

Civilizationism

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England, it is true, in causing a social revolution in Hindostan, was actuated only by the vilest of interests, and was stupid in her manner of enforcing them. But that is not the question. The question is, can mankind fulfill its destiny without a fundamental revolution in the social state of Asia? If not, whatever may have been the crimes of England she was the unconscious tool of history in bringing about that revolution.

Then, whatever bitterness the spectacle of the crumbling of an ancient world may have for our personal feelings, we have the right, in point of history, to exclaim with Goethe:

“Should this torture then torment us
Since it brings us greater pleasure?
Were not through the rule of Timur
Souls devoured without measure?”¹

Introduction

Marx, in this statement taken from an essay on the subject of the “The British Rule in India,” describes the role of British imperialism in destroying the remnants of India’s stagnant and semi-civilized “Asiatic” society and laying the foundations for its transition towards a more economically advanced, dynamic and civilized country. With an ambivalence characteristic of his analysis of capitalist development in general, Marx deplores the human cost exacted by the march of colonialism, but it is as necessary as it is inevitable if India, like other pre-industrial societies, are to achieve the productive capacity and accompanying revolutionary consciousness to eventually achieve the transition to a communist society. I have invoked this passage as a means of providing a window into a theoretical perspective Marx shared with a broad spectrum of European political theorists in the history of ideas, a perspective I call civilizationism. From this perspective human societies are ranked on a scale of human development that measures their degree of material and moral-intellectual progress, the template of which was provided by the highly civilized societies and states of Europe.

Civilizationism encompasses two distinct but interdependent strands of development: one technical and scientific, the other relating to different aspects of the human character or intellect.² In scientific terms civilization refers to a society’s technological and organizational capacity to dominate its environment and thereby increase its security, power and prosperity. In its second sense it refers to something like the cultivation of those traits or characteristics which are uniquely human or definitive of human excellence. Following John Stuart Mill in

¹ Karl Marx, “The British Rule in India,” in Robert C. Tucker, ed., *The Marx-Engels Reader*, 2nd. ed. (New York: Norton, 1978), 658. I have reversed the position of the German text and the translation supplied in the accompanying footnote. The original text reads:

“Solle dies Qual uns quälen,
Da sie unsre Lust vermehrt,
Hat nicht Myriaden Seelen
Timur’s Heerschaft aufgezehrt?”

² I use the term scientific in a very broad sense here to encompass both the natural and they key social ‘sciences’

his classic essay on “Civilization,” the distinction is between a narrow sense of the term which distinguishes a wealthy and powerful nation from savages or barbarians, and human improvement or perfection in a broader sense which refers to the cultivation of qualities such as nobility, wisdom, individuality, morality and happiness.³ For most theorists progress along these two strands of civilization usually proceeds in lockstep, but for others – Mill for example – there is no necessary connection between the two, and civilization in the human perfectionist sense does not necessarily accompany civilization in the scientific sense. Although civilizationists tended to agree that civilization (in both its senses) is desirable, particularly for the inferior peoples and societies beyond the walls of Europe, beyond this there are some interesting and important variations in their approaches. In particular, not all agree on the inevitability of civilization emerging in its fullest sense in non-European societies, concluding like Kant, for example, that certain unfortunate races of non-whites may never escape their relatively lowly position on the scale of civilization. Equally significant, there is some variation on the question of whether the process of civilizing non-European societies need be consensual, meaning that civilizationists vary somewhat in their assessments of the justifiability of colonialism.

My interest is not in historic civilizationist theory per se, but instead in Tom Flanagan’s effort to revive and rehabilitate this doctrine as a foundation for contemporary public policy making on Aboriginal-state relations in Canada.⁴ Flanagan’s strategy is to champion the benefits (and the inevitability) of civilization in the technical-scientific sense, while jettisoning the “unfortunately ethnocentric” dimensions of the historic civilizationist discourse wherein all non-European societies are deemed inferior. In making this argument, Flanagan purpose is to undermine a position he refers to as the “aboriginal orthodoxy” which he associates broadly with Aboriginal nationalism and the movement in favor of an inherent right of Aboriginal self-government. In Flanagan’s view this position is both unrealistic and ultimately unjust. The only feasible and liberal alternative, in his view, is for Aboriginal peoples to reconcile themselves to the advantages of their assimilation into the more civilized mainstream culture, rather than to seek self-government as a means of reviving their less civilized (meaning less powerful and successful) cultures. My purpose is to demonstrate the failure of Flanagan’s argument in two different senses. First, as a practical vision for the future of Canadian Aboriginal-state relations – an argument to which the bulk of his book is devoted; and second, as a normative response to Aboriginal claims – a dimension of the argument to which he devotes minimal, and ultimately unsatisfactory, attention. Along the way, I will also try to show that Flanagan fails to jettison all of the ethnocentric dimensions of the historic civilizationist discourse to which he is indebted.

The paper proceeds in three parts. Part one is an examination of the key assumptions of some of the more influential civilizationist thinkers writing during the first and second waves of European colonial expansion. Part two examines Flanagan’s efforts to resurrect and rehabilitate civilizationist thinking in the context of contemporary debates over the future of Aboriginal-state relations in Canada. In part three I present a critique of Flanagan’s ideas, drawing partly on the analysis in part one and my own reading of the empirical and normative bases of Aboriginal nationalism and the movement in favor of self-government.

³ John Stuart Mill, “Civilization,” in *Collected Works, Volume XVIII*, 119-47, at 119. Although all of the theorists I examine tend to use the term civilization in these two different senses, Mill is the only one to explicitly make such a distinction between them.

