelligibility in being founded on a certain conception of human nature: man will pursue his pleasures even if it means subjugating others into abject slaves (erasing the distinction between person and thing). Concentrating on the ‘inside’ of government here unfolds itself as the same as its origin from the ‘outside’ since we are in exactly the same situation that provided the context for the formation of ‘unity’. There is nothing to prevent general enslavement, an issue that was otherwise ignored. This issue is only exacerbated by a radically negative conception of the human; “that one human being will desire to render the person and property of another subservient to his pleasures, notwithstanding the pain and loss of pleasure which it may occasion to that other individual, is the foundation of government”⁹⁵.

Such radical pessimism is enabled only by extracting the theological principal that animated natural law traditions. We have already seen how Theology was part the guarantor of the moral: the human being as free through sin. Freedom is now conceived merely negatively in terms of limits. Politics is not about the political essence of the human being, but rather is about how one is to determine the limits of a government already formed. In a strange way the government is naturalized, as a condition that cannot be challenged in- itself, the irreducible givenness of the political condition. While the natural liberty of self-preservation was conceived ontologically for the human in his singularity as much for his becoming a society in Mill 'pleasure' is the definitive end of human action, supplanting the place of God-reason-freedom. Since pleasure has no determinate referent and is never self-adequate it forces the human being to be perpetually undertaking actions for an end that can never be realized. It is this characteristic that puts everything under threat, places all as potential for the pleasure of another⁹⁶. Under such conditions we return to Mill's primary problem: how is one to check or limit the powers of those who have powers, i.e. the government in relation to society; transposed — suspended to which is the question of how to limit or check the powers of government in relation to other governments/societies. We cannot emphasize enough that according to Mill a solution to this problem is essential for preventing "abject slavery" which is deductively proved *a priori* (from the quality of man) as well instanced empirically (slavery in the Americas). The earlier solutions of mixture (Blackstone unnamed) and/or balance (Montesquieu unnamed) are deemed inadequate because they have no way of getting around the qualitative nature of man as destructive appetite. Arbitrary partitioning would only ensure that parts will combine and thereby swallow the whole; the specter of the 'external' remains here. This is no different from the old state of nature with no redemption.

The traditional typologies of governments – monarchies, aristocracies and democracies – are dismissed out of hand⁹⁷. This provides the context for discussing the institution of government, leaving aside the earlier problem that broached the question as to how to limit it. It is here that the concept of 'representation' is devised as a way to mitigate the dilemma. Such a mechanism itself unfolds

into a double problematic: on the one hand the representative body in itself might give way to the same ‘sinister interest’ and reduce the rest of the community into “abject slaves”, and on the other hand a decision has to be made regarding the electoral pool which would decide on the composition of the representative body (ensuring that political power thereby exists twice removed from the community). It is suggested that limited time is the way to negate the political appetite of the political and leaving the exact criteria for deciding the electoral body ambiguous, even as it is insisted that it should include ‘most’ of the community; the lie of which is evident by the fact that women, men under a certain age, those with little or no property, and the vast peoples being incorporated into empire are excluded⁹⁸.

The radically cynical and minimalist political theory allows Mill to schematize a taxonomic jurisprudence which is punctuated by precisely that which he refuses to fully clarify: political principles. Unlike Blackstone, who combined the juridical and the political which had its conceptual infrastructure in the command-prohibition dynamic, with Mill jurisprudence is a mere means; the means to protect rights. The unresolved antinomy that mirrors the ends-means dynamic is that between right and act. Mill derives right itself from an act:

“that the weak may not be deprived of their share of the good of things, it is necessary to fix some determination, what shall belong to each, and to make choice of certain marks by which the share of each may be distinguished. This is the origin of right rather than any deduction. It is created by this sort of determination, which determination is either the act of the whole society. Or of some part of society which possesses the power of determining for the whole”⁹⁹.

Other than such logic being suspect – how does one derive a principal from an act – the question of what ought to be the case is completely abstracted from the discussion. An abstraction that is not a mere specious absenting – the ‘ought’ (the standard) is the greatest good for the greatest number – but rather an operation that completely suspends this ‘ought’ from the working-out of jurisprudence:

“whether rights are constituted, that is, whether the shares of good things are allotted to each, according to this standard, the allotment is

still the act of the ruling power of the community; and the rights about which the science of jurisprudence teach have this alone for the cause of their existence”¹⁰⁰.

The pamphlets on economic matters and policy radically reverse the above political theory. On the one hand, Mill maintains the crucial status of principles, the “most deceitful reasonings follow from experience”¹⁰¹, while on the other these principles are a striking contrast to those put forward in his writings on government. The natural principles of competition, i.e., supply and demand while recognizing the role of the government brackets the ‘appetitive’ essence of the human as a political animal. For instance, the arguments against the bounty laws sketch a history that witnessed the role of government in encouraging commerce and manufactures. At the same time, notwithstanding an increase in agricultural production, the faster rate of commercial and manufacturing growth coupled with a rising population resulted in the decrease in the relative value of agriculture. Yet this phenomenon is explained through natural laws of a Malthusian kind as well as negatively (the lack of the vices of government). Using the same Malthusian schema, Mill argues that agricultural production would create its own demand and, thus, would never need to fear its real depreciation. The artificial encouragement through bounty laws would never really impact the value of agricultural produce but would merely attract capital from other areas to agriculture thus maintaining agricultural value while destroying other – manufacturing and commercial – sectors. The arguments against the ‘artificial’ are not at all clear in so far as the point of departure is itself ‘artificial’; one starts from a situation where government and policy already exist. Hence the natural tendency towards equilibrium – competition – is a curious reversal of the appetitive dimension of the political animal. While political theory concerned itself with limiting the appetite for destruction (rescuing the weak from being turned into abject slavery by the strong) economic theory reveals a ‘natural arena’ where all limitations (the artificial impediments of policy) are expelled.

Even as the appetitive in the political theory could spill into the international arena, the erstwhile state of nature, such a scenario finds no place in analysis. In the realm of the economy, however,

Mill explicitly invokes the world stage as mere extension of the domestic scene as the site of the free market/free competition¹⁰². This has significant consequences for domestic policy, but also becomes a 'safety-valve' for situations of crisis such as the time when the Napoleonic system had raged across the continent and was constantly attempting to undermine English 'commerce' with Europe. Here arguing against Spencer, the world stage is pointed to, the vast arena of the globe that in its horizon radically dwarfed the importance of the continent. "While Britain is the mistress of the sea she might have scope for a boundless commerce though the whole continent of Europe was swallowed up by an Earthquake"¹⁰³; implicitly contesting his own arguments about 'colonies' that will be examined below. Again, the political rears its absent head, for we know that the powers of the seas also lapped up considerably the domains of land. The equilibrating mechanism – that conceptually rides with abandon across national boundaries in a conceptual dream – is here revealed to be one that has a strong arm operating it: the hands of government. And a government that itself is not really distinct from the commercial transaction. For as Mill reminds us that unlike the end of the 17th century, the 18th century witnessed a growing proportion of the taxes being extracted out of the commercial-manufacturing nexus, rather than the historically important territorial revenue. The previous negative – commerce improving because of a lack of the vices of government – blooms in its positivity as the *fund* for government.

But other than reflections on the nature of commerce, and politics that spoke to its general principles, Mill also wrote on "East India Affairs", through contributions to the *Edinburgh Review* from 1810 to 1812; at a time when there was much debate revolving around the issue of imminent charter renewal¹⁰⁴. It is when speaking on the Company – and trying to theorize 'colonies' as a term – that the contradictions between general reflections on commerce and politics become most acute. In the abstract sense Mill argues against colonies which he divides into two kinds: one where the idea of population dominates and the other where the idea of territory dominates, one geared towards "inhabitation", and the other towards possession or governance. The Americas fell into the first category (ignoring the base-line violence against the natives there), whereas the "East

Indies” fell into the second (where natives are assimilated within the concept of the ‘territory’)¹⁰⁵. Arguments against colonization are based on a rationality that never takes into consideration the reality of violence and conquest; rather the aim and method is to prove the inefficiency (rather than the oppression) and the lack of a clear understanding, on the part of the ‘colonists’. This argumentative structure will have been found to have had a long after-life. But analogous to the Freudian kettle, different arguments supplied for the same end, end up contesting each other.

Using the principles of ‘free trade’ against monopoly, Mill writes that “British India” was a *part* of Britain, and hence its losses would have to be computed within the balance sheet of Britain’s gains. From this perspective, one could deduce the incoherence of Company arguments regarding its alleged benefits for the metropolis. Similarly, Mill argues that there was no link between territorial governance and commerce, and cancellation of the Company monopoly would open the trade to English merchants, which could only, according to his principles, be for the greater good of everyone. On the other hand, using words that his famous son would practically repeat, he describes the people of the subcontinent as ‘barbaric’, and by nature given to war, and so “a simple form of arbitrary government, tempered by European honor and European intelligence, is the only form which is now fit for Hindustan”; for which “why should we not convey one of our Royal family as Emperor of Hindustan, with hereditary succession?”¹⁰⁶. If indeed India was perpetually condemned to a state of war, how indeed could one carry on free trade with it?

In this case, Mill’s axiomatic principles of government also surface, for one of the criticisms of colonies is that government is always and *sui generis* expensive and oppressive, and so to attempt to conduct it at such distance would be by its very nature doomed to failure. This is the middle of an untangled mass of propositions; commerce is free, government is oppressive, the colony needs to be governed but one can succeed only by carrying out ‘free trade’. The missing keystone, the rational medium in which all this would make sense, is of course the *course* of war and victory in the subcontinent, a fact that flies in the face of Mill’s speaking of the sudden ‘circumstance’ that placed the British where they were; perhaps a thought-ancestor of Seeley. The other arguments – such as that the Company didn’t

strengthen British defense by keeping other imperial powers outside, or that since the Company was in debt it was not possible for it to be providing any ‘net gain’¹⁰⁷ – need not be examined here on their merit since it is the mode in which it is conducted, and the presuppositions that inform it, is what interests us. The missing nature of conquest (by what right were the British in India, and why were they there) or the experience of the conquered (death and destruction) is absolutely subtracted from an evaluation of the Company regime.

In fact, conquest in the subcontinent surreptitiously relapses into a merely curious unattended shelf in the imperial household. It is in this manner that Mill introduces the germ of his well known *History of British India* where he returns to the problem – without knowing it – of the nature of India being a ‘part’ of Britain. The History opens with, “In the course of reading and investigation, necessary for acquiring that measure of knowledge which I was anxious to possess respecting *my country, its people its government, its interests, its policy and its laws* I was met, and in some degree *surprised*, by extraordinary difficulties, when I arrived at that part of my inquiries which related to India. On other subjects, of any magnitude and importance I generally found, that there was some one book, or small number of books, containing the material part of the requisite information; and in which direction obtained by reference to other books, if in any part, the reader found, it necessary to extend his researches. *In regard to this case it was exceedingly different*”¹⁰⁸. This is of course truly surprising. India from being the place where England traded and fought, has become a part of England, and only once incorporated within England, can its alien, status, a status revealed in its opacity, be discerned. It is this opacity that Mill sets out to tame, to set light on a darkness – the gap within – within his researches. From here Mill loops to his theoretic stance – understanding is clear only when unsullied by experience which is coeval with prejudice – famously arguing the merits of writing on India without having any direct access to experience of, either its languages or its seasons. Mill’s *History* reveals in spectacular fashion both the antinomy of the political (the appetitive and its limits) and the economic (nature in its equilibrating) and the failure of narrative and its heuristic resolution.

And the narrative is an interior monologue in a very concrete sense. Mill is writing his *History of British India* – from the ancient times – with an acute awareness of Hume and Blackstone’s histories of England. And with such a thick pair of glasses mounted on a deductive nose, that breathes a universalistic theory of human politics, Mill’s characterization of India is not merely negative, although this is the predominant tone, and undoubtedly it’s most spectacular effect. One would also have to note, for instance, that in the arena of juridical procedure the Hindus “displayed a degree of excellence not only itself in the other branches of law, but far beyond what is exemplified in more enlightened countries”, except for the delays caused by much too scrupulous a regard to rules of evidence. And if the Hindu system cast(e) rank into account, “orthodox Blackstone” was no different¹⁰⁹. In such ‘general reflections’ one discerns the historiographic lens, in ways not completely visible in the sections that largely narrativize British conquest. But one also witnesses conceptual struggles. Repeating his dictum that political power is always necessarily arbitrary – and thereby – a function of the ‘will’, Mill at the same time wants to underline the specificity of ‘Asiatic despotism’, wherein all land is simply the property of the sovereign. Maintaining such unilateral sovereignty, it is argued that Mohamedean conquests, closely paralleling the conceptual status of the Norman Conquest, create the institution of *zamindari*. A *zamindar* was according to Mill a “petty prince” in his province and delegated military, administrative and juridical powers. Enlisting *non sequitor*, Mill then writes of the *ryot*, the immediate cultivator who also acquires a form of property right through custom. And in similar fashion, the image of the “*autonomous* village republics” is held up as the direct reflection of the essence of Indian history: This strange and un-clarified consorting of the ‘autonomous’ and the ‘despotic’ defines what will be ‘orientalist’. Such parataxis doesn’t mitigate the antinomial narrative; sovereignty is absolute as the will, and the villages are autonomous in the manner of republics. This is then located through the essential schema of property in-itself – allegedly recognized by all societies – of “acquisition, occupancy, labour, contract or donation”¹¹⁰.

In understanding political ‘will’ that final determinant, the ‘logic’ of taxation is held to be one that cuts across time and culture. In the

case of India only the 'mode' of taxation was defective since it – in the form of rent – formed a portion of gross produce. This was a defect because it ignored the differential fertility of land thereby discouraging expanding the agricultural range[!]. Mill is referring to Ricardo's revolutionary method, where only a tax falling on rent would not be unproductive since it would fall on a 'surplus value'. Such a scientific break-through so recent and so profound was scarce to be found in Indian history – or at the time of the present – when the subcontinent was still simply replaying its history by being strung up the umbilical chord of conquest. This situation engenders a political history described as stagnant because its kings were ignorant of differential rent; they were different not in who they were but in what they (didn't) know. "Gothic conquest" existed in European history too, but in this case 'rent' was not charged on land since, according to Mill's *History of British India*, owners were the proprietors. No explanation is given why this should be superior, or in what way this embodied Ricardo's theory. The different conquests in Europe (Goths) and India (Muslims) are not able to name the present condition of India as one of conquest, but simply differentiate the place into discrete regional cases on which one can argue the merits or different policies of taxation. Here Mill, as is well known, prefers the Ryotwari system, where the State is indeed the direct landlord; even so he is unwilling to name the basis and source of such "accession". Ironically its taxation policy – the government in such a regime – fulfills the category of despotism to the letter because it is indeed an "absolute landlord" with the people as tenants; having acquired such lands through war and conquest. This political regime is then disguised as a passive historical inheritance.

Encrypting the Crypt/Arcana Imperii

The year of the Permanent Settlement (1793) discussed in the previous chapter was also the year when the East India Company's charter was renewed. Just the previous year the British with the help of the Marathas and the Nizam had forced the famous Treaty of Seringapatnam on Tipoo Sultan, the ruler of Mysore¹¹. In this treaty Tipoo had to not only pay huge indemnities but also part with – "cede" as the terminology of the day put it – more than half of his

Kingdom. A victory of the 'triple alliance' had finally allowed the British to establish suzerainty in the South after having been defeated more than once at the hands of Hyder and Tipoo. Cornwallis the Governor General who personally was present at this victory also – in feudal fashion – took Tipoo's two sons as hostages, and they were to remain in his 'care' to ensure that Tipoo fulfilled the clauses of the Treaty. The same Cornwallis who had instituted the Permanent Settlement, having now acquired new lands from the Mysorean State, sent Col. Read, a military officer, to supervise the civil administration of what were called the ceded districts. All the wars undertaken by the East India Company were not without huge financial costs, costs which could only be paid off through territorial and other revenues. It is here that administration of the territories conquered by the Company needed to be made the fund from which not only expenses but even profits needed to be extracted. The Company was a joint-stock company that was at every moment beholden to its proprietors and managed throughout its history to pay a dividend of not less than 10 per cent. This was rendered possible even while the Company was in debt, both in India as well as in England where it was the English State that was its creditor. Here it is imperative to understand the complex nexus through which the question of territorial revenues/administrative taxation, sub-continental and intercontinental trade, military wars, financial transactions and taxation were interwoven.

The charter of the Company was renewed in 1793, but there was a slight loosening of its monopolistic privileges. Company privilege was always challenged right from its inception in 1600, and other than the brief interlude with Cromwell and its dissolution and re-establishment in 1704, it was able to maintain its monopolistic rights. The debates in the 1770s had largely to do with the efficiency (profits) of the Company since it was unable to pay the State the sums it promised in exchange for its "rights". It was in this context that the question had arisen with regard to its status; by extracting territorial revenues it was playing a sovereign role (Smithian Buffoonery). Yet all these issues were resolved in an administrative fashion. Its rights were never questioned; rather a Supreme Court was established as well as the office of Governor-general. The growing, evident political nature of the Company's activities prompted traders in England to

once again raise the issue of trading rights, often resorting to a language that saw the liberty to trade as the sovereign right of all freeborn Englishmen. Thus in 1793 along with the charter renewal certain concessions were granted to (private) English traders. Merchants from the British Kingdom could now engage in trade with East India Company *domains*. However, there were limitations on the amount of trade, and all the goods of the trade were to be transported only through Company ships by paying the Company freights. These were the conditions under which free trade was granted, a free trade which presupposed the political establishment of the Company – in India – as its structuring condition.

But what was this ‘political establishment’ of the Company? We have already discussed the debates surrounding the Permanent Settlement, and here we will investigate the other major land settlement known as Ryotwar¹². This settlement too was not without debate and experiment. Most importantly, here too the fact of settlement was really the slow dreary settlement of debris in the aftermath of war and conquest. Thomas Munro, the name most closely associated with the Ryotwar settlement, served in the battle of 1792 against Tipoo Sultan and was sent by Cornwallis to assist Col. Read in the administration of the lands taken from Tipoo – ‘ceded’ – by the Treaty of Seringapatnam.

As in the debates around the Permanent Settlement, history is a necessary ingredient in the formulation of civil administration. And thus the reports and letters around the settlement invariably undertake an evaluation of Tipoo Sultan and his rule. It is here that one sees in Munro’s writings the most succinct assessment of Tipoo’s rule; a regime that at once combined the military and the civil, the political and the economic. The districts ‘ceded’ to the Company were not always under the direct suzerainty of the Mysorian ruler. The fact that they were conquered lands is time and again underlined in the administrative reports¹³. Yet the manner in which they were incorporated into the Mysorian Empire served to underline at once both the ‘despotic’ nature of Tipoo’s rule as well as the threat it posed towards the East India Company. The grand strategy laid by Clive was one that saw the Maratha ‘confederacy’ as the greatest challenge to the expansion of the British Empire, and therefore dictated aligning with other kingdoms in the effort to constrain and

finally overcome them. This was not surprising considering the fact that the Marathas had a sprawling empire and threatened and defeated the Rajputs in the North, the nabobs to the East as well as had reached down to the South. Even so, Thomas Munro from very early on saw Tipoo Sultan's emerging empire as the greater threat, and this assessment was closely linked to the kind of administration Tipoo was involved in formulating. Here through a land assessment enforced by land revenue officers, Tipoo was unifying the Mysore State and employing those funds in creating a strong army. This was in sharp contrast to the Maratha confederacy where rather than 'clear cut' sovereignty there were numerous disputes with regard to rank and access to power. As Munro put it, one was designed for conquest and the other for plunder¹¹⁴. Apart from the bureaucratic nature of the State¹¹⁵ that also allowed itself to convert into an efficient war machine, Tipoo also engaged European army officers, and kept in touch with the goings-on in Europe when it came to military strategy and tactics. All these factors allowed the Mysorean state to pose a much greater threat to the Company, and this was proven time and again on the battlefield. Such prowess on the field also indicated a despotic and rapacious policy – according to Company officials – when it came to their own lands. It was partly these conquered lands that were taken into the Company administration after the battle of 1792.

Ironically even after characterizing Tipoo's reign as despotic, the Company followed slavishly in his administrative footsteps. Here again we come to the real question through a nominal and taxonomic question. Does the Company charge rents, take profits or demand tribute? At the very time that the Company had strategically undermined Tipoo through its alliances with the Marathas and the Nizam, it was also involved in the violent extermination and incorporation of the local *poligyars* of the South. While these *poligyars* were constantly involved in challenging Tipoo's power, with the arrival of the Company they gave the Company a sort of "bill of rights" – Munro's words¹¹⁶. These claims were however never met by the Company and it followed its own policy of extermination and/or incorporation; Mill's appetitive political is realized here on an imperial scale. Details of the violent conflicts have been documented in the memoirs of officers who had served in such

campaigns. It is only after such brutal suppression – ‘pacification’ as it was then (and still is) called – that the terrain could be readied for a “settlement”. While the Permanent Settlement had been executed in Bengal many of the officials in the South – military officers under Col. Read who were specifically sent by Cornwallis displaying his distrust of the Madras administration – argued about its inapplicability in these regions. Although at the beginning rates were taken from “despotic” precedent (Tipoo), later, surveys and assessments were newly undertaken, the classical signs of despotism. Such activities contested the principles of the Permanent Settlement. We have to remind ourselves that one of the arguments regarding the Permanent Settlement, first articulated by Philip Francis and then repeated by John Shore, was that the restoration of the *zamindar* meant that one could not invade his proprietary right, and any mode of assessment would have to be seen as such an invasion. In the South however things were, allegedly, different.

Paradoxically, time and again Munro argues that in the South all or most property was private property¹¹⁷. This was the state before invasions such as that of Tipoo. In such a scenario, that outdid England in its “perfection”, the policy of creating *zamindars* would be unnecessary if not counter-productive. Since all land was private property – the exact inverse of despotism – occupancy and proprietary rights could not be distinguished. There existed petty proprietors of this sort who tilled their own land, and all records were maintained by the *potails* (village heads) and the *caranums* (accountants). All the Company needed to do, was to undertake its own surveys, and use the records available in determining the rents and establish individual contracts with each *ryot*. Here already there lay many differences with the arrangements in Bengal. Rents/Revenue were fixed in Bengal, and were to be collected from the *zamindar* who extracted money from the *ryots*, under the supervisory eye of the Company collector of course. In the South the land structure was one where there were no great land owners, and this state of affairs lent itself to the Ryotwari settlement, argued its supporters. The political factor here is crucial, and repeated time and again: for one of the strong arguments against creating *zamindars* in the South was that this might prompt their (political) resistance¹¹⁸. This again mirrored the arguments in Bengal, for even there the big *zamindaris*

were divided so as to minimize the potential of threat; we're back with Philip Francis. Once again it is the political that is the univocal determinant which tethers together the different modalities of the 'administrative'. The argument about all land being private in this context has here to be understood as the medium in which an active deprivation – the 'pacification' alluded to earlier – of the political element can ruthlessly be accomplished. This becomes all the more ironical when the Company is itself denominated as 'private' in its character as a merchant body.

It is the private on private that creates a new recipe for despotism. For treating a region as private – the Aristotelian household – is the signature of despotic authority. And so when Thackary says that "in all countries, it may be good to limit the power of the prince; but here the government must keep as much power as is consistent with private rights, in its own hands"¹¹⁹, we have to take him quite literally. It is a forceful instantiation of Aristotelian despotism crossed with Roman dominium. These lands under the Company are not in a sense absolutely within the empire – the imperium which would indicate a political status – and it is in this sense that they can be frequently referred to as dominions. Conquered territories in India have the status of things, of property and are owned by the *person* of the Company and can thereby, from the juridical perspective, fall under the private/civil axis. It is from here that we can understand the whole debate around 'free trade', and the arguments made by merchants in England against the monopolistic privileges of the Company. Denuded of its political status from this angle, the lands in India literally morph into a 'thing' over which the traders from England in their personal capacity – these arguments are still based on the sovereign right to trade of the free person – stake their claim. The counter-arguments provided by the Company operate on the same terrain. They assert that the kingdoms of the East are their property – within which is inscribed its own political labor – and it is as a matter of proprietorial right that the Company resists the incursions of the Public (as Private). This takes us back immediately to the private-public rubric where the public is that which has its *telos* in the protection of the private (property). Whether Locke (for whom labor-ing is property and underpins civil authority), Hume (for whom the natural law of keeping promises and exchanging

goods under girds allegiance to government), Smith or Blackstone the nexus between the public, the private and commerce is a tight one.

Yet we've jumped one step ahead of ourselves. The Ryotwari settlement and its supporters had to contend more directly with the charge of despotism, although this was never put in so many words. Supporters of the *zamindari* settlement had argued that the institutionalization of the *zamindar* was also necessary to *cultivate* the middle rank of people that would prevent the authority of the government directly targeting the people (classical despotism). Other than pointing out to the potential political problems that might arise out of creating a *zamindar* class, certain 'logical' arguments are deployed in support of Ryotwari. Herein lies a curious consorting with the proponents of classical political economy. It is held that Ryotwari reflected the natural state of affairs, and with increases in population all large landholdings were ultimately going to fragment, following natural laws. This was held to be true especially in India where high fertility and the Hindu laws of property – that allegedly didn't favour primogeniture – combined in an ineluctable move towards petty proprietorship¹²⁰. From this logic even the landholdings in Bengal are held to be of recent origin and in the case of the South every sign of the 'public' is simply laid at the doors of the despotism of the Mysorean state. History and logic (which can see the future with the accuracy of a soothsayer charm) both affirm the merit and validity of the Ryotwari settlement. And yet the eye that sees cannot see itself, and the voice that speaks cannot speak of itself. None of these arguments seem to take into account the fact that the British were indeed intruding and usurping the place of the 'public' which in a different setting – a corporation in Britain – effortlessly doubles as the private (property-right). (The rules regarding the payment of the exorbitant revenues were ruthless, revenues whose rates were often almost half the gross product and explicitly made no room for seasonal or any other kind of factor). And here again the fact that the picture portrayed is but in the eye – its reality nothing more than a fantasy – extracts its effects from the cultivators and land owners of the South.

