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Explaining Historical Conflict
With Illustrations from ‘Emergent’ Scottish Jacobitism

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Abstract

The connecting premise of this study is that the explanation of human action, much of which involves conflict in various forms, is distinctive. It must address the singularity of actions (their attachment to specific moments) and its contingency (that different actions could plausibly have been taken instead). Both stem from the involvement of time in human action, such that its explanation must adopt the form of historiography.

Part One argues that the authority of explanation in the physical sciences does not extend to human action as it derives from successful physical demonstration in experiment or industrial replication, not from special epistemological warrant, processes inapplicable to human action; that the distinguishing involvement of human consciousness and the will to act introduces a particular awareness of the passage of time that confers timeliness to actions, while precluding full knowledge of the consequences of actions; that the social nature of human action involves the emergence of diverse groups that generate complex divisions between ‘we’ and ‘they’ that form the basis for conflict over the consequences of action; that resolving the conflict of warfare produces collective agreements to avoid future conflict; that this conflict can reach considerable levels of brutality and lethality even outside warfare; and that moral codes that might constrain such conflict have limited effectiveness.

Part Two illustrates the relevance of perspectives in reducing the complexities of reality to facilitate action, referring to categories appropriate to the emergence of Scottish Jacobitism in the late seventeenth and early eighteenth centuries: dynastic, religious, economic and military. It also suggests how contingency could be addressed through conjectures about the actions that might have been taken but were not.

Part Three suggests a basis in the role of expectations for the tendency of human perspectives on their context of action to change radically, and for actions to change accordingly as situations are seen ‘in a different light’.

At various points in the study use is made of an analogy drawn between the adversarial advocacies presented at a trial by jury and the general explanation of human action. This illuminates both the fact that different perspectives on the same evidence can yield contrary explanations and that all explanation of human action necessarily confronts a problem of reflexivity: the perspectives of agents have to be represented through the perspectives of those seeking to explain their actions.

Contents

Abstract	ii
Contents	iii
Acknowledgements	x
Author's Declaration	xi
Introductory Outline	1
Part One: The Pursuit of Authoritative Explanation	
1 Epistemology and Images of Explanation	6
1.1 The Problem to be Addressed	6
1.2 The Claim Developed. Stage One: Experimentation and Pragmatism	7
From Common Sense to the 'Practice Turn'	7
Experimental process as the scientific paradigm	9
1.3 Stage Two: Human Action Beyond Experimentation	9
The Explanation of Human Action	9
The 'backward view' of the past	10
1.4 Stage Three: No Privileged Epistemology	10
The Cartesian Agenda: The Primacy of Reason and Deduction	10
The challenges to deduction	11
The attempt to save deduction	12
Empirical regularity and human action	13
1.5 Stage Four: Responses	13
Conventionalism and social constructivism	13
Incommensurability of alternative explanations	14
1.6 The Pursuit of Authoritative Explanation of Human Action	15
'How?' and 'why?'	15
Reliable Explanation of Human Action	16
The issue of 'truth'	17
The Reliable description of human action	18
1.7 Inference from Evidence and the Criterion of Plausibility	18
Plausibility and Pragmatism	19
1.8 The Bases for Historical and Archaeological Explanation	20
Time and Human Action	20
Historical sources and approach	20
Archaeological sources and approaches	21

The inter-animation of history and archaeology	24
2 Explaining the Singular: Explanation without Experimentation	26
2.1 Setting the Agenda	26
2.2 Three Facets of Singularity: 1. The Temporality of Self	27
Identity and the Timeliness of Action	27
Time boundedness	28
2.3 Three Facets of Singularity: 2. The Situatedness of Action	28
Historical situatedness	28
Spatial Situatedness	29
2.4 Three Facets of Singularity: 3. The Origination of Change	30
From Fictional ‘Act’ to Experiential ‘Event’	30
Change: creation and destruction	31
The progressiveness of qualitative change	32
The relation between becoming and being	33
2.5 Singular Explanation	33
The Inapplicability of General Explanations of Human Action	33
Forensic enquiry and evidence	34
Laws of evidence	35
The purpose of evidence	35
Incompleteness and incoherence of evidence	36
2.6 The Quality of Argument	37
Rhetoric and the Imagination	38
2.7 Historical and archaeological explanation	38
Singular explanation and the past	38
Narrative: Viewing the Past from the Present	39
The incidental and limited nature of evidence	39
Material Evidence of Events	40
2.8 Narrative Construction: The Biography of Action	41
‘Chapters’ in the Narrative?	42
The Direction of the Narrative	44
3 Explanation and Human Agency	45
Preamble	45
3.1 The human mind and will	45
Consciousness and understanding	45
The problems posed by neuroscience and cognitive science	45

Thought and interpretation	47
3.2 The historical inheritance of culture	48
Traditional social modes of thought	48
The fusion of past and present	49
The subjective image of present reality	50
3.3 Human action: originative and causal	51
The human will and imagination	51
Ideas, actions and experiment	52
The ‘creative destruction’ of innovation	53
The sequence of change	54
The problem of methodological individualism	55
3.4 Complexity, order and disorder in human affairs	57
Natural capacities and the presumption of order	57
The prospect of spontaneous order in human life	57
Functionality and structure as order	58
Human activity as an open system	59
Conjunction and disorder in human life	60
3.5 Change in human affairs: contingency versus necessity	61
Purposeful activity	61
Composition of human capacities	62
3.6 Human agency, reflexivity and explanation	63
The explanation of human failure	63
3.7 The social and moral dimensions of human action	64
Constituting society: The rules of the game	64
Social dynamics as causal	65
3.8 The composition of actions	67
Unpredictability of outcomes	67
Ignorance of unintended consequences	68
The inaccessibility of past minds	69
The prospect of social conflict	70
4 Explanation and Human Conflict	72
Preamble	72
4.1 The Sources of Conflict	72
Relational Contexts	72
Conflict and development	73
The norm of conflict	74

4.2	Conflict and ‘Scarcity’	74
	Reductionist accounts	75
	Alternative approaches	76
	Ethnological perspectives	77
4.3	The Interdependence of Contexts	78
	Conflict and Constitutional Change	80
	Conflict and Constitutional Order	81
4.4	The Evidence of Conflict and its Interpretation	84
	Archaeological evidence	84
	Historical evidence and Inter-state Conflict	85
	Interpreting the evidence	87
4.5	Violent Conflict beyond Warfare	88
	Slavery	88
	Massacres and Genocide	90
4.6	Explaining killings of innocents	93
	The insecurity of ‘humanity’	93
	Dehumanization	94
	The political perspective	96
5	Human Conflict and Self-restraint	98
	Preamble	98
5.1	Restraints on Conflict	98
	Moral Authority	98
	Reflecting on death	99
	Death and Dasein	101
5.2	Morality, Kinship and State	102
5.3	The Limitations of Morality	103
5.4	The Elusiveness of Self-restraint	105
	The problematic relation between ‘self’ and ‘other’	105
5.5	Religion and Conflict	105
	Religion, ‘Self’ and ‘Other’	105
	Religion and Virtue	107
	Religion and Secular Authority	109
5.6	The State and Christianity	111
	Heresy	111
	Christianity and other faiths	112
	Reasons of State	113

5.7	The Limits of Self-restraint	114
	Selective Restraint	114
	Justification of retaliation	116
5.8	The response to violence	117
6	Authoritative Historical Explanation?	120
	Preamble	120
6.1	From chronology, via narrative, to explanation	121
	The challenge facing historiography	121
	Historicity	121
	The role of perspective	122
6.2	Perception of time	123
	The spatial metaphor and its limits	123
6.3	Counter-historicals and authoritative explanation	124
	Explanation as connectedness	124
	Reconstructing the event	125
	The ‘might-have-beens’	126
6.4	Contingency, Explanation and Authority	131
	Explaining action by action, perspective by perspective	131
	Perspectives in advocacies	132
Part Two:	Perspectives, Interpretations and Illustrations	
	The Rationale	133
	A Review of the Argument of Part One	133
	The Illustrations	135
	Scottish Jacobitism	136
	The Illustrations in Perspective	137
7	Dynastic and Religious Perspectives	139
	Preamble	139
7.1	Dynastic Issues	139
	The vehicle of power	139
	Genealogical uncertainty and religious dogma	140
	Right and power	140
	The nature of kingship	141
7.2	Aspects of the Stuart Dynasty	142
	Complexity of succession	142

The Declaration of Arbroath	143
The religious threat	144
7.3 The Actions of James VII/II	145
The warrior prince	145
James and Roman Catholicism	146
Personal qualities	147
7.4 Revolution and Scotland	148
Religious division	149
Presbyterian settlement	151
7.5 Illustration: The Role of Graham of Claverhouse	152
7.6 Illustration: L'Entreprise d'Écosse: The Invasion Attempt of 1708	158
7.7 An Assessment	162
8 Economic and Military Perspectives	163
Preamble	163
8.1 Time and Process	163
8.2 The Institutional Framework and Asset Formation	164
Financial assets: Bills of Exchange	164
Financial assets: Company shares	165
Financial assets: Coinage	165
The wider consequences	165
8.3 The Financial Implications of War	167
8.4 The Financial Revolution and the Fiscal-military State	168
8.5 The Economic Perspective and Scotland	171
The impoverished economy	171
Evidence of change	172
8.6 Enterprise and the Institutional Framework	174
Conservative tendencies	176
8.7 Enterprise: The Bank of Scotland and the Darien Scheme	178
Bank of Scotland	178
The Darien Scheme	180
8.8 The Emergence and Containment of the 1715 Insurrection	183
8.9 Illustration: The Enterprise of John Erskine, 6 th Earl of Mar	184
A Recapitulation	184
The Earl of Mar and the 1715 Insurrection	186
8.10 Illustration: Resourcing the Campaign of the 2 nd Duke of Argyll	189

Part Three	The Nature of Explanation of Historical Conflict	194
	Towards a Conclusion	194
	The ubiquity of conflict	194
9	Human Action and Incompatible Perspectives	197
	9.1 Patterns, Perspectives and Explanation	197
	9.2 The Kaleidic Conception	198
	Reflexivity again	199
	9.3 The Limits of Objectivity	200
	9.4 Advocacy and Explanation	202
10	Conflict in Human Perspective: Towards a Conclusion	205
	10.1 The Argument in Summary	205
	10.2 The Endemic Nature of Conflict	205
	10.3 Conflict, Change and Explanation	207
	10.4 'Emergent' Jacobitism – A Postscript	209
	Works Cited	211

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I am, nonetheless, solely responsible for the errors and inadequacies that remain.

I also acknowledge the remarkable tolerance of my wife, Ann, who had every reason to expect that retirement meant an end to work, yet was gravely disappointed. She coped with my working out to some sort of a conclusion my long-standing obsession with the issues covered by the study, stretching well back into my academic career. Her fortitude was outstanding and greatly appreciated.

Author's Declaration

I declare that, except where explicit reference is made to the contribution of others, that this thesis is the result of my own work and has not been submitted for any other degree at the University of Glasgow or any other institution.

Explaining Historical Conflict

With Illustrations from ‘Emergent’ Scottish Jacobitism

Introductory Outline

The distinctiveness of this study emerges from its basic premise: that the explanation of human action – as distinct from human functioning – is *sui generis*, of its own kind. This is based in turn on two claims. First, human actions are taken and pursued; they are not caused. Second, while objects can be made to yield to objective explanations, human subjects require subjective explanations.

Human action is intrinsically grounded in time; it characteristically creates and occupies its own conflicted context; this context of action is inevitably permeated by ignorance of the consequences of actions taken. For these reasons, human action is contingent. Not only does it follow that its explanation is necessarily historiographic; it also follows that in history and archaeology (seen as a form of history, not as anthropology) plural explanations can reasonably co-exist. Given the substantive ontology of human action, its explanation is not subordinate to epistemological criteria considered, justifiably or not, to warrant scientific knowledge. If one history, rather than another, should acquire the status of ‘received wisdom’ then this is ultimately driven by extrinsic considerations, rather than solely by the intrinsic properties of the account in question.

The study has three sequenced objectives. First, to examine the warrant and significance of its basic premise (Part One); second, to consider the component role of ‘perspective’ in historiography, using selected historical material (Part Two); third, to stress the propensity of human perspectives to undergo autonomous qualitative shifts and to anticipate endemic conflict, with consequences for human action (Part Three).

In Chapter 1, the defining choice of a pragmatic and sceptical perspective reveals that received scientific knowledge occupies a restricted domain to which human action cannot be admitted. Its domain is defined by the experimental manipulation of objects to reveal regular relationships that constitute answers to ‘How?’ questions, their replicability able to be harnessed effectively to human productive purposes. The regularities may be represented in abstract deductive theoretical form, thereby acquiring persuasive force, despite inherent logical problems. However, such experimental manipulation is inapplicable to the conscious actions of human subjects (including the actions of scientists). Securing putative answers to ‘Why?’ questions addressed to that context involves tackling the explanation of singular actions, applying abductive rather than deductive inference to unreliable

partial evidence from the past, subject to the corresponding criterion of plausibility rather than conclusiveness.

The singularity of human actions, discussed in Chapter 2, follows from their attachment to specific times and places and from their unavoidable entanglement with actions of other individuals, which ensures they are taken under conditions of partial ignorance. Explanation is targeted on ‘events’ identified in this entanglement by the observer, and is obliged to confront the inevitable contingency of the actions involved. A consequent need arises for explanation to address the ‘might-have-beens’ – the plausible alternative actions that were not taken yet influenced those that were. The trial by jury, with its contested advocacies, is proposed as a paradigmatic framework for explanation of this type, even if in history and archaeology there are no living witnesses to testify or be cross-examined.

The study challenges various reductionist claims: that a physicalist explanation of the operation of the brain renders superfluous the notion of the human will; that a quasi-physicalist representation of ‘society’ eliminates the autonomy of the individual agent; conversely, that the concept of the isolated rational individual makes society redundant; and that all change is blind adaptation to exogenous shocks, without reference to human action in any originitive or reflective sense. However, it is argued in Chapter 3 that human physical functions do not determine how they may be exercised in action; ‘society’ is not monolithic but a complex and changing system of parts connected with varying degrees of tension; the intrinsic engagement of the individual in components of this system need not preclude the individual’s qualified autonomy – and may amplify its consequences; the human action for which an explanation is sought is self-evidently the source of change and of conflict. Chapter 4 claims that this conflict is not the means of adapting to a binding environmental constraint on human life. Instead conflict is the emergent norm as tensions between ‘we’ and ‘they’ are generated by actions in competitive pursuit of security, status, power and goods, within contrasting relational contexts of a familial, social, economic and political nature. The constitutional order by which conflict may temporarily be kept in check by force is itself undermined by improvements in its own military capability, the resultant warfare requiring new forms of political order to emerge.

Dehumanization emerges as the ultimate degradation of the ‘they’, facilitating slavery and genocide.

Chapter 5 considers these extreme outcomes, and other lesser forms of conflict, to be contingent on the failure of a general morality, driven by an acknowledgement of the sanctity of human life, to constrain the engagement of wills intrinsic to the social dimension of human action. Recognition of the essential reciprocity of the relationship between ‘self’ and ‘other’, necessary for mitigating conflict, involves a subjectivity beyond the scope of rational thought, while the post-Enlightenment emphasis on that same limited rationality has inevitably subverted the spiritual and religious foundation for moral authority. Accordingly, rather than conflict being eliminated from human life by application of moral precepts, social order rests on the exercise of force by the self-legitimized state.

Thus, some human actions are taken under duress while others are pursued on a retaliatory basis. 'Christendom' is then a misnomer in a literal sense.

In Chapter 6 an explanatory historiography is distinguished from description by its focus on the historicity of the event in question: establishing the temporal connectedness of the specific actions which constitute it and addressing the changes in actors' perspectives responsible for the innovativeness of their actions. It endeavours not only to account for an event's novel singularity, but also to establish its contingency, by proposing to identify the 'might-have-beens' – the plausible actions that could have been taken but which were not, this failure to act having contributed nonetheless to the actual event transpiring as it did, rather than in some other way. But this exercise in imaginative conjecture concerning the perspectives of the participants in the event requires the analyst to deploy his or her own personal perspective. This arises not exclusively from personal familiarity with the evidence pertaining to the event in question; it is augmented from experience of similar analyses, and conditioned by both personal methodological allegiances and obligations acquired through membership of a community of analysts. The pursuit of this exercise can generate a plurality of valid histories of the event in question, each associated with different configurations of perspectives, real and imagined. In addition, conjectures about the 'might-have-beens' need to be distinguished from the substantive notion of 'counterfactual' history, in terms of purpose and rationale.

The purpose of Part Two is to apply the notion of 'perspective' to a specific historical context, in two specific ways. First, to identify the relevant issues and evidence likely to have occupied the minds of contemporary actors during a specific conflict-riven period of Scottish history, employing a framework of four general perspectives that echoes the relational contexts considered in Chapter 4. Second, to offer illustrations of how 'might-have-beens' relating to the particular perspectives and actions of identifiable individuals could contribute to the explanation of specific events. This supports the argument that explanation of morally conflicted, contingent human actions should proceed in the manner of an advocacy before a trial jury. To enable this, historiographers' personal perspectives, from which they customarily interpret and make coherent the available evidence, should also be used to generate plausible individual perspectives for relevant figures, to account for their actions. Part Two also considers whether 'emergent' Scottish Jacobitism of the period from 1689 to 1715 can be explained in these terms.

Chapter 7 considers the dynastic and religious perspectives together, in view of religion's involvement in both the validation and assessment of monarchy. The temporal preservation and exercise of monarchic power, through the genealogical vagaries of hereditary succession, forms the context of conflicted perspectives regarding the legitimacy and extent of kingly powers and the adequacy of their implementation in contemporary Scotland. A closer examination of the personal

perspective of James VII/II and the significance of his Roman Catholicism creates doubts as to whether his restoration could credibly be a substantive objective of ‘emergent’ Jacobitism. Two related illustrations of ‘might-have-beens’ are offered. First, the failure of Graham of Claverhouse to generate effective constitutional opposition to William III’s assumption of the crown of Scotland could be attributed to his vaunting personal military ambitions; second, the failure of the French invasion of 1708 could cast doubts on the resolve of the French king to pursue the action in support of the restoration of James VIII/III.

Chapter 8 considers the economic and military perspectives together, treating military pursuits as a sub-category of economic activity. It is argued that human actions to initiate and prosecute economic activities must involve perspectives that admit the inevitability of economic processes taking time. The physical processes of production must be enabled and facilitated by the financial processes of credit provision, leading eventually to the emergence of an institutional framework in which markets in products become interdependent with markets in negotiable financial assets. This system of interdependent contractual promises, managed by specialist financial institutions, is intended to address the inherent uncertainties of time-consuming production for sale. But the rivalrousness of markets creates its own uncertainties, imbalances of economic power and sources of conflict. The expanding economic base both enables and constrains the growth of the power of the ‘fiscal-military state’. The financial necessities of engagement in war, in terms of state borrowing and taxation, extend economic interdependence widely, creating contrasts in prosperity. However, given the divergent perspectives of the participants the system develops its own dynamic, creating public policy problems. The development of Bank of Scotland and the Darien Scheme offer contrasting instances of enterprising actions to improve the impoverished eighteenth-century Scottish economy, the former a well-founded institutional development to augment the availability of credit within it, the latter an ill-conceived and politically inflated scheme to establish new outlets for Scottish produce, with predictably tragic consequences. Two illustrations of ‘might-have-beens’ are presented. First, the failure of either Jacobites of the north-east of Scotland or the state to prevent the determined enterprise of John Erskine, 6th Earl of Mar, initiating a Jacobite insurrection, albeit leading to failure in the Battle of Sherrifmuir; second, the failure of the state to resource adequately a timely military check to Mar’s initiative, under the command of the 2nd Duke of Argyll.

Part Three develops the notion of perspective in two specific and related respects. First, human actions that initiate change – as opposed to actions that are the repetitious maintenance of routine productive activities – are propagated by shifts in actors’ mental perspectives, shifts that are unpredictable in any physical sense. Second, these changes are qualitative and disruptive, rather than adaptive or convergent on a balanced outcome or point of rest in some physicalist sense. Conceived as appropriate to and warranted by a newly recognised problem or opportunity, the pursuit of these

actions disturbs relationships in other contexts, closely or even distantly related, either temporally or spatially. Thus, conflict remains, only differently configured.

Chapter 9 extends the claim that change-initiating human action emerges from subjective perspectives developed from the temporality of personal experience. These perspectives possess a 'kaleidic' property, a propensity to shift abruptly in response to new mental images of what might be, or new comprehensions of what has been. This property derives from the integral involvement of qualitative expectations, formed as the mind searches 'backward' and 'forward' in its context of partial ignorance. These shifts initiate new commitments to specific current actions. Potential volatility is tempered by the social, political and religious dimensions of the perspectives, with their embedded collective value judgements. These support conventional stances that contribute stability to individuals' perspectives in some situations, yet can give way to mass shifts in others – particularly in response to the perceived threat of major conflict. The same kaleidic property is possessed by the perspectives that analysts – or advocates – form and adopt in response to the evidence, as the basis of their explanations of the past actions of others. But they cannot avoid entanglement with their own perspectives on their personal experience. It is from this experience, rather than sympathy or empathy, that relevant insights and values are drawn to develop the explanatory perspectives, aroused by value-driven actions within the explananda. This entanglement encourages the use of rhetoric in presenting the specific historiography or advocacy, as persuasion targeted in turn on anticipations of the audience's personal perspectives is required to fill the void left by the non-existent complete rational account.

Proneness to kaleidic shifts is one property of the perspective formed in the mind's eye of the individual, in respect of the imagined potential of the present. Chapter 10 stresses a second property: the perspective embraces both positive and negative elements, the latter spanning perceived constraints on the individual's freedom of action and self-identity, and conceivable vulnerabilities to future actions by others. The composition of these complex elements into a singular perspective is not an order-imposing simplification. Rather it conceals intrinsic disorder in expectational terms that, activated by a kaleidic shift, can manifest itself unpredictably in actions that propagate change. These actions, which are not pre-determined, contribute contingency to the historical record. At their root are irreconcilable and non-negotiable differences of values that may be sufficient to promote the emergence of open conflict. The postscript to the chapter questions if labelling the conflict of the 1689 to 1715 period as 'emergent' Jacobitism is a case of presentism derived from later rather than contemporary perspectives.

Part One: The Pursuit of Authoritative Explanation

Chapter 1 Epistemology and Images of Explanation

1.1 The Problem to be Addressed

The explanation of human action, understood in common-sense terms as the living of human lives, confronts several problems that challenge the legitimacy of applying ‘authoritative’ to its conclusions. The overarching problem is that life is ‘in’ time, such that actions form a temporal succession. To paraphrase Kierkegaard, life is lived ‘forward’ in time but must be understood ‘backward’, so an explanation of human action is inescapably an historiography. From this follow several specific considerations. One is the ubiquity of change, originated by action. The object of explanation is an incessant ‘becoming’ that always constitutes ‘the past’, only accessible through interrogation of a configuration of remains, a ‘being’ in ‘the present’. Another is that this action is anticipatory, but ‘the future’ is ‘not yet’ and can only be conjectured. Alternative conjectured futures offer the individual choices of actions with differing imagined consequences, so any ‘present’ could therefore have been different on that ground alone, but is further differentiated by interactions with the actions of others. The object of explanation is the contingency of collective action, as distinct from its necessity, with its unknowable consequences. A third concerns the capacity of a time-bound consciousness of self and fellow-humans to generate conflicted relationships within and between humans such that physical conflict, possibly involving brutality, savagery and killing, can become a central element of human action. The object of explanation of human action is to address the origins, nature and implications of contingent, conflict-generated change.

Two problematic presumptions stand in the way. The first is the ontological commitment that any explanandum concerning the world must be purely physical in the sense of being totally comprehended in terms of the physical senses. This obliges a specific equivalence to be drawn between the mind and the brain. This in turn embeds a specific neutral conception of time that effectively eliminates the possibility of the kind of explanation noted above. The second is the epistemological commitment that independent criteria exist to discriminate between authoritative and specious explanations of these physical phenomena. Combined, these form the image of an authoritative physicalist science with its ‘... persistent claim that it is science and science alone that is the general measure of all reality, knowledge and truth ...’ (Bernstein 1983: 46). These presumptions typically exclude history and archaeology from the domain of science proper, incapable of contributing authoritative knowledge.

The alternative considered here lodges a starkly different claim. Historical and archaeological explanation form the general case of authoritative – but not certain – knowledge of human action, while scientific explanation is the special case. The elements of the claim are first, the domain of science is limited to what can be subjected to the experimental method, so scientific explanation is the product of experimental and technological practice. Human action, however, with its temporal trajectory of human-initiated change, punctuated by conflict, lies beyond its reach. Second, there is no ‘privileged epistemology’ to distinguish authoritative explanations even in science, only experimental success or failure. The diachronous explanations of history and archaeology have their own ontological and epistemological foundations, attributing a substantive role to the human mind and requiring a reconsideration of what is signified by ‘authoritative’.

1.2 The Claim Developed. Stage One: Experimentation and Pragmatism

From Common Sense to the ‘Practice Turn’

Philosophical Pragmatism offers support for the claim that scientific explanation is the peculiar product of experimental and technological practice. A foundational element in the development of ‘American’ Pragmatism was the ‘Common Sense’ philosophy of the eighteenth-century Scottish philosopher Thomas Reid. Reid opposed the *a priorism* of Descartes and the scepticism of his own contemporary Hume, emphasising instead the introspectively warranted general belief that natural human faculties are to be trusted. Amongst these, the power of the human will to act or not made practical agency the main tool of discovery (Pakaluk 2003:159). This emphasis on human action, or praxis, became the distinguishing characteristic of the earlier Pragmatists. Charles Peirce was aware of the argument of Alexander Bain, a nineteenth-century Scottish physiologist and psychologist, that belief was integrally associated with the human will and thus with action, in the form of a ‘disposition to act’ to assuage doubt (Bain 1859: 573). From this Peirce developed a theory of cognition involving a habit of action or active inquiry, supporting a practical struggle to escape doubt and revise beliefs (Fisch 1954; Engel 2004), one consistent with Reid’s views regarding the power that humans acquire over their circumstances through their actions (Houranski 2003: 116). In a related vein the Pragmatist John Dewey expressed strong opposition to ‘... the Platonic-Aristotelian tradition [which] limited philosophy to a merely contemplative endeavour ...’ (Gimmler 2013), and endorsed ‘... a slighting view of experience as such ...’ (Dewey 1929: 27). This view was embodied in Descartes’ duality between object and subject, and his central notion of the existence of an antecedent reality (an ‘... inner nature of an outer world ...’ (Baert 2005: 129)) accessible only through pure reason – what Bernstein termed the ‘spectator theory of knowledge’ (Bernstein 1983: ix). According to Dewey, it was instead active human engagement in the natural world that was the route to the creation of knowledge – even although it would not deliver the certainty advertised by Cartesianism – whether in the realm of ordinary life or scientific experimentation, for ‘... there is no difference in logical

principle between the method of science and the method pursued in technologies. The difference is practical, ... especially in [terms of] purpose ...' (Dewey 1929: 84). Thus, the most reliable knowledge accessible to human endeavour is the demonstrable consequences of a repeatable scientific experiment or mundane production process. Similarly, the process of discovery is driven by speculative, trial-and-error manipulation of the physical specification of the experiment or process, or the thought experiment of abstract manipulation of a deductive theoretical (or symbolic) model that represents the confirmed experimental results (Cartwright 1983: 103, 104). '[One] of the characteristics of experimental thinking ... [is] the direction of experiment by ideas, the fact that experiment is not random, aimless action, but always includes, along with groping and relatively blind doing, an element of deliberate foresight and intent, which determines that one operation rather than another be tried.' (Dewey 1929: 110).

Pragmatism has contributed to the 'Practice Turn' within contemporary social theory and philosophy of science, a shift of focus away from the abstract conception of objective knowledge towards the cognitive aspects of the practical activities which constitute the reality of human life. Rheinberger summarises the historiography of the practice turn, underway since the end of the nineteenth century, as it affected reflection on scientific knowledge and in which positivism '... was merely the beginning of this turn, the first symptom of the crisis ...' (Rheinberger 2010: 1). With this turn, epistemology could be viewed not as a theory to adjudicate on knowledge-claims but as a concept '... for reflecting on the historical conditions *under* which, and the means *with* which, things are made into objects of knowledge' (ibid.: 2; emphasis in original). Summarising the contributions of mainly European scientists and philosophers from De Bois-Reymond to Foucault and Althusser, the principal means is argued to be scientific experimentation, so that science is represented not as a system but as a process – specifically a process of research, manipulating materials in procedures mediated through instruments and other physical equipment, as well as through discourse among researchers. This remedies 'Popper's epistemology [which] involves a considerable impoverishment of the concept of experiment, which is reduced to an instance of testing hypotheses' (ibid.: 37). It is encouraged by Kuhn's conclusions which '... broke down the barrier between the context of justification and the context of discovery ... [a barrier which] Popper's logic of scientific discovery had still accepted' (ibid.: 55). According to Rheinberger, Heidegger '... sees in [science] a secular process clearly bound up with material technology ...' while Althusser '... sought to conceive of scientific knowledge as an inconcludable process of production ... [where] its products takes the form of "objects of knowledge"'. Its practice is founded in the materiality of an experimental dispositive [i.e. settling of the issue]' (ibid.: 43; 73, 74). These perceptions invite an analogy, if not an equivalence, to be drawn between science and economic production (in the wider sense embracing innovation), implying the resemblance of the concepts of knowledge in the two areas of life. From a different angle Rheinberger points out that Poincaré claimed that '[w]hat protects us from an overly radical

conventionalism [in science] is industry and its technological systems: they successfully translate scientific thought' (ibid.: 13).

Experimental process as the scientific paradigm

The innovative historiographical approach to scientific method of Kuhn's *The Structure of Scientific Revolutions* (Kuhn 1962) not only stressed the special significance of temporal succession in science; it also hinted at a problem to be considered later from a different angle, namely the possibly misleading perspective encouraged by the 'benefits' of hindsight. As Pickering points out, a distorted image can be created when '... accepted scientific knowledge functions as an interpretative yardstick in reconstructing the history of its own production.' (Pickering 1995: 3). The 'fragmented, disunified, scrappy' nature of actual scientific practice in real time can be glossed over, in favour of a 'tidied' representation of knowledge of its object in polished conceptual terms. In Pickering's view this representational perspective must be balanced by a performative perspective that addresses the nature of actual scientific practice. This he sees as diverse attempts to harness the 'material agency' of the natural world (its capacities to affect humans) through the interaction of 'human agency' (the scientists' efforts) and 'machine agency' (the capacities of specially constructed equipment) that constitutes scientific experimentation. (ibid.: 5-9). The imaginative intentional goals of the relevant community of scientists, whose profession it is to seek new knowledge, drives the design and construction of new machines. The 'resistance' their efforts encounter when they fail to work as hoped and their 'accommodation' of failure via revised designs and new procedures together constitute an iterative process which Pickering terms the 'mangle of practice'. (ibid.: 23). Thus, the practice of science can be viewed as '... an evolving field of human and material agencies reciprocally engaged in a play of resistance and accommodation in which the former seeks to capture the latter'. (ibid.: 23). This perspective on the nature of science as a field of practice, stressing its temporality, invites two parallels: first, with the mundane processes of production, reflectively pursued, through all ages (the proto-experiment of ordinary life); second, with the investment-based capital-using mode of modern economic production – indeed Pickering notes that Krieger suggested '... physicists take hold of the world as if it were a factory, a site of productive equipment that needs to be managed'. (ibid.: 8, citing Krieger 1992).

1.3 Stage Two: Human Action Beyond Experimentation

The Explanation of Human Action

Pragmatism gives primacy to human action, which is precisely the object of historical and archaeological explanation. It accepts that explanation may legitimately refer to subjective reasons for action, accommodating elements such as belief and doubt. It also accommodates knowledge of the existence of other minds with similar reflective capacities. This admits a distinctive human engagement among individuals, for good or ill from their respective and substantive standpoints.

Accordingly, it can reasonably be claimed that the domain of historical and archaeological explanation is the totality of human action as it is experienced. Indeed, encompassed within that is the actions of scientists themselves – as opposed to their experimental results. The proscription of the subjective insisted on by strict physicalist empiricism would reduce human action to physical mechanism, an exclusion of any distinctive humanity. While Descartes admitted introspection – the existence of ‘I’ – to provide a necessary base from which to search for certainty of explanation, that limited subjectivism left in doubt knowledge of the existence of other minds, by which other individuals are reduced necessarily to objects.

The ‘backward view’ of the past

Human action and time are inseparable. Time is the context of all that exists, whether material or not. Its unique nature embraces its continuity and connectedness as a non-material ‘environment’ of all physical states and processes; the locus of all mental activity from which human action responds to the perception of temporal procession. It is a synthesis of a determinate and unalterable yet imperfectly recollected past, a transient and constraining present and an as-yet unformed ‘space’ for limitless imagined possibilities. If it is meaningful, in that context, to talk of a discrete human action, it is non-repeatable, fixedly anchored in a moment – not caused by that date, as time is presumed to have no causal force of itself, but anchored in the sense of being timely, within a unique constellation of actions by others, meaningfully associated with their then-prevailing mental states, and a diversity of attendant physical circumstances. The fact that it is anchored in that way at a given date, necessarily past, provokes the basic question that defines historical and archaeological enquiry: why that action emerged from its antecedents precisely when it did. This question precludes the action being regarded as an entirely separable physical occurrence and instead considers it as ‘entangled’ in a web of thoughts and other actions. The action so conceived is beyond reproduction except mentally, by recollection. Consequently, the scientific method of experimentation has no general applicability, as an exclusive route to authoritative explanation. Insistence on its use would imply either that the timing of the original action was immaterial (i.e. that explanation of action is fundamentally atemporal) or that time itself did have some causal role. The individual would view experimental replication not as a re-run of a past situation but as a novel situation belonging in the intrinsically new present.

1.4 Stage Three: No Privileged Epistemology

The Cartesian Agenda: The Primacy of Reason and Deduction

For an object to be known, it seems there must be a subject to know; the question is how certain is that knowledge, when thought – and not just physical sensation – is implicated in knowing and the meaning of language is involved in laying claim to certainty. The Cartesian assertion that knowledge could not remain a matter of belief assailable by doubt, but must be certain and beyond challenge by

human opinion, is derived from Descartes' envisaged body-mind duality, his distinction between *res extensa* and *res cogitans*. This formed the base for the subsequent philosophical distinction between the objective and the subjective. The fundamental objectivity of nature is presumed attached to its antecedent existence relative to humanity, to be revealed through the application of rational thought and to be shown to be possessed of an intrinsic rational nature by the same process. The Cartesian legacy is thus a distinct conception of rationality as a uniform attribute of human thought, setting its specific universal standards and criteria. These came to elevate the role of epistemology as the theory of knowledge; accordingly, on the presumption that certain knowledge could be acquired by enforcing the standards of rational enquiry, epistemology was expected to provide a set of rules to constitute the method of rational science, with the intention that a scientific explanation was necessarily one that reason could justify as necessary. However, several issues remain problematic, not least those pertaining to the practical relevance of the truth-preserving logic of deductive inference as formalised, for example, in the Deductive Nomological Method.

The challenges to deduction

The distinctive truth-preservation capacity of deductive inference presumes there exists an initial truth to be preserved, one which is not a singular statement of fact but a proposition of universal extent and, for the method to have practical relevance, one which possesses an empirical reference. However, as Hume pointed out, the requirement of universal extent cannot be empirically satisfied: not all instances of a supposed subject-predicate relation can ever be observed, denying deductive inference the *a posteriori* premises to provide practical relevance. Moreover, the Principle of Non-contradiction embedded in deductive logic requires the nature of the concepts employed in the premises to be strictly specifiable. If they are 'non-arithmomorphic' (Georgescu-Roegen 1971: 44ff) or 'auratic' (Jay 2005: 2) in nature, with vague and ill-defined boundaries ('penumbra', according to Georgescu-Roegen) insufficient to ensure a clear distinction between a term and its negative, then deductive reasoning will be precluded. The creation of abstract theoretical models, in which relations and concepts can be expressly formulated *ex hypothesi* to meet these logical requirements, can give scope for deductive manipulation. As putative explanations of physical relationships, the creation of these models embodying law-like propositions relating abstract concepts became the orthodox standard of explanation, initially in mechanical physics, but subsequently emulated across a wide range of disciplines, including the humanities – particularly economics (Mirowski 1989, 2002). The approach lent itself to mathematicisation, given its strictly logical deductive language, and to generalisation to ever-wider contexts, albeit employing at times theoretical terms or intermediate manipulations with no direct empirical correspondence.

The attempt to save deduction

An apparent local empirical regularity may be presumed to hint at an underlying ‘law of nature’, assuming some logical necessity attends the observed regularity, such that the ‘law’ can be shown to ‘explain’ it. The detection of empirical regularities is then directed, on this presumption, towards the search for the appropriate underlying ‘laws’. The latter may be sought by proposing and testing a possible candidate in hypothetical form, deploying the Hypothetico-Deductive Method (HDM). However, the logical deduction (the ‘prediction’) from a speculative hypothesis unavoidably qualifies the consequent of the major premise (the hypothesis); accordingly, any observed confirmation of that implication, in affirming the consequent, cannot deliver a definitive logical conclusion regarding the truth of the hypothesis. Moreover, in so far as the accompanying auxiliary hypotheses should possess the same universal extension as the main hypothesis, the Problem of Induction would undermine any conclusiveness the argument could claim – i.e. no number of tests is sufficient. A failure of repeated tests of the hypothesis to yield identical results could be interpreted as the basis of some form of probable knowledge, although that does not circumvent the intrinsic fallacy of affirming the consequent. Popper sought to circumvent these problems, following Cartesian principles. He placed ultimate reliance on deductive logic by developing a logic of justification, where his principle of falsification applied to hypothesis-testing was proposed to demarcate the scientific from the unscientific. At one level this involved deployment of *modus tollens*, the negation of the consequent of a deductive argument, to identify correctly an unsuccessful claimant to be ‘scientific’. At another level, it obliged a theory to yield a ‘basic statement’, a proposition capable in principle of being shown to be demonstrably false in relation to a possible body of evidence. Otherwise the argument would be judged unfalsifiable and accordingly unscientific, even without test. So, a substantive theoretical argument had to be developed as a sufficiently complete logical structure to undergo the test; if it passed, the argument could be considered at best as ‘not yet falsified’; entitlement to the designation ‘true’ remained blocked by the Problem of Induction. However, the truth of a singular observational statement implicitly depends on inductive generalisation, so ‘conclusively false’ is also beyond deductive proof. (Newton-Smith 1981). The problem of induction cannot be circumvented. Adjusting the auxiliary hypotheses may achieve closer match between results and hypothesis, making the latter ‘more probable’. However, the Duhem-Quine problem (that as the entity under test is a set of conjoint hypotheses, major and auxiliary, they stand or fall together, so the substantive element(s) responsible for the faulty prediction cannot be unambiguously identified and then changed) means that modification or addition of specific auxiliary hypotheses selected with no apparent material rationale may lay the procedure open to the charge of *ad hoc* manipulation to save the hypothesis. There is no logic of justification, so no privileged epistemology. Nevertheless, the Popper-endorsed scientific method – to generate bold conjectures, deliberately risking falsification, with increasing

verisimilitude becoming a matter of the successive eliminations of conclusively false accounts – has a relevance to later argument.

Empirical regularity and human action

In the physical context, an empirical regularity may suggest that an experimental set-up could be envisaged to replicate the relationship, showing that the composition of natural capacities was appropriately conceived, with no necessary reference to a ‘law of nature’. But the notion of ‘empirical regularity’ translates uncomfortably into the context of human action. It might imply actual repetition of individual action, despite a conscious temporal difference that should qualify the seeming resemblance between instances (that is, the change brought by the passage of time has been factored out in the selective view taken). Or it might imply interchangeability of agents, which would discount intrinsic aspects of their existence (that is, individual identities are defined in terms of differences). Nevertheless, some specific individual human actions might be expected to be performed repetitively, creating a regularity spanning a period (for example, a familiar routine production activity). But such regularity in terms of executive human action would not typically be described as law-bound. A related aspect is the fact that regularity in terms of individual actions may signify a collective commitment, pointing to an intrinsic social dimension that is arguably not so amenable to empirical enquiry.

1.5 Stage Four: Responses

Conventionalism and social constructivism

The absence of a logic of justification to award or deny the cachet of ‘authoritative’ appears to reawaken Cartesian fears that knowledge may always be vulnerable to doubt, with its claims possibly driven by arbitrary ‘taste’. If knowledge lacks an ‘internal’ warrant, then it might seek an exogenous justification in some convention – and be open to a similarly exogenous rebuttal. The question is how far ‘outside’ is acceptable. An unacceptable possibility is the use of individual opinion to undermine an argument by impugning the motives or ethical principles of its proponent rather than the argument’s content (‘... the metaphysicists [among historians] have their own extreme left-wing political agendas ... [while others] like to see themselves as having the same status as popular novelists, fancying themselves as media personalities ...’ (Marwick 2001: 8, 15)). But conventionalism implies some measure of consensus, expressed in an accepted explicit rule or criterion. This might seem equally partisan (such as the proscription operated by leading American economics journals against submissions on economic methodology (Mirowski 2010)). However, it can have an appearance of objectivity (such as academic peer review or ‘acceptable’ threshold measures of statistical significance in quantitative hypothesis-testing). However, the fundamental issue is whether a conventional consensus necessarily underlies any explanation in every subject area.

In his discussion of historical judgement Gorman notes that

‘Collingwood ... called an “absolute presupposition” a belief or assumption underlying the beliefs and attitudes involved in our ordinary ways of life, an assumption that is a historical absolute for a time, in that it is contingently uncriticizable at that time ... because it is not entertained at that time as a conscious thought ...’

(Gorman 2007: 94, citing Walsh 1963: 160)

This bears some resemblance to the notion of ‘perspective’ which will be considered later in this study. Conventionalism can play a part in specific epistemological positions: within the Methodology of Scientific Research Programmes developed by Imre Lakatos (Lakatos 1978) as a ‘sophisticated’ version of Popper’s falsificationism, the ‘hard core’ of a discipline’s theoretical corpus (its basic axioms) is to be regarded as irrefutable on conventional grounds. This warrants its protection by the method’s ‘negative heuristic’, whereby auxiliary components of the theory are adjusted in response to anomalies rather than demanding its wholesale and instant falsification. (Newton-Smith 1981: 82, 83). However, the most controversial category of conventionalism comprises a range of postmodern arguments alleging the ‘social construction’ of the methods and results of science, denying the relevance to it of either the concept of objectivity or the standard of truth associated with its essential realism. In its place relativism emerges as the key philosophical position, but undermining the notion of authoritative explanation: ‘... the relativist ... insists that since truth is relative, what is taken as true may also be false. Consequently, relativism itself may be true and false.’ (Bernstein 1983: 9).

Incommensurability of alternative explanations

The innovative aspects of Kuhn’s thesis (Kuhn 1962) were first, its historiographical approach to science, which drew attention to the fact that science involves a process, a temporal succession of actions (experiments) by scientists, typically disregarded in the eventual publication of ‘cleaned-up’ definitive results; second, its sociological perspective on science, which acknowledged that scientists engaged in a specialism were located within a defined social community. Its hierarchical authoritative structure, grounded on proven experience and reputation, endorses and sustains a commitment to a general line of enquiry (the ‘paradigm’) emergent from an acknowledged past scientific breakthrough, until its incapacity to accommodate subsequent puzzling results undermines belief with significant doubt, at which point commitment switches to a competitor explanation. Thus, the temporal succession exhibited by natural science involved periods of stable ‘normal science’ punctuated by ‘scientific revolutions’, discontinuous changes in the mind-sets (‘conversion experiences’) of the scientists concerned. However, the widespread interest in Kuhn’s publication was in large part due to its apparent endorsement of relativism, that scientific progress was a matter of social convention rather than the pursuit of objective truth. Yet the characteristic under-determination of theory by available data, which allows the co-existence of rival explanations and yet precludes a decisive test of

any one (the Duhem-Quine problem again), presents the scientists with a choice that cannot be settled on rational grounds. Kuhn made the ‘incommensurability’ of rival paradigms central to his interpretation of the ‘... multifarious shiftings of allegiance from theory to theory ...’ (Newton-Smith 1981: 3) that constitutes the history of science. While incommensurability can be attributed to significant differences in the meaning of nominally shared key terms in the respective paradigms (‘radical meaning variance’ according to Newton-Smith (*ibid.*: Chap. VI)), it is ‘... best understood in terms of the incommensurability of standards, problems and data ...’ consequent on normative disagreements as to ‘... how the subject matter as a whole ought to be defined.’ (Doppelt 1978: 45, 51). Arguably this is an issue that pertains not to the logic of justification, but to the logic of discovery, generally taken to lie beyond the reach of rationalism. Nonetheless, Kuhn’s contribution provoked a range of responses of varying degrees of intensity, focusing on different assessments of the relativism detected in it. The Sociology of Scientific Knowledge movement drew support from it for their view that ‘...reasoning itself must be seen as a profoundly conventional activity ...’ and a feature of the contemporary culture (Barnes 1985: 99), a connection that also built on the relevance of the contemporary political context and Kuhn’s personal career trajectory within it (Fuller 2006), invoking a further sense of relativism, or more particularly constructivism.

1.6 The Pursuit of Authoritative Explanation of Human Action

‘How?’ and ‘why?’

The questions ‘How?’ and ‘Why?’ both presuppose change as their subject-matter and so possess an element of historicity. While sometimes regarded as synonyms, they can usefully be distinguished: ‘How?’: What sequence of changes occurred whereby the present description of the world superseded one which previously existed? ‘Why?’: What reasons are there for the transformation that occurred, however it happened? The former question admits an endogenous process, with change as spontaneous or autonomous – indeed, it does not exclude the change in question being a continuous process, with its ‘start’ and ‘end’ being relative to the analytical needs of the moment. The latter question, however, posits some dated intervention in a prior configuration by an exogenous factor that initiated change; by implication, without it things could have taken a different course. In general, answers to both questions may deploy the distinction between cause and effect, so it can be claimed that all explanation is the unravelling of the relationships between causes and effects. But the reference to ‘reasons’ in the case of ‘Why?’ invokes the involvement of purpose, and so the originative capacity of human action. The explanation of human action involves endeavouring to answer ‘Why?’ questions. Purpose in turn invokes teleology. If human action is intrinsically purposeful then an explanation citing action will be teleological. This need only be in a micro-teleological sense – human actions may be deliberately originative without being themselves subordinate to some over-arching metaphysical purpose, which would imply that history is macro-

teleological in nature. However, given that human agency does regularly and unambiguously bring about change as a ‘necessary’ consequence of action, it is plausible for human imagination to attribute all change to some teleological cause, even in contexts where evidently no human agency was involved. But this could eliminate the freedom of individual purpose, with every action necessitated by its antecedents. So, although the course of events brought change, it could not otherwise have been different. Once initiated the temporal process would proceed deterministically, with human freedom a self-deception. However, theologically entangled, pre-Enlightenment, conceptions of causality were subsequently narrowed, discarding Aristotelian forms, including the teleological, leaving the mechanistic conception of efficient cause. Nonetheless, it is important for the argument pursued here that one defining feature of human action is the capacity to be purposively originitive: ‘Why?’ remains a meaningful, purpose-revealing question, without implying that the action to be explained was necessitated. Thus, the course of events could have been different; contingency prevails over necessity. Hume concluded that given the inability of inductive inference to yield necessary truths, any necessity to be ascribed to causality (as distinct from repeatedly observed contiguity, succession and constant conjunction) must be a creation of the mind. So there is no obligation to attribute necessity to purposive or causal action.

Reliable Explanation of Human Action

Human action may be purposive, but due to the limitations of induction it must confront the certainty of its incomplete knowledge of its context. The human mind senses its own ignorance. But it can be persuaded to believe what is not immediately apparent to its senses. According to Adam Smith, an acknowledged ignorance generated a disconcerting emotion or sentiment of ‘wonder’ that prompted active inquiry in search of relief. In that respect, he followed the Greek philosophers’ endorsement of wonder as ‘... the first principle which prompts mankind to the study of Philosophy’ (Smith 1982 [1795]: 26). Wonder can be assuaged by assenting to a belief in the authority of new knowledge encountered, in the manner of a jury being persuaded. Persuasion may come from a convincing argument or a physical demonstration of the relevant relationships (assuming the former is not simply a verbal account of the latter). In the former case the range of evidence addressed is liable to be a relevant consideration. In the latter case the successful repetition of the demonstration is liable to be influential, but success may not be guaranteed on every occasion, enhancing the appeal of the ostensive rational argument. Pragmatist John Dewey blamed this weakness for the ‘... exaltation of pure intellect and its activity over practical affairs’ (Dewey 1929: 6), a tension that has influenced the interests of philosophy since the time of Aristotle. However, the jury’s responsiveness may also be influenced by seemingly immaterial matters: the persuasiveness of the language in which a knowledge-claim is expressed or the presentation of the physical demonstration; the perceived authority of the proponent(s) of the knowledge claim; the jury’s own prior disposition – a matter of

existing beliefs and ideological pre-commitments (arising from experience, training or personality, including a desire to adhere to received wisdom).

The issue of ‘truth’

A jury could be swayed by the assertion that the knowledge-claim is ‘true’. But while ‘... there can be little prospect of understanding our most important faculties in the absence of a good theory of truth ... [s]uch a thing, however, has been notoriously elusive’ (Horwich 1992: 510). Campbell traces the changing philosophical conception of truth, in support of his claim that our intellectual problems stem from

‘... our failure to make good a distinctive conception of truth ... as timeless and unchanging, unaffected by the particularities of context which condition those who seek to know and articulate the truth. ... The attainment of that ideal has been rendered impossible by the slowly dawning realization of the historicity of all human existence ... [thus] so long as we hanker after timeless truth we are doomed to scepticism, because *that* sort of truth is not attainable by historically relative mortals’

(Campbell, R. 1992: 5, 6; emphasis in original)

Historical and archaeological explanation may therefore confront a problem: if the attainment of a definitive conception of truth is blocked by the intrinsic historicity of human experience then it would be inconsistent to expect to obtain true statements about that historicity. That apart, truth is problematic of itself: ‘For most modern philosophers, truth is to be analysed in terms of the use of the predicate “true” as it is applied to judgements, propositions, or sentences. That is in sharp contrast to the conception of truth in the Platonic tradition, in which truth is assigned primarily to reality, and only derivatively to a propositional item ...’ (ibid.: 120). But if humans can only perceive the appearances of things and not an underlying reality, once any theological basis of reality has been rejected, the usefulness of the Platonic conception is questionable. The intuitive appeal of truth as ‘correspondence’ of a proposition to ‘the facts’ is compromised by vagueness as to the nature of this attribute that apparently must supplement the facts themselves. It is also undermined by its apparent limitation to observational statements. The scope for classifying the same objects in different ways, associated with the vague boundaries distinguishing them (noted above), impinges on the truthfulness of statements about them. More seriously, propositional truth seems inapplicable to the inferential statements employed in much explanation, discussed below. The alternative notion that truth equates with verifiability suffers from the general problems associated with verification that prompted the unsuccessful search for a privileged epistemology. The heart of the problem is that scepticism challenges both the Cartesian presumption that true knowledge of the actual world, free from doubt, is accessible by reasoning deductively from universal first principles known to be true *a priori*, and the empiricist presumption that the route to reliable knowledge is by true generalizations from experience of the world, *a posteriori*. ‘[Hume’s] arguments are intended to show that pure reason cannot

demonstrably prove matters of fact and that induction cannot provide demonstrably certain knowledge' (Beauchamp, Rosenberg 1981: 41, 42). Moreover, given that for Descartes '... the proposition "I exist" ... is [the only] one he cannot coherently deny [in his desire to eliminate all doubt, consequently his] thought is driven back from [a] kind of [medieval] theocentrism towards egocentricity ... The origin of subjectivism is thus to be located here.' (Campbell, R. 1992: 179).

The reliable description of human action

A convincing explanatory argument is expected to start from a reliable description of the relevant state of affairs. Three factors make this problematic. First, the basis of any description is not sensory stimulus alone but crucially (albeit arguably) what an individual's consciousness makes of it – the basis is intrinsically phenomenological. Moreover, it is necessarily recollected in the mind, as the lived experience is already in the past. Second, description is an expression of an individual's acquired knowledge, of which only an undefinable part of it has been deliberately acquired (unlike the completeness of an experimental observation), the rest absorbed incidentally from a broader experience. Third, to provide an explanandum this phenomenological entity must be made manifest, as a verbal account: an acquired natural language system must be harnessed to generate and communicate an external public representation of the private mental constructs. But variation in linguistic skills and ambiguity of meaning of the words used will influence the impact of the description made upon a jury. Nonetheless, specific documentary accounts of human experience constitute the basic resource for the historian, who as observer is describing the recorded observations of another individual – testimony, in one sense or another. The historian is not directly observing the individual's actions or their context, even although these arguably constitute the historical event to be explained. These issues are discussed briefly below and further in Chapter 3.

1.7 Inference from Evidence and the Criterion of Plausibility

The progression from the explanandum, the body of descriptive material, to an explanans or explanation, involves inferential reasoning. In other words, a process of thought effects a transition from the statements and propositions of the explanandum to an additional novel statement or proposition, attributing to it the same truth value as that possessed by the originals. This psychologically founded and philosophically troublesome procedure (trying to characterize it '...is a hard and by no means nearly solved philosophical problem' (Tragesser 1992:206)) can admit metaphysical elements into explanation. There are various types of inductive inference, some of which are ampliative, taking the argument beyond the scope of the evidence, virtually a requirement in history and archaeology where the evidence is frequently sparse and fragmentary. An abductive inference may offer the hypothesised 'best explanation', but it is not one *logically* warranted by the explanandum; it is '... an intelligent guess ... a plausible hypothesis ...' (Walton 2001: 143; Fumerton 1992:207-209). An analogical inference sees the particulars of one description to be

relevant to the explanation of another, descriptively quite different, as the source of a hypothesised explanation of the latter; but it is entirely exogenous to the explanandum. An enumerative inductive inference perceives an implication in the conjunction of the meanings of two or more observational statements that their subjects share a resemblance, taken to define a class or type. Their subjects are thus made to form a notionally homogeneous category and their predicate a well-defined common quality. But the observations considered severally do not *logically* imply the inference: the resemblance or shared relation exists in the mind's eye, so the inferences do not correspond to a reality that exists independent of the observer; both category and predicate are hypothetical concepts. By analogical inference they could be regarded as repeated observations from a notional experiment. With the arbitrary adoption of the *a priori* Principle of Uniformity, an enumerative inference can be given universal extension to cover as-yet-unobserved instances of the putative class, a step that permits the deployment of deductive inference to create an explanation such that the world represented could not conceivably be otherwise – fully determinate, rather than merely contingent. However, given the initial claim that any explanation of human action is intrinsically historical, it will share the same deficiency that concerns the specialist historian or archaeologist, arising from the defining relevance of time. Analogical, enumerative and deductive inference are essentially atemporal, discarding as irrelevant not only the different timings of the occurrence of the subjects otherwise perceived as 'the same', but also the differing wider contemporary contexts of their occurrence which distinguish the dates. The question is how presumed synchronous relations could contribute significantly to the explanation of temporal succession; this challenges the presumption that history and archaeology are searching for underlying 'laws' governing it. However, abductive inference to 'common-sense' explanations, with their pragmatist endorsement, can accommodate the passage of time. Accordingly, explanations of human action will employ that method.