⁴ Although, as the author himself seems to indicate, the overall theoretical analysis is applicable to other states grappling with Aboriginal claims to self-determination and decolonization. See Tom Flanagan, *First Nations?*

Historic Civilizationism

Looking back at the history of civilizationist thinking, it was commonly assumed that non-European peoples and societies were inferior to their European counterparts. Indeed, Europe itself was frequently viewed as divided among great and inferior nations, the latter of which could be justifiably absorbed and assimilated by the former. Who could doubt, Mill famously asked, that a Breton or a Basque would be better off as a citizen of the French nation, reaping the benefits and protection of such a highly advanced and powerful culture, “than to sulk on his own rocks, the half-savage relic of past times, revolving in his own little mental orbit, without participation or interest in the general movement of the world.”⁵ European superiority was commonly expressed in what James Tully refers to as the “stages theory” of societal development. According to this theory, human societies pass through a series of stages of historical development during their transition from a barbarous state of existence to their end points as fully civilized states. At the pinnacle of this evolutionary model were placed the states and peoples of Europe, whereas non-European societies were placed at various lower stages of the process.⁶ While each of the theorists I examine holds to some version of the stages theory, there are interesting similarities and the differences among their specific approaches to the process of civilization, particularly the different conclusions they draw about the relationship between the degree of civilization achieved (or achievable) by non-European societies and the entitlement of those societies to political freedom or independence.

Not surprisingly, the greatest similarities pertain to the scientific dimensions of civilization. In this domain the central emphasis is on technological advancement and the development of more effective means of organizing economy, society, and polity for the sake of human security, wealth accumulation and cultural flourishing. A central theme in most civilization theory is the power that comes from co-ordinated collective enterprise. What is it, Mill asks us, that “makes all savage communities poor and feeble? The same cause which prevented the lions and tigers from long ago extirpating the race of men—incapacity of co-operation. It is only civilized beings who can combine.”⁷ Marx and Engels express a similar view in seeking to reconcile us to the necessity of dissolving the primordial communities that continue to divide the members of uncivilized societies from one another (and from the rest of mankind), preventing them from combining and co-ordinating their productive capacities in the war against scarcity. It is only by organizing themselves (or being organized by others) into a capitalist economy and society that they can begin to move from a position of domination by their environment to domination of their environment.⁸ We see this view again in social contractarians such as Hobbes and Locke, who describe the lives of American Indians,

⁵ John Stuart Mill, *Utilitarianism, Liberty, Representative Government*, Everyman’s Library 482, (London: J.M. Dent and Sons, 1954), 363-4. (Hereafter cited as Mill, EL).

⁶ James Tully, “Rediscovering America: The Two Treatises and Aboriginal Rights,” in Tully, *An Approach to Political Philosophy: Locke in Contexts* (Cambridge: Cambridge University Press, 1993), 137-171; idem., *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995), 64-6, 71-2. Obviously, for Marx, the liberal capitalist states of Europe represented only the penultimate stage of human development, which would only truly be realized in a communist society. For a very detailed version of the stages theory see Frederick Engels, “The Origin of the Family, Private Property and the State,” in Karl Marx and Frederick Engels, *Selected Works*, Volume Three (Moscow: Progress Publishers, 1977), 193-334.

⁷ Mill, “Civilization,” 122; see also 121.

⁸ Tucker, *Marx-Engels Reader*, 657-8. Speaking specifically of the Iroquois, Engels concludes: “Impressive as the people of this epoch may appear to us...they are still bound, as Marx says, to the umbilical cord of the primordial community. The power of these communities had to be broken, and it was broken.” See Engels, “The Origin of the Family,” 267. Of course, for Marx and Engels these processes were also essential for the

wandering wild and aimless in the woods of America, poorly organized and divided from one another, as brutish, needy and wretched, and poor in the comforts of life.⁹

This more general power of combination and co-operation is articulated across a range of more specific activities, including the institutionalization of regimes of land enclosure and private property which, in tandem with the development of commercial agriculture and resource extraction industries, are designed to increase productivity and the accumulation of wealth. In the 18th and 19th centuries wealth production and accumulation increasingly came to incorporate and avail itself of large scale, mechanized, industrialization, the complex division of labour, population growth and urbanization, and the development of networks of domestic and international commerce and trade. Other standard elements of civilization included institutionalized mass education, what Mill calls the diffusion of intelligence, the flourishing of arts letters and architecture, advances in the human and natural sciences, the arts of navigation, networks of transportation and communication, and generally the comforts and refinements of a well-ordered and highly cultured mass society, including increased leisure time and relative freedom from the tyranny of crushing labour.¹⁰ According to Mill: “These elements exist in modern Europe, and especially in Great Britain, in a more eminent degree, and in a state of more rapid progression, than at any other place or time.”¹¹

The central organizational element for civilizationists is, of course, the institution of the modern state. In contrast to savages, who generally were understood to be living in a lawless condition characterized by only the most rudimentary form of socio-political organization – reminiscent of the so-called state of nature – civilized societies were characterized by the presence of a highly institutionalized and centralized political authority exercising sovereignty and enforcing the rule of law within clearly delimited borders. The sovereign is also the ultimate expression of a civilized society’s power to combine. As Hobbes concludes: “The Greatest of humane Powers, is that which is compounded of the Powers of most men, united by consent, in one person, Naturall, or Civill, that has the use of all their Powers depending on his will; such as is the Power of a Commonwealth.”¹² As such, the sovereign head of the modern state is given the capacity to represent, exercise, and enforce the collective agency or will of society.¹³ Kant takes the political dimension of civilization a step further by linking it not only to our submission to a republican constitution at the domestic level but to the entry of all republics into an international federation of free states.¹⁴ In both its domestic and international configurations, established and institutionalized political order provides societies with the safety, security, and organizational resources essential to economic, cultural, intellectual and moral progress.

⁹ Hobbes, *Leviathan*, eds., Richard E. Flathman and David Johnston. (New York: Norton, 1997), 71; John Locke, *Second Treatise of Government*, ed., C.B. Macpherson. (Indianapolis: Hackett, 1980), ss. 37, 41. For discussion, see Kathy Squadrito, “Locke and the Dispossession of the American Indian,” in Julie K. Ward and Tommy L. Lott (2002). *Philosophers on Race: Critical Essays*. (Oxford: Blackwell), 101-24, at 102-4.