Territory in its nature is as enigmatic and willful as the Schmittian sea. It is at once the free space of experiment and trial and at the

same time wet as the tropical soil, sticking not so much on the farmers spade, but on the soldier's blade. The Company is involved in the bloodiest of conflicts and at the same time finds any and every way to increase the value of its property (its territory).¹²¹ Here the political derives its declension from the pronouncement of time: who it is that wins the war is the oracle that tells the truth of political. While the public is the face of war, it is the private that is the explicit site of riches. Here Munro's plans for property argue for an incorporation of the natives. The Ryotwari reports attempt to re-unify the very juridical and revenue aspects that had been sundered in Bengal in the Permanent Settlement. Since most disputes concerned land, it is only from the perspective of the Company – once it has become sovereign despot – that this it can be denominated "civil"¹²². "Too strong for civil power and too contemptible to be made an object of military force that have other engagements"¹²³, is Munro's characterization. And hence the hegemony operates under the auspices of military might. To arguments that this would be a radical interference into the domains of the populace, Munro argues that the extent of intervention here was no different from that of the British state onto Englishmen. For excise and other such duties in Britain were analogous to land rent in India, and both were legitimate targets of, as well as means for, State intervention. The strategic naiveté of this argument is striking; for in the case of India although in fact Munro is arguing for greater native participation such participation is incorporated in a definitive way only as an underclass. The implications of such a class are not left unattended by Munro in his minutes, and with time we will see that he takes this very issue up; not at the level of detailed policy recommendation but rather at the level of general meditations on the cruelty of a system that would rob all "public" virtue from the native population.

One of the strong criticisms of the Ryotwari system was undertaken by Hodgeson who found its concerns completely misplaced¹²⁴. Citing Shore's Minute he argues that the Permanent Settlement had ensured that *ryots* would not be ill-treated by *zamindars*, and the Government would serve as a guarantor for the *pattas* that would be signed. In a strange way these arguments only serve to pull the mask off both systems. By constantly alluding to the powers of discretion that the Government had in Bengal, Hodgeson only seems to prove that the

fact that the government already had monopolized political power rendered many of the intended aims of the Ryotwari settlement superfluous. And the penetration of the government into the details of local administration is cited as an unnecessary burden; though it reserves the right to intervene whenever it sees fit. (Here Bentham's "indefinite" cannot distinguish itself from Blackstone's "infinite"). On the other hand, the proponents of the Ryotwari settlement argue that it is precisely this level of penetration that would ensure that the government got its 'full dues'. While in Bengal the revenues were fixed, this would not in any way stimulate the *zamindar* to improve his lands. Rather, knowing that the sum was fixed the *zamindar* was only likely to increase his exactions from the *ryots* – finding ways to circumvent the *pattas* – for these earnings would fall directly into his pocket and be routed to wasteful expenditures such as weddings and gambling. In contrast, in the Ryotwari settlement cultivation would naturally improve since the *ryot* was – recognized as – both cultivator and proprietor. Revenues could thus always be increased which could only serve as greater incentives to increase the value of the soil. In addition, in contrast to Bengal, in this case the Government made an absolute claim towards the wastelands¹²⁵. These lands could always be used as a lever for the value of lands, and when the time came act as an important factor in the extension of cultivation. We know the deployment of the waste argument from Locke – where natives of another land were exterminated on the basis of their inability to exploit Nature – but here the incorporation of wasteland reminds us of another history internal to Europe. Wastelands were the forest/public lands whose usurpation was the sign of classical despotism, and consistently resisted. In the case of India such resistance routes its way into the administrative lexicon not in terms of a natural right – a convertible that can open up as the public and what Blackstone named the Saxon liberties – but rather as the "refractive *poligyars*".

Through a study of documents that have been over determined as the economic, opening up the very private and voluminous correspondence of the Governor-General, Richard Wellesley, we are at once in the realm of the political-public. Much of the content of the letters – and here he is of course following a venerable Company tradition – is concerned with allying with certain powers against

others. At this time, the turn of the century, the famous triple alliance has been formed against Tipoo Sultan. Time and again Wellesley believed Tipoo to be preparing for battle to avenge the humiliating treaty of 1793, where he was forced to give up half his kingdom. At the same time indications – in Wellesley’s mind – that the Mysorean is engaging French military commanders as well as opening lines of communication with Napoleon only further exacerbates the situation. This concern in no way mitigates his general suspicion that native rulers were always ready to attack the Company¹²⁶. It is in this state of paranoia that Wellesley declares war on Tipoo a year after Nelson had defeated Napoleon at the well known battle of the Nile. The reason given was Tipoo’s refusal to allow or recognize an ambassador from the Company¹²⁷. We know that the function of the ambassador-resident was very clearly a means by which the Company exerted its own influence, and slowly hollowed out any real power of the local sovereign while orchestrating him as nominal sound.

And this is exactly what happens after Tipoo is defeated, for a Wodeyar is “restored” – much against the wishes of Munro. The right to ambassadors were traditionally aligned with the right to commerce, and here again the Company’s actions push notions to their very limits, leaving them completely unrecognizable. In Humean terms, the Company was working out alliances without having established either allegiance (which is what makes a government) or recognized natural laws/rights (which is what makes a society through which a political power can be set up). However, acts of war are not the only indication of the public persona assumed by the Company. In 1805, an East India College is established, a college that was meant to train future governors and statesmen¹²⁸. The conquests of the Company and the increasing presence of its governing function meant that future officials would need to receive an education commensurate with their future responsibilities. It is here – the Company as Sovereign – that the first chair of ‘Modern History and Political Economy’ in Britain is instituted, having Thomas Malthus as its first occupant. Malthus of course along with West – who was to become no less than a Judge in the Bombay Presidency of the East India Company – invented the classical theory of rent. We have discussed above the ways in which this theory

reflects (off), both political-economy and history.

It is in this manner that we can see the lands conquered by the Company as a “degree of labour”, the tain from which the political/public and the economic/private mirror each other. And it is only in this context that we can study the great debates that tend to increase from around 1806 around the nature of the Company’s proprietorial right i.e. its monopolistic privileges; since 1813 was the date set for charter renewal¹²⁹. The growing towns of Bristol and Liverpool and their merchants increasingly question the exclusive privileges granted to the Company. The argument of the sovereign right to trade is still deployed. Here too the essential question in a certain manner is the private or public nature of lands to the East. The independent merchants base their arguments on the public nature of these lands, but public in a doubly folded sense. They are public in that they have their own sovereigns, but they are also public in that they are free spaces in which one can conduct the adventures of trade. This antinomy is never noted, let alone resolved. If indeed the lands were public in that they had sovereigns, it would be equally important for the merchant adventurers to approach these sovereigns and request grants for trade. On the other hand, if they were public in the sense of ‘free spaces’¹³⁰, then no permission would be required from anyone since one had a ‘natural right’ to intervene there where no one else’s right was being negated. Countering the claims of the merchants, Company supporters cannot afford to point to the antinomy. Rather, the argument of property – within which is inscribed the peculiar history of political labour – is that which is deployed most often. The lands of India were in fact its property, and though this was not to deny the authority of the Crown, to at this point leave free trade open to anyone would amount no less than to invade, an already established, proprietary right. In this sense the peculiar history of the Company gives it the right and the title. Having become the Company’s it cannot simply be left free for the taking. Of course this private right subsumes a set of private and public acts (in India) that are perpetually disavowed: the Company always traded in India having established a ‘public’, politico-military infrastructure.

So in the debates surrounding charter renewal and free trade we return to the nature of the Company, this time in its exemplary form:

the Company as a profit making (ad)venture. Here profit is closely linked with the argument about public interest, since it is only in terms of public interest that someone or something can assume a public function, become a public-private person (corporation) with special privileges. The free merchants argue that letting India free – literally *laissez faire*, allowing the jungles and animals to return to the range of every hunters rifle – is the way in which public interest can be served. The old argument of the inherent and sovereign right to trade is coupled with the new principles of political economy (“free trade”). Interestingly the continental blockade by Napoleon is also invoked as a reason to free the spaces for trade; the very same Napoleon whose campaigns and intent was mobilized as a pretext to rampage through Seringapatnam¹³¹. Other than the opportunity to trade in goods, another demand is the opening up of out-ports and thereby extending the exchange of goods beyond London. (Such arguments were often mounted on other very specific criticism of the Company). Here the enormous debts both in India and that owed to the British State are alluded to. Not only was the Company not making real profits – its *raison d’être* – it was costing the Public a huge amount of money, in addition to which it was undertaking activities (the military campaigns in India) that were incommensurate with its status. Company supporters were quick to mobilize their own arsenal of facts: Having out-ports¹³² would immensely increase the expenses of the State that would need to set up custom houses, but the Company undertook exports from the Kingdom even under loss making circumstances merely to encourage local industry¹³³, the Company had and would be able to repay its debts, it provided regular and secure employment to the Shipping and other industries, it had carried out the important successful military expedition to Africa through its own revenues, it had successfully kept out European powers from military and trading (ad)ventures in India¹³⁴ and it was also involved a huge carrying on trade. Importantly, these supporters liked to point again and again to the fact that the Company over the course of more than two centuries had set up a vast political infrastructure for the support of commerce, and this history, articulated and defended as ‘right’, could not be simply overlooked.

Other than providing numerous instances of the rights and

achievements of the Company, officials also liked to emphasize what they saw as the blinding ignorance of the merchant-manufacturers. If the merchants and industrialists were keen to export their products, India was certainly not receptive to such intentions. Here the dimension of culture is yanked open. India was traditional and unreceptive to change, it had throughout the ages never accepted anything from foreigners, all its needs were fulfilled by local products; inveterate religious prejudice prevented any kind acceptance of anything from beyond the black seas.¹³⁵

Finally, their industry is praised time and again, and it is argued the British industry could never compete with it in terms of price or quality. This confident characterization of the Indian psyche is curiously combined with a similar assessment of British traders. For Company officials argued that simply opening the gates to Englishmen would create havoc in India. The tranquility and fragile political equilibrium would be destroyed with such an onrush from rough and barbaric Europe and that would destroy what the Company had spent many years in carefully nurturing. Culture becomes a critical ingredient in making recommendations towards policy as well as the baseline from which any principle of argument can proceed. In this very specific context of political economy, the interstices of a particular moment of Company history, the question of culture can arise so dramatically. Nothing of this sort can be gleaned in any systematic way when revenue and other (political) settlements were actually being undertaken. As we have earlier seen there it is the juridico-political aspect in its historical dimension that codes any encounter with the India situation. The enormous experience of the Company is cited as the huge stilts from which it can penetratingly see right into the essence of India's being.

In certain ways this is a re-play of the debate in the late 17th century previously discussed. Arguments can easily be overturned as and when they pick up their suitable facts. So while the manufacturing and mercantile interests argue for local industry and employment, the Company finds it more than easy to point to industries and trades it supports, and appends the record of its own punctuality when the issue of commercial transactions are discussed. And in another move to the past, the argument about free trade is targeted simply at Company privilege, for the manufacturing

and mercantile interests are clear that any kind of good that would compete with local industry – such as piece goods and cotton – would need to be either prohibited or severely discouraged through exorbitant duties.¹³⁶ In this context of the relationship between industry and patronage, and not only in this one, the China trade needs to be discussed because the Company sold English goods at a loss to China simply to encourage British industry. (A debt to the Public). Yet against the interests of these specific industries – such as the much discussed long elles – other manufacturing and mercantile interest demand the opening of the China trade. Here in this scenario we have another sort of replay from more than a century ago. The Company argues that the political situation in China was such that it was imperative that the trade be a closed one. Drawing explicit analogies to the disastrous experiment of the Cromwellian regime when trade was left open, in this instance too it was argued that the Chinese government wouldn't tolerate any sort of open trade¹³⁷. There were the explicitly political considerations: individual merchant traders couldn't be trusted as they were ignorant of the elaborate Chinese codes that needed to be followed, and any misdemeanor on their part would jeopardize the whole trade. The Chinese were used to dealing with single representatives – and here the Company points to its exemplary record. On the other hand there exist the economic considerations: competition would merely increase the prices of much sought after Chinese goods – raw silk and tea – and would most likely result in a deterioration of quality. Again the syntax that organizes industry and profit includes the political as a critical ingredient.

What the Company detractors never failed to constantly point to was the fact that the Company was in debt. Though it of course qua Company was able to continually rake in its profits; giving its proprietors a dividend of 8% which rose to 10%¹³⁸. Other than the Company there was another corporation that was in debt: the British State. National debt was consistently on the rise, and this at the same time meant the regularization of taxes. This is another replay. We know that the national debt was itself closely linked with the Company's loans in the late 17th century and commensurate with the 'privatization of the sovereign'. The king increasingly was given rights (excises and other forms of duties) in exchange for others. The

financialization of the State was that which can be read back as the sequestering of the King, making him but a pensioner with a civil list. Though a pensioner he was of course still supreme commander of the armed forces, and held within himself the powers of prerogative. We have already plotted this story – from the other side – when situating the *zamindar*'s status and function in India. And so, paradoxically or not, his power was still threatening. And here again in the debates around the Company and its privileges, the possibility of the King's gaining an inordinate amount of power through the Company is still considered as a serious political problem in the early 19th century¹³⁹. The political dimension of the Company within the English state cannot be unhinged from the way in which the political is recognized as a factor in the arena of commercial transaction. The Chinese trade has still to be undertaken through monopoly privilege since there still exists the Chinese government under whose roof the English would need to – at present – show their political skin. The problem – the relation between the commercial and the political – is exacerbated if we remember that the China trade is not taking place from England, but from India where the Company is in the process of establishing political authority. In India we have come a long way from Child's actions (the military misadventures under Aurangzeb) but not his arguments about trade requiring the political as its essence: its condition of possibility. It is from India where opium is grown and exchanged for Chinese products that are then sent back to Europe.

China as a site captures in one hallucinatory gaze – or might one say in an opium haze – the ghost of British India's vanishing present. And hence following strict protocol it should be of no surprise that in 1813 the monopolistic privileges of the Company are taken away, though it is able to preserve such rights in the China trade. The whole series of arguments in favor of retaining the China trade parallel the arguments against the introduction of English manufacturing products in India. The unstable political condition is precisely that which would disrupt trade not because the political is resistant to trade, but because the particular political configuration in China and India could not allow British traders and manufacturers. The character of these merchant adventurers would jeopardize trade both in their capacity to pose specifically political

threats (harassing and oppressing locals and within the subcontinent the added problem to aligning with native Kingdoms against Company sovereignty thereby politically competing with the latter) as well in their ability to negate economic prosperity¹⁴⁰ (increasing prices through competition for the British markets). The final decisions of 1813 exhibit the canvas in one sweep; territorial revenues in India are retained and while monopolistic trading privileges in India are negated, such privileges are retained when it came to the China trade. One could convert the 'and' into a causal link and in this way demonstrate political security as a structural condition for the proliferation of the economic transaction. The later history of China of course amplifies this very problematic. All this while 'free trade' is unilateral; there exist heavy duties and restrictions on Indian goods, British goods don't pay such duties, and much economic potential in the subcontinent is sacrificed in the interests of British traders in the West Indies. India has become merely a manipulable factor in an expanding global network of commodities largely engineered by English interests. The Company is rehabilitated as a government though it is a rather unusual governing body as its order of priorities are spelt out in the following manner (as instructed by the House of Commons):

"In the first place, in defraying all charges and expenses of raising and maintaining the forces, as well European and Native, artillery and marine, on the establishments in India, and of maintaining the forts and garrisons there, and providing warlike and naval stores; Secondly, in the payment of the interest accruing to the debts owing, or which may hereafter be incurred by the said Company in India: Thirdly, in defraying the civil and commercial establishments at the several settlements there: Fourthly that the whole or any part of any surplus that may remain of the above described rents, revenues, and profits after providing for the several appropriations, and defraying the several charges before mentioned, shall be applied to the provision of the Company's investment in India, in remittances to China, for the provision of investments there, or towards the liquidation of debts in India".

On the other hand trading profits were assigned in the following manner:

"First, in the payment of Bills of exchange already accepted by the

Company, as the same shall become due; secondly for the payment of debts (the principal of the bond debt in England always excepted) as well as interest, and the commercial charges and expenses of the said Company: Thirdly in the dividend of ten pounds per cent on the present or future amount of capital stock of the said Company...Fourthly in the reduction of principal of the debt in India or the bond debt at home"¹⁴¹

Of course these administrative measures were never followed and it was in practice impossible to make the distinctions between trade and politics, and yet they indicate in as clear and brutal a fashion the fabrication of the imperial space as one that consists of a careful and calibrated hierarchical zoning, achieved through an alternating police and army, and driven by the 'abstractions' of ideology and desire. An abstract theory of political economy can in no way accommodate the theoretical specification and distribution – a hierarchic zoning of value across the imperia – that inducts geographic expansion into a political vector.

It is certainly a throbbing sign of the state of affairs when we see that Thomas Munro is sent back to England to review the judicial system at the very moment that the Company is denied its monopolistic privilege (1813-14). In conjunction with such reviews, Munro participates in the various wars with the Maratta chieftains. But in the course of such military adventures he returns to ideas underlining his formulation of his Ryotwari system as a *general plan of rule*. Having always been critical of the separation of civil and juridical administration under the Permanent Settlement, Munro finds an opportunity for articulating his views in full in the specificity of the Supreme Court case of Kullam Olla Khan¹⁴². The latter's grandfather had received a land grant from Nabob Walajah in 1783. This grant was resumed by Amdut ul Omarah, Walajah's successor, and passed on to Kullam Olla Khans's father Asim Khan. With the expansion of Company power, Asim Khan got the grant renewed, and then willed most of his property as well as the grant to his eldest son Kullam Olla Khan. The latter's right to this property was challenged by his brothers, and taken to the Supreme Court established in Madras; a shining sign of British royal presence. It is here – on the question of the Supreme Court's jurisdiction – that Munro pegs all his learning and enthusiasm for judicial reform in

the Ryotwari idiom. The Court's intervention was based on an understanding of the dispute about the grant as being a matter of private property. Munro on the other hand questions the Court's jurisdiction arguing that the grant functioned as public revenue, and thereby outside the realm of the 'private'. In this is inscribed Munro's understanding of India history and the contemporary political milieu.

Interpreting the grant as a matter of public revenue Munro *thereby* characterizes it as revocable. This is not an argument about a despotism where all land was subject to the mere will of the sovereign. Rather the existence of private property – the rents of the landlord and the rights of the *ryot* – becomes a structural condition which enables the existence of a public income. It is in this sense that despotism was practiced in the subcontinent according to Munro; all land was private and therefore the sovereign could tax according to his will. It is this ability to determine public revenue that renders any notion of 'crown lands' superfluous. Key to Munro's argument is the difference between England and the subcontinent, a difference which he alleges is elided in the Supreme Court decision that directly uses English history as analogy and precedent. This is questioned by Munro, and according to him, in England the crown lands were meager and given up in time, and this didn't really affect public income since the King was able to extract revenue by other means (excise and customs). "The land revenue in India is what the excise and customs are in England – the main source of revenue, and cannot be permanently alienated with safety to the state"¹⁴³. Thus while in England the State maintained an income through land alienation and was compensated by other means, in India such alienation merely meant a contingent transference of revenue rights. But precisely because such action had a tendency to diminish state revenue, the sovereign in India reserved the right to revoke such grants, and herein lay its despotism. It is to this right that the East India Company now lay claim in its conquests and treaties while at the same time maintaining its 'commercial' objectives and powers. And it is precisely the public nature of this right that negated Court jurisdiction. The strict continuity between indigenous despotism could not be tampered with, even by so supreme an authority as the Court.

In an irony barely concealed Munro also criticizes the Court decision in the name of the nabob's sovereignty. An intervention in such a crucial public matter also indicates in Munro's eyes the dangerous extension of the range of Court jurisdiction. At the same time he sees nothing incongruous in documenting treaty clauses where the Nabob gives up the right to ally with other Kingdoms without the Company's consent – the very essence of the sovereign's executive power in England as elsewhere – and at the same time accusing the Court of undermining the nabob's royal authority! Rather, the real signs of such insidious undermining, Munro passionately argues, is the necessity of bringing elite women to the courts; truly a cruel affront to the native nobility by a culturally insensitive Court. Coating the hard dose of the political pill – regularly administered with violence as the preferred mode – with a cultural sensitivity becomes a way to actively forget the very nature and *raison d'être* of the Company. Deciding in matters of war and peace and being the determinant in the last instance – in every arena – and merely allowing the king a stipend, is the hard fact that cannot be exorcised through 'culture'. This ineluctably leaks into the other criticisms Munro makes of the Court; for him the latter simply becomes a site through which the *zamindar's* air their grievances and can expect justice. Having outlined a theory of despotism, the political stature of the *zamindar* has already been preempted. And by disallowing even the possibility of any alternate authority under the guise of preserving local norms of sovereign authority, Munro once again delineates the means by which the Company enacts its own primal fantasy: despotism. A fantasy whose shards crystallize in the unfolding of its many dimensions. It is in this sense that Munro's plans are patrimonial; they are so in a strict sense for they reserve the right in deciding what is private and what is public. It is alternatively, but in continuation, despotic because the 'will' is invisible and inaccessible to that which it targets: the subcontinent. (The Board of Control and the Court). And finally, it is luminously oeconomical because it erases any alternate and/or intermediate source of authority; levelling – the violence of the pacification campaigns – and isolating its objects in the actualization of subjects, Munro's 19th century contemporary in France, Alexis De Tocqueville, was reflecting on this very form of power, a form that was also in

many ways anticipated by Philip Francis's 'oeconomical right'.

While such may be schizophrenia at the head, it is induced from the arms, and guns. The controversy of the Deccan-Prize money illustrates this nature of the Company. Prize-Money was still recognized as a category i.e. during conflict the Company soldiers had a right to plunder their enemies and take as their own anything that they seized in the heat of war. During the Pindari and Maratta campaigns a dispute arose as to whether all the battalions and armies were entitled to such 'compensation' as was argued by the Marquis of Hastings, or only those actually involved in the battles, as advocated by Sir Thomas Hislop. For this, as expected, the Court was petitioned, and a committee was gathered to look into the matter. It was finally resolved that one had to carefully demarcate the various kinds of "booty". There was, on the one hand, "that portion of the booty now at the disposal of the crown, which is described as having been taken in 'daily operations of the troops' and this would go to the "actual captors". On the other hand, "with respect to that part of the booty which consists of the produce of arrears of tribute, rent, or money due to the *Peshwah*", "acquired by the general result of the war and not by the operation of any division" would go to the forces of all the presidencies engaged in the combined operations¹⁴⁴. This was in 1826. We have often been told how "Asiatic despotism" understood as a "system of plunder" was the blinkers of 18th century British ideology. But what is less noted, and cannot be emphasized enough is the fact that this is exactly what the Company was; without self-consciousness. Plunder was a category of political action, organized by a set of forces that we have, time and again attempted at describing, and recognized as a 'right' of the Company armies, a right that was blind to the distinction between person and property¹⁴⁵. Ironically, a distinction that Locke had tried to preserve in the late 17th century, but of course in favor of the latter.

Deductions: Marine Circuli

How many heads from the subcontinent were counted in the headcount of that great utilitarian principle: greatest happiness of the greatest number? This was a time when greater and greater "territory" was being incorporated as a field of political intervention

by the British State through its medium the East India Company. The status of conquest in the subcontinent within a larger evaluation of British rule in India strangely falls under Bentham's long shadows i.e. trying to find out 'India's' contribution through an input output model of British capital flows outward and inwards. But the logic of number and calculation is dubious when the subject/unit never acquires delineation. Conquest cannot be isolated as a factor, and whatever the role assigned to British adventures in the subcontinent in the 'industrial revolution', or the 'political revolution' or even if one were to question the very existence of such a role, what cannot be denied is that Britain was undertaking violent conquest *at the time* of these so called revolutions. The scale was (sub) continental and predated any of these 'revolutions', was continuous with it, and post-dated them. Unless there were mere arms with no heads, the right hand must know what the left hand does. The great movements of political representation in 19th century England and France were simultaneous with the massive disenfranchisement of large sections of the globe; a disenfranchisement that drew its meaning in relation to the enfranchisement that was occurring in the 'metropolitan site'. The blackmail; questioning the nature of 'enfranchisement' in the subcontinent *prior* to English intervention is spurious since those forms of political subjectivity are truly past, and have already been denied meaningful i.e. contemporary, representation of politics. To put it bluntly, in one way or another, those who argue for some form of superiority of British rule over prior 'native' rule rarely demonstrate any interest or understanding of the latter, either in its theoretical articulations or institutional practice. But this is a moot point, since such a position is historicist-racist in claiming a genetic inheritance between the present and past populations in its evaluation. Ancestry is here taken as definitive, and one remains within the sphere of mere mechanical causality if one as human cannot 'freely' choose one's inheritance¹⁴⁶. But if democracy and the free market are still the 'abstract machines', promising freedoms, carrying meaning, and grounding political movements, their imbrications in brute violence has to be more fully exposed. The overwhelming disenfranchisement – of a far greater proportion than those being enfranchised – needs to be accounted for. This cannot be done by simply pointing out to violence, since this could not resist the 'accident'/'collateral damage'

argument. Rather a univocal framework of interpretation is necessary which undertakes to confront the 'progresses' of the 19th century and the imperialisms with which it formed a continuum.