Plausibility and Pragmatism

The irrelevance of certainty as an attribute of an explanation of the experiential world reinforces the relevance of belief in the judgement of an explanation's authority. An appropriate pragmatic criterion of a novel knowledge claim is its apparent plausibility. This implies a provisional positive judgement of it as worthy of further active consideration while it is subjected to the test of further experience. Believing is no less a human time-bound action affected by change. Evidence for a knowledge-claim about human action '... need not and often will not be decisive ... [so] plausibility ... prevents the matter from [descending into] cognitive emptiness.' (Rescher 2005: 417). The absence of certainty does not imply the total absence of knowledge. Walton considers that plausibility '... is a guide to rational acceptance or commitment, *a guide to action.*' (Walton 2001: 153; emphasis added): a gap in knowledge having been potentially filled, wonder having been temporarily assuaged, a specific course of action is seen to make – or to have made – sense. This connection between belief and human will appealed to the American Pragmatists, with their distinctive emphasis on human action as the route to

knowledge (Engel 2004; Fisch 1954). The authority of knowledge becomes based on belief in its prospective reliability as a guide to action, whether to attempt to confirm the knowledge-claim by its independent replication or to employ it for some further purpose. However, the judgement of the plausibility of the explanation and the belief accorded to it are mediated through the interpretation of the argument by a jury. There is no guarantee that the jury's interpretation of the language in which the argument is couched will coincide with the proponent's intentions: '... there will always be a plurality of interpretations with respect to the understanding of anything. Intelligibility is always plural rather than singular.' (Bruns 1987: 245). This aspect of understanding will acquire considerable significance later.

1.8 The Bases for Historical and Archaeological Explanation

Time and Human Action

If all human action is time-bound, in that every action is timely, then any explanation of action is necessarily historical in nature. Every living individual could provide a personal history, an explanation of their own actions and their own experience, combining oral and written testimony and physical evidence. But history and archaeology specialise in constructing explanations without the element of living testimony. Their necessary reliance on the residual physical evidence of past human action, including documentary evidence, obligates the historian or archaeologist to fill the gaps. The intention is not simply to create individual biographies, but to incorporate the interaction among individuals in a collective history, which has involved both co-operation and conflict. Accordingly, the explanation is expected to acknowledge disorder and lack of harmony. The provision of understanding is inevitably an imposition of order in some respects, but to use explanatory forms that are either implicitly deductive or parallel physical experimentation seems misleading. The nature of collective human action precludes the certainty implied by one and the successful replicability central to the other. Accordingly, abductive inference to a plausible explanation is expected to be the most compatible method. However, significant contrasts exist in that regard between history and archaeology.

Historical sources and approach

The defining evidential base of history, recovered contemporary documents, is undeniably fragmentary in form and substance. Documentary survival is partly a stochastic outcome, partly a consequence of human action. All (even statistical records) constitute testimonies of various kinds, emerging from individual comprehensions and evaluations of the relevant context, imbued with latent intentions and responsibilities. Their differing scope, degree of detail and accuracy in respect of their subject matter reflects not only the knowledge but also the inclination and choice of the writer, as well as the writer's anticipations of the knowledge and possible reactions of the recipient or audience. They report on action, but their creation is itself action, with its substantive purposes. But their social

coverage is uneven, necessarily presenting the perspective of literate individuals and thus generally of those in positions of authority and influence, conditioning the range of issues covered, at the expense of ‘subaltern’ groups. Their meaning may be contestable, as writers’ command of language – its syntactical correctness, use of contemporary vocabulary and idiom – varies with level of education. Their origin and authenticity need to be confirmed, using the insights of philology, palaeography and diplomatics (Marwick 2001: 55). The most significant implications of the nature of historical evidence are first, both the content and the scope of the documentary source possess an irreducibly subjective aspect, grounded in individuals’ beliefs (as befits testimony); second, its meaning and significance as evidence are the product of the historian’s interpretative capacities, introducing a substantive subjective element; third, while some testimony will report actions taken or observed, relationships with other relevant actions recorded independently elsewhere will also have to be inferred by the historian. An isolated source, even if reputable, is of limited value, so meaningful interpretation entails the integration of material from available contemporary sources, to show individuals’ actions ‘composing’ into more complex relationships which the historian designates as ‘events’, which in turn can be meaningfully categorised into epochs or periods. Relative to the process of assembling narrative accounts from the collated evidence an isolated physical act becomes an abstraction. So, there is some truth in Ankersmit’s assertion that ‘... in historical inquiry it is impossible to clearly demarcate the subject ... from the object ...’, the usual prerequisite for the attainment of objectivity (Ankersmit 2012: 16). This accords with the doctrine advanced by Collingwood ‘... that historical understanding is a matter of re-thinking the thoughts or re-enacting the experience of those whose actions constituted the historical past’ (as reported in Dray 1989: 8). This process and its limitations are considered in more detail in the following chapter. For the moment, it is simply asserted that narrative is fundamentally description, not explanation. However comprehensive and structured it might be, it is not directed to answering the question ‘Why?’

Archaeological sources and approaches

The defining evidential base of archaeology comprises the detected and (where appropriate) recovered material remains of past human activity – built structures, skeletal remains, artefacts, substances and traces of extinct lifeways. Over time, increasingly refined physical-science-based analytical techniques have given evidence greater specificity and detail. Its domain ranges from the specific context of discovery (its site of deposition) to the topography, geomorphology and biogeography of the supporting ancient landscape. The development of the discipline from its antiquarian beginnings to its current state has been marked in evidential terms by a transition from the collection of isolated ‘curiosities’, through path-breaking excavations of prominent structures, to meticulous recording of the *in situ* associations among artefacts (as assemblages and patterns of use) and structures, particularly settlements, and modes of integration with their narrower and wider contexts.

Nonetheless, physical archaeological evidence remains fragmentary, constraining the subsequent interpretation and inference on which explanation rests. Its incompleteness is a product of the means of discovery (which can be accidental or unsystematic to varying degrees); by its limited and fragmented form; by the limited resolution of dating techniques; by the inevitable absence of any complementary documentary evidence (outside of the historical period); and, crucially, by the inability either to witness the physical evidence in use in its original context or interrogate its users. The accretion of evidence has from the outset of serious study supported the formation of summary categories and typologies based on physical resemblance and attributed functions. This has yielded patterns of artefact deposition and settlement morphology, which in turn revealed differences in lifeways across space, with stratigraphical succession implying further differences through time. An important distinction can be drawn between evidence of the operation of physical processes by which specific components of the evidence were used and formed (e.g. site-specific patterns of waste deposition from concurrent human activities – flint knapping, meat butchering – or the taphonomy of human remains) and evidence which points to qualitative change in the lifeway of a population. Enumerative inference from the former evidence potentially supports generalised explanations categorised as Middle Range theory (e.g. Schiffer 1988: 462): covariance detected in the data is interpreted as actual empirical regularities. Present-day reconstruction and re-enactment can provide some support. From this perspective, human action is largely regarded as synonymous with ‘using equipment’, of which only the artefacts now remain as evidence. This use corresponds to the category of familiar repetitive action or replication of a successful experiment to be given significance below. The latter evidence, however, implying change, presents the most contested issue within archaeology, the target of competing explanations that potentially question its autonomy. Change invokes the human capacity to imagine novel futures and to pursue them purposively, a category of action quite distinct from repetitive use of equipment. But this category of action has no evident identifying material signature. The problem of change bears a relation to the term ‘material culture’. This synthetic concept, wherein difference inheres, appears as a key component of virtually any archaeological explanandum. Yet it is considered that ‘... “culture” is one of the two or three most complicated words in the English language, partly because of its intricate historical development, but mainly because it is an important concept in several distinct intellectual disciplines and *incompatible systems of thought*’ (Oestigaard 2001: 31, citing Williams 1980: 76, 77; emphasis added). The materiality of archaeological evidence contributes objectivity. However, critical problems are posed by ‘culture’ also being presumed to embrace important and arguably even definitive subjective elements, apart from the necessity to avoid ‘material culture’ being tautologous:

‘[If, according to Hawkes, the] most tenuous forms of inference ... concern the “ideational”, symbolic dimensions of cultural life ... [which are] constraining of but unencumbered by the material conditions of life ... most directly accessible to

archaeologists ... [then paradoxically] the ground is cut from under the enterprise of traditional archaeology ... [as] the cultural subject is conceived in precisely the terms that render it most inaccessible to archaeological inference.'

(Wylie 2002: 70)

Diaz-Andreu notes 'culture's' fifteenth-century origin and traces its metamorphosis in meaning from cultivation of the soil, through its acquisition of a moral and spiritual value and, by the seventeenth century, political qualities '... which made each people different from the rest'; subsequently it became '... an abstract noun referring to particular social groups', eventually acquiring overlays of ethnicity and nationalism by the nineteenth century (Diaz-Andreu 1996: 51, 52). Childe's seminal contribution to what became the culture-historical approach employed a '... concept of archaeological culture [which was] an abstraction ... based on the concept of Kultur-Gruppe, a coextensive artefactual distribution and ethnic unit, devised by Gustav Kossinna', shorn of its Germanic nationalist and racial associations but without a 'sustainable theoretical linkage of [Childe's] own' (Hides 1996: 26). However, it is not observation but abductive inference from the material evidence that generates the 'non-material' elements attributed to a specific 'culture' – necessarily congruent with the material evidence but sufficient to demarcate the difference. From the different perspective of viewing 'culture' as synonymous with 'the archaeological record', Patrik argues that there are two different models: one analogous to the palaeontologist's fossil record, the other analogous to a literary text composed of symbols (Patrik 1985: 28). Each model is consonant with a different explanatory scheme – one deployed by the New Archaeologists (or Processualists) and the other by the Structuralists. That is, different uses of the term are incommensurable with each other. Diversity of approach has flourished. Talking particularly of the early advocates of the New Archaeology, Wylie notes that they repudiated '... any lingering faith that the facts of the [archaeological] record can be treated as empirical givens, invoking Kuhn's contextualist arguments for theory-ladenness ...' (Wylie 2002: 57). More generally, archaeology '... has been shaped [recently] by a succession of [conceptual] experiments with different metaphoric and theoretical constructions of its cultural-material domain ...' (Wylie 1999: 303). Each has its distinctive conception of material culture – just as did the predecessors to the New Archaeologists, whose 'newness' was more perceived than real: 'Binford engaged in a series of vigorous polemics [which] made the New Archaeology appear to be a dramatic break with the past rather than a continuation and intensification of the functionalist and processual trends that had been developing in American and Western European archaeology since the 1930s' (Trigger 1989: 295). The New Archaeology can be regarded as a belated endeavour to support Hempel's claims that all scientific explanation is nomothetic, some twenty years after history had been obliged to address the same challenge (Hempel 1942) – claims overtaken by the practice turn in epistemology. But the earlier history of archaeological theory spans not just precursors of Processualism, but a considerable range of substantive approaches to explanation: from unilinear (pre-

Darwinian) evolutionism, through culture-historicism and diffusionism to functionalism, cultural materialism and the highly influential development of (neo-) evolutionary anthropology with which Processualism identified (Trigger 1989: 292-294). The later history has involved a proliferation of variants under the general umbrella of Post-processualism – where it seems, according to Schiffer, ‘there is room for a thousand archaeologies’ (Schiffer 1988: 479). Thus, positions can reverse. Processualists ‘... endorse[d] an explicitly reductive materialism and functionalism according to which the intentional aspects of cultural systems ... are ruled out of consideration ... as ... inaccessible ... and ...explanatorily irrelevant’ (Wylie 2002: 4), and they dismissed ‘... historical studies which they equated with chronology, description and a preoccupation with accidental occurrences’ (Trigger 1989: 301, 302). Yet Arkush notes that by 2011 in North American archaeology the historical approach was ‘... the particular flavour of the time, defined especially by a preoccupation with agency and by the recent tendency ... to view the past as historical ... [and] shaped by the accumulated legacy of previous human action’, and cites research debates ‘... in which the roles played by agency and intentionality are a particular sticking point’ (Arkush 2011: 200, 203).

This parade of conceptual schemes in archaeology, with their respective meanings of ‘material culture’, displays the influence of the unresolved (and conceivably un-resolvable) tension between two perennially conflicted schemes of abductive inference concerning human action. One conjectures that the originative capabilities of interdependent agents compose into collective outcomes that were unknowable in advance, even if retrospectively they have apparently led in a discernible direction – in short, change over time is non-nomothetic, characterised by discontinuity, contingency and perennially driven by human conflict. The other finds in the assumed rationality of the reactive individual a sufficient ground to conclude that, while individuals’ actions exhibit an intrinsic but inconsequential variance, they compose eventually in a continuous and connected orderly fashion in accordance with underlying laws of human development in its engagement with the physical environment, mechanistic laws of universal scope which diligent searching will yet reveal: ‘Watson, LeBlanc and Redman ... are confident that there are determinant laws of cultural process to be discovered ...[but] seem to acknowledge that their ideal of deductive certainty remains elusive ...’ (Wylie 2002: 84, 85, citing Watson, LeBlanc, Redman 1984).

The inter-animation of history and archaeology

It might be expected that the interest in the past that history and archaeology share would guarantee the complementarity of their respective insights, even although they address different categories of evidence. However, this expectation can be frustrated by their respective choices of approach, which may admit conflicting perspectives on the nature of time. The nomothetic approach, with its reliance on deductive inference to pursue generalised relationships among the outcomes of actions, adopts one perspective on time. A fundamentally different perspective underlies the non-nomothetic approach,

with its use of abductive inference to explain change-bringing events. The crux of the matter is that individual social sciences – including anthropology and sociology – have arguably embraced a physicalist and thus a nomothetic approach, even although they are not evidently experimental in the usual physicalist sense. They consequently view the archaeological record as merely a useful source of evidence to ‘test’ their specific hypotheses, and not as the evidential corpus of an autonomous discipline. This raises the issue of disciplinary boundaries and corresponding ‘proprietary rights’ over bodies of evidence, and engages the disciplines’ defining epistemological commitments. The main obstacle to complementarity of insights seems to be the intersection – indeed, according to some (e.g. Binford 1962), the identity – of archaeology and anthropology. This relationship has intellectual objectives that lead it to regard even the documentary evidence of history as coming within its purview, defining the sub-discipline of ‘documentary archaeology’, an ‘... approach to history’ that involves ‘... documentary analysis that is uniquely [its] own ... [so that] documentary records and archaeological findings can be quilted together to understand past lives as they connect to issues of race, class and gender’ (Wilkie 2006; 13, citing Beaudry 1988). But the analytical purposes of anthropology are not the purposes of history; the former is committed to the explanation of human action in terms of universally applicable and timeless concepts of power and domination within social structures. In anthropology, the distinction between text and artefact is blurred, with poststructural and postmodern perspectives denying the possibility of gaining access to the intentions of the author of a text, while claiming that the meaning of objects can be read from them by the observer as if they were text, given this ‘...disjunction between textual meaning and authorial intention’ (Olsen 2010: 47). The anthropologist then derives meanings from both text and object to illuminate the relations within and between social groups. The explanation of the temporal succession of human actions would then be at best only an incidental outcome of this approach. However, that specific matter was the business of the traditional archaeological approach, where ‘... material culture [was] approached as carrying a final signified, to be disclosed through the act of interpretation ... Central among [the proper methods of interpretation] was ... origin-centered contextualism’ (ibid.: 47). It is plausible to conclude from that traditional approach that it is *discontinuities* uncovered in the archaeological stratigraphy that could reasonably signify the kind of change that denotes temporal succession in the mode of human action. An archaeology focused on these discontinuities offers a significant prospect of complementarity with history.

Chapter 2 Explaining the Singular: Explanation without Experimentation

2.1 Setting the Agenda

Two claims were made in the preceding chapter. The first is that it is physical demonstration that justifies scientific knowledge, rather than logic. The pragmatic ‘practice turn’ of recent philosophy of science concludes that physical relationships that can be reproduced at will through routine repetition of specific physical procedures (experiments) constitute knowledge warranted authoritative as ‘scientific’. These relationships may also be represented in generalised abstract summary forms as theoretical models, where the test of logical consistency and coherence applies. The second claim is that it is the creative manipulation of the as-yet-imperfectly-known capacities of physical relationships that promotes the discovery of new scientific knowledge, rather than logic. Trial-and-error modification and innovation of physical experimental specifications leads to the capture of novel consequences, although the direction of the investigative path may be influenced by the logical implications of existing theoretical models of received wisdom.

Two analogies follow. The first is between routine repetition of scientific experiment (which justifies knowledge) and the routine repetition of tool-aided processes in the everyday human activities of production – not just those explicitly scaled-up from scientific experiment but also those grounded in ‘folk knowledge’, with comparable but informal and undocumented trial-and-error antecedents, demonstrably no less reliable. This analogy supports the abductive inference that the scientist and the producer share a common cognitive status, in terms of their control over physical operations in defined contexts that achieve desired outcomes – albeit of contrasting specific natures. But significantly neither the repeated experiment nor the repeated productive activity has any unique attachment to a specific time, place or personality.

The second analogy is between the investigative activity of the individual scientist seeking to discover new knowledge within a specific physical context, applying personalised skills and creativity, and the general human propensity to explore their ordinary personal contexts and to express their identity in the discovery of new daily life. The prosecution of scientific discovery arguably resembles a wide class of human actions – everything except participation in routine productive activities (where novelty is deliberately not the main objective). The corresponding abductive inference is that the exploratory and originative nature of investigative science and much of ordinary life give them an attachment to time, place and personality, so that any instance is singular in character. Accordingly, all possess historicity and are describable within an historiography. In so far as their singularity precludes their repetition in any essential or fundamental sense, there cannot exist relevant experimentally acquired knowledge of them (i.e. ‘scientific’ knowledge in the above sense), or any theoretical model of discovery. Just as there is no general logic of scientific discovery, there is no

general logic of human action. Accordingly, there is no general logic of history or archaeology. Whether there can be reliable historical or archaeological explanation then turns on the possibility of securing reliable explanation of singular occurrences. This requires a different approach, divorced from the concept of regularity and the traditional view of causality influenced by Hume's notion of 'constant conjunction'.

The significant epistemological claim made in this chapter is that the paradigm explanation of a singular event is to be found in the modern judicial proceedings to establish culpability for a crime, in that the explanation of the singular and contingent archaeological or historical event that drives social change resembles the legal argument delivered during a trial, sharing both its strengths and limitations.

2.2 Three Facets of Singularity: 1. The Temporality of Self

Identity and the Timeliness of Action

Historians and archaeologists regard the dating of existing evidence (textual or artefactual) as a crucial step in imbuing it with meaning and significance, its precision admittedly limited by technology. Once 'fixed' in time, the evidence can then be placed within a chronology, relative to other specific instances of material evidence or to a universal calendar. However, the notion that a single date, albeit imprecisely known, can be simply 'attached' in a quasi-physical manner to evidence can marginalise the substantive timeliness of the specific human action that generated the evidence. Moreover, timeliness is only one facet of a wider relationship between time and human action that is integral both to the identity of the individual(s) concerned and to the constitution of social groups of which the individual is a member. Each specific individual can claim in some sense to remain 'the same' throughout the irregular temporal trajectory of their personal experience (the 're-identification problem' (Davis 2003: 12)) and to retain some autonomy despite social engagement (the 'individuation problem' (ibid.: 13)). These claims direct attention to the nature of consciousness, the subjectivity of which presents a challenge for scientific explanation. A plurality of views exists on the nature of the enduring self, extending from the intensely private, detached self-sufficiency of the Cartesian/Lockean conception, through the social construction of the individual initiated by Durkheim and Marx (Campbell, T. 1981: Chs 6, 7) to its postmodern dissolution as a protective fiction '... to veil the world's terrifying nature as ceaseless change and endless becoming' (Davis 2003: 8, citing Nietzsche). Personal identity is frequently though controversially grounded in individual memory, invoking the inseparability of time and self. Husserl's analysis of the human consciousness of time involves: '... the sharp distinction ... between [primary memory or retention] and memory in the usual sense, secondary memory or recollection ... [whose] functions in the life of consciousness are entirely different' (Carr 1991: 21). 'Present and past function together in the perception of time somewhat as do foreground and background or focus and horizon in spatial perception ... [thus] the temporal is experienced by us as a kind of "field" like the visual field: the present is its focus and the just-past

forms the background against which it stands out. Consciousness of the present always involves retention as the horizon-consciousness of the background.’ (ibid.: 21, 22, citing Husserl 1964). Because retention thus relates to the specific historical trajectory of individual perception and action, it constitutes a personal time-bound identity. As Campbell puts it ‘That thought – that through our actions we constitute who we are – is summarized by the word “historicity”’. (Campbell, R. 1992: 1). The action in the present, which yields the evidence interpreted by the historian or archaeologist, has timeliness through it being embedded in the historicity of the singular individual.

Time boundedness

Husserl also posited the forward-looking horizon of protention: according to Carr, ‘As [retention and protention] are understood by Husserl, without past and future there can be no present and no experience at all’ (Carr 1991: 29). This subjective construct of time contrasts with the abstraction of metric time (‘... a sequence of disjunct Nows ...’ (Barrett 1968: 356)) customarily confronted in the dating of evidence. It also arguably invokes the individual’s conception of an origin and a termination of time, linked to the recognition of the intrinsic mortality of individual existence, so that timeliness engages with the boundedness of time. The contemplation of birth necessarily connects the individual to parents and so to more distant ancestors and invites consideration of the personal meaning and significance (i.e. moral value) of the individual’s engagement in the continuity of life. The prospect of death raises questions about both the possibility and nature of an existence beyond death and of the self-evaluation of the personal life lived. ‘As ... suggested by Dilthey, it is in the face of death that the question of wholeness arises for the individual [according to Heidegger], not as an interesting intellectual problem but as an existential issue’ (Carr 1991: 81). A self-reflective perspective on these issues may support the perception of a non-material or spiritual dimension to human life, to constitute the basis for a religiosity that can pervade actions to differing degrees. Thus, it can be claimed, with Carr, that the individual ‘... faces a larger future [that] may involve both the individual’s destiny and that of his people and of the human race as a whole ...’ (Carr 2001: 159). It will be argued in a subsequent chapter that these issues can attain a special prominence and significance when the actions contemplated involve deliberately causing or experiencing death – a matter that occupies a focal place in the explanation of human conflict.

2.3 Three Facets of Singularity: 2. The Situatedness of Action

Historical situatedness

The historicity of the individual is generally not solipsistic but entangled contemporaneously with that of others. Some individual actions are collaboratively or collectively pursued and, while others may be conceived deliberately to frustrate those of other individuals (and thus may contribute to conflict), others are pursued in response to opportunities generated by others’ decisions or indeed to emulate them. The nexus of inter-acting, contemporaneous actions involves each being embedded in and

contributing to a historically situated and singular social context, defined in terms of a specific constellation of interconnected and timely actions. Actions taken are likely to yield unintended consequences. Any mutual inconsistency of interdependent actions is likely to frustrate the intentions underlying them, particularly actions undertaken in partial ignorance. In the limit the actions of others may completely foreclose the opportunity for the individual to act as intended. This has potentially significant implications for the interpretation of material evidence: ‘[If o]nly what is happening or has happened can be real ... [then] the intended but unrealized consequences of action seem to have no claim on reality at all ... [and we have] no way of distinguishing, among all the things that *didn't* happen, those that played a role in the agent’s framing and execution of the action. It is the agent’s point of view ... which this ... ignores. ... [A]ttention to what “might be” is the essence of the agent’s point of view in history.’ (Carr 2001: 159, 161; emphasis in original). Limited material evidence may be all that exists in the present, but it does not follow that an explanation based exclusively on the actions that created it will be adequate; arguably the adage that ‘the absence of evidence is not evidence of absence’ has a wider applicability than is generally reckoned. As Carr observes, ‘When something *happens*, it joins a very prestigious and utterly exclusive club, one from which all *might have beens* have been rigorously banished’ (ibid.: 162; emphasis in original). A later chapter will consider how ‘might-have-beens’ can be given a prominent role in the explanation of the singular event.

Spatial Situatedness

The physicality of the individual also ensures a locational anchor for existence, situating and contextualizing it within both a physical and a social landscape – the latter necessarily so, given that physicality is a shared human characteristic. The physical landscape supports sustainable human activities, bounded in a variety of respects by climate, topography, soils and ultimately in terms of potential biomass productivity and thus human carrying-capacity. It also influences human psychology, affecting the development of differing perspectives of identity in terms of ‘homeland’ and differing degrees of individual autonomy and social relatedness (Tilley 1994). General concepts of distance and proximity possess social relevance, particularly given their intersection with environmental diversity, influencing individual and social actions that fix at least for a time the locational distribution of human activities. The social landscape similarly provides bounded scope for human action. The bounds, however, are not physical but normative, although from the perspective of securing the long-term continuity and identity of the community they are not repressive. This value-based core of the concept of culture (in the widest sense) may be expressed in tradition, custom, authoritative determinations, rituals and other social dimensions of lifeways. These particularly concern marriage, birth and death, aesthetic aspects of life, but also have to do with conflict-resolution and the waging of war.

However, the key question is whether the physical and social embeddedness of the individual contests the claimed singular identity of the individual. The biological necessity of a relationship between the individual's actions and their physical context sufficient for survival has encouraged the emergence of the explanatory framework of ecological adaptationism within anthropological (and so archaeological) thought, within which to locate social change (cf. Binford's ecosystemic model of culture (Wylie 2002: 67-70)). Yet physical constraints are relative to a given technology and any choice of technology has necessary social dimensions, a further facet of the intersection between the physical and the social. Whether individuals' actions are effectively socially generated, or whether some individuals act to some degree independently of the society to which they belong, is a question that belongs in the territory claimed by sociology and anthropology. Durkheim conceived the 'individual' as '... an undifferentiated malleable indeterminate substance which social forces determine and transform ... [this forming] a residual category in which [Durkheim] places only what is left after he has taken away all that is contributed to human life by society' (Campbell, T. 1981: 147). Marx's earlier argument that the individual was a product of a capital-using mode of production gave an impetus to a range of approaches (including in history and archaeology) based on the centrality of economic relationships surrounding work and the social conflicts generated by patterns of access to and control over resources. A complex plurality of accounts of the relationship between society and the individual has emerged during the twentieth century, united loosely in terms of a commitment to the social determination of human consciousness: structural-functionalist anthropology, structuralism, symbolic anthropology, structuration theory, post-structuralism, agency theory, and actor-network theory. However, the earlier empirical claim that the social and physical embeddedness of a specific action contribute to its timeliness is of a different order to the claim that every action is an instance of a timeless general relationship, whether nomothetic or based on a Hegelian dialectical argument, concerning the determining power of the physical or social environment. A more serious problem of a reflexive nature concerning the nature of explanation infects the principle underlying the latter claim: if human consciousness is socially constructed then so too is the consciousness instrumental in forming the explanation of that social construction, introducing a fundamental relativism that precludes the justification of any specific approach.

2.4 Three Facets of Singularity: 3. The Origination of Change

From Fictional 'Act' to Experiential 'Event'

The notion of the 'experiential event' endeavours to accommodate the conscious temporality of each individual and the situatedness of their actions. It seeks to replace the typical analytical model of human action, with its abstract concept of the isolated 'act', that defies temporal and spatial reality. The replacement is necessary to aid understanding of the action-driven temporal change that forms the explanandum of historical explanation. The analytical model typically comprises a representative

isolated ‘act’ to be explained; a representative actor, defined as exercising a universal pre-commitment to respond in a specific way when presented with an appropriate incentive to act (thus ‘rational’); the hypothetical presentation of such an incentive, which, in combination with the preceding element, completes the explanans. The contextual elements from which its representative elements are isolated are consigned, unspecified, to an open *ceteris paribus* condition. In contrast, the experiential event is an intersection of the singular timely actions of specific individuals, with a temporal duration related to the continuation of their active engagement with one another and a spatial locus defined by the physical ‘reach’ of the individuals concerned; neither is capable of precise delimitation. It explicitly addresses the critical fact that the actions of each individual impinge experientially on those of others, sometimes through acknowledged interdependence, frequently in unanticipated ways that foreclose or create opportunities for other individuals, inviting subsequent responses and counter-responses. The prospect of unintended consequences of actions due to their mutual engagement make it implausible to assume that the intersection could involve an actual general realisation of the (shifting) intentions of the individuals concerned. Accordingly, this intersection is not a ‘natural’ entity. It is primarily a singular construct formed in the minds of observers (not necessarily participants) and is thereby a subjective entity, but substantive in so far as its temporal and spatial boundaries and distinguishing features are specifiable by the observer(s). Different observers may conceive the boundaries and features of the event in significantly different ways. Thus, the assemblage of documentary or other material evidence available to history or archaeology necessarily presents a specific challenge in terms of interpretation – not just in respect of how, when and where the evidence was physically produced, but of what plausible event(s) it constitutes evidence and in respect of which it offers some potential of contributing to an explanation. An additional layer of complexity arises from endeavouring to delineate a ‘historical whole’ created in turn by the composition of events, to be discussed in more detail in Section 2.7 below.

Change: creation and destruction

The experiential event can be considered the embodiment of change, disturbing the relationships among participants and occasioning revisions of purposes and intentions. From that perspective change is a process of ‘morphogenesis’ to borrow Archer’s term (to be considered at length in Chapter 3 (Archer 1995)), which conveys the element of creativity that can be involved. But it is evident, however, that an event can also bring destruction, when conflict becomes the driving force. Indeed, events generally involve ambiguous outcomes, a process categorised by Schumpeter (in an economic context) as ‘creative destruction’ (Schumpeter 1943: 83). However, it is significant that the change embodied in events is of endogenous origin, driven by human propensities to wonder and to create, analogous to the scientist’s experimental investigation.

In contrast, analytical models typically represent change as an exogenous shock to a system in a state of stasis, due to their deployment of deductive explanatory schemes. For example, the elaborate

structure of neoclassical economic thought, influential also within political and social theory, generalises from the ‘act’ of an entirely autonomous representative ‘choosing agent’, programmed to take opportunities for private gain, to an imagined analytical system of many such agents, driven towards a state of stasis, where all conceivable and attainable desired private gains have been extracted from the environment; once there, no further action is predicated. Stasis does not require individual autonomy: ‘*Social systems form specific kinds of persons*, arrange them in social relations and provide them with the options and resources to act. This “structural power” ... creates people; our desires, responses and strategies derive from a particular historical cultural order which as natives we never see in totality’ (Robb 2010: 498; emphasis added). Giddens’s structuration approach, with its dialectical relationship between structure and action, or Bourdieu’s concept of habitus, view individuals’ actions, in aggregate, as effecting and being affected by the reproduction of the social entity, in relation to which the token individual may be an integral and contributory constituent, but is incapable of autonomous existence (ibid.: 495). In this context, the system-wide stasis involves the reproduction of the social system, hierarchically and unequally structured by the pursuit of power. In the timeless neoclassical scheme, there is no explicit role for intention; in the structural scheme, it is equated with the will to act, although it ‘... cannot result in action until [it is] localized within recognized rule-bound genres of behaviour’ (ibid.: 498). The neoclassical approach in economics and the ecological adaptationist approach in anthropology also share a resemblance in that both conceive the possibility of a general state of stasis as a balance struck between human optimising behaviour and given resource constraints. Accordingly, both attribute change primarily to ‘external shocks’, projecting a fundamentally reactive (‘adaptive’) image of humanity. A change of tastes or technology may disturb the analytical economic system temporarily, the necessary readjustments restoring stasis. However, endorsing the endogeneity of change does not mean denying that external shocks do occur, as Parker documents in respect of the seventeenth century (Parker 2013).

The progressiveness of qualitative change

It is not contradictory to assert both that there is no ‘law’ covering change and that some change is endogenous. The singularity of originative change, involving a discontinuity in respect of conventional understanding and practices, implies contingency, not necessity. Viewing change as an ‘uncaused cause’ denies its dependence on any ‘constant conjunction’ conception of causality, while alluding to its subsequent impact in its own context, but does not mean there are no ‘reasons’ for the change. But that there are ‘reasons for’ does not mean that there are no ‘reasons against’. Both the origin of change, and the opposition to it, are to be found in human practice. Its origin could lie in continuing reflection on the effectiveness of repetitively pursued activities, which may lead to questioning focused on puzzling problems, prompting in turn the exploration of diverse solutions, leading to emergent innovation. Other individuals might seek to hinder it or to copy it, once its effectiveness is established – as in the case of diffusion of a new technology or cultural practice where

first adopters are followed, after some time, by less innovative and more conservative members of the community, ultimately in a rush to emulate. The intensity of opposition to change is unpredictable, but plausibly dependent on the ubiquity of the problem the change addresses, the demonstrated effectiveness of the practice promoted and the extent of the perceived threat posed to vested interests. But, equally, awareness of the social value of perpetuation of existing practices might exclude contemplation of innovation. However, critical assessment of current practices need not be confined to physical processes; it can equally be turned on social structures and processes. Yet opposition is liable to be greater in respect of what is considered as peculiarly a common asset or practice, rather than an individual activity. Social or constitutional change is conceivably more difficult to effect than changes in private production systems – a difference which has a significant bearing on the emergence and perpetuation of conflict, discussed in Chapters 4 and 5.

The relation between becoming and being

The adoption of the dialectical method in philosophy was necessary, according to Hegel, because of the historicity of the truths with which it was concerned: ‘... they are what they are because of the way they have come about’ (Campbell, R. 1992: 15, 16). And they have come about through the resolution of a tension inherent in the development of knowledge of the world and of the self: between logic driven by reason, which demands unambiguous concepts, clearly distinguishing what they represent from what they do not, and reality which proves to be more elusive and yields contradictory or ambiguous meanings, forcing a reconsideration of what was thought to be known – but, as has been noted already, without any assurance that what comes to be known is closer to reality. However, notwithstanding the incompleteness of any reasoned justification of past action, and an anticipated future which is at best a figment of the present imagination, the circumstances of the present oblige action to be taken that propels the individual – and thus its society – along a trajectory that is neither determinate nor random, but contingent. The trajectory can only be viewed in retrospect – never in prospect – as a temporal succession of events, although their separate delineation is a matter of judgement in which abductive inference plays a critical part. This temporal succession may leave its own material objects, ‘beings’ that retrospectively tempt conclusive explanation when at best they are the physical adjuncts of ‘becomings’ that will necessarily elude such accounts.

2.5 Singular Explanation

The Inapplicability of General Explanations of Human Action

Singular events generated by human action do not yield to generalised deductive explanations. First, being timeless, deductive explanations cannot address the timeliness of the action, an essential part of the explanandum. Second, a generalised explanation, by definition, discards as irrelevant ‘noise’ other specific facts defining the singularity of the event. Third, a confrontation between a general theory and a specific instance is not intended to explain the instance, but, viewed as a prediction of the

theory, to reinforce ('test') the theory. Fourth, if deductive inference were exclusively definitive, then major premises that drive explanatory schemes should themselves be deductive conclusions from some independent reasoning. This requirement leads into a regression to whatever is deemed to be the axiomatic foundation – a problem with which Descartes struggled. In the case of a physical relationship the required foundation would be the fundamental constituents of matter. However, it is materials in the mass and in extension that are of practical relevance to life, properties that cannot be deduced from knowledge of only the fundamental laws of physics but require to be empirically established.

The main problem, however, is that the objective of deductive explanation differs conceptually from that of historical explanation. Consider the unexpected collapse of a castle wall under bombardment. A deductive explanation requires that this be an instantiation of a class of occurrences, the basis for a general law. The collapse could be viewed as a member of a class formed by repetitions of the same conjunctions of circumstances, the repetition (the regularity, not the instance) itself forming the explanandum and an appropriate specific law being found to complete the deductive account. Thus, this kind of structure in these kinds of circumstances always collapses, as a matter of necessity. But the envisaged repetition is a fiction. Alternatively, it could be regarded as an instantiation of a much wider class (to capture real cases) to be covered by a more fundamental law – all 'falling things' and the 'law' of universal gravitation. But in so far as the structure in question was built in the knowledge, however basic, of the operation of relevant natural 'laws' (including the 'law' of gravity), the sufficient explanation of its subsequent collapse in accordance with them must hinge on the failure, in this specific case, of provisions intended to prevent their operation. An inadequacy of understanding of loadings and stresses or of artillery firepower and ballistics, or a deficiency in the execution of the construction – in short, a singular shortcoming of human action – seems the more plausible and apparently sufficient account of the frustration of the original human intention. The general objective is not to explain how the structure collapsed, but rather why its collapse was not avoided, that avoidance being implicit in the intention to build a sound structure. There is a 'might-have-been' to be explored.

Forensic enquiry and evidence

The key presumption introduced at this point is that a constructive analogy can be drawn between explanation of a singular event and judgement of culpability in law. To commit a crime raises questions of responsibility and culpability (to be discussed further in Chapter 3). A criminal act is intrinsically singular, specific to a time and place, and to a set of participants, prior circumstances, and outcomes(s). The event is non-reproducible in principle, so experimentation is not a route to its explanation. The nature of the enquiry, in terms of its scope, formality and thoroughness, as well as the weight attached to its findings, is likely to reflect the seriousness of the crime; a trial by jury is

presumed here. While the defining objective of a trial is to dispense justice, at the heart of the proceedings is a concerted attempt to explain the event, necessary to identify responsibility and attribute individual culpability (either in terms of commission or omission) and to establish the weight of any extenuating circumstances. This requires the reconstruction, in the minds of those charged with judgement, of the event in terms of the actions of all the individuals involved.

Laws of evidence

The analogy is instructive in several respects. The first concerns the delimitation of the event. A preliminary objective of judicial proceedings is to assemble relevant evidence: testimony (oral and documentary) from nominated witnesses, defendant and plaintiff, and material exhibits. The evidence is employed in the first instance as the basis of a ‘proof’ of the ‘facts’ of the case – the relevant singular observational statements – to establish a reliable base for inferences as to aspects of the consciousness of relevant persons, the presumed ground of the specific human actions in question, ultimately to attribute culpability in terms of the applicable laws. But it is also essential to uphold laws governing the admissibility of evidence – to distinguish between ‘relevant’ and ‘irrelevant’ evidence, thereby defining the boundary of the event. It is believed that an impartial judgement of culpability may be compromised if evidence from a previous incident or hearsay evidence pertaining to an individual’s actual past or putative culpability (or ‘character’) is not ruled inadmissible. The general presumption that a judgement cannot be trusted to be independent of ‘irrelevant’ possibilities reflects the kind of judgement required: drawing abductive inferences regarding intentions, motives, purposes, beliefs and other aspects of the consciousnesses of the individual(s) concerned. However, the alleged crime is a substantive act and the state of mind of the accused (or of a victim) is only relevant in respect of that act. But the human capacity to draw these inferences does not by itself recognise the necessary distinction between ‘relevant’ and ‘irrelevant’ evidence, so it has to be imposed. The issue is markedly different in a bench or summary trial, in contrast to a trial by jury, where a single judge is responsible for both determining the admissibility of evidence and the substantive judgement in the case. Damaška makes the point that ‘[w]here the individual deciding on the admissibility of evidence is also the ultimate decision-maker, it is unrealistic to expect him to sponge from his mind the imprint of persuasive information he acquired in deciding the admissibility issue.’ (Damaška 2006: 262). In the historical or archaeological context, the researcher is similarly unhindered by exclusionary rules and free to select the evidence, and thus the definition of the ‘event’, as well as to ascribe motives to the agents concerned.

The purpose of evidence

A second instructive insight concerns the purpose driving the compilation of evidence. A priority in a judicial context is avoidance of a miscarriage of justice. The ‘proof’ of the facts of the case must be conducted in as rigorous a manner as possible, even if the evidence led will support no more than a

plausible conclusion. But the procedure is intended to deliver first and foremost a legal adjudication, and ‘...the best method of achieving fact-finding accuracy is not always identical with the best method for reaching legally appropriate outcomes’ (Damaška 2003: 117). The adjudicative purpose is served by evidence which possesses probative force and not just epistemic significance; accordingly, this narrowed focus of fact-finding is on ‘... discrete conduct, or sequences of events, with the view of deciding conflicts over rights.’ (ibid.: 127). The core of the procedure is the examination of witnesses (and their cross-examination in the adversarial setting of trial by jury), where oral testimony relating to previous experience is offered and challenged under (nowadays) only the duress from the threat of a charge of perjury. The testimony of expert witnesses inevitably introduces a distinct and explicitly epistemic perspective, but only in respect of physical elements of the event that fall within the purview of science. In historical and archaeological explanation, the judicial priority of culpability may be of no relevance, yet its objective is nonetheless to establish ‘probative force’ in respect of responsibility for the human actions that constitute the experiential event, not merely seeking ‘epistemic significance’.

Incompleteness and incoherence of evidence

A third insight concerns the quality of evidence. The objective of reconstructing the event in court in a manner which yields a justifiable attribution of culpability, is elusive. The primary problem is that the testimony of different witnesses reveals that recollections of the event are both dependent on individual perspectives (personal; social; differing perceptual capabilities) and incomplete. At best the reconstruction itself may be fragmentary and lacking acuity. The secondary problem is that the testimony is largely in the form of responses to interrogation by counsel, the provision of answers to specific questions. The choice of question, in form and substance, influences the reconstruction of the event in both the weak sense – incidentally stimulating or pursuing the recreation of some aspects while ignoring others – and in the strong sense, particularly in an adversarial context – deliberately stressing those selected aspects which will contribute most to the case counsel wishes to make, whether for the prosecution or defence. Moreover, in that context subsequent cross-examination, intended to undermine or at least reduce the probative weight of the testimony, can contribute a degree of incoherence to the reconstruction of the event. The confusion of seemingly inconsistent testimony presents a challenge to the jury. It is left to its members’ eventual discourse, guided by the judge’s summing up or subject to the judge’s direction, to establish a sufficient coherence to support a consensus (or majority opinion, as appropriate) in respect of a determination of guilt or innocence. Indeed, it is this pressing need to arrive at a judgement, even based on a potentially deficient reconstruction of the event, which clearly differentiates this procedure from one with a primarily epistemic objective. According to Haack, ‘As Peirce says, the idea of science is to keep working at a question ... until the truth is reached. ... [while] preparedness to revise even the most entrenched claim in the face of unfavorable evidence is essential to the scientific enterprise... In the law, however,

a judgment must be reached – a “quick, final and binding judgment” in Justice Blackmun’s words – however weak or defective the available evidence may be.’ (Haack 2003: 207-8, citing *Daubert v Merrell Dow Pharm. Inc.*, 509 US 596-7, 113 S Ct. at 2798). It might be thought that this must undermine the claim that the judicial procedure could be the paradigmatic form of explanation of a singular event. However, first, there is no independent standard of consistency and coherence of evidence outside of laboratory experimentation, which is inapplicable to the explanation of human action. Second, it is implicit that human recollection of past lived experience is not a warrantable observational record, but is unaccountably selective and necessarily vulnerable to doubt and error, not to mention deliberate distortion or falsification and liable to change under the influence of subsequent reflection. In historical and archaeological explanation, available evidence will be even less consistent and coherent, given the absence of living testimony.

2.6 The Quality of Argument

The pursuit of explanation of a singular event requires a persuasive argument to be constructed from available evidential statements, but its persuasiveness cannot rest on deductive closure. From a different perspective, an explanatory argument is a linguistic structure, which must meet not only syntactical standards but also criteria of meaningfulness. The argument must be congruent, clearly corresponding to the circumstances adduced and with its parts in agreement with each other. It must be consistent and not self-contradictory. It must possess coherence, its strands holding together in a way which leads to a final plausible narrative and conclusion. It must be sufficiently complete or comprehensive, not revealing material factual gaps or lacking answers to obvious questions. Finally, the argument must display connectedness, in that its elements must be linked to or entangled with each other in such a way as to leave no obvious loose ends. However, in a judicial context, a plea of innocence against a charge of guilt is tested through an adversarial presentation of two meaningful but contrary advocacies based on the same uncontested evidence. The jury is apparently asked to judge which advocacy is ‘true’, notwithstanding the problematic nature of truth, noted in Chapter 1. But there is no standard measure of ‘proximity to truth’ with which to compare the truthfulness of the two advocacies. While the probability of truth seems useful, the classical concept of probability as a measure is relative frequency, but it is derived from the repeatability of an event and so must be inapplicable in this context. ‘Subjective’ probability tackles how to render an essentially qualitative judgement in quantitative terms. However, indices of this kind merely signify how convincing, persuasive or plausible an argument has already been found, yet lack any criteria for those judgements. But it is important to consider how the one body of uncontested evidence could support two conflicting and equally sound arguments.

Rhetoric and the Imagination

The possibility of the coexistence of differing advocacies arises from the necessity to infer meaning and significance from witness statements. This is primarily due to the presumed relevance of their states of mind to an understanding of their actions and secondarily due to an appreciation that ‘witnessing’ is not the ‘observing’ of scientific experimentation and so what was reported as seen or heard may not have been accurate. Thus, ampliative inference can yield different interpretations of the one event. But that the advocacies should not just differ but be contradictory is a substantive matter, independent of the fact that the judicial process, with its antithesis between guilt and innocence, requires it. The starting-point is the claim that the best explanation of a contingent event is one that gives reasons why a plausible alternative event did not happen. Thus, the counsel for the defence may advance good reasons why the action that would have unambiguously established the accused’s guilt did not happen; accordingly, the accused is innocent. And conversely in the case of the counsel for the prosecution. The jury must decide. However, these abductive inferences, by their nature, are merely plausible in the light of the uncontested evidence. So, they are empowered not by the evidence but by the rhetoric of the respective arguments to appeal to the empathetic element in jurors’ consciousness. This rhetoric provides the matrix into which the tesserae of the evidence are set, to form in the mind’s eye potentially convincing mosaics. The final stage, in a trial by jury, involves a discourse in which its members participate to form a collective adjudication. To the extent that this involves significant engagement of its members regarding the final judgement, various argumentative forms are used to give primacy to one or the other judgement (or, indeed, to conclude that neither case amounts to ‘proof’, as in the verdict of ‘not proven’, under Scots law). No form of argument at that stage can create or destroy evidence, but the perspectives which individual members had adopted in response to the advocacies heard can be altered, again through the deployment of rhetoric, this time by individual jurors in promoting their personal interpretations of the opposed arguments. Thus the singular and contingent event is explained in terms which are persuasive and plausible, relative to the perspective adopted by the spectator.

2.7 Historical and archaeological explanation

Singular explanation and the past

The explanation of the temporal succession of human events must contend with their related singularity and contingency. It has been suggested in that regard that a useful analogy can be drawn between the distinctive form of explanation employed in the judicial process and that in history (taken to embrace archaeology). Consideration is now given to one insight this analogy provides: in the judicial process the explanation of the relevant incident – an historical event itself – is a necessary means to its end but while the presentation or narration of evidence is necessary, it is insufficient. The

distinction between narration and explanation requires to be considered. Both involve a composition of particulars of evidence, acquired purposefully through the use of ampliative inference. But it is in explanation that the singularity and contingency of the event are tackled.

However, the applicability of the judicial approach to the historical context depends on its substance being unaffected by dispensing with three of its features: first, the testimony of living and interrogable witnesses, instead depending exclusively on documentary and artefactual evidence left by the dead; second, its specific instrumental value orientation, the determination of culpability, instead adopting an epistemic purpose; third, its prominent adversarial framework, instead operating within an academic structure.

Narrative: Viewing the Past from the Present

In the judicial context, witnesses provide the direct bridge between past action and jurors' current awareness and understanding of it, via their freely given testimony (albeit under oath), subject only to their unreliability or willingness to commit perjury. Living testimony also contextualizes material exhibits, without which these could remain of purely circumstantial significance. Testimony bridges from the past to the present. However, where the passage of time has extinguished all living testimony and the possibility of its cross-examination, it falls to the historian and/or the archaeologist to perform that bridging function using their respective categories of evidence. This appears to give them significant freedom to choose both the explanandum, defining the scope and content of the 'event', and its explanans, creating the possibility that the past is represented to make it fit a prior explanation, rather than the reverse – with some resemblance to the previously mentioned problem of a single judge in a bench trial both deciding which evidence to admit and making the final judgement. In so far as the work of the historian or archaeologist is subjected to peer review and public scrutiny, then abuse of that freedom is expected to be detected. However, a substantive matter common to the judicial and historical contexts, is the necessity for counsel or researcher to make a prior choice of perspective to frame the narrative of the event, a step which significantly influences the nature of the explanation which is offered. This aspect is considered in the introductory section of Part Two. In the meantime, the distinction between narrative and explanation is considered further.

The incidental and limited nature of evidence

The evidence available to a court of law, in both quantity and quality, is generally the outcome of a deliberate process initiated because a potential crime has been reported. In contrast, the evidence available to the historian or archaeologist is entirely incidental, both in the sense of existing largely independently of the pursuit of explanation and in so far as knowledge of the occurrence of the event was incidental to the discovery of the evidence. However, archive search and archaeological prospecting can contribute purposefully to the discovery of evidence. Furthermore, in a court of law witness testimony takes the form of answers to (in the main) premeditated questions intended to span

the totality of the alleged crime, open to challenge under cross-examination. In contrast, historical documentary evidence of a textual nature may be construed as answers to unknown questions, with no indication as to how complete or truthful (and if not, how intentionally deceitful) these unchallengeable answers might be. In so far as the objective is to explain an experiential event, a specific category of evidence might be sought, focusing expressly on change over time and its initiation by human action. But there is no guarantee that it will be found. In general, recovered evidence need not seem germane to the event as presently conceived, nor complete in any sense. An important difference seems to exist between physical (non-documentary) objects collected from the scene of a crime specifically for use as material exhibits during legal proceedings, and archaeological artefacts – particularly those of a prehistoric age. The former objects are complementary to witness testimony; the latter constitute the only available evidence. Thus, in court the exhibit of a weapon may support an oral account of physical assault, whereas the excavation of an anthropogenic object initiates a series of questions about its nature, purpose and actual use – which it cannot of itself answer; any resemblance to a weapon is an ampliative inference, not part of its physical description.

Material Evidence of Events

For the ‘temporal succession of human action’ to be unpacked into a sequence of singular ‘events’, these have to be identifiable in the archaeological record, particularly in the prehistoric period when no dated historical documents exist to identify specific occurrences. The basic premise underpinning interpretation of the archaeological record is the analogical inference that the succession of deposits of the residues of human activity resembles the succession of geological deposits, justifying ‘principles’ or ‘laws’ of archaeological stratification (disregarding geological processes that can invert layers of deposits). Later deposits are unequivocally positioned above earlier deposits (the Law of Superposition and the Law of Stratigraphical Succession – if these are indeed different (Harris 1989: 34)). A material chronology can be assembled on that basis, even without more elaborate dating techniques.

The consequent question is whether or not changes that denote the ‘events’ of temporal succession are revealed by the relationship between identified contexts and their respective artefactual content identifiable in the stratigraphy. If a hypothesised event is presumed to have involved an abrupt discontinuity, then the presence of substantive layers (the analogue of geological strata), the evident intercutting of earlier contexts by later contexts and marked contrasts in the nature of indigenous domestic artefacts, could plausibly indicate the occurrence of a change that would denote an event. Thus, the establishment or the destruction of a settlement; an apparently sudden change in building style; the replacement of one ceramic assemblage by another; an alteration in funerary practices; or evidence of violent conflict would suggest the occurrence of experiential events in the sense used here.

But the absence of evident discontinuity is more problematic. The material evidence of the ‘lifeway’ of a specific community reproducing itself uninterruptedly over time is likely to display gradual change. It will plausibly reflect development and elaboration of the knowledge of physical production processes and construction techniques, spanning design capability and dexterity, familiarity with the properties of the relevant materials and, by implication, with the sources of raw materials of the appropriate qualities. Intra-site comparisons may support interpretations of emerging specialisations and changing social organisation. It is also plausible to suppose that, first, development was made possible by learning through trial and error – that is, investigative experimentation – over time, involving a succession of cognitive abilities; second, the priority of this investigation was immediately practical, seeking more precise control in terms of consistency of results, greater effectiveness in terms of the utility of the end product, economies of effort or material content or the better expression of aesthetic values. However, it is entirely possible that the improved knowledge and technical ability originated elsewhere. This invokes the processes of migration (of individuals) and/or diffusion (of ideas). These previously played a central role in the culture-historical approach to archaeological analysis. Its problematic association with ethnicity and the emerging dominance of later generalising methodologies, particularly anthropological, within archaeology led to its eclipse. But singular events do not call for generalised explanations. It is conceivable that the recent resurgence of interest in the historical approach will refocus attention on change (Arkush 2011).

3.2 Narrative Construction: The Biography of Action

In the present argument, the narrative account (or simply ‘stories’) created from the evidence from documentary or artefactual sources – inferential reconstructions of the temporal succession – takes the place of the ‘proof’ of evidence within the judicial context. It is a preliminary to forming the explanatory advocacies. This distinction is not always maintained in debate about the narrative conception of history. Carr notes the advocacy of the narrative approach in the 1960s and early 1970s by such as Gallie, Morton White, Danto, Hexter and Mink, defended by Ricoeur in the 1980s (Carr 1991: 7, 8); Carr’s own particular endorsement rests on his conviction that humans ‘... have a connection to the historical past, as ordinary persons ...’ and thus narrative ‘... arises out of and is prefigured in certain features of [human] life, action and communication ... [Narratives] are not distortions of, denials of, or escapes from reality, but extensions and configurations of [life’s] primary features’ (ibid.: 2-3, 16). But subsequent debate into the 1990s revealed concerns (Day 2008: Chapter 10). The intrinsic subjectivity (on the part of object, subject or both) of narrative entertained the possibility that ‘... different historians [would give] quite different narrative accounts of ostensibly the same past happenings ...’ (ibid.: 132, citing Mink 1966). So, there could be no definite cognitive or epistemic value – that is, explanatory role – in a given narrative: any one ‘story’ might have been ‘... imposed ... by the exigencies of story-telling [and so need not offer] different parts of a

comprehensive truth about a single human past' (ibid., emphasis in original). Moreover, the literary form of a narrative, with its typical insistence on a beginning, middle and end, might conceivably impose a non-existent congruency, and coherence, even a direction, on a past better represented as unavoidably chaotic, due to the interaction of independently pursued and mutually inconsistent human actions. This 'distortion' of the facts could be compounded by the necessary deployment within the narrative of the author's chosen forms of expression and figures of speech, giving it a rhetorical thrust. Hence Hayden White's critical view, influenced by Barthes and Foucault, that narrative '... far from being a cognitive instrument, is an instrument of moral and political persuasion, and represents its subject matter accordingly' (Dray 1989: 133). Nonetheless, human actions are always constrained or alternatively given scope by the real legacy of past actions, so an experiential ground does exist for a temporal connectedness that could be rendered in narrative form. But much more fundamentally, as Carr claims, '... the narrative explanation [sic] is satisfying precisely because it never strays from ordinary discourse' (Carr 2008: 21), this appeal not resting on literary form but on its consonance with a basic human dimension: '... it seems to me obvious that we have a connection to the historical past, as ordinary persons, prior to and independently of adopting the historical-cognitive interest' (Carr 1991: 3). This awareness of the past ultimately derives from the intrinsic self-conscious temporality of human experience: so '... the key to [the overall temporal structure of experience] is its narrative structure ... demonstrating the inaccuracy of the claim that at some fundamental human level events are "merely" sequential in their temporality' (ibid.: 44). And again: 'Life can be regarded as a constant *effort*, even a struggle, to maintain or restore narrative coherence in the face of an ever-threatening, impending chaos at all levels, from the smallest project to the overall "coherence of life" spoken of by Dilthey' (ibid.: 91, emphasis in original), where 'life' is seen as having an intrinsic social, especially familial, dimension and therefore continuity beyond the individual. This perspective has an important bearing on the subsequent discussion of the role of conflict. Yet while narrative in general gains plausibility from the human sense of temporality, it does not alter the fundamental hypothetical status of a given 'story', as abductive inference from the physicality of the historical or archaeological record. Nonetheless, it is argued here that the connectedness conveyed by presenting evidence as a historical narrative is a necessary but not sufficient step towards offering an explanatory account of an event.

'Chapters' in the Narrative?