¹⁰ Mill, “Civilization,” 120-5; Hobbes, *Leviathan*: chapter.13; Engels, “The Origin of the Family,” passim; Bhikhu Parekh, “Liberalism and Colonialism: A Critique of Locke and Mill,” in Jan N. Pieterse and Bhikhu Parekh, eds., *The Decolonisation of Imagination: Culture, Knowledge and Power* (London: Zed, 1995), 81-98, at 84; Locke, *Two Treatises*, chap. V.

¹¹ Mill, “Civilization,” 120-1.

¹² Hobbes, *Leviathan*: 48.

¹³ Marx of course would disagree. Although he views the state as a necessary element in the capitalist phase of historical development, it truly represents and enforces the will of the ruling class only. Eventually, like capitalism itself, the state will eventually wither out of existence.

¹⁴ Immanuel Kant, “Idea for a Universal History With a Cosmopolitan Purpose,” and “Perpetual Peace: A Philosophical Sketch,” both in Hans Reiss, ed., *Kant’s Political Writings* (Cambridge: Cambridge University

In addition to its scientific and organizational dimensions, civilization was understood by theorists such as Locke and Mill to require the development of certain character traits or habits of mind such as self-discipline, reasonableness, respect for authority, industriousness, a capacity for mutual accommodation, and a willingness to recognize others as our equals. Mill in particular is famous for emphasizing the importance of individuality or our capacity (and willingness) to engage in original or independent thought, which for him was the hallmark of a truly free and self-governing individual.¹⁵ Things work a little differently for Kant. In the Kantian world-view, civilized societies achieved progress by means of our unsocial sociability: our tendency to be simultaneously drawn into society while our natural competitiveness, glory-seeking, and insatiable desires for possessions and power continually threatens its dissolution. Nevertheless, it is precisely our asocial tendencies that push us beyond a life of passive and complacent self-sufficiency to ever greater deeds and accomplishments, both material and moral-intellectual. In the absence of these asocial traits (in themselves mostly deplorable), Kant concludes that humanity's true potential would remain forever unrealized, and our fate would be to live an existence more worthy of sheep, or savages. The function of civil society and the state is to shape and channel this essential human conflict within lawful and manageable bounds, and as such to provide the ideal forum for the realization of our highest rational and moral capacities.¹⁶

Despite their unanimity in judging non-European societies inferior to their European counterparts, civilization theorists vary with respect to their assessment of the degree and relative duration of their inferior natures. Mill and Marx, for example, take the view that less civilized non-European societies are by no means devoid of good and admirable qualities (e.g., strength, intelligence, bravery), and are perfectly capable of achieving the same level of moral and scientific excellence as Europeans, but ultimately they are dependent for their progress upon European guidance or, in the case of Marx, interference and disruption – they are incapable of progressing fully on their own.¹⁷ If anything, Locke took an even dimmer view of the character and capacities of non-Europeans. In his *Essay Concerning Human Understanding*, for example, he describes American Indians as ignorant and childlike, lacking industry, discipline, and rationality, and places them on a level with children, idiots, the illiterate, and other savages. They were perhaps even akin to animals, living a brutish and meagre existence in the wild woods of America.¹⁸ Yet Locke believed that these differences were determined by the influences of climate and geography, rather than inalterable biology,

¹⁵ For a discussion of Locke and Mill in this regard see Parekh, "Liberalism and Colonialism," 84-5, 92-3; See also chapter 3 of Mill's *On Liberty*, "Of Individuality as One of the Elements of Well-Being;" idem, "Civilization" 122-4. It should be noted that Mill was skeptical about the cultivation of individuality even amongst the most highly civilized ranks of Europeans, threatened as it was by the power of majority tyranny, both formal and informal.

¹⁶ Kant, "Idea for a Universal History." For many theorists, the scientific dimension of civilization itself also produced important changes in the character and consciousness of men. Perhaps the clearest sense of this is found in Marx, whereby capitalist development inexorably awakens, partly by means of their increasing immiseration, the revolutionary consciousness of the working classes, both in Europe and in the colonies overseas. There is perhaps also an element of this in Kant notion of unsocial sociability, in the sense that it drives us, unconsciously, towards the gradual awakening of our rational and moral faculties.

¹⁷ See Mill, EL, passim; and Marx's two essays on British Imperialism in India in Tucker, *Marx-Engels Reader*, 653-64.

¹⁸ John Locke, *An Essay Concerning Human Understanding* (New York: Prometheus, 1994), Book 1, chap.2,

and thus the deficiencies of the uncivilized ultimately could be overcome, though again, not without the guiding hand of Europeans.¹⁹

By far the most disparaging views of non-European peoples were held by Kant, a discovery that many find bewildering and counter-intuitive in this paragon of modern liberalism. Kant firmly believed in a hierarchy of races with white Europeans at the apex and American Indians at the very bottom. To quote from his *Physical Geography*: “Humanity is at its greatest perfection in the race of whites. The yellow Indians do have a meagre talent. The negroes are far below them and at the lowest point are a part of the American peoples.”²⁰ By this he means American Indians, who he describes in more specific terms as weak, passive, lacking in industry, incapable of any culture, and deficient in their rational and moral faculties.²¹ There are also doubts regarding Kant’s position on the capacity of the uncivilized races to progressively transcend their inferior natures. For some interpreters, Kant professes the inherent superiority of whites, deeming them the only races capable of rational and moral perfection in any meaningful sense. Whereas Kant believed in the biological unity of all the races, like Locke he held to the view that different physical, intellectual and moral traits crystallize under the influence of different climates and geographies. Moreover, once these racial characteristics and dispositions take hold they resist further alteration, which would seem to entail that civilizing missions have their inherent limits.²² Yet this position sits uncomfortably beside Kant’s more general view that all human beings, as the bearers of the germs of rationality, must be respected as ends in themselves, and that the destiny of all of humanity is to partake in the inexorable progress towards a common cosmopolitan destiny. In the end, however, “It is...never made clear how the biologically inferior endowments of non-whites could be consistent with this destiny.”²³ Perhaps the best available explanation is that