Locke and Blackstone, Smith and Hume can render legible in different degrees the violence of imperialism. This legibility is enabled by reflection, the grasp, at once, of the violent histories of conquest in Europe and conquest in Asia. There is a continuum, however precarious, however fragile, between 'philosophic representation', i.e. representation that is governed by certain reflexive protocols, and other more general representations ('direct' representations of war, violence, what historians like to call primary sources). But the new harsh light of 'scientific epistemology' – the legacy of Bentham – desiccates any kind of political subjectivity *at all* domesticating the political as the natural. At one point this is made rather clear. Bentham argues that other positions – whether based on right or sentiment – simply allowed anyone to resist when they thought it was right and therefore lacked coherence. Radical Bentham argues for a more *realistic* approach. By brokering the transition from nature to civil society, Reason and Freedom had reserved the right of return; this logic had enabled the doubly folded structure of Private and Public, individual and authority. In Bentham there is no 'becoming' of the Private into the Public. They are discrete entities which at the same time indicate the privileging of the latter over the former since the public is the medium through which the private – as discrete unit – is measured. No making or unmaking, but rather measuring, classifying and managing are the key tools by which description constructs its own depiction. Hence the great principle of utility is the (tautological) dictum which announces that pleasure-giving action would be preferred to that which gives pain. The over all discursive effect being simply an unlimited number of objects i.e. actions/pleasures whose relationship to one another can no longer be conceptualized. Such heteronomy cannot be placed under a concept – there is no way in which one could define happiness or sketch a means to achieve it since pleasure is identified with action itself — and therefore leaves one paralyzed in the face of the proliferating diversity of the world. Paralysis is the greatest investment of the unequal order of things. Diversity is proclaimed that contest ordered oppressions and since there are infinities within

infinities, the primary categories of Benthamite jurisprudence are indeed “fictions”: Community and Disposition. Fictions not in the old sense of figure – that by which what is experienced, is rationalized – but fictions as abstractions sans effect. Having exiled a principle – an optic – mere existence is taken as a guide. Grappling with diversity in the eye, means simply noting what seems most self-evident, and thereby expressing one’s own subject position through concealing it. Thus listing and logic become the operators in rendering the social world; a word by being nature itself, it is impossible to challenge or change.

This is what the philosophers had called matter: the determinable as opposed to that which determines i.e. form. When Bentham defines morality by the popular, he once again reiterates his commitment to accessing nature itself, as though the thereness of the social simply needed to be attended to. (He didn’t listen to Stein’s reprimand: there is no there there). It is the same imperative which suspends a treatment of the relationship between government and society, or the criteria through which a community can be defined. The vast stretches of the Indian subcontinent in the mode of conquest can in this sense never be comprehended under univocal signs. Just as happiness is identified with the pleasurable action, in the same way the individual is identified as part within the community. The “habits of obedience” explain politics (Bentham), just as habits in general explain economics (Malthus). This epistemological field – the new nature – is then merely described since the principles of its order are all there to be seen. It is natural that the circumstance affects disposition or that age affects criminality. The homogeneity and predictability of human action are the keys, as well as the presumption, behind an understanding of the political field. As long as one follows the right method and uses the right reasoning this will *itself* signify perfect order. It is precisely this faith in mere existence – the already existent – that burst forth when we are told that “knowledge *is* rapidly advancing towards perfection”. For even if we might be regressing into bestiality — there is no way to tell — Benthamite jurisprudence, would simply go with the flow, having no other authority than that which *is*. Here it will become evident that the conflict with the Natural law tradition as well as the ‘sentimental’ school is not so much one about ‘history’ but rather

exhibits the retreat of epistemology in the face of the exigency of aporetic ontological issues. Calculation and measure can be accomplished only if the ontological status of the object is preserved i.e. suspended and no longer treated as a ‘problem’; a problem that is as such only because its existence already implicates its subject-position. But human science can ironically be accomplished only by suspending the human, and rendering it as substitutable i.e. determination allows replacement once the ‘right method’ is followed.

Smith had already laid the groundwork for instituting an economic science, that no longer had to deal with fundamental political questions i.e. the infrastructure in epistemological and politico-historical terms through which demand and supply could be theorized. In Malthus and Ricardo in different ways this theorization is rendered truly abstract. Benthamite epistemology – logic and an abstraction from the real (heterogeneous archives) — enables a true human science. The definition of the human through time, allows Ricardo to understand the machine as merely the better human – one who could produce more in less time. Hence when dilating on the time-value nexus, the machine can be interpreted in terms of the latter, and become a more important ‘unit’ than that of the individual laborer. With time, machinery grows in importance since the proportion of fixed capital in the determination of value becomes increasingly crucial¹⁴⁷. The agon of the machine is not the human, but rather the decreasing fertility of land. It is not as though the human is left out; rather it is precisely an abstract theorization of the human as labor that succeeds in squeezing out that by which it claimed value. His value is disaggregated into the mouth (eating corn and the difficulty of its procurement is what drives the system) and the hand (working, whether in the agricultural or manufacturing/commercial sectors). In the same manner tea and sugar become simply commodities, no longer containing within them the political temporalities of violent conquest; examples within the logic of an argument about exchange. The science of wealth truly becomes about wealth, and when the human becomes a subject in his own right – the human qua human without God/nature – he does so as a factor in the production of things. Philosophical discourse until and in Hume, Rousseau and Smith also saw what was peculiar

to the human, and plotted his genesis in the miscegenation with things. But a human science not only assumes an original stain of the thing, but recuperates the human as a mere factor in a logical plane that doesn't encounter him in any way. He cannot be found since he is simply laboring; a doubling of the loss of politics which was linked to the ontological potential of the human-being. But the political is obscured in more concrete ways. From Smith to Ricardo the material (metallic) element of money is not given any real value. Smith of course had to make constant fun of this stupid mercantilist fallacy. But as we've tried to argue, the material element of money was in fact an indication of its political texture. Access of mines was not made on a flowchart, and the question of money supply was critical not only to English history – death to/for monetary crimes! – but also to unraveling its expansion in the Americas and the subcontinent. Ironically, or perhaps not so, the extreme abstraction of the economic modeling that could substitute the human for the machine or treat him as mere factor also found a reality in the mushrooming factories of Manchester and Liverpool, and the death and destruction in the subcontinent.

Tea and sugar that kept the workers working in England, also signified the slaves in slavery in the Americas and the conquered in Asia. But a Benthamite technique would measure, classify and order only that which was homogenous in its visibility. So the condition of the working class as working class would and could have no bearing on the kingdoms of India and China (Indian opium exchanged for Chinese goods to be sent to England and elsewhere). The reflexive judgment – a determination of a determination – is completely absent. And so the 'entry' of India into the British landscape would be evaluated solely in terms of signification within an (artificially determined) British calculus. Just as the Englishman in England, need concern himself only as such, and this Englishness is the only medium through which he can evaluate any fundamental existential proposition. (What else can be the range of Benthamite morals as opposed to the moral of other idioms we have examined?). Here we have the torturous construction of another fiction: the nation. It becomes the only medium through which questions such as freedom – that earlier had to do with an onto-political subjectivity – can be asked. Mill & Son are now audible. Liberty is merely negative

liberty, the freedom from constraint that a government imposes. It is without irony that liberty is measured against government and thereby establishes, *au contraire*, the latter's existence. "Civil liberty" and its valorization becomes a smokescreen for the 'real governmental' action that is being carried out in its perpetually expanding frontiers; a veritable state of nature. The reduction of the government to one that merely provides security is a disavowal of its actions elsewhere, just as it is a cover over the fact that governmental action has in any case pervaded the arena called private action. It is no wonder that Bentham could never really provide a theory that distinguished civil from penal, and at the same time the Company could be civil and public, merchant and government, proprietor and sovereign at one and the same time.

This complex set of relations between public and private – a genetic implicate — has been obscured by recent scholarship on the 'public sphere'. And this is more problematic when such writing uses Kant who at the end of the 18th century tried relentlessly to deal with the paradoxes of private and public. Habermas in his path breaking study of the public sphere completely elides the 'imperial' milieu whether in 'Germany' or in Britain. In his study terms such as reason and morality are not fully clarified in their Kantian dimension. For Kant in fact these categories – and their ontological anchoring in the human – could not be separated. It is the strange Kantian resolve to distinguish the human being into phenomena and 'noumena' that breed difficulty into the way in which he deals with the constitution of political authority. In the first place, this distinction may appear as that between person and thing, form and matter. Thus when one acts through inclination i.e. when the determination for an action is exterior to oneself, then one is nothing but a mechanical thing (pathology). Only when reason 'determines', as the ground of the will, an action, we can act in our personhood, i.e. as free and rational beings. It is this split that accounts for the great Kantian critique of the happiness principle. Happiness cannot be determined as such but only in terms of delimited actions. Although its presence can never be denied – it exists in actuality always – this is the mark of 'nature' rather than reason. This is why Kant's constant exhortation for us to be worthy of happiness – since no method can be crafted that could lead to happiness, the latter

falling into the determinable/nature and means ends rationale – a worth that would be the sign of our ‘intelligence’. It is again only in this sense that Kant says that persons have to be treated as ends not means. Or that the original contract is an ‘idea’ – i.e. on the plane of Reason with no corresponding object.

Although Habermas is right to point out to the fact that the Public is shot through with the ‘wills’ of all in a true republic this is perhaps meant in the specific sense of Reason as such¹⁴⁸. The Habermasian path doesn’t tell us much of the ‘phenomenalization’ of man and his slide into the continuum of things. A criminal is made a slave, just as the freeman becomes a criminal, because Reason and nature ‘existed’ in man at the same time. Thus the man as Reason condemns ‘himself’ to slavery for a crime. In the same way a murder would demand death, and Kant argued that this was a demand that couldn’t be undone even if the whole commonwealth were to face imminent destruction. (As the happiness principle might dictate). Here the demand for death was a sort of categorical imperative that was not a mere means to an(other) end. Nor can Habermas account for the ‘passive citizens’ who have no civil personality and whose existence was, “as it were, mere inherence”¹⁴⁹ i.e. without freedom/rationality. Similarly, since the original contract was an ‘idea’ one could not raise questions with regard to the present legitimacy of the executive-monarch, who in any case could never be punished. The Kantian dictionary allowed, as we have already discussed, a consistent translation between man and thing, and this was so critical in his own view, that a quasi-category, “right to a person analogous to a right to a thing” is developed, deployed and defended in his *Metaphysics of Morals*. It is this complexity and intricacy that is completely left fallow if we were to follow the Habermasian argument about ‘the public’ being the (inadequate) link between politics and morality. It is in the attempt at rescuing the rationality-freedom nexus that results in Kant’s pronouncement that the ‘happiness principle’ placed us in the realm of mere nature (heteronomy).

We can now better understand the nature of Benthamite intervention; and its Ricardian, Malthusian and Millian derivatives. The condensation of governmentality at the metropolitan site is the displacement of the sovereign principle into the expanding frontier of imperialism¹⁵⁰. Smith had initiated the possibility of

distinguishing the 'private' as the scene of wealth accumulation, after superseding, converting the erstwhile political into crime ('feudal retainers'). When Malthus and Ricardo carve out an analytic domain, they, also, paradoxically, reflect the real scene of the factory. The abstraction of man – the conversion of his labour into a secretion that can then be divided into discrete units – is realized in the new mode of production. While factory production might be the site of the valorization of value, in the frontier the political is valorized as the sovereign-feudal principle as well as a code that can be (re)translated into the economy of unequal exchange: financial debts and imports-exports. We have reached the great charter debates where the Company can argue about its sovereign rights through a 'labor intensive' derivation. The kingdoms of the subcontinent were its property, and as a private body *its* rights couldn't be denied by the British government. This denial could itself – theoretically – signal a return to nature; the kind of nature that was being manufactured in the subcontinent in any case. It is this set of translations that Benthamite and post-Benthamite epistemology succeed in dissimulating. Hence one can see a direct continuation with the idiom of administrative division in the Company. During the Charter renewal of 1813, the Company was to undertake a minute division of its revenues under the various headings such as the political, the commercial, the civil, and the judicial. But this was mere 'discourse' since the Company was a unitary body that combined all these functions, functions that made sense not only in relation to the Company structure but also as an organ British state and society. The proliferation of discourse at this level gives us no access to the activities or the nature of the Company, or the ways, for instance, in which the stock market in England is linked to the 'legitimate plunder' of the subcontinent. Bentham provides the theoretical grounding for this epistemo-lexical masking. Taking what is given as simply that which is given, and seeing one's task as that which merely perpetuates the given in its givenness is its paradoxical (cl)aim To explain nature, be at one with it, since we are indeed rapidly approaching perfection. This is the way on which 'free trade' can work as an injunction, 'laissez faire', let be!: the classical state of nature. As Malthus says, the poor are poor, and the reason for their poverty lies in themselves (their habits). They cannot attack the

government since the malaise is 'natural' and has to be cured in the same way, through 'prudent' behaviour; the same logic that encrypts imperialism into a set of international relations which conform to the natural laws of supply and demand.

Ironically, an abstract argument again helps in the construction of a 'fiction' for through a theory of comparative advantage Ricardo theorizes the nation-state as a homogeneous unit isomorphic and analogous in relation to other states¹⁵¹. Of course these natural laws were limited to the "civilized world" – even while it was witnessing unprecedented violence during the Napoleonic wars¹⁵² – leaving the 'uncivilized' in a state of indeterminate matter; in the richest political sense. Even so, in a strange way Ricardo was, perhaps, thereby unwittingly, an early theorist of nationalism! This fiction is still perpetuated, since the 19th century is often called the age of nationalism, when if one really looks one sees only expanding and contracting Empires. Empire—even the book – thus, works only through this fiction of the nation-state. This is the dialectic of condensation and displacement: the nation is abstracted from its imperial infrastructure (Ricardo), as its veil, just as culture is extricated from its political infrastructure (Munro on the Supreme Court, the debates on Hindu and Chinese habits), labor is unmoored from its political ontology ('economics' from Smith to Ricardo), and affect from its political genealogy (Bentham). But what complicates things even further is the new morality, where, as argued in the introduction, the most private becomes a vector of political activity (stocks and wars).

Thus, thinking about the nation is a way of avoiding the real sovereign activity of the nation i.e. its conquests. The Company as a medium cum organ of the British state is completely ignored. And one way in which this is done is by appellations such as 'colonial India'. India was never colonized – it was not settled i.e. treated as mere nature with the natives being exterminated as happened in North America – although there was a slight debate on this issue in the early 19th century; Mill was a supporter for instance. The many kingdoms of India were conquered by the British monarch and were then treated as a conquered people, made to relate to their conquerors in carefully calibrated modes of subjugation. The processual character of war, victory and defeat is completely evacuated by the

term 'colonial India' which thereby doesn't implicate Britain in the 19th century as directly involved in the *activity* of conquest. But worse is 'colonial State', which might make sense only in the context of diasporic studies, the longing for belonging, an existential *state* of being, that the one who leaves home might feel. But a colonial *State* is an oxymoron. India – when used as a geographic specification – was merely a place which the British Empire, with time, fully conquered, and over whom rule was established in formal and informal ways. The argument of conquest was used right up until the time of India's independence, and it is in this sense that one can understand the institutions of imperial – not colonial – rule. Hence, colony, as Mill realized, was an ambiguous term; but one can never conflate the colonization of North America with imperialism in the subcontinent. And while a great amount of ink was spilt on the nature of the colony and the mother country, as well as the place and rights of the East India Company in relation to the British State and Public, little was spent on the rights, or experience, of the conquered or the exterminated.

Conclusion/Passage

We, thus, in the early 19th century have a curious inversion of the places of the economic and the political. Despotism is now conceived in terms of the political while the economic is in-itself largely freed of such a charge, a place for healthy rivalry and competition. This is the position of James Mill, and Bentham too speaks of the possible proliferation of juridical despotism (every judge if he takes it upon himself to decide) while at the same time rescues the 'projectors' from Smith¹⁵³, since they might be simply continuing the 'natural way of things'. Malthus can argue that the political problem lay simply in the 'premature monopoly' of Eastern Kingdoms¹⁵⁴ who prevented the "natural progression" of an increased differentiation between rent and profits; with vigorous assent by Ricardo. The argument used is eminently circular since he claims that capital was not reinvested elsewhere because the people were poor, and of course poverty is attributed to the lack of capita reinvestment. The political is thus largely conceived as a way of limiting, and this negative conception of politics accelerates in the mid 19th century,

ironically taking us back to the original economy i.e. the *oikos*. The limiting function of politics acquires positivity only when mediated by numbers, even while the valorized space within this recursivity is that which is denominated as the social. It is only here that one can find true happiness, a space at a remove but dependent on the political arrangement¹⁵⁵.

In the 19th century, political theory becomes primarily concerned with institutional and procedural questions, as opposed to the nature of the political itself as the expression of the essence of man. While earlier, number in the form of “political arithmetic” had often been looked upon as a dubious increase in State power, in the 19th century, number comes to dominate the heart of political discussion as the sign of an increased participation of the people. While earlier number in the form of surveys and taxes was the index of the incursions of the Prince, now it is held up evidence of political maturity. Meanwhile, the facts of continuing conquest can be re-scripted by the swords of the word spirit. The person who articulates the situation most exquisitely is John Stuart Mill, political philosopher, and employee of the political department of the East India Company. Mill was not simply following, but repeating, his father’s words in the opening lines of *On Liberty* when he argued that his dissertation would not be on the nature of man but merely on the ways in which government and social pressure needed to be limited. By disavowing the political ontology of man – man as man makes government – the era of liberty can only be conceived negatively (freedom from)¹⁵⁶. Being merely a negative liberty, never staking its position within the political but merely asking that it be given its space within the structural conditions that have already been determined we reach the classical trivialization of politics: the private as the “inward domain”, and the sanction of actions to “do as we like subject to consequences that might follow” (“conformity”) with the State being “reduced” to a minimum” (J.S. Mill); the famous night-watchman State. While at the same time this night watchman state is a night of sovereign-banditry in the imperial frontier.

The negativity of ‘political liberalism’ is here the positivity of sovereignty in imperialism and can only be uneasily incorporated within the ineluctable modality of progress. (Hence the stadial theory with despotism is valid for the uncivilized). We have already alluded

to the fact that 'prize money' and plunder existed as regular categories of political action (the "brightest jewel"). It is not surprising that an expansion of representation is argued for in the metropolis, precisely at a time when the range of political intervention has in any case vastly expanded: the imperial domains. The emergence of 'democratic theory' is thus the perfect ideological tool because man comes to have political signification only through the medium of number, at the very time when the frontier zone – as the expanding field of sovereign intervention – dwarfs the metropolitan (private) site. Again one has to ask who counts – in the passive and active sense. Representation becomes the real modality through which the private is sequestered from and denied access – in epistemological terms – to the public in both internal and external senses (wars/conquest and the increasingly refined modes of formal and informal rule perfected throughout the 19th century). This is why the imperial activity is literally *unaccounted for*: a lasting legacy for the name of democracy where "foreign policy" is always justifiable on grounds of national-self-interest, however cynical or brutal. It is now understandable why within the metropolitan site, the fact of government is taken as an already given; it is not long before the abstract can switch to the empirical. Thus liberty is solipsistically self referential in its mode; one couldn't care about what my government/society does elsewhere as long as it doesn't directly affect oneself. This is how liberty can not but be mere civil liberty, and can therefore never comprehend or render visible its own (f)act of imperialism the domain that comes-to-be *its* "foreign policy". Politics becomes simply the ineluctable mode of the social. However even in this there is a curious return to Locke, not the Locke of the *Treatises* but the Locke the "metallic", where his arguments for coinage assume the Public not as the power of labour, but as the natural existent that is at the same time the guard and guarantor of value and security, just as there is a return to Hume and Smith. But only at the moment of punishment, for it is only then that the universalist analytic of man in his sentimental being can in the final instance justify and render intelligible, according to Mill, the taking of life.

And yet, it is not as though the 'private' is sealed from the public in any way, since arguments from the 18th century have alluded to the 'concatenation of labours' through which the site of the private

is itself politically saturated; and the most private within this private can reach out and act at a distance through the Public as evidenced by the Company's stockholders as patrons of a sprawling government. The laws of commodity exchange and the regimes of taxation target and determine the individual in unprecedented ways, ensuring no direct representation in policy; which is what politics now amounts to. It is this widening gulf between naming and significance, representation and effect, which becomes the critical object of Marx, who powerfully pointed out the double nature of 'freedom'. But it is the global as real site that Marx misses out on when the essence of English 'expansion' is masked by him as the essential historicity of Capital. A chronological switching – as though British conquest post-dated the 'industrial revolution' – becomes complicit within the new 'economic ideology'; so Marx reads 'feudal' as simply a mode of production long past – and if present only worthy of being rendered past – while capital however oppressive, is the ineluctable future. But as a powerful philosopher, and one brought up under the tutelage of Kant and Hegel, the broader ontological significance of the new epistemo-economic technique being supplied by England didn't escape him. Even so, such thinking in the 19th century when any kind of 'real politics' – a theorization of political subjectivity that can encrypt the range of political activity, a theory that can adequately theorize imperialism – seems to have passed, Marx has arrived a moment too late. And hence, his massive effort is a righting anachronism.

NOTES

1. In France this was achieved earlier as the first Chair was established in the Ecole Normale in 1795 with Alexandre-Theophile Vandermonde as the first occupant.
2. The importance of financial liquidity in the wars of the subcontinent has been studied using the Maratha conflicts as a case study where wars are driven by money and its modes. See Randolph G S Cooper, *The Anglo-Maratha Campaigns and the Contest for India* (Cambridge: Cambridge University Press 2003). A detailed analysis of the proportion of defense in relation to civil expenditure in the late 18th century shows the essentially military nature of the colonial state.
3. This can also be seen in the Scottish Enlightenment, but as discussed

in the previous chapters, this was grounded within a certain 'sentimental' *telos*. The other possible source is the Physiocrats, but here the vision, I argue, is still very much grounded in the conception of 'natural right'. However, there is certainly the strong resemblance as 'logic': "in the beginning, man found himself faced with uninhabited spaces, which in relation to the small number of the first human beings, abounded in goods substitutable for subsistence. At first they were able to consume the spontaneous gifts from nature...but the fruits of the earth last only until the following year, whereas man eats everyday. With population increase, and the means of subsistence become proportionally more troublesome to acquire. Thus it was necessary for him to seek new things on which to subsist. He had to cultivate land, whence arose agricultural nations. He had to herd together and rear domestic animals, which was the origins of herdsmen. He had to hunt wild animals and set traps for them and also do the same for fish, which the origins of hunters and fishermen" (60). Quesnay and Mirabeau, *Rural Philosophy*.

4. It is thus strange that in an otherwise excellent work, Stein, argues that only the May reports of 1800 use 'history', in the context of the Ceded Districts. The last chapter – through Grant and Rousse – has shown that in the debates around the Permanent Settlement too history functioned as a key to sovereign action. See *Thomas Munro: The Origins of the Colonial State and His Vision for Empire* (Delhi: Oxford University Press 1989).
5. Bentham's *Of Laws in General* Ed. H.L.A Hart (London: The Athlone Press 1970) p. 18. The debate on the "command theory" of Bentham, on the extent to which it was 'interactional', does not ontologically probe the question of the subject of subjectification in the context of sovereignty. But for the discussion, see Gerald J Postema, *Bentham: Moral, Political and Legal Philosophy* Vol. II, (Dartmouth: Ashgate 2002) specifically the contributions by Hart and Postema on the issue, pp. 253-277.
6. See Plato's *Gorgias* in *The Dialogues of Plato* Vol. II, Trans. B. Jowett (Oxford: The Clarendon Press 1953) p. 592. In the *Philebus* pleasures and pains are classified in the "more and less" [infinite] and therefore indicate that both may well be simultaneous. But a distinction between pleasures of the soul and body are made later in the dialogue, with the latter being distinct from pain, as only the "fifth class defined by us as painless, being the pure pleasures of the soul herself" [from measure, symmetrical (beauty), mind/wisdom, sciences and arts]. P. 628. The in-mixing of pleasures and pains as being the inevitable fate of embodiment can be found in other traditions. For instance, the *bhashya* of Vijnanabhikshu argues that, "To the discriminative, all,

without exception is pain, inasmuch as (enjoyment of pleasure is accompanied) with affliction, (in the shape of aversion to all that interferes with the enjoyment of pleasure), and is followed by resultant pain and by pain due to the recollection that the enjoyment of pleasure has passed away” (22). See *The Sankhya Philosophy* Trans. Nandalal Sinha (Delhi: Munshiram Manoharlal 2003)

7. “It is futile to inquire into the historical warrant of the mechanism of government, that is, one cannot reach back in time at which civil society began (for savages draw no record of their submission to law; besides we can already gather from the nature of uncivilized men that they were originally subjected to it by force). But it is punishable to undertake this inquiry with a view to possibly changing by force the constitution that now exists” (111-112). Immanuel Kant, *Metaphysics of Morals* (Cambridge: New York: Cambridge University Press 1996). History could become analogous to imagining a just constitution if the latter was used to incite the population. “It is sweet, however, to imagine constitutions corresponding to the requirements of reason (particularly in a legal sense), but rash to propose them and culpable to incite the populace to abolish what presently exists”. See “Conflict of Faculties” in *Religion and Rational Philosophy* (Cambridge: Cambridge University Press 1996) p. 307; note.
8. “Thus we can say that the real things of past time are given in the transcendental object of experience; but they are objects for me and real in past time only in so far as I represent to myself (either by the light of history or by the guiding clues of causes and effects) that a regressive series of possible perceptions in accordance with empirical laws, in a word, that the course of the world, conducts us to a past time-series as condition of the present time – a series which, however, can be represented as actual not in itself but only in connection of a possible experience. Accordingly, all events which have taken place in the immense periods that have preceded my own existence mean really nothing but the possibility of extending the chain of experience from the present perception back to the conditions which determine this perception in respect of time”. See, *Critique of Pure Reason*. Trans. Normal Kemp Smith (Bedford: Macmillian & Co. 1965), p. 442
9. “Consequently when I draw up a penal law against myself as a criminal, it is pure reason in me (*homo noumenon*) legislating with regards to rights, which subjects me, as someone capable of crime and so as another person (*homo phenomena*) to the penal law together with all others in a civil union”. p. 108. “Certainly no human being can be without dignity, since at least he has the dignity of a citizen. The exception is someone who has lost it by his own crime, because of which, though he is kept alive, he is made a tool of another’s choice

(either of the state or of another citizen). Whoever is another's tool (which he can become only by verdict and right) is a bondsman (*servus sensu stricto*) and is the property (dominium) of another, who is accordingly not merely his master (*herus*) but also his owner (*dominus*) and can therefore alienate him as a thing, use him as he pleases (only not for shameful purposes) and dispose of his powers, though not of his life or members". p. 104. *Metaphysics of Morals*, op.cit. It may be remarked that Bentham too distinguished between person and thing, passive (patient) and active (agent). But relations are merely described thorough classification, neither justified nor explicated. See *Of Laws in General* op.cit., pp. 34-52.