Dray represented Walsh's concept of 'colligation' as the '...placing of events in their contexts by tracing a myriad of connections between them and other events with a view to discovering and characterizing *the larger historical wholes which they jointly compose*' (Dray 1989: 38; emphasis added). This notion that 'larger historical wholes' may be identified, composed from singular events, has an enduring currency in both archaeology and history, frequently set within a stadial framework that may also be given a narrative connectedness. Hesiod's eighth-century BC mythical creation-

account involving the moral degeneration of humanity through ages of gold, silver, bronze, heroes and iron (March 2008: 126, 127) may have been the first, although lacking explicit archaeological inspiration. Lucretius offered a first-century BC tool-inspired but un-researched temporal sequence of stone, bronze and iron. On this the early nineteenth-century Dane Thomsen constructed his systematic, artefact-supported hypothesised scheme (Trigger 1989: 60, 75). The subsequent finer-grained subdivision of the Stone Age, the insertion of the Chalcolithic and ‘settled agriculture’ offer prominent examples of ‘historical wholes’ that provide a framework for classifying archaeological remains. History provides examples in the form of the Middle Ages, the Renaissance, the Reformation, the Enlightenment and the Industrial Revolution: relatively isolated yet frequently deployed ‘wholes’ differentiated by their religious, intellectual, aesthetic or scientific features, with distinct material cultures as well. However, for the concept of the ‘whole’ to have explanatory relevance it must have a reality beyond either a literary figure adopted purely for rhetorical effect (‘scientific revolution’) or a heuristic or didactic device (the ‘Dark Ages’). It could be argued that, as the ‘experiential event’ cannot exist in isolation from a wider human context, this may plausibly be the locus of other events with which, given their timeliness, some synergy is established, such that their composition can be experienced as a substantive ‘event’ in its own right. The accompanying change of perspective prompted by this discontinuity may stimulate or provoke further events, giving momentum to an emerging transformation in some general dimension of life and thus driving the transition from one ‘whole’ to another. The source of the synergy may be a change of material relations, such as a physical innovation, or a change of mental perspectives. The latter concerns subjective innovation, with intellectual, religious, political and social dimensions affecting aspirations, apprehensions and values. Subjective innovations could be either voluntarist or involuntarist. The former spans both the Gestalt-shift type of change in perspective (important later in the argument) and the response to convincing argument or demonstration; the latter spans the imposition of alien mores and beliefs and the unreflective response to authoritative views. Given these are intrinsically subjective, they are paradoxically both more and less easily achieved. Mental perspectives relate with the nature of personal belief and the extent of freedom to believe permitted within the prevailing social, political and legal context – summed up in the ‘Spirit of the Age’. Free to change at will (though whose will is an issue), equally they can be retained determinedly against opposition. A change of mental perspectives could be sufficiently rapid and pervasive to provide a plausible foundation for a new ‘historical whole’, but by its nature its permanence is not guaranteed. On the other hand, the irreversible knowledge base of technological change offers permanence, yet its particular deployment is subordinate to the mental perspective. Bobbit illustrates how the particular composition of the material and the subjective expressed in military conflict contributed to the successive war-delimited epochs – or ‘historical wholes’ – which characterise the post-sixteenth-century development of the state (Bobbit 2002). Bobbitt’s approach also offers a convincing narrative connectedness that will be considered later, in Chapters 4 and 5.

The Direction of the Narrative

In addition to the properties of a sound argument, narrative possesses a defining temporal dimension. However, it is frequently also given a quasi-spatial dimension, a ‘directionality’, such that ‘later’ somehow signifies ‘nearer’ to something other than merely a date in the future. But temporal succession does not in itself imply directionality, even coupled with connectedness. The claim that the differences that the narrative records ‘lead somewhere’ is an analytical addition to the argument – whether from merely presenting the narrative in a literary form that requires the story to have an ‘ending’ or from embedding in the narrative some relation that pervades its connectedness, constraining the consequences of action in a steadily accumulative way to ‘arrive’ at an outcome whose difference from the past has a special significance or ‘finality’. Current actions do have lasting consequences, which constrain future actions, thereby influencing the temporal trajectory; and its endpoint may well be unique. But attributing direction to narrative is to import an explanatory element into a descriptive construct, something the present argument seeks to avoid. The importation has the potential to generate several problems. The most familiar problem, a perennial risk of the ‘backward’ formation of narrative, is ‘presentism’, attributing influence to anachronistic elements derived from the benefit of hindsight (Gorman 2007: 3; Spoerhase 2008: 49). More generally, an underlying commitment to a general deterministic principle governing action may give an apparent directional orientation to a narrative. The assumption that humans act purposefully (teleological in a weak sense) might warrant the ‘ending’ of the narrative as also having been purposed (teleological in a stronger sense); organising the changes to be recounted by the narrative within an evolutionary framework could introduce a convincing coherence that endorses the apparent direction; some external and ineluctable purpose – which some (but not all) theologies would attribute to God as providence – may be assumed to underpin each and every narrative in all their detail. None of these supposed explanations can be excised on empirical grounds. Moreover, the common-sense notion of purpose is quite consistent with the outcomes of actions being generally not in accordance with intentions; environmental constraints are not insuperable to human purpose; the existence of differences in belief in non-human purpose implies some details are not determinate, while different actions are driven by different beliefs. A separate and serious issue concerning the formation of a narrative is raised by Husserl’s analysis of the human consciousness of time, in which the relation between past (retention, the backward-looking horizon), present, and future (protention, the forward-looking horizon) is such that when surprised by unintended consequences, ‘...the past is changed. That is, earlier, now-retained phases have become parts of a different whole and thus change their significance for us altogether’ (Carr 1991: 29). This carries the troublesome implication that earlier-dated documents may be rendered redundant, relating to a purpose overtaken by circumstances rather than to what actually transpired. A narrative incorporating them could fail to capture this subjective re-assessment and transformation of past, present and future. While there is nothing inherent in narrative that precludes it being entirely descriptive in nature, it need not be complete or faultless.

Chapter 3 Explanation and Human Agency

Preamble

The previous chapters have implicitly distinguished between, on the one hand, ‘knowing how’ – knowledge that is atemporal, independent of place and agents’ personal identities, and summarily expressible with the help of natural ‘laws’ as ‘scientific’ – and on the other, ‘knowing why’ – knowledge that is historiographical, ‘timely’ in the broad sense of being attached to specific dates, places and persons. This latter knowledge of singular events that engage human action has no claim to general validity and presents a challenge to the search for an authoritative explanation as to why one singular state of human affairs was succeeded in time by another, discernibly different. Historical and archaeological explanation fall into this ‘non-scientific’ category and complicate the challenge. The human actions to be explained were originated by the dead and are beyond direct observation; they must be inferred from available sources, documentary or artefactual.

But this distinction is contingent on assumed human capacities to act as a detached observer of the non-human world and as an independently reflective agent in respect of human affairs. It is vulnerable to the possibilities either that all human action could itself be reduced to some common account warranting the label ‘scientific’ or that individual human capacities are the product of social engagement. Human consciousness is central to both these cognitively differentiated categories of action. Consciousness may be amenable to scientific explanation or it may be a social construct.

3.1 The human mind and will

Consciousness and understanding

The foregoing requires consideration of the reality of thinking minds, as well as the validity of a first-person perspective from which to initiate an adequate explanation of human action. The focus falls on human experience and consciousness. But ‘experience’ is ‘... one of the most obscure [terms] that we have’ (Gadamer 1975: 316, cited by Jay 2005: 2), while ‘consciousness’ ‘... poses the most baffling problems in the science of the mind ... There is nothing that is harder to explain’ (Chalmers 1995: 200, cited by Robinson 2008: 211n1).

The problems posed by neuroscience and cognitive science

The argument so far has its vulnerabilities. The intuition that a mental disposition is the driving force behind human action, including the search for and discovery of knowledge, does not command universal assent: ‘... the causal power of the mental is at once pervasively

presupposed in our common-sense thinking and widely disputed among philosophers' (Audi 1993: 53, cited in Robinson 2008: 78). The problem with consciousness is its non-physicality, beyond the ambit of the physical senses. "Consciousness" is a problem ... to the extent that there is widespread agreement that reality is exhaustively constituted by physicality' (Robinson 2008: 15) and, specifically, '[it is its] phenomenological manifestation ... that is problematic' (ibid.: 24). Descartes advocated a stark duality between mind and body as a common-sense counter to scepticism generated by doubt about human perceptions of the physical world. Yet the first-person introspective dimension of consciousness of experience could yield personal knowledge of 'unmatched clarity and distinctness', in respect of which the individual 'has the last word' (ibid.: 66, 18). But even more philosophically problematic than the achievement of certainty through subjective introspection, rather than via reason alone, was the prospect of two-directional interdependence between the mental and the physical. Thus, mental events could originate bodily actions and bodily experience could change mental states – hence Kim's conclusion '... that under Cartesian dualism there can be no complete physical theory of physical phenomena' (Kim 2000: 189, cited in Robinson 2008: 53).

But Cartesian dualism has been challenged by varieties of physicalism or naturalism – for example, eliminativism or reductivism: that there is no such thing as mind, only the physical brain, or that explanation employing mind-implicating terms may be restated more precisely by its reduction to language using only physical notions. One physicalist perspective is provided by neuroscience, the study of neurological structures and processes in brain tissue. Aided by brain imaging and other experimental techniques, this potentially undermines the entire notion of consciousness ('... consciousness is [an epiphenomenal] by-product of the brain's activity ... [and] epiphenomena have no causal efficacy on the body, but are mental after-effects produced by bodily events' (Jacquette 2009: 19)). On this reckoning thoughts in themselves are passive.

A different perspective was offered by cybernetics, later cognitive science, whereby thought was conceived and modelled (that is, simulated) as a form of neuron-based computation. This effectively represented the complex neural network of the brain as a self-regulating automaton, spontaneously reaching stable states of 'self-behaviour'. 'The "life" of a network can ... be conceived as a journey through a "landscape" of [self-behaviours], passing from one to another due to perturbation or shocks from the external world. [But] ... the meaning ... the network attributes to [the shocks] is primarily the self-behaviour ... that results from them [which is] purely endogenous and not the reflection of some "transcendent" objectivity' (Dupuy 2000: 104, 105). The complex non-linearity of the neural models gives the network

‘emergent properties’ that resemble human capacities, such as autonomy, intentionality and directionality (ibid.: 7). This conceptual mechanization of the human brain has exerted a considerable effect on the development of economic theory particularly, with the individual being conceived as an always-optimising cyborg (Mirowski 2002). However, these attempts to eliminate Cartesian duality by offering physicalist accounts of cerebral activity appear to have little to contribute to the explanation of the temporal succession of singular events. Viewing any constitutive action as the optimal accommodation of external shocks – possibly an unfalsifiable claim – seems an unsatisfactory conclusion from a common-sense, humanistic point of view.

Thought and interpretation

An instance of scientific knowledge of a physical relationship is in effect a recipe for its efficient replication. But it is questionable if a physicalist account of the operation of the brain could make an equivalent contribution. In Ricoeur’s words ‘... when you tell me what happens in my brain, you add to my knowledge of the ... underlying neural reality; but does this knowledge help me in trying [to use my brain]?’ (Changeux, Ricoeur 1998: 102). It seems more plausible to retain the concept of the mind and consider the role of thought as its active correlate. This need not demand a commitment to the notion of mind as an ‘immaterial spirit’ (Jacquette 2009: 201) attributed to Cartesian (or substance) dualism; ‘property dualism’ can accommodate both the common-sense notion of the determinative capacities of the mind and developments in the understanding of the physical properties of the brain (ibid.: 22-45). According to Jacquette, the distinguishing primitive concept of property dualism is the intentionality of thought: experiential thought is intentional in so far as its content ‘... is or derives from sensation, and sensation is always *of* or *about* something’ (ibid.: 181); consciousness is intentional in so far as it is a ‘higher-level awareness of sensations’ while self-consciousness is the highest-level awareness of consciousness – ‘consciousness of self ... [and] of conscious and sentient thoughts, binding them together into a unity so as to constitute a person, self or ego’ (ibid.: 183). It seems entirely plausible that the acquisition of scientific knowledge (including knowledge of the brain) does involve the self-conscious engagement of thought processes on the part of the researcher, directed to the perceptions generated by actions in the laboratory. In contrast, however, the acquisition of much non-scientific knowledge (e.g. in respect of the explanation of singular events) involves primarily the interpretation of the thoughts of others, as made manifest in the language of testimony. But in the case of history and archaeology the interpretation must be applied respectively (and retrospectively) to texts or structures and manufactured objects lacking contemporary verbal keys to their meaning. Nonetheless, the explananda of history and archaeology are at root constellations of thoughts made manifest in explicit or implicit testimony. Not only does this

lead to contested issues about the relationship among mind, thought and language and between objects and thought; it also confronts the fundamental question as to how one individual can bring to mind the thoughts of another. This will be considered below. This subjectivity, inherent in mind-body dualism, could in principle be entirely avoided by a commitment to a reductivist monism, such as physicalism. This may suffice to represent the scientist's results, but regarding the preparation of an historiography, the burden of Ricoeur's comments above remains relevant: physicalist accounts of neurological processes may elucidate the nature of brain activity involved in human action while being superfluous to the decisions taken – while conceivably claiming the actions to be fully determined. Perhaps in this approach the form taken by thoughts – their packaging and transport around the brain – is given priority over their substance – their specific self-conscious action-directed content. A trial jury would be unconvinced by a physicalist defence.

3.2 The historical inheritance of culture

Traditional social modes of thought

The physical distinctness of an individual and its corresponding brain imply the putative existence of a private 'brain language' engaged in the conversion of neural impulses from sensory experience into specific coherent, co-ordinated and directed actions. But the isolated individual may be an abstraction, as the very existence of any human individual is contingent on the nurture provided in birth and upbringing by other individuals, while its continuing vitality requires an engagement with others. This interpersonal relationship involves *inter alia* the acquisition of and then reliance on a natural language for much interpersonal communication. Assuming individuals are endowed with minds, whether this learned language integrates with or displaces some prior mental language to become a language of thought is a debated issue (Chisholm and Sellars 1958, cited by Jacquette 2009: 145-150). But from the outset language is a shared vehicle for the social expression of thoughts, involving the common perception and naming of not only the elements of objective experience but also contestable subjective dimensions such as sentiments and morals. The awareness of the value-permeated or normative basis of social life, communicated through language, is arguably definitive of the human state. As Olafson notes, '... the humanities ... are interested in man primarily as the possessors of certain powers ... supposed ... [to] come together in the generic capacity of human beings for making and recognizing distinctions of values, including moral value' (Olafson 1979:6). The prevailing complex of social values, integrated with the contemporary physical nature of existence, constitutes the social culture of the moment, the complex multi-stranded web which can both contain and be re-woven by human action. The complications associated with the concept of culture have already been

noted. These have arguably resulted from the analytical deconstruction of the notion of culture, related to the fragmentation of the study of human action due to substantive disciplines' pursuit of scientific status. Anthropological archaeology's concept of 'material culture' is a case in point, from one point of view a superficially incoherent alliance of an objective predicate with a subjective (at least in large part) object. Fukuyama notes that Geertz offers 11 definitions of culture in his anthropology textbook, while Jamieson surveys 160 definitions he identified among the social sciences (Fukuyama 1995: 33, citing Geertz 1973: 4, 5; Jamieson 1980: 9).

The fusion of past and present

Viewing this polyvalent culture from an appropriate subjective perspective, it can be regarded as an ensemble of (to borrow a phrase slightly out-of-context) 'evaluative presuppositions' (MacIntyre 2007: 4): extant attitudes, implicit mores and traditions, rules, regulations, laws and constitutional commitments embedded in institutional responsibilities and procedures. These normative parameters reflect the contemporary differentiated and layered pattern of authority, ranging from parental and wider familial influences, through community involvement and leadership to more extensive social and political relationships. Their domains intersect in complex ways in the learning experience of the individual, some parameters conceivably having a subliminal influence. There can be no presumption of their coherence given their diverse evaluative premises, spanning emotional commitments, reciprocal obligations and relations of subordination. Nor can there be a presumption that this web of parameters weighs impartially on all members of the relevant community; it may discriminate against 'others' based on some specific characteristic, such as age, sex, ethnicity or religion. But it can plausibly be claimed that the origins of specific strands will seldom be within living memory, where a substantive origin might be conceivable.

Significantly, then, any cultural warrant afforded to present action is anchored in the past. The inherent conservative influence of culture, in this particular sense, can be viewed in anthropological terms as perpetuating ('reproducing') the contemporary social structure, as an instance of stasis. The concept of *habitus* developed by Bourdieu performs this role within his elaboration of the structuration approach initiated by Giddens. Jordan usefully summarises the concept as '... a set of acquired and durable dispositions ... expressed (and reproduced) through embodied and routinized social practices' (Jordan 2004: 114). Changeux endorses *habitus* as a 'bridging concept' to link anthropology to neuroscience: '[Bourdieu's] system of acquired dispositions, practices, and representations ... I understand ... in terms of a model of language acquisition, where learning plays a decisive role in mobilizing innate neural structures that are peculiar to the human species' (Changeux,

Ricoeur 1998: 160, 161). However, this interpretation does not mitigate the criticism that *habitus* over-privileges habit and routine, consequently posing ‘... a risk of losing any potential for innovation, either with respect to existing social norms ... or ... novel and potentially problematic situations that actors may confront’ (Gardner 2004: 6). A broader concept of culture, embracing commitments to attitudes of mind favouring inquiry, critique and creativity, would support the pursuit of philosophy, science and technology, and the arts. These could entail the origination of social change and disequilibrium, rather than stasis, while retaining and strengthening the general relation between culture and thought. Indeed, from his avowedly physicalist perspective Changeux speculates that the brain supports ‘... a disposition ... exceptionally developed in humans and ... of great importance – creativity [that] results from epigenetic combination at the level of the evolution of individual thought, involving the highest cognitive and/or affective representation’ (Changeux, Ricoeur 1998: 140).

The subjective image of present reality

Ricoeur, from a contrasting phenomenological position, commends a first-person perspective grounded in reflective personal experience. He concurs with Canguilhem’s assertion that ‘[t]he peculiar characteristic of human beings is that they make a milieu for themselves [so that their environment is] centred, ordered by a human subject ... To live is to spread outward, to organize the milieu from a centre of reference ...’ (Canguilhem 1965: 143, 145; cited by Ricoeur in Changeux, Ricoeur 1998: 204). Ricoeur offers, in opposition to the neurobiological concept of a physical disposition, the notion of the active subjective capacity of the able man, expressed in what he calls an ‘attestation’ of self-confidence ‘... that I can do this or that, that I can learn, remember, think, wish ...’ (Changeux, Ricoeur 1998: 214). Thus, the creativity of the individual involves the active pursuit of personal answers to the questions ‘*What can I do? What can I not do?*’ (ibid., emphasis in original), directed at the bounded potential of the prevailing physical and socio-cultural context. Historical documentary evidence can provide personal accounts of individual and collective action of this type, embedded in the contemporary cultural matrix. The situation is less clear-cut in the case of archaeology, where only physical evidence exists. The notion of agency potentially offers a link. Barrett offers an account of agency which shares an affinity with the views of Canguilhem and Ricoeur:

‘Agents make themselves with reference to a world. They build a recognition of that world and [thereby] make themselves known to others. They find a way of reading the significance of the world through their bodily experiences, [and] of locating themselves in that world ... expressing their

own security within it. They read the world according to certain traditional prejudices which they share with others ...’

(Barrett 2000: 66).

Barrett also argues that agency in this sense is not subordinate to functionalist and structuralist anthropological interpretations, which ‘... divert attention away from historical explanations ...’ which he considers to be ‘... the object of our study’ (ibid.: 64, 62). This argument accords with the position adopted from the outset here. Moore encouragingly notes that recent work on agency in archaeology has an ‘...implicit and explicit orientation towards creativity, innovation and resistance’ (Moore 2000: 260), the last pointing towards the issue of conflict, to be considered below.

3.3 Human action: originative and causal

The human will and imagination

So far, it has been claimed that physiological and neurological analysis of the brain, involving clinical investigation of its functions, has not established that human action is physically determinate in the same sense as is revealed in experimental manipulation within the physical sciences. Nor is human action, with its irreducible first-person property, determinate in respect of social structures to which anthropology and sociology have attributed, contentiously, an analogous materialist status. These claims neither deny that disabling the functionality of specific cortical areas will determine very specific pathological behaviours, nor that an organismic entity, formed by the social composition of interdependent individual actions, can determine some specific action by a specific individual. Instead, the burden of the claims is to assert the qualified autonomy of the individual, together with the existence of a distinctive openness in respect of the individual’s thoughts and actions. This provides scope for consciousness, the will to act and the mental perception that a measure of freedom of choice exists with respect to the individual’s actions. Indeed, in the main, action is choice, if only between that and inaction. But in so far as choice is in respect of outcomes yet to be realised, its forward-looking nature also requires the exercise of the individual’s imagination. Robinson, considering the challenge for scientific explanation represented by human consciousness, writes that its crucial feature is ‘... the manner in which knowledge, desire, belief, and judgment come to be integrated into *action plans* ...’ (Robinson 2008: 207; emphasis added) – compare Shackle’s comment: ‘Choice can be only choice of *thoughts of deeds*’ (Shackle 1979: 2; emphasis in original).

Ideas, actions and experiment

Granted the qualified autonomy of the individual, justified by a commitment to property dualism that admits the relevance to explanation of non-material entities accessed by introspection rather than observation, the activity of the mind assumes primary place in constructing any explanans of action. Two sources of the origination of thoughts, their development into ideas and their ultimate expression in novel actions or choices, may be distinguished. The first is an extra-personal, exogenous source involving social engagement of a cultural and linguistic nature, as well as objective interaction with the material environment, the two constituting what is likely to become the eventual context or locus of future action. The second is an intra-personal, endogenous source involving consciousness of experience, its reflective interpretation and evaluation. Together these supply the necessary knowledge, desire, belief, and judgment that could provide the eventual warrant for future action.

However, conscious experience involves a mental composition of interdependent strands, which is both incomplete and formed under the persuasive pressure of the rhetorical language of social contact. Accordingly, the knowledge base which prompts action is irremediably partial, although to an unknowable degree. In addition, the perception that action will impinge on others, given economic and social interdependence, raises an issue as to its morality, which in turn may engage firmly held religious beliefs that are considered to adjudicate on the matter. The mental evaluation of how the prevailing situation is currently being exploited in the individual's interests may not only create a present inclination to act but also present some potential to change the situation to advantage. However, any choice of action imagined as being possible will lead to consequences which are unknown: '... the chooser of action ... is bound to suppose that the sequel of any choice ... will be partly shaped by choices made, by others or by himself, in time-to-come, and thus ... such a sequel cannot be seen as a unique path of events ... [rather it involves] a skein of plural, rival, sequels of any present choice of action' (Shackle 1979: 9). 'If choice is effective, its effects can be only most uncertainly, vaguely and elusively foreknown, and beyond some near horizon ... cannot be foreknown at all. This is the paradox of choice: if effective, we cannot know what it will effect' (ibid.: 19).

This argument carries significant implications. In so far as the eventual outcome of an action cannot be known in advance, action is in effect an exercise in discovery; in that sense actions resemble the practice of investigative science. It follows that not only is any eventual outcome of an action (to the extent that the circumstances that prevail at a later date can be identified as its outcome) inherently contingent, but also it cannot be claimed that the state of

affairs prevailing at the moment of choice is as it was intended previously to be – the only plausible exception being the routinely repeated, unchanging activities necessary to sustain life with the existing technology. However, the fact that the consequences of past action are not what had been intended and are thus potentially a source of current dissatisfaction, could, in appropriate circumstances, provoke a determination to use force to ensure currently intended objectives are indeed attained, leading to an outcome involving conflict – an issue to be considered in the following chapter. While the argument has implied an individual's choice, it could just as readily be by a collective of some kind, albeit that may question the extent to which its members share a common imagined prospect of the outcome of their collective decision – or even a common appreciation of the currently prevailing circumstances.

The 'creative destruction' of innovation

It was pointed out at the outset that the determinacy of explanation in the physical sciences, whether theoretical or experimental, yields a predictability that gives the illusion that the future is knowable. If change is conceived as merely a revaluation of independent variables, the given parameters of explanatory models, then the models will generate new solutions which can in turn be represented as 'the future'. However, their explanatory context is fundamentally atemporal. While determinism is implicit in that context, its transfer to the context of explanation of human action is arguably fallacious, in so far as human thought and time are fundamentally inter-related. 'Determinism deems time an illusion of human thought, and must deem that thought itself in some sense an illusion ... [while c]hoice in the determinist view can be nothing but the name of an illusion' (ibid.: 4, 6). Arguably it is the contingency of present circumstances (and thus of historical and archaeological explanation) which prompts thoughts about the future: the present need not have been like it is. Moreover, far from being necessitated, the future is, in Shackle's words, the 'void of time-to-come' until it is 'created' by the action of human choice, motivated by undetermined, originitive and imaginative thought. While deterministic models of human systems (arguably a contradiction in terms) can conceive of novel action being absorbed smoothly by the system, in the manner of a re-equilibrating adjustment to an 'exogenous shock' (a conception of considerable influence in orthodox economic explanation), in a world of contingencies the creative action will have destructive consequences. Resources must be captured from existing uses and vested interests within social structures will be harmed; change will create gainers and losers, the latter through the destabilising of contemporary allocations, processes and procedures. Schumpeter's 'creative destruction', introduced in the preceding chapter, applied to new industrial competition 'destroying' previously created fixed capital by occasioning its redundancy (Schumpeter 1942), but the principle applies to any established situation

overtaken by purposeful change. Accordingly, the nature of change initiated by imagination-empowered choice is potentially a source of conflict between gainers and losers.

The sequence of change

The foregoing representation of choice dealt only with its general form, not with its content, that being a matter of its specific temporal, material and social manifestation. However, considering content in broad terms, it is possible that a succession of choices over time by a choosing agent (whether individual or social group) will display a connectedness, irreversibility and directionality in terms of its outcomes. In respect of productive activities, it is plausible that a choice to try out new-found technical knowledge (for example, regarding food production, storage or processing, or lithic, ceramic or metal production) would prove to be irreversible once its effectiveness had been demonstrated. These new methods (as the new routine) would then become the base from which subsequent choices could lead in the direction of further related technological change, provided the human propensities to inquire and to create found appropriate scope and results. The connectedness and irreversibility of these choices derive from the agent's presumed perennial interest in increasing the productivity of work, although the directionality could ultimately collide with the boundaries set by the local ecology and material resources (Berry 2011: 168, 169). In short, the sequence of change of this type is driven, in part, by utilitarian principles. This contrasts with the choice of actions that require new relationships to be formed with other individuals or communities (for example, engagement in trade, migration and alterations to the social organisation and structure of authority – and indeed the development of collaborative methods of production, such as irrigation schemes). These social choices are more complex and ambiguous in terms of outcome, mainly because a reconciliation of differing human interests must be sought. The prospect of conflict arises, the subject of the following chapter.

But ignoring conflict for the moment, successive choices in this area could, for example, lead to an increasingly hierarchical social structure to achieve coordination of interdependent activities, with an accompanying skewed distribution of power and influence – as well as of consumption and wealth – involving the alienation of particular groups. The specific nature of the social and political structure could affect the possibility of it becoming self-perpetuating, particularly its ability to ensure succession (given the mortality of the individuals concerned) – another potential source of conflict. Collapse of such a system is certainly conceivable (Diamond 2005). In short, the sequence of change of this type is driven by moral principles, not necessarily mutually consistent.

However, the consequences of the temporal succession of choices become much more complex once the uncertainty noted above as being integral to the nature of choice is

considered. Given deviation of the actual outcomes from what was intended by the actions taken, whether in respect of production or social relations, the historical succession might be expected to possess an intrinsic contingency. Yet, as noted in the preceding chapter, the broad sweep of human history, from prehistory to the present, is frequently represented as systematically structured, often ordered in stadial terms or periodization. Material and documentary evidence appear to testify explicitly to a progression in the exploitation of natural capacities (technological change) and in the reorganisation of social relationships into more complex if not more robust forms. Both involve increasingly specialised roles for individuals and thereby increasing mutual interdependence (involving social and political change). This evidence appears to indicate a clear directionality of change, seemingly at odds with the implied contingency of the outcomes of choices. However, Ben-Menahem suggests that necessity and contingency need not be considered as a binary opposition, but rather a matter of degree ‘in terms of stability, that is, sensitivity or insensitivity to initial conditions ... [so that] an event will be considered (more or less) necessary, not if it takes place *under all circumstances*, but it is *relatively* insensitive to small changes in the circumstances in which it takes place ... [Accordingly] necessity is different from determinism’ (Ben-Menahem 2011: 123; emphasis in original). Thus, events that severally are thoroughly contingent – not what the principled originative actions sought to create – nonetheless in their respective wider contexts compose at their own rate into retrospectively discernible patterns over the long term, under the influence of the self-same principles. This could correspond to Braudel’s ‘*longue durée*’, the fundamental component of his extended marine metaphor, ‘the “anonymous, profound and almost silent” domain that covertly determines everything above it’ in the ‘surface agitation’ and swifter currents of social change (Carr 2008: 25). This apparent order over the longer term could variously be interpreted as the consequences of a ‘law’ of history (although ‘dialectical process’ would be more accurate), a teleological movement from the perspective of religious faith or a self-organising and adaptive evolutionary process. In the following chapter the role of the chaos of conflict in propelling this process in a particular direction will be considered.

The problem of methodological individualism

The individual has a substantive physical existence expressed in the exercise of bodily functions – most publicly in independent movement. However, to conceive individual movement as action, directed by an implicit subjective intentionality, involves abandoning the prospect of knowing whether the observed action is solely and entirely the inspiration of the individual concerned. From a different perspective, the preceding consideration of choice – which emphasised the role of the human imagination in transcending the objective ignorance of the future – did not exclude the choosing agent being a group. Moreover, the earlier

discussion of the notion of an event as a composition of actions (themselves choices) did not rule out different individuals' actions being interdependent. But even although, on the one hand, the complete autonomy of the individual is beyond proof and, on the other, the essential plurality of the origins of human action is evident to common sense, the conception of the isolated individual has been awarded an important ontological status in much theoretical analysis. The concept of the unitary agent did facilitate theoretical analysis in the same way as an extension-less or point mass facilitated Newtonian theoretical mechanics. General equilibrium analysis within neoclassical economic theory is a persuasive example of the notion of harmonisation of independent multi-agent action, without cooperation. But elsewhere in economic theory an early result showed the instability of a coalition of unitary agents (a cartel, for example), which suggested that the explanation of observed stable and enduring social relationships requires a quite different base. Nonetheless the presumed ontological validity of the individual helped underwrite the construction of a de-personalised model individual, represented by a well-specified objective function and an attached solipsistic conception of rationality. Allied with a non-empirical maximand (generally 'utility', more recently 'happiness'), human action was represented as the computable solution to a maximisation problem. Features of this representation have contributed to its adoption in specific parts of anthropological archaeology: its already-noted attribution of change to the impact of exogenous factors, its seemingly endless capacity for elaboration – for example, to incorporate risk and strategic interaction with other agents in small-number contexts, as in game theory – and its insulation from falsification. The reach of methodological individualism was significantly extended by the analogy drawn between the 'blind' biological process of evolutionary speciation and the process of human action in its ordinary business of living. For example, Shennan notes, '... natural selection provides the basis for [a] kind of universal logic [such that] people always ... act in ways that an outside observer can recognise as conducive to their survival and reproductive success – to their fitness, in other words' (Shennan 2004: 20). The conceptualisation of natural selection in cost-benefit terms, as (unconscious) maximisation of 'fitness' subject to an environmental constraint, is formally equivalent to the standard model of microeconomic theory. Like it, it is endlessly flexible in its capacity to represent the wide range of actions inferred from the disposition of the material evidence, including forms of social relationship – for example, social hierarchies and hereditary social inequality – as evolutionarily efficient (Boone 1992; Maschner, Patton 1996, cited in Clark 2000: 94-97). An alternative approach, equally individualistic and rationalistic, develops the inherent computability of optimising decisions in a cognitive science direction by utilising artificial intelligence methods to simulate multi-agent interaction and model the emergence of a form of social structure (Lake 2004: 191-209). However, while methodological individualism has supported a range of theoretical

developments, two problems have not been resolved: the individual appears as a reactive mechanism – according to Clark, ‘a wind-up toy’ (Clark 2000: 105), to Dupuy, ‘an automaton’ (Dupuy 2000: 143) – while society is reduced to a determinate configuration of compatible multi-agent actions, a ‘stripped-down’ version of Archer’s ‘Upward Conflation’ (Archer 1995: 4) discussed below, from the individual to the social.

3.4 Complexity, order and disorder in human affairs

Natural capacities and the presumption of order

From the standpoint of history and archaeology (to the extent the latter also seeks to explain temporal succession of discrete events) the abstract timelessness of methodological individualism robs it of relevance. Their focus on the explanation of endogenous change, requires a richer conception of the individual, one which explicitly admits the individual’s relationship with others – that is, society at large, since that inevitably forms the distinctive context within which human action is pursued. At the very least the inescapable biological nature of the individual entails relations with others. Thus, the family and the kinship group are unavoidably basic elements of society, so that ‘... actions attributable to various individual persons are performed by them in their capacity as members of a specific family and represent intentions in which they share precisely as members of that family (Olafson 1979: 124). But these groups are not themselves homogeneous; they are structured internally by age, gender and personality. However, the objective is to explain specific trajectories of actions over time, not to develop a general theory of temporal change – from the outset of this study considered to be a contradiction in terms. Insights into the diverse nature of the springs of human action and their inter-relationship with society are required, these to be used selectively in the explanation of singular events. Nonetheless, a key issue is whether the social context can reasonably be represented as a rationally ordered real structure, in the manner of a determinate and stable physical state. From Archer’s realist perspective, order is unlikely: ‘[T]he human condition [is] to be born into a social context (of language, beliefs and organization) which was not of our making: agential power is always restricted to re-making, whether this is reproducing or transforming our social heritage’ (Archer 1995: 72); ‘Society is that which nobody wants, in the form in which they encounter it, for it is an unintended consequence’ (ibid.: 165). This is in accord with the earlier-stated emphasis placed on the propensities to inquire and to create – i.e. to change. However, the possibility is not ruled out that successive changes could prove, *ex post facto*, to be directional.

The prospect of spontaneous order in human life

An influential concept particularly within mainstream analytical economics is that of ‘spontaneous social order’. It has intellectual origins in Adam Smith’s ‘invisible hand’,

which was imagined to bring about beneficent external consequences that were not the intention of the initiating agents. In essence, it is a system-wide generalisation of the simple notion that freely conducted bilateral exchange is to the mutual benefit of the participants. Promoted by von Mises and von Hayek it effectively presumed that ‘... the following two propositions [were] noncontradictory...: first, that human beings bring society into existence through their actions; second, that society is beyond their control, because it is (infinitely) more complex than they are’ (Dupuy 2000: 157). No agent possesses the information necessary to attain order; it may be implicit in the structure, but the structure itself is not an agent. ‘It is knowledge *without a subject*’ (ibid.; emphasis in original). Order is thereby an emergent property of the social system. Nonetheless, the underlying ontology is still provided by methodological individualism, wherein ‘... social phenomena are subjective and exist in the minds of individuals. ... This goes for all human creations, artefacts as well as social institutions’ (Udehn 2011: 211). However, Searle defends the claim that ‘... entities that only exist because we think they exist’ nonetheless possess objective reality, which need not be limited to observer-independent features of the material world but is inclusive of ‘observer-relative’ features (Searle 1998: 144). The latter include the social and institutional reality, the ontology of which involves assigning what Searle calls ‘status functions’ to individuals or groups of individuals occupying defined positions in the social structure. These functions are unrelated to the physical nature of the individuals concerned and express a ‘collective intentionality’ (in first-person plural terms). This is warranted by ‘constitutive rules’ defining rights and obligations, which generate interlocking structures and so form the institutional reality (ibid.: 148-153). While these are structures ‘... whose point is not just to empower other institutional structures, but to control brute reality’ (ibid.: 155), they not only establish an integral normativity but also thereby admit the prospect of its abuse: rules can be broken. Accordingly, this approach intimates the possibility of conflict within the social structure, which the concept of spontaneous order effectively excludes.

Functionality and structure as order

A more appropriate preparation for the treatment of conflict in the following chapter can be extracted from Archer’s advocacy of realist social theory (Archer 1995), in which the concept of the ‘emergent property’ acquires considerable significance and relevance. The adoption of a social realist perspective on the relationship between the individual and society, i.e. between agency and structure, has a particular relevance for this study as it explicitly focuses on the passage of time. ‘The central argument is that structure and agency can only be linked [as opposed to conflating one with the other] by examining the *interplay between them over time*, and that without the proper incorporation of time the problem ... can never be satisfactorily resolved ...’ (Archer 1995: 65; emphasis in original). The underlying problem to be resolved

is the putative ontological dualism between structure (society) and agency (the individual), an issue located in the contested intersection of sociology and psychology. It effectively poses a question of autonomy: regarding structure (of society) and agency (of the individual), does one, neither or both possess autonomy in respect of the initiation of change? Methodological Individualism ascribes it to the individual; Methodological Holism to the structure; Giddens's Structuration Theory, with its Ontology of Praxis, to neither. By their respective deployments of (using Archer's terms), Upward Conflation, Downward Conflation and Central Conflation (the last eliding the distinction between structure and agency), the problematic philosophical dualism is side-stepped. However, Archer distinctively argues that both structure and agency, considered 'radically different in kind' (ibid.: 15) and viewed dynamically over time, give rise to emergent properties (structural, cultural and personal), a consequence of the stratified nature of both structure (in an institutional sense) and agents (as individuals), in terms of function and physical circumstances. 'Emergent properties are relational, arising out of combination ... [T]he stratified nature of social reality ... [ensures] different strata possess different emergent properties' (ibid.: 9). This mutual interplay of individual and society involves 'morphogenesis', by which Archer intends '... to capture both the possibility of radical and unpredictable re-shaping [of both structure and agency] (which renders misleading all those traditional analogies – of society being like a mechanism, organism, language or cybernetic system) ...' (ibid.: 75). Its antonym is 'morphostasis', essentially the maintenance of the *status quo*. At the core of morphogenesis is the notion that related changes in structure and individual action occur over different time periods: '... structure necessarily predates the action which transforms it ... [and] structural elaboration necessarily post-dates those actions' (ibid.: 90). Significantly, Archer's 'analytical dualism' is not derived from an intention to identify a 'solution state' in the manner of a deductive theoretical model.

Human activity as an open system

Archer's approach essentially develops the distinction set out above, between science and non-science, which is in effect a very specific partition of human action – or, better, human projects, to stress the focused intentionality that is presumed to be involved. Scientific projects involve the construction of unnatural closed physical systems within which human action manipulates objects of study in a controlled manner to warrant conclusions (albeit provisional) grounded in the determinateness of the experimental results demonstrated within the containment of the systems – observed regularities which support Humean causal explanation. The corresponding theoretical models achieve deductive closure by the incorporation of abstract law-like premises. In stark contrast, non-scientific projects are pursued in a natural, open human system where individuals' actions impinge on others, disturbing their contexts and perceptions, thereby instigating subsequent second- (and higher)

order responses, some of which feed back subsequently on the initiator of the original action. Archer claims that ‘... the social system is open, open because peopled, and therefore of no fixed form due to human powers of unpredictable innovation’ (Archer 1995: 194) – what earlier was identified as human creativity. But this poses a significant question, as to whether any meaningful propositions at all can be advanced about this process of human action, in the light of its non-scientific nature. Archer’s ‘morphogenetic’ approach offers a useful framework that not only gives structure to this uniquely human process but also helps locate within the trajectory of human life the kind of substantive events identified earlier as of peculiar interest to history and archaeology, including the emergence of conflict, as a specific category of significant event. As noted above her approach explicitly addresses the passage of time and accordingly is not directed to the development of an atemporal equilibrating model to mimic the products of the scientific approach. Instead it offers a distinctive schematic treatment of the dialectical relationship between social structure and human agency that acknowledges the heterogeneity and fluidity of the social world. Archer states that ‘... it is my view that only by rejecting the terms of ... traditional debates and completely revising them on a different ontological basis can we get away from one dimensional [upward or downward] conflationary theorizing and replace it by theories of the interdependence and interplay between different kinds of social properties’ (ibid.: 8).

Conjunction and disorder in human life

The locus of innovative human action is an inherited social context, to be remade by the agent. Accordingly, action takes place within the perceived confines of an involuntaristic placement in a specific stratum of society, one created by diverse emergent properties, their necessary direct and indirect consequences mediated by past human action. These emergent properties are both structural – relations with material resources and people – and cultural – relations with ideas and beliefs (‘culture as a whole is taken to refer to all intelligibilia, that is to any item which has the dispositional capacity of being understood by someone’ (ibid.: 180)). The appropriateness of any substantive human action is framed by the vested interest associated with the role involuntaristically acquired along with the individual’s personal social placement. Opportunity costs attend various expressions of that interest. These costs are not necessarily material or commensurable, nor is it presumed that normative motives would not be influential: ‘just as material reasons [for action] derive from the structural context and objectively both encourage and discourage certain judgements about courses of action, so too, normative reasons emanate from the cultural context and have the same effects upon situational evaluations’ (ibid.: 212). Individual evaluation leads to action either to maintain the status quo and preserve current advantages (morphostasis, reproducing the existing structure), or to pursue change and attain perceived improvement (morphogenesis,

transforming the structure), depending on the imagined balance of costs and benefits – ‘... to perpetuate rewarding situations and to eradicate frustrating ones’ (ibid.: 250). But there is no pre-determined order implicit in the situation.

3.5 Change in human affairs: contingency versus necessity

Purposeful activity

Archer’s generalisation of this argument is of special relevance. First-order emergent properties bring about those of a second order (and subsequently those of a higher order), given the inter-relatedness that characterises a social system. These second-order emergent properties, structural or cultural) involve a larger number of individuals. As they are essentially unintended consequences of the direct effects of the original action, it cannot be presumed that they will all be mutually complementary. Instead there can exist ‘strains and incompatibilities’ or ‘incongruences’ that ‘... represent a systemic fault line running throughout the social structure. Whether it is split open remains unpredictable, but its existence will condition strategies for its containment versus its actualization among different sectors of the population’ (ibid.: 215). This in itself will provide a link with the emergence of conflict, as will be considered below. But in addition to this possible complementarity versus incompatibility, the relationship between different second-order emergent properties may reflect necessity or contingency. The four possible configurations of emergent properties thereby generated will carry different implications for different sections and strata of the population, given their individual roles and associated vested interests, in terms of the losses and gains to be incurred, depending on which change takes place. This will impact on their choice of action. In Archer’s terms ‘... quite different *situational logics*, which predispose agents towards *specific courses of action*, are created by relations within and between various [emergent properties]’ (ibid.: 216; emphasis in original); accordingly, depending on their specific circumstances, ‘... different sections of the population [are predisposed] to see their interests served by *defensive, concessionary, competitive, or opportunist* modes of interaction with other groups [the pursuit of which generates] either morphogenesis or morphostasis. ... [Which eventuates is] conditioned by the relative [bargaining] power of the interacting social groups’ (ibid.: 217; emphasis in original). Archer’s argument undermines the plausibility of the notion that purposeful human action is necessarily directed towards the reproduction or perpetuation of the given social system in which it occurs, conceived as an orderly structure. However, it more fundamentally questions any presumption that human action necessarily provides an equilibrating tendency within the socio-cultural system, grounded in rational choice.

Composition of human capacities

Archer argues that it is fundamentally mistaken to treat the human person, the agent and the actor as synonymous. ‘I am not merely arguing that personal and social identities are not synonymous but [also] that our humanity is prior to our social identity and that social identity is emergent from personal identity’ (ibid.: 284). ‘... the morphogenetic perspective ... [is distinctive] in presenting the human Person as fathering the Agent, who in turn fathers the Actor, both phylogenetically and ontogenetically’ (ibid.: 254, 255). A general aspect of this distinctiveness is the plural nature of the Agent, which is defined as ‘collectivities sharing the same life chances’ within the stratified social structure, thus agents are ‘agents *of* something’, resembling the distinction between agent and principal deployed within a part of economic analysis. The Actor, like the Person, is singular, defined in respect of a specific role within the social structure. But the special aspect of this distinctiveness is the introduction of two categories of agent: ‘corporate’ agents and ‘primary’ agents. The former are ‘[o]rganized interest groups ... who are aware of what they want, can articulate it to themselves and others, and have organized in order to get it, can engage in concerted action to re-shape [as morphogenesis] or retain [as morphostasis] the structural or cultural feature in question [and include] social movements and defensive associations’ (ibid.: 258). The latter are similarly interest-defined collectivities but they lack, for the time being (which may be a long time), ‘... a say in structural or cultural modelling ... [and] in systemic organization and reorganization ...’ (ibid.:259). Nonetheless, merely by their continuing existence and pursuit of their interest they may frustrate action by corporate agents and occasion deviation. As Archer points out, ‘The major systemic effect of Primary Agency is purely demographic ... [via] dumb numerical pressure’ (ibid.: 262) – suggestive of the notion of the ‘silent majority’. Indeed, it is the interaction between plural corporate agents (reflecting different interests) and similarly plural primary agents, that results in the ‘morphogenetic cycle’ by which agency at large is seen to be a structural and cultural emergent property.

Archer distinguishes three phases of the cycle: first, the identification and conditioning of groups of agents, their separation into corporate and primary in response to the initial distribution of their interests, with the corporate agents taking the initiative in the pursuit of change; second, the interaction between groups of corporate and primary agents, the former organized and the latter not, the categories being ‘redefined over time through interaction in pursuit of social stability or change’; third, elaboration in the form of the achievement of organization by some primary agents, thus becoming corporate agents, thereby influencing the resultant social change which ‘... does not approximate to what anyone wants’ (ibid.: 264, 265), setting up the situation for perpetuation of the cycle. It is not difficult to argue along these lines to the conclusion that, in specific circumstances, this interaction of interests and

roles can lead to a build-up of tension among groups and their members and a violent collision of intentions and eruption of the type of event noted in the preceding chapter – or the types of conflict to be considered in the following one.

3.6 Human agency, reflexivity and explanation

The explanation of human failure

Archer's approach has been considered at length because it offers a framework that could helpfully bring order to the seemingly inchoate succession of human actions over time. Archer certainly intended her contribution to be of immediate practical value, as an aid to interpretation of specific historical contexts. Accordingly, her scheme is not analytical, in the sense of an abstract model summarising experimentation or based on purportedly *a priori* principles. It does employ generalised categories that might be construed as analytical and at odds with the practical intention – such as 'structure', 'groups', 'vested interest', 'role' and 'bargaining power'. But these are in accord with a representation of the human person that stresses his/her objective social nature rather than as a hypothetical isolated entity: human relationships are a real and integral dimension of humanity. Moreover, none of these categories is given explicit form or content, that being an empirical matter pertaining to a specific context.

Two implications follow. First, it is not a predictive scheme, in contrast with, for example, the treatment of bargaining presented by neoclassical economic analysis, a model whose stringent and abstract assumptions relegate it to an atemporal world and renders the model irrelevant to historical and archaeological explanation. But that might warrant the corollary that the real consequences for human affairs (outside the realms of science and technology) of all human action in real time are perpetually 'sub-optimal' or simply unintended. In short, the explanation of human action is essentially the explanation of failure, even if the spring of human action is the innovative and hopeful pursuit of a better world (often inspired by what is viewed as evidence of past failure). There is, however, no paradox: action is always a move in what has some features of a zero-sum game: where one group's gains, real or perceived, are offset, in broad but incomparable terms, by another group's losses, real or perceived. Given this inevitable re-distributional dimension of human action, the key question is whether the value-laden charge, that human action is unavoidably theft, in some sense, can be avoided or evaded – or at least ameliorated. It is plausibly a matter of rules and values.

Second, the actual relationships between individuals are not physical in any mechanical sense but are essentially matters of claims and obligations, rights and duties, rules and conventions, laws and freedoms. In short, they are moral in nature (in a broad sense), and not capable of

exhaustive specification in terms of substance, albeit their form might be capable of definition. Moreover, as noted previously, there can be no presumption that, in a specific historical context, all the operative relationships are consistent with each other; tension could be endemic. But it can be presumed that respect for any one is a matter of a personal commitment that in principle can be rescinded at a stroke – albeit with consequences in terms of Archer’s costs and benefits. Indeed, it may be that the succession from one state of affairs to another includes an abrupt realignment of the prevalent moral positions that define relationships among individuals. Accordingly, consideration should be given to the moral dimension of human action.

3.7 The social and moral dimensions of human action

Constituting society: The rules of the game

The general problem of presentism affecting history and archaeology has been noted already: the possibility that a retrospective assessment of the past will be influenced by awareness of what subsequently happened. However, a substantive variant is the possibility that the present understanding of the category of moral knowledge is markedly different from what it was in the past, corrupting present interpretation of past action. The moral category can change spontaneously, unhindered by materiality. As MacIntyre points out, talking of the contemporary situation, ‘[W]e have – very largely, if not entirely – lost our comprehension, both theoretical and practical, of morality’ (MacIntyre 2007: 2). Such knowledge as we have of what has been lost is partial, very largely dependent on interpretation of past documentary sources, supplemented by abductive inference from archaeological artefacts – although that is the least reliable category of inference (Hawkes 1954). MacIntyre suggests that ‘... to a large degree people now think, talk and act *as if* emotivism were true ... [embracing its] obliteration of any distinction between manipulative and non-manipulative social relations’ (ibid.: 22, 23; emphasis in original). That is, other individuals are currently treated as manipulable means, not ends. ‘Questions of ends are questions of values, and on values reason is silent; conflict between rival values cannot be rationally settled. ... All faiths and all evaluations are equally non-rational; all are subjective directions given to sentiment and feeling’ (ibid.: 26, citing Macrae’s assessment of Weber (Macrae 1974)). From that perspective, it would seem that moral principles, now denied the authority of objectivity, cannot have a role in rational explanation of human action, which otherwise reduces to an expression of human will driven by personal preference, in the ordinary sense of feelings, if not genetic determination. However, this reduction can be challenged from three perspectives. First, the point has already been laboured that much human action is beyond the scope of ‘rational explanation’ if, strictly conceived, that amounts to atemporal

generalisations about natural capacities, unsupported by experimental results. Second, it is questionable if the currently dominant explanation of human social organisation in terms derived from evolutionary biology actually is ‘rational explanation’. That apparently depends on the contestable appropriateness of various analogies (for example, between long-term speciation and short-term intra-species behaviour, between the behaviour of different species – particularly between humans and other primates – and between biological process and socio-economic process), plus the applicability and adequacy of ‘fitness’ as a testable (i.e. falsifiable) universal maximand. Third, as noted earlier, significant human actions are premised on commitments to moral evaluations considered to be true in specific contexts rather than simple preferences (Etzioni 1988: Ch. 5), while the historical record shows that actual human conflict frequently stems from an opposition of moral commitments – to be discussed in the following chapter. Anticipating that argument, the distinctiveness of a moral (or, generally, normative) premise does not turn, in principle, on a matter of physical fact, so the co-existence of contrary moral premises is conceivable and beyond resolution through practice. Accordingly, the freedom of different individuals to commit themselves to such premises belongs not in the realm of the inflexible practical necessity of sustaining life – in the household – but in the social and political realm (Arendt 1998 [1958]: 31). In turn this is where violence can be justified (ibid.). It follows that the emergence of social collectivities, defined in terms of distinctive normative commitments as much as physical properties, together with associated political structures, establishes contexts in which human relationships acquire a substantive capacity to employ violence either to originate or to suppress change.

Social dynamics as causal

As noted above, Archer intended her inductive scheme to have practical value, applicable to contemporary society. Two important questions follow. First, her view of society is of an essentially dynamic, heterogeneous structure, not amorphous but comprising stratified groups and substantive specialised individual roles: does this have relevance to archaeological and historical explanation? Second, her analysis specifically emphasises structural and cultural emergence: can these processes yield insights into the occurrence of the kinds of events that constitute the explananda of archaeology and history, in particular, the role in them of conflict? These are essentially empirical questions, to be considered in the final section of this chapter. However, there is a parallel with the detailed scheme of ideal types developed by Weber: it too involved the identification of differentiated groupings within society, was intended to facilitate the empirical analysis of actual contemporary and historical societies and was not a deductive model. He developed a comprehensive interpretative scheme of potentially wide applicability based on intersections of substantive types of human action,

social relationships and authoritative order, involving diverse syntheses of personal, religious and legal factors. Weber's classic interpretation of the emergence of 'capitalism' as an unintended consequence of the outworking of Puritan religious commitments is, according to Campbell, a fulfilment of his sociological aim of '... explaining a transition from traditional to [instrumentally] rational society without assuming a fixed, universal and unilinear evolution of social types' (Campbell 1981: 185).

However, archaeological and historical thought was strongly influenced by the contrary presumption in favour of unilinear evolution. They have employed a stadial framework from the mid-eighteenth century, with, at least initially, limited weight being given to the internal structure of the constituent societies. This framework has supported the emergence of the concept of social evolution (Pluciennik 2005: 11-13). Analogies drawn with evolutionary biology contributed to the development of the neo-evolutionary approach within archaeology. The constant life-preserving human struggle against the physical environment resulted unconsciously in adaptive responses in the form of specific progressive changes in the nature of social collectivities, as well as technological change. In this progression, the role initially performed by kinship supposedly diminished, in a transition from a simple isolated family to a complex political system. The accepted unilinear sequence is from family to band, to tribe, to chiefdom, to state (Service 1971), mapping roughly onto the similarly unilinear change of exploitative mode from hunting-gathering through settled agriculture and subsequently to the fine division of labour characteristic of industrialised, capital-based production.

The implied social homogeneity of each stage can be challenged, as can the impression of irreversibility of the sequence that arises when it is viewed as evolutionarily successful adaptation. More important than the 'stage' at which society is said to be at is the contemporary nature of its internal group structure. Societies are contemporaneously heterogeneous, and change is contingent, frequently in conjunction with conflict. For example, as Fukuyama puts it, 'Tribalism in its various forms remains a default form of political organization, *even after a modern state has been created*' (Fukuyama 2011: 145, emphasis added). There is manifold scope for social diversity, driven by the genealogical promiscuity underlying kinship; demographic differences; differential access to physical resources and differing effectiveness of their utilisation; and, specifically, the extent of reliance on competition or cooperation, raising sensitive issues of entitlement to output personally created or ownership of resources. The accompanying potential for conflict raises problems requiring reference to some concept of justice, which in turn necessarily involves the presence of a hierarchical authority to give judgement where required, either secular or spiritual. Fukuyama argues that it is '... [confessed] belief in the power of dead ancestors

over the living and not some mysterious biological instinct that causes tribal societies to cohere' (ibid.: 60). Despite the potentially unifying capacity of the individual monotheistic religions, between them they have generated animosities and conflict (to be considered in the following chapter). These sources of social difference are not directly related to any stadial scheme. However, the reductive commitment of present-day evolutionary theorists prompts their unfalsifiable claim that religious belief and socially directed capacities such as cooperation and aggression are genetically encoded, and have value in terms of evolutionary fitness. Thus, their hypothesis is saved.

Agents' abilities to further or protect the vested interests associated with their group within this heterogeneous structure have the potential to promote qualitative change within both it and its culture, in accordance with the situational logic they encounter. Whether, and if so when, that potential is realised involves '... the basic notion ... that exchange transactions and power relations are both involved ... The resources which are exchanged are varied (i.e. wealth, sanctions and expertise) [while power is a matter of] the initial bargaining positions of the groups ... [and the] group bargaining strength' (Archer 1995: 296-297). A uniform shared culture combined with a highly-skewed distribution of resources – e.g. concentrated in the hands of a structural élite – points to social stasis, at least for the time being (which may be a long time), reproducing rather than transforming itself. The critical issue is that while the necessity to subsist drives human engagement with the physical environment – the fundamental basis of the possibility of evolutionary adaptation – the operative constraint in many contexts is social, defined in terms which fix the boundary of the group within which the individual exists. The human imagination may have the potential capacity to envisage new social scenarios that transcend contemporary boundaries, but the reality may be of tightly prescribed opportunities involving discriminatorily controlled access to resources, both physical and human (in the form of permissible relationships). This may be effectively self-enforced by resigned acceptance of a culture that censors the imaginings of the disadvantaged as illegitimate and encourages the privileged to see the present outcome as their just entitlement. Cultural morphogenesis can exert a causal influence in that context, but with unpredictable consequences.