¹⁹ Parekh, “Liberalism and Colonialism,” 87. A caveat is entered here by Squadrito, who observes that Locke’s skepticism about the capacity of any individual (European or otherwise) to make the transition from a brutish to a rational existence may have left him doubtful about the possibility of successfully assimilating American Indians. William Uzgalis challenges even the assertion that Locke viewed the American Indians as inferior to Europeans: “What Locke says in the course of his philosophical works provides no...empirical account of the inferiority of one group over another.” (97) Thus Locke would not have judged American Indians inferior or lacking in rationality and industry for their failure to develop a powerful and productive European-type civilization, for there was simply no need to do so given the environment in which they lived at the time (96-7). While this may be a plausible explanation for why Locke might have excused the absence of an economy geared towards the production of large surpluses (for what would be the point in a subsistence culture?), it is difficult to square with his statements that even though American Indians were provided with all of the natural ingredients necessary for commodious living, their failure to improve the land through labour leaves them with a standard of living no better than that of a day-labourer in England (Locke, *Two Treatises*, s.41). Interestingly, Uzgalis links this reading of Locke with Jared Diamond’s thesis in *Guns, Germs, and Steel*, an interpretive strategy also adopted by Flanagan – see discussion below at 11.

²⁰ Quoted in Robert B. Loudon, *Kant’s Impure Ethics. From Rational Beings to Human Beings*. (New York: Oxford University Press, 2000), 99.

²¹ Loudon, *Kant’s Impure Ethics*, 99-100; Robert Bernasconi, “Kant as an Unfamiliar Source of Racism,” in Ward and Lott, *Philosophers on Race*, 145-66, at 148-9. Observations regarding the natural passivity, stagnancy, or languor of uncivilized societies is a common refrain among civilizationists. Compare Tucker, *Marx-Engels Reader*, 658.

²² See Emmanuel Chukwudi Eze, “The Color of Reason: The Idea of “Race” in Kant’s Anthropology,” in Emmanuel Chukwudi Eze, ed., *Postcolonial African Philosophy. A Critical Reader*. (Oxford: Blackwell, 1997), 103-40; and Robert Bernasconi. “Who Invented the Concept of Race? Kant’s Role in the Enlightenment Construction of Race,” in Robert Bernasconi, ed., *Race*. (Oxford: Blackwell, 2001), 11-36; and Bernasconi, “Kant as an Unfamiliar Source of Racism,” 158. As Bernasconi notes, this interpretation also helps explain Kant’s opposition to racial intermixing, which, since not every race adopts the morals and customs of the Europeans, would only serve to degrade the white race (158).

²³ Thomas A. McCarthy, “On the Way to a World Republic? Kant on Race and Development,” in Lothar Waas,

Kant simply believed that those inferior peoples who could not adapt to modernity and civilization would simply die out.²⁴

The moment of truth of these various theories of civilization is of course their attitudes towards European colonialism, and in this regard we encounter some perhaps unexpected but revealing differences. Locke is well known for his supportive stand on colonial policy in the Americas, the centerpiece of which was his theory of property. In Lockean terms, North American Indians merely roamed over their territories and thus were derelict in their natural duty to make productive use of the land via European modes of cultivation. It followed that any such unproductive lands could be said to be in the so-called state of nature and thus subject to appropriation without consent by the first European to use them in a truly civilized and productive manner. Since Locke also deemed the Indians to be in a pre-political stage of development, they could not legitimately claim sovereignty over their lands and thereby defend themselves against such confiscations.²⁵ While analysts seem to agree that Locke did not support the colonists' right to arbitrarily hunt, kill or enslave the indigenous inhabitants, as Tully notes, any attempt they made to defend their territories from European enclosure could be justifiably repelled by the appropriators under conditions of self-defense and just war.²⁶ Locke did believe that the indigenous peoples of America were entitled to rights and protections as individuals, but not as autonomous or self-governing political societies. With European assistance they could be assimilated and civilized, which ultimately was to their benefit.²⁷

Mill and Marx, though perhaps somewhat less disparaging of non-European societies than Locke, are no less willing to condone colonialism (although again in Marx's case, with some ambivalence). Both theorists, as noted above, while acknowledging the many good qualities displayed by non-European peoples, also believed these societies to be stagnant, incapable of self-improvement, and thus capable of achieving civilization only through external intervention and direction. In Mill's view, societies in their "nonage" that is who had not yet achieved the maturity of their faculties, must, like children, be improved through compulsion: "Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion."²⁸ Mill referred to this as a gentle or parental despotism, or a government of leading strings, whose leading principle should be one of guidance not force. Once such societies had been guided to a higher stage of development, they could, and in Mill's view should, be granted self-government or perhaps absorbed and assimilated by a more civilized nation.²⁹

Marx is a little more complex. He was simultaneously one of the fiercest critics and one of the greatest defenders of European colonialism. Marx and Engels both documented the

²⁴ Loudon, *Kant's Impure Ethics*, 105-6.

²⁵ Tully, "Rediscovering America," passim. Parekh, "Liberalism and Colonialism," 84-6.

²⁶ Tully, "Rediscovering America," 144-5. For a more ambivalent position on Locke's attitude towards forcible dispossession see Squadrito, "Locke and the Dispossession," 106-11. Compare Parekh, "Liberalism and Colonialism," 87.

²⁷ Parekh, "Liberalism and Colonialism," 92; Uzgalis, "An Inconsistency Not to be Excused," passim; Tully, "Rediscovering America," 162.

²⁸ Mill, *EL*: 73; see also 382. My discussion of Locke and Mill in this section owes much to Parekh's excellent essay on "Liberalism and Colonialism."