10. Other than the *Critique of Practical Reason*, where freedom is located in the transcendental, the nexus between the moral, action, rationality and freedom is integral to the fundamental thematic of Kant's whole oeuvre. So for instance in the *Critique of Teleological Judgment*, Kant writes, "But when it [reason] considers nature practically, it similarly presupposes its own causality as unconditioned (as far as nature is concerned), i.e., its own freedom, since it is conscious of its [own] moral command. Here, however, the objective necessity of the action, in other words, duty, is being opposed to the necessity that action would have if it were a [mere] event with its basis in nature rather than in freedom (i.e., the causality of reason); and the action that morally is absolutely necessary is regarded as quite contingent physically". See Kant's *Critique of Judgment* Trans. Werner S. Pluhar (Indianapolis/Cambridge: Hackett 1987), p. 286.
11. Kant, *Critique of Pure Reason*, p. 316.
12. See Immanuel Kant, *Political Writings* (Cambridge: New York : Cambridge University Press 1991) and *Anthropology From a Pragmatic Point of View* (Cambridge, UK ; New York : Cambridge University Press 2006)
13. See Grenville, *British India*. Vol. I . (London: printed for E. Jeffery; J. Debrett; and P. Elmsley 1793). Also B.B Misra, *Central Administration of the East India Company*. (Manchester: Manchester University Press 1959)
14. William Paley, *Principles of Moral and Political Philosophy* (Indianapolis: Liberty Fund 2002). Fredrick I and his discussion with two jurists about whether the Emperor had only imperium, or whether he had also dominium, over his territories. Cited in Otto Freidrich Von Gierke, *Natural Law and Theory o Society 1500-1800* (Boston: Beacon Press 1957). But even in the late 18th century, Kant asks, "Can the sovereign be regarded as the supreme proprietor (of the land) or must he be regarded only as the one who has supreme command over the people by law". (99). *Metaphysics of Morals*. (Cambridge: Cambridge

University Press 1996). See Otto Bruner's contention that Kant was in fact arguing against contemporaneous patriarchal theory. Foucault in his studies of governmentality and sovereignty has underestimated the power of the family model, with significant consequences.

15. The model is itself grounded in 'Natural Right', with positive right but being its re-inscription. Of course, the fact that men in a civil state have to follow the dictates of authority, since this is the form of his own right, recuperates the natural law problematic. Arguing against Montesquieu, it was Quesnay's position that 'despotism' could be used interchangeably with absolutism, since both enunciated singular authority. He accepted the fact that such authority could be abused. This was closely linked to an understanding of China's political system on which they of course took diametrically opposing stances. The differences with Montesquieu are spelt out most clearly in pp. 212-220. *China As A Model for Europe* (San Antonio, Tex., Paul Anderson, 1946). This was aligned with the economic coding of 'internal conquest' – crushing the feudal nobility and their rights – into the benefits of circulation. "In this way a kingdom can in a short time progress to a high degree of power and prosperity. Thus by very simple means a sovereign can win victories within his own state which are more advantageous than those which he could win over his neighbors".
16. Abbe Sieyes, "What is the Third Estate" in *Political Writings* (Indianapolis: Hackett 2003)
17. G.W. Leibniz, *New Essays on Human Understanding* (New York: Cambridge University Press, 1996), pp. 503-509. Leibniz too derived Royal Authority from Patriarchal authority. See *Political writings* (New York : Cambridge University Press 1988)
18. See, *Fragment on Government*, in Jeremy Bentham, *A Fragment on Government and An Introduction to the Principles of Morals and Legislation* op.cit. p. 3
19. The linkage between business and busyness has etymological sanction both being derived from the Old English / *bisignes*.
20. Ibid. pp. 7-8
21. Ibid. p. 23.
22. Ibid. pp. 24-25. "The principle (utility) which furnishes us with that reason which alone depended not upon any higher reason, but which is itself the sole, and all sufficient reason for every point of practice whatsoever" (56). "The principle of utility neither requires not admits of any other regulator than itself".
23. "Tis only by the help of such a mark that we can be in a condition to determine, at any given time, whether any given society is in a state of government, or in a state of nature. I can find no such mark I must confess, anywhere, unless it be this; the establishment of names of

office: the appearance of a certain set of men with a certain name, serving to mark them out as objects of obedience: such as king, Sachem.." Ibid. pp. 43-4.

24. "Governments accordingly, in proportion as the habit of obedience is more perfect, recede from in proportion to less perfect, approach to a state of nature". Ibid. p. 38.
25. "It is then, we may say and not until then, allowable to, if not incumbent on, every man, as well on the score of duty as of interest, to enter into measures of resistance; when, according to the best calculation he is able to make the probable mischiefs of resistance (speaking with respect to the community in general) appear less to him than the probable mischiefs of submission. This then is to him, that is to each man in particular, the juncture of resistance. A natural question here is – by what sign shall this juncture be known. By what common signal alike conspicuous and perceptible to all? A question which is readily enough started, but to which, I hope, it will be almost as readily perceived that it is impossible to answer". Ibid. pp. 93-94.
26. Ibid. pp. 54-55.
27. "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand, the standard of right and wrong, on the other, the chain of causes and effects are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we make to throw off out subjection, will serve but to demonstrate and confirm it. " Ibid. pp. 125-126.
28. Ibid. pp. 126-127.
29. Ibid. pp. 132-140.
30. Ibid. p. 125
31. "The community is a fictitious body composed of the individual persons who are considered as constituting its members. The interest of the community is then – what? – the sum of the interests of the several members who compose it". Ibid. p. 126. .
32. Ibid. p. 127.
33. "Now disposition is a kind of fictitious entity feigned for the convenience of discourse, in order to express what there is supposed to be permanent on a man's frame of mind, where, on such or such an occasion, he has been influenced by such or such a motive, to engage in an act, which, as it appeared to him, was of such or such a tendency. Ibid. p. 246.
34. Ibid. p. 189.
35. Ibid. p. 189. This is a far more complex position than modern day analytic philosophers suggest. In addition from Rawls's classic work

to Sen's, Bentham's work has not been given its due and reduced to a simple framework where the consequence is simply distinct from the/a subject-position.

36. Ibid. p. 195.
37. We see in Hegel an uncanny echo of Bentham. "The genuinely universal and pure relation of knowing would be a relation not containing an antithesis, a relation to itself; but action, in virtue of the antithesis it essentially contains, is related to a negative of consciousness, to a reality possessing intrinsic being. Contrasted with the simplicity of pure consciousness, with the absolute other or implicit manifoldedness, this reality is a plurality of circumstances which breaks up and spreads out endlessly in all directions, backwards, into their conditions, sideways into their connections, forward in their consequences". See, *Phenomenology of Spirit* op.cit., p. 389.
38. *Jeremy Bentham's Economic Writings* (London: Published for the Royal Economic Society by Allen & Unwin 1952-54). p. 132.
39. Karly Polanyi makes the important argument that the new economic science did not distinguish between humans and animals in their biological (natural) species being. However he does not draw out the implications for the very nature of reason (or its historical "displacement") or conceptually interrogate 'reason' in a manner so as to enable immanent critique. See *The Great Transformation* (Boston: Beacon Press 2001)
40. Thomas Malthus, *An Essay on the Principle of Population*, (Cambridge: Cambridge University Press 1992), pp. 13-20 and 45-56. "If any man chose to marry without prospect of being able to support a family, he should have the most perfect liberty to do so. Though to marry, in this case, is in my opinion clearly *an immoral act*, yet it is not one which society can justly take upon itself to prevent or punish; because the punishment provided for by the *laws of nature* falls directly and most severely through him, only more remotely and feeble on the society. When nature will govern and punish, for us it is a very miserable ambition to wish to snatch the rod from her hands, and draw upon ourselves the odium of the executioner. To *the punishment therefore of nature he should be left, the punishment of severe want*. He has erred in the fact of a most clear and precise warning, and can have no just reason to complain of any person but himself when he feels the *consequences* of his error...he should be taught to know that the *laws of nature, which are the laws of God*, doomed him and his family to starve for disobeying their repeated admonitions; that he had no claim of right on society for the smallest purchase of food, beyond that which his labor would fairly purchase". pp. 262-3. "...but experience has proved, I believe without a single exception, that poverty and

misery have always increased in proportion to the quantity of indiscriminate charity; are we not *bound to infer, reasoning as we usually do, from the laws of nature* that it is an intimation that such a mode of distribution is not the proper office of benevolence". p. 285.

41. "One principle reason why this oscillation has been less remarked, and less decidedly confirmed by experience than might naturally be explained is that the histories of mankind which we possess are, in general, histories only of the higher classes. We have not many accounts that can be defended upon the manners and customs in that part of mankind where these retrograde and progressive movements chiefly take place". Ibid. p. 26. See also pp. 25-27.
42. See Bentham's "Population" published a few years before Malthus's early drafts of the *Essay*. "Nothing ought to be done for the particular purpose of promoting population. The quantity of population is not limited by the desire for sexual intercourse, it is limited by the means of subsistence. The facility of finding subsistence for children is in proportion to the demand for labor: and the demand for labor is in proportion to the relative quantity of capital already in store. The quantity of capital dispositive to industry remaining given, population cannot be had but at the expense of wealth, nor wealth but at the expense of population: the more people there are the poorer they will be: the fewer, the richer. In short, the more children a man has, the poorer he is, at least till they are able to provide altogether for their own maintenance". (272-273).
43. Thomas Malthus, *An Essay on the Principle of Population*, (Cambridge: Cambridge University Press 1992), pp. 31-44; pp. 207-225.
44. Ibid. pp. 45-56.
45. Ibid. pp. 56-81.
46. "Mr. Paine very justly observes that whatever the apparent cause of any riots may be, the real one is always a want of happiness; but when he goes on to say it shows that something is wrong in the system of government that injures felicity by which society is to be preserved he *falls into the common error of attributing all want of happiness to government*. It is evident that want of happiness might have existed and from *ignorance might have been the principal cause of the riots and that be almost wholly unconnected to any of the processes of government*...nothing would effectually counteract the mischief occasioned by Mr. Paine's Rights of Man as a general knowledge of the real rights of man. What these rights are it is not my business at present to explain; but there is one right which man has generally been thought to possess, *which I am confident he neither does, nor can possess*—a right to subsistence when his labor will not fairly purchase it. Our laws indeed say that he has this rights, and bind the society to

furnish employment and food to those who cannot get them in *the regular market; but in so doing, they attempt to reverse the laws of nature*" (Italics mine). Ibid. pp. 225-325; 248-249.

47. The recognition that such taste had to be coercively implanted and was done so through a legal regime, has been recognized, well documented and received excellent treatment by among others, Karl Polanyi and especially, Michael Perelman in *Invention of Capitalism* (North Carolina: Duke University Press 2000). However, this is not as directly linked to a critique of the more general juridical paradigm, whose implications we argue are momentous. It is this crucial dimension that is missing in the "somaeconomics" of Catherine Gallagher's *The Body-Economic* (Princeton: Princeton University Press 2008).
48. Malthus, an *Essay Concerning Population*. op. cit., p. 249. "A man who is born into a world already possessed, if he cannot get subsistence from his parents on whom he has a just demand, and if the society does not want his labor, he has no claim of *right*, to the smallest portion of food, and , in fact, has no business to be where he is".
49. The best extended discussion on the early 18th century debates around Walpole, Bolingbroke and Swift remains I. Krammnik's, *Bolingbroke and his Circle*. (Cambridge: Harvard University Press 1968).
50. "...that the principal and most permanent cause of poverty has little or no relation to forms of government or the unequal division of property, and that, as the rich do not in reality possess the power of finding employment and maintenance for the poor, the poor cannot in the nature of things, possess the right to demand them, are important truths flowing from the principle of population, which when properly explained would by no means be above the most ordinary comprehensions. And it is evident that every man in the lower lasses of society who became acquainted with these truths would be disposed to bear the distress in which he might be involved with more patience, would feel less discontent and irritation at the government and the higher classes of society on account of his poverty; would be on all occasions less disposed to insubordination and turbulence...if these truths were by degrees more generally known which in the course of time does not seem to be improbable, from the natural effects of the mutual interchange of opinion the lower classes of people would become more peaceable and orderly...the mere knowledge of these truths, even of they did not operate sufficiently to produce any marked change in the prudential habits of the poor, with regard to marriage, would still be a beneficial effect on their conduct in a political light" pp. 329-330. "We may perhaps take upon ourselves with great caution to mitigate in some degree the

punishments which they are suffering from the laws of nature, but on no account to remove them entirely. They are deservedly at the bottom in the scale of society; and if we raise them from this situation we not only palpably defeat the end of benevolence; but commit a glaring injustice to those who are above them". Ibid. pp. 286-287.

51. Malthus, *Principles of Political Economy* in Malthus, *Works VII*: "in early periods of society, more remarkable, when the knowledge and capital of an old society are employed upon fresh and fertile land, the surplus produce of the soil shows itself chiefly in extraordinary high profits, and extraordinarily high wages, and appears but little in the shape of rent. While fertile land is in abundance, and may be had by whoever asks for it, nobody of course will pay rent to a landlord. But it is not consistent with the laws of nature and the limits and quality of the earth, that this state of things should continue. Diversities of soil and situation must naturally exist in all countries. All land cannot be the most fertile: all situations cannot be the nearest to navigable rivers and markets but the accumulation of capital beyond the means of employing it, only land of the greatest natural fertility and the most advantageously situated must necessarily lower profits while the tendency of population to increase beyond the means of subsistence, after a certain time, lower the wages of labor". See pp. 120-133. This argument is present earlier: "In the early periods of society, or more remarkably perhaps, when the knowledge and capital of an old society are employed upon fresh and fertile land, this surplus produce, this bountiful gift of providence, shows itself in extraordinarily high profits, and extraordinarily high wages, but appears little in the shape of rent". (123).
52. "The obvious cause of these effects is, that, in all common monopolies, the demand is exterior to, and independent of, the production itself...in the production of necessaries of life, on the contrary, the demand is dependent on the produce itself, and the effects are therefore widely different..in all common monopolies , an excess of the value of the produce above the value of the labor employed in obtaining it, may be created by external demand. In the partial monopoly of the land which produces necessaries, such an excess can only be created by the qualities of the soil" (114-5). Ibid. See pp. 103-120.
53. "The quality of the soil here noticed as the primary cause of the high price of raw produce, is the gift of nature to man" (107). "...or with Mr. Buchanan, to consider it as no addition to the national wealth but merely a transfer or value, advantageous only to the landlords, and proportionally injurious to the consumers. Is it not on the contrary, a clear indication of a most inestimable quality on the soil, which God has bestowed on – the quality of being able to maintain more persons

than are necessary to work it? Is it not a part, and we shall see farther on that it is an absolutely necessary part, of that surplus produce from the land, which has justly been stated to be the source of all power and enjoyment” (117-8). Ibid. This argument is present even in his first statement. “ The obvious cause of these effects, that in all monopolies, properly called whether natural or artificial, the demand is exterior to and independent of, production itself...in the production of the necessaries of life, on the contrary, the demand is dependent upon the produce itself; and the effects are, in consequence very different..is it not, on the contrary, a clear indication of a most inestimable quality in the soil, which God has bestowed on man – the quality of being able to maintain more persons than are necessary to work it” . Ibid. p. 122.

54. “...when improvements are introduced in particular districts, which tend to diminish the costs of production, the advantages derived from them go immediately , upon the renewal of leases to the landlord, as the profits of stock must necessarily be regulated by competition, according to the general average of the whole country”. (142). “But though cultivation cannot be extended and the produce of a country increased, except in such a state of things, as would allow a rise of rents; yet it is of importance to remark, that this rise of rents will be by no means in proportion to the extension of cultivation or increase of produce, every relative fall in the price of instruments of production may allow the employment of a considerable quantity of additional capital; and when either new land is taken into cultivation or the old improved, the increase of produce may be considerable, though the increase in rents be trifling. We see, in consequence that in the progress of a county towards a high degree of cultivation the quantity of capital employed upon the land, and the quantity of produce yielded by it, bear a constantly increasing proportion to the amount of rents, unless counterbalanced by the extraordinary improvements in modes of cultivation,” (159) Ibid (Ricardo’s agreement in the *Notes*). And further “but fortunately for mankind, neat rents of the land, under a system of private property, can never be diminished by the progress of cultivation. Whatever proportion they may bear to the whole produce, the actual amount must go on increasing, and will always afford a fund for the enjoyments and leisure of society sufficient to leaven and animate the whole mass” (222). Ibid.
55. I shall continue to think that the most proper definition of real value in exchange, in contradistinction to nominal value in exchange, is, the power of commanding the necessaries and conveniences of life, including labor, as distinguished from the power of commanding the precious metals” (35-6). Ibid.

56. The opening lines: "The science of political economy resembles more the sciences of morals and politics, than the science of mathematics". (5). And later "In the first place they have considered commodities as if they were so many mathematical figures, or arithmetical characters, the relations of which were to be compared, instead of the articles of consumption, which must of course be referred to the numbers of wants of consumers. If commodities were only compared and exchanged with each other indeed it would be true that, if they were all increased in their proper proportion to any extent, they would continue to bear among themselves the same relative value" (309). Ibid.
57. "It is by no means true as a matter of fact that commodities are always exchanged for commodities the great mass of commodities is exchanged directly for labor, either unproductive or productive; and it is quite obvious that this mass of commodities, compared with the labor with which it is to be exchanged may fall in value from a glut just as any one commodity falls in value from an excess of supply compared with labor or money. (307-8) See pp. 301-21. Ibid. We have continuously made use of Ricardo's *Notes on Malthus*, in *Works*, vol. II.
58. He continues "And in the same manner it is not merely the extent of actual supply, nor the extent of the actual supply compared with the actual demand, that lowers prices, but such a change in the relation of the supply, compared with the demand, as renders a fall of price necessary, in order to take off a temporary abundance, or to prevent constant excesses of supply contingent upon a diminution in the cost of production, without proportionate diminution in the price of the produce". Ibid. pp. 41-42.
59. "One of the most striking instances of the truth of this remark, and a further proof of a singular resemblance in the laws that regulate the increase in capital and of population, is to be found in the rapidity with which the loss of capital is recovered during a war which does not interrupt commerce. The loans to government convert capital into revenue, and increase demand at the same time that diminish the means of supply. The necessary consequence must be an increase in profits. This naturally increases both the power and the reward of accumulation" (330) Ibid.
60. "...unproductive laborers are of great importance in the production of wealth indirectly, as demanders, but they cannot with propriety be said to create the wealth which pays them". (22). Ibid.
61. "It is the want of necessaries which mainly stimulates the laboring classes to produce luxuries; and were this stimulus removed or greatly weakened, so that the necessaries of life could be obtained with very little labor, instead of more time being devoted to production of

conveniences, there is every reason to think less time would be so devoted". (333-4). Ibid.

62. Ibid. pp. 15-24.
63. Ibid. pp. 43-55. "It does not, however in any degree, follow from what has been said, that labor and the costs of production have not a most powerful effect upon prices. But the true way of considering these costs is, as the necessary condition of the supply of objects wanted" (49). Ibid.
64. Ibid. "That an efficient taste for luxuries, that is, such a taste as will properly stimulate industry, instead of being ready to appear at the moment it is required, is a plant of slow growth, the history of human society sufficiently shows" (314). "In a country, where the necessary food is equal or nearly equal to the produce, it is perhaps impossible that the time not devoted to the production of food should create a proportionate quantity of wealth, without a very decided taste for conveniences and luxuries among the lower classes of society, and such a power of purchasing as would occasion an effective demand for them...in general it may be said that demand is quite as necessary to the increase of capital as the increase of capital is to demand". (348). See the long discussion on the new world pp. 331-350.
65. Ibid. pp. 198-208. See also the discussion in *An Essay on the Principle of Population* op.cit.
66. Ibid. p. 428. "The greatest of all difficulties in converting uncivilized and thinly peopled countries into civilized and populous ones, is to inspire them with the wants best calculated to excite their exertions in the production of wealth. One of the greatest benefits which foreign commerce confers and the reason why it has appeared an almost necessary ingredient in the progress of wealth, is its tendency to inspire wants, to form new tastes, and to furnish fresh motives to industry". This can be combined with the extended critique of Paine and the general criticism of 'political critique' as found in the *Essay on the Principle of Population* op.cit.
67. See above for the argument about the quality of land. "But it is not consistent with the laws of nature, and the limits and quality of the earth that this state of things should continue. Diversities of soil and situation must necessarily arise. All land cannot be the most fertile; all situations cannot be the nearest to navigable rivers and markets". (123). Later, "The expenses of cultivation, including profits, having fallen, poorer land, or land more distant from markets, though yielding at first no rent, may fully repay these expenses, and fully answer to the cultivator". (125). *Works VII* op.cit.
68. David Ricardo, *Principles of Political Economy and Taxation* (New York: Prometheus Books 1996). "In speaking, then, of commodities of their

exchangeable value, and of the laws which regulate their relative prices, we mean always such commodities only as can be increased in quantity by the exertion of human industry and on the production of which competition operates without restraint. In the early stages of society, the exchangeable value of these commodities, or the rule which determines how much of one shall be given in exchange for another depends almost exclusively on the comparative quantity of labor expended on each" (18). "Suppose that, in the early stages of society, the bows and arrows of the hunter were of equal value, and of equal durability, with the canoe and the implements of the fishermen, both being the produce of the same quantity of labor. Under such circumstances the value of the deer, the produce of the hunter's day's labor, would be exactly equal to the value of the fish, the produce of the fisherman's day's labor. The comparative value of the fish and the same would be entirely regulated by the quantity of labor realized in each whatever might be the quantity of production or however high of low general rates of profits might be" (26). "If the quantity of labor realized in commodities regulate their exchangeable value, every increase of the quantity of labor must augment the value of that commodity on which it is exercised, as every diminution must lower it" (19). "It is the comparative quantity of commodities which labor will produce that determines their present or past relative value, and not the comparative quantities of commodities which are given to the laborer in exchange for his labor". (21).

69. Ibid. pp. 25-29.
70. Ibid. p. 23. The jeweler example is repeated by Marx in *Capital I* op.cit.
71. Ricardo, *Principles*, op.cit.
72. "If we had then an invariable standard, by which we could measure the variation in other commodities, we should find that the utmost limit to which they could permanently rise, if produced under the circumstances supposed, was proportioned to the additional quantity of labor required for their production; and that unless more labor were required for their production they could not rise in any degree whatever" Ibid. p. 29.
73. "Value then essentially differs from riches for value depends not on abundance, but on the difficulty or facility of production" (190)."Adam Smith, however, uniformly ascribes the fall of profits to the accumulation of capital, and to the competition which will result from it, without ever adverting to the increasing difficulty of providing food for the additional number of laborers which the additional capital will employ. (200). Ibid.
74. Ibid. p. 30. See also pp. 30-41.
75. Ibid. p. 35.

76. Ibid. p. 45. See pp. 45-57.
77. "On the first settling of a country in which there is an abundance of rich and fertile land, a very small proportion of which is required to be cultivated for the support of the actual population, or indeed can be cultivated with the capital which the population can command, there will be no rent; for no one would pay for the use of land when there was an abundant quantity not yet appropriated, and, therefore, at the disposal of whosoever might chose to cultivate it". Ibid. p. 46
78. "If with a capital of 1000 pounds a tenant obtain 100 quarters of wheat from his land, and by the employment of a second capital of 1000 pounds he obtain a further return of 85, his land-lord would have the power, at the expiration of his lease, of obliging him to pay fifteen quarters or an equivalent value for additional rent; *for there cannot be two rates of profit*".(48)."if meat rose 20 percent, bread, beer, shoes, labor, and every commodity would also rise 20 percent; it is necessary they should do so to secure to each trade the same rate of profits" (146). Italics mine. Ibid.
79. Ibid. This comes out clearest in his critique of Malthus. "But it is this necessity of taking inferior land into cultivation which is the cause of the rise of rent, and will elevate it although the quantity of corn received by the landlord be reduced in quantity. Rent, it must be remembered, *is not in proportion to the absolute fertility of the land in cultivation, but in proportion to its relative fertility*. Whatever cause may drive out capital to inferior land must elevate rent on the superior land; the cause of rent being, as stated by Mr. Malthus in his third proposition 'the comparative scarcity of the most fertile land'. The price of corn will naturally rise with the difficulty of producing the last portions of it, and the value of the whole quantity produced on a particular farm will be increased, although its quantity be diminished; but as the cost of production will not increase on the more fertile land, *as wages and profits taken together will always continue always of the same value* it is evident that the excess of price above the cost of production, or, in other words the rent must rise with the diminished fertility of the land, unless it is counteracted by a great reduction of capital, population and demand. It does not appear that Mr. Malthus's proposition is correct: *rent does not immediately and necessarily rise or fall with the increased or diminished fertility of the land; but its increased fertility renders it capable of paying at some future time some augmented rent*" (282). Italics mine. See pp. 278-297. Ibid.
80. Ibid. He cites Malthus's citation of Buchanan with which, in this respect, he fully agrees: "In this view it (rent) can form no general addition to the stock of the community, as the neat surplus in question is nothing other than the revenue *transferred from one class to another and from the*

mere circumstance of its thus changing hands, it is clear that no fund can arise out of which to pay taxes. The revenue which pays for the produce of land exists already in the hands of those who purchase that produce; and if the price of subsistence were lower, it would still remain in their hands, where it would be just as available as when, by a higher price, it is transferred to the landed proprietor". (279). Ibid.