3.8 The composition of actions

Unpredictability of outcomes

The outcomes of individual action, beyond any immediate physical impressions it may make, are in practice fundamentally unpredictable, outside of an abstract model of individualistic decision-making. It has been argued from the outset that a significant distinction can be drawn between repetitive human actions committed to replicating some known physical

relationship (a scientific experiment or a routine production process, for example) and the plurality of all other originaive actions. In the latter case, there is an inevitable absence of knowledge both about the full context of the action or of its possible consequences – in that respect they are essentially exploratory actions. In addition, it was claimed that the continuity of time gave a connectedness to actions such that it was impossible to ignore the connections of an individual's action to those before and those after, particularly as both recollection of the past and anticipation of the future entered current acting. To this now needs to be added the fact that human action is invariably initiated within the context of involvement in one or more social groups: agency, following Archer, is a collective concept; the self is social. This implies that individual action is not only likely to impinge on other individuals in the group(s) but is also likely to be conceived with a social relationship in mind, with the same being true of the actions of others in the group(s) – actions may be to emulate, forestall or impress other individuals or, importantly, engage with others in a cooperative activity or reciprocal transaction. Consequently, it is not possible to specify precisely what the immediate consequences of the action will be, despite the presumption that the individual has acted with 'due diligence'. But only in the case of an isolated replicable scientific experiment or routine production process does an approximation to the necessary and sufficient knowledge of the means-end relationship exist. Otherwise contingency prevails. In the social context, the action by one individual affects others and they in turn affect yet more, due to the intrinsic interdependence of social life. Indeed, this supports the concept of emergence emphasised by Archer. But what is true of subsequent actions must equally have been true of the prior actions: they are plausibly dependent on what preceded them, qualifying their status as originaive. Consequently, from this perspective there is neither beginning nor end to the web of exploratory actions and no possible mapping from these actions to 'eventual' outcomes.

Ignorance of unintended consequences

Human action, outside of well-rehearsed technical situations, is unavoidably conducted within a context of pervasive ignorance. This contextual property enters consciousness to varying extents in different circumstances. In so far as the individual is a reflective social animal, engagement with others can help form a shared perspective on this ignorance – a collective imaginative conceptualisation – which may counter its potential capacity to destroy entirely any resolution to act or, conversely, prompt activation of that capacity. At the same time this engagement is the process by which, in a similar way, a perspective is placed on the normative dimensions of the proposed course of action – that is, a judgement arrived at, in relation to interpretations of the prevailing social mores and conventions. Thus, a synthesis can emerge of both the positive and the normative aspects of prospective action. Furthermore, the engagement is fundamentally reciprocal, with the individual contributing to

these processes as well as benefiting from them, with the extent and effectiveness being possibly dependent on age, gender and social status. The effectiveness of this engagement is plausibly grounded on the individual's conscious ability to adopt and perform the empathetic role of the 'impartial spectator', not only in respect of others but also reflexively. This human capacity occupied a crucial role in the development of Adam Smith's moral philosophy, indeed it has been considered '... the most important element of Smith's ethical theory' (Raphael 2007: 11). Accordingly, contemplated action, following Archer's notion of collective agency, can be conceived as an expression of 'group feeling' or 'collective will', Rosenthal's translations of Ibn Khaldûn's *aşabîya*, which is given prominence in Turchin's analysis of warfare (Ibn Khaldun 2005 [1370]: xiv, xv; Turchin 2007: 91; in the latter, it appears – perhaps subtly differently – as 'group solidarity' or, simply, 'cooperation'). From this emerges a conception of what could and ought to be done in the circumstances, entangled with a similar conception of the undesirable outcomes of inaction, both plausibly influenced subjectively by the personal charisma of leaders of the collectivity. Equally plausibly, the emotional strand in the assessments of the potential benefits and costs (incommensurable in a strict objective sense and thus non-comparable on that basis) of action seems likely to be prominent in specific contexts, particularly fear where potential physical conflict could be anticipated. Hence, ignorance of unintended consequences is addressed collectively and need not involve the immediate presumption that the lack of certainty will itself warrant inaction.

The inaccessibility of past minds

The foregoing argument supports two conclusions. First, society is a system of contiguous groups, each defined internally in terms of a shared broad genealogical origin, traditional practices, activities and 'group feeling', and externally in terms of relationships with its neighbouring groups, varying in degree of friendship or animosity and its inclination towards cooperation or competition, reflecting the intensity of the perceived polyvalent distinction between 'we' and 'they'. Complexity is contributed to each group by the diversity of individuals, with their personal histories, their membership of more than one group and differences in their standing and roles within each. Second, this social system is the perennial locus for the discontinuous emergence of change, both structural and cultural. The orderly and routine repetition of activities necessary to sustain life is overlain irregularly by disorderly change, of both endogenous and exogenous origin, generating the complex events that form the explananda of history and archaeology. These result from the exercise of autonomous, albeit interacting, human wills, and the expression of individuals' creative consciousness, qualified by contextual group feeling. An evident consequence is the absence of any simple mapping between the physical evidence of the events and individual actions. A reliable explanation of these events would seem to require access to minds, but personal

testimony is the only evident route. The apparent lack of intrinsic reliability of testimony is attributed to the impossibility of it being corroborated, as inter-subjective agreement can address only the physical features of the event in question. But to set corroboration as a criterion is to insist on a physicalist explanation. So testimony has to be taken at its face value, as a matter of belief. It is thereby subject only to belief's tests of consistency, coherence and congruency with other evidence. However, this evidence includes the testimony of others, so inconsistency may be anticipated to characterise the states of minds of the individuals concerned and thus be a part of the explanandum. This seems to offer support for the suggestion in Chapter Two that a trial by jury, with its cross-examination of inconsistent testimony and its presentation of opposed advocacies could supply the archetype of explanation of human action. However, as previously pointed out, the critical problem in history and archaeology is that the human witnesses are dead; all that is accessible is physical evidence they have left behind, presenting the problems of interpretation and inference considered at some length in Chapters One and Two. Accordingly, the advocacies of why what might have happened did not have to be assembled from imaginative reconstruction.

The prospect of social conflict

This chapter began by identifying the importance of the human mind and will in the explanation of human action. The will of the individual has now been firmly positioned within an active social structure, without reducing either one to the other. However, the internal relationships need to be considered further. To regard an action as in essence an exercise of the human will seems to imply that the will has been totally 'discharged' in the action, leaving the actor 'exhausted' in a sense. However, if the action has involved engagement with another party, whose will is similarly activated, it cannot generally be assumed that the outcome will be harmonious, though it may be in some instances. And if a conflict of wills is involved it cannot be assumed that both parties will be left 'satisfied' as though it were an economic trade where appropriate price negotiation could lead to mutual satisfaction. Thus, on either part, or indeed for both, there may be a 'carry-forward' of dissatisfaction, resentment or other negative feeling, consequent on the clash of wills. It is argued here that conflict of wills is ubiquitous in social relationships. This was indeed implicit in the preceding account of the emergence of structural and cultural change, with its reference to stratified groups and vested interests and the significance of benefits and costs associated with contemplated change. It seems implicit in the nature of social engagement that conflict is the default position, rather than the harmony that a particular analytical form might import. Reference has been made on several occasions to the human propensity to bring about change or to innovate, that being one of the main motivations behind the search for knowledge. While technological advancement is one consequence, social change is a

target also, and arguably one which is more difficult to secure, precisely because it involves relationships among individuals and groups, rather than between humans and the natural capacities of their physical environment (though the issue of ownership of resources complicates even that). As Archer puts it (in words similar to a previous citation) ‘... generically “society” is that which nobody wants in exactly the form they find it in and yet it resists both individual and collective efforts at transformation ...’ (Archer 1995: 2). Thus, the achievement of social integration – and, in particular, the replacement of one form of integration (or one régime) by another – is a potential source of conflict. While it can be presumed that each individual pursues change and the attainment of some imagined future, it is only within a collectivity of agency that it can also be presumed that agreement exists as to the nature of the change sought and so some commonality of will exists to act in a specific way. Other groups may well have different shared intentions and wills. The relevant questions concern how that conflict can be resolved when it becomes activated, and in particular whether the use of physical force or moral suasion is more likely to prove appropriate in the circumstances. These issues are considered in the following chapter.

Chapter 4 Explanation and Human Conflict

Preamble

It has been argued that, although human actions originate in individual wills, the embeddedness of individuals in complex social groups precludes the separability necessary to attribute autonomy unambiguously either to the individual or to the group. Accordingly, explanations of action that presume such autonomy are inadequate. Moreover, the essential subjectivity of perception, will and social relationship preclude explanation in terms of a mechanical analogue, despite the engagement of humanity's innate drive to survive with its objective environment. Human action demands an historical explanation, to address the singularity imposed by the passage of time. The claim to be considered in this chapter is that, from the necessary holistic perspective, humanity constitutes an open system that is intrinsically and permanently conflicted. Its conflicts do not necessarily and spontaneously resolve themselves to a harmonious stasis, although the outcome need not be perpetual physical violence: its absence from a given time and place signals the operation of effective constraints; its presence signals their collapse. The conflicted relationship between individuals and social groups is multidimensional, with social, psychological, economic, political, religious and legal aspects. The composition of these offers no assurance that deadly violence will be suppressed.

4.1 The Sources of Conflict

Relational Contexts

Human conflict is a form of opposition, '... a process by which social entities function in disservice of one another' (Wright 1951: 197). At its root are cognitive states involving a perceived incompatibility of individuals' motives, purposes and intentions (Berkovitch et al 2008: 4), in respect of either a choice of means, by way of specific actions, or a choice of ends, as to which values or belief system should prevail over the other (ibid.: 6). Conflict can thus be viewed as a relational quality. Yet the role of conflict is frequently neglected: '[t]he prevailing normative picture of humankind held up by the social sciences ... portrayed ... rational creatures who could be expected to relate to and treat fellow humans with basic empathy, kindness, respect and decency' (Waller 2002: 11). Evidently a different perspective is needed to accommodate conflict explicitly, in its different aspects. Several substantive but intersecting relational contexts can be distinguished: the familial, the social, the economic and the political. The familial is the biologically driven context of immediate kin – which necessarily defines non-kin 'others'; the social, the wider notions of community, ethnicity or culture, which define members and non-members; the economic, the productive activities

necessary to generate a standard of living, which defines 'rich' and 'poor'; the political, the hierarchically structured, power-permeated context of collective decision-making, which defines the empowered and the disempowered. Each of these occupies a dynamic temporal milieu, conditioning the relational contexts. The passage of time fosters individuals' awareness of the progression of life and the significance of birth and death. The former draws attention to origin in a union of individuals of different kin, relatedness within a genealogy and an awareness of identity; the latter forces the inheritance and divestment of responsibility.

Conflict and development

This temporal continuity is ruptured discontinuously by the initiation of and response to developmental change, disturbing each of the relational contexts. At the most basic self-sufficient stage of development the contexts can all be tightly integrated so that the kin group, the community, the productive unit and the collective decision-taking body are one and the same. Conflict might be anticipated to be minimal except between different kin groups, primarily around the procurement of wives and the maintenance of group autonomy. But as development proceeds, driven by individuals' inherent propensity to pose questions, investigate, and to do things differently to fashion their own identity and future, different forms of innovation and specialisation emerge. This defines each of the contexts more sharply, a process accompanied by qualitative changes within the relations themselves. It may be surmised that alliances of the like-minded achieved power over others, from which emerged hierarchical organisational structures, increasing in complexity and formality over time, to realise shared objectives. With no reason for the actions of different groups to be mutually compatible in advance, developmental change might be expected to provoke conflict within each context, which constantly resolves in contingent outcomes perceived unequal and inequitable in terms of the social standing, economic value and political influence of specific groups. Any given individual becomes concurrently a member of different sub-groups within these relational contexts – a member of an élite or a subordinate social group, materially rich or poor, politically influential or disempowered – complicating allegiances. Kinship, elaborated as ethnicity, can generate less-easily eradicable or even deliberately fostered differences within and between groups, which add to the potential for conflict. Cutting across these interfaces are differences in religious commitments. Through their inherent subjectivity these are not only in principle able to be adopted or rejected independently of the existing objective context, but they also involve assenting to an authority, spiritual and human, exogenous to that context. This adds a further dimension to conflict, as potentially indelible and sensitive as ethnicity – albeit in principle relinquishable. Finally, the spatial redistribution of people, individually or in groups, driven by the development process, introduces yet another degree of diversity. Marked social, economic and political differences,

and particularly different languages, are brought into close proximity by the promiscuous processes of industrial development and urbanisation.

The norm of conflict

Thus, the nominally homogeneous ‘humanity’ is characterised by internal diversity. The complex range of relational differences diminishes the prospect of reaching mutual understanding or fostering the ‘empathy, kindness, respect and decency’ quoted above. Instead this diversity increases the prospect of conflict. The members of one group are likely to know less about the members of another and their likely actions than they know about themselves. So, they depend on rumour, impression and memory of past interaction to generate a subjective and conjectured image of the ‘other’ as a basis for action. Accordingly, the incompatibility between ‘us’ and ‘them’ is subjective, driven ultimately by strongly held evaluative prejudices. Conflict, then, is the norm. If humanity exhibits a quiescent state, this may be due not to any intrinsic tendency towards harmony, but to the presence of sufficient endogenous controls (kin-related, social, economic, political, religious or legal) to ensure that conflict remains in check, until circumstances allow this control to fail.

4.2 Conflict and ‘Scarcity’

These relational contexts could simply be overlooked, in favour of a reductive and physicalist approach. Human conflict could be viewed as a natural and necessary consequence of a living (and thus procreating) species adapting reactively to the binding constraints set by its physical environment. The species’ instinctive fecundity within its ecological niche perennially generates a surplus of individuals over the replacement requirements of the species supportable by the environment. Some individuals necessarily perish through the operation of a selection mechanism that ensures the long-term fitness and survival of the species. However, given the position of the human species in the food chain, various forms of conspecific lethal human conflict take the place of the control mechanisms of inter-species predation and starvation. Individuals compete to survive, using diverse means to secure advantage. Thus, for example, the Holocaust has been argued by some to be a politically conceived instance of surplus population removal (Rubenstein 1978: 288; Roth 1987: 84). Whether the potential unfalsifiability of this general account, or the way it interprets the predator-prey relationship, is acceptable is not central to the current argument. But its Malthusian attribution of lethal conflict to the parsimony of the environment can be questioned. The claim has two strands: first, that the zero-sum economic problem that confronts humanity – one person’s gain entailing another person’s loss – is the inevitable consequence of scarce natural resources; second, that the human response to this consequence necessarily involves lethal conflict, for humans will not co-operate. The first strand is less

convincing if it is recognised that labour is itself a resource: the goods needed to support human life are not freely available; work has first to be combined with the natural resources, to produce useful goods. The effectiveness of this effort – how hard the work is, or the ‘scarcity’ of goods relative to labour – can be augmented by complementing labour with technological knowledge and improved organisation, obtaining gains from specialisation and the division of labour. But these ‘anti-Malthusian’ measures originate in human innovativeness, require co-operation and involve destabilising, temporal processes of change. An understanding of any resultant conflict requires consideration of the previously mentioned relational contexts, rather than a simplistic attribution to ‘scarcity’. The second strand – that humans will opt for conflict rather than co-operation – very clearly raises issues involving the relational contexts, if it is to be more than an *a priori* proposition. Voluntary co-operation may be expected within cohesive social contexts, but not spontaneously between other groups, although authoritarian political régimes may enforce collective forms of production.

Reductionist accounts

More elaborate physicalist accounts of conflict can be conceived, explicitly incorporating, in some sense, the passage of time, as well as the existence of co-operation. Two that do, in a sense, are Pinker 2011 and Turchin 2006. Both presume that patterns detected in real-world data can support nomothetic explanations, in the manner of experimental observations.

Pinker’s approach is individualistic and underpinned by evolutionary biology, and focuses on a selection of data from the thirteenth century onwards showing a world-wide monotonically declining trend in the numbers of violent deaths – as a measure of conflict. An explanation is offered in terms of the balance established between opposing human psychological capacities, popularly described as ‘inner demons’ and ‘better angels’, implicated respectively in the acceptance or rejection of the use of violence towards fellow-humans. The ‘demons’ are predation, the pursuit of dominance and revenge, an inclination to sadism, and ideology; on the side of the ‘angels’ are empathy, self-control, morality and taboo, and finally reason.

Pinker primarily attributes the apparent trend towards a more pacific world to the gradual ascendancy of rationality over ideology. But this is reinforced by states’ calculated exercise of their monopoly over legitimate violence, an issue of relevance to the later argument.

Similarly, although this conclusion does not appear to depend directly on the internal contest of psychological natures that is given prominence in his account, the possibility of shifts of mental perspectives is of later relevance.

Turchin focuses on a perceived cyclicality in the historical record of empires up to the sixteenth century, the apparent periodicity of conflict warranting the use of non-linear dynamics to order this material in terms of the ‘laws’ of history (‘cliodynamics’). Statistical physics and

evolutionary theory are used analogically to avoid the otherwise troublesome issue of human freewill and to warrant group co-operation and self-sacrifice in conflict: ‘At some point [in human evolution], warfare became the most important force in group selection’ (Turchin 2006: 129). The central argument is that ‘Within-group co-operation is the basis for inter-group conflict, including its extreme versions such as war and even genocide’ (Turchin 2006: 5). In addition, primogenitary inheritance and Malthusian mechanisms are used to underpin the decay and recovery that characterise the relevant overlapping cycles. In short, both Pinker and Turchin address issues that feature in relational contexts, but endeavour to place them within explicitly nomothetic structures.

Alternative approaches

Resources do have considerable relevance for conflict, but not primarily in the sense involved in adaptive response to an environmental constraint. As previously noted, it is not material resources *per se* that confer benefits, but what labour can make with them. And it is how these benefits are distributed that is the potential source of conflict, particularly if linked to an implicit normative presumption that whoever applies labour to material resources is thereby entitled to the resulting goods – an elemental form of ownership and justice. The critical issue is that those unwilling to labour always have the option of plundering those who have laboured, or of enslaving others at subsistence rates or, indeed, employing them at minimal wage rates – all one-sided ‘trades’, resolving by force a deliberately engineered rather than ‘natural’ conflict. No different in principle is the maintenance of an army by taxation or requisition, or ‘foraging’ by troops themselves (effectively a form of plunder). In short, by plunder or by taxation an ‘agricultural surplus’ is being forcibly extracted, whether it is to support a parasite tribe, a social élite or military manpower. As Armstrong points out, by 3000BC the Sumerians ‘... had devised the system of structural violence that would prevail in every single agrarian state until the modern period, when agriculture ceased to be the economic basis of civilization’ (Armstrong 2014: 19). However, a different manifestation of ‘structural violence’ emerged with the advent of industrialisation, consequent on the specialisation of labour, facilitated by technological and organisational innovation. Industry was no less dependent on extraction of an agricultural surplus, itself augmented by technology. The mutual dependence of specialisation generated problems of sharing the product, raising issues of equity, while co-ordination problems created unemployment – a ‘surplus’ of a ‘scarce’ resource – raising issues of justice and security. These distributional consequences, through which specific groups suffered scarcity – some labouring hard but with little return, others unable to find work – connected the economic relational context with both the social and political relational contexts in contrasting ways to those that facilitated the institutional changes in the first place. This produced conflict between workers and owners,

between classes or ethnic groups with identifiable involvements in specific economic functions. It has been argued that merchants or ‘middlemen’ generally occupy a position of social vulnerability, aggravated when they are of a different ethnicity from those with whom they trade. This may have been a significant factor in the Holocaust and other instances of genocide (Zenner 1987: 254-260). The general conclusion is that an adequate account of economic conflict requires an exercise in historical explanation; it is not something universally inevitable merely because of the nature of the physical environment.

Ethnological perspectives

Ethnological sources suggest that drawing a simple equation between resource scarcity and conflict has in part been a matter of interpretation. According to Clastres, ‘[I]n the nineteenth century ... the belief that primitive life was a happy life fell apart. There was then a reversal ... [and] the world of savages ... became ... the world of poverty and misery. Much more recently ... the founders of economic anthropology ... [have asserted that] primitive economy is a subsistence economy which only allows savages to subsist’ (Clastres 2010 [1980]a.: 246). However, ‘The most recent, and most scrupulous, research in economic anthropology shows that the economy of the savages ... in fact allows for the total satisfaction of [this primitive] society’s material needs, at the price of a limited period of productive activity at a low intensity’ (ibid.: 249, 250). As Fry puts it ‘... foragers have a great deal of leisure time. ... Rather than warring, *typical responses to resource scarcity among simple hunter-gatherers are to move to a new area or else share resources*’ (Fry, D.P. 2006: 175, 176; emphasis in original). Within the primitive society food is produced communally and distributed cooperatively and, it would seem, equitably. Keeley has noted from a different perspective that although ‘... the idea that the intensity of warfare is a function of human numbers has become widely accepted ... cross-cultural comparisons do not support this proposition. ... In the broadest view, the frequency of warfare and violence is simply not a consequence of human density or crowding.’ (Keeley 1996: 118).

The supposed equivalence between predation and homicide can also be contested. The archaeological record shows that primitive fire weaponry – bows and arrows – was apparently used both against game and humans, so that at one level it can justifiably be said that ‘[h]unters only have to change their targets to become warriors ...’ (Ferguson 1997: 325); ‘... warfare is merely ... an “equivalent” of hunting. War, like hunting, is “natural”; essentially it is “man hunting”’ (Guilaine, Zammit 2005: 19, citing Leroi-Gourhan 1965: 236, 237). But at another level the choice of human targets involves a distinct element of aggression and violence that are absent from hunting for food and which, accordingly, presumably engages a different part of the brain. Conversely, according to Clastres, ‘... even among the cannibal

tribes, the goal of war is never to kill the enemies in order to eat them ... [P]rimitive war owes nothing to the hunt ... and is rooted not in the reality of man as a species but in the *social* being of the primitive society' (Clastres 2010 [1980]a: 246; emphasis added) – that is, a non-individualistic consideration.

4.3 The Interdependence of Contexts

The social and political relational contexts appear from the outset to be more evidently human constructs, lacking the exogenous physicality that tends to dominate interpretation of the economic context. Biological kinship is generally presumed to be the original, primary and incontrovertible basis of human social relationships. This indelible relationship, necessarily structured by age and sex, is anticipated to display a greater freedom from conflict than other human contexts, with a higher level of empathy, mutual interest, respect and trust providing a ground for a potentially concordant, egalitarian, communal or group life, the 'undivided we' (Clastres 2010 [1980]a: 267). This relationship seems to offer a basis for reproductive success. An acquired awareness of familiar persons within the kinship group can promote a sense of belonging, a perception of shared experience and an immediate consciousness of motives of others, which could underpin an inherent reciprocity. Differing levels of dependence, in terms of age, sex and physical capacity, and similar bases for functional specialisation in production activities, generate further internal bonds. Of necessity kin simultaneously defines non-kin, an 'other' or potential 'they', an external source of potential conflict. Nonetheless, the fratricide that is introduced early in the Jewish origin myth at the beginning of *Genesis*, or the instances of patricide in mythology, may be evidence of an ancient understanding that kinship is not guaranteed to be conflict-free. Moreover, the dynamic nature of kinship precludes its complete closure or autarky: it is a product of procreation and the long-run survival of the group depends on its continuance through that process. First, procreation itself requires relationships to be forged with non-kin, to avoid infringing the ubiquitous proscription of incest: wives may have to be obtained, by exchange or by force, from 'outside', until the group is sufficiently extended by multiple families to support acceptable endogamy. This incorporation of non-kin may have divisive consequences if priority is given to either patrilineal or matrilineal (rather than bilateral) descent, in terms of where partners are expected to reside and how the 'incomer' is treated. Second, the fecundity of procreation can generate a 'centrifugal' factor which may drive maturing male siblings, 'surplus' for a time in respect of the group's production activities, to seek independence beyond the kinship group – or to be the basis of a 'warrior' class within it. This may be a reaction to the 'tyranny of cousins' that may stultify individual initiative within the group as it grows in size (Fukuyama 2011: 54, citing Gellner 1987: 6-28). These two factors generate the possibility of conflict between and within kin. 'Intermarriage is ... no guarantee of peace;

like trade, it can be an inducement to war.’ (Keeley 1996: 125). On that view kinship as such offers no guarantee of harmonious relationships.

Fry considers a range of ethnographic data on other possible discordant relationships arising within primitive kinship groups. First, homicides (mainly by males) do occur, due, for example, to the breakdown of personal relationships through jealousy or rage in reaction to adultery or theft. But while in some cases the community’s response may be to exact revenge through the execution of the perpetrator, in other cases the root problem may be ameliorated at an early stage by appropriate activation of anger- or conflict-management procedures, defusing the situation and avoiding the homicide. (Fry, D.P. 2006: Chs 3-6). According to Fry, ‘Human aggression is a facultative adaptation, somewhat like the capacity to learn a language, not a rigid, obligate adaptation like bipedal locomotion’ (ibid.: 223). Whether or not adaptation and capacity – to which could be added inclination or propensity – are properly synonyms could be debated, but this does emphasise the contingency of the particular event, that is, the occurrence of the homicide itself.

Second, Fry stresses the plausible relationship between the emergence of social complexity, political power and war. Citing Reyna, a critical factor is the degree of centralisation of the group, coupled with its size in terms of numbers, which is also associated with the degree of segmentation within the larger group along lineage or clan lines (ibid.: 100-113; Reyna 1994). Centralisation implies authority and its maintenance in the face of opposition, based on the display of superior difference and the exercise of force – internally to achieve a redistribution of income and wealth in its favour, externally to pursue war against neighbours. The chiefdom is generally presumed to be the first emergent centralised political system, with its own militia providing a capacity to engage in battle (ibid.: 101).

Supported by ethnographic evidence from diverse locations in Peru, Hawaii and Denmark, Earle argued that ‘[t]o build political institutions, chiefs shape their positions from three primary power media – economy, military, and ideology – ... sources of power which may be universal to the political process ... [but which possess] quite dissimilar internal dynamics for change [giving rise, in differing combinations, to] distinctive power strategies represent[ing] different routes to (and from) social complexity’ (Earle 1997: 193, 194). It is plausible to claim universality and interdependence of these media, as together they concern the totality of human concerns – freedom to secure a livelihood, freedom of movement and freedom to believe. The chief’s centralized power rests on the capacity to constrain these, if necessarily using one to leverage the others. Economic coercion allows requisition of a surplus – as noted previously – to fund military capability and the materialization of ideology (in monuments, temples, burials and ceremonies); military coercion enables the seizure of

both economic and ideological power; while ideological coercion legitimizes the exercise of the others. Thus, a pattern of rights and obligations is enforced, effecting the distribution of income and wealth from the production process. 'This success [of the chief] corresponds directly with the failure of individuals to retain their independence through resistance' (ibid.: 208). It is this political zero-sum game, related to the attainment and exercise of power, which has significance.

Conflict and Constitutional Change

Earle's reference to resistance is in accord with Clastres's conclusions, which point forward to a later argument. The basic objective of primitive war is not to kill or conquer as an end in itself, but to defend the autonomy and egalitarian identity of the group by preventing its absorption into subordination in an emergent inegalitarian 'state' (Clastres 2010 [1980]b: 164). Moreover, the antecedents of warfare are located not just in the specific relationships existing between the protagonists, but also in relationships with their allies. An 'essential property of international life' found even in primitive societies, is that '... war relates first to alliances; war as an institution determines alliances as a tactic' (Clastres 2010 [1980]a: 267). In short, the objectives of warfare are intrinsically political and not simply the pursuit of material gain, as in spasmodic raiding for plunder. These alliances with 'others' are a matter of circumstantial expediency, not contractual but subject to revision as time passes. The upshot is a perpetual state of war (although not of constant violent engagement), a persisting tense and uncertain balance of power among the relevant groups. The tipping of this balance, due to the unexpected victory of one group, would generate a radically new and hierarchical constitutional context for both the victor and the rest of the society of communities. This becomes a step in an erratic process of qualitative change driven inexorably in the longer run by unpredictable innovation in military capability. The maintenance of the primitive *status quo* was a vain hope: 'Primitive conservatism ... seeks to prevent innovation in society; it wants the respect of the Law to assure the maintenance of non-division; it seeks to prevent the appearance [i.e. emergence] of division in society' (Clastres 2010 [1980]a: 273). But the propensity to innovate is a basic human capacity – notwithstanding the implicit ignorance of its consequences and their potential divisiveness. Innovation provokes conflict and political change; accordingly, '... the dividing line between archaic societies and "western" societies is perhaps less a matter of technical development than of the transformation of political authority' (Clastres 2010 [1980]c: 90). However, this need not mean that significant change could not occur without conflict – as, for example, the rapid spread of settled agriculture through eastern and central Europe, at the expense of hunter-gatherer groups, apparently without violent confrontation (Dennell 1985: 127; Dolukhanov 1999: 81). Yet the relationship between technical development and political transformation appears symbiotic,

and warfare seems instrumentally entangled with both. But the search for a general or theoretical explanation of these processes is likely to fail: ‘... the closed conception of these levels of social complexity [i.e. bands, tribes, chiefdoms and states] makes it difficult to model change from one level to another. Each is defined unto itself, hence evolutionary openness is logically frustrated’ (Green, Perlman 1985: 6). Despite the contemporary presumption that an evolutionary approach can achieve the explanation of change, all theories impose closure and in so doing fail to capture its elusive nature.

Conflict and Constitutional Order

The main thrust of the present argument is that change in the human context is embedded in the temporal succession of events, so a persuasive explanation of its open and contingent nature requires the adoption of an historical perspective, one which acknowledges the singularity of historical events. It is the antithesis of the deterministic, nomothetic perspective. The constitutional law historian Philip Bobbitt offers a distinctive contribution to this in *The Shield of Achilles* (Bobbitt 2002): ‘Fundamental innovations in war bring about fundamental transformations in the constitutional order of states, while transformations in the constitutional order bring about fundamental changes in the conduct and aims of war’ (Bobbitt 2008: 23). The individual transformations are mutually stimulating and progressive (but not necessarily smoothly so), changing both the internal relations between inhabitants and their respective states and the external relationships among states. His thesis involves the paradoxical entanglement of two contrasting trajectories of human innovation, one objective and one normative. The former is humanity’s continuing pursuit of technological innovations to enlarge and refine its capacity to inflict lethal violence on itself; the latter is humanity’s perpetual search for constitutional innovations both to warrant and to restrain the consequences of that same capacity. The evidence places the former beyond doubt. The utilitarian driver of human technological innovation is to make work more effective, or ‘easier’. This is applicable no less to the military context than to civilian manufacturing, even if its eventual ‘output’ is killing – although, as warfare is a bilateral relationship, military technology must consider both offensive and defensive capability. By the synthesis of mechanical, chemical and subsequently electronic means, aided by organisational and managerial changes, the ‘productivity’ or effectiveness of military action has been vastly, if episodically, and irreversibly increased. Bobbitt’s thesis focuses on the constitutional implications of conflict between states conducted by these increasingly effective military means. This engages the second trajectory of human innovation: to reduce the undesirable consequences of this burgeoning human capacity for self-directed deadly violence not by physical means (since these changes are irreversible) but by entering into mutually binding agreements – in short, by relying on ‘... the human capacity to make and keep promises’

(Canovan 1998: xix). The result is the contingent emergence of sovereign states that are pragmatically involved in continuing and evolving relationships with similarly positioned neighbours. These emerge together, incidentally, as a ‘society of states’ – a substantive social structure with its own dynamic. Bobbitt’s sequence commences with princely states of the sixteenth-century, which metamorphose through the constitutional forms of kingly states, territorial states, state-nations, nation states to, by the twentieth century, market states. He traces the geographical reach of this constitutional succession through Western Europe, to the western hemisphere, eventually attaining global significance, largely by exportation of constitutional forms through the exploration and colonising activities of the western European states and the eventual American hegemony. The significant constitutional changes were driven by five substantive epochal wars within this 500-year period: the Habsburg-Valois wars, the Thirty Years War, the wars of Louis XIV, the wars of the French Revolution and, finally, the ‘Long War’ (Bobbitt’s conception of the combination of the two World Wars, the Bolshevik Revolution, the Korean War, the Cold War and the Viet Nam War, treated as one ‘... because they were all fought over a single set of constitutional issues’ concerning emergent rival political philosophies (Bobbitt 2002: 24)). The corresponding formal constitutional events in which the epochal wars culminated and which brought about key transformations in the state’s relationship both with its own inhabitants and, importantly, with other states, were the Peace of Augsburg (1555), the Peace of Westphalia (1648), the Peace of Utrecht (1713), the Congress of Vienna (1815) and the Peace of Paris (1990).

Bobbitt located the key constitutional innovation in late-fifteenth century Italy. Rich but small fortified city states had been rendered vulnerable by the earlier development of gunpowder and siege artillery (Hall 1997: 42). This led their ‘... princes and oligarchs [to make] a pact with ... the idea ... of the State ... [as] a permanent infrastructure to gather the revenue, organise the logistical support, and determine the command arrangements for the [mercenary] armies [required]’ (Bobbitt 2002: 80). However, this pragmatic bureaucratic structure outlived the princes themselves, gaining a permanent constitutional identity that would undergo significant transformations, discontinuous but cumulative, over the ensuing centuries, typically focused on the peace negotiations marking the conclusion of a period of warfare. According to Bobbitt, the Peace of Augsburg effectively laid the foundation for international law, establishing recognition of a society of equal sovereign states, irrespective of religion, whose shared laws were concerned to maintain peace among them and who accepted the principle of non-interference by one state in the (internal) affairs of another (ibid.: 487-489, 500, citing Jordan 1965: 37, Watson 1984: 15). The Peace of Westphalia, at the end of the Thirty Years’ War, added limited intra-state religious freedom to minimise conflict and insisted that no state would be subordinate to some higher secular or

ecclesiastical authority. The Peace of Utrecht ensured that ‘... the word *state* ... became the name of a territory, not a people ... nor a dynastic house’ (523); the integrity of its borders had become all-important, and it ‘... viewed the *balance of power* as the fundamental structure of the constitutional system itself’ (523; emphasis added). Following Napoleon’s defeat, the Congress of Vienna of 1815 made provision for any state initiating aggression to be militarily opposed by a coalition of the others and for an emergent ‘collective security force’ (ibid.: 163) of the great powers, the Concert of Europe. It was also accepted that, although the society of states lacked sovereignty, the legitimacy of collective decisions to carve up the Napoleonic empire could be based on individual states’ acceptance of the principle of giving precedence to the pursuit of the society of states’ common interest in peaceful coexistence.

From the mid-nineteenth century, widespread revolutionary upheavals and emergent popular nationalism brought about the transformation from the imperial state-nation, able to direct the entire resources of the state in furtherance of its ambitions, to the nation-state. Its characteristic objectives were, internally, to enhance the welfare of the people that constituted the nation; externally, to pursue, if necessary, total, rather than limited, war: ‘If the nation governed the state, and the nation’s welfare provided the state’s reason for being, then the enemy’s nation must be destroyed’ (ibid.: 196). The development of the ‘industrial-military complex’ contributed to both objectives, generating employment and wealth out of the creation of the capability of industrialised warfare. However, if a nation’s people collectively assume the right of self-government and give priority to seeking their own welfare, then they have also to decide which political system to adopt to achieve this end. This established the basis for the next epochal war, Bobbitt’s ‘Long War’: at stake was which of the fundamentally incompatible political systems of communism, fascism or parliamentarianism should prevail in the European society of states. Fascism was defeated and wholly discredited by its resort to genocide. Communism patently could not serve the objective of the nation-state, to enhance the welfare of its inhabitants. Parliamentarianism remained, to be enshrined as the legitimate basis for the society of states in the Charter of Paris in 1990. The concurrent emergence of transnational institutions charged with both reducing international conflict and enhancing international economic development contributed to the elaboration of the society of states.

But the pursuit of a primarily economic objective cannot be disengaged from the operation of markets, so that the nation-state’s independence becomes constrained by transnational forces emerging in the markets – forces incidentally given greater power by the states themselves in pursuit of improved welfare for their populations. Consequently, the continuing development of the global economic system undercut the ability of individual nation-states to deliver

improvements in welfare to their own populations and so engineered the next transition, to the market-state of the present period. The residual capability of the market-state is primarily to maximise the opportunities of its inhabitants – leaving the global market to deliver the welfare, apart from some state provision of public goods and limited redistribution of income. It remains to be seen where subsequent constitutional change in response to continuing conflict, now in the form of terrorism, will lead.

4.4 The Evidence of Conflict and its Interpretation

Archaeological evidence

The purely archaeological evidence associated with human violence comprises specific sub-categories of the standard groups (skeletal material, artefacts, structures and rock art) distinguished inferentially, based on presumptions about the specific kinds of physical evidence that would signal violent action. Some ambiguity exists, as the same outcome could arise from quite different events not always involving violent intentions (e.g. not all deaths are homicides and not all homicides are murders). The sub-categories include osteological evidence of violent trauma, suggestive of homicide; artefacts open to construal as offensive weapons; settlement structures with external ‘walls’ of varying form implying defensive intent; pictorial representation of figures apparently engaged in acts of violence. The physical evidence is more persuasive when different types are found in conjunction: projectiles embedded in human skeletal material (e.g. Heath 2009: 55, 56; an Early Neolithic example) or scattered around a defensive structure (e.g. Mercer 1999: 151; the Crickley Hill Neolithic causewayed camp, its supposed defensive form consistent with the adjacent presence of over 400 leaf arrowheads attributed to ‘... intensive and probably tactically marshalled archery’); weapons employed as grave goods (e.g. Sánchez-Moreno 2005: 114-120; Iberian Iron Age graves identified as those of warriors) – or when it is difficult to envisage a specific artefact type having an innocent purpose as a tool (swords and shields, and, in a later period, musket balls). Rock art depicting scenes of armed combat, interpreted as a pictorial record, can provide insights into the application of violence, the context of weapon use and its outcomes (e.g. Nash 2005: 75-86; Neolithic painted panels in Levantine Spain). However, from a forensic point of view, in the absence of witness testimony this physical evidence is basically circumstantial (Keeley 1996: x) and fragmentary. Some circumstantial evidence may now be lost: ‘The image of Stone Age warfare ... hinges on the fact that a considerable part of the weaponry of that time is not archaeologically visible (such as stones thrown by hand, wooden javelins and clubs, or sling projectiles)’ (Carman 1999: 65), or tools unidentified as weaponry – Carman’s ‘dual tool-weapon’ category relevant to the Mesolithic and Neolithic. (ibid.: 66, 67). In general, the extreme paucity of skeletal remains in relation to the total number of

human deaths that have taken place – estimated at one hundred billion over just the last 10,000 years (Davies 1994c: 24) – must raise doubt as to the general representativeness of recovered skeletal remains, as well as to the significance of the proportion displaying trauma (Chapman 1999: 102). Moreover, violent death need not yield osteological evidence and may be under-detected on that criterion: soft tissue injury can lead to fatal blood loss, organ failure or sepsis. The thinness of the skeletal evidence leaves open the question of whether or not violent conflict generally engaged large numbers: ‘... the weaponry of the earlier [Bronze Age] period is often more suited to the fighting of champions ... using weapons such as daggers and later rapiers ... [an action possibly] quite carefully choreographed’ (Osgood et al 2000: 34), a possibility perhaps supported by the ‘... emergence of “warrior graves” in the Early Bronze Age [reflecting] a new era of symbolism and status for the warrior, although it does not necessarily imply that fighting had escalated’ (ibid.: 41). The possibilities that, in particular circumstances, weaponry was used primarily for purposes of display (or even produced to serve as grave goods (ibid.: 50)) – or to achieve local intimidation and coercion – rather than actual violence; or that the construction of enclosed settlements was to foster or reinforce social cohesion through cooperative activity or even to impose centralised control on the inhabitants and enhance the status of the social hierarchy, point to the weakness of reliance on too specific a presumption as the basis for an appropriate classificatory scheme. The polemical content of Keeley’s assessment of prehistoric warfare does acknowledge the presumptive basis of archaeological evidence, whereby ‘... glib speculation, the caprices of intellectual fashion, and the deeper currents of secular mythology’ (Keeley 1996: 4) and ‘... the current Western attitude of self-reproach’ (ibid.: 179) can influence the typical representation of prehistoric conflict constructed from the circumstantial evidence. The anthropologically sanctioned use of ethnographic material to interpret prehistoric evidence is standard practice – even if the direction of the relationship is sometimes unexpected: ‘... archaeological evidence strongly supports ethnographic accounts concerning the conduct, consequences and causes of prestate violence’ (ibid.: 39).

Historical evidence and Inter-state Conflict

The evidence of historical conflict is dominated by documentary material, with archaeological material performing at best a subsidiary role. (However, it was noted in Chapter 1 that a case has been made for a ‘documentary archaeology’, treating documents as a category of material artefact to be considered from an anthropological perspective, with due regard for its materiality (Wilkie 2006: 13-33), while equally material artefacts may be interpreted as texts – a postmodern perspective). Indeed, a significant proportion of historical documentary evidence is devoted to accounts of warfare. This is partly because much of the evidence is generated by the apparatus of governance (initially also the domain of literacy) in respect of

which the possibility of warfare is a real threat or a useful tool – hence Gibbon’s opinion that ‘Wars, and the administration of public affairs, are the principal subjects of history’ (Gibbon 1776-88: 9.1.252, quoted by Marwick 2001: 58). But privately originated material is also significant, particularly as literacy became more widely established, because events involving warfare are of considerable personal concern to those directly involved, destroying lives and property or generating intellectual turmoil, by challenging a customary way of life and received values.

The prevalence of war during the historical period also warrants the volume of documentary material to which it has given rise: ‘As a theme, war was central to the written culture of the middle ages’ (Allmand 2000: 17). This volume continues to increase in the present, even in respect of wars of the past – a fact that raises the important historiographical distinction, previously noted, between primary and secondary sources. The authority of the former over the latter (‘... without the study of primary sources there is no history’ (Marwick 2001: 156)) derives primarily from its presumed standing as contemporary witness testimony, considered as the guarantor of qualified objectivity. Although a contemporary account should be free of any accretion of later and irrelevant content (and of the presentism already noted as a complication), contemporaneity itself offers no guarantee of authority. Given that the authors of annals and chronicles recording warfare in the Middle Ages were clergy, reflecting the contemporary distribution of literacy, these accounts were not necessarily witness statements either. Certainly, the authors’ unavailability for interrogation, even if they had been witnesses, means the accounts’ forensic value is limited, particularly if other documentary corroboration is lacking. Unit war diaries of the twentieth century are unquestionably contemporary documentary records, but their narrow official scope does not adequately embrace the full nature of the conflict event. The spatial and temporal extent of a military engagement places the totality of the action beyond the perception of a single participant: too much is happening simultaneously at different places, while at every place – of which there is an infinity – there is taking place a unique sequence of occurrences. With every combatant a potential witness, there is scope for a plethora of differing accounts – which contributes to the diversity of published accounts of even the most recent military engagements. Even for a single battle a simple assemblage of such diaries and accounts, necessarily from both sides of the conflict, does not spontaneously compose into an account of it as the coherent unitary event it is subsequently conceived to have been. In some circumstances military engagements have been written up and sketched by individuals overlooking the action from a vantage point. But an onlooker from a distance cannot distinguish the detail and observes at best only the broad sweep of the engagement (or at least that part not obscured by the smoke of discharging guns and exploding ordnance), while there remain the general problems of faulty

recollection (as the account was probably not written in the field but later) and partiality (as the onlooker probably supported one side rather than the other). More significantly, it is questionable if a spectator who lacks the experience of the combatant can properly be regarded as a witness. If not, then such accounts, too, would fall short of the evidential standard. However, this standard must be not only appropriate to the event being considered – and warfare is patently more complex than, for example, an isolated homicide – but also not subordinate to the concept of the true singular observational statement (which in isolation tells very little). This notion is limited in its applicability to the carefully circumscribed relationships of experimental science. Instead, judgement and interpretation are integral to accounts of warfare (and indeed of human action in general), whether on the part of witnesses or of historians. This perspective was gradually adopted towards the modern period: before the twelfth century annals stated merely that battles and wars had taken place and recorded the outcomes; more detailed chronicles followed but only offered, as White put it, ‘... a mere sequence without beginning or end or ... sequences of beginnings that only terminate and never conclude’ (White 1981: 23, quoted in Carr 1991: 12). Only by the fourteenth century was it possible to ‘... perceive a greater willingness [among writers of accounts of conflict] to question why events turned out in the way they did. Jean de Bel, for instance, not only described but analysed too [the battle of Crécy, in 1346]’ (Allmand 2000: 28).

The expectation that archaeological and historical evidence will be complementary is perhaps greater in respect of battlefield encounters. In some cases, the discovery of artefacts has refined the available documentary accounts, but in others physical evidence to support specific historical narratives has proved elusive, failing to confirm the location of engagements through detection of projectiles or the scale of casualties via appropriate skeletal evidence.

Interpreting the evidence

Explanation seeks answers to questions addressed to some putative evidence, so preparatory interpretation is required to specify the appropriate questions and to separate relevant evidence from irrelevant background. This requires the prior adoption of a perspective from which to view or frame a specific ‘curiosity’ (or example, the presence of violent conflict in the human record). The anthropological precommitment can be contrasted with the historical precommitment. The former anticipates that the extraction of empirical generalisations from interpreted patterns in selected evidence will prompt questions that will yield deterministic and essentially atemporal theoretical explanations. In effect the approach reductively seeks support for hypotheses about intrinsic human capacities, particularly those inspired, on analogical grounds, by biological evolutionary theory. The latter anticipates that a search of

the particularities of singular events will prompt questions that will establish a plausible contingency in the temporal succession of such unique events. In effect the approach seeks to understand the past in terms of the emergence of extrinsic human capacities to structure their collective engagement with each other in a sustainable way. These contrasting precommitments limit their capacity to be mutually supportive, quite apart from the asymmetry in the temporal reach of their respective bodies of evidence: while there exists archaeological evidence contemporary with all literary sources, only archaeological evidence exists for the longer pre-literacy period. Consequently, it may be conceptually impossible to graft the conclusions from anthropological/archaeological research onto those from (historical) research in the literacy period. However, there is no practical impediment to the adoption of the substantive historical perspective to view archaeological evidence from either the pre-literacy or the literacy periods – so long as the former evidence points to the same kind of formative events that emerge from the documentary record. In short, the historical perspective views archaeological evidence differently, because it lacks the positive/physicalist commitments claimed to be essential by the anthropological perspective. Nonetheless, the anthropological perspective can be directed to the historical period, framing its own particular category of evidence, as the following illustrations indicate.

4.5 Violent Conflict beyond Warfare

An explanation of human conflict focused exclusively on warfare is partial. It ignores other manifestations of the human capacity to perpetrate violent action against its own species. Two further categories requiring consideration are slavery and genocide, the former not necessarily lethal in its intentions, the latter distinctively selective in its lethality.

Slavery

The institution of slavery possesses a ubiquity and persistence that establishes it as a dominant form of conflict within human society. Its existence relates to the earlier observations that the essence of economic activity is the use of labour and that in general the way in which the burden of work is distributed has no necessary connection with the way in which the benefits of its product are shared. The institution of slavery is the means whereby one group forces another group to bear the burden of work and then appropriates the benefit for its own use. It is by no means exclusively a by-product of organised warfare, though it can be. Defeat in war potentially robs prisoners-of-war and civilians of their inherent human autonomy and self-determination and substitutes total subjection and vulnerability. They become no more than a physical resource to be exploited at will by the victor, who assumes ownership and power of disposal – just a spoil of war, no different from material plunder. Although some captives might be ransomed, survivors formed an initially costless and expendable labour supply,

easily divorced from its homeland and self-transportable, a feasible object of trade – so long as a demand existed. The defining human dimension of the resource means that, potentially, slavery could perpetuate indefinitely the loss of individual autonomy, being heritable on descendants: ‘Slavery is, in the last analysis, only a kind of substitution for actual death’ (Fisher 1972: 575, citing Elwahed 1931: 183). Not only survivors of warfare need be involved: non-belligerent populations have also been deliberately targeted for enslavement and the forcible extraction of their economic value – typically communities that lacked adequate defence and could be easily overrun. This practice shares the same underlying values as warfare, in viewing ‘other’ humans (because of their different ethnicity, religion or socio-political allegiance) purely as objects. But trade requires that both sellers and buyers share such values and that an appropriate and accommodating institutional structure exists to set terms of transfer, convey formal title and meet whatever conditions a condoning authority may impose to legitimise or facilitate such transactions. In short, the practice is socially endorsed.

This practice, treating humans as chattels, seems to have become established over much of Europe and Asia, from the third-millennium BC onwards in Mesopotamia. In Greece and Rome, it formed an essential part of the economic foundation of their civilizations. The Greeks regarded ‘... those tasks necessary to sustain life and make it pleasant ... as a form of bondage precisely because of the necessity involved’ (Cuffel 1966: 337) so the tasks ought to be performed by slaves. Admittedly, ‘... the possibility of becoming a slave was one of the ever-present facts of Greek life [as] warfare, whether on a large or small scale, was almost continuous’ (ibid.: 325, 326). The Roman demand was stronger for males than females (Harris 1999: 67), and lands beyond the periphery of the Empire were regarded as ‘... not densely enough populated to fulfil [their] need for slaves’ (ibid.: 72, citing Scheidel 1996). But the Vikings’ slaves ‘... included many women – [and] indeed may have been predominantly female’ (Karras 1990: 141). Sexual exploitation was a primary motive, supporting the practice of concubinage in Scandinavia. However, the Vikings were also selective: ‘Raids made specifically for the purpose of capturing slaves would concentrate on the age and sex the raiders expected to bring the highest price, not necessarily on women; [but] enslavement after battle tended to victimise women and children predominantly, since many men would already have been killed’ (ibid.: 158 n3, citing Karras 1988). Similar sea-borne raids, seeking slaves *inter alia*, were carried out from the chiefdoms of the North American Northwest Coast, over a longer period of 3,000 years. (Fry 2006: 102, citing Ferguson 1984: 272). The Vikings sold European slaves in Byzantium, indicative of the elaborate development of markets in slaves internal to Eurasia. Established specialised markets emerged in thirteenth-century Italian trading colonies in the Crimea. By the fifteenth

century the trade was focused on Muslim-controlled Caffa; by the seventeenth century markets in Istanbul – monopolised by Jewish merchants – Venice and Alexandria had become outlets for large numbers of Tatar-captured Muscovite Russians and Poles. The mounted incursions of the Tatars precipitated the Russo-Crimean wars in the late sixteenth centuries and the construction of fortified towns and abatis defences. According to Fisher, ‘... most of the Tatar raids do not appear to have had any military purposes [and] were rather an integral part of the Crimean economy, a “harvesting of the steppe”’ (Fisher 1972: 575); ‘For the next 220 years [from their first raid in 1468], the Tatars raided either southern Poland or Muscovite Russia about annually, and on at least sixty-five occasions returned to the Crimea with a large number of captives’ (ibid.: 576). The slaves were sold to a variety of customers: governments (seeking crews for naval galleys), local administrations, Muslim social élites (involving the acquisition of a proportion of women and boys for sexual exploitation) and buyers from Western Europe, North Africa, Abyssinia and Iran. Fisher notes that ‘In France, Spain and Italy ... Slavic slaves ... became parts of dowries, were purchased by priests and performed domestic service for almost every noble family’ (ibid.: 577). The slave trade also became an important source of tax revenue for the Ottomans.

Concurrently slavery developed in North Africa (including Christian slaves from southern Europe), sub-Saharan Africa (exported via Zanzibar to the Middle East), and West Africa, the principal source for the burgeoning trans-Atlantic slave trade associated with the imperial activities of the European powers. Its defining association with terrorisation of one group by another has continued into the twentieth century – in, for example, Chechnya (Turchin 2007: 344). The divine sanction afforded slavery by both Islamic and Hebraic law possibly contributed to the persistence of values that accommodated slavery, the Hebrew position being problematic for Christianity’s opposition to it, given their relationship; this contributed to the intensity of arguments in Britain surrounding its abolition (see, for example, Davis 1975: Ch. 11). Thus, it has taken at least 900 years for a world-wide *de jure* prohibition to be established, although human trafficking continues as a matter of fact. According to Taylor ‘There are more slaves today than at any other time in history – 27 million at a conservative estimate’ (Taylor 2005: 225).

Massacres and Genocide

Discovery of a mass inhumation presents an interpretational challenge for archaeologists, if osteological analysis suggests that, on the one hand, a mass killing has occurred (evidence of violent death), but on the other, the individuals were not combatants in armed conflict (assumed from age and sex). If more detailed analysis points to the relatedness of the victims in the same kinship group or community, then the possibility arises that this relatedness had a

bearing on their deaths and that it was the group as such that had been targeted, for some reason. This could provoke the further inference that the event had been perpetrated by a self-consciously 'different' group. It could then be interpreted as an instance of genocide, Lemkin's neologism (Lemkin 1944) to denote an intentional killing of an entire group of civilians on grounds entirely independent of their own actions, due instead to their different ethnicity, religion, ideology or culture. But crucially this perceived difference has in addition been endowed with a normative significance, sufficient to motivate the group's elimination – thereby 'annihilating difference' (Hinton 2002).

However, interpretation of prehistoric skeletal evidence is not straightforward and can therefore be contested. Apparent Neolithic massacres include the collective inhumations at Talheim (in Germany), Schletz-Asparn (in Austria) and Roaix (in France), respectively of 34, 66 (from partial excavation; possibly up to 300) and more than 100 individuals, most apparently having suffered violent deaths from head injuries (Golitzko, Keeley 2007: 333, 334; Keeley 1996: 38, 39). Yet not all collective inhumations definitely denote massacres: those at Ofnet (34 individuals) and Herxheim (450, projected to possibly 1300-1500 for the whole site) could possibly be discounted as, respectively, successive rather than concurrent depositions (Orschiedt 2005: 68) and secondary burials of ritually manipulated remains over a period of 50 years or so, collected from a wider area to a common location, and that possibly not a fortified site (Orschiedt, Haidle 2006: 161-163). However, their conclusion that '... the argument for a violent war-like conflict has to be rejected' (ibid.) is contested, by claims that the '... "culturally modified" human remains ... are most plausibly explained as indirect evidence of inter-group conflict' and that ritual practice is '... strongly related to other evidence for warfare' (Golitzko, Keeley 2007: 333, 338). Frayer claims the Ofnet remains denote a massacre, but the preponderance of sub-adults (two-thirds under 20 years of age), the over-representation of adult females and the selected nature of the deposited skeletal material invite special explanation (Frayer 1997). Neither site does seem to offer convincing evidence of a mass killing, even if warfare were implicated. The fourteenth-century Crow Creek village site, however, does. It involves the skeletal remains of at least 486 individuals, estimated at rather more than half of the village population and from all age groups and of both sexes – teenage girls and young women and older adult males were possibly underrepresented, plausibly attributed to the abduction of some of the former and the prior deaths of some of the latter in earlier violent action (Zimmerman 1997: 83, 84). The conjectured cause, however, is physicalist: internecine inter-village warfare among the chronically malnourished, precipitated by competition for food supplies made inadequate due to adverse climatic changes (ibid.: 89) – a Malthusian check.

Instances of mass killings drawn from the overlapping historical period seem to defy the search for a similar physicalist explanation and to have genocidal features – for example, the already-mentioned Athenian massacre of the population of Melos (415/6 BC), the Roman slaughter of the inhabitants of Thessalonica (390 AD), Charlemagne’s massacre of pagan Saxons at Verden (782), the Muslim killing of the Jewish population of Granada (1066) and the massacre of Roman Catholics by an Orthodox mob in Constantinople (1182). Later centuries provide occurrences that have varied widely in nature, challenging the use of the word ‘massacre’ as a category, and not always suggestive of genocide. Beyond involving some unspecified number of violent deaths, a ‘massacre’ is neither a natural kind nor a well-defined concept, with entangled objective and subjective features. Thus the several-hundred-thousand victims in Yangzhou in 1645, the 38 deaths in Glencoe in 1692 and the Utøya shooting of 69 in 2011 by a solitary gunman have each been placed in the category of ‘massacre’. The nature of the perpetrators also varies. In some cases, they are soldiers with access to weaponry, appropriate training, possibly already inured to killing; sometimes they were acting outside of the scope of their orders (for example, Praga, Warsaw, in 1794) but sometimes on the command of their immediate superiors (as at Mỹ Lai, Vietnam, in 1968) or senior staff (as at Hama, Syria, in 1982). Some massacres were the result of military attempts to suppress civilian unrest, such as at Bogside, Londonderry, in 1972 and Tiananmen Square, Beijing, in 1989. In these cases, the ultimate responsibility apparently lay with the respective governments, but as Bellamy points out governments can evade blame by ‘... establishing militia groups that perpetrate atrocities but stand outside the formal control of the state’ (Bellamy 2012a: 46): ‘In Rwanda, genocidal militias [the Interahawe] conducted most of the massacres. ... By 1994 [they] had as many as 30,000 recruits ... all well-versed in anti-Tutsi hatred’ (ibid.). Civilian mobs have been responsible for other massacres – such as on St Bartholomew’s Day, Paris, in 1572, or the killing of Sikhs in North India in 1984.