²⁹ Mill, *EL*: 199, 363-4. Thus, in the same breath, Mill castigates colonial despotism in civilized colonies such as

unparalleled destruction, brutality and hypocrisy of colonialism – a system which pretended to be of benefit to all, but which only enriched the capitalist classes at the expense of the increasing immiseration of the colonized populations.³⁰ As he wryly observes in *Capital*: “The discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signalised the rosy dawn of the era of capitalist production.”³¹ Yet colonialism and imperial expansion was also essential and, in historical materialist terms, inevitable. It was essential in order to explode the stagnant and inefficient Asiatic economies in the colonies, to lay the foundations for an industrial society capable of conquering material scarcity, and to provide thereby the material conditions for a world free of the necessity of crushing and exploitative labour. It was also necessary to uproot and dissolve the backward Asiatic societies which “restrained the human mind within the smallest possible compass” and artificially divided men from one another by tradition, superstition, and parochial communal identities. The increasing immiseration of the overseas colonial proletariat was also the necessary pathway to the development of revolutionary consciousness, and the social revolution that would eventually see the transcendence of capitalist civilization in both Europe and the colonies. Cruel and sickening though it may be to human observers, we must reconcile ourselves to this harsh reality for colonialism is an essential and unavoidable link in the historical chain of genuine human emancipation.³²

Kant takes the most unexpected position of all.³³ Given the depth of his contempt for the non-white races, one might expect a vigorous defence of colonialism, but Kant in fact vigorously rejected the practice of European imperialism of his day, along with its various justifications. Kant’s views are encapsulated by his theory of international and cosmopolitan right. Since the earth is a globe with a necessarily limited space, the various peoples by which it is inhabited must tolerate one another’s company. Moreover, the right to the earth’s surface is shared by the human race in common, and no-one originally has any greater right than anyone else to occupy any particular portion of it. For Kant, however, the common right to the earth’s surface yields only the right of resort or the right to present ourselves in the society of others - with the goal of eventual peaceful relations, trade, and interaction. All visitors to foreign lands further enjoy the right to hospitality, which is simply the right not to be treated with hostility by the locals (hence the latter have a duty to accept such visitations), so long as one presents oneself in a peaceable manner. In contrast, Kant deplores what he calls the inhospitable conduct of the civilized states of Europe and the injustice they display when visiting foreign countries, which in their view is the same as conquering them. He gives the specific example of countries like America, which were looked upon at the time of their discovery as ownerless territories, wherein the native inhabitants were counted as nothing. This in turn led to the oppression of the natives, incitement of war, famine, insurrection and a whole litany of accompanying evils.

Kant was clear that the right to visitation and to attempt to enter into community with other nations does not automatically confer the right to settle on another nation’s territory: this latter move requires a special contract and the explicit consent of the nation in question.

³⁰ See Tucker, *Marx-Engels Reader*, 653-64.

³¹ Karl Marx, “Genesis of the Industrial Capitalist,” (Chapter XXI of *Capital*, Volume 1), in K Marx and F Engels, *On Colonialism*. (Moscow: Foreign Languages Publishing House, 19--), 288-302, at 289.

³² Tucker, *Marx-Engels Reader*, 657-8.

³³ The following discussion of Kant is drawn from four of his political essays: “Idea for a Universal History With a Cosmopolitan Purpose,” “Theory and Practice,” “Perpetual Peace,” and “The Metaphysics of Morals,”

Again, one may establish settlements alongside another nation's territory, but if the nations involved are pastoral or hunting peoples, like most Native American nations, who rely on large tracts of wasteland for their sustenance, settlements near or on these lands should not be established by violence, but only by treaty, and in this case without any attempt to exploit their ignorance in persuading them to give up their territories. Moreover, Kant considers and then rejects those justifications, popular at the time of his writing, for bypassing these standards of conduct, to the effect that the use of force to secure new territories is to the benefit of the world as a whole. These include the familiar imperative of spreading the gift of culture or civilization or that the world would still be in a lawless condition if mankind had had any reservations about using violence to achieve law-governed states. Although in Kant's view we may justifiably look with contempt upon the way in which savages cling to their lawless freedom, for this barbaric form of existence is indeed a debasement of humanity, our contempt for or even desire to improve their lot cannot serve as a justification for their colonization.³⁴

All the same, Kant remained a believer in the comprehensive superiority of European civilization, and of the historical inevitability (à la Marx) of European global dominance, famously remarking that "our continent...will probably legislate eventually for all other continents." This could mean that, evil though the act may be, non-Europeans would inevitably be conquered and we will simply have to reconcile ourselves to this fact, or that non-Europeans eventually all will freely consent to such an arrangement, or again he might simply mean that such peoples will eventually die out to be replaced by the European colonies which had presented themselves in their midst. Kant himself did not really say.³⁵

By way of a very brief summary, each of the above theorists characterizes non-European societies in terms of their radical differences from the civilized peoples of Europe, and these differences, in levels of scientific and material as well as moral-intellectual development, marked them as comparatively inferior. Nevertheless, theorists differ on the question of the degree and permanence of this disadvantage, and there seems to be no necessary connection between an author's assumptions regarding the degree of civilization a people has or might be capable of achieving, and the position adopted towards the legitimacy of colonialism. For example, in Locke this relationship is fairly predictable while in Kant there is a surprising disjuncture between his racist views and his condemnation of the colonial policies of his day. In spite of these differences, these theorists are in agreement as to the inevitability of Europe's domination of the uncivilized parts of the globe (though for Marx this is a temporary state of affairs until the arrival of socialist revolution), a conclusion that takes on a quasi-mystical tone in Kant and Marx when it is described as one element in the unfolding of the hidden plan of history. Lastly, each agrees on the desirability of transcending uncivilized forms of life, even if, like Kant and Marx, one deplors the methods or means in terms of which this is accomplished.