81. Ibid. p. 56.

82. "When, from the progress of population, land of the same quality as before should be taken into cultivation, the landlord would have not only the same proportion of the produce as before, but that proportion would also be of the same value as before. Rent would then be the same as before; profits however would be much higher, because the price of food, and consequently wages, would be much lower. High profits are favorable for the accumulation of capital, the demand for labor would increase, and landlords would be permanently benefited by the increase need for land. Indeed the very same lands, might be cultivated much higher when such an abundance of food could be produced from them, and, consequently, they would in the progress of society, admit of much higher rents, and would sustain a much greater population than before. This could fail to be highly beneficial to the landlords, and is consistent with the principle which this inquiry, I think, will not fail to establish – that all extraordinary profits are in their nature but of limited duration, as the whole, surplus produce of the soil, after deducting from it only such moderate profits as are sufficient to encourage accumulation, must finally rest with the landlord. With so low a price of labor as such an abundant produce would cease, not only would the lands already in cultivation yield a much greater quantity of produce, but they would admit of a great additional capital, being employed on them, and a greater value to be drawn from them, and at the same time, lands of a very inferior quality could be cultivated with high profits, to the greater advantage of the landlords as well as the whole class of consumers. The machine which produced the most important article of consumption would be improved, and would be well paid for according as its services were demanded. All the advantages would in the first instance, be enjoyed by the labourers, capitalists, and consumers; but with the progress of population they would be gradually transferred to the proprietors of the soil independently of these improvements, in which the community have an immediate and the landlord a remote interest, the interest of the landlords is always opposed to that of the consumer and manufacturers". Ibid. pp. 231-232.

83. "It will be seen, then, that whatever rise may take place in the price of corn in consequence of the necessity of employing more labor and

capital to obtain a given additional quantity of produce, such rise will always be equaled in value by the additional rent or additional labor employed...rent, then, it appears always falls on the consumer and never on the farmer". Further "thus in every case, agricultural as well as manufacturing profits are lowered by a rise in the price of raw produce, if it be accompanied by a rise in wages". Ibid. p. 79.

84. "But here is the essential difference between the rise of rent and the rise of wages, the rise in the money value of rent is accompanied by an increased share of the produce; not only is the landlord's money rent greater, but his corn rent also; he will have more corn, and each defined measure of that corn will exchange for a greater quantity of all other goods which have not been raised in value, the fate of the laborer will be less happy; he will receive more money wages, it is true but his corn wages will be reduced; and not only his command over corn, but his general condition will be deteriorated, by his finding it more difficult to maintain the market rate of wages above their natural rate" (71). "In proportion as corn becomes dear he would receive less corn wages but his money wages would always increase, whilst his enjoyments, on the above supposition, would be precisely the same but also other commodities would be raised in price in proportion as raw produce entered into their composition, he would have more to pay for some of them. Although his tea, sugar, soap, candles and house rent would probably be no dearer, he would pay more for his bacon, cheese butter, linen, shoes, and cloth; and therefore even with the above increase in wages, his situation would be comparatively worse". (72). "Wages would rise because more laborers would receive more money wages; but the condition of the laborer, as we have shown, would be worse inasmuch as e would be able to command a less quantity of produce of the country" (87). Ibid.
85. Ibid. pp. 89-105. For a careful, convincing and sophisticated critique of the Ricardian theory of 'comparative advantage' from a Marxian perspective see Emmanuel Arighiri's, *Unequal Exchange: A Study in the Imperialism of Free Trade*. (New York: Monthly Review Press 1972). Arighiri notes that Ricardo assumes labor and capital to be immobile.
86. "Although however, money is subject to such perpetual variation, and consequently the prices of the commodities which are common to most countries are also subject to considerable difference, yet no effect will be produced on the rate of profits, whether from the influx or efflux of money. Capital will not be increased because the circulating medium is augmented". Ibid. pp. 99-100.
87. Ibid. p. 104.
88. Ibid. p. 106.
89. "The principle, of division of the produce of labor and capital between

wages and profits, which I have attempted to establish appears to me so certain, that excepting in the immediate effects, I should think of little importance whether profits of stock or the wages of labor were taxed. By taxing profits of stock you would probably alter the rate at which the funds for the maintenance of labor increase, and wages would be disproportioned to the state of that fund, by being too low. In the one case by a fall, and in the other by a rise in money wages, the natural equilibrium between profits and wages would be restored". Ibid. p. 158.

90. See, James Mill, *Political Writings* (Cambridge: Cambridge University Press 1992). "Of the laws of nature on which the condition of man depends, that which is attended with the greatest number of consequences, is the necessity of labor for obtaining the means of subsistence, as well as, the means of the greatest part of our pleasures this is, no doubt, the primary cause of government for if nature had produced spontaneously all the objects which we desire and in sufficient abundance for the desired of all, there would have been no source of dispute or of injury among men nor would any man have possessed the means of ever acquiring authority over another". *Political Writings*, op.cit., p. 4.
91. "The first sort is commonly denominated as force; and, under its application, the labourers are slaves. This mode of procuring labour we need not consider; for, if, the end of Government be to produce the greatest happiness of the greatest number, that end cannot be attained by making the greatest number slaves". Ibid. p.5
92. "The union of a certain number of men to protect one another. The object, it is plain, can best be attained when a great number of men combine, and delegate to a small number the power necessary for protecting them all. This is Government." Ibid. p. 5.
93. Hobbes's "threat" of force is recuperated by Kant in his political writings as a political principle.
94. "All the difficult questions of Government relate to the means of restraining those in whose hands are lodged the powers necessary for the protections of all, from making bad use of it. Whatever would be the temptations under which individuals would lie, if there was no government, to take the objects of desire from others weaker than themselves, under the same temptations the members of government lie, to take the objects of desire from the community if they are not prevented from doing so". Ibid. p. 6. In the obsolete juridical language we still are in a state of nature, this negating the meaning of the step that formed the 'unity'.
95. Ibid. p. 11. He continues, "The desire of the object implies the desire of the power necessary to accomplish the object. The desire therefore

of that power which is necessary to render the persons and properties of human beings subservient to our pleasures, *is a grand governing law of human nature*". Ibid.

96. "The actions of other men, considered as means for the attainment of the objects of our desire, are perfect and imperfect, in proportion as they are or are not certainly and invariable correspondent to our will. There is no limit, therefore, to the demand, of security for the perfection of that correspondence, a man is never satisfied with a smaller degree if he can obtain a greater...the demand therefore of power over the acts of other men is really boundless. It is boundless in two ways; boundless in the number of persons to whom we would extend it, and boundless in its degree over the actions of each". Ibid. p. 12
97. Ibid. pp. 7-16.
98. Ibid. pp. 21-35.
99. Ibid. p. 47.
100. Ibid.
101. See, James Mill, *Selected Commercial Writings* (New Brunswick, N.J. : Transaction Publishers 2006)
102. "The commerce of one country with another is in fact merely an extension of that division of labor by which so many benefits have been conferred on the human race. As the same country is rendered richer by the trade of one province with another as its labor becomes infinitely more divided, and more productive than it could otherwise have been; and as the mutual supply of all the accommodations which one province has and another wants, multiplies the accommodation of the whole, and renders the country in a wonderful degree more opulent; the same beautiful train of consequences is observable in the world at large; that great empire of which the different kingdoms and tribes of men may be regarded as the provinces. In this magnificent empire too one province is favorable to the production of one species of accommodation and another province of another. By their mutual intercourse they are enabled to sort and distribute their labor as most peculiarly suits the genius of each particular spot" Ibid. p. 110. This of course has a well established genealogy going back to Aristotle. See I. Honts's *Jealousy of Trade* (Cambridge: The Belknap Press of Harvard University Press 2005).
103. Ibid. p. 92.
104. See "On East India Affairs", "East India Monopoly", "Malcom on India", in the pages of the "Edinburgh Review". Available in MMW.
105. James Mill, "Colonies"; available in MMW. Here he interestingly critiques Smith through Ricardo.
106. Ibid.

107. James Mill, *History of British India* (London: Printed for Baldwin, Cradock, and Joy 1820). In some ways this is perhaps the origin of trying to calculate the benefits/loss of British rule through a balance sheet. As is unfortunately the case, a huge literature in the 20th century follows this path.
108. Ibid. See the preface.
109. Ibid. p. 200 (Bk. II). Earlier, "From the classification of the people and the privileges of the castes, we are prepared to expect, among the Hindus inequalities created by distinctions of rank. They relate either to crimes against persons of the different ranks or the crimes committed by them. Inequalities of the first sort, it is found difficult to avow even in high stages of civilization. At present, in the best governed countries of Europe, an injury done to a nobleman is treated as a crime of a deeper dye, than a similar injury to a person of the lowest rank". Ibid. 180. "Orthodox Blackstone" is cited in the footnote for support. Bk. II. In the next book on Muslim civilization Hindu law is castigated somewhat at odds with this section. There aspects of Islamic law are appreciated too, "There is no part of the rules of procedure which more strongly indicates the maturity or immaturity of the human mind, than the rules of evidence. There is scarcely any part of the Mohammedan system, where it shows to greater advantage. On many points, its rules of evidence are not inferior; in some, they are preferable to those of European system" (362). (Bk. III). Ibid
110. "Under the first of these heads, Property is the great subject of law. To this we may confine our illustrations. It is needless to remark that the sources acquisition, by occupancy, by labor, by contract, by donation, by descent; which are recognized in almost all states of society, are recognized in Hindustan". Ibid. p. 158 (Bk. II)
111. For details: see endnote 110.
112. For detailed accounts of the Ryotwari Settlement see Burton Stein's *Thomas Munro*, (Delhi: Oxford University Press 1989).
113. "Hyder had no sooner completed the conquest of the Canara, then he ordered an investigation to be made into every source of revenue for the purpose of augmenting it, wherever it could be done.(305). The Report continues, "The greatest addition made to the land rent went under Tippoo, was by the total resumption of all enaums". (306). But soon enough it says, "However much I disapprove of the numerous additions made to the ancient land rent by Hyder and Tippoo, I did not think myself at liberty to depart widely from the system which I found established as it is the same that which exists in all the provinces which the Company have acquired, in the last and former war." (307). See, *The Fifth Vol. III. op.cit.*

114. G.R. Gleig, *Life of Sir Thomas Munro Late Governor of Madras. With extracts from his correspondence and private papers* (London: H. Colburn and R. Bentley 1830) Vol. III. pp. 54-64. "The Marattas are too much attached to their ancient customs, to take any trouble about the innovations of Europeans. Neither they nor the Nizam have made any progress in the art of war since they were first known to us; and, excepting the instance of Scindia's vagabond legion, have shown no symptoms of change. But the case is widely different in Mysore. The well regulated and vigorous Government of Hyder has, under his son, become more systematic and strong; the European discipline has been more rigidly enforced, and all kinds of fire-arms, which were formerly imported by strangers, made by his own subjects under the direction of foreign workmen. He has, by the various regulations and institutions, infused so much of the spirit of vigilance, order, and obedience into every class of men, that he has experienced none of the accidents which always attend unsuccessful wars in Asia, the revolt of his chiefs or the desertion of men. Whatever he has lost, has been owing to the superior power of his enemies, never to the defection of his officers...he conducts the operations of war on regular principles, taking forts, and securing the country as he advances...it is from a power constituted like this, and not from the Marattas or the Nizam, that the English have any just ground for apprehension" (63-64). Also see pp. 102-112. "Experience has shown, that augmentation of territory does not augment the force of the Marrattas it only serves to render the different chiefs more independent of the Poonah Government and to lessen the unity of the confederacy. With more territory they are not half so formidable as they were fifty years ago; but Tippoo is, what none of them are, complete master of his army and his country" (103). See also the details given in Vol. I. This assessment has of course been well noted. The most recent account can be found in Burton Stein's *Thomas Munro* op.cit. .
115. For details on the administration of Tippoo, see for instance, Grenville's *British India analyzed. The provincial and revenue establishments of Tippoo Sultaun and of Mahomedan and British conquerors in Hindostan, stated and considered* Vols I and II. (London: Printed for R. Faulder 1795)
116. Major G T Munro, *Selections from his minutes & other official writings*. Ed. by Sir Alexander J. Arbuthnot. [S.l., s.n.] 1881.
117. See, *The Fifth Report* Vol. III. op.cit.. "But though the price was low, the property itself was guarded by several equitable and humane laws, or rather customs, originating in precautions which mankind naturally take to transmit their possessions to their descendents. The alienation of land, by sale or otherwise, was unrestrained. Nothing

but gift, or sale, or non-payment of rent, could take it from the owner." (310). Later, "As all land was private property, no man would occupy or cultivate waste, until he had obtained a pottah either to secure him possession, or if turned out, to indemnify for his expenses...the lands of Canara are still to be considered as held under the same conditions, and governed by the same rules of transfer as they were under the ancient government". (311). "In Canara all land is private property derived from gift or purchase, or descent from an antiquity, too remote to be traced; where there are more title deeds; and where the validity of these deeds have probably stood more trials, than all the estates of England" (447). Munro's Report, 1801. "The greater part of the lands in Canara are private property. The former and present state of private property, has been so amply discussed by Major Munro, that it leaves me little to say on the subject. Original inscriptions on stone and copper prove the antiquity of this venerable institution". Thackeray's Report, 1807.

118. See, *The Fifth Report* Vol. III op.cit., p. 450. . "It could answer no good purpose, and might produce mischief, to make any estates above five thousand pagodas, because the proprietors might in time become a kind of petty poligyars. All past events in this country show, that the great landed property has always had a tendency to excite a turbulent spirit in the possessor, which has been favored by the inaccessible nature of the hills and woods among which he resides."
119. See, *The Fifth Report* Vol. III op. cit., p. 455. See *Memoir of Mr. Thackeray, addressed to the Right Honorable Lord William Cavendish-Bentinck in favor of the RYOTWAR PERMANENT SETTLEMENTS*. See, pp. 455-465.
120. Ibid.
121. See for instance the account Col. James Welsh, *Military Reminiscences* (London: Smith, Elder, and Co. 1830). On a former "ostensible sovereign" was later hunted and murdered as being 'refractory' he has the following eloquent words, "This Cheena Murdoo was the ostensible sovereign of an extensive and fertile country, and his general residence was at Sherwee...it was he, also, who first taught me to throw the spear, and hurl the colery stick, a weapon scarcely known elsewhere, but in a skilful hand, capable of being thrown to a certainly to any distance within one hundred yards. Yet this very man, I was afterwards destined by the fortune of war, to chase like a wild beast; to see badly wounded, and captured by common peons; then lingering with a fractured thigh in prison; and lastly, to behold him, with his gallant brother, and no less gallant son, surrounded by their principal adherents, handing in chains upon a common gibbet!" (130). The memoir moves from the Poligyar campaigns to the Maratta ones, recognizing in this manner the continuum of war that was EIC rule.

122. It is the very precarious and at the same time rich sense of 'property' that is missing in the otherwise detailed and scholarly work of Eric Stokes in *English Utilitarians in India* (Oxford: Clarendon Press 1963). Unfortunately Stokes in many ways reproduces the language of the archive. For instance the state of 'lawlessness' in India is taken as a matter of fact with no demonstration of either contemporary institutions of property, British disruptions of these institutions, or the state of contemporaneous state of law in England. For a corrective by way of an examination of England, see David Skuy, 1998, "Macaulay and the Indian Penal Code of 1862". *Modern Asian Studies*. 32 (3): 513–57 and Elizabeth Kolsky, *Colonial Justice in British India* op.cit.
123. Cited in T.H. Beaglehole, *Thomas Munro and the Development of Administrative Policy in Madras: 1792 – 1818* (Cambridge: Cambridge University Press) p. 39.
124. See, *The Fifth Report* Vol. III op.cit., pp.. 470-499.
125. "The Waste land should be retained, as property of the government; and the rent, or, more properly speaking the land tax, of such as might be hereafter be occupied should be added to the public revenue". See, *The Fifth Report* Vol. III op. cit. [Letter from the Board of Revenue] p. 433.
126. Wellesley, *The despatches, minutes & correspondence of the Marquess Wellesley during his administration in India* (New Delhi: Inter-India Publications 1984).
127. Ibid.
128. Wellesley's Minute, East India College. See also the discussion by Malthus. *Works. Vol. IV* (London: W. Pickering 1986).
129. The other great issue, one that we have not examined, is that of the Evangelicals. On this See Eric Stokes, *English Utilitarians and India* (Oxford, Clarendon Press 1963) and Thomas Metcalf, *Ideologies of the Raj* (Cambridge: Cambridge University Press 1994).
130. "The Public on the other hand under the influence of a partial patronage, demand, a full, free and unbounded enjoyment, as of natural right, of all the branches of Indian commerce. They look at India, without reflecting on the length and nature of our intercourse with it, as a vacant soil – open to the cultivation of every adventurer who shall think fit to cultivate it; a produce rich field to which they have a right, equally with the Company; and hence they set up a loud, undaunted cry, as if it had never been before urged and silenced, against monopoly and usurpation". "All its (EIC) extra accumulations in commerce have in this way been exhausted and applied, in the purchase improvement, and defense of its territorial possessions, to many times the amount of the productive commercial capital. Even

large sums, equal to a national revenue, have been borrowed and added to such gains, to eke out what was wanting to complete this necessary work; which was to rescue out Eastern commerce from a state of uncertain dependence on foreign powers, and place it on the sure basis of independent and absolute tenure; to change an unreduced right, held in common with every other people on the face of the universe into a unqualified and private possession" (28). *Letters* in MMW.

131. See Wellesley, *The despatches, minutes & correspondence of the Marquess Wellesley during his administration in India*. (New Delhi: Inter-India Publications 1984).
132. See for instance Munro's discussion in R. Gleig, *Life of Sir Thomas Munro Late Governor of Madras. With extracts from his correspondence and private papers London*, (H. Colburn and R. Bentley 1830) Vol. II.
133. Pp. 88-93. The two major exports the EIC undertook was tin and woolens, in a subsidized fashion to support industry. *Considerations*. See the *Memorial of the Merchants and Manufactures of Norwich, to the Right Honourable the Lords of the Privy Council for Plantations and Trade* in support of the EIC. Available in MMW.
134. "The Company has been for a long period incessantly engaged in expensive wars, both in India and in Egypt; that these wars have terminated successfully for the Company and gloriously for the country; that it has been subjected to a great expense in fitting out expeditions for the reduction of the Eastern settlements of the European enemies of Great Britain; that by the prosperous issue of these expeditions, the dominions of the Crown have been extended, and England left without a rival in the whole southern hemisphere". (56). *Considerations*. Available in MMW.
135. "Much of the fallacy in the arguments that have been offered on the subject, has its origin in the fundamental error of assuming, that the manners, habits and wants of the natives of India, are the same with those of the inhabitants of other countries, with whom a closer and nearer interest has been maintained in the ordinary course of commercial intercourse". (47). "Not one of these mercantile and enterprising powers, in an intercourse of two centuries and a half has been able to introduce into society, constituted as is the Hindu, the slightest taste or desire, and the reason I have attempted to explain, for the articles of their respective manufactures" (52) *Letter On the East India Company Monopoly*. See also the various *Minutes of Evidence*; available in MMW.
136. "It has already been observed that but a small portion of the goods imported from India enters into home consumption some articles, such as silk stuffs, and calicoes, are entirely prohibited, and the duties

upon all are levied so high a scale as to prevent their interference with the internal demand for our own manufactures". (118). Available in MMW.

137. "The Principle of responsibility maintained and acted upon by the Chinese Government (as already explained) has been acknowledged by the Company in their regulations, and is, of course, confirmed by that recognition. They had in fact no alternative than either to abandon the trade altogether, or to carry it on conformable laws and usages of China. It was equally beyond the Company's power to change the nature, or to resist the operation of the Chinese Institutions, unprotected as they have been by any existing treaty and unsupported by the influence of a resident British ambassador" (81). Available in MMW.
138. See Pramathanath Banerjea, *Indian Finance in the days of the Company* (London: Published for the University of Calcutta by Macmillan and co., limited 1928).
139. See *The Question as to the renewal of the East India company's monopoly examined*. (Edinburgh 1812). pp. 106-108. Available in MMW. .
140. "The effect of the commercial preponderance we thus enjoy is such that the richest Chinese merchants have been unable to contend against it, while the poorer ones have been placed by it, in a great measure, at the disposal of the Company. The Company's servants are thus enabled to regulate the prices of most of the articles of our trade, rather upon the general principles of expediency, and the real state of the internal market of the country, than mere circumstances of the greater or less liberty or fairness of those eight or ten individuals, to whom the trade has been, by the Chinese Government, thought proper to be restricted. Nothing can be stronger evidence of this fact, than the uniformity in the Canton prices of teas...the competition which in the purchase of some particular species of teas, and in that of some other articles of comparatively trifling consequences, has been occasionally met with by the company from Americas, or from their own marine officers, so small indeed, in comparison with the endless and ruinous competition which would come, from throwing open the whole into the hands of individuals and thus dividing as it were, the British public against itself" (294-295). *On the China Trade*. Available in MMW.
141. *On the China Trade*; available in MMW.
142. See pp. 314-349. Gleig, *Life of Thomas Munro Late Governor of Madras* op.cit.
143. G.R. Gleig, *Life of Sir Thomas Munro Late Governor of Madras*. Vol. II. op.cit. p. 329.
144. *Treasury Minute, 1826*. in Peter Auber, *An analysis of the constitution of*

the East-India Company op.cit. . This is in direct continuum with the Law proclaimed by George the Second in 1758 (re)formalizing the category of prize money. This has been discussed in Chapter Two of this book.

145. See “prize money” in Peter Auber, *An analysis of the constitution of the East-India Company* op.cit. The whole institution of ‘plunder’ and the category of ‘prize money’ has not been taken into account within South Asian studies. Its significance would not only question the move from ‘order’ to ‘legality’ but also the nuanced studies by Gordon and Singha who argue that the Pindaries and the Thuggee can be related to a form of resistance to the state. But this almost seems to affirm, through contrary means, that the Company was a state; and implicitly thereby by definition not involved in the explicitly institutionalized violence of plunder. This would mean either one say that the State is a system of plunder, which is not claimed. Or one would have to rethink the nature of the State by analyzing the EIC as an organ of the British State. See *The Slow Conquest* op.cit. and Radhika Singha *A Despotism of Law* op.cit. On the other hand, it is precisely this ‘sovereign governmentality’ – an oxymoron – the perpetual condensation cum displacement that Foucault seems less attentive to.
146. Here Kant’s distinguishing between two kinds of ‘origins’ and ‘cause’ is useful; the free and spontaneous exists at the same time as the concatenation that is ‘nature’. This is what is peculiarly human, since one is not fully free (“intellectual intuition”), and so one cannot ‘constitute’ intuitions.
147. “Labour like all things which are purchased and sold, and which may be increased or diminished in quantity, has its natural and its market price” (65). “Thus then is the public benefited by machinery: these mute agents are always the produce of much less labor than that which they displace, even when they are of the same money value”. (37). “The degree of alteration in the relative value of goods, on account of a rise or fall in labor, would depend on the proportion which the fixed capital bore to the whole capital”. (33). See, *Principles of Political Economy and Taxation* op.cit. The horse example on p. 275.
148. It is strange that in an argument about the Public, Habermas really never uses the *Metaphysics of Morals*: the Kantian work on “right” except for one footnote. And his claim that “laws empirically had their origin in the “public agreement” of the public engaged in critical debate” – crucial for his larger argument — is patently false (see footnote 3 above). On the moral and rational being ‘ontological predicates’ and related to the ‘causality of freedom’ as opposed to theoretical reason all of Kant’s oeuvre testifies to. To cite just a couple of lines from the *Critique of Practical Reason* (Cambridge: Cambridge

University Press, 1997) that succinctly display the problem: “Hence nothing remained but that there might be found an incontestable and indeed an objective principle of causality that excludes all sensible conditions from its determination, that is, a principle in which reason does not call upon something else as the determining found with respect to its causality it already itself contains its determining found by that principle, and in which it is therefore as pure reason is itself practical. Now, this principle does not need to be searched for and devised; it has long been present in the reason of all human beings and incorporated in their being and is the principle of morality. Therefore, that unconditioned causality and the capacity for it, freedom, and with it a being (I myself) that belongs to the sensible world and at the same time the intelligible world is not merely thought indeterminately and problematically (speculative reason could already find this feasible) but is ever determined with respect to the law of its causality and cognized assertorically and thus the reality of the intelligible world is given to us and indeed as determined from a practical perspective, and this determination, which for theoretical purposes would be transcendent (extravagant), is for practical purposes immanent”. Thus even Lacan’s brilliant reading of Kant and Sade – followed by Deleuze in his reading of Sacher Masoch – do not take adequate account of the transcendental-immanent nexus, focusing solely on the latter.

149. See, *Metaphysics of Morals* op.cit.
150. The Freudian (condensation and displacement) and Foucauldian (sovereignty and governmentality) ‘concepts’ being deployed, developed and critiqued, all through this chapter, as well as the dissertation, are too self-evident.
151. See, *Wealth of Nations* op.cit. Though Smith too argued against ‘merchants’ principles, he did for instance see the importance of protectionism, most notably in his views on the navigation laws. Moreover, he assumed capital to be mobile through the figure of the merchant. In the section on the employment of capitals it is argued that British manufactures who use their capital to work up flax and hemp imported from the Baltic are useful to the latter. The manufacturers replace the capitals of the merchants who export the flax keeping industry there in motion. See pp. 395-396. Interestingly, Smith is also critical of the Portuguese- English treaty of commerce because while the English lower the duties for Portuguese products in relation to other countries, the same is not reciprocated. See p. 587. On the other hand, Ricardo theorizes comparative advantages on the simple model of 2 countries with two products, even though he is aware that this simplifies things. But the results for a theorization

of the nation-state are stark: "In one and the same country profits are generally speaking always on the same level; or differ only as the employment of capital may be more or less securable or agreeable. It is not so between different countries". And a few paragraphs later, "The difference in this respect, between a single country and many, is easily accounted for, by considering the difficulty with which capital move from one country to another to see a more profitable employment, and the activity with which it invariably passes from one province to another". (93-94). See, *Principles of Political Economy and Taxation* op.cit.