In respect of later-acknowledged instances of genocide, it has been claimed that, over the twentieth century as a whole, the ratio of people killed by their own governments to deaths in all wars is five to one (Semelin 2003: 194, citing Rummel 1994); and ‘... genocide and politicide – purposive state-sponsored massacres – have claimed over twice as many victims as have wars and natural disasters since 1945’ (Fein 1993: 81, citing Harff, Gurr 1988). The six million attributed to the Holocaust may have been surpassed by the number of victims of Japanese war crimes in the Far East during the Second World War, the forced-labour-based colonial activities in the Congo Free State between 1885 and 1908 (ten million apiece), and the Holodomor famine of Ukraine of 1931-3 (possibly as many, possibly a third less). However, while the Holocaust is without doubt the archetypal genocide, doubts exist in respect of these others. The Japanese government continues to contest the extent of their war

crimes. Despite the European Parliament's resolution that the Ukrainian famine '... was cynically and cruelly planned by Stalin's regime [and] an appalling crime against the Ukrainian people, and against humanity' (European Parliament 2008), albeit the word 'genocide' was not employed, the culpability of Stalinist agricultural policies is still debated. Wheatcroft concluded that the famine's causation '... remains even more highly disputed than the famine's scale' (Wheatcroft 2004: 108) and while it may have been the outcome of criminal negligence, it may not have involved criminal intent (ibid.: 109). According to Roes the 'Congo Atrocities' were a product of a '... culture of violence as a multicausal, broadly based and deeply engrained social phenomenon' (Roes 2010: 635) driven by economic exploitation, rather than genocidal intention, pursued '... through a process of copying, adapting, extending, and intensifying the economic organisation of the Eastern [African] slave frontier' (ibid.: 639). Not unexpectedly, the classification of particular past mass deaths as genocides remains to this day a contestable matter in the view of some authorities (for example, Turkey currently in respect of the Armenian massacre).

4.6 Explaining killings of innocents

The insecurity of 'humanity'

In warfare deaths are expected as an intentional outcome of its prosecution, but deaths of non-combatant victims – having no moral liability to be attacked, in McMahan's words (McMahan 2009: 8) – cannot be justified in terms of the principle of self-defence. However, from the perspective of their respective value judgements, the perpetrators of a mass killing of innocents could cite the principle of punishment as justification: the differences between their victims' value judgements and their own could be viewed as warranting retribution. As Staub notes, 'The heresy of religious divergence and the heresy of even minor political difference can both lead to violent fury' (Staub 2000: 374) – an issue considered in Chapter 5. The explanation of atrocities – the massacre or rape of innocents or the execution of prisoners taken in combat – requires reference to the minds of the perpetrators, whether acting individually or in concert. It would appear that a necessary, but insufficient, condition for a massacre is the emergence of a stark, perceived difference in religious belief, political ideology or social identity that clearly partitions a 'We' (or even an 'I') from a 'They' – or an in-group as opposed to an out-group – in such antithetical terms that 'They' become an anathema to the other (and thus an evil meriting excision) or a significant potential threat to the in-group's fundamental self-beliefs (and thus to be pre-emptively eliminated). Thus, the out-group can become the scapegoat (Staub 2013: 183) or the sacrificial victim (Taylor 2002: 139). But the nature and origins of the difference are contingent matters. Also necessary, and again insufficient, is an equally stark difference in power in the relevant context, such that one

group can act with impunity against the other, supported by an advantage in access to weaponry. But the origin, nature and distribution of the power difference are again contingent matters. Relationships between indigenous peoples and colonialists from the seventeenth to the nineteenth centuries provide a wealth of typical instances. Finally, again necessary but, in conjunction with the others, sufficient for the occurrence of an atrocity is the commitment of the individual perpetrator to act accordingly: actually to exercise the power advantage over 'Them', in the various roles of executioner, mutilator or sexual predator – and other less violent actions. The individual's decision to act may be endorsed or even generated by the collective dynamic of group membership, given a shared knowledge of its mission and the possibility to claim subsequently that he had been coerced to act by its own internal power structure. Particular psychological factors are typically associated with uninhibited physical action, such as animosity and hate, lust and sadism, apart from a presumed superiority to the victim group. However, Kelman reported that 'There is no evidence to support the notion that the majority of those who participate in [sanctioned massacres] ... are sadistically inclined ... [Indeed] much of the sadistic behaviour observed in massacre situations can be understood as a *consequence* of participation in mass violence with its dehumanizing impact [on perpetrators] *rather than as a motivating force* behind it' (Kelman 1973: 35, 36, emphasis added).

Dehumanization

In the considerable related literature in social psychology and neuro-psychology, dehumanization features significantly in reports from laboratory-situated micro-simulations of social interactions. At the heart of the victimisation of innocents – the out-group – is their dehumanization in the mind of the perpetrator, that is, their objectification. Nussbaum identified seven distinct components of objectification. They are "instrumentality" and "ownership" [that] involve treating others as tools and commodities; "denial of autonomy" and "inertness" [that] involve seeing them as lacking self-determination and agency; "fungibility" [that] involves seeing people as interchangeable with others of their type; "violability" [that] represents others as lacking boundary integrity; and "denial of subjectivity" [that] involves believing that their experiences can be neglected' (Haslam 2006: 253, citing Nussbaum 1999). These have a general relevance beyond the original context of the treatment of women as sexual objects. There can be a general and subtle form of deprecation of an out-group even without significant intergroup antagonism: 'infrahumanization'. Two respects can be distinguished in which that human difference is conceived: lacking in the traits which set humans apart uniquely from other animals (the acquired characteristics of 'cognitive capacity, civility, self-control and refinement') and lacking those which distinguish humans naturally from inanimate objects (the embedded

characteristics of ‘emotionality, vitality, individuality and warmth’). To assert that individuals lack the former is an ‘... “animalistic” form of dehumanization [that] captures phenomena ranging from the most blatant genocidal labelling of people as vermin through to the subtlety of infrahumanization’, while lack of the latter (lacking human nature) is a ‘mechanistic’ form of objectification. (Haslam, Loughnan 2014: 402, 403, citing Leyens et al. 2001; Haslam 2006: 258, 259). The basis for the dehumanization, however, is the lack of intimate contemporary familiarity with the other: ‘... many dehumanizing perceptions are rooted in stereotypes and intergroup relations that have long histories ... [and] are often unconscious and automatic’ (Haslam, Loughnan 2014: 417). As Fairbairn puts it, ‘... it is at least partly through the stories that we are told about “the other” that as human beings we may be prepared to fight them’ (Fairbairn 2009: 194). Thus dehumanization has been defined as ‘... the failure to spontaneously consider another person’s mind’ (Haslam, Loughnan 2014: 403, citing Harris and Fiske 2006). This significantly restricts the scope for the feeling of sympathy towards the ‘other’. The objectification of the other will also be considered in Chapter 5.

The actual perpetration of an atrocity raises a different set of issues. ‘Explanations [of genocide] that remains entirely at the psychological level of analysis or invoke a single overarching psychological principle are less than helpful ... [This] is necessarily a multi-faceted quest for understanding’ (Kelman 1973: 29). The nature of the planned atrocity defines tasks to be carried out by individual perpetrators; not all need be directly involved in killing, mutilating or violating their fellow-humans. As Kelman pointed out, ‘[The] extermination [of the Jews] was accomplished on a mass production basis through the literal establishment of a well-organized, efficient death industry’ (ibid.: 30); as in any mass-production industry many functionaries performed minor roles remote from the point of execution. In contrast, at M̃y Lai, the site of an un-planned atrocity, all were face-to-face with their victims. Focusing on ‘sanctioned massacres’ (which included M̃y Lai), Kelman argued that ‘[t]he major instigators for this class of violence derive from the policy process, rather than from [psychological] impulses [of functionaries] toward violence as such’ – that is, from the atrocity being sanctioned – and that ‘... we need to focus not so much on factors increasing the strength of driving forces towards violence, as on factors reducing the strength of restraining forces against violence’ (ibid.: 38). The first of the three critical factors identified by Kelman was ‘authorization’. Superiority in power is necessary for the occurrence of a mass killing – not only power of perpetrators *vis à vis* victims but also leaders *vis à vis* functionaries. The former is implicit in the sanction, the latter in the delegation of implementation to the functionary who, as merely agent, need recognise no personal responsibility for what has to be done. Normal moral constraints are supplanted by either a

moral obligation to the leadership of the organisation that demands total obedience – a response strongly fostered by military training – or a commitment to some ‘transcendental mission’ which is claimed to make the mass killing necessary (ibid.: 44, 45). Kelman’s second factor was ‘routinization’, whereby absorption in the details of tasks to be done repetitively allows the moral dimension that would normally attend dealing with an individual victim to be disregarded, made easier by each one being regarded as just an instance of a condemned category. The routine might involve an elaborate procedure, such as the recording of detailed ‘confessions’ obtained under torture from those destined to be executed anyway, photographing them before or after the event, as at the Tuol Sleng Prison in Phnom Penh during the Kampuchean genocide (Dy 2007: 50-53). Finally, there was ‘dehumanization’: ‘... coming to believe that the victims are subhuman and deserve to be rooted out’ (Kelman 1973: 50) – the concept developed subsequently on a more systematic basis by Haslam and others (as previously noted). But Kelman pointed out that it is not only the victim that is dehumanized: ‘the action of the victimizer makes his own dehumanization an inescapable condition of his life [and he] loses both his sense of personal identity and his sense of community’ (ibid.: 57). While brutalization of the victimizer may resemble the experience of military combatants in warfare, the confrontation of equivalently prepared and mutually committed combatants contrasts with the one-sided brutality of genocide. Pinker implies that a key role in the savagery may be performed by the already-brutalized: the 700,000 deaths in the Rwanda genocide of 1994 are attributed to ‘... about 10,000 men with machetes, mostly drunkards, addicts, ragpickers, and gang members’ (Pinker 2011: 339). But the fact that they were apparently recruited for the purpose, not acting spontaneously, underlines the role of a central authority in initiating genocide, such that it is ‘... usually a police force, military unit, or militia, [that] actually commits the murders’ (ibid.: 331). These are precisely those elements of government that ordinarily deploy its monopoly of physical force to maintain internal order and protect the domestic population.

The political perspective

In Harff’s study of 37 ‘significant’ genocides and politicides (victimisation on the basis of a group’s political opposition) starting between 1955 and 1998, all but one ‘... occurred during or immediately after political upheaval ... a concept that captures the essence of the structural crises and societal pressures that are a precondition [for genocide/politicide]’, either in the form of ‘élite succession struggles’ or ‘violent political conflict and regime change’ (ibid.: 61, 62). This view that ‘political upheaval’ is a natural kind could be contested no less than massacres or genocides, but its association with war complicates analysis – particularly in the case of civil war, which would generally count as political upheaval. In that context civilians may well be active combatants, whose deaths in the course of offering resistance or rebellion

cannot simply be attributed to an entirely genocidal motive. As Fein wrote, reflecting on the killing of Hutus by Tutsis in the Burundi civil war of 1972, ‘... we should examine the planning and pattern of attack and intent *in each case* [of mass killing] to discriminate war crimes from genocide’ (Fein 1993: 102; emphasis added). In short, contingency enters the picture. Thus a mass killing constitutes an event necessarily located in a historical trajectory and whose explanatory reconstruction – including, if appropriate, the apportionment of culpability – requires the interpretation of inevitably ambiguous and incomplete evidence. A further dimension arises from the active engagement of the governments of states in the perpetration of mass killings, as a consequence of the interests which states have in the internal affairs of each other. This arises partly because international boundaries at a given date need not be coterminous with ethnic, religious and social divisions so that international sympathies and interests may transcend the boundaries – and indeed, in a period of war-driven state-building or imperial competition, may influence their eventual location. However, for all the complicity of states in the perpetration of massacres of innocents, the experience of these events – in particular the Holocaust – mobilised specific constitutional changes in the society of states designed to bring perpetrators to justice. These involved specific additions to the corpus of international law, an element of Bobbitt’s overall scheme. The creation of the legal concepts of ‘crime against humanity’, to protect the right of existence of the individual, and the ‘crime of genocide’, to protect the right of existence of entire human groups (Sands 2016: 377), was affirmed by the United Nations General Assembly in 1946. The former had been recognised by the Charter of the Nuremberg Tribunal, encouraged by Hersch Lauterpacht; the latter was the result of the persuasive efforts of Rafael Lemkin (*ibid.*: Part X). The International Criminal Court was not created until 1998, the long struggle to find an international consensus being brought to a focused conclusion by the need to respond to the events in Yugoslavia and Rwanda. The preamble of the enabling statute contains another of the promises that extract direction out of the contingent chaos of human action: ‘the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes’ (*ibid.*: 379). Successful prosecutions followed.

Chapter 5 Human Conflict and Self-restraint

Preamble

The negative consequences of human conflict – the destruction of life, property and productive capacity, together with the infliction of physical and mental suffering and distress – would appear to commend self-restraint from the prosecution of violent conflict. Moreover, it seems plausible to presume that self-restraint is within the scope of human action. Consequently, any adequate explanation of conflict must address why this capacity is not mobilised effectively, whether to prevent warfare between states or one-sided state violence directed at defenceless non-combatant populations – or simply violent individual behaviour. However, the preceding discussion has established that explanations of human action must be singular and particular in nature, tied to specific events – that is, historical (Chapters One and Two) – as the role of time in human perceptions and accordingly in human action frustrates any expectation of deducing relevant universal generalisations. Moreover, the individual is intrinsically social, acting in engagement with others and so the explanation of conflict must consider the relevance of social and political relationships, some of which are themselves the product of past violent conflict (Chapters Three and Four). However, the failure of self-restraint requires substantive consideration.

5.1 Restraints on Conflict

Moral Authority

Implicit in self-restraint is acceptance of the distinction between the positive ‘what can be done’ and the normative ‘what ought not to be done’, the latter being unambiguously proscriptive. Humanity at large has obviously failed to exercise self-restraint – failed both to judge systematic killing (and maiming, torturing, raping, abusing and enslaving) of each other as morally repugnant and to desist. Various interpretations of that failure could be offered: moral censure of killing (and the rest) may be denied validity; it may be acknowledged but over-ruled by expediency; some other moral principle may be considered superior. Any intention to act raises the distinction between means and ends. But could killing be an end in itself? To what end could killing be the means? While it is commonly assumed that humans are naturally endowed with preferences to inform choices of material means and ends, the similar notion that humans possess an inherent intuition whereby they simply know what is moral seems not only contestable but also, on its own, evidently insufficient to restrain the freedom to act otherwise. Immediate answers are lacking to conflict-related moral questions such as ‘Ought you to have acted towards me in the way you did?’, with its correlate ‘How ought I to act in response to what you have done?’; and specifically, ‘How ought I to act given the threat you apparently pose?’. Etzioni’s emphasis on a deontological or duty-like conscious commitment as the basis for a moral act not only relates moral action to the human will, but links it both with actual human experience and

with social contexts that involve prescribed duties (Etzioni 1988: Ch.3). The latter can present individuals with moral dilemmas, when substantive personal duties conflict: duties as a combatant, a citizen, a patriot, a practitioner of a faith, a family member and as a human individual. The notion that moral commitments emerge from experience, rather than exist *ab initio*, invokes Hegel's notion of *Geist*, or spirit. Hegel envisages individuals engaged in '... what he calls historical "formation of consciousness" ... [that is, individuals] develop practices for reflecting on and evaluating the authoritativeness of their grounds for belief as to whether these practices achieve the aims they set for themselves, [which] become ... spirit: a self-conscious and reflective form of life' (Pinkard 1995: 35, 36). The shortcomings revealed by judgemental inference from the quality of life as personally experienced generate scepticism which, in turn, prompts revision of beliefs, as the individual continually seeks for self-justification and self-legitimation. Indeed, according to Hegel '... history itself is possible only by virtue of the way in which spirit, *Geist*, reflects on what is taken as authoritative for itself and [on] the ways in which ... later developments can be seen to be the completions of earlier forms, as fulfilling the aims that the older form of life within the terms it set for itself could not accomplish' (ibid.: 37). This teleological perspective supports the possibility that moral commitment is a dimension of human life that emerges and changes as an integral element of the personal history that unfolds – and which may encompass the personal experience of warfare and atrocities. Moral authority may have to be developed reflectively from experience, rather than adopted as a pre-existent absolute.

Reflecting on death

Eliade argues, from an ethnographic basis, that, for 'archaic' societies, experience involved a 'sacralisation' of human existence in the world, such that '... the whole of life is capable of being sanctified' (Eliade 1959: 167). This immanence of the spiritual permeated routine life: both the birth and development of the individual and the human relationship with the physical environment (compare modern archaeology's concern for landscape) had a 'cosmic' equivalence or homology. This was manifest in ceremonies associated with various rites of passage, with individual initiation seen as '... death to the profane [prior] condition, rebirth to the sacred world, the world of the gods' (ibid.: 197), and the consecration of important collective developments such as the occupation of new territory (ibid.: 30). It can be conjectured that moral authority applicable to human actions emerged from the experience of this 'sacralisation'. As Armstrong notes, 'The word "myth" has lost its force in modern time and tends to mean something that is not true, that never happened. But in the pre-modern world, mythology expressed a timeless rather than a historical reality and *provided a blueprint for action in the present*' (Armstrong 2014: 20; emphasis added). Yet personal 'reflective' experience of one's own death, violent or not, is impossible – 'for dying, which is the greatest task we have to perform, practice cannot help us. ... [W]e can try it only once.' (de Montaigne 1965: 267; cited by Jay 2005: 27). Ordinarily, the inevitability of death – coupled with ignorance, in most cases,

as to its timing – could be contemplated detachedly ‘from a distance’. But it seems implausible that a merely personal spectre of a possibly violent and agonizing death could determine an entire group’s prevailing beliefs and commitments, such that they would then never force that death on their fellows. The actual experience of violence destroys the familiar reference points that support reflective speculation about the nature of life and existence; following Arendt, it is important to acknowledge the impact of the ‘... all-pervading unpredictability, which we encounter the moment we approach the realm of violence’ (Arendt 1970: 5). Admittedly, outside the domain of regular and routine behaviour, it is ‘... the function ... of all action ... to interrupt what otherwise would have proceeded automatically and therefore predictably’ (ibid.: 30, 31). But the specific ‘interruption’ of violence, with its possibly fatal consequences, does concentrate attention on the significance attached to death by every individual and accordingly by the group.

There will necessarily be some experiential familiarity (in the observational sense) with non-violent death, both as the inevitable and thus expected culmination of the ageing process and as the premature and thus unexpected outcome of illness and accident. This experience occasions a personal and collective response to the intimation of mortality: death presents a ‘making sense’ challenge, even in the ordinary course of events. An objective and de-personalized perspective identifies the ‘naturalness’ of the life-cycle and its indispensable role in perpetuating the ecological balance among species, so death – which is essentially individual – can be considered as broadly ‘sacrificial’, most explicitly in the predator-prey relationship. A specifically human and engaged perspective involves the subjective recognition that deaths mark a linear succession of biologically related, nameable individuals, each having made a personal progression within specific social relationships from physical and emotional dependence to independence and back to dependence. This will have been accompanied by the transfer, development, employment, withering and loss of abilities, those that were learned being communicated at an appropriate stage to a subsequent overlapping generation. Concurrently both a moral and a spiritual dimension are added to the individual life. The former possibly arises in respect of the duty of care, first experienced then assumed, the latter from the belief that the individual’s physical death merely permits its fundamental ‘being’ to part company with its material yet superficial human form, to migrate ‘toward the unknown region’ (Whitman 2006: 328) – a transition generally marked by significant ritual involving the disposition of the physical remains through mortuary and funerary practices – in the case of burial, perhaps accompanied by material objects which may express the community’s prevailing beliefs regarding the particular nature of that ‘unknown region’. As Davies puts it, ‘... the life of a community is comprehensible, subjectively and objectively, only when it is understood as grounded in a covenant of mutual loyalty between the living and the dead.’ (Davies 1994b: 12, 13, citing Warner: 1959). ‘So strong is the need to die properly within the life of the living that ... the living need the dead if the culture is to survive and perhaps flourish’ (ibid.: 18). These assertions lack experimental foundations, so science, as conceived in this

study, cannot offer its atemporal mode of explanation in support. An alternative perspective must be sought – but ideally one which admits no critical incoherence between Davies’s assertions and the evident human propensity deliberately to cause or to court violent death.

Death and Dasein

One possibility is offered by Heidegger, who conceived ‘Dasein’ as a distinctively human ‘way of being’, a key element in his ‘...lifelong meditation on the phenomenon of truth’ (Campbell R. 1992: 305). This phenomenological notion played a central role in his development of ‘... the most radical challenge yet to appear to what has become the traditional concept of truth’ (ibid.: 306) – that truth is a property of assertions uttered by a subject about a substantive object. For Heidegger truth is instead a matter of the special consciousness of humans, who are ‘... self-aware in such a way that their own existence matters to them’ (Thomas 1996: 39). But this has been overlooked, as tradition ‘... has passed down a certain way of thinking about Being, one that makes the meaning of Being appear self-evident and obvious to all’ (Piercey 2009: 77); this needs to be reassessed to identify what possibilities it has concealed. Dasein is grounded – ‘entangled’ (Olsen 2010: 66) – in a temporal social and material context, involving shared language use and symbolic representation of significant human concerns. Dasein ‘uncovers’ the true temporality and thus historicity of the Self, which inherits a constitutive legacy from its own past that conditions its possibilities for the future and contributes to its continuing identity in time. However, Dasein also discloses ‘... the single possibility which is at once its most intimate, non-transferable and unavoidable ... [namely] the certainty of its own death’ (Thomas 1996: 51, citing Heidegger 1962: 304). This truth that Being is finite directs action, under normal circumstances, towards conscious, not instinctive, self-preservation; under abnormal circumstances, however, Being may be willingly surrendered. But the realisation of personal self-identity must be matched by the awareness of the existence of similarly conscious Other(s), whether distinguished in personal or social, ethnic or political dimensions. The nature of the relationship between ‘self’ and ‘other’ is considered below, as it is central to conflict; but viewed from this special perspective, the premeditated and inescapable destruction of Being becomes a matter of the utmost gravity and immorality. Responsibility for its destruction is generally regarded as subject to moral censure, though legal censure may be qualified. Ethnographic studies have established that preparation for and survival from such consequences of war can be accompanied by specific rituals, either to steel individuals to kill or, having killed, to cleanse them from the action taken (Keeley 1996: 143-147); by analogy this may well have prehistoric applicability. In a much later age the memorialisation of the dead resulting from military action signals the distinctiveness and weight attached by society to that form of surrender of Being, such that it is represented as sacrificial in meaning and thus morally commendable.

5.2 Morality, Kinship and State

It seems plausible to claim, based on ethnographic analogy, that the basic ‘we-relationship’ characterising the kinship of the prehistoric band or tribe and expressed in members’ mutual support and reciprocity, rests on the ‘idealist’ notion that its constitutive blood ties acquire ‘collective’ moral significance: what the kin group does is good – or, as Keeley puts it, ‘... it is usually a matter of “my relatives, right or wrong”’ (Keeley 1996: 145). Moral authority may be drawn from the hallowed memory of ancestors, the continuing traditions of the group and the elevation of perpetuation of its lineage – and subsequently that of the emergent tribal polity and chiefdom – over survival of the individual. Thus, death in combat to help preserve the kinship group is honourable. Just as positive moral force is attached to the blood relationship, so is negative moral force attached to its absence, establishing an enduring antithesis between the ‘good’ and ‘bad’, ‘right’ and ‘wrong’ of kin and non-kin – it is right to kill non-kin. Keeley identifies features of primitive warfare that expose the collective conception of morality upheld by participant social groupings in respect of conflict. All members of the enemy ‘they’ are considered alike as legitimate targets, including women and children; the dead are mutilated and trophies made of body parts; prisoners are tortured and executed; the rout or rampage following a successful attack involves the slaughter of both combatants and non-combatants; occasionally entire communities are slaughtered, with some resemblance to genocide.

Yet there is also reference to the presence of a more individualistic moral perspective. Prowess in fighting by individual dead enemy warriors is acknowledged and individual acts signifying personal bravery and valour are valued even more highly than numbers of enemy killed. There is also ethnographic evidence of a higher valuation of peace over war, regrets about war’s apparent inevitability and individual feelings of revulsion, if not guilt, towards killing. ‘Evidence ... suggests that combat is just as psychologically traumatic for tribal warriors as for their civilised counterparts’ (Keeley 1996: 147). The focus on warfare need not mean that kin are never killed: the practice of infanticide (typically of females or twins and involving ritual) is a deliberate termination of life no different from a killing in combat (e.g. Divale, Harris 1976; Girard 2013 [1972], 10, 62-64). Nor are kin groups free from internal conflict, response to which reveals awareness of and sensitivity to concepts of justice. From ethnographic studies Fry identifies various responses to anti-social actions, ranging from sensitive conflict resolution to execution of the guilty party (Fry, D.P.: 2006).

Emergence of the state and the associated concept of sovereignty presents a more complex picture. Early textual material from China, India and the Middle East dating from the first millennium BC – including the influential writings of Sun Tzu – contains discussions and prescriptions concerning the conduct of war, as well as recording its contemporary scale and brutality.

Systematic analysis of the morality of warfare is provided by the Greek philosophers and of its legality by Roman writers, revealing different ‘realist’ perspectives. For example, Thucydides’

contemporary history of the Peloponnesian War of the fifth century BC, between Athens and Sparta, presented the extreme realist position, that morality has no place in the pursuit of political power. So, with the fall of the siege of Melos, its entire population was either slaughtered or enslaved, and the island colonised by Athens. The subsequent criticism of the slaughter was grounded on the equally realist assessment that it had in fact failed to deliver the expected advantage to the Athenians. The definite social interface between the ruling cadres and the general population, which accompanies the advent of the hierarchically structured state, creates an intra-state locus of potential conflict and therefore a context where significant moral issues arise. In the inter-state context, the perspective on the morality of conflict may be politically pragmatic. From a realist point of view, law is an expression of political power vested in the individual sovereign state and not in any 'society of states' of which it is circumstantially a member. So, the legitimacy of international law is always open to challenge, since the society of states has no sovereign, allowing the sovereign state to abrogate any commitment to the peace and to embark on war, without regard for the 'other'. Consequently, peace between states remains insecure and its continuation a matter of expediency rather than morality.

5.3 The Limitations of Morality

According to MacIntyre, 'the difference between a human relationship uninformed by morality and one so informed is precisely the difference between one in which each person treats the other primarily as a means to his or her ends and one in which each treats the other as an end. ... [But] questions of ends are questions of values, and on values reason is silent; ... Instead one must simply choose – between parties, classes, nations, causes, ideals' (MacIntyre 2007: 23, 26). There is an apparent ambivalence in humanity's attitude to life. On the one hand, human life is claimed to possess a fundamental, intrinsic and unique value according a special priority to its preservation and reproduction, sufficient to distinguish it in value terms from all other things – a sacrality that fully warrants life's preservation as an end in itself. On the other hand, humanity has demonstrated its preparedness to engage actively, persistently and apparently without significant remorse in the deliberate killing of members of its own species, systematically achieved in war and one-sided massacres. Not only has some contrary end acquired precedence over preservation of life; the destruction of life has become the means to it, apparently abandoning morality. This ambivalence may exist because at root an individual places a higher value on their own life than on someone else's life. Knowing 'what ought not to be done' does not physically force adherence, so it may be disregarded when it is expedient to do so – particularly if it is a question of 'my life or thine'. A legal system could supply the necessary force, by codifying the relevant moral principles, embedding them in specific requirements applicable to individual circumstances of life and establishing mechanisms of enforcement and punishment. The sovereign state can then legitimately apply physical force to ensure obedience to moral principles, the legal system being part of the state's institutional framework. But

the legal system may not have constitutional independence from and jurisdiction over the actions of the state itself, while the laws themselves may not give priority to moral principles. The state may reject peace in favour of war, prosecuting major conflicts and promulgating the deliberate killing of fellow-humans. The state may reject universal moral principles but apply moral discrimination to favour one group over another, or even the survival of a group over selected individual members. The law may force citizens to take up arms on the state's behalf, conceivably without regard to their personal commitments not to engage in deadly violence, and even to die. But not all combatants are conscripts or under a feudal obligation to take up arms when required. Mercenaries and professional soldiers (the former distinguished by having no political allegiance to their paymaster), viewed as rational economic agents, appear to be willing to sell their services as killers and to choose to risk their own death. From an idealist point of view, however, the general issue of morality cannot be so easily discarded in response to realist claims. A key question is the contestable basis of the state's claim to rule independently and legitimately on issues involving life and death, even if arbitrarily – for example, condemning murder yet enforcing capital punishment; protecting enemy non-combatants or prisoners-of-war yet executing traitors and war criminals; enlisting willing combatants to harness their aggressive intent (at the risk of their committing war crimes) yet executing deserters. According to McMahan, 'The prevailing view is that it can make a difference to the moral permissibility of killing another person whether one's political leaders have declared a state of war with that person's country ... therefore political leaders can somehow cause other people's moral rights to disappear simply by commanding their armies to attack them. When stated this way, the received view seems obviously absurd' (McMahan 2009: vii). Whether the state will act morally or not may reflect the nature of its sovereignty. Bobbitt has shown this to be a malleable concept, changing in response to conflict itself but also under influence of the 'membership' of the society of states, where the emergence of a putative international legal system – including laws of war – seeks to give a wider reach to moral principles and their enforcement. A further consideration is whether the individual's personal identification with a specific state (and thus being politically 'led') carries moral force or is purely a matter of personal realist expediency, with no obligation to modify or surrender personal moral convictions. Hence the conduct of the state can provoke internal conflict and insurrection, potentially breaking down the rule of law. This is illustrated in Chapter 8. The moral issues associated with killing have been analysed in depth throughout the historical period; in the prehistoric period, there was probably awareness of and sensitivity to the same complex issues. The primary problem is the potentially unresolvable ontological conflict between the realist and the idealist.

5.4 The Elusiveness of Self-restraint

The problematic relation between the ‘Self’ and the ‘Other’

Olafson stresses the fact that ‘... human societies are *always* dealing with a fundamental and universal ... moral problem of defining the relationships in which their members are to stand to one another’ (Olafson 1979: 234, emphasis in original). He suggests that ‘Hegel contributes ... an account of just that obscurity and fragmentariness that characterize our moral understanding of other human beings ... attributing a conceptual basis to the failures of moral understanding that violate the fundamental condition of *reciprocity* which ... governs the relationship of one human consciousness to another’ (ibid.: 241, emphasis added). This concerns the distinction between the ‘self’ and the ‘other’, fundamental to the genesis of conflict. Hegel’s ‘crucial insight’ was that these concepts of ‘self’ and ‘other’ are interdependent and can potentially evolve together to the point at which ‘... the underlying identity of the one with other is grasped’, not just as a ‘cerebral activity’ but involves ‘... the penetration of a society’s institutions and practices by a conception that reconstrues the relationships between the humans who live under them [thereby modifying] the conditions defining public discourse and communication’ (ibid.). However, this shifts the burden onto explaining why it appears so difficult to achieve this and for the ‘person’ – ‘in its full range of moral implications’ (ibid.: 242) – to emerge as a synthesis of self and other. In Olafson’s view, Hegel attributed the problem to a tension between the capacity of the human consciousness to conceive objects as existing independent of the act of knowing them, and the subsequent attempt to apply that same conceptual approach to the self – trying to objectivize human subjectivity. This is ‘... hardly ... an adequate model for the understanding of selfhood’ (ibid.). Consequently, ‘... because the self is unable to conceptualize its own functions and status satisfactorily, it is shut off from a recognition of the complementarity inherent in its relationship with the other and can understand that relationship only at the level of a conflict between being animated by competing desires and lacking any principle of rational mediation’ (ibid.: 243). At the root of the ambivalent attitude to life noted earlier lies this deficiency in human consciousness. It may be less problematic the simpler (and smaller) is the social group of which the self is a part, where ‘discourse and communication’ can more readily encourage reciprocity between the self and the other. The emergence of larger, more complex and necessarily more authoritarian group structures is liable to engender conflict within and between groups.

5.5 Religion and Conflict

Religion, ‘Self’ and ‘Other’

The notion that the laws of the state could achieve the identity between ‘self’ and ‘other’ necessary to eliminate conflict appears incoherent, if it is reduced to using force to eliminate force. However, the adoption of appropriate moral principles as the basis for life itself may achieve the necessary transformation of individual consciousness. A key question is whether religion can offer both a

convincing diagnosis of the impaired consciousness and an effective cure in the form of voluntary commitment to the required moral principles. Humanity, reflecting on its natural existence, has indeed contemplated the presence of a power greater than and beyond itself – bodily, temporally and spatially. A contemplation of an eternal spiritual dimension has been expressed in ways that have generated both material and textual evidence across the entire human temporal record. Prehistoric mortuary practices point to a phenomenological awareness of this dimension in relation to the meaning of death – and by implication, of life and the way it is lived. Textual sources reveal the presence of ideas that relate this dimension to the totality of creation on the one hand, and to the conduct of the individual life on the other. A personification of that dimension, expressed in terms of god or gods, generates the possibility of relationships between humanity and god(s) and specifically between the will of god(s) and the will of man. The presumed superior power of god(s) admits the possibility of the will of man being overruled, possibly capriciously, as represented in Greek mythology. But it also introduces the possibility of man carrying out whatever is believed to be the will of the god(s).

The emergence of Hebraic monotheism brought an elaboration of the character of that God and of the relationship between God and Man, emphasising the unchanging supreme virtue and power of the former, the qualified autonomy and fractured morality of the latter, and the disjuncture between them. The subsequent emergence of Christianity and Islam from that stem created three monotheisms presenting distinct conceptions of God and different understandings of Man's obligations and opportunities in his relationship with God. However, the historical trajectories of these three faiths became strongly entangled in geopolitical considerations that fostered conflict between them, despite their common ground. This could be expressed in Thomas Aquinas's concept of *religio*, a component virtue of justice which '... pays the debt of honor to God' (Thomas 1974: II-II, 80, 2; cited by Johnson 2009: 47) and, as a natural universal 'moral virtue', may be distinguished from the 'supernatural moral virtue' of a specific faith (Johnson 2009: 48).

While Christianity's adoption by the Roman Empire contributed significantly to its westward geographical spread and to the emergence of frontiers with Judaism and Islam, the manner of its adoption initiated a lasting association between the Christian church – primarily in its Romanised institutional form – and the exercise of political power. As Johnson notes: by the twelfth century, the 'Catholic Church ... enjoyed a legal monopoly of religion, one that could be enforced by civil powers. The Constantinian model of church-government relations required not only the state's enforcement of one religion for all its citizens, but the elimination of any theologically incorrect or heretical version of that religion' (ibid.: 39). Christianity became complicit in political ambitions pursued through military violence – arguably no different in principle from the invocation of the will of an all-powerful Jehovah and Allah in the military activities of the Hebrews (and the later kingdoms of Israel

and Judah) and the Islamic empire. An adjunct of Bobbitt's argument – that the origins of the constitutional development of a large part of the world are to be found in Christendom (rather than from Islam) – is the similar resort to violence in the name of Christianity, in the colonial expansion of the European powers from the fifteenth century onwards, against the indigenous peoples of the Americas, Asia and Africa, that preceded the imposition of Christendom's forms of political administration. Any identity achieved between 'self' and 'other' by religion was severely selective, certainly so far as national policy was concerned, limited to those who shared similar self-interested political, social and cultural views, albeit believed to carry divine endorsement. Such a conception of religion seems incapable of addressing the deficiencies of human consciousness identified by Hegel as the root of the antagonism driving conflict. But as similar antitheses between 'self' and 'other' were manifest in the internal relationships of the states comprising Christendom, the problem was not peculiarly associated with external colonialism and imperial expansion.

Religion and Virtue

Members of humanity seem to be intrinsically unable to relate with one another in the manner necessary to achieve the reciprocity of shared values. The continuing coexistence of different and contrary moral principles, implicated in the resort to violent conflict, both in the past and the present, might be attributed to their metaphysical nature, beyond the reach of conclusive adjudication by physicalist empiricism. But the fundamental conflict is between the claims that, on the one hand, the spiritual authority underpinning morality also has authority over the physical world (even to the extent of having historically engaged with it, revealing its nature); on the other hand, knowledge is coterminous with the conclusions of physicalist empiricism, so that religious knowledge is an oxymoron and values are arbitrary, to be displaced inevitably by rational thought. From the latter point of view virtue is an undefinable concept and the predicate 'good' meaningless in any sense other than 'functionally efficient'. However, MacIntyre argues that '... only in the later seventeenth and eighteenth centuries, when [the] distinguishing of the moral from the theological, the legal and the aesthetic has become a received doctrine that the project of an independent rational justification for morality becomes not merely the concern of individual thinkers, but central to Northern European culture' (MacIntyre 2007: 39). Prior to this period several distinct conceptions of virtue were at different times well-developed in intellectual contexts (e.g. Homeric, Aristotelian, New Testament). He concludes, significantly, that this Enlightenment project failed. This had serious consequences: '...the breakdown of this project provided the historical background against which the predicaments of our own culture can become intelligible' (ibid.). Given the project's presuppositions, it had to follow that '... the gap between any set of reasons which could support unconditional adherence to general and unconditional rules and any set of reasons for actions or judgment which could derive from our particular, fluctuating, circumstance-governed desires, emotions and interests' would prove

to be ‘logically unbridgable’ (ibid.: 49) – so from the perspective of these presuppositions the question ‘Ought I to act as I intend?’ is not rationally answerable.

It is the project’s presupposed concept of the individual, that ‘newly invented social institution’ (ibid.: 228), shorn of social relationships, without a history and perpetually in pursuit only of ‘utility’, that in MacIntyre’s view must be abandoned, in favour of a restoration of the Aristotelian notion of the human *telos*, but now with a social rather than biological foundation (ibid.: 196, 197). This radical change of perspective dispenses with the analytical concept of the isolated individual action and substitutes ‘... a concept of self whose unity resides in the unity of a narrative which links birth to life to death’ – so actions express intentions which are only intelligible in social settings, which have singular histories. The relevant *telos* has a social scope: man’s purpose as a species, to be served by the engagement of individuals with each other. Given this, the virtues are the means by which that *telos* is served. MacIntyre argues that these means are not ‘external’ to human practices or actions – like the money, goods, power and status which characterize institutional activity – but are ‘internal’ in the sense of the qualities of performance of the practices. ‘A virtue is an acquired human quality the possession and exercise of which tends to enable us to achieve those goods which are internal to practices ...’ (ibid: 191). These virtues ‘... define our relationships to those other people with whom we share the kinds of purposes and standards which inform practices’ (ibid.). MacIntyre identifies the virtues of justice, courage and honesty as essential elements of any substantive practice, while that of integrity or constancy concerns the wholeness of a human life (ibid.:203). Therefore, it is the commitment to a given perspective on the purpose of human life, in a specific social context (a time and a place), that anchors the practices of life and involves the expression of the virtues. In the specific case of the New-Testament conception of the good life, the key virtues are faith, hope, love, patience and humility, as well as integrity. But the *telos* in this case is ‘... a supernatural and not only a natural good, but supernature redeems and completes nature’ (ibid.: 184). The change of perspective involving the adoption of the Christian *telos* is thus a spiritual conversion and renewal – a substantive change of consciousness.

MacIntyre’s Aristotelian approach offers the prospect of providing an answer to moral questions, and helps to resolve the apparent ambivalence towards human life signalled by warfare. The normative force of the virtues derives not from their intrinsic values but from the force of the spirituality that drives their instrumentality. A key question is the extent to which the encounter with the new belief system of Christianity, anchored in specific historical events – and thus claiming a ‘revealed’ foundation – prompted specific identifications of personal shortcomings and related revisions of beliefs amounting to a spiritual change, including the adoption of the quite distinct set of New-Testament virtues, as effective guides to life. Christianity’s teleological integration with Jewish history and religion, from origin myth through tribal and ethnic experience to Roman occupation,

followed by its proclaimed universal relevance and eschatological implications, gave it significance in terms of world history (Löwith 1949). However, as Christianity may be categorized as a ‘religion of a book’, the inevitable issues of identification of canonical text and its interpretation – ‘... inescapably subjective, necessarily provisional, and ... inevitably disputatious’ (Brueggemann 2011: 26) either from the point of view of its meaning or its practical implications – became matters of immense (and indeed continuing) significance. This raised in various forms the question of authority, whether of those claiming to offer definitive interpretations or of the scriptural text itself. In addition, the diffusion of awareness of scripture, its meaning and implications was closely tied to its availability in different languages and accessible formats, and to the specific developmental trajectory of the institutional church and effectiveness of its specific proselytizing activities. Only by the fifteenth and sixteenth centuries had printed versions of the Holy Bible become available in German, French and English. From the outset, Christianity, fully comprehended or not, had evident relevance to the pursuit and application of religious or political power and authority, transcending the domain of any particular social or national institutional structure. The crux of the matter is the fact that Christian virtues are arguably inimical not just to the use of violence but more generally to any treatment of individuals as means to an end, rather than ends in themselves – a moral criterion previously identified. However, for these virtues to have a material effect on the actual conduct of social, political and even ecclesiastical affairs, supposes that the deployment of force need have no instrumental role within them – an apparently unrealistic supposition. The consequence has been the maintenance of an ambiguous relationship between the secular and ecclesiastical authorities, in which the practice of the virtues has seldom been a defining element.

Religion and Secular Authority

From Hegel’s perspective, a transformation of self-consciousness is required to create an identity between ‘self’ and ‘other’, so that a relationship grounded on reciprocity replaces conflict. Without that, the ‘other’ may become an object of hatred and the conflict of individual interest lead to the use of physical force. In specific circumstances, it escalates to the extreme limits of savagery and brutality, in indiscriminate slaughter and the humiliating perversion of the human procreative capacity in mass rape. The required transformation is fundamentally subjective. However, the relation of reciprocity is plausibly integral to the objective concept of community, with the elemental community being the family. As Olafson observes, ‘... the family is an intentional community ... [in which] actions attributable to individual persons are performed by them in their capacity as *members* of a specific family and reflect *intentions in which they share* precisely as members of that family’ (Olafson 1979: 123, 124, emphasis added). In short, there is an implicit agreed constitution uniting members. In the absence of pathological dysfunctionality, the experience of birth, life and death within the overlapping generations of the family may deliver the interweaving of intentions that is intrinsic to the achievement of an identity between the self and the other. Returning to the perspective

of Thomas Aquinas, a key element in this process may be a pursuit of the virtues of justice in respect of personal relationships: 'The essence of justice consists in fully rendering to one another the debt owed him' (Thomas 1974: II-II 80, 1; cited by Johnson 2009: 47). Two of the identified virtues of justice are filial piety and gratitude: 'filial piety gives to parents what is owed to them and gratitude gives to a friend or benefactor what is owed to her' (Johnson 2009: 47). This perspective identifies important moral grounds for the ties of kinship, rather than mere physical and (insufficient) consanguinity. The successful coalescence of family groups into larger communities, with their accepted hierarchical orderings, may inculcate reciprocity in the form of a group *ethos* and *telos* grounded in tradition and ancestral authority. However, it is just as plausible that, within the enlarged community, the emergence of inequality and perceived injustice associated with social difference will constitute new circumstances that differentiate 'others' with whom the self is unable to identify. Conflict may threaten the stability and existence of the group. Social cohesion might be preserved by a formalisation of just rights and duties, with the underlying threat of physical violence if reciprocity failed. But the main problem concerns inter-community relationships, where intentions are likely to be at variance in the absence of a shared history.

The matter is exacerbated by economic development based on division of labour, specialisation, the use of capital and trade, which generate discrete communities that are functionally and eventually spatially separated. Paradoxically, the consequent technical economic interdependence (with its substantive instrumental reciprocity) is grounded on social separation and independence, and constantly changing categories of distinction between the self and overlapping and intersecting 'others', generating rival allegiances. The inherent instability of such an economic system, in which innovation and change are both actively sought and unexpectedly encountered, compounds the problem. Challenges to senses of justice of outcomes and security in respect of the future undermine human self-consciousness and fracture the relationship between self and increasingly impersonal others. The necessary accompanying development of more elaborate institutional structures, supported by corresponding complex civil and criminal legal codes, constrain agency by enforcing an expanding distinction between permissible and impermissible actions, supplemented by spontaneously originated conventions of conduct. These can be interpreted as forestalling the resort to violence that the perceived separation of the self from the others could otherwise engender, but conditional on a contrived identification between the self and the collective other.

Whether these constitutions and institutions that formally compose the individual state, broadly construed, are agreed to by many or imposed by a few is a significant matter. They are inherently normative, although the underlying principles need not command universal assent – they may be partial, discriminatory and selectively destructive of specific human interests, and involve elaborate bureaucratic controls monopolising these functions. And as Arendt puts it, 'In a fully developed

bureaucracy there is nobody left with whom one can argue, to whom one can present grievances, on whom the pressures of power can be exerted. Bureaucracy is a form of government in which everybody is deprived of political freedom, of the power to act; for the rule by Nobody is not no rule, and where all are equally powerless we have a tyranny without a tyrant' (Arendt 1970: 81). The 'self' is thus effectively anonymized within the state, which in turn loses the personalised identity sufficient to be the 'other' with which the desired identity can be achieved; accordingly, engagement with others is restricted to relationships – not all reciprocal – within component communities which comprise the state in a purely structural or functional sense and which can be latently in conflict with one another.

5.6 The State and Christianity

A reliance on rules plus force to contain the derivative problem of violent conflict seems unlikely to stimulate the transformation of self-consciousness necessary to achieve the required identity between the 'self' and the 'other'. The question is whether a more enduring resolution of the core problem of the self can be found. As Bobbitt specifically identifies Christendom as the origin of the process of change that affected the constitutional arrangements of much of the world, so it is appropriate to consider the relationship between Christianity and secular authority. Three sets of issues characterise the partial and ambivalent ways in which the Christian virtues were pursued over the centuries by those in positions of political or ecclesiastical power. Each involved violent conflict and failed to uphold these virtues: the conflict within Christianity generated by heresies and schisms; the conflict between Christian belief and other religions; the conflict between Christian rule and 'reasons of state'.

Heresy

The war against heresy concerned ecclesiastical and political authority versus individual freedom of interpretation and association. The defining elements of the Christian faith concern what are believed to be unique, historically located intersections of the physical and spiritual worlds: Christ's birth (as the incarnation of God), actions, death and resurrection; the baptism of the Holy Spirit on individuals as they come to faith, the gift of God's grace. Each of these presents 'making sense' challenges, involving (like history) the interpretation of recorded testimony of personal revelatory experiences, as well as generating core theological differences beyond empirical resolution, all embedded in articles of faith. The ascription of authority to one interpretation rather than to another presumes the prior emergence and general acceptance of an organised hierarchy empowered to make this judgement. Persistent adherence to an unauthorised interpretation – an un-repented heretical belief, contradicting the orthodoxy – presented a challenge, not only to ecclesiastical leadership but particularly to those secular authorities that had formally adopted the religion and took seriously their defence of the orthodox faith as a significant warrant for their own power. A challenge could lead to a potentially disruptive social division into a 'we' and 'they', with serious political implications. As Armstrong points out, 'In Western Europe "heresy" had always been a political rather than a purely theological

matter and had been suppressed violently because it threatened public order [and] state violence was regarded as essential to public order' (Armstrong 2014: 222, 224). Problematic differences of interpretation and corresponding practices, varying in theological weight, started to emerge from an early date in the experience of the Christian church and continued spasmodically through the ensuing centuries as it encountered pagan belief systems. These drew disciplinary responses from the ecclesiastical authorities, differing in rigour, both in terms of the punishment imposed and the zeal with which the search for heretics was prosecuted – leading to the specialist Roman Catholic courts of the Inquisitions of the twelfth and thirteenth centuries and later in the fifteenth and sixteenth centuries. From the eleventh century onwards, the typical penalty for heresy was to be burned alive at the stake, a punishment already employed for a wide range of non-religious crimes, significantly including treason (crucifixion having been proscribed in the fourth century). Indeed, '[Although] heresy was not an offence specifically punishable by burning [it became such through a] conflation of heresy with treason' (Roach, Angelovska-Panova 2012: 150, 151). Accordingly, numerous, but not all, burnings '... were carried out by the secular government at the behest of the churchmen' (ibid.: 169), once the latter had delivered their ecclesiastical judgment. The later Spanish and Portuguese Inquisitions were instigated by the respective states (with Papal consent), hence had wider social, cultural and political, not just religious, agendas – including anti-Semitic and anti-Islamic priorities. Some clerics were aware of the inconsistency between the claims of their professed faith and the severe punishments that were being administered in respect of heresy, seeking an alternative solution to the problem through instruction, repentance and penance. The significant schisms between the Roman Church and Orthodoxy, between Protestantism and Counter-reformation Roman Catholicism, and the many divisions of the Reformed Church, provided the basis for prolonged social division and warfare. Accordingly, the Christian virtues did not prevail over force as the basis for the resolution of religious conflict within European Christendom.

Christianity and other faiths

In respect of the conflict with other faiths, the Crusades illustrate the same moral dilemma in a geopolitical context. Initiated largely by Papal authority as just wars, the principal crusades were justified by Islamic incursions into the Holy Land, North Africa, Spain and elsewhere in southern Europe; persecutions, slaughter and enslavement of the Christians there, were considered an unwarranted attack on Christendom at large. Aggressive retaliation from Christendom at large was thereby assumed justified. But participants were also granted in advance the spiritual indulgence of forgiveness as the reward, with death itself to be judged as virtuous sacrifice. However, the suspect theology of the indulgence – that forgiveness could be bought by human action of an appropriate type, out of which grew concerns that contributed to the eventual schism between the Church of Rome and the founders of the Protestant Church – offered no assurance that the Christian virtues would be pursued by the proposed action. Indeed, subsequent actions undertaken were quite contrary to the

pursuit of these virtues – and to the *jus in bello* (to be discussed below). The massacring of large numbers of Jewish and Muslim civilians during the Crusades, particularly the First, was purposive and scarcely incidental ‘collateral damage’. The general conclusion is that the Crusades were not conducted in accordance with values significantly different from those of wars initiated out of entirely secular motives.

Reasons of State

The key question is whether the adoption of Christianity by the rulers of the ‘kingly states’ of the early modern period significantly influenced their conduct or merely reinforced their personal positions. A faith which presumed an intrinsic and fundamental equality of its members and was prone to express itself in communal if not communistic modes of social organisation presented a significant challenge to strictly stratified and inegalitarian political systems. Nevertheless, by the sixteenth century ‘Europe’s monarchs saw themselves, without exception, as representatives of God. ... This gave them an appearance of formidable power’ (Monod 1999: 26). Their shared absolutism, albeit varying in form from one state to another, was warranted by the general belief that they were appointed by and directly responsible to God, grounded implicitly on specific theologies regarding the nature and power of God and the relationship between God’s will and human will. From one perspective, an analogy drawn between this relationship and that between ruler and ruled allowed the former to share in the omnipotence and omniscience of God and thus be a mediator between God and man. Monod documents the decay of this conception of the ‘divine’ monarch between the late-sixteenth and the mid-eighteenth centuries in Europe (considered further in Chapter 7).

The implied unique ‘sacrality’ of the royal body was reinforced by the apparent possession of healing powers exercised in the ‘Royal Touch’. Introduced by French kings in the eleventh century and continued to the reign of Queen Anne in England, it ‘... bestowed on monarchs a divine aura that adhered to the royal body itself’ (ibid.: 40) and was ‘... the ultimate expression’ of that body (ibid.: 312). The late-sixteenth-century emergence of a legal concept of sovereignty, inherited smoothly by the next-in-line to a deceased monarch, contributed the immortality that the monarch quite evidently could not claim, albeit an institutional creation. However, the matter of the public perception of the monarch required separate attention, an image of ‘virtue’ being cultivated among the élite through the monarch’s representation in the visual and performing arts (‘the theatre of royal virtue’ (ibid.: Ch. 3)). Subsequently, in the context of reformed religion, there emerged a ‘... different justification for [monarchs’] earthly powers [by them becoming] representatives of the reformed Christian self [through] confessionalization’ (ibid.: 53). This not only aligned a monarch and thus, in principle, his subjects, to a specific religious confession or denomination, it also generated two additional problems. First, ‘Submission to the sovereign is an act of surrender of the self [in a] pact ... not made just with the king [but also with] the collective entity that the king represents – that is, the state. ... [This] laid

the groundwork for the subjection of the Christian self to the rational state [and even] the extinction of Christian selfhood through its submersion in a state based on human reason ... involving a rational covenant whose [Hobbesian] foundations are fear of death and desire for security' (ibid.: 200, 201) – scarcely Christian sentiments and a ground for conflict. Second, confessionalization could be used as a device to achieve religious reform in order to promote the attainment of secular and political objectives (ibid.: 141). Indeed, the projected sanctified image of the monarch need not match the reality, where 'reasons of state' prevailed – Monod's 'doing bad deeds for good ends' (ibid.: 85). Promoting the love and admiration of the people '... might involve deceit as a means [but] the king should be guided in his ends by Christian morality' (ibid.: 130). However, the pursuit of expansionist imperial ambitions and the associated warfare betrayed an allegiance to a different ideology, with serious consequences for the nature of the self. The place of the theology of grace, irrelevant for state governance, was taken by the process of '... moulding the Christian self into the political personality of the responsible subject or citizen ... concerned with civic duty, not spiritual purity' (ibid.: 271). Whatever the personal stance and faith of specific individuals (and Christianity has no necessary monopoly of the Christian virtues), the Christian virtues could not generally eliminate or mitigate the conflict generated by competitive relationships among states – with unfortunate implications for the individuals involved as combatants. But Christian virtues may well have had some indirect influence in the negotiated settlements which brought each epoch to a close, as they did on the framing of domestic legislation and judicial systems.

5.7 The Limits of Self-restraint

Selective Restraint

Christianity displays a clear disposition in favour of pacifism – with its key moral injunctions in favour of valuing others as highly as oneself (as ends), against retaliation for wrongs experienced and in favour of loving one's enemies – and, in so far as it transcends ethnic, social, political and national identities, it entertains the possibility of a universal peace. Nevertheless, Christianity was subsequently interpreted as warranting the application of force against whatever was judged to be evil – thereby stoking conflict. Thus, '[with the advent of Christianity] the Roman legal notion of Just War is gradually replaced with a moral or religious notion where the forces of good combat the forces of evil.' (Christopher 1999: 23). However, the elevation of moral responsibility from the personal commitment of the individual believer to an entire state necessarily involved its ruler. Augustine's interpretation joined the notion of 'war as an instrument of God' with the presumption that '... one of the duties of rulers is to carry out God's will, [so] wars they initiate become *ipso facto* God's wars. [They] are not formally or objectively just, as they were under the Roman system, but became just based on the command of the ruler ... [Moreover, war] became more than just a legal remedy for injustice; it became a moral imperative' (ibid.:37, 38). Nonetheless, a succession of ecclesiastical

efforts, commencing in AD 600 and spanning virtually a millennium, produced a corpus of thought on the nature of the just war, and introduced protections for non-combatants caught up in conflict, extended to the entire twelfth-century church. The systematic studies of Thomas Aquinas, Vitoria, Suárez and Grotius followed. Vitoria significantly recognised ‘an international society of independent states, each with reciprocal obligations and prohibitions on their conduct *vis-à-vis* one another’ (ibid.: 54) and revoked the ruler’s sole right to initiate war. The distinction is traditionally drawn between the *jus ad bellum* – principles pertaining to the decision to go to war – and the *jus in bello* – principles pertaining to the conduct of that war. While the former require a just war to have a just cause, this is not sufficient: war must be necessary for the attainment of the intended object; proportionate – i.e. not the cause of ‘... expected harm that is excessive in relation to the value or importance of achieving the just cause’ (McMahan 2009: 5); and not to conceal the simultaneous pursuit of an unjust objective. Following Grotius, the ‘just cause’ is some injury previously inflicted by the other party, of a seriousness to warrant armed conflict. But a formal declaration of intent must be given prior to acting, allowing adequate time for redress to be offered: just war is a last resort. The main presumption, however, is that justice lies on the side of the originally injured party: its declaration of war is just, while the aggressor’s action is unjust. Thus, as McMahan points out, World War II was neither just nor unjust, but Britain’s involvement in it was just while Germany’s was unjust (ibid.: 5). However, this conclusion presumes that justice is a matter of morality, not political expediency: McMahan finds it ‘extremely implausible’ that ‘... if people are attacking and killing each one another, whether they are acting permissibly or are guilty of murder may depend on whether their conflict amounts to war [decided on ‘political realist’ or ‘reasons of state’ grounds alone]’ (ibid.: 36).

