

## BOOK REVIEW

**The state of nature: histories of an idea**, edited by Mark Somos and Anne Peters, Leiden and Boston, Brill, 2022, xii + 428 pp., €123.00, \$148.00 (hardback), ISBN: 9789004395176

With *The State of Nature: Histories of an Idea*, Mark Somos and Anne Peters offer select reflections on ‘the state of nature as an historically vibrant effective fiction’ (p. 2). Given the subject matter, it will not surprise readers that canonical early modern authors, such as Hugo Grotius and Samuel Pufendorf as well as Thomas Hobbes and John Locke, feature prominently throughout this edited volume. However, Somos and Peters have managed to offer a collection of essays which both deepens and challenges our knowledge of these authors by setting them in new contexts and juxtaposing their work to that of their contemporaries, antecedents and followers. While the chronological order of the chapters helps to understand possible influences of one author on another, broader themes also become apparent. Thus, several essays address the question whether the state of nature should be seen as an absence of civilization, which could be used to justify both Elizabethan colonial ventures (Mary C. Fuller, Chapter 2) and Hungarian nationalists’ rejection of kinship with the ‘savage’ Sámi (László Kontler, Chapter 12), or rather, pace Grotius, as a ‘state of natural liberty’ which denotes an absence of civil jurisdiction, such as in the case of a civil war or an incident of self-defence, without being entirely cut off from the civil state (Emile Simpson, Chapter 6, p. 149).

Some of the chapters also question the universality of the state of nature and address in more detail to whom exactly the state of nature applies. Thus Simone Zurbuchen (Chapter 8) observes that ‘before states were founded, the state of nature obtained between heads of different families’ (p. 218), while the roles of those subjected to paternal power, such as women, children and slaves/servants are often less clear. Daniel S. Allemann (Chapter 4) and Sarah Winter (Chapter 10) meanwhile show that theories of the state of nature could be rejected or adopted with regard to indigenous populations of conquered territories or slaves to define the extent and limits of their rights. Notably, the sixteenth-century thinker Francisco de Vitoria did not believe that the indigenous populations of the New World lived in a ‘state of nature’, but had their own political societies. This meant that European conquest could not be justified by a need to civilize them, nor that land in the New World could be considered ‘unoccupied’ (pp. 85–6). According to Allemann, this notion could still be found in the thought of Vitoria’s seventeenth-century Spanish heirs, such as Alonso de la Vera Cruz, José de Acosta, and Juan de Solórzano, who, unlike Locke, argued that not all land in the New World could be acquired by labour, but that only lands uninhabited or uncultivated by the native population was available to foreign travellers. Analysing the works of eighteenth-century antislavery writers, including both white abolitionists and freed slaves, meanwhile, Winter shows how theories of the state of nature could in fact be used to undermine the legitimacy of British imperial ventures. For the argument that Africans were living in a state of nature and natural freedom could be employed to demonstrate that slavery amounted to ‘a violation of natural rights’ (p. 279).

Other chapters deal with the significance of the state of nature for the political economy and for shaping economic discourse. Looking at works by Alberico Gentili, Samuel Pufendorf and Giambattista Vico, Francesca Iurlaro (Chapter 3), for instance, explores ‘how narratives concerning the birth of pastoral poetry, as the first poetic genre arguably ever invented, are

connected to the language of natural rights and political economy' by focusing on the Roman law concept of *peculium* as opposed to *dominium* (p. 63). While *dominium* is the prerogative of free men, *peculium* is 'what subordinate legal categories possess by concession of a *dominus*', such as the shepherd's flock. Hence, it is a kind of property associated, for instance, with 'enslaved people, women, children, and, of course shepherds' and their specific status within human society (p. 64). David Singh Grewal (Chapter 7), meanwhile, traces the idea of an 'economy' or 'society' which existed 'outside or before organized politics' to the work of Samuel Pufendorf. Following Grotius, Pufendorf emphasized 'the natural sociability of mankind' to develop a theory of 'pre-political 'society'' (p. 179), in which private property existed, 'voluntary associations' could be entered into (p. 192), and economic transactions could be made – prior to entering into a contract to establish a state or form of government. Such a proto-liberal theory, which separates private economic activity from the civil state, Singh Grewal argues, could be considered distinctly modern, pointing forward towards eighteenth-century thinkers like David Hume and Adam Smith (rather than backward to Hobbes, whose 'overriding concern with state-building in the midst of confessional conflict' makes him rather a 'late sixteenth-century figure') (p. 182). The volume also addresses contemporary critiques of the state of nature and natural law theory by the likes of Jeremy Bentham (Edward J. Kolla, Chapter 9), and the shift from 'allegorical accounts of the State of Nature towards a new social science of politics' in the eighteenth century, as writers advanced 'new and scientifically grounded philosophies of history' (Pamela Edwards, Chapter 11, p. 306).

The final two chapters engage critically with the legacy of early modern state-of-nature theories in the present day. Tom Sparks (Chapter 13) highlights the extent to which state-of-nature theories from the early modern period still resonate in International Environmental Law, if not always in beneficial ways. Thus Sparks argues that early modern notions of nature as a resource to be exploited as well as concepts of sovereignty over territory established to prevent chaos, in the present day impede the development of international law and thus moves towards more effective environmental protection. Karl Widerquist and Grant S. McCall (Chapter 14) engage with 'destructive myths' derived from Hobbesian and Lockean state-of-nature theories and question the evidence on which they are based (p. 400). They challenge, for instance, widely held assumptions that 'sovereign states and/or the liberal private property rights system benefit everyone' or that 'only private liberal ownership systems develop naturally' (p. 400). Drawing on anthropological and historical evidence of actual people living in stateless societies with common or shared property, they not only disprove Hobbesian and Lockean assumptions about the state of nature, but also postulate alternative models of communal life which might provide greater freedom and equality for all.

Overall, the chapters in this collection show the state of nature as a multi-faceted and versatile concept, whose origins can be traced back much further than the early modern period, and which could be used both to justify subjugation and oppression as well as quests for liberty. Informative, highly readable and generally concise, the chapters in this book can be studied individually or as a whole as useful introductions to new research. The chapters' close engagement with a number of canonical texts in a variety of contexts also makes this collection ideal for postgraduate teaching.

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