152. See for instance the recent work by David Bell tracing the origins of 'total war' to this period. The casualties are indeed staggering. See *The First Total War* (Boston : Houghton Mifflin Co. 2007)
153. See *Concept of Laws and Defense of Usury in Jeremy Bentham's Economic Writings* op.cit.
154. 128-132. Malthus, *Principles* op.cit. See also Ricardo's *Notes On Malthus Works II* op. cit.
155. Needless to say that J.S Mill's critique of Bentham followed these lines. The importance of realizing the fulfillment of the individual; which of course cannot go beyond social idiosyncrasy.
156. The distinction between "philosophic liberty" to do with the human qua human and "social/political" liberty can be traced back to Montesquieu's *Spirit of the Laws* op.cit. Recently Nadia Urbinati in *Mill on Democracy* (Chicago: University of Chicago Press 2002), has questioned Berlin's application of a purely 'negative liberty' to Mill. She has argued that the deliberative and participatory nature of Mills understanding of liberty extends it beyond, and makes it much richer than, simply 'negative liberty'. However in fact the deliberative character is simply one that takes for granted a 'despotic' substratum – the imperial dimension – and so it is difficult to see how such an argument cannot be seen as intrinsically ideological. The important point to stress again is that the 'other' Asiatic polities were being-conquered by Britain. The strategic isolation of its nature, from its being conquered, by Britain itself, allows the theorist to classify them as though they were hermitically sealed. Thus by taking for granted the institutional character – without examining its imperial thrust – necessarily makes analysis inadequate. It is only by basing ones 'politics' on a theory of the human qua human will one be able to escape the naturalization of historical and contingent discursive formations cultural or otherwise. In this sense Mill's liberty is still 'negative' because a contingent situation is taken as fundamentally structural and performs the function of falsely limiting it ('British' institutions in 'Britain') on the one hand, and on the other, allows a

false separation that becomes the basis for an evaluative hierarchy ('India' is separate, and has an essence independent of its present conquest). I have discussed this in greater detail in "The Fade-Out of the Political Subject" op.cit.

CONCLUSION: ILLUSTRATIONS OF AND CHALLENGES TO TOPICALLY DISTINCT AND METHODOLOGICALLY INDISTINCT POLITICAL AND ECONOMIC THEORY

“Montage Sequencing”:

SPECIES-BEING ORIENTATION AND DEATH

Condorcet's *The Sketch for a Historical Picture of the Progress of the Human Mind*, was written in hiding, when facing an imminent threat to his life, in the context of a revolution that promised freedom. Its argument for the perfectibility of Man as community has been taken by many to announce and represent all that was new in what has been called the Age of Enlightenment. It became, as already mentioned, the primary object of critique in Thomas Malthus's *An Essay on the Laws of Population*, for which the biological character of human reproducibility as a species feature and the limits of the ecological milieu constrained any hope for the achievement of real progress, and human perfection. Between these two texts, Kant's *Towards Perpetual Peace* spoke of an infinite progress for man as species that one may hope for but can never know, while man as natural (sensuous) creature would be unable to overcome the painful existence that was his own. On the other hand, in the *Conflict of Faculties*, Kant spoke of an event – intelligible as an experience – of his times that functioned as a sign that indicated the moral predisposition towards progress which distinguished it from other animal species. This event was, in fact, “simply the mode of thinking of the spectators which reveals itself publicly in this game of great revolutions, and manifests such a universal yet disinterested sympathy for the players on one side against those of the other”. And more pointedly:

“The revolution of a gifted people which have seen unfolding in our day may succeed or miscarry; it may be filled with misery and atrocities to the point that a right thinking human being, were he boldly to hope to execute it a second time, would never resolve to make the experiment at such a cost – this revolution, I say, nonetheless finds in the hearts of all spectators (who are not engaged in this game themselves) a wishful participation that borders closely on enthusiasm, the very expression of which is fraught with danger; this sympathy, therefore, can have no other cause than a moral predisposition in the human race.”¹

Enthusiasm as the sign of the Lockean tendency in epistemo-political terms was strictly censored in the *Critique of Pure Reason*, as was the “scepticism” of Hume². But here, when speaking of sympathy as a “wishful participation that borders closely on enthusiasm”, Kant is all too aware of the uneasy coagulation that is being made between Lockean enthusiasm and Humean sympathy. For we must recall that for Hume sympathy as the conversion of an idea into an impression was a ‘reflective passion’ that indexed spectatorial interest and not unreflected passion (‘enthusiasm’).

While Kant is speaking about the species being of man it is all the same anchored in an onto-theological problematic, as he had clearly stated, the “moral predisposition” as the “*punctum flexus contrarii*” [the point of rebound in the opposite direction] ensured that in whatever direction the species were moving there was nothing to tell when the direction would change. “For we are dealing with beings that act freely, to whom, it is true what they ought to do may be dictated in advance, but of whom it may not be predicted what they will do”³. On the other hand, that there were situations – criminality and slavery and pathology—wherein what appeared as human as not discernable from “animal nature” is not simultaneously elucidated: this record and its implications we have tried to trace and retrieve. Kant’s predecessor Leibniz was much more forthright in such turnings; in his theory of the “pre-established harmony” the impossibility of truly distinguishing soul and body, the retrieval of the scholastic “substantial forms”, and the distinction between entelechies and generation (of ‘animated’ bodies) expressed the degrees of the world. Succinctly expressed in the distinguishing of animal and man, Leibniz writes:

“There is a connectedness between the perceptions of animals which

has some resemblance to reason. But it is grounded only in the memory of facts or effects, and not at all in the knowledge of causes. That is what happens when a dog runs away from the stick with which it was beaten, because memory represents to it the pain it was caused. In fact human beings, to the extent they are empirical – which is to say in three quarters of what they do – act just like animals”⁴.

This is further expressed through death:

“It’s true that I don’t see them pushing their opinion to the point of saying—as I do—that for living beings devoid of a rational soul decay and even death is also a transformation; but I believe that if this view had been put to them they wouldn’t have thought it absurd. There’s nothing so natural as to believe that something that doesn’t begin doesn’t perish either; someone who recognizes that for an animal to be generated is simply for an already-formed animal to be •augmented and unfolded will easily be convinced that decay or death is nothing but the •lessening and infolding of an animal that nevertheless stays in existence and remains alive and organic. Admittedly it isn’t as easy to make this credible by particular observations as it is •the analogous thesis• about generation, but we can see why there is this difference: it is because generation moves along naturally and gradually, giving us time to observe it, whereas death jumps too far back, returning straight off to parts that are too small for us, happening (ordinarily) in too violent a way for us to be aware of the details of this regression”

“For I think I have shown well enough that if there are bodily substances there must be substantial forms; when you have admitted these forms or these souls you have to grant that they cannot be engendered or destroyed; •which leaves us with a question about what happens at the death of a human or other animal•. Well, perhaps (a) the soul is transferred to another body, or perhaps (b) it keeps the same body, which is transformed; and of these (b) is incomparably the more reasonable”⁵

Malthus and Kant, as far as we know, died ‘natural deaths’ while historians inform us that there was a distinct possibility that Condorcet committed suicide. While suicide was much debated and discussed in the Ancient world, the Christian caesura on the subject in the western world via prohibition was left to Hume and Rousseau to interrupt. An interruption that broke onto the scene: in an examination of the indistinguishability of nature and the human in

Hume, on the one hand, and as sign of an onto-historical accumulation on the other in Rousseau. It is noteworthy that while Hume in his writings had underlined history and the socialization of man as a species in the construction of rules and values, in his essay on suicide he takes on a much more formal approach that defends the “natural liberty” to commit suicide in the face of misery and pain. This is the ironic reversal of the natural law tradition that integrated wholly the right to self-preservation, the (divine) injunction against suicide and the right to resist force by force, which by implication questioned the “right” that the polity had over the life of the subject. The very law of nature is defined as:

“a precept or general rule found out by reason, by which a man is forbidden to do that which is destructive of his life or taketh away the means of preserving the same, and to omit that by which he thinketh it may be best preserved”⁶.

Later:

“Whensoever a man transferreth his right or renounceth it, it is either in consideration of some right reciprocally transferred to himself or for some other good he hopeth for thereby. For it is a voluntary act, and of the voluntary acts of everyman the object is of some good to himself. And therefore there be some rights which no man can be understood by any words or signs to have abandoned or transferred. As, first, a man cannot lay down the right of resisting them that assault him by force, to take away his life, because he cannot be understood to aim thereby at any good to himself. [Second], the same may be said of wounds...and chains, and imprisonment, both because there is no benefit consequent to such patience (as there is to the patience of suffering another to be wounded or imprisoned), and also because a man cannot tell, when he seeth men proceed against him by violence, whether they intend his death or not. [Third] and lastly, the motive and end for which this renouncing and transferring of right is introduced, is nothing but the security of man’s person, in his life and in the means of so preserving life as not to be weary of it. And therefore if a man by words or other signs seem to despoil himself of the end for which those signs were intended, he is not to be understood as if he meant it, or that it was his will, but that he was ignorant of how such words and actions were to be interpreted”⁷.

This is the politico-moral implication — even if tangential — of the

difficulties posed by Leibniz. The injunction against suicide and self ‘despoliation’ is, therefore, to be taken as a probe and sign of the human condition, a violent act by the society that forces such “despoliation” rather than an act undertaken by the free will – or “natural liberty” – of the person. On the other hand, Hume argues precisely on such lines against “religious prohibitions”. He is at pains to show that in the light of the religious argument of providence, man is no distinct from an oyster, and just as everyday acts like changing the course of rivers in fact are actions that change the world, the act such as suicide can in no sense be read as a violation of providence. The argument comes down to refusing to recognize suicide as an act that can be differentiated from other actions, for in the grand scheme of things:

“the life of man is of no greater importance to the universe than that of an oyster”⁸.

And:

“It would be no crime in me to divert the *Nile* or *Danube* from its course, were I able to effect such purposes. Where then is the crime of turning a few ounces of blood from their natural channel?”⁹

The fecund tension that shot through the onto-theological to express itself in reason and freedom (moral) in Leibniz and Hobbes is here transformed into the totality as but an aggregate (body) i.e. the arbitrary totalling of parts that are themselves arbitrarily defined and the ‘religious’ injunction — sans philosophical grounding — perceived as mere *ab extra*. In Rousseau, on the other hand, suicide becomes a *differentia specifica* of the human species supplementing — not contradicting — his “perfectibility”. The *Second Discourse* had argued that culture and civilization had weakened men, an important indication of which was suicide, unknown to the ‘natural savages’. In not being themselves but trapped in the evanescent image of society’s fickleness, despondency, pain and suicide could not but be a distinguishing feature of our times. Rousseau’s argument of the peculiar propensity for complaint and suicide in civilized man is a direct result of the very conception of death that had never been present to haunt the savage¹⁰. The emergence of the idea of death was itself the straight road to suicide. On the other hand,

Hegel's introduction to the *Philosophy of Right*, in its "additions" speaks of suicide as the sign of freedom that was the privileged dimension of man and not animals. The pure 'I', in its indeterminate universality, could abandon everything, including itself, unlike the animal that was externally determined in a way that accustomed him to habit.

"The human being alone is capable to abandon all things, even his own life: he can commit suicide. The animal cannot do this; it always remains only negative, in a determination which is alien to it and to which it merely grows accustomed"¹¹.

However, a little earlier in speaking of human will – which the animal lacks – it was argued that the human can represent to himself that which he wills (have an object) unlike the animal who "acts by instinct [it is] impelled by something inward and is therefore also practical"¹². And finally, when arguing that the ends should not only be 'internal' but also objective (as external) for otherwise this would be deficient, Hegel explicates the matter:

"One may ask here why it has this deficiency. If that which is deficient does not at the same time stand above its deficiency, then its deficiency does not exist for it. For us an animal is deficient, but not for itself"¹³.

This further embroiders the patterns of the enemy, slave, criminal and commodity, in our various discussions above and may contour the angle with which to examine Darwin, in a moment.

*Darwin And Mill: Existing Without Life (Biology)
to Living without Essence (Politics)*

The elision of the ontological problematic of the human in its political modality allows a projection of Mill's theorization of liberty into the 17th century¹⁴. In fact, the natural law tradition, oriented as it was towards the nature of man, as well as the sentimental schema, that inscribed within man-as-species a political historicity, reached an abrupt cul-de-sac with 19th century imperialism. In England, the economic discourse succeeded in severing the political problem, its virtual exile accomplished by its real establishment. This achievement was enabled by the very emergence of the 'public sphere'

which was so fundamentally anchored on the ground of the political establishment – domestic and imperial dimensions – that it could no longer find a point of reflection. Both domestic and imperial modalities of the political are not legible anymore. The latter but a virulent relapse into the State of nature – conquest in the high-tide of imperialism — which supported, engendered and drew sustenance from the development of its own ‘insides’: the privatized ‘public sphere’. In such a context, the great *bildungsroman* of individual rights simply unmasks itself as the *decoy* by which a state of nature is perpetuated by the denial of a political nature. The great many wars in India and the conversion of such ‘possessions’ into jumping off points for further conquests in Asia and Africa only demonstrate the effect to which nature can be reduced to the nutritious soil on which the germinating seed of individual rights are sown. Such a situation is the distilled camera work of John Stuart Mill, who negates the political in a politics without potency and of Charles Darwin, who perpetuates in his evolutionary schema a biology without life.

When John Stuart Mill begins his famous essay on liberty by clarifying that he is interested in political liberty — and not the question of liberty in general which is linked with the problem of free will — he is but repeating his father’s words, themselves taken from a distinction found in Montesquieu. Ignoring for the moment that this was written under the rabidly red dawn of the post-Mutiny campaigns and Mill was himself a member of the political department of the East India Company, we will examine the argument itself, and find it honing ineluctably back into its imperial hole. By at the outset de-linking the nature of man from the nature of the political, the stage is set for fabricating the domicile of man after naturalizing the present political condition. By working with the opposition between the society and the individual – rather than the aporetic nature of their univocal source in the single language of sovereignty and reason as formulated by the natural law tradition - the nature of society itself is left unproblematized. What is left, the residue, is the individual where the “appropriate region of human liberty” consists of

“first, the inward domain of consciousness, demanding liberty of conscience, in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects,

practical or speculative, scientific or moral, or theological”¹⁵.

This liberty of non interference is robbed of real significance,

“whenever in short there is a definite damage, or a definite risk of damage, either to an individual or to the public the case is immediately taken out of the province of liberty and placed in that of morality or law”¹⁶.

The construction — and reconstruction — of the political condition itself is never undertaken and, in fact, explicitly expelled from the domain of liberty. It is such a theorization that can ensure a level of indifference to both the political in its articulation at home, and more so in its actualization abroad, in imperial conquest. It is only by subtracting the essential onto-anthropological dimension that Mill can dismiss “custom”, and emphasize the importance of individualism. Enacted is a transposition of the culture industry within the folds of an administrative ethic. Ironically only at the tip of punishment, does Mill revert to a statement on the human, for he argues that what in effect and in the final analysis justifies punishment is our sentimental participation in its beheading. The momentary flashing of (its) humanity at the moment of its real negation is symptomatic of the general amnesia that has infiltrated a discourse that naturalizes the contingent — a particular body-politic — in its determination of the human. In this sense a disarticulation of humanity is affected when indeed there are different types of humans — the famed civilizational hierarchy — which merits a differentiated treatment. And so in the middle of the 19th century, riding on the high-tide of imperialism *in the East*, Mill can proclaim, “The greater part of the world has properly speaking no history, because the despotism of Custom is complete. This is the case over the whole East”¹⁷. But history is at once retained, since the hero can see, that even if they are not conscious of it the uncivilized are indeed in the throes of evolution, and will improve, with a little bit of help.

Darwin too forcefully sequesters the fecund problematic of nature/freedom into a principal of natural selection. As Marx put it, Darwin simply transposed the Hobbessian state of nature into the inanimate world and employed this logic as the generator of the human being in his present condition. Theoretically weak, Darwin’s

method regresses into its object, falling under its own spell. The *Origin of Species*, time and again declares that the kernel of its own argument is to be, in fact, derived from an observation of what breeders in fact *do*. Noticing that there are ways in which better species are cultivated, Darwin simply generalizes this argument to a nature that is at once mere site and sole agent. In a process without subject or agent, evolutionary theory is an empty formal argument which can never be refuted precisely since it bears no sense. Let us look at the phrase “natural selection”. When one qualifies the term selection one usually does so with an end in mind, something *is* selected *for* something. But if one were to say ‘natural selection’ what could one possibly mean? Harnessed is the Benthamite destruction of *telos* while a description through a sleigh of hand anoints itself as method. If, indeed, one is really witnessing a pure process and one cannot speak of an end – a *telos*/purpose – then it would require a leap of faith to think that the direction is positive. Mere survival cannot be positive since it designates mere existence, and as we have been reminded innumerable many times before, mere existence adds nothing to an idea.

“That natural selection will always act with extreme slowness I fully admit. Its action depends on there being places in the *polity* of nature which can better be occupied by the *inhabitants of the country* undergoing the modification of some kind”¹⁸ (my emphasis).

But what is this ‘Nature’ that *acts*? About 250 pages later, we have a slight modulation:

“As the modified descendents of dominant species belonging to the larger genera tend to inherit the advantages which made the groups to which they belong large and their parents dominant, they are almost sure to spread widely and to seize on more and more places in the economy of nature. The larger and more dominant groups thus tend to go on increasing in size; and they consequently *supplant* many smaller and feebler groups”¹⁹ (my emphasis).

For a more explicit avowal of Nature, we can look to the text that inspired Darwin, Malthus’s *Essay on the Principal of Population*:

“A man who is born into a world already in possession, if he cannot get subsistence from his parents on which he has a just demand and the

society do not want his labour he has no right to the smallest portion of food, and in fact, has no business, to be where he is. At nature's mighty feast there is no vacant cover for him. She tells him to be gone, and will quickly execute her own orders, if he does not work upon the compassion of some of her guests"²⁰.

A natural condition defined as that which is perceived, cannot be explained by its existence. Darwin reconfigures the importance of the species as found in the 18th century, naturalizes it, thereby legitimizing and valorizing – by existence – whatever simply is. This then becomes the locus for understanding disappearance – or in anthropological terms – death and extinction. The origin of species descends into man without pause.

“At the present day civilized nations are everywhere *supplanting* barbarous nations, excepting where the climate opposes a deadly barrier; and they succeed mainly through their arts, which are the products of the intellect. It is therefore highly probable that with mankind the intellectual faculties have been gradually perfected through natural selection” (my emphasis)²¹. “At all times throughout the world tribes have *supplanted* other tribes’ and as morality is one element in their success, the standard of morality and the number of well-endowed men will thus every tend to rise and increase”.²² (my emphasis).

And:

“When civilized nations come into contact with barbarians the struggle is short, except where deadly climate gives its aid to the native race”

Interestingly the characterization of the climate helping the ‘native race’ indicates that it were the civilized races who were the aggressors.²³

And a paragraph later, “The grade of civilization is an important element in the successes of nations which come into competition”²⁴.

We are speeding on Mill's civilizational high-way with Benjamin's angel of destruction in our rear view mirror. It has the paradoxical line “objects in the mirror are closer than they appear”.

Darwin is critical of a theological position that explains creation through independent acts of creation; but he re-constitutes a rather un-reflexive theology, by making a belief in God, a belief in *one* God the discernable mark of the highest civilization. Theological

reflexivity becomes a discrete object, a recognizable brand. Not a general critique of theology; rather a crude form of religion resuscitated through an expansion of the new history, which is but the logic, of Malthus and Ricardo. There is no awareness of the problematic of the subject or freedom or significance. Conflating being and method evacuates even the possibility of critique or accountability. In political terms, this is the drive of bureaucratization. After all, the survival of the fittest is another exemplification of circularity: who is the strongest? The one who survives? Who is the one who survives? The fittest/strongest. This allows the stadial construction from within allowing bios to fold into the civilizational: But of course, the primitive tribes were destroyed once in contact with superior civilizations, but of course one can discern existential gradations within humanity. The questioning of the distinction between the human and the animal becomes a way of animalizing the human beings – in its newly bestowed status as essentially inferior – and so some men are clearly (comparable to) animals. And God returns – but not as a reflexive principle – but as a mark; only the most advanced civilizations have a conception of God, and only the most advanced is monotheistic. In the same way, it is certain that some “characteristics are retained, the propensities for crime”, for instance. The progressive drive to conformity is precisely the means of ensuring the disappearance of real difference. Such is the situation that guarantees the logic of Mills celebration of non-conformity wherein what is unusual is marked by its own insignificance and, thereby, can paradoxically justify and legitimize the state of affairs. If in an earlier era political resistance was tied into the very being of the human – as a human one had the right to voice and act – with Mill the political is immediately rescinded to the logic of bureaucratic operation (the state machinery) the moment it reveals any real power. The naturalization of a particular state of affairs as the *telos*, brand and measure signals the evaporation of the nuclei that tied reason and freedom into man’s very being. It is also the site of magnificent contradictions: With all of Mills support for individual rights and the inner freedom of the private, he supports the political violence of a corporation.

The figure who heroically challenges the disappearance of the

human element as horizon in a theorization of a human science is Karl Marx. And hence only an effort at total reconfiguration can have a chance at stopping the slippage of political-economy into a science of things; his preliminary remarks on commodity-fetishism are but the most popular indices of such reflexivity. A movement from the 'politico-human' question in his early writings to simply labour, it is only Capital that will at once synthesize the human in its abject state that is at once a total recalling of (its) history, the diagnosis of which will be the willed revolutionary action.

Karl Marx: Time and Anthropology

For Marx, history is the interpretative 'regressive synthesis' from which his contemporary world is willed into the future. To change the world would require an understanding that *ends* the general present, which means finding the particularity of the future in the now, and realizing it. This is the task of hermeneutic adventure. The sign of what-is-to-come lies in England where the economic as a condition has been most successful in encrypting each and every form of domination within its code. The economic as the new meta-language is one that Marx has to fabricate simultaneously with the recuperation of its significance. If the real future – the essential meaning of the present – is to be captured then the point of departure (England) has to be generalized, and explicated. The political in England is already gone, now a minor-language in the lexicon of the economic. To concentrate in any other place would amount to a switching of time frames, since the future of such a place has already been anachronized by England²⁵. All these places, whether in Europe or Asia, would yield meaning only through mastering England whose historicity betrays the clues for the new world history.

This general reading of Marx's works can itself be understood only backwards. And one can examine the particular virulence which he reserves for French and German writers, especially when they focus their interpretative attention on France and Germany. They are 'provincial'; their empirical object, i.e. France or Germany have contributed to the misconstrual of their theoretico-political object. It is this misconstrual that then itself becomes but a symptom. Marx reads the German idealists as revealing but the absolute

powerlessness of thought in the political condition that is Germany. Such abstraction from reality designates a political condition that has no real future; quite literally one just has to look at England where (even) the political has, in deed disappeared in its translation into the economic. Proudhon on the other hand retains a juridical framework that is itself long past, misreading the “pre-bourgeoisie” (history) as the “extra-economic” (present)²⁶; he speaks, so says Marx, as though he were living in 1789²⁷. Rather than living in the past – which is what paying attention to Germany and France does – one has to recognize and will the future; which is what England as object amounts to.

Dissecting the flesh of England would, thereby, give body to the global past. The geographic and cultural specification of Marx’s early writings will shift as *Capital* enunciates a global theorization of the present condition. The young Marx had repeated with obsessive insistence that Hegel’s inclusion of the King’s body within sovereignty meant nothing less than a despotism, and there could be really no distinction between monarchy and despotism à la Hobbes²⁸. Such “animal politics” but repeated the ‘zoology’ that was political theory prior to ‘modernity’:

“Estate is based on the supreme law of the division of society, but in addition it separates man from his universal essence, it transforms him into an animal that is identical with its own immediate determinate nature. The Middle Ages is the animal history of mankind, its zoology. The modern age, civilization, commits the opposite mistake. It isolates the objective essence of man, treating it as something purely external and material”²⁹.

General German (historical) backwardness – Kant theorized the will in response to the Napoleonic imperium – in Marx’s early work gives way to the ‘figure’ of feudalism in later writings, when capitalism is fully conceptualized. While Asia had little place in Young Marx’s writings, for the older Marx it becomes the exemplification of ‘despotism’. Germany which was despotic/monarchic now becomes feudal, and Asia becomes the place holder for the despotic in a fully fledged critique of capital. For now, England has truly become the real site and it is from such a present that one can categorize the feudal as German, and the despotic as Asiatic;

even while in his private correspondence the present feudalism of Germany is well remarked upon³⁰. The economic-England that is the general condition poses new challenges to conceiving the political. And so the overtly political — as ostensibly human subject — slowly camouflages its way into *Capital*. The move from politics to political-economy is also a way of retrieving — through an interpretative dialysis — the human from its essentially commoditised status under capital.

In England, the political — as tied in to the human and particularly human suffering — is harnessed as a method once it has been squeezed out of its site. Ideology — in its specific sense as representation — reigns. This is the exemplary case where political emancipation (ostensibly) exists — the power of the name — as real exploitation, and politics can no longer address the socio-economic³¹. In words well known, the subject is free; but always in the double sense. Free for capital, having been squeezed out of everything else. Political absence also haunts analysis. Thus, though often urging his compatriots in the continent to read the English economists in general and Ricardo in particular, he notes not without shock the indifference towards the distinction between men and things in the analytical rigor of the latter³². Marx's fidelity to the political, thus, can be detected only in the way his analysis of the capitalistic condition is informed by, just as it is oriented towards, a conception of human freedom. His German predecessors erred simply because they were looking the wrong way, but they had the right intentions, unlike the English who appeared to have none at all. Ironically the human can be enrolled as method only when his absence is traced from the object-site.