The main *jus in bello* principle is that war, in its choice of targets, must discriminate between combatants and non-combatants – a moral principle long defended, an early application to protect the innocents being St Adomnain of Iona’s *Cáin Adomnáin* of AD 697. From an objective legal perspective, a combatant may be distinguished – at least in the first instance – from a non-combatant in terms of dress and presence of arms; the combatant is a legitimate target, the non-combatant is not, in not posing a threat. Such a perspective applies equally to both sides in the conflict. But even if there is a *legal* equality between respective combatants, there is no *moral* equality between them, despite frequent claims to the contrary, given the moral distinction between a just and an unjust protagonist. McMahan argues that the combatants of the unjust protagonist are morally liable to attack, whereas those of the just protagonist are not, so ‘... when unjust combatants attack just combatants, they are violating the latter’s moral rights not to be wrongfully attacked and are thus acting impermissibly. Yet they are acting within their legal rights’ (ibid.: 107). While the just combatant’s innocence is derived from the fact that he is ‘... neither morally responsible for nor guilty of wrong’ (ibid.: 34), an innocence shared with the non-combatant on either side, the unjust combatant is not innocent – provided he knows his actions are unjust, which is not necessarily the

case. He may have an excuse for his actions, such as acting under duress, but an excuse provides no expiation.

A second *jus in bello* principle, the proportionality of means employed, is also affected by this entanglement of the moral and legal, as the resulting asymmetry between the just and the unjust must enter the computation. One aspect of the matter is that while the means employed will result, possibly inevitably, in ‘collateral damage’ involving the death of non-combatants on both sides, the unjustness of one side’s action must carry some weight. The steadily increasing technical nature of the means of war, affecting its lethality, has implications both for combatants and non-combatants. For example, the proportionality issue in respect of combatants is raised by using large-calibre, high-explosive artillery shells and sapping techniques, appropriate for the reduction of substantial defensive structures, against the ‘human wall’ of infantry trenches. The development of nuclear armaments could be considered the final step in the trend towards maximising the destructive impact on the enemy while minimising the exposure of attacking combatants – but at the loss of any discrimination between combatants and non-combatants in terms of casualties. Moreover, the increasing scientific, technical and industrial dimension of military capability raises an important question as to where precisely the line should be drawn between combatant and non-combatant: the development and manufacture of matériel encourages research laboratories, industrial plant and transport facilities and their staffs to be judged as legitimate targets and increases considerably, albeit incidentally, the probability of unquestionably non-combatant deaths.

Justification of retaliation

The notion of the just war (in the *jus ad bellum* sense) is contingent on an understanding of justice: according to Cicero, retaliation in retribution for an initial act of aggression is just if that act were unjust. Retribution is punitive in purpose, but to ‘... tame retribution and render it respectable’ in terms of justice it is necessary that the punishment fit the crime and that only the guilty are punished – hence the other conditions that define the just war (Lichtenberg 2001: 5). But the aggressor may have believed his act was in retaliation to some previous action by the erstwhile offended party, whose subsequent retaliatory violence the former can then reasonably judge to be unjust. The ensuing state of war between them derives from conflicting value judgments, arising possibly from the contestability of the moral and legal grounds involved. ‘Men always find it distasteful to admit that the “reasons” on both sides of a dispute are equally valid – which is to say that violence operates without reason’ (Girard 2013 [1972]: 51). Any formal resolution could require the involvement of some third-party sovereign arbitrator. A similar ambiguity arises in respect of the *jus in bello* perspective. It may be difficult to implement the principle of non-combatant immunity in the heat of battle, when individual combatants cannot distinguish clearly between individuals who pose a threat and those who do not. From a different perspective, the distinction is conceptually blurred by some

combatants having been conscripted or ‘forced’. From yet another, combatants may be effectively the agents of non-combatants, who, as voters under a parliamentary system of government, are active principals in a nation’s prosecution of war. As Mavrodes puts it, ‘It is more proper to say that the nation is at war than that its soldiers are war ... [so] moral responsibility may not be distributed between combatant and non-combatant as between a criminal and his children’ (Mavrodes 1975: 123). If so, non-combatants should perhaps not be regarded as innocents swept up in a tide of violence. Their complicity may warrant the expedient of terrorising the civilian population into withdrawing its forces, on the instrumental principle that it will hasten the end of hostilities and involve lesser casualties than a long-drawn-out but ‘just’ engagement – the (possibly *ex post facto*) justification of the strategic decision to drop an atomic bomb on Hiroshima in 1945 (McMahan 2009: 128-131). Similarly, expediency could justify neither taking prisoners (to avoid incurring costs of accommodating and feeding them) nor offering succour to enemy wounded (who may return as combatants at some time in the future). But here retaliation shifts its ground from ‘backward-looking’ retribution to ‘forward-looking’ prevention (Lichtenberg 2001: 4), losing at the same time the association with justice that constrains the measures taken, admitting the influence of revenge or vengeance.

5.8 The response to violence

At the heart of the concept of the just war is the judgement that the initial unprovoked act of aggression is a crime that warrants punishment, as it has violated innocents’ rights to life – hence the declaration of war. Bradley argues that, with respect to criminal action in general, retribution is the only convincing justification of punishment; moreover, that the appropriate retributive agent is the impersonal community at large, since the unilateral action has breached its legal boundaries, so ‘... it is clear that the entire community ... is victimized by crime’ (Bradley 2003: 19-31). But retribution is liable to be distorted by personal emotions of revenge or vengeance, stimulated in part by ‘... our basic instinct towards self-preservation and the psychological and moral horror we experience when faced with death’ (Moreno-Riaño 2007: 121); accordingly, the intention of action becomes reprisal. It may be claimed that ‘... there is no real difference between [men’s] principle of justice and the concept of revenge’ (Girard 2013 [1972]: 26). But there is one between ‘undoing the criminal’s bold and unjust assertion of his own will’ (Bradley 2003: 23) – repelling an invasion or suppressing an insurgency – and inflicting suffering in retaliation, even although a military response will cause suffering. However, death can be caused either by an unprovoked act of military aggression or the actions of an individual criminal, yet only in the latter case is retribution directed at the person(s) actually culpable and only after due legal process; in the former case, it is directed at anonymous combatants at large, deemed vicariously culpable. But this distinction is arguably a late emergence from gradual socio-politico-legal development of measures to restrain lethal violence within the community. The starting-point within the pre-state community of tribe or clan was a distinctive view

of the fundamental sanctity of life and the corresponding importance of religious ritual: ‘The essential religious concern ... is ritual impurity. And the cause of ritual impurity is violence’ (Girard 2013 [1972]: 30). Social cohesion is vulnerable to the spread of violence among its members, propagated by a resort to vengeance in response to a homicide or besmirched honour, by way of self-redress (Fry, D.P. 2006: 108). Vengeance prompts reciprocal retaliation and becomes ‘... an interminable, infinitely repetitive process ... [which] threatens to involve the whole social body’ (ibid.: 16). In short, vengeance is an unreliable constraint on violence. Yet the socially acknowledged blood feud or vendetta can constitute ‘... a social mechanism that serves to prevent violence from spreading in all directions’ (Grutzpalk 2002: 117), by perpetuating the threat that revenge will be taken at some stage on a substitute member of the kin group of the perpetrator of the original offence. This ‘social substitutability’ (Fry, D.P. 2006: 111, citing Kelly 2000) imposes the cost of perpetuating power-related divisions between kin groups or clans that segment the larger community (Grutzpalk 2002: 121; Fry, D.P. 2006: 111).

The blood feud is arguably based on the principle that ‘only blood may wash away blood’ (Grutzpalk 2002: 121, citing Corso 1930); but so too is the concept of surrogate sacrifice, of animals or humans. This is conceived as a socially endorsed propitiatory rite to cancel the social impurity of violence and ‘... restore harmony to the community, to reinforce the social fabric’ (Girard 2013 [1972]: 9). Its efficacy is conditional on the fact that ‘... between [sacrificial] victims and the community a crucial social link is missing, so they can be exposed to violence without fear of reprisal. Their death does not automatically warrant an act of vengeance ... since he lacks a champion’ (Girard 2003 [1972] 14) – a condition readily satisfied in the case of animal sacrifice. Propitiatory sacrifice is a central ritual in several religions, particularly in Judaism where various animal sacrifices are prescribed to make atonement for different infringements of the religious code (set out, for example, in the *Torah*, in the book of *Leviticus*); but it is also a critical theological interpretation of the specific execution of Christ and thereby definitive of Christianity. Sacrificial rites depend for their potency on the underpinning religious commitments; if these are undermined then the rites lose their capacity to purify, dissolving the essential distinction between killing a human as a ‘sacred obligation’ and killing as a criminal activity. This allows recourse to be made instead to self-redress or blood feud as the default measure to contain intra-community violence.

However, for Weber the blood feud had a specific significance as the foundation for the eventual emergence of society’s capability to police its own conduct, through establishing the appropriate legal codes, juridical institutions and enforcement agencies necessary for an effective political monopoly of (legitimate) physical violence – in short, the law becomes society’s self-defence against internal violence. ‘The tendency is to shift the privilege rights of prosecution and imposition of legal sanctions from the *individual* [as in self-redress] and his *kin-group* [as in feuding] over to clearly

defined *public officials* representing the society as such [viz. the police and courts of law] (Fry, D.P. 2006: 110, quoting Hoebel 1967: 327 and adding emphasis). Weber did claim, however, that although the blood feud was ‘...a universal institution [that belonged] to the logic of all peoples and all cultures’, the ‘straight path from blood feud to policing’ had been peculiar to western civilization, in contrast to Hindu and Chinese continued reliance on the blood feud within their kinship-structured societies (Grutzpalk 2002: 120, citing Weber 1980 [1925]). A factor contributing to the development of policing in the West was the antagonism of the Christian church towards vendetta, both from the standpoint of opposition to its dependence on violence and from the more fundamental theological and ethical perspectives of valuing ‘the brother in faith’ more than ‘the brother in blood’ and emphasising the equality of all before God, irrespective of the differences of kin that were a necessary element in the tradition of blood feud (ibid.: 123). At the same time, Christianity had rendered wholly redundant the practice of blood sacrifice. Weber thus offered a rationale for the emergence of a political monopoly of legitimate violence, the existence of which Bobbitt took as the precondition for the constitutional developments associated with the specific sequence of epochal wars considered previously. The connectedness of the qualitative historical changes is provided by the process of violence being met with violence, differentiated necessarily by conflicted values that label one violence as legitimate and another (inevitably) as illegitimate.

Chapter 6 Authoritative Historical Explanation?

Preamble

At this juncture in the present argument it is necessary to consider what might be meant by ‘authoritative’ historical explanation, as it is not self-evident. The relevant perspective takes its orientation from Carr’s claim that an adequate explanation of human action cannot ignore the agent’s point of view, as without it there would be ‘... no way of distinguishing, among all the things that didn’t happen, *those that played a role* in the agent’s framing and execution of the action’ (Carr 2001: 159, emphasis added). This resembles Shackle’s general representation of an agent’s choice, whereby a course of action is chosen on comparative grounds from within a ‘skein’ of imagined rival possibilities, those not chosen nonetheless indirectly contributing to the action taken because of their conjectured inferiority (Shackle 1979). It is this contingency of human action – that with other possibilities on the horizon a different course of action could have been taken – that carries implications for the meaning of ‘authoritative’. An adequate explanation (as opposed to description) of an historical event must endeavour to penetrate this contingency, yet without holding the incoherent expectation that this will somehow reveal the event’s necessity. More significantly, the relevance of the past – in what could have happened but did not – and the future – in the conjectured, rival possibilities that might – for action in the present, requires the explanation to incorporate a conception of time significantly different from the one routinely employed to permit the articulation of different agents’ actions or to measure duration, a conception described metaphorically as ‘linear’ (or metric). This is considered further below.

Contingency must be addressed squarely, if human action (as distinct from movement) is to be explained adequately, if not authoritatively. Chapter 1 argued that human action is resistant to the experimental method of the physical sciences, which is implicitly limited to contributing an explanation of the body’s physical functioning. Neuro-biological accounts of the functioning of the brain arguably do not address what common sense denotes as the mind and the will and regards as central to the ordinary business of conscious and deliberative action, with their implicit normative dimensions. Nor can these accounts increase the efficacy of action. In addition, the results of the experimental method cannot claim special epistemological warrant, beyond the persuasive utility of their replicability. These apart, the explananda of interest are not classes of human actions but the singular, timely human events that comprise history, while the corresponding explanantia are expressed in terms of the responsibility of specific agents whose actions jointly or severally, at specific times and places, populate these events – and not certain (deductive) conclusions of general validity.

Once Cartesianism is abandoned, the fact that historical explanations do not yield deductive conclusions need not prevent them being authoritative, provided appropriate criteria can be found. But a significant complication must be considered, once contingent human action is identified as the category of concern for historical explanation. Both the creation of an historiography and the audience's judgement of it are human actions in their own right, albeit different in nature. There appears to be nothing implicit in either to indicate that they are not contingent in precisely the same respect as the historical actions that appear in the explananda. This issue is also considered below.

6.1 From chronology, via narrative, to explanation

The challenge facing historiography

A chronology is a temporal ordering of 'events'. It privileges a 'linear' conception of time, encouraging the popular caricature of history as 'one damn thing after another'. However, there are no natural 'things' in the ontology of history. Instead the 'things' are the product of some observer's (not necessarily historians') interest: substantive 'events', believed to have sufficient singularity and identity to be worthy of detached consideration, by deliberately severing some antecedents and consequents. Events are formed through the observer's specific, necessarily retrospective and subjective framings of segments of time, 'containing' dated and located component actions. Historiography offers an advance on chronology, which it fills out by assembling the available evidence. It sets boundaries to the chosen event; employs abductive inference to forge the 'best' hypothetical significances of selected disparate items of evidence, and it imposes considered interpretations. The outcome is then presented in a plausible narrative. However, the claim made in Chapter 2 that a narrative account is descriptive rather than explanatory, warrants further consideration. The narrative approach continues to privilege the 'linear' conception of time. Arguably it also privileges the 'plot' of the narrative and specifically its conclusion. The backward-looking perspective on the arrayed evidence imparts a teleological nature to the account: no longer is 'after' strictly equivalent to 'later', while the conclusion becomes the 'end' to which the agents' purposes led. However, continuing the spatial metaphor of 'linear' time, an important distinction must be drawn between contiguity, on the one hand, and connectedness, continuity and discontinuity on the other. This distinction directs attention towards the constitutive historicity of the event and so to the nature of time peculiar to the agent's point of view.

Historicity considered

The significance of historicity is explored by Olafson in *The Dialectic of Action* (Olafson 1979). 'Historicity is ... a form of intentionality that is social in the sense of being shared ... by all the members of some human community and that is directed upon the past actions and passions of that community which it typically construes in such a way as to relate them to the present situation of that community' (ibid.: 109). Thus, historicity is a quality of the connectedness between past and present.

However, the event being observed is also characterised by its novelty and extraordinariness, which ‘... require an individualizing rather than a typifying mode of treatment’ (ibid.: 143). Olafson contrasts his ‘linearity’ (specifically, directionality, equally metaphorical) of the changes that constitute the event with the ‘cyclicity’ of the engagement in routine life-sustaining activities in a specific environmental setting, which forms the context in which the event is embedded and thus anchored in time and place. Events contribute discontinuity. As Arendt put it, ‘Events, by definition, are occurrences that interrupt routine processes and routine procedures; only in a world in which nothing of importance ever happens could the futurologists’ dream [of predictive success] come true’ (Arendt 1970: 7). In Olafson’s view it is group action, of a collective and institutional nature, that drives qualitative change (Olafson 1979: 114-116) and which in turn requires a dialectical and teleological account of human action: ‘... history owes its teleological character in the first instance to the central place of human action, especially in its collective form, within it [which] makes all the distinctively teleological modes of conceptualization – those of ends and means in particular – applicable to historical processes’ (ibid.: 130). In turn, the historical narrative, provided it has an intrinsic temporal connectedness and not merely contiguity, becomes the appropriate mode by which human action needs to be recounted, through which the process of change can be talked of in terms of an identifiable beginning, middle and end: ‘Narrative in the more usual and interesting sense is reserved for those singular events ... for which there is not the alternative of a non-narrative treatment *because they create new situations*’ (ibid.: 142, emphasis added). However, the origin of this novelty remains obscure. Moreover, while the novelty provides momentum for the change, there is no assurance whatsoever that the eventual outcome, and specifically the consequential responses to change, new situations in their own right, will match what was originally intended. The origin could lie in an exogenous factor – an external shock to the system – necessarily so, were it to be assumed *a priori* that, implicit in the ‘cyclicity’ of the background routine, agents are wholly engaged with (‘adapted’ to) their given physical situation (‘environment’). As previously noted, such shocks are not impossible. But no less plausible are endogenous changes in agents’ intentions and purposes. Olafson suggests ‘... it may be something in the factual situation – an action by another party in that situation – which first creates the need for action’ (ibid.: 149). Lundy, summarizing an argument of Althusser, states that ‘The encounter [with some experience] acts like a tipping point, itself brought about by what Althusser refers to as a “swerve”, shattering that [pre-existing] equilibrium and eventually bringing about a new system ... [which] in turn redefines necessity, specifically what is necessary for it’ (Lundy 2016: 68, citing Althusser 2006: 193, 194).

The role of perspective

In the context of the present argument this ‘swerve’ is conceived, with a change of metaphor, as a switch of perspective in the consciousness, such that the previously familiar becomes seen differently and incomparably, now endowed with hitherto unanticipated possibilities. This switch activates the

capacity of agents to initiate change, to explore these novel possibilities and then to pursue one, thereby generating the contingency of the course of events. Indeed, Lundy proposes the notion of ‘continual contingency’ to capture a fundamental aspect of the nature of history, the connectedness of which is ‘... full of abruptness and unpredictability’ (ibid.: 71). Thus, connectedness encompasses both continuity and discontinuity. Further implications accompany the trajectory, as those affected by it respond, possibly experiencing similar switches of perspective and exercising their own initiatives as they see fit, with similarly contingent consequences. These reactions ‘... are likely to be even more unpredictable and uncontrollable [than those to environmental shocks] and their effects can compel [choice] between alternative courses of action, all of which are deeply unwelcome. In this way, human beings can and do imprison one another’ (Olafson 1979: 160). The prospect emerges of conflict and the possible resort to force, but on contingent grounds. The ubiquity of contingencies suggests that exploration of the ‘might-have-beens’ – the possible actions considered but not pursued for whatever reason, discussed further below – offers a route to a deeper understanding of any change that did transpire, casting light on the inferential activities of the agents, individual or collective. Accordingly, for an historical narrative to attain an authoritative explanatory status it must reconstruct the dialectical process of interaction of inferences and intentions embedded in the selected period. This can present a problem in respect of the interpretation of available evidence, as it may not be clear whether an individual piece of evidence relates to some foreclosed ‘might-have-been’ or contributed to the eventual culmination of the event. Thus, it could be misleading to presume that all contemporary evidence must be assimilated into the narrative of the latter.

6.2 Perception of time

The spatial metaphor and its limits

According to Runia, ‘We moderns ... have disciplined and straightened time so thoroughly that it requires an enormous, almost Proustian, effort to “unthink” the linearity to which we have accustomed ourselves’ (Runia 2006: 9). In particular, this makes envisioning ‘... continuity and discontinuity in its temporal sense so hard as to be virtually impossible’, not to mention ‘... experiencing time as “planar”, let alone “spatial”’ (ibid.). As noted in Chapter 2, Carr endorsed Husserl’s conception of time, involving retention (as distinct from recollection) and protention, to denote the perception of past and future respectively, that coexist in the experience of the present. Thus, according to Husserl, ‘... the temporal is experienced by us as a kind of “field” like the visual field ... Consciousness of the present always involves retention as the horizon-consciousness of [the recent past, while] an expectation of the *future* is as much a part of the horizon ... of the present’ (Carr 1991: 21-23, emphasis in original). Human action can then be conceived as occupying a ‘temporal landscape’: ‘... history, in so far as it deals with time, must borrow its concepts from the spatial realm as a matter of principle ... [and] we are unable to escape from [this metaphor], for the simple reason that time is not manifest ... and cannot be intuited’ (Koselleck 2002a: 7). Through their location in

that landscape agents possess what Runia terms ‘presence’, which, in his view ‘... is “being in touch” ... with people, things, events, and feelings that made you the person that you are ... [It is] being in touch with reality’ (Runia 2016a: 5); ‘... as presence, the past is terribly close, though it can never be reached’ (Runia 2016b: 316). The agent’s temporal landscape is formed through experience, not in the restrictive physicalist sense of sensory perception, but in its ‘active, inquisitive dimension’ (Koselleck 2002b: 46), spanning the ‘primal experience’ of moments of surprise; the accumulated experiences of periods of life; and the long-run reflective and transcendental experience ‘summed up in mythical images’ (ibid.: 50-54). This temporal landscape of consciousness will include both prominent negative and positive features, the former particularly where conflict has been experienced, including perhaps the lasting prominence of past trauma. As to action in the present, ‘[humans] can either (passively) let themselves be overwhelmed by what has been written or done before, or they can (actively) overwhelm what has been done before by fresh words or actions’, both responses consistent with humans’ ‘... inordinate ability to spring surprises on themselves’ (Runia 2016a: 6,7). From the agent’s perspective on time, an action is an invention, ‘fundamentally discontinuous’ with the past, creating ‘... the beginning of a context that as yet does not exist, a bridgehead to the unknown’ (ibid.: 21). Yet according to Bergson, the temporal landscape is changed by the action, in that notwithstanding its novelty, after the event the action is seen to have been possible previously: ‘As reality is created as something unforeseeable and new, its image is reflected behind it into the indefinite past; thus it finds that it has from all time been possible ... The possible is therefore the mirage of the present in the past’ (Bergson 1998: 82, cited by Lundy 2016: 69). Such a phenomenological conception of time negates the expectation that the action in question can be shown to have been necessary – that is, logically consequent. In turn this has implications for the sense in which an historical account can be explanatory. It cannot appeal to ‘necessity’ as that is limited in its scope to the cases of ‘necessary for’, specifically the actions required to reproduce the known – the ‘cyclicity’ of routine activity; the practice of experimental demonstration, the maintenance of constitutional procedure, the keeping of promises.

6.3 Counter-historicals and authoritative explanation

Explanation as connectedness

The present argument generates two significant considerations. The first is that any reduction of human action to an atemporal generalised model of ‘rational decision-making’, whether deterministic or probabilistic, individualistic or game-theoretic, cannot inform historical explanation. The reason is that such modelling discards *ex hypothesi* the very features that constitute the historicity of human action. Second, those models’ deductive conclusiveness – logical necessity – has neither an applicability outside of such models nor a special epistemological warrant; accordingly, it does not provide a standard to which historical explanation need adhere. Given that the purpose of history is to explain the temporal succession of actions, it would be incoherent to disregard the human experience

of time or the qualitative change that human action initiates. The emergence of conscious intentions and purposes is integral to acting. However, both intentions and human action are in part resultants of an engagement with others, individually and collectively, due to the intrinsic social nature of the individual. Chapters 4 and 5 have argued that this engagement is by no means necessarily a harmonious business, but can result in frustrated – and frequently modified – intentions and actions. The engagement may well be conflicted, given not just the degree of autonomy of individual minds and wills, but also the differences in perception of the power available to the individuals and groups concerned and in the scope for action which these perceptions suggest. However, although whatever actually transpires will be the resultant of divergent interests, that dimension may be overlooked by focusing exclusively on the physical outcomes at successive moments in the temporal trajectory. From this perspective archaeology and history then confront an explanatory challenge at two levels; first, to reconstruct from available evidence what really was happening, then and there, in order to constitute the event in question, as it transpired; second, to propose what thereby had failed to happen but plausibly could have happened instead. The operative premise is that the essential connectedness of the explanation will not otherwise be fully secured. In short, without consideration of Carr's 'might-have-beens', even a 'tight' reconstruction of what happened, in narrative form, offers limited explanatory insight and remains merely '... the sequential "... and then... and then ..."' in which narrative history often exhausts itself' (Olafson 1979: 134). Mere contiguity – temporal proximity – would have taken the place of connectedness.

Reconstructing the event

The challenge at the first, reconstructive, level is to confront the incompleteness of the evidence, a point that has already been sufficiently stressed: the crucial deficit is in respect of evidence of agents' inferences, intentions and beliefs, considered here to be the fundamental grounding of action and essential to a teleological account of it. However, its associated dialectical method does not share with the deductive method a demand for completeness and closure of premises presumed necessary to underpin causal explanations. Goldstein claims '... Hegelian dialectic ... is retrospective in its application, and ... there is no way to apply it from the beginning forward' (Goldstein 1981: 48). Historical explanation proceeds similarly, working back from the circumstances that have been chosen to define the terminus of the event in question, constructing the explanation by incorporation of available inferences drawn from earlier evidence. Indeed, this characterises in general the explanation of singular events – hence the proposal in Chapter 2 that the mode of argument in a court of law was a particularly appropriate paradigm of historical explanation. This retrospective mode of argument contrasts with the seemingly prospective order of first setting up initial premises from which to deduce logical conclusions or first constructing a physical experiment from which to gather results. But Goldstein continues: 'Once the retrospective reconstruction is completed, it is presumed that we can see that every stage follows from its predecessor from *a form of necessity* which is neither

deductive nor organic, but, rather, dialectic' (ibid.: 49, emphasis added). Its dialectic nature, building on the implicit contradictions of a specific context, makes a difference. 'What from one view point is merely the outcome of contingencies is, from another, something which *had to be* what it came to be' (ibid.: 56, emphasis added).

The 'might-have-beens'

The second-level challenge emerges from this approach: to consider the 'might-have-beens' relating to the earlier stages of the account. Whereas the dialectical argument imparts the reconstruction of the event with a temporal trajectory, consideration of the 'might-have-beens' is required to give it relevant substance, through endeavouring to uncover and examine the intrinsic conflicts from which historical change emerged. However, the notion of the 'might-have-beens' requires some clarification.

The term 'might-have-beens' used in the present study differs in meaning from the 'might-have-beens' that feature in what is variously termed 'counterfactual history', 'virtual history', 'history as it never was' or 'what-if' history. In the present study, the term signifies a course of action, individual or social, which was conceivably contemplated but was not pursued, or if initially pursued was abandoned, a conflicted change of direction that nonetheless became part of the antecedents of the subsequent event under consideration. In virtual history, the term signifies an imagined yet plausible alternative event which, from its hypothetical initiation, could conceivably have happened in place of the event that did occur. Critically, these terms relate to different understandings of contingency and engage contrasting approaches to causality, betraying their attachment to different epistemologies: '... the fundamental point at issue in the matter of counterfactual history is the character of historical explanation' (Megill 2007; 154).

On a theoretical plane, the causality implicit in a law-bound deterministic abstract system admits no contingency, with no deviation permitted from the transformations of its state defined by the specification of its elements and relationships, under the influence of known laws of transformation. Given intrinsically probabilistic relations then contingency can enter, in the form of chance variance. On an empirical plane, direct intervention in a physical relationship invokes the Humean conception of causality – contiguity; constant conjunction; temporal priority of cause over effect and imputed necessity – while contingency attaches, *inter alia*, to the degree of control exercised over the intervention. Alternatively, a statistically estimated multivariate model implies a form of causality in its solution, with contingency embedded in its error term. However, the critical question is whether these notions of causality have any bearing on the explanation of the temporal trajectories of human action. It was argued in Part One that they do not, in part due to the inapplicability of the experimental method beyond the confines of the physical sciences, given the involvement of the human will. So, in that context contingency prevails in the substantive sense that any actual human

action taken could have been different from what was in fact pursued – that is, a might-have-been was involved, to be reconstructed in the course of seeking to explain the event in its defining singularity.

In contrast, counterfactual history appears to be underwritten by a commitment to a physicalist conception of explanation and cause, despite its human context. Much of the expressed enthusiasm for it is to be found in similarly orientated social-science disciplines rather than in history itself. For example, in *Counterfactual Thought Experiments in World Politics* the editors state that ‘... counterfactual reasoning is unavoidable in any field in which researchers want to draw cause-effect conclusions *but cannot perform controlled experiments*’ (Tetlock, Belkin 1996: 6; emphasis added). In the same volume, the belief is expressed that ‘... social scientists, who generally cannot conduct true experiments, may have no choice but to rely on counterfactual assertions in one way or another’ (Fearon 1996: 40). However, although the inappropriateness of physical experimentation is acknowledged, its replacement by hypothetical ‘thought experiments’ is nonetheless assumed subordinate to theoretical models, presumably of an *a priori* origin: ‘... counterfactuals are best seen as supplements and/or substitutes for direct empirical analysis when data availability is limited ... In order to use counterfactuals to full advantage, it is necessary to *begin* with general deductive theory with clear microfoundations and scope conditions’ (Kiser, Levi 1996: 188; emphasis added). Yet the prognosis is not always optimistic: ‘How can we know with any confidence what would have happened if the hypothesized causal factor had been absent? I argue that for most social science problems we simply cannot know and, moreover, we cannot know in principle’ (Fearon 1996: 40). On the other hand, Bulhoff argues that, even so, ‘merely abstract worries’ should not detract from the achievements of the counterfactual approach (Bulhoff 1999: 160).

Ferguson’s edited volume *Virtual History* (Ferguson 1997) has achieved some prominence in the recent ‘flood’ of publications of this type. ‘Many times more books and essays on ... counterfactual history have appeared since 1990 than in the whole of real history before then’ (Evans 2014: 47). Their characteristic focus on events with a strong public resonance, associated sensitivities and strongly held value judgements, has given them a popular appeal. In Evans’s view, they are primarily the product of wishful political thinking, of a right-wing orientation, as the genre seems to emphasise the freedom of the individual agent, as against a determinism claimed to be implicit in orthodox historiography. But Ferguson himself is no less dismissive of some earlier instances, as ‘... very obviously the product of the authors’ contemporary political or religious preoccupations’ (Ferguson 1997: 11), their implausibility sufficient to discredit the very idea of counterfactual history (ibid.: 19).

Ferguson’s substantive intention was to assist historians – ‘... among the most untheoretical of scholars’ (Megill 2007: 13) – to ‘catch up’ with the fact that ‘[i]deas about causation in the sciences have changed so much in recent decades’ (ibid.: 89), as the ‘chaotic’ implications of non-linear differential relationships were better understood. ‘Virtual history is a necessary antidote to

determinism' of simple law-like relationships (ibid.). So, a plausible alternative history and the actual course of history could be regarded as equally warranted in causal terms, both being within the compass of the unpredictability now implicit in causality: '... chaos theory ... reconciles the notions of causality and contingency' (ibid.: 79). Counterfactuals belong in this chaotic world. 'We can avoid counterfactuals only if we eschew all causal inference and limit ourselves to strictly non-causal narratives of what actually happened' (Tetlock, Belkin 1996: 3). However, in Ferguson's opinion, this would lead to '... the nonsensical world of the idealists ... where there is no such thing as a cause or an effect' (Ferguson 1997: 79). But idealism is not the only option; as noted previously, this study pursues a pragmatic alternative.

Ferguson's approach embodies the orthodox social-science physicalist presumption that an abstract formal model is integral to any explanation of human action. He does accept that '... the difference between chaos in the natural world and chaos in history is that man, unlike gases, fluids or lesser organisms, is conscious ... and seeks, prior to acting in the present, to make sense of the past and on that basis to anticipate the future' (ibid.: 88). Moreover, this consciousness '... cannot be expressed in terms of equations' (ibid.: 89). Yet Ferguson asserts that '... the *theories* on which [man] generally based his predictions have so often been defective ... *exaggerating his ability to make accurate predictions*' (ibid.: 88; emphasis added). Consequently, '... belief in [defective] deterministic theories made all the great conflicts ... more rather than less likely. Ultimately ... those who died in these conflicts were the victim of genuinely chaotic and unpredictable events which could have turned out differently' (ibid.). In fact, a chaotic dynamical system is in principle no less deterministic, even if its theoretical trajectory is unpredictable – that being the basis of its specific form of contingency.

However, Ferguson appears concerned only with the property of sensitivity to initial conditions, in order to justify imagining a departure from what happened to initiate the counter-historical trajectory. He offers no specific justification for regarding human history in general as a dynamical system and one with chaotic properties. Indeed, it could be argued that since he offers a counterfactual historical trajectory as such, he is disregarding the unpredictability that typifies such systems. Furthermore, if human history were really such a chaotic system, it is not obviously coherent to imagine that its underlying formal specification could ever be identified and employed as a guide to action and thus to avoid the great conflicts he mentions. Even if it were, it is questionable if the parameters of that specification would remain stable over any real temporal trajectory. Rather than impassively enduring the inevitable, if unpredicted, consequences stemming from some past 'initial condition', human action continually generates new initial conditions from which emerge novel trajectories, themselves to be superseded thereafter by yet further human intervention. Thus, '... in the social world, where human actions constantly interfere in the progress of events [deterministic chaos theory] is more a step backwards' (Mordhorst 2008: 8) – nonetheless '... most counterfactual historians make

the free will of the actors the primary source of contingency and chaos' (ibid.). Ironically, human action as conceived in this study, not trapped in permanent formal relationships, yet not random either, and linking past and future to form a dynamic system, may be the basis of a more fundamental non-physicalist conception of chaos in history.

Evans concludes his critical assessment of counterfactual history (Evans 2014) with the observation that this '... very voluminous literature with hundreds of case studies in print ... is of little real use in the serious study of the past' (ibid.: 176), '... designed as much to entertain as to inform, if not more so' (ibid.: 175). However, his line of criticism is itself of interest. His consistent equation of contingency with chance supports his assessment that '... the "what if" question has often threatened to put historians out of a job by reducing everything to a matter of chance' (ibid.: 35). In his view, chance outcomes would prevent the generalisation that he considers integral to historical explanation. Yet Ferguson's broad claim – that history is the trajectory of a chaotic dynamical system – is in principle a generalisation, while its lack of predictability need not signal an intrinsic stochastic property of its elements: a reduction to 'a matter of chance' in a strict sense is not necessary, although it remains possible. But Evans's perspective on the nature of historical generalisation appears to accommodate contingency in more than just the form of chance. He states that '[h]istorical explanation generally involves a concept of historical necessity – in other words necessary causes – in which converging causal chains lead to a certain type of result *without determining the particular form it takes*' (ibid.: 169; emphasis added). Earlier he had claimed that '... conditional statements of ... hard-edged certainty are foreign to the historian's way of going about explanation ...

"Monocausal" explanations make historians uneasy; we prefer to pile up causes until events are overdetermined ... with so many causes that if one did not operate the others would *and the event in question would still have occurred*' (ibid.: 82; emphasis added). The presence of putative 'causes' that fail to 'operate' – as though it had a substantive existence – or influence the 'type of result' but not its particulars, suggests the involvement of 'might-have-beens' that qualify their efficacy. Or perhaps the term 'cause', with its physicalist association, is being used in a rhetorical manner merely to reinforce historians' subjective judgements. Evans appears to rank 'massive historical forces' (ibid.: 32), '... economic, power-political, cultural, social, intellectual, geographical, or whatever – that constrain the operation of the human will' fairly high in his own 'hierarchy' of 'causes' (ibid.: 82). On the one hand, if these are in fact merely due to the unpredictable composition of the actions of many interdependent human wills, then, despite the physicalist overtones (in 'force') in the use of causal language, this is close to the position adopted in this study. On the other hand, if it is a substantive factor, then the nature and causal efficacy of 'historical force' needs to be clarified, particularly if the actions of 'Great Men', teleology and Providence are to be discounted on grounds of principle. Significantly, perhaps, several virtual-history case studies involve imagining the consequences of 'Great Men' acting in counter-historical ways.

Megill usefully distinguishes between ‘exuberant’ counterfactual history and ‘restrained’ counterfactual history; the latter ‘... involves an explicit canvassing of alternative possibilities that existed in a real past’ (Megill 2007: 151). Evans observes that Megill ‘... starts out from the actual event and looks back in time ... explaining why ... alternatives [to what actually happened] did not come to pass’ (Evans 2014: 162). Megill’s restrained counterfactual history comes closer to the sense of ‘might-have-been’ employed in this study, except it is argued here that the very fact that the alternative did not come to pass was not merely incidental, but actually contributed to what did come to pass. They are alternative plausible courses of action whose failure to shape the event in one way, contributed to it being shaped in another. While at the time they had a reality in terms of agents’ intentions and attempted actions, their frustration and failure became part of the subsequent temporal landscape against which new intentions were conceived – or, in Bergson’s sense, realised to have been already present – leading to new actions. However, the observer’s reconstruction of the ‘might-have-beens’ is fundamentally a personal exercise in imagination, subject to the criterion of plausibility (both in terms of what could have happened and why it did not). Moreover, it cannot be presumed that only one plausible might-have-been will emerge from this imaginative exercise – a matter of considerable significance. A plurality of contenders may be imagined to fill the ‘absence’ of what did not happen. Available textual evidence may hint at some rather than others, but in the absence of corroboration it cannot be conclusive; the polyvalency of artefactual evidence may render it consistent with various rivalrous schemes of action; the abductive inference employed may accommodate both a plurality of counter-historicals, and a plurality of conceivable reasons for any one of them not to have transpired. But these might-have-beens have ‘played a role’ (Carr 2001: 159) in the event that did occur.

It seems inescapable, then, that different explanations for the same event may co-exist, despite there being agreement as to ‘what actually happened’ – merely as the corollary of taking historical contingency seriously. As Lawson has put it, ‘... there are as many histories as there are points of view, [despite] our conviction that certain events cannot be denied as having taken place’ (Lawson 2001: xiv). Which of the alternative explanations, each deemed plausible and with its own teleological and dialectical warrant, gains acceptance as authoritative ‘common knowledge’, is itself a judgement, but one which an audience must make based on the persuasiveness of the case offered by the historian for having chosen one and excluded (an)other particular counter-historical(s). In short, a proffered historical explanation is an advocacy of the soundness of a judgement – just as in court proceedings the jury will be confronted with opposed advocacies, one of which it will be persuaded to adopt as the sounder. But some doubt must remain, as contingency prevails. From the standpoint of the physical sciences the plurality of possible historical explanations, if not also the residual doubt, might be thought a weakness, in so far as it contrasts with the apparent conclusiveness of the results of physical science. In Chapter 1 it was argued that, from a sceptical point of view, this conclusiveness

is not wholly secure, while from a pragmatic perspective only physical demonstration could be regarded as persuasive – even if not entirely conclusive. But possibly the relevant analogy to draw is between the originative human actions in history in general, essentially trial and error, and the specifically originative activity of scientific discovery, involving Pickering’s ‘mangle of practice’, similarly a trial and error process. This perspective may lie behind Lundy’s speculation that ‘... although the history of the French Revolution could be described as a singular trajectory ... it can equally be said to be composed of nothing other than accidental encounters (in varying degrees of accidentality)’ (Lundy 2016: 71).

6.4 Contingency, Explanation and Authority

Explaining action by action, perspective by perspective

It must be stressed that the negation of might-have-beens – their ‘not happening’ – does not clear the way for ‘what actually happened’ to proceed unimpeded. Instead, their negation is an integral part of its emergence: otherwise the course of history would be different. Accordingly, its explanation would be incomplete if their influence were ignored. Once this is accepted, however, a more fundamental complexity noted earlier arises, at two levels. First, might-have-beens largely acquire form and substance in the historian’s mind (alongside inferences and interpretations, although these are evidence-based to some degree). That is, the historian’s actions are materially involved. But there is no obvious basis for a claim that these actions are logically necessitated and good reason to suppose they are contingent. There is in effect a close conceptual parallel between the actions of the historian and those the historian is endeavouring to explain. In short, action is being explained by action. The choice of a specific, backward-looking, subjective framing to constitute the ‘event’ required to construct an historiography is in effect a commitment to a unique and personal perspective from which to ‘view’ the past. This becomes the basis of the subsequent actions of the historian in addressing and handling the evidence, culminating eventually in what is written – and what is not written – in the historical explanation offered as an authoritative account. This parallels the general account of historical human action previously offered. They have in common their dependence on human consciousness with its distinctive conception of time; where they differ is in terms of the nature of the contingencies involved: in the case of the historian they will derive from experience totally unrelated to the event in question. The corollary, however, is that a different historian would have offered, legitimately, a different explanation. This leads to the second level of the complexity noted above. Whether the historians’ explanations of the event are found to be persuasive or not by their audiences is a matter of their actions in response, similarly involving their consciousness and perception of time and thus are similarly contingent but in respect of quite different experience. But these actions are likely to be responsive not just to the substance of the respective accounts but to the form in which the historians present them – essentially a matter of language, as the audiences need

have no direct acquaintance with the evidence. Which account may be regarded as authoritative is an act of subjective judgement on their part, and different members of the audience may well arrive at different conclusions. The crux of the matter is that in the explanation of human action the distinction between subject and object no longer applies. Thus it can be argued that ‘authoritative’ commends the judgement exercised rather than the explanation offered.

Perspectives in advocacies

It was proposed in Chapter 2 that the adversarial presentation of opposed advocacies in a trial by jury is conceivably an exemplar of historical and archaeological explanation. This process functions at both levels noted above. First, neither counsel could perform the required role without having adopted from the outset the appropriate perspective concerning the culpability of the defendant, either guilt or innocence. They employ the same proven evidence to advance contrary explanations of the actions of the defendant, congruent with their adopted perspective. This is possible given the inherent contingency of the defendant’s actions and the conceivable contributions to that of various possible might-have-beens. But as it also incorporates the counsel’s personal skill and judgement in exploiting this quality of the evidence, actions that are also contingent on their own contextual experience. Second, the members of the jury assess the form and substance of the respective advocacies and arrive at their personal conclusions, contingent on their differing experiences, that being a necessary requirement of the judicial system. The other requirement – that they confer and reach a common judgement, thus in some sense balancing the different contingencies – does not apply in assessing historical explanations.

The initial choice of perspective therefore has considerable significance in both contexts. This applies not only in terms of the general field it covers, but particularly in respect of its specific focus. The thematic relational contexts introduced in Chapter 4 indicated broad fields that are likely to have general relevance, but in a specific context a narrower focus is appropriate. In Part Two various substantive perspectives are considered, in relation to specific illustrations of historical explanation.

Part Two: Perspectives, Interpretations and Illustrations

The Rationale

The general purpose of Part Two is to illustrate several of the implications of the argument developed in Part One, within a chosen historical locus marked by significant conflict. The chosen place and period is Scotland of the late seventeenth and early eighteenth centuries, a time of considerable social, political and economic flux, within which the emergence of Scottish Jacobitism was a salient contributory factor. The particular purpose of Part Two is to pursue instances of the ‘might-have-beens’ discussed in Chapter 6, leading to possible pluralities of explanation of this emergence of Scottish Jacobitism.

A Review of the Argument of Part One

The argument involved two components, one epistemological and the other moral. The former concluded that the explanation of the temporal succession of human actions is *sui generis*. Its distinctiveness stems from the understanding that human actions express human wills grounded in consciousness, with its unique perception of time. Human actions and their social composition are thus essentially contingent. The latter component concluded that these actions typically involve a conflict of wills, generating moral choices as to how to treat the ‘other’, a potential threat who nevertheless shares the same consciousness and capacity for responsive action. Conflicted social engagement can involve lethal violence. There is no implicit mechanism to guarantee social harmony: a subordination of the will to the force of any harmonising moral principle requires a prior commitment to it, to warrant appropriate action; but the occurrence of this autonomous act of will is not assured. Thus, while the explanation of the physical world may employ the presumption that it possesses an implicit and necessary order, the world of human action may be presumed to possess moral disorder, compounding the contingency of outcomes. A corollary is that any semblance of social order apparent in the actual temporal trajectory of human action is circumstantial, a manipulated composition of wills that ordinarily lack pre-reconciliation.

The crux of the matter, then, is that the explanation of historical conflict is in essence the explanation of contingent, morally conflicted human actions.

It was argued (in Chapter 2) that adversarial advocacies of contrary accounts of an event in a trial by jury, intended to persuade lay opinion of the culpability or innocence of a defendant, provide an exemplar of the explanation of contingent, morally conflicted action. Its acknowledgement that the primary insight available to the court is the evidence of the individual witness accords with the argument of Part One that the agent’s point of view, with its distinctive consciousness of the passage

of time, offers the basic perception of the temporal trajectory of human action. However, explanation of a contingent event, with its unique temporal trajectory, requires the creation of an integrated narrative account of it that extends beyond the experience and perception of any one witness. Some third party must consciously weave together the different evidences of the relevant witnesses. In a judicial context, the advocate discharges this function, but does so with the deliberate value-driven intention that the account so created will command a sufficient probative force, in terms of culpability or innocence, to dominate the contrary one. Moreover, it is done in the knowledge that the common body of proven evidence before the court may support either account. The crucial step is the advocate's adoption of a particular perspective as the basis of the account of the event, one which will present the evidence (or a subset thereof) in a particular light that accords with the intention, to establish culpability or innocence. But it is the contingent and conflicted nature of the actions under scrutiny that both requires and permits this approach to their explanation and accommodates contrary perspectives. However, the significant issue is that the final judgement of the jury must turn on the persuasiveness of the substantive advocacy, as in general the evidence cannot independently deliver an unambiguous and certain conclusion in a context of contingent outcomes. It is claimed, as an analogical inference, that an historical narrative is the equivalent of an advocate's account of an event. If so, then a given historiography is similarly the creation of a specific choice of perspective on the event in question – the chosen 'plot' of the narrative.

In short, the explanation of contingent outcomes in judicial and historical contexts takes the form of a persuasive discourse derived from a specific chosen perspective on the event in question and which plausibly accommodates presently available evidence.

The primacy of the subjective judgement of the advocate or historian in the forging of an explanation of contingent and conflicted action precludes a definite separation of subject from object. This carries the ontological implication, that there can be no objective reality to which historical explanation refers. 'The past does not exist independently of the historian' (Runia 2006b: 306). The historian's particular selection of perspective, of interpretation of evidence and exploration of conjectured might-have-beens (considered in Chapter 6) constitutes a fundamentally creative process. Particularly, it has no intrinsic claim to be the only conceivable selection. It follows that historical explanation cannot reasonably have epistemological ambitions, as there is no knowledge of an underlying reality to be secured. Thus, it possibly misses the point to observe that '[the] consensus regarding narrative as the predominant form of histories [left analytical] philosophers ... to find unworkable any suggestion that narrative form ... could be disciplined so as to yield any epistemic insights' (Roth 2016: 270, 271). Human action unquestionably leaves physical traces, while a spectator to an event would certainly witness specific movements by identifiable agents and would be able to provide a physical description of it. But as socially engaged individuals act and interact, they have no consciousness of their actions

composing contemporaneously into something coherent and of uncontested objectivity, with its own independent temporal trajectory. They are engaged in responding with relief, surprise, frustration or anger to the consequences of their own actions and the reactions of others; revising their plans, out of self-interest, malevolence or altruism in the light of their personal histories; entering, respecting and breaking commitments to act in concert with others; and throughout, acting necessarily out of ignorance as to the consequences of their own and others' actions in the short, medium and long term. The available evidence, the remaining physical traces, must be interpreted in terms of the chosen perspective on this complex of actions, not assumed to have independent and self-evident meaning. '[Artefacts and texts are] remarkable things ... designated by a remarkable metaphor, the metaphor of *sources*' (Runia 2006b: 306, emphasis in original), a figure of speech that can invest evidence with an uncontaminated, originaive, spontaneous and objective nature. However, in a court the evidence of all witnesses is liable to be tested under cross-examination, to be related to the agents' points of view. The fact that mute evidence cannot undergo this treatment does not improve its epistemic standing; rather it makes its interpretation both less constrained and more contestable. Moreover, in so far as the historical and archaeological record is acknowledged to be distinctively fragmentary and ambiguous, it cannot qualify as evidence without interpretation and inferential elaboration. Yet the evidence itself is of secondary importance. In a judicial context, a lay jury is empowered to pass final judgement on the relative persuasiveness of rival advocacies, in their entirety. However, the audience of an historical explanation ordinarily lacks that comparative context of judgement and instead must assess it otherwise. The discourse can be judged as a substantive argument in terms of the criteria considered in Chapter 2, such as consistency and coherence. But given the explanation is necessarily subordinate to a choice of perspective, an objection to a given interpretation of the evidence is a challenge to that choice, as it would be if the entire discourse were dismissed as partial or arbitrary. Criticism of this kind has an origin in a latent alternative perspective. This raises fundamental questions regarding how a specific perspective is chosen and how one perspective may come to supplant another. These are considered later in Chapter 9.

Accordingly, illustrations of these implications drawn from a specific historical conflict should be able to isolate the perspectives from which explanations of it have been developed and to establish that they cannot claim special epistemological warrant.

The Illustrations

The chosen illustrations are drawn from a short period of Scottish history, from the truncation of the reign of James VII/II in the Revolution of 1688 through to the Battle of Sherrifmuir in 1715. The period encompassed significant constitutional and institutional change – the passage of the Bill of Rights of 1689 and the Treaty of Union of 1707; domestic conflict affecting most aspects of society: social, political, religious and economic; military involvement throughout virtually all of the period,

through the Nine Years War and the War of the Spanish Succession. Distinctive within the domestic conflict, through involving arms being taken up against fellow-citizens, were the civil insurgencies that came to be known as the Jacobite Rebellions. The emergence of Scottish Jacobitism is the ground of the illustrations. This covers the generation-long period from the siege of Edinburgh Castle in March of 1689, shortly before the Scottish Convention concluded in April that James VII had, by his own actions, forfeited ('forfaulted') the Scottish crown 'by doing acts contrary to the law' (Cowan 1991: 165, 166), until the indecisive battle of Sherrifmuir in 1715. Excluded from consideration are the subsequent failed Spanish invasion of 1719 and, a further generation later, the insurgency of 1745 and its definitive set-piece resolution at the Battle of Culloden in 1746. The justification for this exclusion is the intention to avoid an appreciable risk of 'presentism' or, what may be the same thing, the possibility that what 'Jacobitism' signified for later generations differed substantially from what it did for the contemporary one. However, the prevention of presentism cannot be guaranteed. In keeping with the foregoing argument, historical explanation of the events of the selected period has been and continues to be contested from novel perspectives unavoidably conditioned by anachronistic insights, particularly of a value-laden nature. The contributions of Whatley and Macinnes are important exemplars of this continuing process (Whatley 2006; Macinnes 2007b). They offer contrasting advocacies of the contingent actions that resulted in the transformation of the relationship between Scotland and England in the selected period, in which the emergence of Jacobitism was a prominent feature.

Scottish Jacobitism

Scottish Jacobitism, in common with other terms employing the suffix '-ism', has a questionable ontology. Arguably, it lacks sufficient clarity of meaning to distinguish what it is from what it is not, a property necessary to denote a concept able to be deployed in rational argument (an issue introduced in Chapter 1). It follows that any 'objective' existence is questionable. As Macinnes notes, 'Jacobitism as a political movement has been presumed rather than substantiated' (Macinnes 2007a: 228). However, given the claims previously made about the nature of historical explanation, that may not be problematic. In context Jacobitism is a source of diverse perspectives on the conflict of the period. At its most literal it signified a commitment to the restoration of the Stuart dynasty in the specific person of James VII/II and thereafter his direct heirs 'of the body', by constitutional means or by force. This has several plausible justifications: a desired end in its own right, motivated simply to restore an entitlement wrongly usurped; an appropriate means to secure some specific public advantage, whether positive, delivering some expected benefit, or negative, precluding some greater evil; a source of private advancement for his supporters. At a minimum, it signified a rejection of the substantive reasons for the monarch's deposition, or at least of the legality of the means employed. But implicit in Scottish Jacobitism was involvement in the antagonisms between different Christian

confessions, since the person of James VII/II could not be detached from his personal religious commitment. In addition, Scottish Jacobitism acquired a further dimension due to the failure of the Treaty of Union to deliver economic gains swiftly enough to quell doubts about its conceivable long-run effects. Stuart restoration became entangled with moves for the Union's dissolution and the constitutional change necessary to restore economic sovereignty. Other perspectives are possible: widespread opposition to the Williamite and Hanoverian monarchies linking the different forms of Jacobitism across the British Isles; broader geopolitical considerations involving the ambitions of the French and the Dutch. Finally, Jacobitism can be considered as a 'cause' (in a non-epistemological sense) or a 'movement'. Ordinarily the ideological dimensions of the former would empower the agency constituting the latter. However, Macinnes seeks to disarticulate one from the other, asking: was Jacobitism in Scotland a sustained political movement *or* merely an episodic cause? (Macinnes 2007a: 227, emphasis added). The matter is clouded further, by his claim that as Union approached '[p]atriotism no less than dynasticism was becoming the driving force for Scottish Jacobitism', their 'differing priorities' becoming 'glaring inconsistencies' which nonetheless 'were part of the continuous process of redefinition' of Jacobitism, signalling 'that territorial nationhood should take precedence over dynastic statehood' (ibid.: 239, 242) – that is, nationalism emerges as a further perspective. It could be concluded that 'Jacobitism' ultimately signifies a value-driven, imprecise and shifting assemblage of ideas, mental associations, cultural expressions and sentiments, perspectives differing from one person to another and capable of acquiring an anachronistic relevance to current debates surrounding nationalism and independence. The common denominator of these diverse perspectives is conflict.

The Illustrations in Perspective

The illustrations that follow consider the conflict of the selected period from four different perspectives, considered in two pairs due to the ways they intersect: dynastic and religious (Chapter 7); economic and military (Chapter 8). The dynastic perspective recognises that the concentration of power and authority in a specific line of descent can generate a fundamental and persistent division, rooted in the immutable familial blood relationships of kinship. This perpetuates distinctions in social standing, political influence and wealth that can generate conflict. The religious perspective focuses on the framing of personal identity and thus difference in terms of sets of interdependent beliefs and practices. In principle, unlike kinship, beliefs can be changed at will (or under duress), but their award of normative priority over kinship can be used to reinforce dynastic power, combining internal validation (a specific lineal descent) with external validation (a specific religious confession). This can intensify potential conflict. The economic perspective applies to every significant human event, if only because survival through it necessitates economic activity, invoking the inescapable human conflict with an environment that demands work must be done. But this is overshadowed by various

contingent conflicts, within and between groups, over who must do the work and how its fruits will be shared – the latter described, with an allusion to implicit conflict, as the ‘... tearing into portions, of the product of man’s collaborative effort’ (Shackle 1972: 5). ‘Exogenous shocks’, spanning discoveries of new resources and technologies, climatic variation and pestilence and wars, generate conflicts communicated widely through the characteristic interconnectedness of economic activity. However, the adverse impact of public policy choices on the freedom of individual efforts to secure future personal economic benefits can also generate intense conflict. The military perspective recognises that military action is a special form of economic activity, extending the impact of conflict beyond the combatants. While military action is customarily the acknowledged instrument to apply legitimate lethal force in war against an external enemy, the actions conducted in the name of Jacobitism constituted armed insurrection within a sovereign state, so its participants were not belligerents but rebels, seeking to achieve a régime change by force, exploiting internal divisions of a political and religious nature.