Revisiting Civilizationism: Flanagan's *First Nations? Second Thoughts*

More than a century and a half later, in an age where civilizationist thinking has been widely discredited for its narrow, ethnocentric, and frequently racist biases,³⁶ one prominent

³⁴ For a darker view of Kant's colonial theorizing see James Tully, "Understanding Imperialism," unpublished manuscript on file with the author.

³⁵ For discussion see McCarthy, "On the Way to a World Republic?"

³⁶ Civilizationist thinking did, on the other hand, raise its head again in the decision of the British Columbia Supreme Court in *Delgamuukw v. British Columbia* [1991] 79 D.L.R. (4th) 185. For discussion and criticism of this decision see Frank Cassidy, ed., *Aboriginal Title in British Columbia: Delgamuukw v. The Queen*

Canadian political scientist, Tom Flanagan, seeks to rehabilitate the concept and to employ it as an anchor for a radical rethink of Canadian public policy relating to Aboriginal peoples. Flanagan's civilizationism is part of a broader critique of Aboriginal policy in Canada, not all elements of which I will focus on here, but the concept of civilization underpins much of what he has to say in his book. His thesis in a nutshell is that at the time of first contacts European cultures were several thousand years more advanced in their degree of civilization than the Aboriginal cultures they encountered in the Americas. Flanagan concludes that this massive civilization gap has been ignored by many contemporary histories of Aboriginal-state relations which talk about a relationship of equals and nation-to-nation partnerships, a reading of history which, in his view, simply does not fit the facts. A more open and honest look at this history must, he feels, lead us to the conclusion that colonization and assimilation was inevitable and, if we accept the analyses of John Locke and others, justifiable.³⁷ The target of Flanagan's thesis is a position he defines very broadly as the Aboriginal orthodoxy, which supports notions of Aboriginal sovereignty and nationhood, the inherent right to Aboriginal self-government, the settlement of outstanding land claims, and Crown-Aboriginal relationships grounded in treaties of mutual recognition and respect.³⁸ Flanagan rejects this position as unrealistic, in that it is out of touch with progress and modernity and refuses to acknowledge the obvious benefits that civilization and assimilation have to offer. It is also, he believes, fundamentally illiberal in its attempt to normatively ground Aboriginal rights in immutable racial (or cultural) differences and historic priority or privilege.³⁹ In Flanagan's view, the only viable and morally defensible option is for Aboriginal peoples to complete the process of assimilation and accept the undeniable benefits of civilization.

Flanagan acknowledges that civilization has become something of a dirty word in contemporary academic circles, but his intention is to jettison its pejorative connotations and see it more objectively as the progressive betterment of the human condition by scientific, technological and organizational means. His discussion of civilization is an attempt to retain what he takes to be the more neutral and scientific elements of the concept found in theorists such as Mill and Locke, such as the emphasis on agriculturalism, the division of labour, and centralized political authority, while shedding the parochial and ethnocentric assumption that Europe was the only really civilized part of the world. Hence, Flanagan uses the term civilization, as he believes archeologists still do, to refer to societies or cultures that have crossed a certain threshold of technological and organizational development. More specifically, the threshold of civilization is crossed once a society acquires a certain combination of attributes that includes things like intensive and mechanized agriculture, large scale urbanization, the division of labour, intellectual advances such as record keeping, writing and astronomy, advanced technology, and formalized and hierarchical government (the modern state).⁴⁰ The possession of these attributes is not a question of absolutes but of degrees of civilization, and Flanagan believes his understanding of the term would have included, contra Mill, Old World cultures such as Egypt, China and India as well as New World cultures such as the Mayas, Aztecs, and the Incas among the civilized.⁴¹

³⁷ Flanagan, *First Nations*, 6, 35-9.

³⁸ One of the weaknesses of Flanagan's book, as I will argue below, is that by homogenizing his opposition in this manner he misses or ignores the variety of different arguments and perspectives in favor of Aboriginal rights and self-government.

³⁹ Flanagan, *First Nations*, 6, 25, 194.

⁴⁰ *Ibid.*, 9, 29, 33.

⁴¹ *Ibid.*, 25, 34. Flanagan's position regarding relative degrees of civilization is not all that different from that of

Whereas Flanagan accepts the relativity of concepts such as goodness and beauty, he maintains that civilization is an objectively definable way of life whose application is universal across time periods and cultures. Moreover, societies that adopt the attributes of civilization acquire increasing and demonstrative power over nature and, crucially, over uncivilized societies, and human history is the story of the progressive and inexorable domination of the uncivilized by the civilized. Flanagan takes pains to point out that that individuals in uncivilized societies are no less intelligent, wise, kind or courageous than their civilized counterparts – they may even be superior in their possession of these virtues.⁴² Within his framework, all cultures (or races) are capable of civilization, and the explanation for the different speeds and timing of their move towards civilization is not differences in the inherent characteristics or abilities of individuals, but merely accidental differences relating to the environments and geographies in which different societies take root. Following Jared Diamond's thesis in *Guns, Germs, and Steel: The Fates of Human Societies*, the rapid advance of European civilization is explained by various environmental factors such as the distribution and variation of domesticated species of plant and animal which facilitated their rapid development into an agricultural society, which in turn facilitated the rapid acquisition of the technological, organizational, and other elements (guns, germs, steel, etc.) that made them such powerful and successful societies. European domination of the of the new world is therefore not a reflection of the inherent inferiority of the indigenous peoples, it is more a question of bad timing. The comparatively less conducive environment within which Aboriginal societies took root meant a slower pace of civilization, which meant they simply could not compete when the more civilized (more powerful) European nations presented themselves, in increasing numbers, in their midst.⁴³