In such a context, where the critique of juridical equality is seen as abstract and ultimately a surrogate for Capital, it is no surprise that a critique of the State — and its so called representative institutions — are undertaken. “On the Jewish Question” had already demonstrated in painstaking dialectics that the abstract promise of equality was inscribed and re-inscribed by the concrete inequalities of “civil society”, i.e. political economy³³. This is supplemented by the detailed historical analysis of Louis Bonaparte's and ‘democratic’ support through the critique of the parliamentary system. Representation cannot but be mere semblance since the nature of the

represented is not given *a priori* but differentiated through and through by the logic of capital and labour and fictitiously fabricated only by the specious logic of nations and states/empires. In the *Eighteenth Brumaire*, apart from the choice expression “parliamentary cretinism”, Marx had sharply written:

“The peculiar character of the Social-Democracy is epitomized in the fact that the democratic-republican institutions are demanded as a means of not doing away with the two extremes, capital and wage labour, but of weakening their antagonism and transforming it into harmony. However different the means proposed for the attainment of this end may be, however much it may be trimmed with more or less revolutionary notions, the content remains the same. This content is the transformation of society in a democratic way, but the transformation within the bounds of the petty bourgeoisie”³⁴

And much later in life:

“Or has German Social – Democracy indeed been infected with the parliamentary disease believing that with the popular vote, the Holy Ghost is poured upon those elected, that meetings of the faction are transformed into infallible councils and factional resolutions into sacrosanct dogma”³⁵

Representation as the reified reflex of the State-Capital nexus is in fact the ideology; the object of critique for which a theory of value, that builds into itself the further categories of the commodity and money, labour and the valorization process, use, exchange and surplus value, constant and variable capital, merchant and banking capital, the reproduction schemas, and so on and so forth are necessitated. It is this logic that will have to be probed in howsoever preliminary a fashion.

The historico-conceptual site is not merely England in general but rather its economic distillation: the double site of the market (circulation) and the factory (production). Money becoming capital is distinguished from the simple circulation of commodities since the latter has a terminal point in its outside: the satisfaction of needs. The movement of capital is however “limitless” since “the circulation of money as capital is an end in itself, for the valorization of value takes place within this constantly renewed movement”. The “conscious bearer” of this movement is the capitalist, wherein money

and commodity are but distinct modes of such value and valourization. Marx, in turn, calls value the “subject”, the “dominant subject”, and the “automatic subject”, which has the “occult ability to add value to itself”³⁶. The “change in the value of the money which has to be transformed into capital cannot take place in money itself”, nor in circulation per se (which is the exchange of equivalents) but has to “originate only in the actual use-value of the commodity i.e. in its consumption”. A special commodity has to be found in the market which has the “peculiar property of being a source of value, whose actual consumption is, therefore, itself an objectification of labour, hence a creation of value”. This special commodity is labour-power. The free worker is one who possesses labour power, i.e. he “must be the free proprietor of his own labour capacity, hence his person”, although he has no other property (means of production). This property can become a commodity only as and when it is placed at the “disposal of the buyer, i.e. handing it for him to consume, for a definite period of time”. Alienation thus takes place while ownership is reserved. Not selling products of labour, the free worker sells his own labour power that can only be objectified via the “consumption” of the capitalist. Such is his compulsion because he cannot maintain – reproduce – his own existence without such “sale”. Like any other commodity his value is “already determined before it enters circulation. But its use-value consists in the subsequent exercise of that power. The alienation of labour power and its real manifestation, i.e. the period of its existence as a use-value do not coincide in time”. “The process of the consumption of labour-power is at the same time the production process of commodities and of surplus value”. Such consumption – like in the case of every other commodity – takes place outside the sphere of circulation. It takes place in the “hidden abode of production” where one witnesses not only “how capital produces, but how capital is itself produced”³⁷.

Marx diagnoses the site of production from a double perspective: the labour process and the valourization process. The labour process is where the specifically human being “develops the potentialities slumbering within nature, and subjects the play of its forces to his own sovereign power”. Labour is both a “process between man and nature” and that specific (human) quality by which man, “through

his own actions, mediates, regulates and controls the metabolism between himself and nature”. Changing external nature, he himself is not left unaltered. Marx does not explicitly recognize the tension between the encountered ‘fact’ of the process between man and nature and the value that defines man in regulating such processes. This is exacerbated precisely in the recognition of (alteration) making further difficult to really distinguish man from nature. An effort is made by the famous illustration of the spider and the bee who do not – in distinction from the worst architect – form an image in their mind before construction. In contrast to the animals species

“at the end of every labour process, a result emerges which had already been conceived by the worker at the beginning, hence already existed ideally. Man not only effects a change of form in the materials of nature; he also realizes his own purpose in those very materials. And this is a purpose he is conscious of, it determines the mode of his activity with the rigidity of a law, and he must subordinate his will to it... Apart from the exertion of the working organs, a purposeful will is required for the entire duration of the work”³⁸.

This qualitative understanding of labour is one that is independent of social formation and history. The metaphysics of purpose and purposive will are rendered all the more explicit in the rendering of the human body as itself that which is regulated in its “natural forces”. Nature like the body is “one of the organs of his activity”. From such a perspective where even the earth is an “instrument of labour”, what Marx calls living labour, has an almost magical quality in relation to all that appears in front of it:

“living labour must seize on these things, awaken them from the dead, change them from merely possible into real and effective use-values. Bathed in the fire of labour, appropriated as part of its organism, and infused with vital energy for the performance of the functions appropriate to their concept and to their vocation in the process, there he is indeed consumed, but to some purpose, as elements in the formation of new use values, new products, which are capable of entering into individual consumption as means of subsistence or into a new labour process as means of production”³⁹.

This qualitative perspective of the processes in the production site is conjoined to a quantitative one: “the valorization process”. The

two perspectives form a two-fold structure that Marx compares to the two-fold structure of the commodity; use value and exchange value. On the “valourization process”, Marx writes, “Here we are no longer concerned with the quality, the character and content of the labour, but merely with its quantity. And this is simply required to be calculated”. Here all that needs to be looked into is “the time needed to do the work, of the period, that is during which the labour-power is usefully expended”. This time can be counted in so far as it is “socially necessary for the production of a use-value”. For calculation there require to be known what “normal conditions” are and what the “normal costs” for the maintenance and reproduction of labour are. This, Marx says, are determined in moral and historical terms. This quantity — in time and money — determines the exchange value of the labour-power i.e. that which is required for the latter’s reproduction. It is the “past labour embodied in labour-power”. On the other hand, the “living labour” and its “daily expenditure” are distinct and form a different magnitude, and constitute the use-value of labour power. It is this difference that the “capitalist had in mind when purchasing labour-power”. Since it is the use-value of labour power that is purchased by the capitalist there is nothing that prevents him from using it for a period that extends beyond that which was required for the maintenance and reproduction of labour-power. The seller of the latter “realizes its exchange value and alienates its use-value”. The nature and content of the labour therefore has no effect on this fact i.e. the valourization process because “surplus-value results only from a quantitative excess of labour, from a lengthening of one and the same labour process”. Surplus value as end is the condition of use; which is why it is able to account for the various particulars of use (use-values)⁴⁰. Capital returns in quantity (wages for dead labour, measure for measure) making it the base line from which it infinitely consumes as quality (surplus value through labour power which as quality can have no measure)⁴¹.

Here, we see that Marx’s understanding of capitalism is one where it exists not in spite of, but rather is necessarily predicated on the generalized condition of liberty and equality that one has theoretically come to take for grounded now, whether in Locke, Hume or Smith. It is only such that labour can be comprehended as ‘free’.

and it is this that inaugurates Marx's critique of the modern juridical subject. It is herein necessary to further ask: in what way is the labourer human or in what sense is the worker worked and being worked.

In Marx, the labourer labouring lives and dies at the intersection of two categories (fixed and fluid capital) and, thus, enables the constitution of a third (variable capital). Such a life paradoxically partakes both in the quality of fluid capital in its continual depletion and replenishment, as well as that of fixed capital where the total life-span is marked by a linear decay, the unidirectional consumption of life by time – dying as the *condition* of life ('wear and tear'). It is this fault line that reproduces surplus value. No wonder that Marx faults Smith both for considering circulation as an arena for the production of Value as well as omitting constant capital and re-sourcing all value into profit (including rent) and wages. The investments are evident. Exploitation and the production of Value have to be organically linked in the perpetual dismemberment of the body – as commodity – and its miraculous resuscitation as the human-labour power. The tactical deployment of multiple temporalities – in relation to fixed, fluid and variable capital as well as the ground they lay for the considerably more complex working out of simple and expanded reproduction as well as accumulation – is the differential criteria for the human-non-human continuum⁴² and is complicit with the overall strategic foregrounding of the exploitation-production dyad.

Locke, perhaps, will help us elaborate another dimension of temporality. What seems substantively new in Marx, is not the articulation of time through labour, but rather the indeterminate status of the labourer and the concomitant temporality in the praxis of production. Here, property and sovereignty intersect in the 'reversing' of the labourer into nature, the medium through which a radical discontinuity between labour power (as the human, use value) and labouring (the becoming-thing, determinate time – Value) is made articulate in terms of another category: exploitation. Here use-value originally confined to Nature that is made 'use of', consumed or incorporated now, through the irruption of a logic of the natural, designates labour as 'inside' of Capital. It is in this radical and real sense that one has to literalize the inhuman

condition of the producer/labourer. Disjunctive time enables the branding of the labourer as thing as well as human. Ironically, it is this simultaneity, the 'as well as', that ensures the infinite continuum of exploitation. Nature originally reified as property returns to mark the human in its inhumanity. In the new terms of production, death – dead labour – is but the continual depletion through which life replenishes its bareness. Capital adds its labour and rule extinguishing the distinction between property and sovereignty. It is the abstraction of the human – idealist anthropology par excellence – and the simultaneous expulsion of what remains into the machine and the animal (nature) that returns to haunt the human in its degradation.

While the qualitative is preserved in labour through the classical categories of "will" and "telos" beyond the social and historical, its status is a condition of asymptotic quantitative necrosis through the specifically historical condition of "valorisation" via capitalism. This two-fold (anthropological) structure is brittle as an autumn leaf fated to be taken by the winter winds. And not only in the face of capital as the new community – developing out of the nature/labour metabolism – which pushes the qualitative anthropology (will/purpose) to its limit. Let us sample Marx's observations where the anthropological limit becomes a threshold that has been violated:

"In order to work productively, it is no longer necessary for the individual himself to put his hand to the object; it is sufficient for him to be an organ of the collective labourer and to perform one of its subordinate functions"⁴³.

"By converting part of his capital into labour-power, the capitalist valorizes the value of his entire capital. He kills two birds with one stone. He profits not only by what he receives from the worker, but from also by what he gives him. The capital given in return for labour-power is converted into means of subsistence which have to be consumed to reproduce muscles, nerves, bones, and brains, of existing workers, and to bring new workers into existence. Within the limits of what is absolutely necessary, therefore, the individual consumption of the working class is the reconversion of the means of subsistence given by capital in return for labour-power into fresh labour-power which capital is then again able to exploit. It is the production and reproduction of the capitalist's most dispensable means of production: the worker.

The individual consumption of the worker, whether it occurs inside or outside the workshop, inside or outside the labour process, *remains an aspect of the production and reproduction of capital, just as the cleaning of machinery does, whether it is done during the labour process or when intervals in that process permit. The fact that the worker performs acts of individual consumption for his own benefit is something entirely irrelevant to the matter*⁴⁴[emphasis mine].

“We leave completely aside here the fact that our Adam [Smith] was particularly unfortunate in his choice of examples. The value of corn can be resolved into wages, profit and rent only by depicting the feed consumed by the draught cattle as their wages, and the draught cattle as wage labourers – hence depicting the wage labourer in his turn as a draught animal”⁴⁵

But au contraire,

“Just as with any other commodity so in the case of labour-power too its value is determined by the amount of labour needed to reproduce it; the fact that this amount of labour is determined by the value of the means of subsistence need by the worker, and is thus the labour needed for the reproduction of these means of subsistence, is a characteristic of this particular commodity (labour-power), but is no more peculiar to it than the fact that the value of draught cattle is determined by the means of subsistence needed for their maintenance, and thus by the amount of human labour needed to produce the latter, is peculiar to these draught cattle”⁴⁶

“Raw and ancillary materials are constantly present in the production process, but there are always new items of the same kind, the old ones just having been consumed in the formation of the finished product. Just as constantly there is labour-power in the production process, but only in association with a constant repetition of its purchase, and often with a change in positions”⁴⁷.

“The normal life-span of fixed capital is naturally reckoned on the assumption that the conditions under which it can function normally during this time are fulfilled just as it is assumed, if the average life of man is taken as thirty years, that he washes himself. What is involved here is not the replacement of labour contained in the machine, but additional labour that is constantly necessary for it to be used. This is

not a matter of labour performed by the machine but of labour performed on the machine; here it is not an agent of production but rather raw material”⁴⁸.

This returns us to the Aristotelian problematic that is evident even in the initial characterization of labour and the labour process. When discussing the latter Marx does not cite Aristotle; however he does invoke Aristotle’s distinguishing of “economy” from “chrematistics” when formulating the general formula of capital. While the former is linked to need and therefore limited, the latter in its linkage with money (and wealth) is characterized as without limit; without end precisely as an end in itself. Marx does not return to Aristotle or his distinguishing between actuality (telos) and potentiality and the properly human in his discussion of labour, the labour process and valorization. Although one cannot but note that Aristotle is more than present in the description of labour as the purposive realization of an ideal image⁴⁹. Traditions of “materialist” history and historiography pay scant attention to the bracketing of the social and historical in Marx’s conceptualization of labour even while the latter are implicated in the valorization process in the specific conditions of capitalism. This shadowy double-ness that refuses particularistic definition invokes the Aristotelian argument that the “what-content” is not amenable to definition and therefore analogy is the way to being. Just as it does Kant’s notion of the symbol as rule (analogy) for the ‘reality’ of a rational concept through a given intuition that is identified with another through the rule i.e. by ‘implication’ rather than directly (the latter Kant calls a schema)⁵⁰. This helps adumbrate Marx’s insistence on an anthropological (theory of) value which all the same in particular instances cannot be extricated from its participation in that from which it was (initially) distinguished from: animals and things. The bestiary and inventory produced – wherein man is caught in such figures – merely reflects the initial problematic wherein nature was irreducibly required for man just as the latter in turn attempts to regulate the processes between nature and himself. The passages cited above picture the failures in such ambition. In as late a text as the *Critique of the Gotha Programme*, Marx insists on the problematic: “Labour is *not the source* of all wealth. *Nature* is just as much the source of use values (and it is surely of such that material wealth consists!) as labour, which

itself is only the manifestation of a force of nature, human labour power”⁵¹. Nature one may say is retained in the ancient Aristotelian sense of matter – that which has a potentiality to be a ‘this’ – requiring form (and purpose and action) while all the same remaining so as to return. In this sense ‘nature’ much like in Kant is necessary in its meaningfulness only when mediated through the essentially human notion of purposiveness. This in other instances does not disallow what appears as man to become nature when understood as distinct from freedom, the moral and the rational.

Torture, Culture and Empire: The Ineluctably Genocidal and the Kernel of the Human Sciences

In more mundanely historical affairs, the ambivalence of Marx’s attitude to the British Empire has been well documented. The intimacy between (imperial) commerce, (imperial) bureaucracy and (imperial) violence however needs to be emphasized. Prior to dubious characterizations of the Asiatic Mode of Production, he was clear that bourgeois capitalist conditions of rule emanating from England had a “destructive influence” and had devastated agrarian structure and production in India. What appeared as agrarian relations as early as the 18th century were, in fact, imperial perversions of the situation at hand. More powerful was the attention drawn to the *Report of the Commissioners for the Investigation of Alleged Cases of Torture* (1854). The report documented the rampant and systematic use of torture not only in criminal cases, but also ‘civil’ ones (such as land revenue). To sample the prose:

“The description of violence commonly in vogue for revenue and private extortion purposes which have been spoken in the course of this inquiry are as follows; keeping a man in the sun, preventing him from going to meals, or other calls of nature, confinement, preventing cattle from going to pasture by shutting them up in the house, the use of *kittee*; *annandal*; squeezing the crossed fingers with the hand; pinches on the thighs; slaps; blows with fist or whip; running up and down; twisting the ears; making a man sit on the soles of his feet with brickbats behind his knees; striking two defaulters heads against one another; or tying by their back hair; tying the head to a donkey or a buffalo’s tail; placing a necklace of bones or other degrading materials around the neck...the *anundal* (in Telugu *Gineri*) or tying a man down in a bent position by

means of his own cloth, or a rope of coir or straw passed over his neck and under his toes, is generally common to the present day is beyond dispute, and we see no reason to doubt that the *kittee* (in Telugu *Cheraa*) is also in frequent use. It is a very simple machine, consisting merely of two sticks tied together at one end, between which the fingers are placed as in a lemon squeezer; but in our judgment it is of very little importance, whether this particular form of compression be the one in ordinary use, for an equal amount of bodily pain must be produced by that which has superseded the *kittee*, if any where it has gone out of vogue, the compelling a man to interlace his fingers, the ends being squeezed by the hands of peons, who occasionally introduce the use of sand and gain a firmer grip; or making a man place his hand flat upon the ground, and the pressing downward, at either end, a stick placed horizontally over the back of the sufferers fingers”⁵².

While these practices were common in revenue collection,

“among the principal tortures in vogue in Police cases we find the following – twisting a rope tightly round the entire arm or leg so as to impede circulation; lifting up by the moustache; suspending by the arms while tied behind the back; scaring with hot irons; placing scratching insects such as the carpenter beetle; on the navel, scrotum, and other sensitive parts, dipping in wells, and rivers, till the party is half suffocated; squeezing the testicles; beating with sticks; prevention of sleep; nipping the flesh with pincers; putting pepper or red chillies in the eyes, or introducing them into the private parts of men and women; these cruelties occasionally persevered in until death sooner or later ensues”⁵³.

While torture made little of the criminal civil distinction, empire made little of the human less-than-human distinction through the medium of race and culture. Anthony Pagden, in his studies of the conquest of the Americas, astutely points out that when the Spanish were finding it difficult to justify the enslavement of the Native Americans in terms of their own juridical frameworks, they resorted to characterizing the latter in such a way so as to render superfluous the very need for justification. Retrieving Aristotle’s theory of natural slavery justified political conquest in the language of cultural ascription.

The provisions of the Thuggee Act in the subcontinent simply declared that any person belonging to a/the Thuggee ‘community’ could be punished without offering any criteria through which such

a status could be determined; here act could be legally condensed into the criminal person, obviating the need for 'criminality' as contingent characteristic⁵⁴. Some historical work has attempted to understand the phenomena of Thuggee as a reflective mirror with which to comprehend and outline the ambition and brutality of the Company itself; the technique of the rope replacing the skill of the scarf, in an attempt to monopolize power. The pan-Indic phenomenon of Thuggee becomes the imaginative reflection of the Company's pan-Indic ambitions⁵⁵. But one could also argue that this is how the imperial frontier becomes the medium in which the metropolis re-produces itself. The imperceptibility of the moving centre (imperial criminality) can be traced in its shifting boundaries (the Thuggee-criminals). Thuggee exercised the fascination of the British mind because it pushed beyond the pale precisely that which was to be an 'English' characteristic. Methodical rationality and the erasure of (their) traces was the classical *modus operandi* of the Thugs, and the metaphysical substrate attributed to them – the necessity of evil as the primary creative ground for second order positive laws – could have been taken out from a page of Sade (or Kant if we are to believe Lacan⁵⁶). After all Hume as well as Kant – an inheritors of a long epistemo-juridical tradition – warned against inquiring into the 'origins' of the body-politic, that might well have been a 'crime'⁵⁷. The thugs simultaneously embodied the political principle of the *society par excellence*, the band of equals with their own language expressing little sign of that other principle: *authoritas*⁵⁸. The mastery over traces was doubly articulated at the psychological (Thugs never regretted their actions) as well as 'political' levels. As actions they bore no signs of memory – the classical markings of pagan ritual that evacuates guilt and residue – and at the same time accomplished in their own way the 'good' as well as the 'pleasurable'. Reason without remorse, art without affect was here a far more exciting imaginative screen than mere deception (the marks of the older stereotyped Brahmin, who was based on the no longer relevant Catholic priest).

In Phillip Meadows Taylor, the Thugs were a band who traded and murdered at the same time in a way that would be impossible to say where the ritual of murder began and the haggle of trade ended; this may well be an uncannily apt description of the imperial

instantiation of the East India Company. Macaulay's legislation of 1836 only reiterated the implicit epistemological protocol of the metropolis into the concrete acts of imperial violence. Once the person was branded a Thug, such a person could not be opened to the distinction between civil and criminal. He was by nature given to violence, and therefore an open invitation to juridical violence; carrying the 'state of nature' on his shoulders, the Thugs speeded and spread across the continent converting it, along the way, into a veritable hunting ground: the primeval state of nature, the free seas beyond the horizon. It is no wonder that at the very opening of the *Confessions*, the Thug compares the 'pleasures' of his activity to the hunting sport of the British⁵⁹. This traced the genealogy of the King⁶⁰, but in the subcontinent the persistent production of such a state of war became another means whereby the other slate of violence – the continual 'political' campaigns – inscribed its names: Marattas, Nepal, Sindh, Punjab, Awadh. Political campaigns formulated its own strategies – the 'residency system' – which subsumed tactics such as the Thuggee Act. A classic instantiation can be found in the legitimation of 'hot pursuit', the Thuggee laws allowed the British to enter native sovereign terrain at the moment of the 'chase'⁶¹, aligning with the infinitely subtle and not so subtle codes of the Residency system. The grand *topiwallas*, which the legendary Thug Ferangi names and refers to as those residing in the North and the greater thugs (no longer being interested in petty theft), slips through the administrative record; a thinly veiled indictment of the Company. And of course the very name of Ferangi is a burning sign. Ferangi (foreigner) was so named because he was born while the *ferangis* (the East India Company) were plundering a village; his mother getting out in the nick of time⁶². And after his great exploits he was at last captured – the 'at last' the arena of British intelligence⁶³ – captured because the *feringis* had kept his family hostage, as an accepted legal measure. Hostage-taking and the use of the approver were the preferred modalities of the Thuggee Police, and since the status of the approver guaranteed the 'criminal' his life it was no wonder that there were so many approvers with the thug figures acting as their multiples i.e. each approver has to catch as many thugs to prove himself. Through a wide range of methods, the subjection of the subcontinent is achieved wherein lies a whole range of

experiments of direct and indirect forms of rule, according to a rationale of efficiency that has no bearing on the populace — from the Kings who were hostages in their own courts (converting politics into culture) to the Thugs who were hunted down in their own lands (converting man to beast). Such an experience also becomes the point of reflection when imperialisms in other parts of Asia and Africa are later undertaken⁶⁴.

Recently Mike Davis, in his aptly entitled work, *Late Victorian Holocausts: El Nino Famines and the Making of the Third World*, has written on late 19th century Britain:

“In a lightening tour of the famished countryside of the eastern Deccan, Temple purged a half million people from relief work and forced Madras to follow Bombay’s precedent of requiring starving applicants to travel to dormitory camps outside their locality for coolie labour on railroad and canal projects. The deliberately cruel, “distance test” refused work to able-bodied adults and older children within a ten-mile radius of their homes...In a self proclaimed Benthamite “experiment” that eerily prefigured later Nazi research on minimal human subsistence diets in concentration camps, Temple cut rations for male coolies, whom he compared to a “school full of refractory children,” down to one pound of rice per diem despite medical testimony that the ryots – once “strapping fine fellows’ – were now little more than animated skeletons..utterly unfit for any work’ ...in the event, the “Temple wage”, as it became known, provided less sustenance for hard labour than the diet inside the infamous Buchewald concentration camp”⁶⁵.

And even more recently, Maddhushree Mukherjee scrupulously documents the Bengal famine of 1943 and directly implicates Winston Churchill and his government in the great loss of life. As Mukherjee notes, Churchill’s views on imperial subjects was rather straightforward:

“I hate Indians. They are a beastly people with a beastly religion”.⁶⁶

Ideology and vast juridical cum economic framework are perfectly congruent in a reiteration of a long history. A history where in the early 19th century “Thuggee” but initiated the classification of peoples in cultural terms while denying their imperial habitat, the generative grammar of imperial violence. Economic-cultural forms of life are documented without the politico-military context in which they were

being engendered in a manner so as to deny its own criminality that is projected and then done away with i.e. a culture now “disarmed”. Here the research on the culture of Thugee was indistinguishable from the effort to pursue and exterminate. In the specific explosion of human “types” it is comparable to the various “nations” in Europe that too had their basis in their denial of their political context; exemplary among whom were the “Jews”⁶⁷. Such an orientation in discourse and regime was a concrete and brazen critique of the problematic of the unity of mankind or the nature of the human. While ‘traditionally’ the political was placed in the habitat that spoke of it as the perfection of the human, the ideology of the nation-state i.e. a naturally politicized community made little of the distinctions between individuals in their distinction from other states/nations⁶⁸; the latter function as the mere *a contrario* that might naturally happen to be within the body-politic.

The guiding thread of empire in the subcontinent and the anthropological construction of culture are therein fully congruent with the rise of the principle of nationality as global phenomena. The subsequent rise of states and nation states enshrines this absolute denial of humanity as a univocal problematic differentiating the category without ratio into a gradation that vanishes into the void. Anyone who has lived in the world’s greatest democracy, America, knows the legal differentiation of the human; from “resident alien” to “enemy combatant”. This strictly replicates the bloody degrees of separation from the Nazi state to the French and British empires, from Haiti to the Indian subcontinent. In such a context, so-called democracy in reality subreptively conceals a state legitimated racism in a context where “*the people*” is but red herring that detracts from the culturally marked community. The myth of representation occludes the problem of characterizing the ‘who’ to be represented; only to have had already been supplied tacitly by the poisoned contents of state-nationalist ideology. The concrete forces at play named the economic and the political, are herein discounted in the essential count of the state with representative democracy, essentially supported by an un-thought and unthinking theory of human types (races/nations).