Chapter 7 Dynastic and Religious Perspectives

Preamble

The first part of this chapter examines several general issues concerning dynastic succession and its entanglement with religious commitment, to establish a context within which then to assess the contribution made by James Stuart, as Duke of York and subsequently King James VII/II, to the collapse of the Stuart dynasty.

The second part of the chapter considers two specific initiatives directed towards Scottish Jacobitism's objectives: the actions of Graham of Claverhouse in 1689 and the actions of the commanders of the invading French fleet in 1708. These are treated as presenting 'might-have-beens', where plausible alternative actions could have materially altered the outcomes, but where equally plausible though necessarily speculative reasons can be offered as to why these alternative actions were not taken. This supports the view that the ascendancy of one explanation over another owes much to the persuasiveness of argument grounded on a chosen perspective on the event.

7.1 Dynastic Issues

The vehicle of power

A dynasty involves heredity driving the temporal trajectory of socio-political power. If, as is claimed in this study, inherently conflicted actions of members of a large group will not spontaneously reach compatibility, then the centralised exercise of power by a king (for example) will be necessary to achieve it. Without it, the group cannot act as a unity and conflict will be unchecked. While a totalitarian monarch can enforce compatibility – essentially the case of slavery – more generally a compromise is achieved between ruler and ruled, the nature of the power retained by the ruler qualified by their mutual dependence. The security of the monarch depends on ecclesiastical validation, military manpower and taxation revenue, provided by three constituent elements of society: the church, the nobility and the commercial sector. The balance of power depends on the ability of the monarch to control these elements, as against their ability to acquire countervailing power, through the emergence of an appropriate institutional framework of negotiation and compromise – in short, a council or parliament. The replacement of James VII/II by William III marked a decisive step in the irregular but apparently irreversible decay in the executive power of the monarch, as the respective dynasties of the princely and kingly states (in Bobbitt's terms) yielded power to the parliaments of nation states.

Genealogical uncertainty and religious dogma

The involvement of heredity contributes a characteristic dynamic, which operates at two distinct levels. One is at the basic genealogical level, where the socio-political power is irrelevant and the issues differ little from those that concern familial relationships in general. The other is more complex and involves the monarch's right to power, which confronts an entanglement between concepts of divine right and absolute power. It is this which gives substance to the nature of dynasty. Hereditary succession appears to offer a simple solution to the problem of the mortality of the monarch. However, genealogical process cannot guarantee the expected straightforward lineal succession, whether male or female. The line can be broken by barren marriage or premature death. The latter can also result in a minor being thrust into a position of headship of a family. Marriage of siblings can generate collateral lines remote from the original familial context but which may be brought into the succession due to a break in the main line. The existence of illegitimate offspring, changing attitudes to primogeniture and variation in the laws of inheritance can present further complications. The history of the Stuart dynasty provides examples of most of these factors.

However, while heredity provides genealogical continuity, albeit convoluted at times, it cannot initiate a dynasty. Some exogenous factor must provide the originating endowment of power, such as military prowess in successfully defending the community against a significant enemy. But this internal validation was augmented by the claim that the success was providential, thus the external validation of religion was sought. Since the time of Constantine, the victor's consecration by the Christian Church had been a sign of divine appointment. With external validation symbolically conferred by religion's representatives in an appropriate ritual, the chosen individual acquires the supreme and uncontested authority to implement God's will; accordingly, the king rules, through his determinations, by divine right. The consequent autocratic actions may constrain individuals' personal freedom of action, but this imposition could be voluntarily discounted by their shared commitment to the divine plan, to which the king is privy and to whom obedience is therefore offered. However, while military prowess might establish a monarchy it '...did not ... rule out the possibility that kings might be elected or chosen by their people' (Burgess 1992: 841) or resolve the question of succession.

Right and power

The relation between divine right and absolute personal power requires consideration. Daly notes that 'absolutism' even yet lacks a precise meaning so it is not straightforward to pin-point the particular sense to be associated with divine right (Daly 1978: 227-233). And there might be none: '[t]he divine right of kings and the theory of royal absolutism were not the same thing ... [and while] most theories of royal absolutism may have incorporated a divine-right element ... the reverse was not necessarily true' (Burgess 1992: 841). Indeed, Daly has argued that the general view was '... hostile to the idea

that kings had any substantial latitude for discretionary exercise of sovereign will' (ibid.: 839, citing Daly 1979: 21-31). The crux of the matter is whether the king's determinations are exclusively in furtherance of God's will or in pursuit of a personal interest. Certainly, if only the king knows God's will then there is no independent public criterion by which a particular royal determination can be confirmed as God's will. But if such a criterion exists then royal decisions could be put to the test: absolutism need not equate with personal tyranny. As Burgess points out, 'The tyrant was distinguished from the true king primarily in moral rather than constitutional terms' (ibid.: 843); the tyrant '... misused his authority by ruling selfishly and contrary to the natural principles of morality' (ibid.: footnote 2). Only from a position of being above the law could the king impose a law on the people without their consent; but being in that position did not authorise the king to act contrary to that or any other law.

The divine right of the king had a bearing on the allegiance of the ruled towards the ruler. Reynolds notes Hallam's claim, based on French evidence, that '[t]he feudal relation fostered "the peculiar sentiment of reverence and attachment towards a sovereign, which we denominate loyalty"' (Reynolds 1997: xxi, citing Hallam 1818: 228). But divine right involved a stricter and reciprocal relationship, as it amounted to '... a theory of obligation, concerned primarily with the need to demonstrate to both rulers and subjects their duties before God' (Burgess 1992: 839, citing Allen 1938: 99-101). This 'rule[d] out the possibility that the people could resist or actively disobey their kings, whether they had elected them or not' (ibid.: 841, 842); its '...ideological point ... was to condemn disobedience, or more particularly rebellion, not to remove the king from all need to observe his own laws' (ibid.: 847). But as well as precluding opposition stemming from local or personal interests, more significantly it constituted a defence against systematic opposition from 'resistance theories'. These offered argued justifications for wholesale disobedience against monarchs on the grounds of 'foreign' religious principles – that is, contrary conceptions of how the will of God should be expressed in political terms, current elsewhere, whether Roman Catholic or Calvinist. The divine right of the monarch could also be used 'to condemn the idea of an independent secular authority resident in the Church and not derived from the king ... and to suggest more loosely the dependence of the Church on the secular power' (ibid.: 860, 861). Thus, divine right was interwoven with concepts of sovereignty of the nation and effectively guaranteed a strained relation – ironically – between Church and state.

The nature of kingship

Hereditary monarchy obliges reconsideration of the metaphysical concept of divine right, as expressed in the 'language of kingship'. Monod traces its metamorphosis through to the seventeenth and early eighteenth centuries in Western European Christendom (Monod 1999). The starting-point is sacred kingship: the ecclesiastically recognised sacralty of the physical person of the monarch, who is

elevated thereby to the *corpus mysticum* in company with ordained clerics and saints, and thereby set apart from the laity. But the concept of sacral kingship was problematic, if only given the tension between the evident mortality of the ruler and the eternal nature of God. In France and England, the notion emerged by the end of the fifteenth century that the ruler's natural body hosted a transcendent entity corresponding to the crown that he wore, the *dignitas*, which was immortal. But an adequate solution to the problem of royal mortality had to await the emergence of the abstract notion of sovereignty in late sixteenth-century France. Sovereignty gave '... legal substance to sacral kingship', thus detaching the majesty of the ruler from both personal charisma and fallibility: '... the king [as sovereign] must never die' (Monod 1999: 35, 36). But critical changes in the language of kingship were prompted by the Reformation, contributing to a demystification of the royal body. Protestantism, with its rejection of bodily holiness, gave impetus to the 'confessionalization' of rulers – the warranting of secular authority and political identity on the basis of the monarch's self-proclaimed, reformed spiritual standing – to which Counter-Reformation Catholicism also contributed (ibid.: 51-53, 141). The final change was towards the notion of natural kingship, seen in terms of a '... rational contract [between ruler and ruled], not one made by sympathetic identification of the subject with the monarch' (ibid.: 226), yet focused on '... the natural body of the monarch, not a spiritual persona' (ibid.:227). This was an element in the eventual transition to the rational state in which negotiation between ruler and ruled would play a greater, and religion a lesser, role, altering the basis of the external validation of the monarch. These changes had a bearing on the demise of the Stuart dynasty.

7.2 Aspects of the Stuart Dynasty

Complexity of succession

The Stuart dynasty illustrates clearly how genealogical factors force departures from an idealised lineal sequence of descent. James became king through the death, without issue, of his elder brother Charles II (monarch by constitutional restoration, after the regicide of Charles I, also a second son). This propelled him onto the thrones of England, Ireland and Scotland, previously united under his grandfather, James VI/I. This accretion of kingdoms resulted from the conjunction of the failure of Elizabeth I (and before her Mary I) to provide issue, and the marriage one hundred years earlier between James IV of Scotland and Margaret Tudor, elder surviving daughter of Henry VII of England. This had been an integral part of a political measure, the Treaty of Perpetual Peace, intended (in vain in the short run) to prevent further hostilities between Scotland and England. Earlier dynastic links also had significant political ramifications, in particular those involving France, for a time Scotland's ally but England's continental rival. The sixteenth-century option, however, was '... almost certainly as a French colony' (Whatley 2006: 94). However, the very existence of a Stuart (or Stewart) dynasty and its considerable political strength in Scotland were also due to the vagaries of

human procreation and contemporary conflict. The death without issue of David II, the sole surviving legitimate heir of Robert the Bruce, allowed the hereditary monarchy to pass via David's stepsister's marriage with Walter Stewart to their son, who in 1371 became Robert II, the first of the Stuart line. That brought within the royal ambit the many descendants of the preceding six generations of influential Stewards to the King of Scotland, for a time the largest land-owners in Scotland after the king. This was reinforced by Robert II's own 'philoprogenitive tendencies ... [whereby from] two sets of legitimate (or at least legitimised) children – more than twenty in total – his sons dominated the list of Scottish earldoms and almost monopolised the senior offices of state, while his daughters had married almost everyone else who mattered' (Thomson 2009: 64). Illegitimate sons also benefited in terms of lands and titles.

The Union of the Crowns brought under a single monarch, not only erstwhile enemies, but kingdoms with contrasting relations to France. The contrast also applied to their respective responses to the Reformation, involving theological, doctrinal and governance (both civic and ecclesiastical) differences. The primary seventeenth-century religious tension in Scotland was that between the Protestant confessions of Calvinist Presbyterianism and Episcopalianism (Roman Catholics had become a minority in Scotland, as in England), over the involvement of bishops in secular government and, at a local level, issues concerning patronage, which involved a controversial subordination of the church's ministry to the prevailing social hierarchy. But the radical difference concerned the nature of kingship.

The Declaration of Arbroath

However, the Scottish hereditary monarchy had arguably been compromised a half-century before the genesis of the Stuart dynasty, through the composition in 1320 of the Declaration of Arbroath, by a substantial group of Scottish nobles, including Walter the Steward, subsequently father of Robert II. Composed to obtain Papal dispensation to help resolve the political intrigues of the later reign of Robert the Bruce, its signatories declared themselves free, in defined circumstances, to '... choose another king who will defend our liberties'. This so-called 'deposition clause' appears to assert the superiority of the principle of consent over that of hereditary kingship. Antecedents may be found in the early Scottish and Pictish institution of tanistry, whereby a ruler's successor could be elected for the duration of his life from among those deemed sufficiently able, typically members of the dominant social group. Its replacement by hereditary monarchy was apparently a practical expedient to escape internecine conflict among rival factions. This 'deposition clause' has been interpreted by some as an early and limited form of social contract. It may only have been intended to address specific contemporary issues (that is, the actions of Robert the Bruce or either John Balliol or Edward Balliol that might prejudice Scotland's sovereignty): Brown argues, '... the radical aspect ... can be explained in the light of immediate political concerns' (Brown 2003: 1, footnote 2). Whether the

‘deposition clause’ was a contemporary innovation or an explicit statement of a commonplace ancient principle of tanistry is not clear; either way, its general language may suggest that its composers anticipated it would have some continuing (albeit non-statutory) force. That the Declaration was not invoked for three hundred and sixty years may reveal a general acquiescence to the actions of subsequent Stuart monarchs, bolstered by the solidarity of the wider Stuart dynasty, and the later elimination of the English military threat due to the Union of the Crowns. But as a substantive form of conditional external validation of monarchy it remained a pragmatic threat to both divine royal warrant and hereditary succession. Macinnes attributes the Scots’ ‘claimed right to resist an ungodly monarch’ to a distinct Scottish reception of Calvinism in the Reformation, perpetuated through the National Covenant and Solemn League and Covenant, with its limitations on the monarchy in respect of the Kirk and State ‘... essentially secularised through the Claim of Right in 1689’ (Macinnes 2007b: 257).

The religious threat

With its focus on the conduct of the monarch, the deposition clause had some affinity with the notion of natural kingship, initially expounded in England by the Earl of Clarendon, Charles II’s chief adviser and James’s father-in-law (Monod 1999: 226). The divergence of the monarch’s conduct from the standards implicit in any of the warrants offered for kingship became a sensitive matter. If God were the epitome of the virtues, then virtuous personal conduct was expected of the monarch. Some discordant, un-God-like royal decisions might be justified in terms of ‘reasons of state’ (discussed in Chapter 5) or the ‘national interest’. But questionable personal behaviour that could not be kept out of the public domain, particularly generally unacceptable sexual excesses, was another matter. Accordingly, ‘Charles II’s popularity ... quickly waned, ... Natural kingship increasingly seemed to provide a license for passions that were anything but edifying [and] publicity finally made a mockery of natural kingship’ (Monod 1999: 229, 230). However, giving offence to general moral sensibilities was of a lesser order compared to offending strongly held religious commitments. The post-Reformation emergence of divergent and antagonistic confessions within the Christian faith, with distinct differences among the three kingdoms, presented the Stuart dynasty with a problematic context. In Scotland, Charles II’s Episcopalian Settlement, following closely behind the act rescissory of 1661 which had the effect of ‘... exploding the foundations of presbyterianism’ (Raffe 2012: 32), was in marked contrast to the assurances he had previously appeared to give – assurances welcomed by a country that had not long before embraced Presbyterianism via the National Covenant (with its anti-Catholic antecedents) and promoted it in England with the Solemn League and Covenant. It was scarcely propitious for Charles II then to be conceivably succeeded by a king who had become ‘...persuaded that only the Roman Catholic faith could secure salvation [and] convinced that he had been singled out by Providence to be the means of bringing his benighted countrymen back to the true [Roman Catholic] faith’ (Speck 2002: 24, 27) and who had been quoted by a Jesuit as having said

‘...that he would convert England or would die a martyr’ (Pincus 2009: 152, citing a letter from a Jesuit of Liege, 2 February 1687). Parliament’s Test Acts already provided a legislative obstacle against Catholics holding public office and these had brought James’s own Catholic conversion to public knowledge, forcing his demission as Lord High Admiral in 1673. However, given that the Catholic populations of Scotland and England were very small minorities – not so in Ireland – the depth of feeling against Catholicism seems paradoxical. This could be resolved by distinguishing between it (as a system of religious belief) and popery: ‘Roman Catholicism appeared to many not as a religion, but as a repressive political system [involving] a single-minded desire for temporal obedience and a marked intolerance of any form of dissent’ (Callow 2000: 139). The fear of popery which was ‘... a permanent part of opposition rhetoric in Stuart England’ had undergone a resurgence in response to the savagery of the Irish Rebellion of 1641-2 (Parker 2013: 357).

The Stuart dynasty had formed international relationships through astute politically-driven marriages to gain strategic alliances, extending its geographical reach and wealth. But it also entangled lines of descent. Reversion to a collateral line given a break in the primary hereditary line could then place a ‘foreign’ monarch on the throne (as it had done, effectively, in the case of James VI). Although James VII himself did not pursue – on the first occasion – a ‘dynastic marriage’, earlier instances had already created blood relationships with France (Charles and James were cousins of Louis XIV), the Netherlands (William Prince of Orange was nephew to Charles and James, and subsequently son-in-law to James) and Hanover (Electress Sophia was cousin to Charles and James). Accordingly, delineation of the Stuart dynasty was complex, so ‘restoration of the Stuart dynasty’ was potentially an ambiguous notion once the throne had been declared vacant and Roman Catholics and their spouses had been disqualified. Thus Claydon could reasonably say ‘William was a Stuart ... [which] identity was clearly important to him in 1688’ (Claydon 2002: 14, 31).

7.3 The Actions of James VII/II

The warrior prince

The rules of dynastic succession are blind to the personal qualities, inherited and acquired, of any successor, while genealogical accident can thrust the ill-equipped individual unexpectedly into prime position. ‘Monarchy was no guarantee of competence ...’ (Black 2011: 156). The early years of James Stuart, the future James VII/II, were traumatic and unstable, marked by domestic upheaval; brief imprisonment; witness to lethal military engagements of the Civil War; escape to exile in Holland and France; execution of his father – all before he was sixteen. Exhibiting an uncontrollable temper as a youth, he regarded his period of active military service with and against the French as ‘...the most enjoyable years of his life’ (Mann 2014: 45). He displayed an almost-foolhardy personal bravery and an enthusiasm for killing (Callow 2000: 81), coupled with a self-publicising disdain for comrades (ibid.: 75; Mann 2014: 54), a disinterest in the welfare of the rank and file and, perhaps

significantly, a lack of judgement of strategic issues. In terms of image ‘... he fitted the traditional role of the prince as a warrior perfectly [and] saw the successful pursuit of war as the greatest possible service a prince could undertake for his people’ (Callow 200: 127). As it transpired, the first time he led an army into battle was towards defeat at the Boyne (Mann 2014: 47), an outcome to which his own political misjudgement had contributed (Speck 2002: 112, 113). He did not, despite encouragement and his forces being in position, engage militarily with William of Orange in 1688.

James and Roman Catholicism

James’s personal religious commitment has particular significance. Although James VI/I had been a devout Protestant, Charles I and II had both married Roman Catholics, the latter undergoing death-bed conversion from Anglicanism. James VII/II’s first wife was initially Protestant, but she became a Catholic during the 1660s. She ‘... made the greatest single impact upon [James’s religious] thinking ... [basing] her case solely on the nature of infallibility [arguing] that ... the Anglicans had no right to claim authority through apostolic succession’ (Callow 2000: 144). James seemingly endorsed her critique, based on an ecclesiological version of dynastic heredity. He must have observed Catholic rites during his childhood exile in France, close to the royal court, although Mann could cite ‘... no evidence that [James] was especially attracted to anything other than Anglicanism’ during his teens and early twenties (Mann 2014: 24). However, during his military service between the ages of nineteen and twenty-five, he formed ‘...an intimate friendship, akin to father and son’ with the Huguenot marshal of France, Vicomte de Turenne, twenty-two years his senior and an ‘awkward and socially isolated individual’ (Callow 2000: 65), whom ‘...in his military memoirs [James] is seen to idolise’ (ibid.: 44). Turenne’s subsequent conversion to Catholicism in 1668 ‘... might have hastened James’s move towards Rome’ around the same time (Speck 2002: 24) and prompted him to disregard his father’s injunctions to remain devoted to the established Anglican Church.

However, according to Pincus, James’s personal position on the doctrinal matters that separated the different confessions, such as predestination, transubstantiation and the sufficiency of God’s grace for salvation, neither directed his personal morality and conduct nor were material to the subsequent revolutionary upheavals (Pincus 2009: 92-94). Instead, James’s main concern was to find in religion an external validation for royal absolutism, so that public choices could be made through the royal prerogative. His deep antagonisms towards Presbyterians and Non-conformists were primarily based on their distinguishing positions regarding civil governance. These he regarded as endorsements of republicanism and treasonable. Anglicanism (and thus Episcopacy) could be tolerated, given the opportunity to exercise political control through the royal appointment of its bishops – opposed by other confessions. On this interpretation, James’s ambitions lay in the direction of state-building, not the spiritual welfare of his subjects. He adopted – according to Pincus – the model of state-building developed by Louis XIV: ‘James was not merely a Roman Catholic. He was a Roman Catholic

deeply convinced by the modern views and concerns developed at the court of Louis XVI [whose] Gallicanism, fiercely defended by the Jesuits, and bitterly criticized by [Pope] Innocent XI and the rest of Catholic Europe, exalted the power of the prince and insisted on eliminating religious pluralism' (Pincus 2009: 121). The Gallican denial of the supreme authority of the pope left the king as the absolute power, '... legitimate by means of divinely guided dynastic succession' (Bobbitt: 2002) so that '[w]ith Louis XVI the kingly state reached its final apotheosis ... shaped [in such a manner] that enabled Louis to exploit its resources for war' (ibid.: 121). 'Innocent [XI] himself called the French king "the common enemy of West Europe", while his propagandists accused Louis of seeking to be "the Universal Monarch of Europe"' (Pincus 2009: 123; citations unspecified individually, but composited in end-note 9, 516). Thus, '... England had become little better than a client state of France' (ibid.: 314). It has been argued that James '... never tried to lead a separate religious faction at Court or to become a champion of English Catholicism' (Callow 2000: 148, 149) and that '... James was never formally allied with France' (Speck 2002: 121). But it was also the case that Charles II – supposedly an Anglican at the time – received substantial subsidies from Louis '... in return for a promise ... to embark on the steady reconversion of England [to Catholicism]' (Callow 2000: 153) and had secretly negotiated the Treaty of Dover that, had its intentions succeeded, would have involved his own conversion to Catholicism. Furthermore, '[w]ithin weeks of Charles II's death, James created a separate Roman Catholic Cabinet Council [which became] England's real governing body [and] replaced the traditional and cumbersome Privy Council' (Pincus 2009: 125). In Scotland, James relied heavily on the Drummond brothers James, Earl of Perth, his Lord Chancellor, and John, Earl of Melfort, his Secretary for Scottish Affairs. 'Both ... converted to Catholicism ... and both owed their conversion in part to [the writings of the French] Bishop Bossuet' (ibid.: 128). In his view '... the moment of state formation was engineered by divine grace, not by natural law, contracts or covenants'; he had contributed significantly to the Gallican assertion of absolute monarchy (Monod 1999: 214, 255). In Ireland, James appointed the Catholic and 'Francophilic' Richard Talbot, Earl of Tyrconnel, as Lord Lieutenant (Pincus 2009: 142).

Personal qualities

For thirteen of his twenty-five years as Duke of York, James occupied the position of Lord High Admiral. Involvements in brief naval engagements again revealed his personal daring but also deficiencies bordering on negligence as a team player and as tactician or strategist. As Callow puts it, '[t]he pattern [is one of] a consistent failure to take responsibility for his actions, and a willingness to hide behind his privileged position and to scapegoat others' (Callow 2000: Chapter 8; 237). During his occupancy of the office, the Royal Navy's fleet lost its pre-eminence in tonnage over the combined fleets of France and the Dutch Republic (Speck 2002: 22), while James exercised his privilege by placing inexperienced members of the nobility in positions of command. This gave him continuing personal influence after he had been forced to relinquish his post by the Test Act of 1673,

when he moved smoothly into that of Lord High Admiral of Scotland. Mann notes that ‘... the Admiralty Court records of Scotland reveal him mostly obsessed with his right to wrecks and prizes from his jurisdiction than the building of ships’, and other concerns ‘suggestive of James’s acquisitiveness’ (Mann 2014: 126). Indeed, Scottish shipbuilding was discouraged by the acquisition of prize hulls (Graham 2002: 56).

Charles II gave James opportunities to improve his personal financial position and so reduce the burden on Court: substantial estates in Ireland; international trading opportunities; development possibilities in North America. James pursued these with narrow self-interest, disregarding the welfare of others, whether his impoverished Irish tenants, the slaves that became the main trade commodity of his Company of Royal Adventurers and Royal African Company, or the colonists of New Amsterdam. This disinterest in the plight of those harmed by his actions revealed a willingness to condone this to uphold a rigid conception of sovereignty. In a similar vein Pincus notes: ‘James’s response to Louis XIV’s Revocation of the Edict of Nantes was hardly what one would expect from someone committed to the principle of liberty of conscience. ... Barillon [the French Ambassador to England] reported that James “could not have been more overjoyed” at seeing what Louis XIV had done “to destroy heresy in his kingdom” ... James celebrated each report of the mass conversions of French Huguenots ... Following Bossuet’s lead, James chose to deny the existence of violence perpetrated by Louis XIV’s dragoons’ (Pincus 2009: 137; citation unspecified, composited in end-note 42, 522).

It was noted above that Charles II’s sexual behaviour undermined the emerging concept of natural kingship. The Duke of York was also highly promiscuous and adulterous. Both had numerous mistresses, fathering numbers of illegitimate offspring – a state of ‘[l]iberal sexual liberalism’ (Mann: 92). During the reign of Charles II a few of the women involved played significant roles in domestic and foreign policy; this came to an end with James’s accession. Mann suggests that the nature of James’s sexual appetite provides an insight into his personality, ‘[h]is sullen and aggressive sexuality ... [involving a] “release of a vicious brutality” ... [He] retained an insatiable appetite for sexual gratification’ (ibid.: 100, citing Magalotti 1980 [1668]: 36). In this area of personal relationship James apparently exhibited a propensity towards violence, matching his enthusiasm for lethal military action and his perennial obsession for blood sports.

7.4 Revolution and Scotland

The ‘plot’ of the narrative that emerges from the perspective adopted by Pincus is essentially of revolutionary opposition to an absolutist political state (Pincus 2009: 7). But the Scottish ‘revolution’ was fundamentally a religious matter.

Religious division

The restoration of the nominally Anglican Charles II had unexpectedly brought with it a package of legislation that not only established the Episcopal Church in Scotland but also initiated a lengthy period of bitter persecution and suppression of Presbyterianism. Episcopalianism offered a theological support for absolute monarchy and a form of church government in which the monarch was the head of the church, an element of Erastian doctrine. These were inimical to Presbyterianism, which consequently was viewed by the crown as republican in political commitment and thus its enemy. James VII/II's adopted Roman Catholicism allowed him to claim his kingship was endorsed by the authority of apostolic succession, the strongest basis for the divine right of the king. Previously despatched to Scotland in 1679 by Charles II because of strong anti-Catholicism in England, as '...the most divisive personality in English politics since his father' (Mann 2014: 137) and '... a hate figure for a significant proportion of the Protestant nation' (Callow 2000: 283), James nonetheless made a favourable impression there (Macinnes 2007b: 243). His subsequent accession to the throne was similarly warmly received in Scotland. But while his reign started from a demonstration of strength, with the successful suppression of the Argyll and Monmouth rebellions, within three years he had been deposed by the Scottish parliament due to his own subsequent actions. It had proved to be a 'reckless reign' (Stephen 2013: Introduction). Its reverberations continued: in the political process leading to the Treaty of Union, '[Squadron members]' fear of a Jacobite alternative [was] fuelled by their memories and experience of life under James VII' (Harris 2010: 34). On the other hand, Macinnes has argued that '[James VII/II's] governance of Scotland deserves rehabilitation. For James was as much an understated success as a qualified failure' (Macinnes 2007a: 236).

James's pivotal actions in Scotland were the First and Second Scottish Indulgences of 1687, the second promptly abandoning unacceptable conditions set in the first. These were initiated four months after his dissolution of the Scottish parliament, following his unsuccessful attempts to obtain passage of a pro-Catholic Toleration Act. These indulgences granted, by royal proclamation, freedom of worship indoors to confessions dissenting from Episcopalianism, not just the Roman Catholic minority ('... much less than 5 per cent [of the population]' (Mann 2014: 187)), but also the Presbyterians (possibly as numerous and certainly as geographically concentrated, though differently so, as the Episcopalians (Stephen 2013: 48, 49)). For the Presbyterians, these indulgences ended '28 years of spiritual exile, of hardship and persecution at the hands of what they regarded as a tyrannous and arbitrary government' (ibid.: 20) and set in train efforts to reverse their consequences. '[A] sizeable group of exiled [Presbyterian] ministers, tiring perhaps of opposition to the government and weary for home, [were encouraged] to return' (Whatley 2006: 78).

Several interpretations have been offered of James's scarcely necessary inclusion of Presbyterians within the scope of the indulgences. It was possibly a weak capitulation, paying any price necessary

to promote Catholicism, or possibly an indication that ‘... James regarded his position as strong enough to grant what was an extremely unpopular toleration to Catholics on the one hand, and on the other ...an extremely dangerous one to Presbyterians’ (ibid.: 15). Mary of Modena’s pregnancy soon after, raising hopes of a male heir that were then realised in June 1688, may have supplied reassurance that the risk had been worth taking. But the prospect of a Roman Catholic succession helped trigger the already-prepared action of William of Orange – to which Scots Presbyterian exiles of earlier persecution, were contributing (ibid.: 28) – that led to James’s deposition. The exiles’ involvement had longer-term consequences in that ‘... virtually all of the more prominent Scots émigrés (or their descendants) who landed with William ... and who were still in Parliament in 1706 and 1707, voted for [an incorporating Union]’ (Whatley 2006: 30). Or possibly James’s proclamations illustrated ‘... his impetuosity [and] lack of forethought’ exemplified at other times during his reign (Callow 2010: 304). His capacity for considered judgement had previously been questioned: as Duke of York, attending the Scottish Parliament in 1681, it was recorded that although he had “‘honestie, justice and courage enough ... he had nather great conduct, nor deep reach in affairs, but was a silly [simple] man”’ (Paterson 2001: 55, quoting Lauder 1848: 327). It was surely obvious that freedom of worship tolerated within an Episcopal settlement was insufficient by itself to satisfy the Presbyterians. Having just failed to obtain parliamentary passage for a Toleration Act designed to favour Roman Catholics, his proclamations were perhaps hastily conceived in ‘... a charged atmosphere of arrogance followed by panic, and of irresolution followed by vengeance’ (Mann 2014: 179). James’s actions have also been interpreted as an expression of a genuine and innovative commitment to religious toleration. Certainly, ‘by inaugurating universal religious liberty [he was] the first ruler of England [and of Scotland] to do so’ (Jones 1991: 70). But contrary advocacies have arisen in respect of this view (Stephen 2013; 2,3). A particularly persuasive argument would be necessary to establish that James had a sincere interest in the spiritual welfare of those of different confessions to his own, given his own firmly held Catholicism, and his expressed criticisms of other confessions. Moreover, in [t]he conduct and policing of religious policy in Scotland after [the Abjuration Act of] 1662 ...[which became] a bewildering oscillation between repression and conciliation towards Presbyterianism’ during his brother’s reign, James himself ‘... as prime manager of Scottish affairs from 1681 to 1688 must actually take much responsibility for an infamous period of Crown violence’ (Mann 2014: 119, 154). Indeed, he typically did not seek to comprehend principled opposition to his own position: ‘James was prepared to hold fast to his own beliefs, regardless of the consequences [yet] he was totally unable to acknowledge that similar, dearly held principles motivated the actions of others’ (Callow 2000: 288). From that point of view his indulgences confirmed ‘that for James Presbyterianism was a political not a religious threat. If only [they] could be depoliticized, they represented yet another group of Christian brethren who, in time, ... would see their error and return to Rome’ (Mann 2014: 155). But that detachment of the spiritual from the secular was not a tenet of Presbyterianism.

James's abiding concern was the nature of kingship, on which the different confessions held antagonistic positions: the divine-right conception warranted supreme authority and absolutism, whereas natural kingship accommodated a separation of the sacred from the secular. The latter not only precluded the monarch from being head of the church (and thus from claiming, by that role, absolute power over all secular matters too) but also admitted the possibility of the monarch's secular powers being constrained by the civil authority of parliament. However, James's personal position had been made very clear in, for example, the preamble to the Excise Act of 1685, which referred to '... the King's sacred, supreme, sovereign, absolute power and authority' (Speck 2002: 86, citing Thomson, Innes 1814-75: 459). James never understood how a Presbyterian could also be a monarchist (Mann 2014: 24): Presbyterianism was a variant of the Republicanism that had treasonably executed his father, to be rooted out by force.

Presbyterian settlement

The Scottish revolution was completed in 1690 with the Presbyterian church settlement. It conformed closely to the 1592 act that had originally established Presbyterianism, granting freedom of assembly and legitimacy for the church's courts. The abolition of patronage followed closely. The Claim of Right of 1689, setting the Presbyterian agenda, had explicitly asserted the 'contractual and limited nature of the Scottish monarchy' (Stephen 2013: 37). Given that most of the Scottish Episcopal clergy could not adopt '... a new theology of kingship ... to justify and support the Revolution, and the accession of William and Mary', unlike the Anglicans, 'Presbyterians were William's only allies in Scotland' (ibid.: 53, 54). With his support the path to the settlement was cleared by the 1689 abolition of prelacy and the 1690 abrogation of the 1669 Act of Supremacy. The settlement survived the electoral gains of the Jacobites under Queen Anne in 1703, while the 1706 Act of Security integral to the Act of Union headed off the Kirk's opposition to Union (Harris 2010: 44) by effecting the church's removal '... from the absolute sovereignty of the British Parliament' based on its claim that its '... worship, discipline and government ... represent the truth' rather than establishment by the word of the sovereign, as in the case of the Church of England; this distinction permitted an element of federalism to exist in the Union (Fry, M. 2006: 269-271). In Macinnes's view, '[With only less than ten per cent of presbyteries and parishes petitioning against the Union,] the Kirk stood above all for its own institutional interests as the preferred ecclesiastical establishment in Scotland', a view that discounts their ability to assess the secular implications of Union (Macinnes 2007b: 287). Post-Union elements of 'counter-revolution' brought the return of lay patronage in 1711 and the Scottish Toleration Act of 1712, entangled with the anti-Unionism of the time. But the unintended consequences of James's contingent action endured.

7.5 Illustration: The Role of Graham of Claverhouse

The actions of Graham of Claverhouse, ennobled by James as Viscount Dundee in 1688, provide a subject for ‘what might have been’ speculation. Had Dundee acted differently during and after the meeting of the Scottish Convention of Estates in 1689 – but still appropriately in the circumstances – the outcomes could have been very different. The conjectured reasons for his having failed to do so could then form an explanation of what did transpire. Two plausible courses of action were open to Dundee, corresponding to the two roles given to him by James. The first was for Dundee, as commander-in-chief of James’s putative Scottish army, to support his restoration by bringing that army into existence as a viable and loyal force, to be supplemented in due course by French or Irish allied troops. The second, given his elevation to the Scottish nobility and thus participation in the governance of Scotland, through attendance at the Convention of Estates, was to achieve a Scottish constitutional resolution of the problems created by James’s departure and William’s arrival in England. The establishment of a rival convention in a location dominated by those acknowledging James’s kingship would restore political authority and authorise his army, with a promised additional 5,000 troops, to ‘...proclaim war against Hamilton’s Government in Edinburgh’ (Linklater, Hesketh 1989:192). Both courses of action would have to be pursued while James was in France, subsequently Ireland. In the event, Dundee failed to do either.

Whether James had in mind clear-cut plans for Dundee’s post-ennoblement role is a moot point; perhaps the ennoblement was merely a reward for the fidelity of a close friend (Chambers 1829: 27). Moreover, letters from James during his Irish campaign expressly instructing Dundee to initiate a constitutional counter-revolution were intercepted and copies did not reach Dundee for three months. He was possibly ignorant of any obligations. But equally no evidence has been cited of specific instructions from James to Dundee to act as he subsequently did.

First and foremost, Dundee was a professional soldier, initially trained under contract to European armies. He fought for the French against the Dutch under Marshall Turenne, like James himself, and was in arms with Hugh MacKay, subsequently his opposite number in William’s Scottish army. He then fought for the Dutch against the French, gaining the recognition of William of Orange, whose recommendation to Charles II began his long-standing service for and loyalty to the Stuarts. During his service with the Prince of Orange he was portrayed as an arrogant, impulsive and determined individual, inclined to violence against fellow-officers. His subsequent reputation in Presbyterian Scotland as cruel and licentious emerged primarily through his involvement, in 1678-9 and again in 1682-4, in counter-insurgency operations against Covenanters, particularly the Cameronians, ‘the terrorist wing of the Presbyterians’ (Speck 2002: 29). He became regarded as a ‘... relentlessly

brutal individual [a view grounded on] a small number of well-recorded, callous summary executions', admittedly at the time sanctioned by the law, as well as self-confessed acts of pillage and cruelty to women and children (Mann 2014: 152). The truthfulness of these accounts has been contested for a long time (cf. Napier 1862; Linklater, Hesketh: 1989, Chapter 11).

The hundred or so executions of the 'Killing Times' may not have been of a scale to register as contemporary massacres – although relative to the size of the individual communities affected they presumably had that significance – but they do raise several similar issues. In Section 4.6 of Chapter 4, under the heading of Killing of Innocents, consideration was given to the mental states that seem to be involved in the perpetration of atrocities by humans against humans, outside of the context defined by the rules of warfare. But these states themselves are not peculiarly scale-dependent, and so seem entirely relevant to the particular seventeenth-century Scottish context, and conceivably applicable to identifiable contemporary perpetrators, such as Graham of Claverhouse. At their most general level these states relate to an epistemological issue that gives distinctiveness to this study: that a human person is just that, and not an object. The objectification of a human is his or her dehumanization, whether in terms of physical treatment or in terms of explanation of his or her action. As noted in Section 4.6, Kelman has not only usefully distinguished three factors that can erode self-restraint and admit atrocities, but also stressed the reflexivity of the erosion: the perpetrator is also dehumanized in the process (Kelman 1973: 35-57). His three factors were authorization, routinisation and dehumanization itself. Authorization, involving subordination to a superior authority, reduces the perpetrator to a functionary, subject not to any moral precept (as discussed in Chapter 5) but only to statute or command of the superior. Graham of Claverhouse occupied that role in respect of the enforcement of the Oath of Abjuration of 1684, empowered to execute Covenanters who refused to take the Oath, in the field and without trial. Routinization of an atrocity allows its repetition by the functionary, without regard to the intrinsic unique identity of each individual, which otherwise should give substantive moral significance to every instance; instead they are merely subsumed into the objective category of the condemned. Dehumanization results in the individual being viewed as a negatively valued intrusion into the situation, whose removal will confer a benefit. According to Kelman, by succumbing to these three factors the perpetrator becomes brutalized. It is conceivable, however, that Graham of Claverhouse was already brutalized as a result of earlier active military service, where the humanity of enemy combatants could legitimately be disregarded. Arguably, the Scottish Privy Council displayed its own brutalization in framing the Oath to entrap Covenanters into a treasonable posture on the basis of their own religious beliefs. But significantly, perhaps, Graham of Claverhouse was a member of the Privy Council at the time.

A staunch Episcopalian, he rapidly rose to prominence. '[After his actions of 1678-9 Claverhouse] was summoned to London and for the next three years was a close companion of James and Charles ... With James he travelled ... to and fro from Edinburgh to London ... He kept regular company with

the Duke before going back to Scotland to serve during the ‘Killing Times’ and in connection with the Argyll Rebellion. ...No military individual was closer to James from 1679 to 1689 than Claverhouse’ (Mann 2014: 124, 125). Within eight years he was promoted from captain under Charles II to major-general under James VII. But he was also appointed a Privy Councillor in 1683 (although temporarily struck off for having ‘delivered a jealous rant in Queensberry’s face over the military seniority of his sons’ (Mann 2014: 158)); sheriff (in SW Scotland); and Provost of Dundee – imposed on the burgh by James as part of his attempt to manipulate the composition of a future parliament (Mann 2014: 190). Dundee’s appearance at the Convention of Estates in Edinburgh on the 14th March 1689 must have evoked mixed reactions. Though ‘...a minor laird ...of no consequence beyond his loyalty to [James]’ (Reid 2014: 5), he was nonetheless notorious and potentially powerful. Rumour had it that he and others intended to kidnap Williamite members of the Convention, so the presence of some of his own dragoons was a palpable threat (Mackay 1833[1689]: 4). The circumstances were intimidatory. The Williamites felt menaced by the cannon of Edinburgh Castle, still commanded by the Catholic Duke of Gordon despite the king’s departure, with Dundee’s express encouragement (Terry 1905: 164). James had made this controversial appointment “‘... to make that town have more regard for my commands, and civiler to the Catholics by seeing [the Castle] in the hands of one of that persuasion”” (Linklater, Hesketh 1982: 140, no citation given). For the Jacobites the appearance of two thousand or so Cameronians and supporters of Argyll, assembled to provide security, was equally oppressive. ‘Fear encouraged tension and partisanship’ (Mann 2014: 208). ‘Jacobites were almost as numerous at the commencement as their opponents [but] uncertain as to their best course of action ... [The] initial narrowness of the gap [was] apparent in the relatively close contest for [the Convention’s] presidency ...the Williamites ...winning the day by a majority of 40 among 150 votes’ (Cowan 1991: 164) – according to Chambers the majority was fifteen (Chambers 1829: 32). But Dundee’s contribution to the Convention was limited to a failed attempt – albeit ‘eloquent and vigorous’ (Drummond 1842: 235) – to have it adjourned and reconvened at Stirling. Within three days he walked out, claiming an attempt was to be made on his life by some Cameronians. Thereafter he provocatively gave further encouragement to the Duke of Gordon (Terry 1905:164), whose refusal to relinquish his post precipitated the siege of Edinburgh Castle, commanded by Major-General Mackay.

Dundee’s failure to influence the Convention possibly contributed to the disillusionment and desertion from it of numbers of James’s supporters, already demoralised by the dictatorial letter from James to the Convention (Mann 2014: 209). The Williamite element dictated the Convention’s deposition of James and its positive response to William’s overtures. Dundee failed to raise support for an alternative convention in Stirling and he was left isolated (ibid.: 210). But by remaining ‘under arms’ with his dragoons, ignoring the dictates of the Convention, he was proclaimed a rebel and became a fugitive, ending the legitimacy of his political activity, failing in the role that James had given him. It

is unclear how enthusiastic he was to overcome the apparent reluctance of the Episcopal nobility and burgesses to take counter-revolutionary action. That ‘...even in the neighbourhood of the town of Dundee, [where support] might be supposed to have been the strongest, it does not appear that any considerable number were induced to follow [his] standard’ (Linklater, Hesketh 1982: 102) must have been deeply irritating. Raising James’s standard, whilst itself seditious, was arguably gesture politics.

As a professional soldier, Dundee had more prospect of success performing a military role for James, creating an alternative Scottish army, to be augmented subsequently by an invasion force. But instead he fomented an insurgency among sympathetic Highland clans. It is ‘... one of the great paradoxes of the Jacobite period that the Stuarts should have come to depend so heavily upon Highland support, given that family’s long and virtually unbroken record of brutal repression of the Gaelic peoples’ (Reid 1996: 4). Macinnes claims that ‘... the clans were the military bedrock of Scottish support for the House of Stuart from the deposition of James VII/II’ (Macinnes 1996: 159). Yet James ‘... saw the clan system, with its blood feuds, cattle raids and private armies as representing an unacceptable challenge to his brother’s authority ... [with] MacDonald and Cameron clansmen ... conducting their own private wars, virtually unchecked (Callow 2000: 288, 289). Moreover, ‘... there is no evidence to suggest that James’s antipathy towards the Highlanders ever lessened during his time in Scotland, but if anything it grew stronger with passing months’ (ibid.: 290). But by deciding to curtail the power of – and eventually execute – the Protestant Earl of Argyll, James had effectively taken sides in a long-running and bloody Highland struggle. Whether he understood that ‘... for the Highlanders, the Civil War was a struggle *against* the Campbells rather than *for* the King’ (Paterson 2001: 142; emphasis in original), is unclear. Consequently, opposition to William accorded with some clans’ apprehension at the prospect, under William, of an Argyll returning the Campbells to power. Some also had shared an involvement with Dundee in suppressing extremist Presbyterians in south-west Scotland, while Dundee stood high in their estimation through having served on the jury that had found the ninth Earl of Argyll guilty of treason. Moreover, they were no strangers to violence themselves. Accordingly, ‘[Dundee] initiated a guerrilla campaign in the north of Scotland [with] some 2,000 men of the western clans ... a force as much motivated by a desire for plunders and hostility to Clan Campbell, as by religious and political principle’ (Cowan 1991: 165). But Dundee could scarcely expect to overthrow the emergent new Scottish parliament with an irregular army of highland insurgents – which was all he was to have at his disposal, given James’s default on his promise to send 5,000 troops to Scotland, sparing instead only a few hundred from the ultimately unsuccessful siege of Londonderry. Moreover, they were possibly poorly armed: ‘... by the turn of the eighteenth century if not earlier those [clansmen] who owned both a musket and a sword were in a minority in large swathes of the Highlands’ (Whatley 2006: 110, citing Mackillop 2000: 7).

Dundee – or, for that matter, James – could not have known that less than three weeks after the battle of Killiecrankie the Irish component of James’s strategy would start to unravel and that no large and experienced Irish invasion force would materialise. Nonetheless, it seems particularly ill-advised to have chosen to risk himself and his modest resources. However, it is unsurprising given his quick temper, impetuosity and arrogant self-confidence that powered his actions and a ‘...conviction that he knew best in military matters [which] was never less than total’ (Linklater, Hesketh 1982: 136). However, it can plausibly be argued that in acting as he did, Dundee allowed the strategic issues to be outweighed by his personal disposition towards his Presbyterian pursuer, Major-General Hugh Mackay. During their shared service under William in the Scots Brigade, when Mackay was preferred to himself for promotion to lieutenant-colonel, ‘[it] gave [him] such mortal offence ... that he instantly quitted the service and returned to Scotland, burning with resentment’ (Mackay n.d. [1836]: 11). Mackay went on to receive subsequent preferment from James – promotion to major-general and a seat on the Scottish Privy Council – because of the Scots Brigade’s assistance during the Monmouth rebellion. But he fell from royal grace and was refused a pardon from James by choosing to remain in William’s service in the lead-up to the Revolution of 1688, thus being available to lead one of William’s three divisions in the landing at Torbay – possibly confronting Dundee at the head of his own regiment, His Majesty’s Own Regiment of Horse, in the subsequent stand-off on Salisbury Plain. Mackay was then given further preferment to lead William III’s forces in Scotland. After resolving the siege of Edinburgh Castle, Mackay personally took over the hunt for Dundee. The subsequent pursuit through the Scottish Highlands, complicated by the varying allegiances of different clans (‘Scottish gaeldom was never united in support for the House of Stuart’ (Macinnes 1996: 189)), was brought to a close by Dundee forcing a confrontation at Killiecrankie. There Dundee’s highland irregulars, skilled in close-quarter-combat shock techniques with traditional heavy edged weapons, confronted Mackay’s musketeers and cavalry, for whom the terrain was far from ideal. Of Mackay’s troops ‘[I]ittle more ... than one half of the whole number could with any propriety be said to be disciplined [i.e. fully trained] ... [and] one third of his men [were] young soldiers, who had never seen the face of an enemy in the field, and even the disciplined portion [was] unaccustomed to the Highland mode of fighting’ (Mackay n.d. [1836]: 42, 48). In the ensuing encounter the ‘Highland Charge’ broke the too-thin line of Mackay’s troops and created a confused action which concluded with a partial rout of Mackay’s forces and a level of casualties on both sides that, in proportionate terms, was worse than the later Battle of the Boyne (Linklater, Hesketh 1982: 222). ‘The brunt of the action fell ... especially on Mackay’s own battalion, against which, a dead set seemed to have been made by the Macdonalds, some of whom had formerly served with them in Holland ... and appear to have felt a high degree of excitement on finding themselves opposed to their old comrades, who on their part were not wanting in a corresponding emotion, and both, therefore, exerted themselves to the utmost’ (Mackay n.d. [1836]: 50). And, perhaps significantly, Dundee was apparently among the leaders of the Macdonalds when he was shot. This victory was Pyrrhic, not only in so far as Dundee

met his death, but also in that a significant proportion of what was at that moment a very limited resource of manpower was wasted in a brief encounter. 'The death of Viscount Dundee ... effectively ended any hope of James's linking up with Jacobites in Scotland' (Speck 2002: 113). The strategic failure was completed by the defeat of the inadequately led highlanders at Dunkeld and Cromdale, and the submission of the clan chiefs to William and Mary at Achallader in 1691.

In short, consideration of 'might-have-beens' in respect of the actions of Viscount Dundee suggests that the actual temporal trajectory was driven by Dundee's pursuit of personal ambition, rather than a strategy likely to contribute to the restoration of James VII/II. Moreover, while the insurgency that Dundee raised can reasonably be described as a 'rebellion', given that his actions and those of the clansmen were directed against the crown, from this point of view the claim that the event was a spontaneous popular 'rising' in favour of the cause of 'Jacobitism' depends more on a rhetoric driven by subsequent events.

The present study has indeed accepted that rhetoric has a place, in so far as a given historical explanation is in effect an advocacy derived from a specific value-laden perspective. Other differently grounded advocacies are generally possible, yielding a plurality of histories. But which of these are deemed plausible depends on the prevailing understanding of the dynamic of human activity in general, specifically the respective roles of society as an entity (structure) and of the individual (agency). Archer's social realist interpretation of the relationship between structure and agency – an extended outline of which was provided in Chapter 3 – can help award the desired plausibility to certain explanations of a specific event. As was previously noted, this interpretation does not ascribe a substantive determining role either to structure or to agency, which accords with the general epistemology of this study. Archer's interpretation stresses the notion of 'emergence' of structural and cultural properties, contingent on the composition of the initiatives taken by vested interests in response to confronting constraints formed by the actions of others and the subsequent unanticipated responses of others to these initiatives. However, agency in respect of these initiatives and responses is not a matter of isolated individual action but the action of plural interest groups, either already organized (Archer's 'corporate agents') or not yet organized but nonetheless numerically significant ('primary agents'). The independently framed initiatives and responses, some protective of a *status quo*, others promoting change, have differential impacts in terms of losses and gains on the various communities comprising society, raising the prospect of provoking conflict in specific circumstances.

A primary source of conflict in seventeenth-century Scotland was the existence of mutually antagonistic religious commitments, different Protestant confessions having strong implications for what each regarded as acceptable forms of ecclesiastical and civil governance. The matter was exacerbated by their inevitable entanglement with the predilections of largely absentee monarchs with not only absolutist tendencies but, in the person of James VII/II, a personal commitment to Roman

Catholicism, a minority confession. However, the radical contextual discontinuity that ensued left the elements of Scottish society in Archer's 'involuntaristic placement', a position that engenders the emergence of new structural and cultural properties. This discontinuity involved two substantive elements. The abrupt departure of James VII/II from his thrones had been preceded shortly before by his imposed Scottish Indulgences granting freedom of worship to Scottish Presbyterians, despite their quasi-republicanism (in James's eyes). On the one hand, the assumption of the crowns by the firmly Protestant William and Mary established a new context for the constituent elements of the Scottish Convention and society, both Presbyterian and Episcopalian, with an emergent endorsement of the change, particularly among the lowland landed interest and burgesses, in the light of the possibility of consequential economic gains (discussed in the following chapter). On the other hand, James's apparent commitment to freedom of worship, viewed as a possible device to promote Roman Catholicism, arguably provoked the emergence among his erstwhile Episcopalian supporters of reservations about the desirability of his restoration. It could then be argued that an explanation of the events resulting in the battle at Killiecrankie in terms of a spontaneous popular rising in favour of James's restoration is implausible – a conclusion consistent with the lack of immediate support accorded Viscount Dundee at the outset of his personal rebellion. However, the same contextual discontinuity could have been viewed differently by the Highland clans, as noted above: opposition to William III was opposition by proxy to the re-ascendancy of Argyll, while assessment of the implications of rebellion on their part was conceivably influenced by geographical isolation, a distinctive economy and a militaristic tradition, and found to offer net potential benefits. Given Dundee's reputation and standing in Highland eyes as an experienced military leader with recent experience in guerrilla warfare, his assumption of leadership in the insurrection was understandable. Thus, both his failure to discharge responsibilities entrusted to him by James VII/II and his enterprise in initiating a Highland insurrection can be viewed in terms of the emergence of corresponding social propensities of fundamentally incompatible natures.

7.6 Illustration: L'Entreprise d'Écosse: The Invasion Attempt of 1708

All human action is an encounter with a physical context. In some cases, the forces operative there can be sufficient to prevent the human action embarked upon, so its failure may be attributed to physical necessity, rather than contingency. If exogenous factors form a binding constraint beyond human influence, then, with no alternative courses of action available from the start, there would be no might-have-beens to explore. Thus the failure of the French 1708 seaborne invasion of Scotland could simply be attributed to unanticipated weather and sea conditions plus the constraining technology of contemporary sailing vessels.

However, if the physical context were not so determinative then alternative plausible action scenarios can be conceived, the actual outcome becoming a contingent matter and not inevitable. The obvious

alternative course of action was for the invasion attempt to have been more effectively pursued. The time seemed right in several respects. First, the Scottish political context had recently been severely disrupted by the Treaty of Union, previously destabilised by the earlier Darien disaster, which ‘... contributed much to produce that intolerable situation which made the [Treaty] a necessity (Davidson, Gray: 1909: 219), coming in the wake of several years of famine. Experience was sufficient to warrant the ‘widespread popular hostility’ towards the Union, but it was sustained by the ‘intense and long-lasting antipathy towards the hoards (sic) of new tax officials who came north after 1707’ (Harris 2010: 44). Second, the political volatility was aggravated by the continuing aspirations of James VII/II to be restored to the three thrones, actively supported by Jacobites in Britain. James’s own death in exile in 1701 passed the dynastic claim to his son. His recognition as James VIII/III by Louis XIV (possibly a misjudgement ‘... in the face of all ministerial arguments of prudence’, under pressure from his wife and James’s widow (Gibson 1988: 19, citing de Torcy via Voltaire)) signalled one constant factor in the period: the continuing entanglement of the trajectories of England and France. The deaths of first Queen Mary and then King William, without issue, sustained controversy over the matter of succession to the thrones of the three kingdoms. The likelihood that for the second time in successive generations a ‘foreigner’ would be on the throne at least of England added a further twist to political concern and debate – but encouraged the Dutch (ibid.: 16).

This inflammation of public opinion in Scotland, critically both Jacobite and Presbyterian and particularly due to the Treaty of Union, helped create an opportunity for French military intervention, while the prospect of a Hanoverian succession moved the exiles in St Germain to urgent action (Gregg 1972: 367). But for Louis XIV the opportunity offered a strategic advantage in respect of French progress in the War of the Spanish Succession. Substantial losses had been incurred at Blenheim and Ramillies, albeit offset by victory at Almansa. A diversion of English troops from the Low Countries to deal with an invasion of their home territory could possibly allow a revolution by pro-French elements in the previously Spanish towns of Belgium and enable French gains there at the expense of the Grand Alliance. Success in that respect could even offset the failure of the intervention in Scotland. This ‘... was France’s last throw of the dice to recoup her losses in the [War of the Spanish Succession]’ (Gibson 1988: 108). Louis himself apparently contemplated the possibility of failure: ‘Voltaire wrote [based on information from de Torcy] of the King’s motives in assenting to an attempt on Scotland. “Success was doubtful; but Louis XIV foresaw certain glory in the mere undertaking of it. He confessed himself that he was impelled by this motive, as much as by political interests”’ (ibid.: 109, quoting from Voltaire’s *History of the Age of Louis XIV*). Yet the court diarist duc de Saint-Simon saw ‘... with stark clarity’ ‘... France’s desperate strategic need in 1708 to set Scotland alight’ (ibid.: 159).