From this perspective, the conquest and absorption of uncivilized peoples by civilized states is such a dominant and inexorable part of human history it seems almost pointless to raise questions about its morality. "It is like asking whether it is right or wrong that childbirth is painful, or that everyone eventually has to die, or that floods and droughts occur."⁴⁴ Nevertheless, if a moral justification is desired, Flanagan finds one readily available in Locke's conclusion that Europeans established a superior claim to uncultivated lands in the new world by putting them to more productive economic use, and thereby helped to lay the foundations for a large and prosperous society. Similarly, the assertion of European sovereignty in the Americas was an essential part of this process of opening up unproductive lands, and providing a framework of law and order protective of property rights and the other liberties essential to a progressive and prosperous social order.⁴⁵ Moreover, Aboriginal peoples cannot avail themselves of the argument that such actions illegitimately infringed upon their rights of sovereignty and nationhood, because they never achieved the level of political organization (statehood) for these arguments to carry any weight. Aboriginal sovereignty is a fiction: "...sovereignty in the strict sense exists only in the organized states characteristic of civilized societies."⁴⁶

Flanagan's ultimate conclusion is that Aboriginal peoples should give up their less civilized (meaning less successful) forms of life, embrace civilization and assimilation and harvest the undeniable benefits which flow from it.⁴⁷ Striving for the recognition and implementation of

⁴² Ibid., 33-4, 46.

⁴³ Ibid., 46. Compare Uzgalis, "An Inconsistency not to be Excused," 95-7, and the discussion at note 19 above.

⁴⁴ Ibid., 39.

⁴⁵ Ibid., 39-44, 59.

⁴⁶ Ibid., 59. See also 6, 22-3, and 67-88.

an inherent right to self-government is, in his view, an unrealistic and ahistorical attempt to swim against the tide of civilization, and will serve only to artificially prolong the immiseration of Aboriginal peoples until they are, eventually, assimilated. Flanagan takes his argument even further by describing the Aboriginal orthodoxy as a form of racism that is fundamentally at odds with liberal democracy. In his view, it seeks to establish race as the “constitutive factor of the political order” by assigning a privileged set of rights to Aboriginal peoples exclusively on the grounds of their racial difference from other Canadians. “It would redefine Canada as an association of racial communities rather than a polity whose members are individual human beings.”⁴⁸

Discussion

Flanagan presents an impassioned defense of his preferred view of the future of Canadian Aboriginal-state relations, and his ideas deserve engagement, yet his arguments are critically flawed along two dimensions: the normative and the practical-empirical. The central normative failing of Flanagan’s analysis is its unsatisfactory engagement with the question of consent. Flanagan’s attention is so tightly focused on what he thinks Aboriginal peoples *should* choose he rarely, if ever, considers the question of their *right to make their own choices*. At times this normative issue is simply rendered invisible by his mode of analysis, perhaps nowhere more so than in his discussion of the concepts of sovereignty and nationhood. Leaving aside the issue of whether or not Aboriginal peoples did in fact meet European definitions of these terms – a question by no means as unambiguously resolved as Flanagan seems to think – by treating claims of sovereignty and nationhood as nothing more than empirical questions of fact or definition, Flanagan’s analysis submerges from view the more fundamental normative principles invoked by peoples who apply these terms to themselves, which is the right to choose how and by whom one will be governed.

Flanagan is not entirely unaware of this problem, and acknowledges that many critics will find his invocation of the Lockean defense of land and sovereignty acquisition in the Americas disappointing, if not disturbing. Indeed, Flanagan himself expresses a certain reservation about this type of argument, because it requires hunter-gatherers to give up a mode of life to which they are deeply attached. “By what right do the civilized require the uncivilized to renounce their ancient way of life?”⁴⁹ In fact he sees no moral justification for telling them they must give up this way of life, but this is as far as he is willing to push the analysis, and rather than search for some kind of normative resolution he seems content to fall back on his empirical argument, which is that such normative questions have simply been superceded by the facts. Moral or immoral, it is simply an undeniable and unavoidable fact of human history that “Civilized societies are so much more powerful than uncivilized that it is only a matter of time until the former extend their sway over the latter.”⁵⁰ Since this is now a fact of life for Aboriginal people in Canada, his position is that they should let the past lie and

⁴⁸ Ibid., 194. See also 6, 8-9.

⁴⁹ Ibid., 59. See also 43-4.

⁵⁰ Ibid., 60. Flanagan does make an interesting point that he also sees no moral justification for telling agriculturalists they must give up their way of life, but two comments are relevant here. First of all the point rings a somewhat false note because agriculturalists were not, as Flanagan knows, required to give up their mode of life. Quite the opposite their mode of life came to dominate at the expense of hunter-gathers in the Americas. Nevertheless, Flanagan’s comment does point us towards the importance of balancing the rights of Aboriginal peoples and newcomers. Unfortunately, Flanagan see this as a zero-sum game and therefore neglects the obvious compromise position, which is to work towards the achievement of a *mutually* acceptable balance between the rights and interests of Aboriginal and non-Aboriginal peoples in Canada. Contrary to what Flanagan would have us believe, this is in fact the primary objective of most mainstream theorizing on

simply get on with the business of reaping the benefits of assimilation and the more civilized and successful form of life it offers.

In falling back on the position that the domination of Aboriginal peoples was simply inevitable, and therefore not really an issue for serious moral deliberation, Flanagan's analysis glosses over the fact that domination does not happen of its own accord but is instead a result of human choice and agency. In glossing this question of agency and choice, he bypasses not only the question of consent – of those who were subjected – but also responsibility – of those who did the subjecting. Ironically, Flanagan's approach is very much like the Marxian attempt to reconcile us to the necessary evils of colonialism, the difference being that Marx was much more critical of the self-serving nature of colonial subjugation as well as its human costs. Apart from a few minor reservations about the loss of the Aboriginal way of life, Flanagan portrays colonialism in North America as a mostly peaceful and humane process.⁵¹ More to the point, the absence from Flanagan's analysis of any serious effort to confront the moral legitimacy of North American colonialism places Aboriginal peoples not only in the position of technological subordinates but also, contrary to his own intentions, in the position of moral subordinates whose right to decide their own fates is counted less than that of the European newcomers. In fairness to Flanagan, he never explicitly endorses the position that Aboriginal peoples should be forcibly assimilated without their consent or that existing self-government agreements should be unilaterally abrogated. He goes only so far as to encourage the Canadian government not to transfer additional energy and resources in directions that would slow or inhibit the process of civilization and assimilation that is already, in his view, proceeding rapidly apace. Nevertheless, the virtual absence of any serious analysis of the consent dimension of Aboriginal claims is a glaring omission from a book that explicitly strives to ground itself in the contemporary liberal democratic principles rather than the more parochial and ethnocentric historic liberalism which it seeks, with only limited success, to transcend.