The marks of such international racism – or arbitrarily presented differentiation – are ingrained into global lives. Anyone who has

traveled in the world knows that she faces an apartheid regime where certain nationals by virtue of their birth have special privileges: there are indeed no human rights. It is completely unclear why what is recognized in an international regime of 'democracies' as 'fact' is critiqued within national democracies as undemocratic; where all enjoy nominal equality. History is testimony this sleight of hand. This surface and superficial sign, is but the logo of a past that refuses to disappear. The idea of nations being isomorphic units with discrete historicities that take form in the juxtapositional milieu of the international is absurd enough to be taken as norm. Even as the global regimes of Capital and Empire have left their finger prints all over the nape of 'global' history; the scene of their crimes hangs by a slender thread. If democracy is a characteristic of a nation-state, the external actions of the state, or the state targeting its own minorities are impervious to democratic critique. If in a determined space and time, a democratic people decide to decimate a minority and exterminate a range of 'foreign' peoples, the democrat will only be concerned whether there was a majority approval. The fact that a people as a people is not self-evident and given ensures a continual displacement; internal and external being here indiscernible. This is not a hypothesis, a distinct possibility or a verifiable historical event, but rather the state of our times. When political violence has been rendered invisible – and we need not speak of the 'economic-political' nexus that cuts across nations in the regimes of Capital – culture returns as the only refuge. That it is at its superficial best is exposed by the universality of the economic-political that serves as its horizon. For in the price of an onion on a particular day can be infinitely deciphered – without count and therein unable to account – expressing a global economy that doesn't find its privileged resting points in the boundaries of states or nations. The same may be well said of what is nominated as terrorist act. What to speak of culture and the state – and the ideas of unit and scale – when they cannot even being to address acts of pain and violation that form the texture of our worlds.

And so in the ready tasks of perpetual obfuscation, race and nation are spuriously distinguished by taking the state as axiom: so "racism" is social while the nation is identified with a state, even in aspiration. In the same way a critique of race and racism is grounded

on the spurious distinguishing of biology and culture in the denial of the political. Systematic aggression and violence on the part of the state outside and inside, its (claimed) borders in their structural intelligibility do not maintain the distinction between culture and bios. Just as what goes in the name of “economic” policy is and has been inextricable from mass poverty, mass deprivation, mass suicide. They are the facts of our time that demand analysis. However, the insistently abstract subject as ‘free self interested individual’ that form the point of departure of the social and human sciences take scant recognition of the scaling up of the modern subject to the modern state. Bentham’s vested agnosticism towards the origins of power [“Now by a sovereign I mean any person or assemblage of persons to whose will a whole political community are (no matter on what account) supposed to be in a disposition to pay obedience: and in preference to the will of any other persons”] and his characterization of the person [“Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do”] continues to obscure in its occlusion. The concrete treatment of aggregates in calculation on the other hand, treats the (human) subject – in its appearance as instance within aggregate – as mere function. There is no meaningful univocity that is probed between aggregates: states and gangs of states, chemicals and chemical compositions, statistics and statistical trajectories, normal behavior and deviancy. The physicist and chemist may differ on whether a helium atom is a molecule using different criteria such as the existence of a molecular spectrum or the kinetic theory of gases with implications vastly different from the debates on what constitutes a minimum dietary threshold for a human being to live⁶⁹. Debates that necessarily have no end because a quantitative measure for the human is by its very nature open to the unlimited and inherently un-resolvable when the felt need to probe the qualitative norm within which it finds meaning is absent. In a multiplicity without the horizon of a ratio, univocity is not even an ethereal dream in the bottomless sleep of the human sciences: accumulating rheum fully encrusts the eye.

Genocide is the ineluctable condition of this unthinkingness that is present political being. It is fragmented so as to ease consumption. Whether it is the news report of the unmitigated brutality of man

such as the continuous sexual and physical torture extending over decades that has been visited upon man by man. Or the extermination of peoples by peoples through economic means or chemical weaponry. In the frame of the newspaper it is no more than part of our daily routine than the most banal rhythms of everyday life. Such “life” in its indiscernible episodes show up as infinitesimally small the evisceration of the many and the violation of the one.

To Conclude

Current politics is ideology which has a structure that may be named subreptive-reificatory: One might therein attempt at characterizing something like imperialism: A classic instantiation would be the Atlantic Charter where Churchill changes the initial draft that had spoken of the “wish to see self government restored to those from whom it has been forcibly removed”, to read as “wish to see the sovereign rights and self government restored to those who have been forcibly deprived of them”⁷⁰. The crucial addition and the slight changes from “removed” to “deprived” as well as the tense were attempts to ensure that Britain’s imperial “possessions” could therefore become the addressees of this most important statement. Since the argument always had been that these possessions were never “sovereign” although that “self government” existed would have been more difficult to deny. Let us explore the denial of the imperial in more detail.

In the description of conquest the focus turns on the object that as result (of conquest) is made to stand up for the cause (of conquest). In modern times culture and the economy are classic tropes of the object-result that is engendered as cause/situation. Only the object is reified as specific culture or particularistic historical state (economy) and can thus be spurious subject of the anachronistic operation that makes it (doubly) primeval to the event. As reified it is infected with death before hand because the non reified subject represents the principle of life as universal. That which holds – cultural particular and temporal part – and sublates the reified by releasing it into its universal destiny, cannot itself in its principle status be subject to reification. The “event” of conquest as violence is necessarily treated

as if evanescent – disappearing even as it appears – which is instituted within a teleology. When Kant speaks of the causality of purpose – wherein the before/after logic is suspended – he might as well have been recalling, describing as anticipating such conquest. Much as the Spanish conquistadors shifted attention from the question of their own rights to conquer and enslave, to the nature of the people being conquered, the British conquest of the subcontinent is described and critiqued on particularistic cultural terms or (economic) backwardness more than anything else. The subject-actor does not feel the need to define himself, and only the damaged victim is compensated by evanescent identity that may well be shown the path to universality. What calls itself triumphantly as post-colonial theory rushes headlong for the mirage that is culture; and strokes it as though a prize. The latter but what Empire had violently branded or condescendingly bequeathed, the post-colonialist defiantly defends as his very own with a possessiveness that only shows there is nothing really of his own. Dismissing the universalist horizon in any intellectual endeavor – accepting the self-representation of the conqueror – it disguises its interest so blatantly in the object as the itch whose “felt content” is all skin. Introspection is accomplished with Medusa’s eyes.

Moving back to the context of World War II, often touted in everyday conversation as a clash between Democracies and the Nazis (and the Fascists and the Japanese imperialists), it might well be worth remembering that if one takes into account the “imperial possessions”, Hitler proved his mettle through electoral means far more convincingly than did any English government.

The obfuscation of the sovereign state shows something rotten in the human subject that is presupposed. On this matter, some of the most marginal – but from our perspective, powerful – philosophical traditions of our times have spoken of modernity as being characterized by the human taking the place of the *subiectum* and have therein formulated a critique of the subject (position), either through thinking an authentic multiplicity of the world or probing for a more radical subjectivity⁷¹. They have aided in exposing representation – but not always extending it to concrete instantiations such as representative democracy – as the trojan horse for a false subject. Representation reifies the subject-object relation, obscuring

the already posited projection as “ground-plan” and the fraught ontological questions assumed: how do the terms subject and object come into being and through what kinds of acts and assumptions. This interring of epistemology in more fundamental ontological problems, exposes the former in its innocent naiveté. However, the infinite inflation of the naive – that is the hubris of our current age that takes for granted the nature of the human in the human sciences – signifies catastrophe in the world.

We have used the political to give ontological questions shape and stringency in the picturing of the subject turning into something other. A political tomography [Gr. *tomo*: cut/slice/section; *graphy*: inscribe] of modern epistemology wishes to record and therein redeem the relentless every day experience of the human subject in its unbounded degrees of humiliation. The economic and the political are congruent in the indistinction of persons and things, as instances of a procedural calculus. For the recognized values of the day no amount of bloodshed or capital is ever too much for the abstracted ends of freedom and development, ends that are necessarily the *ab extra* of the reified human as captive to infinitely diverse operations and ends. That the human can be priced as a discrete particular expressible in aggregates and subject to a ratio of which it is not in itself germane was not always the case; as much as it appears but natural today. The onto-theologic whose outlines we had sketched in Locke – and that forms a guiding thread in our analysis – and whose perfect solvent was Benthamite is aptly illustrated by a far away echo, where Krishna advises that “for (the preservation of) a family one must (be prepared to) abandon a man; for a village, a family; for a country a village; and for the atman the (entire) earth”⁷². Barely recognisable anymore in the sepsis of the onto-theologic is the suffusion of the infinite double.

NOTES

1. See, Kant “Conflict of Faculties” in *Religion and Rational Philosophy* (Cambridge: Cambridge University Press 1996), p. 302. This passage has in recent times attracted especially rich commentary from Lyotard to Arendt to Foucault.
2. See Immanuel Kant, *Critique of Pure Reason* Trans. Normal Kemp Smith (Bedford: Macmillan & Co. 1965), pp. 127-8.

3. See, "Conflict of Faculties" in *Religion and Rational Philosophy* op.cit., p. 300.
4. See, "Principles of Nature and Grace" in *Leibniz: Philosophical Texts* Trans. and Edited by R.S. Woolhopuse and R. Francks (Oxford: Oxford University Press 1998), p. 261.
5. See, "Correspondence with Arnauld" *Leibniz: Philosophical Texts* op.cit., p.133.
6. See, Hobbes's *Leviathan* op.cit., p.79.
7. See, Hobbes's *Leviathan*, op.cit., p. 82.
8. See, David Hume *Essays* op.cit., p.583.
9. See, *Essays* op.cit., p. 583.
10. See, Rousseau's *Second Discourse* op.cit.
11. See Hegel *Elements of the Philosophy of Right* Ed. Allen Wood (Cambridge: Cambridge University Press), p. 38.
12. See, *Elements of the Philosophy of Right* op.cit., p. 36
13. See, *Elements of the Philosophy of Right* op.cit., p. 43
14. For a detailed critique of Mill via a reading of Locke's *Treatises* and his *Reasonableness Concerning Christianity* see my, "Fade-Out of the Political Subject: From Locke to Mill", *TELOS* 162 (Spring 2013).
15. John Stuart Mill, *On Liberty* (New York: Oxford University Press, 1996), p. 16.
16. See, *On Liberty* op.cit., p. 91.
17. See, *On Liberty* op.cit., p. 78.
18. See, Charles Darwin, *Origin of Species* (New York: Bantam Books 1999), p. 91
19. See, *Origin of Species* op.cit, p. 350
20. Thomas Malthus, *An Essay on the Principle of Population*, (Cambridge: Cambridge University Press 1992). p. 249.
21. Charles Darwin, *Descent of Man* (New York: Bantam Books 1999), p. 160
22. See, *Origin of Species* op.cit., p. 166
23. *Ibid.* p. 239
24. *Ibid.*
25. "If we were to begin with the German status quo itself, the result – even if were to do it in the only appropriate way i.e. negatively – would still be an anachronism. Even the negation of our present political situation is a dusty fact in the historical junk room of modern nations. If I negate powdered wigs, I am still left with un-powdered wigs. If I negate the situation in Germany in 1843, then according to the French calendar I have barely reached 1789, much less the vital center of our present age" (251)."Critique of Hegel's Philosophy of Right" in *Early Writings* op.cit. . "The state of Germany of the last century is fully reflected in Kant's *Critique of Practical Reason*. While

the French bourgeoisie, by means of the most colossal revolution the world has ever known, was achieving domination and conquering the continent of Europe, while the already politically emancipated English bourgeoisie was revolutionizing industry and subjugating India politically, and all the rest of the world commercially, the impotent German burgers did not get further than 'good will'. Kant's good will fully corresponds to the impotence, depression, and wretchedness of the German burgers, whose petty interests were never capable of developing into the common, national interests of a class and who were therefore, constantly exploited by the bourgeoisie of all other nations" later it is asked with reference to Germany, "How could political conditions arise in a country which lacked the economic conditions for it?" . In a further reading of Kant, "Since German economic relations had by no means reached the stage of development to which these political forms corresponded, the middle class accepted them as abstract ideas, principles valid in and for themselves, pious wishes and phrases, Kantian self-determinations of the will and human beings as they ought to be". *German Ideology* (New York: Prometheus Books 1998), pp. 208-10

26. See Karl Marx, *Grundrisse* (New York: Penguin 1973). "What Mr. Proudhon calls the extra-economic origin of property, by which he understands just landed property, is the pre-bourgeoisie relation of individual to the objective conditions of labour, and initially to the natural objective conditions of labour—for, just as the working subject appears naturally as an individual, as natural being – so does the first objective condition of his labour as nature, earth, as his inorganic body, he himself is not only the inorganic body but also the subject of this inorganic nature. This condition is not his product but something he finds – presupposed to him as a natural being apart from him. Before we analyze this further, one more point: the worthy Proudhon would not only be able to, but would have to, accuse capital and wage—labour as forms of property —of having an extra-economic origin. For the encounter with objective conditions of labour as separate from him, as capital from the workers side and the encounter with the worker as property less, as an abstract worker from the capitalist's side – the exchange such as takes place between value and living labour, presupposes a historic process, no matter how much capital and labour themselves reproduce this relation and work out its objective scope as well as its depth – a historic process, which as we saw, forms the history of the origins of capital and wage labour. In other words: the extra-economic origin of property means nothing else than the historic origin of bourgeois economy, of the forms of production which are theoretically or ideally expressed by the

categories of political economy". p. 489. This is of course a polemic that continues from *The Poverty of Philosophy* that makes this argument most forcefully. (Although the juridical specter does haunt Marx's oeuvre).

27. See, Karl Marx, *The Poverty of Philosophy* (New York: International Publishers 1963)
28. "The principle on which monarchy in general is based is that of man as despised and despicable, of dehumanized man; and when Montesquieu declares that its principle is honor he is quite in error. He attempts to make this plausible by distinguishing monarchy, despotism and tyranny. But these names refer to a single concept, denoting at best different modes of the same principle". See Karl Marx, "Letters from Franco-German Yearbook" in *Karl Marx: Early Writings* Trans. Gregor Benton (New York: Pelican 1975) p. 202.
29. (148). Karl Marx, "Critique of Hegel's Doctrine of State" in *Early Writings* op.cit.
30. See the appendices of *Pre-Capitalist Economic Formations and Other Writings* Ed. Hobsbawm (London: International Publishers 1965).
31. See Marx's brilliant analysis in "On the King of Prussia and Social Reform": "From a political point of view the state and the organization of society are not two different things. The state is the organization of society. In so far as the state acknowledges the existence of social grievances it locates their origins in the laws of nature over which no human agency has any control, or in the private life, which is independent of the state, or else in the malfunctions of the administration which is dependent on it. Thus England finds poverty to be based on the law of nature according to which the population must always outgrow the available means of subsistence". (411). The more powerful a state and hence the more political a nation, the less inclined it is to explain the general principle governing social ills and to seek their causes by looking at the principle of the state, i.e. at the actual organization of society of which the state is the active, self conscious and official expression. Political understanding is just political understanding because its thought does not transcend the limits of politic. The sharper and livelier it is, the more incapable is it of understanding social ills" (413). See, *Early Writings*, op.cit.
32. "Ricardo in his book: Nations are merely workshops for production, and man is a machine for consuming and producing. Human life is a piece of capital. Economic laws rule the world blindly. For Ricardo men are nothing, the product everything". (307). See, *Early Writings* op.cit.
33. See Rahul Govind, "Equality, Right and Identity: Rethinking the Contract through Hobbes and Marx" *TELOS* 154 (Spring 2011).

34. See, *Collected Works of Marx and Engels*, Vol. 11 (Moscow: Progress Publishers 1975), p. 123. I have elsewhere argued for a more robust Marxist critique of the nation/state form as capital-effect. See, "Nation-state in the Age of Imperialism" op. cit.
35. See, *Collected Works of Marx and Engels*, Vol. 24 op.cit., p. 261
36. Karl Marx, *Capital I* (London: Penguin 1992), pp. 247-269
37. Ibid.
38. See, *Capital I* op.cit., p. 284
39. Ibid. p. 289. Elsewhere, "From the instant he steps into the workshop, the use value of his labour power and therefore also its use, which is labour, belongs to the capitalist. By the purchase of labour-power, the capitalist incorporates labour as a living agent of fermentation, into the lifeless constituents of the product which also belong to him. From this point of view the labour process is more than the consumption of commodities purchased i.e. labour power; but he can consume this labour power only by adding the means of power to it" (292). "Capital therefore is not only the command over labour, as Adam Smith thought. It is essentially the command over unpaid labour. All surplus value, whatever particular form (profit, interest or rent) it may subsequently crystallize into, is the substance of the materialization of unpaid labour time. The secret of the self-valorization of capital resolves itself into the fact that it has at its disposal a definite quantity of the unpaid labour of other people". (672). Ibid.
40. See, *Capital I* op.cit., p. 981. The necessary yet/therefore indeterminate function of use-value in Marx has been noted before. Two close readings in this respect include Jean Baudrillard's *For a Critique of the Political Economy of the Sign* (St. Louis, Mo.: Telos Press 1981) and Gayatri Spivak's "Scattered Speculations on the Question of Value" in *In Other Worlds : Essays in Cultural Politics* (New York: Routledge 1988). Baudrillard notes that there is "a metaphysic of the Sd-Rtf, homologous with that of needs and use-value. The Sd-Rtf is taken for an original reality, a substance of value and recurring finality through the supporting play of signifiers. Similarly use-value is given as origin and purpose, and needs as the basic motor of the economic – the cycle of exchange-value appearing here as a necessary detour but incompatible with finalities. (156). Spivak similarly views use-value as "both outside and inside the system of Value determinations" in that "the parasitic part (exchange-value) is also the species term of the whole thus allowing use-value the normative inside place of the host as well as banishing as that which must be subtracted so that Value can be defined" (162).
41. Capital I valorization process See, *Grundrisse* op.cit. "Labour is not

only the use value confronting Capital, but rather it is the use-value of Capital itself” (297) “That labour time contained in the raw material and instrument is preserved at the same time is a result not of the quantity of labour but of its quality of being labour”. (359).

42. Karl Marx, *Capital II* (London: Penguin 1992). The draught animal and the machine vie to occupy the figure of the non-human ‘double’ in Marx’s analysis. Perhaps the parameters that would help to modulate a discussion of the relationship between the animal and the human through death that would mirror the violence of ‘exteriority’, would be the exchange between Hegel and Benjamin – not the significantly more pedantic and evasive analysis undertaken by Heidegger in his distinction between dying and perishing – where once the former claims “the human being alone is capable of abandoning all things, even his own life: he can commit suicide. The animal cannot do this it always remains only negative, in a determination which is alien to it and which it merely grows accustomed”, the latter cannot but clarify, by replying, “suicide is the achievement of modernity in the field of passions”. See *Elements of the Philosophy of Right* (Cambridge: Cambridge University Press, 1991) and *Charles Baudelaire, Lyric Poet in the Era of Capitalism*. (London: Verso, 1983). The cursive doubling of the human and the non human is fully articulated here. The critique of Smith for omitting constant capital and seeing profit and surplus value as equivalent continues in the first part of volume one of *Theories of Surplus Value* See also the exchange between Adorno and Benjamin on the ‘tense’ yet/and ‘fruitful’ relation between the former (theoretically) constructing an ‘empathy with the commodity’ and the latter speculating on the ‘consumption of exchange value’ under conditions of high-capitalism.
43. See, *Capital I* op.cit., p. 644
44. Ibid. p. 717-718
45. See, *Capital II* op.cit., p. 448. fn6
46. Ibid. p. 458
47. See, *Capital II* op.cit., p.248
48. See, *Capital II* op.cit., p. 253
49. In such a passage one may well enlist Heidegger, although Heidegger doesn’t mention Marx. When explicating the concepts of ancient ontology through the horizon of production and actuality, Heidegger writes, “The thing is produced by looking to the anticipated look of what is to be produced by a shaping, forming. It is this anticipated look of the thing, sighted before-hand that the Greeks mean ontologically by *eidōs*, idea”. “The anticipated look, the proto-typical image, shows the thing as what it is before the production and how it is supposed to look as a product”. “The look, as enclosing the

belongingness of all the real determinations, is also conceived of as constituting the finishedness, the completeness, of a being. Scholasticism says *perfectio*; Greek it is *teleion*". "Sight is not an appendage to productive behavior but belongs positively to it and to its structure, it guides the action". See, *Basic Problems in Phenomenology*, op.cit., pp. 106-112

50. See, *Critique of Judgment* op.cit., p. 226-7
51. See chapter 1, <https://www.marxists.org/archive/marx/works/1875/gotha/ch01.htm>, Karl Marx, *Critique of the Gotha Programme*.
52. P. 63, *Report of the Commissioners for the Investigation of the Alleged Cases of Torture in Madras Presidency* (Madras: Fort St George Gazette Press, 1855),
53. Ibid.
54. See Radhika Singha's discussion in *A Despotism of Law* (Delhi: Oxford University Press 2000). See also Stuart Gordan's *Marathas, Marauders and State Formation in 18th Century India* (Delhi: Oxford University Press 1994). The Thuggee Act was hardly unique, and its principle can be found replicated in the later 'martial races', as well as the Criminal Tribe/de-notified acts. These are of course the most spectacular instances, the more general reorganization of society on 'communal' and 'caste' lines has been extensively documented. Legal deduction and 'societal induction' operated in the same field.
55. Recently this has been most forcefully argued in Martine van Woerkens's *The Strangled Traveler: Colonial Imaginings and the Thugs of India* (Chicago: University of Chicago Press 2002)
56. See Jacques Lacan, *Seminar VII* (New York: Norton 1997).
57. This has been discussed in chapters two and four of this book.
58. Society indexes an equality, whereas authority indexes hierarchy. See Gierke, *Natural Law And The Theory Of Society 1500- 1800* (Cambridge: The University Press 1950). See also, *The Human Condition* op.cit.
59. See Philip Meadows Taylor, *Confessions of A Thug* (London, Humphry Milford: Oxford University Press)
60. This has been discussed in the *Antinomies* op. cit., most explicitly in chapter four in relation to Blackstone.
61. For instance, see Radhika Singha's discussion in *A Despotism of Law*, op.cit. for Thuggee in general.
62. See *Ramaseena* (Calcutta: G.H. Huttman, Military Orphan Press 1836), p. 175.
63. Ibid., p. 238
64. Herein perhaps lies the country provenance of detective fiction, the classically urban literary genre. But the theoretical matrices – the semioticization that allows a tracing, the unique combination of

physical prowess and a discerning eye for details and imprints – are already well formulated. (Holmes was a boxer, one must not forget, and decoded signs).

65. For a careful study of the Residency System that also makes the argument about its educational value for later imperialism see Michel Fisher *Indirect rule in India: Residents and the Residency System, 1764-1858* (New York: Oxford University Press 1991)
66. See, Mike Davis, *Late Victorian Holocausts: El-Nino Famines and the Making of The Third World* (London: Verso 2001), p. 38.
67. See, Madhusree Mukerjee *Churchill's Secret War* (New York: Basic Books 2010), p. 78.
68. I have tried to show elsewhere that the ideology of “nationalism” can be conceptually traced to the perspective-critique of the “Jews” by Christianity in its self-perception as true humanism. See “Equality, Right and Identity” op.cit.
69. The debt to the work of Istavan Hont and Hannah Arendt is evident. See *Origins of Totalitarianism* op.cit., and Hont, “The Permanent Crisis of a Divided Mankind” in *Political Studies* (1994), XLII, pp. 166-231.
70. For this specific example of the difference between the physicist and chemist see Thomas Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press 2012) pp. 50-1. On the issue of the minimum threshold for human life there is a rich literature on the debates in India and the Planning Commission’s ‘definition’ of the poverty line. Earlier reports about the retort of the politician responding to journalists about famine like conditions in his state and tribals eating roots by saying that such consumption was but their natural diet has recently found academic support from Arvind Panagariya in argument, made in “Does Indian really suffer from worse child nutrition than sub-Saharan Africa” in *Economic and Political Weekly*, Vol - XLVIII No. 18, May 04, 2013; that there should be a multiplicity of thresholds since humans were different in different parts of the world. One wonders how this is essentially different from Imperial and Nazi experiments on the minimum threshold for human survival. And that there can be no definite result – with catastrophic consequences all the same – is characteristic of the very nature of the quantitative, the more and less. See also the discussion of Panagariya’s paper in the referred to volume of *EPW*. The argument regarding multiple human types is congruent with Panagariya’s argument, made in the editorial page of the *The Times of India*, November 17, that India should exploit its labour market to compete with China. The latter along with a critique of state subsidies is made so as to make the labouring poor have no option but to labour. This is identical to the arguments made in the 18th and early 19th century England where

impoverishment was a strategy to force the labouring poor into the factories by destroying any other possible way of living. Panagariya therein returns to the womb of economic method revealing the state to be an instrument of capital. Rather than the state being an artificial creation to ensure equality and freedom it has become the coercive arm of the rich and powerful to aggrandize through expropriation, expressed as “natural laws”.

71. The two copies may be found in http://en.wikipedia.org/wiki/Atlantic_Charter
72. On the man occupying the *subiectum* see especially, Heidegger, “The Age of the World Picture” in the *Question Concerning Technology and Other Essays* (New York: Garland Publishing Inc. 1977). Heidegger’s analysis of Galilee extrapolates this point. He argues that the “modern” position required a determination of the thing that was not found as such (in experience) and yet “lies at the base of every determination of the things, making them possible and making room for them”. “There is a prior grasping together in this *mente concipere* of what should be uniformly determinative of each body as such, i.e. for being bodily”. See *What is a Thing* (Chicago: Henry Regnery Company 1967) pp. 89, 91. Our own differences with the characterization of the modern – especially in the way Heidegger tries to distinguish the Cartesian position from that of the Sophists — is based on our own assessment of the subjectivity theological interplay and its political implications in Descartes as well as the his contemporaries. The earlier writings of Heidegger were often concerned with thinking the ‘subjectivity’ of ‘man’, the ‘who’ thought of as he for whom his own being was a concern. The other thinkers complicit in a critique of the subject representation nexus are too well known to mention.
73. Cited by Charles Malmoud in *Cooking the World* (New Delhi: Oxford University Press 1998) p. 109.

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