Flanagan's failure to take seriously the question of consent also has the effect of introducing a series of confusions into his analysis. The first of these is his mischaracterization of Aboriginal nationalism and the movement in favor of Aboriginal self-government as a kind of racism that seeks the assignation of rights exclusively on the basis of objective racial or cultural differences. And in this exclusive focus on Aboriginal difference he bears a distinct similarity to his civilizationist predecessors such as Locke and Mill – who saw non-European peoples primarily as objects of difference, but not as legitimate political communities in their own right. What Flanagan fails to recognize is that the normative core of Aboriginal nationalism is not made up of an argument about objective Aboriginal differences but instead by an argument about self-determination – which is, most fundamentally, a democratic right. It is the right of Aboriginal peoples to be free from external domination, to freely choose how and by whom they will be governed, and to freely negotiate their relationships with other societies and governments. Self-determination for Aboriginal peoples is not a special right, but the same right to self-determination already assumed and exercised by the non-Aboriginal majorities that dominate the state. In this sense, Aboriginal nationalism is not an argument about difference but instead an argument about equality: specifically Aboriginal and non-Aboriginal peoples who share a state are equally entitled to the right to self-determination – the key question is how to reach a mutually acceptable accommodation of these equal but sometimes competing rights to self-determination?⁵²

⁵¹ *Ibid.*, 25.

⁵² The problem here is partly mistaken analysis, but it is also a result of Flanagan's homogenization of a diverse

Flanagan's tendency to focus exclusively on the question of Aboriginal difference also leads him to the mistaken assumption that Aboriginal nationalism and the striving for self-government represents an anachronistic desire to turn the clock back to the past, a rejection of cultural change and adaptation, and a refusal to acknowledge the kinds of socio-economic, material and other benefits that cultural change may bring. However, what Flanagan describes here is one particular choice an Aboriginal society might make with their right to self-determination, but again he ignores the more fundamental underlying feature of Aboriginal nationalism which is the right of Aboriginal peoples to make their own choices about the character of their cultures, and pace and direction of cultural change rather than having these changes dictated or imposed by others. Indeed, it is difficult to think of any examples in the existing literature that view the relationship between Aboriginal and non-Aboriginal cultures in such a zero-sum manner. Instead, what one commonly encounters are approaches which advocate a judicious mixture of what Aboriginal and non-Aboriginal cultures have to offer one another.⁵³

My last comment speaks to the practical-political side of Flanagan's analysis, specifically his claim that, whatever our ethical misgivings about civilization and assimilation, it is inevitable and indeed it is a process which in Canada is already well on its way to being accomplished. Flanagan very much sees his thesis as a radical one, but as Alan Cairns observes in a recent exchange with Flanagan, it is more "a revival of yesterday's settled understanding of where our non-Aboriginal predecessors thought we were heading...that is only radical because it now attracts fewer supporters than in its heyday."⁵⁴ What is more, the very policy of assimilation that accompanied that settled understanding, embodied in the *White Paper* of 1969, was itself a primary driver of the reinvigorated Aboriginal nationalism that remains with us today. If the White Paper was a failure then, the chances of an updated version of such a policy succeeding in this even more highly politicized environment is, as Cairns estimates, "close to zero."⁵⁵ As some of the most astute students of nationalism have been telling us for years, once national identities take hold in a population they are tremendously resilient, and resist destruction even after decades of the most repressive measures or attempts at benign assimilation.⁵⁶ Even Flanagan himself admits that "In the case of aboriginal peoples, the political aspect of the identity seems to have enlarged as the cultural differences have shrunk,"⁵⁷ a statement that, at best, sits uneasily beside his confident prediction of the inevitability of assimilation.

In conclusion then, even if we set aside our misgivings about the normative implications of assimilation and the project of civilization as Flanagan describes it, on a purely practical level it looks less like a recipe for success than a recipe for failure and perhaps even conflict. Instead of waiting and wishing in vain for Aboriginal political identities to simply fade away, our energies would be better spent searching for means by which these identities can be

⁵³ See, for example, Borrows, J. (2002). *Recovering Canada: The Resurgence of Indigenous Law*, Toronto, University of Toronto Press; Tully, J. (1995). *Strange Multiplicity: Constitutionalism in an Age of Diversity*, Cambridge, Cambridge University Press; and White, G. (2002). 'Treaty federalism in Northern Canada: Aboriginal-government land claims boards', *Publius*, 32, 89–114.

⁵⁴ Alan Cairns and Tom Flanagan, "An Exchange," *Inroads* 10 (2001): 103-23, at 110.

⁵⁵ *Ibid.*, 110.

⁵⁶ See Connor, W. (1999). 'National self-determination and tomorrow's political map', in: A. C. Cairns, J. C. Courtney, P. MacKinnon, H. J. Michelmann and D. E. Smith (eds.), *Citizenship, Diversity, and Pluralism: Canadian and Comparative Perspectives*, Montreal and Kingston, McGill-Queen's University Press; and Horowitz, D. (1985). *Ethnic Groups in Conflict*, Berkeley, California, University of California Press.

brought to some form of mutual accommodation with non-Aboriginal political identities in Canada, a process I believe has already begun in fits and starts in both theory and practice.⁵⁸

⁵⁸ See, for example, the various essays in M. Murphy, ed., *Re-Configuring Aboriginal-State Relations. Canada:*