A plan to invade Scotland that appeared cogent and coherent from both the Jacobite and the French perspectives could be formulated, but it was ambitious. As Szechi notes, (albeit with the '15 in mind), the tasks the Jacobites were setting themselves, of securing the necessary military support to defeat the British army, '... went beyond being simply difficult; taken in the round they look nigh impossible. But it had been done once before [in the form of the Revolution of 1688]. All the Jacobites wanted to do was reproduce the same result' (Szechi 2006: 78). Certainly the military resources available in Scotland to oppose invasion were limited in extent and of questionable loyalty: effective manpower close to 2,000 and three frigates (Fry 2006: 61). No unrealistically large French invasion force would be required. Conversely, significant additional British manpower would have to be redirected from the European theatre of war to oppose an invasion, thus easing pressure on the French. The original proposal had been put to the French in 1702 by the renegade Simon Fraser. A less exaggerated view of likely Jacobite support was obtained by the Scottish-educated French spy Nathaniel Hooke, initially with Fraser's support, over the ensuing five years, with visits to Scotland confirming that '[t]he Jacobite movement in Scotland was, unsurprisingly given the dynamics of Scottish society, dominated by the landed élite' (Szechi 2006: 96) although they were involved in competitive and duplicitous intrigues among themselves. Nonetheless, '[w]hile the intelligence Hooke at length took home to France [in 1707] hardly revealed a Scotland seething with rage at the loss of her independence, Louis XIV and his ministers still felt taken by the idea of sending over the Pretender, now 19 years old. At least he could be a nuisance, diverting British men and matériel from Europe' (Fry 2006: 300, 301). On the other hand, '...the English and Welsh Jacobites, who were generally very taken with Queen Anne, wanted no part of any uprising against her' (Szechi 2006: 79). Nonetheless, in December 1707 Louis XIV agreed to proceed with L'Entreprise Écossaise.

In the event, the projected French landing did not happen – although the anticipated diversion of British troops did: ten infantry regiments were shipped from Flanders to counter it, via Ostend to the Tyne (to protect London's coal supply); thence to Leith; then – in the absence of the French landing – back to Ostend via the Tyne, thirty-five days on board with losses due to exposure and disease (Gibson 1988: 131). (The following relies on Gibson. Accounts in Fry, M. 2006 and Sinclair-Stevenson 1971 differ, Fry's divergently; neither cites sources). The French fleet of five battleships and twenty-three privateer frigates carrying 6,000 men had set off, with James VIII/III aboard the flagship, under the reluctant leadership of the experienced Comte de Forbin. It evaded the British fleet off Dunkirk, although disorganised somewhat by bad weather. The bulk of the fleet overshot the intended landfall in the Firth of Forth by a hundred miles and had to turn south, finding no local support; it then encountered the pursuing English fleet, anchored at the entrance to the Firth of Forth. Escaping from this situation but apparently prevented by adverse winds from attempting an alternative landing in the Moray Firth, de Forbin abandoned the invasion. Weathering severe storms, the

invasion fleet returned in disorderly fashion to Dunkirk, the flagship with James VIII/III after twenty-two days at sea.

The failure of the invasion could simply be attributed to the adverse weather conditions coupled with the constraints on choice of courses imposed by the vessels' capabilities. But there is evidence that other plausible actions were forgone, resulting in the actual outcome. First, one French vessel, its departure initially delayed for repairs, did in fact reach the agreed landing area in the Firth of Forth apparently ahead of the rest of the French fleet, finding the Jacobites in a state of enthusiastic readiness to receive the invasion. But de Forbin did not reach them. Second, two French vessels eventually entered the Moray Firth after the storm had abated, where an alternative beachhead could have been established in the Cromarty Firth. But de Forbin did not enter the Moray Firth. The implication is that different timely actions on Forbin's part could have led to a successful disembarkation in Scotland. Louis subsequently failed to honour de Forbin in the customary manner, a suggestion that he suspected dereliction of duty. Gibson points out that Hooke's papers relating specifically to the failed invasion attempt were impounded by the French government some thirty-two years later and, while some of their contents were subsequently recovered, Hooke's detailed account of the failure is apparently lost (*ibid.*: 153, 159). Personal rivalries and animosities on board the flagship may have contributed to the eventual outcome.

The Comte de Forbin was '...an outspoken buccaneer' (Sinclair-Stevenson 1971: 264), with nearly forty years' service in the French navy, including commands in several significant and successful engagements. 'His were the qualities for the dash through the gun-smoke and cannon roar of an English man-of-war's broadside, ... to lead the savage irruption of the boarding party' (Gibson 1988: 106). He had been recently promoted to Chef d'escadre, or commodore. So escorting what amounted to a convoy of troop-ships possibly did not appeal, even with the erstwhile king James VIII/III on the manifest. Nor was he – like Louis – convinced that the entire scheme could succeed. But a complicating factor was the enmity between the Minister for the Navy, Pontchartrain, and the Minister for War, Chamillart. The latter wanted the leadership of the expedition to be given to a friend's brother, Comte de Gacé, rather than to the Earl of Berwick, so that the former could earn military promotion in this role. Berwick, a marshal of France, who had commanded French forces at their victory at Almansa, had the confidence of the Scots Jacobites; he was expected to lead the invasion and to have a significant role after the landing. Nonetheless de Gacé was given the position by Louis. In the event, he did not exercise effective leadership on the voyage to ensure that appropriate courses were followed. The personal intrigue surrounding the expedition was compounded by the pressure put on Louis by James VII/II's widow, determined her son should make the journey, though his youthfulness also worked against the achievement of success. It is plausible to deny that exogenous factors prevented the invasion; but it is not possible to identify which, among

the endogenous factors, the actions actually taken, led to that outcome – or whether conspiracy was involved: ‘[The] Jacobites in Scotland suspected that [de] Forbin had been ordered not to land at all’ (Sinclair-Stevenson 1971: 270; no source cited).

Further opportunities to take event-changing action involved the British navy. The substantial British fleet specially assembled under Admiral Sir George Byng had encountered de Forbin’s convoy and was in a position to bottle it up in the Firth of Forth. However, the opportunity was not taken, in favour of a limited naval engagement, with the bulk of the French vessels making their escape. ‘Byng seemed strangely reluctant to press home his advantage’ (Sinclair-Stevenson 1971: 269). Then, as they made their eventual return to Dunkirk an incomplete but freshly readied British naval force standing off Dunkirk could have engaged with them at the end of their strenuous three-week return voyage. But this opportunity was not taken. Either of these could have led to the capture – or even death – of James VIII/III. Both decisions could be attributed to strategic judgements of the moment, rather than the weather. But it could also be speculated that the capture (or death) of James would have generated an unwanted set of political issues for the British government, so that from its point of view the naval decisions might have been entirely appropriate.

7.7 An Assessment

The power of a dynast is ordinarily demonstrated by the exercise of prerogative; subordinates must comply, given their inferior, powerless and deferential relationship. Nevertheless, to reduce an explanation of an event to a presumed mechanical relationship between exercise of the dynast’s will and what happened next lacks justification. It would disregard not only the possible vagueness and ambiguity of the act and the undermining of its applicability by the complexity of circumstances, generating unintended consequences, but also the nature of the subordinate as a human agent, possessing independence of mind and action, with substantive divergent interests. The exercise of the prerogative inevitably involves a delegation of authority for others to act in specific ways, but in most circumstances, there is a residual degree of freedom to act independently. It seems plausible, if initially paradoxical, that a greater degree of freedom to act independently will be possessed by those advanced by patronage on the part of the dynast to positions of significant responsibility, particularly to becoming privy to the determination of the dynast’s decision or a confidant of or adviser to the dynast. Proximity to power encourages the agent’s presumption that power could be shared or even captured, at least in relation to a particular area of responsibility. The two incidents considered above manifest, in different ways, the intrinsic subjectivity of the connections which compose the historical event. This characteristic contributes to its inherent contingent nature and precludes the possibility of an ‘objective’ historical explanation, even where the actions are nominally directed by royal prerogative with confessional warrant.

Chapter 8 Economic and Military Perspectives

Preamble

The economic and military perspectives on the temporal succession of events focus attention on work, the ubiquitous deliberative human activity that transforms materials into products, means to specific ends. Work is either creative, producing means to augment human welfare, or destructive, producing means to destroy both humanity's past production and humanity itself. Both – not just the latter – generate conflict. Economic change fractures the unity of 'we', no longer necessarily based on kinship, erodes self-sufficiency and undermines the *status quo*. But the sources of the conflict are specific complications that stem from the time-dependence of work as a process. These force economic commitments to be made based on uncertain expectations of the future.

The 'institutional framework', which embeds economic production in the wider social context, has emerged as a collective response to these complications. Its provisions increase the mutual trust and confidence necessary to form the collaborative relationships that make effective production possible under conditions of uncertainty, and set conditions which forms of production must respect to gain legitimacy within the system. The structure of the framework ranges from voluntary agreements to specialist institutional bureaucracies as the complexity of production increases, underpinned by the legal system. In effect, the resolution of contingent and morally conflicted actions in the economic sphere requires similar support from the authority of the state as it did in the dynastic and religious spheres. However, the same state authority required to facilitate production and so sustain life can redirect economic activity towards killing and destroying others' economic capabilities. The pursuit of economic change can provoke conflict between states, particularly if they accept the premise that the competitive gain of one demands loss for the other. Inter-state rivalry can then provoke lethal conflict.

8.1 Time and Process

Production, whether biologically or mechanically driven, takes time. Consequently, working with an existing technology to make an immediately useful product requires prior access to the means to meet the needs of the producers while they await their share of the output. This 'working capital' must already exist as a 'surplus', held as accumulated wealth, from some previously productive economic activity. It is only required temporarily, as it could be recovered from the awaited output and returned, so working capital is potentially self-liquidating 'credit'. Creditors also must wait for repayment and share the risk, so expect a share of the output, though they have not worked. Working to produce the technology for future use – the necessary equipment or the 'fixed capital' – also requires access to working capital, but once produced its specific physical nature means it cannot

directly contribute to human welfare and thus is not self-liquidating. A key function of the institutional framework is to facilitate the provision of capital, addressing potential conflict over sharing uncertain gains and losses.

The simplest economies illustrate the issues. In a subsistence economy, the periodicity of agricultural production can only satisfy the continual demand for food if there already exists a stock of preserved food (wealth) that can be drawn down (giving credit) during the stages of production, to be replaced (the debt repaid) from newly produced output, to meet the community's intention to be perpetually self-sustaining. In a lithic-using economy the production of usable flints or stone structures represents an irrecoverable investment of work; only subsequently does it improve welfare through being used in the production of food, accommodation or ceremony. In a closed kinship group, temporary indebtedness will be to itself and it must itself carry the permanent burden of investment. But a novel institutional structure is required for production to become an open activity, to transfer these functions to willing others possessing the necessary wealth, creating new relationships for that specific purpose – a form of 'we' with commercial bonds rather than kinship.

The origination of economic production involves substantive, conscious and deliberate human actions, a category variously identified as 'projecting', 'adventuring' or entrepreneurship. The creative propensities of specific individuals, stimulated by the imagining of new possibilities for work to realise, result in initiatives that bring about change. The intrusiveness of an initiative, as a challenge to the *status quo*, can provoke conflict, which becomes inherent in the continuing process of economic change. But a successful challenger, aspiring to remain the new *status quo*, seeks protection against similarly motivated 'interlopers'. The institutional structure may authorise the award of monopoly powers, creating protected property rights, legitimating change and deflecting the conflict.

8.2 The Institutional Framework and Asset Formation

Collaborative production requires mutual trust and confidence that promises will be kept over the relevant time-period. Specific institutional developments improved confidence in the provision of working capital and the creation of fixed capital. In both cases, this involved the socially warranted construct of an 'asset', a financial product comprising a bundle of specific time-related, legal rights and obligations, contingent on prior legal provisions.

Financial assets: Bills of Exchange

First, the bill of exchange emerged as the standard 'instrument' by which to raise working capital (or trade credit), legally recognised evidence of a short-term contractual relationship to supply and deliver goods in exchange for payment. This enforceable order to make a payment at a future date could bind potentially four parties (seller, buyer and creditors of each) in the set of mutual obligations necessary

for them to collaborate in confident expectation of payment. Arrangements of this kind were emerging in Europe in the second half of the twelfth century (Denzel 2006: 4), the bill of exchange somewhat later, becoming an essential international credit instrument throughout the Netherlands, England and the Baltic by the end of the sixteenth century (ibid.: 3).

Financial assets: Company shares

Second, the share in the joint-stock company became the standard instrument for raising fixed capital – ships, machinery, equipment and structures – for manufacturing and trade. The joint-stock company improved confidence in investment, addressing the problem of risk to personal wealth otherwise tied up indefinitely in the ownership of durable technology with few alternative uses, and liable to total loss of commercial value during its life. By separating ownership from use, it enabled the transferability of the former via the negotiability of its shares, permitting investors ready access to their personal investment, through their sale. The East India Company had been formed in 1601; a secondary market in its shares existed by the middle of the seventeenth century (Carlos, Neal 2011:26). Substantial growth in the number of English joint stock companies and the emergence of an appreciable stock market occurred between 1685 and 1695 (Murphy 2009a: 220), stimulated latterly by innovations in the production of matériel for the Nine Years' War (ibid.: 16, 17).

Financial assets: Coinage

A further asset, coinage, pre-existed the emergence of bills and shares. Its general acceptability permitted the comprehensive monetisation of value in exchange and facilitated the day-to-day operation of markets. Coupled with standardised weights and measures to permit the pricing of fungible goods, a nominal monetary value existed for anything exchangeable. Uniquely tradeable at will and at par in all markets, coinage was acknowledged as the ultimate means of payment to settle finally any transaction at any time, defining its 'liquidity' as an asset. A precious-metal commodity money integrated the ancient social deference to gold and silver with the monarch's necessary reliance on taxing and purchasing from his subjects to meet the expenses of governance. Albeit alloyed but of designated and assured purity, this money conveyed the durability and authority of the monarchic dynasty, underwriting its general acceptability (Denzel 2006: 12). '[T]he absolute authority of gold and silver corresponded to the absolutist political authority that the early Stuarts so desperately coveted' (Wennerlind 2011: 38, citing the early-seventeenth-century authority Gerard de Malynes). Taxation to finance the state was unavoidable. Its functions are, in modern parlance, public goods: unapportionable to individual beneficiaries and provided for all as for one, there is no individual private incentive to pay for them. The costs must be met compulsorily.

The wider consequences

Together, these three forms of asset generated unforeseen consequences. First, the emergent negotiability of bills of exchange led eventually to the development of an alternative paper money,

while their associated clearing procedures, balancing sums owed against sums due, contributed to the institution of banking and bank lending. From the fifteenth century, the widening adoption of endorsement by trusted signatories of bills not yet due permitted their assignment by their beneficiaries to another party to offset other debt, while the practice of discounting of bills, selling them prior to their due date but for less than the due sum, provided prompt access, at a cost, to the liquidity of coin. As continental trade developed, and to avoid the cost (given its weight and bulk) and lack of security in transit of moving coinage, international ‘fairs’ developed in continental Europe – as in Champagne (late twelfth century), Geneva, Lyons and Bisenzone (late sixteenth century) – meeting regularly to clear merchants’ credit transactions. Loans were also made: the fair in Bisenzone financed the Spanish Crown and its military activities in the Low Countries via Genoese bankers at the centre of the European financial network (Pezzolo, Tattara 2008). Negotiable bills achieved general marketability as a short-term asset in the open-all-year bourses emerging from the sixteenth century onwards, helping to shift the financial centre of gravity from Italy to north-western Europe, specifically Bruges, Antwerp (the New Stock Exchange of 1531) and later Amsterdam (1585), its exchange bank, the Amsterdam *Wisselbank*, following in 1603 (Denzel 2006: 15-17). The development of the bill’s successors, the cheque and the banknote, duly followed. Similarly, in Britain the inland bill of exchange contributed to the development of banking in the late seventeenth century (Kerridge 1988: 84).

Second, the marketability of joint-stock company shares allowed their shareholders to regard them as alternatives to short-term assets. The volume of short-term assets was augmented significantly in the seventeenth and eighteenth centuries by government borrowing to bridge the temporal gap between government expenditure and taxation receipts, a problem aggravated by the nature of the tax base and erratic collection procedures. This negotiable short-term government debt, readily convertible to coinage, competed with shares for available funds.

Third, the *numéraire* function of money, allowing every good to be expressed in terms of any other, applied to financial assets. Prices are relativities, not absolutes, able to vary faster to attain competitive advantage than can physical production. Changes in personal wealth due to changing asset prices prompted both defensive and speculative asset trading, aided by money being storable liquidity. Decisions to purchase either goods or assets could be delayed with no loss of nominal value using this store-of-value property; holding money could be an apparent haven from asset price risk. However, prices in general were also relativities, in that a precious-metal commodity money was necessarily influenced by events in the bullion market, either international by the plundering of New World bullion supplies or national through the balance of its international trade – prompted in part by the notion that the national objective of international trade should be to acquire bullion. The general level of prices, and thus money’s real value, could change, affecting all markets. The use of coinage

was also endangered by the erosion of its bullion value by clipping and counterfeiting, despite these being capital offences (Wennerlind 2011: 141-152). This prompted the ‘highly disruptive’ recoinage of 1696-97 which ‘... precipitated ... the gravest economic crisis of the century’ (ibid., citing Jones 1996: 61). Significantly, the developing institutional framework provided the necessary substitute liquidity to support the public funds in the short term (ibid.: 58). Moreover, the supply of coinage was not strictly controlled: ‘... when more coin was needed, bullion and plate went to be coined, and when less, coins were melted down and fashioned into other things’ considered to have intrinsic value (Kerridge 1988: 87).

So, despite nominal state control of the physical coinage, the effective money supply was becoming a financial-asset market phenomenon, the market itself having a strong influence on what could function as money. Isaac Newton ‘... argued that “Tis mere opinion that sets a value upon money; we value it because with it we can purchase all sorts of commodities and the same opinion sets a like value upon paper security”’ (Wennerlind 2011: 156, quoting Shirras, Craig 1945: 231). In short, trust could be put in paper promises made by institutions whose financial probity was unquestioned.

8.3 The Financial Implications of War

Military activity resembles peaceful economic activity in its production of goods and capital equipment. It differs in accepting the deliberate, wholesale dissipation of not just what has been produced but the human resource itself, in contrast to the voluntary reciprocal exchange of goods for goods, typically through the intermediation of money. The priority is the state’s political advantage, not financial gain. Accordingly, the level of resources to be committed to military purposes and how to raise them must be decided on some other basis than the typical economic comparison of anticipated costs and benefits from exchange. Indeed, the costs of specific military actions are not knowable in advance, being conditional on the enemy’s responses and therefore on the length and intensity of campaigns yet to be conceived. But whatever the conjectured level of costs, the state can only secure the resources by taxation or by borrowing. Accordingly, the choice of a specific course of military action is a contingent decision regarding the public finances.

A taxation-funded standing army would produce some redistribution from the wealthy, liable to land tax and payers of customs and excise duties on luxuries, to the local suppliers of victuals and forage. The direct supply of domestically purchased goods to troops serving overseas would have a similar effect. However, remitting funds to enable overseas purchase of supplies had a different financial implication, although the creation of a specialised civilian service sector of military contractors was required to move goods or funds (Bannerman 2008). Remitting funds abroad not only depressed domestic economic activity, but also reduced bullion stocks to purchase the necessary foreign exchange, as remittances had ultimately to be disbursed in local currency. The availability of the

necessary bullion, earned through a balance of trade surplus, could not be guaranteed. Fortuitously, by the seventeenth century '[f]oreign trade ... was a far more conspicuous element of the English economy than domestic manufacturing' (Murphy 2009: 72). The English colonies were beginning to export substantial quantities of produce, adding to that from the East India Company, Hudson's Bay Company and Royal African Company. '[d]uring the War of the Spanish Succession England's exports boomed ... [with] trade surpluses frequently doubling and occasionally nearly tripling anything achieved before' (Jones 1991: 402, 403). These surpluses '... depended to a considerable extent on being able to ship in sugars, tobacco, dyestuffs, and East Indian textiles ... and then on re-exporting a substantial proportion of these for sale in Europe' (Jones 1991: 393).

8.4 The Financial Revolution and the Fiscal-military State

Pincus has claimed that the narrative underlying previous interpretations of the Revolution of 1688 '... is wrong [as the event was not] a great moment in which the English *defended* their way of life ... [Rather] the English revolutionaries *created* a new kind of modern state' (ibid.; emphasis in original). Echoing Bobbitt, he identified it as '... an epochal break in the construction of the state' (ibid.: 9), and not '... a conservative revolution ... in defense of Protestantism against a Catholic king' (ibid.: 93, 94). The Stuart dynasty's conviction that the Dutch were '... the greatest threat to monarchy, stability, commerce and European peace' had been supplanted by the popular conviction '... that absolutist and imperialist France represented the greatest threat to European peace' (ibid.: 307). Accordingly, '... the English with an almost united voice called for war against France' (ibid.: 363), in alliance with the economically highly successful, albeit republican, Dutch. Those with political influence experienced a radical shift of perspective, adopting an explicitly military objective. The resultant financial challenge to secure the means to wage war occasioned a similarly revolutionary response.

Once war had been declared with France, substantial merchant losses appeared: '... recent scholarship ... shows a 25 per cent decline ... in England's trade with southern Europe, a 60 per cent drop in re-exports to north-west Europe and a massive decline in the trade with West Indies and North America' (Pincus 2009: 352). Accordingly, it became critical for the English (and subsequently British) economy that war with France should be brought quickly to a successful conclusion. Accordingly, the funding of the war effort became a matter of priority and '... [that] required some striking financial ingenuity' (Jones 1988: 1).

The opportunity had been created incidentally in the Revolutionary Settlement: its 'declaration of rights' radically changed the internal balance of political power: 'William III was forced to accept a strict financial settlement ... ensuring he had to govern jointly with Parliament' (Wennerlind 2011: 109), which had acquired the power to tax. The opportunity for parliamentary initiatives in respect of the public finances made the years from 1692 to 1695 '... a key period in the development of the

financial markets' (Murphy 2009a: 8). Moreover, 'Parliament was prevented from ... engaging in similarly "irresponsible" [that is, arbitrary, like monarchs] behaviour by the development of institutions that acted as a check on government' (ibid.: 54, citing North, Weingast 1989: 804). The military spending of the early years of the Nine Years' War was met from substantial short-term borrowing. But despite improvements in tax collection and the imposition of new taxes, nonetheless '... spending was far higher than what could currently be collected in taxes' (Jones 1988: 11). Crucially, it was recognised that a volatile short-term credit market could not support the long-run financial commitment created by the expanding scale of military expenditure. Moreover, '... the necessity of making large remittances in bullion abroad ... led to an increasing loss of public confidence' (Murphy 2009a: 56), undermining the trust in all credit instruments denominated in the currency.

The decisive step was the creation of the Bank of England in 1694. Earlier proposals had appeared in 1658 and – modelled on the Bank of Amsterdam – in 1677 (Wennerlind 2011: 98, 101). The Bank of England '... was initially a temporary wartime device' (Kerridge 1988: 79) and '... an accident of King William's war' (Murphy 2009a: 48), created by City of London private financiers in alliance with parliament and with the encouragement of the king (Neal 2000: 124; Saville 1996: 3). Its primary achievement was to divert funds that could have been used to purchase government short-term debt into the share capital of the joint-stock Bank of England, which in turn could lend the funds to the government on a long-term basis. This created long-term public debt, while individual shareholders of the Bank, with shorter-term horizons, gained the characteristic joint-stock opportunity of accessing their personal funds by the sale of their shares. This contributed a greater stability to the value of their investments, strengthened by the fact that its corporate structure '... made it far more responsive to the economic and financial demands of its customers and especially its shareholders than was the case for the Bank of Amsterdam' (Carlos, Neal 2011: 31, 32). So, although the Bank '... was created principally to lend to the state' it could also conduct ordinary commercial banking business, taking deposits as a base for its fractionally backed lending operations and issuing notes. Indeed, '... the fact that the Bank of England became an issuing bank distinguished it from all previous European public banks' (Murphy 2009a: 47, citing Andréadès 1966: 82). Its formation did not reduce the government's cost of borrowing in the short run (Sussman, Yafeh 2006: 921). Indeed, this was not the most propitious time for an innovative institutional development to emerge: 'The 1690s ..., culminating with the Recoinage, were a near disaster' (Jones 1991: 398). The war-induced decline in trade reduced customs-tax revenue and eliminated the favourable trade balance, which, given the volume of remittances required to finance military operations, led to depreciating exchange rates and an outflow of silver that exacerbated the problem of clipping of the domestic coinage (ibid.: 400; Wennerlind 2011: 127). The end of the war, even although it did not mark the total defeat of France, fortunately brought a sufficient financial improvement to avoid a complete disaster.

The outbreak of the War of the Spanish Succession led to massively increased military expenditure: ‘...by 1710-11 England was paying for fully 171,000 officers and men (58,000 subjects and 113,750 foreign) to fight abroad in Europe’ (Jones 1988: 11). Remittances reached a level equivalent to four times the peace-time trade surpluses and to two-fifths of total European earnings achieved at the turn of the century (Jones 1991: 395). ‘With spending averaging £7million per year, the total public debt had skyrocketed from £14 million to £36 million in the course of the war’ (Wennerlind 2011: 166). The ensuing financial (and party-political) crisis could be regarded as the consequence of the changes occasioned by the Revolution: ‘... the move away from an agrarian society in which power and stability was vested in land, to a society that gave power to those in possession of intangible and inherently unstable forms of wealth’ (Murphy 2009a: 81).

Public credit became dependent ‘... on how public opinion perceived the state’s current capacity to service the interest payments and its imaginary ability to repay the debt in some distant, theoretical future’ (Wennerlind 2011: 169). The crisis of opinion in 1710 was a contingent singular event, emerging from how individual hopes and fears regarding future values of personal wealth composed in trading positions in the financial assets which now constituted much of that wealth. Its resolution required both an appropriate adjustment to the institutional structure and a transformation of public opinion – another radical change of perspective to replace pessimism with optimism, associated with a new, persuasively imagined future. The immediate objective was simply to restore the Treasury’s ability to borrow at a reasonable rate. The vehicle employed was a further equity-for-debt, private-for-public asset swap through a new joint-stock company, vastly larger in scale to the similar device successfully used in the formation of the Bank of England. However, opinion was transformed by the promise of untold wealth to be extracted from the Atlantic slave trade by this innovative addition to the institutional structure: The South Sea Company formed in 1711, its shares replacing a substantial part of public debt, at lower cost to the government. Profits would come from a monopoly of trade to Spanish South America, including the Assiento, a contract to supply African slaves to Spanish colonial ports. The expected high dividends presented a more attractive scenario than the prospect of additional taxes to service an over-extended public debt. In the event the Assiento was lost in 1718 due to unanticipated hostilities between Britain and Spain. Despite the loss of a profit source, further conversions of long-term public debt were accommodated in 1720 to bolster the value of the Company. But later that year the consequent bubble in its share values was burst. Yet crucial to the public’s adoption of a hugely optimistic opinion in respect of the South Sea Company’s prospects had been the total absence of any acknowledgement of the dreadful human cost of the slave trade (ibid.: 203-230). This evaluation applies not just to the specific activities of the South Sea Company (which was responsible for no more than a quarter of Britain’s involvement in the slave trade) but to the institution of slavery in general. Blindness to the human cost of slavery, combined with the

insensitivity and indifference towards it of the minority of perpetrators, was not peculiar to England (Devine 2015).

8.5 The Economic Perspective and Scotland

The impoverished economy

Throughout the seventeenth and well into the eighteenth centuries, the impoverished and unimproved condition of the Scottish agricultural economy could not support significant economic progress. Natural and man-made factors exacerbated the inherent marginality of its physical endowment. Agricultural output was adversely affected by the climatic deterioration of the ‘Little Ice Age’, reaching its most extreme between 1645 and 1715 (the ‘Maunder Minimum’), including ‘King William’s Seven Lean Years’ of 1695 to 1702. Famine repeatedly occurred: in the late 1690s in some parishes ‘...one-third or even one-half of the inhabitants had either died or fled’ (Smout, Fenton 1965: 81). Deaths from military action or disease during twenty years of warfare reduced the agricultural labour force and hindered the move towards agricultural improvement, already underway in England. Indeed, ‘...standards of farming had deteriorated since the battle of Flodden’ (Handley 1953: 11). With subsistence in doubt, rents – a surplus with development potential if invested rather than consumed – could not be paid; accumulating arrears led to land being abandoned and going to waste, even remotely from the locus of military engagement (Dodgshon 2005: 325; Macinnes 1996: 31).

The Scottish economy also lost a significant part of its younger population to migration, contributing a longer-term impoverishing effect. ‘[T]he Thirty Years’ War ushered in the Golden Age of the Scottish soldier of fortune’ (Insh 1922: 8). Many young male Scots – frequently ‘...younger or illegitimate sons who stood little chance of inheriting any wealth if they stayed at home’ (Miller 2007: 12) – were recruited to serve other European powers: such as the 3,600 raised in nine weeks in 1626, to serve as Mackay’s Regiment in Denmark and in Prussia; more were recruited in 1628. Not all were Highlanders with their martial tradition; some were from the North-east and the Lowlands (ibid.: Chs 9, 10). A military career could be pursued without becoming a mercenary, by enrolling or obtaining a commission in the Scottish or British army. This was an honourable ambition, again for younger sons of landed gentry (Henshaw 2011), frequently serving a long-standing family tradition.

In addition, as many as 200,000 Scots are estimated to have migrated during the seventeenth century, mainly to the European continent (particularly Poland and Scandinavia) (Landsman 1999: 466, citing Smout, Landsman, Devine 1994: 76-112). During the sixteenth century, around 40,000 Scots had found their livelihood as merchants and pedlars in the prosperity of northern Prussia, some becoming burgesses in Danzig and members of the guild of merchants in Königsberg (Miller 2007: 66). The desire to escape religious persecution contributed to this outward migration, particularly to the Netherlands, ‘... a haven for Calvinist refugees’ (Landsman 1999: 467).

While the sea provided a route to better prospects in the east, Scotland failed to exploit it otherwise. The absence of a significant fishing industry was a serious lost development opportunity. The open-sea fisheries had been largely abandoned to the Dutch – by invitation of James VI (Watson 2003: 51, citing NLS 31.2.16 f5r). Their effective monopoly of the herring fishery from the early sixteenth century until the 1630s directly contributed to Dutch development and its emergence as a significant colonial power (Davidson, Gray 1909: 158; Watson 2003: 51). Indeed ‘the “great fishery” [was] deemed by many Europeans of the period to hold the “secret ingredient” of Holland’s prosperity’ (Whatley 2006: 74, citing Harris 2000: 39-40). Some 3,000 Dutch fishing boats together with 9,000 support vessels were engaged around the British Isles (*ibid.*, n.76, citing John Keymer *ca* 1620). It was estimated that ‘... the trade maintained (when account was taken of the subsidiary industries) no less than 450,000 persons’ (Scott 1910-12: 361, citing Anderson 1790: 364). But Scotland had no significant shipbuilding industry, attributed to a shortage of suitable native timber. The Act of 1493, to have fishing vessels built in all burghs and towns, may have failed for the same reason. Scottish seventeenth-century needs were met from Norway (Watson 2003: 166). James VI was apparently advised in 1608 that ‘... the hail country being almost naked and mony yeirs ago spoiled of all the tymmer’ (*ibid.*: 166, quoting Records of the Privy Council, first series, 543; also, Davidson, Gray 1909: 92, 93), so there was no point in him prohibiting timber exports. In fact, substantial Highland forests still existed, such as the Abernethy forest of Speyside, exploited in the 1720s by the York Buildings Company, after forfeiture of highland estates (Murray 1883: 60-63). Such shipping capacity as Scotland had was seriously reduced during the Commonwealth. Monck’s sacking of east-coast towns led to the destruction of over a hundred vessels; the west coast also lost vessels (Davidson, Gray 1909: 210, citing Warden 1872: 11; Graham 2015: 138). Significant trans-Atlantic trade involvement had to wait until the latter part of the seventeenth century and Scottish participation in the rapidly developing slave-labour-based sugar plantations of the West Indies, largely using vessels built abroad (Devine 2015; Nisbet 2015: 64, 68; Smout 1961: 244, 250, 251). Nonetheless, by the time of the Union 16,000 Scots were serving in the Netherlands’ merchant fleet (Fry 2006: 218, citing Defoe 1709: 84). Some Scots had purchased vessels built abroad (*ibid.*: 278, 279).

Evidence of change

According to such seventeenth- and eighteenth-century Scottish trade statistics as have survived (Watson 2003; Rössner 2008), Scottish commodity exports doubled during the forty years of the seventeenth century prior to the Bishops’ Wars and suggested a ‘...significant structural change’ in activity: previously substantial raw wool exports fell and cheap woollen plaiding, coal, salt, fish and corn exports rose sharply. The export of corn was vulnerable to poor harvests and export prohibitions triggered when local prices rose above predetermined thresholds (Watson 2003: 103). Much of the two-way trade with the Low Countries passed between Leith, the main port of Scotland, and the Scottish staple at Veere: plaiding and coal outwards; linen fabric, silk cloth and flax inwards. ‘The

relatively short sea route to the Low Countries was one the Scots had taken for centuries. ...

Numerous Scottish merchants settled at Rotterdam, the most capable of whom could sell virtually any Scottish goods sent to them ... In the second half of the seventeenth century ships were sailing to the Low Countries from Leith virtually daily, and frequently from other Scottish ports' (Whatley 2006: 73). French wine featured significantly among Scottish imports. But '[o]f greatest significance ... was the dramatic development over the early seventeenth century of completely new export wares – linen yarn and linen cloth and livestock' (ibid.:1). Linen products, using imported flax from the southern Baltic area cheapened by Baltic currency devaluation, were to become a critical element in the Scottish economy beyond the Union, eventually providing a level of employment '...second only to agriculture' (Durie 1973: 47). Watson claims that growing two-way trade with England, both by sea and by land, was '... of far greater significance than previous historians have allowed' (Watson 2003: 4). London became the major single market for linen yarn and England in general came to absorb about half of all Scotland's exports, with '... the Scottish seaborne trade to England ... now ranked second to the Netherlands in the nation's export trade' (ibid.: 192). Livestock and linen featured significantly in the land-borne English trade, by the 1620s accounting for a third of Scottish exports, a trade relationship that would condition future political developments.

However, the prospect afforded by this was insecure. Gains from trade, either domestic or foreign, are predicated on locational differences, of product or of price, exploited by entrepreneurial merchants (the 'carrying trades' in Macinnes's terms) able to weather successfully not just the middleman's implicit double-sided conflict between buyers and sellers but also the more aggressive competition from other merchants similarly engaged. Moreover, the vulnerability of potential gains is considerably heightened when they are given political as well as private significance by international rivalry, when confrontational states claim possession of markets, routes and transport facilities. The vulnerability is exacerbated further when domestic conflict disrupts internal production and distribution chains – although admittedly external and internal conflict can also create market opportunities, albeit typically of temporary duration. Indirect taxation of traded products, altering price relativities, and outright prohibitions of import or export of specific goods add to the merchanting difficulties. Scottish trade confronted significant obstacles of all these kinds throughout much of the seventeenth century, with environmental shocks (described briefly above at the outset of Section 8.5) eventually generating difficulties of crisis proportions in the final decade. The consequences impacted directly on the prolonged debate regarding the long-term viability of the Scottish economy within the 'composite monarchy' (Whatley 2006: 95) which had been created in 1603 and the consequent desirability or otherwise of political union. Whatley and Macinnes agree that 'the economy and economic issues lay at the heart of contemporary thinking and debates about union'. But while the former considers that 'the effects of the interconnected crises of the 1690s were ... grave, debilitating and persistent', the latter concludes that these 'disguise an underlying economic

health and dynamism ... already exploiting the opportunities afforded by empire ... by stealth' (Harris 2010: 35-37). The practical difficulties of rigorously enforcing restrictions on international trade admittedly presented opportunities: 'Scotland was dependent on ... an entrepreneurial willingness to circumvent international regulations for its very survival as a distinctive European nation in the later seventeenth century' (Macinnes 2007b: 137). In this respect, it was successful to the extent that '[b]y [1685] the Scots were viewed as a greater threat to the operation of the Navigation Acts than either the Dutch or even the Caribbean buccaneers' (ibid.: 163). However, had Scotland not been treated as a trade competitor of England and thus subject to the Navigation Acts and exclusion from English plantations in north America, its achievements could have been greater. The Low Countries and France had both been important trading partners of the Scots, but trade was seriously disrupted by war between each and England. '[The Nine Years War] not only created a hostile maritime environment for Scottish merchant ships but also ... had damaging and enormously unpopular effects on Scottish trade and economic ambitions' (Whatley 2006: 157). 'In this unforgiving international environment, Scotland was vulnerable to a degree that is too rarely recognised by political historians in particular' (ibid.: 127). Whatley is of the view that '... optimistic analyses ... fail to recognise the harsh realities of Scotland's situation. ... [T]he country was ill-prepared for the hammer-blows that would be delivered in the 1690s' (ibid.: 117), of which the Darien 'fiasco' (see Section 8.7) was especially damaging. The ill-preparedness, however, arguably stemmed not from inadequate trading performance but from the lack of development of manufacturing industry in Scotland: '... overall the best that can be said of the manufacturing sector in Scotland in the second half of the seventeenth century is that other than in the established craft trades in the royal burghs, it was developing weakly' (ibid.: 123). And even in the craft trades enterprise was hindered by conservatism.

8.6 Enterprise and the Institutional Framework

The Scottish economy did provide significant non-agricultural employment in specific, albeit limited, extractive activities, evidence of indigenous enterprise. The owners of coal workings '... claimed in the early 1630s ... [that] the coal and salt industries employed over 10,000 men and that half of all Scottish shipping was employed exporting coal and salt' (ibid.: 26). Exports of coal (mainly for the Low Countries and France) and salt produced from east-coast salt-pans (for English, Baltic and latterly German markets) rose sharply in the first quarter of the seventeenth century. Sir George Bruce of Culross, between 1575 and 1625, exemplified the corresponding entrepreneurial capacity (Adamson 2008). He took advantage of a rise in the international price of salt due to war between Spain and the Netherlands to develop Culross into '... what may be argued to be Scotland's first industrial town' (ibid.: 162), based on the integration of coastally located coal mining and coal-fired salt-panning. Previous success as a burgess merchant from a land-owning family possibly enabled him to raise the necessary capital. In so far as joint economies were obtained from this integration of

the production of coal and salt, typical of the coastal coalfields of Fife and East Lothian, their markets became interdependent. Moreover, not only were Scottish salt production costs higher than those of methods employed in other countries, but the quality of the product was lower, inadequate for it to be used for salting of fish for export (Whatley 2006: 310). Nonetheless, by a combination of discriminatory differences in tax rates and selective direct prohibitions (Whatley 1987: 28, 29), Scottish salt producers were given an effective monopoly of the domestic market, in part to support its coal industry: ‘Such were the integrated economics of salt and coal production that without the home market for and exports of the former, ... manufactured with ... the otherwise unsaleable ... small coal, coal sales, it was feared, would collapse’ (Whatley 2006 193). Further preferential treatment to protect the salt industry was incorporated into the relevant article of the Treaty of Union, extending its privileged position (*ibid.*: 310; Whatley 1987: 40). In short, the institutional framework provided critical support.

The pursuit of enterprise typically disturbs the configuration of property rights that define the *status quo*, legitimated by the granting of specific privileges for it to exploit by authority of the Crown, Parliament, nobles or other land owners – usually as an exception from prevailing prohibitions on non-agricultural activities or migration. A grant of land and rights of residence, as well as to practise trades, would effectively create non-agricultural, proto-urban communities. Skilled immigrant groups were ‘planted’ where native initiative was lacking. In the twelfth century, Scottish east-coast settlements had been founded by groups of Flemish tradesmen and merchants, relocated from England at the instigation of David II. These ‘... long continued powerful in directing the development of Scottish towns’ and in influencing the geographical orientation of subsequent Scottish trade (Davidson, Gray 1909: 6). Other infusions of craftsmen from the European continent were organised by the Crown in the fifteenth and sixteenth centuries. These emergent communities were granted limited rights of self-determination through the creation by charter of burghs and guilds (or gilds), with accompanying financial obligations and powers, as well as internal hierarchical structures. The award of burgh status secured exclusive local rights to augment the privilege of right of residence (*ibid.*: 13, 15).

The development of the Scottish institutional framework largely followed the English trajectory, with separate craft and merchanting communities emerging, reflecting their different skills and relative competitive advantage. Initially in England a single organisation spanned both activities, but by the fourteenth century they had become completely separated (Renard 2000 [1918]: 11). In Scotland, despite their common origin, ‘... the division or separation ... was simply the natural outcome of their conflicting interests. ... [Thirteenth century charters showed] that the merchants ... had been desirous of securing the monopoly of dealing or selling, and of confining craftsmen to the exercise of their particular craft, [evidence] of the long-standing conflict between the more plebeian crafts and the

more wealthy merchant burghesses' (Bain 1887: 35, 37). Thus, development brought a new distinction between 'we' and 'they'. Movement between the two classes was constrained: '... a craftsman had to renounce his craft before he could become a merchant or a guild brother' who formed '... an aristocratic set' (Davidson, Gray 1909: 30). However, the craft guilds acquired considerable social presence: '... [a] large proportion of the [Scottish urban] population ... came within [the craft guilds'] jurisdiction. The families, journeymen, apprentices, and servants, as well as the craftsmen themselves, were all subject to the [guilds'] authority ... and taken at a moderate computation, these classes would represent about two-thirds of the whole community' (Bain 1887: vii, viii). The conflict between and among craftsmen and merchants led to the emergence of rule-bound structures to govern the conduct of both guilds and burghs. Overseeing provisions and sanctions for rule-breaking emphasised the fairness of the distribution of the benefits of economic activity among the members and encouraged cartel-like practices, as opposed to competition. But while these rules could mitigate, to a degree, individual rivalries within burgh 'liberties', they could not do so between burghs, whose interests could be directly competitive. This was left to negotiation between burghs and to the judgements of the emergent social institution of the Convention of Royal Burghs.

Conservative tendencies

In the Convention of Royal Burghs '...Scotland had an institution unique in Europe ... [whereby] the merchant community [was] organised on a national basis' (MacDonald 2010: 105), and '...the one institution of Scottish society with an explicit commercial function' (Fry 2006: 229). However, as '[the Scottish] monarchy was neither powerful nor wealthy [so] devolution of administrative, judicial and even political power was unavoidable as well as essential for the health of the body politic' (MacDonald 2010: 105). Consequently, the Convention acquired significant political weight. It eventually appointed the commissioners to represent the 'Third Estate' in the Scottish Parliament, thereby acquiring influence over commercial policy. But given their sectional interests, '... the burghs tended to oppose major political change, sitting on the side-lines ... As a result, examples of dynamic political action on the part of the burghs are rare' (ibid.: 113). Although later seventeenth-century policy was eventually directed to industrial development and the national interest, the burgh merchants, from their position of political power, '... persistently put obstacles in the way of industrial development at home' (Davidson, Gray 1909: 67). The Convention failed to encourage and direct innovatory efforts towards development of the Scottish economy. By precluding active craftsmen from becoming free burghesses it discounted industrial development in favour of trade. The foundation of the Scottish sugar industry by merchants of the royal burghs of Glasgow and Leith during the last forty years of the century was an exception; it was the only success from a wide range of manufacturing innovations that were unable to compete without tariff protection against imports from England (Smout 1961: 240, 247). Furthermore, despite the free burgh merchants' monopoly of participation in international trade from the second half of the fifteenth century, no serious attempts

were made to develop the inadequate Scottish shipping industry: ‘... the idea underlying the Navigation Acts, the conception of the fundamental importance of the shipping interest to the nation’s prosperity, was never realised in Scotland. The shipping industry was systematically sacrificed to the louder claims of the merchants’ (Insh 1922: 71). The ‘... rigid and conservative system of trading with the Low Countries’, religiously adhered to by the Convention of Royal Burghs (Insh 1922: 16) was arguably one of the main reasons for the particular lack of Scottish enthusiasm to pursue trans-Atlantic colonial developments. The trading régime it promoted became rigidly exclusive and focused on the maintenance of the staple established in 1541 at Campvere (or Veere) in Zeeland (Davidson, Gray 1909: 161-163), where it remained until 1799, but of steadily diminishing significance. This commitment arguably inhibited the development of a wider and inclusive Scottish trade with Europe, although tramp trading (speculatively seeking local cargoes abroad) was pursued in the Baltic (Macinnes 2008: 113).

The royal burghs were opposed to an incorporating Union, as distinct from a federal union. As Fry notes, ‘The royal burghs had little to do with the awakening enthusiasm of Scots for free trade. ... The function of a royal burgh lay in regulating, not deregulating commerce. It was ... a retarded, not a progressive element in the life of Scotland’ (Fry 2006: 229). Superficially it is paradoxical that a burgh should inhibit enterprise, given its origin lay in the award of monopoly privilege to encourage enterprise. However, the relationship between monopoly and enterprise is ambiguous. The conclusions deduced from the modern corpus of abstract economic analysis as to the inefficiency of monopoly command considerable rhetorical weight, although they lack inductive warrant. But ever since the seventeenth century it has been generally accepted that inventors should be given temporary monopoly privileges through the patent system, while the ‘infant industry’ argument for temporary protection has been influential at different times and places. Moreover, the contemporary mercantilist ‘economic backdrop’ is relevant in assessing the role of monopoly power: public policy objectives were given precedence over any supposed ‘efficiency’ of unfettered price competition (Nachbar 2005: 1318, 1319). Monopoly did not attract universal approval. The Monopoly Act of 1624 was prompted by the opposition to ‘... prerogative monopoly [which was] frequently used by both Tudor and Stuart monarchs to reward favorites at the expense of the economy’ (Stump 1974: 26); the sale of monopoly rights was ‘...objectionable as a constitutional matter because [it] provided the crown with a source of income without recourse to Parliament’ (Nachbar 2005: 1344). The crux of the matter is that the award of exclusive privilege can reduce the initial risk intrinsic to the pursuit of enterprise, but eventually weaken its pursuit once the secure establishment of markets has itself reduced the risk. Enterprise nonetheless drives the unsteady temporal trajectory of economic affairs.

8.7 Enterprise: The Bank of Scotland and the Darien Scheme

Both the Bank of Scotland and the Darien Scheme were examples of business enterprise exploiting monopoly privilege, under the same legislative provision; both demonstrated the effectiveness of the expectation of future financial benefit in mobilising idle capital even within an impoverished economy. While the Restoration of the Stuart dynasty had brought little direct state encouragement of the development of the impoverished Scottish economy, the Revolution represented an important discontinuity for Scotland. Whereas ‘Stewart despotism had impeded the accumulation of capital and ... in particular, the possibilities for joint-stock enterprise were under-explored’ (Saville 1996: xxxiv), ‘William ... gave his permission to have [Charles’s 1663 act restricting trading opportunities] rescinded and instructed his commissioners to procure an act for the encouragement of trade’ (Bingham 1906a: 34). However, the response – the Scottish Parliament’s Act for Encouraging of Forraign Trade of 1693 – could plausibly be viewed as part of a ‘general scheme’ initiated by a group of London merchants and financiers (some of Scottish origin): frustrated by the monopoly held by the East India Company, they sought ‘... to find an outlet for their capital in Scotland’ (Insh 1924: 290, 291). ‘[A]n extensive promotion of industrial companies in England [led] many men of enterprise [to find] Scotland a promising field for investment’ (Scott 1904: 180). This enabling legislation of 1693 offered the privilege of monopoly rights to those taking advantage of it. In 1695 the Scottish Parliament passed the Act Establishing the Company of Scotland, followed a few months later by the Act Instituting the Bank of Scotland. Six London/Scottish merchants were among the proposers of both.

The contrast between the two enterprises was in their ambition and execution. The Bank’s ambition was limited to augmenting the provision of credit to facilitate Scottish trade and was prosecuted modestly with due attention to maintaining confidence in its activities, despite their innovativeness. The Darien Scheme had ambitions that exceeded its capabilities and ignored geopolitical realities, but attracted a political endorsement that eclipsed a careful assessment of its potential.

Bank of Scotland

The Bank was post-Revolutionary – ‘The Bank would not have been formed under the old Stewart regime’ (Saville 1996: xxxii). It brought together merchants and landowners. The landowners’ concern for the security of their estates predicated political stability, and the military capability to support it, so adequate tax revenue was essential, with access to sufficient coinage in which to pay the army. But economic activity was low, exacerbated by bad harvests; there was a general shortage of coinage; without significant participation in foreign trade – in part due to retaliation against protective

Scottish policies – there was little prospect of earning bullion to remedy the deficiency. The Bank's proponents concluded that a shortage of credit was restricting production and trade, and that the volume of short-term credit could be increased significantly based on available long-term assets.

The Bank pursued various forms of lending, including foreign bills of exchange moving funds between Edinburgh, London and Amsterdam (reflecting the pattern of Scottish trade), inland bills of exchange and longer-term lending on bonds. However, it was the issuance of banknotes only fractionally backed by the Bank's cash reserves that was to be '...a distinctive contribution of Scottish banking and it was carefully watched elsewhere in Europe' (ibid.: 21). These notes provided credit for '... tax-farmers, landowners in general and their factors, merchants and lawyers, but also others who could meet the required demands for adequate security on lands or by guarantee' (ibid.: 17). They had to be regarded as sufficiently equivalent to coinage (with advantages over it regarding security and transportability) to be generally acceptable as a means of payment of taxes and for subsequent purchases made from that tax revenue, for example. But that literal fiction depended on the confidence of individual acceptors that, were the paper presented to the Bank for payment in coin, the Bank could honour its obligation. The confidence of actual and potential customers in the probity of the Bank's management was courted by distinguished endorsement. 'The Bank derived broad support from a large number of the nobility, the landed gentry and others active in opposition to James VII. ... For these families, the victory of the Revolution was a matter of survival ... What they lacked was not valour but cash' (ibid.: 18). The involvement of merchants in the management of the Bank, some with experience of international trade, provided appropriate commercial judgement.

The Bank survived two threats to the confidence required for the success of its fractional reserve banking. The first, soon after its foundation, was a deliberate infringement of the Bank's legal monopoly during the preliminary stages of the Darien Scheme, by its progenitor William Paterson. It was uncontested by the Bank, because 'The Darien Company was too popular throughout Scotland' (Barbour 1907: 34), with its Jacobite endorsement. Paterson's rival note issue sought to displace Bank of Scotland notes and to force their collective redemption for cash. However, his efforts ceased when they began to reduce the value of the Company itself and funds were required for the Darien venture. The panic affecting the Bank subsided as it was realised what damage would ensue should the Bank fail. The second occurred between 1702 and 1705 when a variety of national factors generated doubts about the general prospects for business. Loan repayments were delayed and the Bank had to stop payments for several months due to a general shortage of cash, even after a call on subscribers for additional funds. This damaged its reputation, but the Bank nonetheless survived as an established component of the institutional framework of the economy, contributing significantly to the provision of business liquidity.

The Darien Scheme

All human action is future-referenced but the pursuit of enterprise is an extreme instance that necessarily deploys the entrepreneur's imagination and guesswork to 'project' into a more distant uncertain future the possibilities to be pursued. As previously noted, the institution of the joint stock company facilitates raising fixed capital. But this engages not just the considered opinion of the project's proposers but the opinions of public subscribers. This admits the dynamics of collective opinion-formation, where individuals believe they may be at a relative disadvantage if they do not copy what others are observed to be doing, leading to a wave of speculative enthusiasm. Moreover, there is no assurance that collective opinion relates to the same considerations as those of the proposers. However, that possibility is certainly excluded if the proposers do not share their plans in some detail with potential subscribers. But that need not prevent public enthusiasm becoming driven by extraneous factors, if the project is imagined to signify other valued concerns. The Darien Scheme exemplified several of these factors.

Viewed as no more than a search for new outlets for Scottish produce, the Darien Scheme revealed an unenterprising 'inwardness' of approach (Scott 1904: 182), in line with past self-inflicted losses due to trade protectionism and guild privileges, and few recent new industries (Gulvin 1971: 129; Scott 1904: 175, 176, 180). Yet viewed as originally conceived by the London-based merchants, the Company of Scotland was an ambitious attempt to challenge the hegemony of the chartered East India Company, through a joint-stock trading company with '... large privileges and extraordinary [corporate] concessions' (Bingham 1906a: 213) granted by Act of the Scottish Parliament. '[The] chief collector of customs in the colonies ... was especially vociferous in his critique of the act. ... The inducement of a tax break for twenty-one years for Scottish adventurers ... was ... viewed as a blatant invitation ... to breach the English Navigation Acts' (Macinnes 2007b: 183, 184). But there followed the withdrawal of the London merchants (and their capital), under pressure from the English parliament, its conversion to a purely Scottish venture, and crucially its redirection from trading with the East Indies, to establishing a plantation in the Darien Isthmus as William Paterson's influence became ascendant, 'William Paterson ... whom (sic) Lord Macaulay memorably deemed as having acquired an influence resembling that of a founder of a new religion' (Macinnes 2007b: 45). Consequently, as actually implemented, the Darien Scheme became a 'vague chimera' (Bingham 1906b: 326). No basis was provided for a considered financial decision by prospective subscribers. The destination was withheld from the public during the promotion of the Company and even from the emigrants themselves until during their voyage in 1698. Subscribers were invited to buy into an idea, encouraged only by Paterson's initial publicity implying general enthusiasm for plantations (Bingham 1906a: 214).

The fact that the drive for subscriptions took place in a ‘... highly politicised atmosphere’ (Jones 2001) with ‘the force of an evangelical appeal’ (Hidalgo 2001: 15, citing Lynch 1992), with the Church of Scotland contributing to the supportive pamphleteering (Ramsay 1949: 57), reflected the Scheme’s emergence as a socio-political ‘cause’, rather than as an investment opportunity. In pressurising the London merchants to withdraw ‘[t]he English Parliament had now endowed [the project] with the enthusiastic backing of the whole Scottish nation’ (Bingham 1906c: 447), while William III attracted Jacobite accusations of anti-Scottish prejudice in trying to block this entirely Scottish project to ameliorate Scotland’s poverty. ‘[T]he country waited in anticipation of Paterson-led salvation’ (Whatley 2006: 170). Little weight was given to the contrary argument, that the king’s opposition stemmed from the dereliction of his Scottish officers in failing to refer such proposed acts to him (Bingham 1906c: 442), which had left him conceivably obligated by the terms of the Act passed in his absence to take military action against any state that impeded the Company.

Notwithstanding the politically symbolic ‘financial mania’ (Watt 2005: 102), the project was arguably undercapitalised from the start. The authorised capital, set at £400,000 was fully subscribed, with some effort and possible subterfuge (Barbour 1907: 24, 25). However, the total paid-up capital was finally just slightly over £153,000, achieved on a 42.5 per cent call on subscribed capital, which should have yielded £170,000. No attempts were made to call up the other 57.5 per cent. A ‘considerable balance’ of subscriptions due remained unpaid, despite legal action, even up to the cancellation of debts on the eventual dissolution of the Company in 1707: ‘In the extraordinary enthusiasm evoked at the time, the Scottish people subscribed for much more stock than they were able to pay calls for’ (Barbour 1907: 27). Possibly some subscribers had no intention of investing. Unsuccessful efforts were subsequently made to raise additional capital from Dutch and German merchants and the Company had to borrow sums from directors to finalise preparations for the first expedition (Watt 2005: 112). Funds were arguably ill-spent on the construction (rather than chartering) of new and particularly expensive vessels, fewer than originally intended and built abroad due to the absence of Scottish shipbuilding capacity and access denied to English yards.

Paterson’s long-held notion of a free-trade ‘emporium’ or entrepôt at Darien to link the Pacific and Atlantic trade routes – ‘... one of the greatest commercial ideas of the seventeenth century’ (Scott 1904: 181) – may have been visionary but the choice of location was impractical. A Spanish presence on the Isthmus of Panama had existed from the early sixteenth century, although the indigenous populations ‘... were a constant challenge to the colonial authority ... [so] the fragile Spanish control of the Isthmus was an irresistible attraction for other impatient colonial speculators’ (Hidalgo 2001: 5). The scaled-down Scottish plantation was sufficient to provoke a conflict spanning political, dynastic, religious and economic concerns. Accordingly, ‘[The Spanish] took the Scottish threat seriously ... [to the extent that it] had little real prospect ... of long-term success’ (Storrs 1999: 7,8).

The intrusion not only threatened Spain's reputation and valuable trading assets but also posed – particularly as regards the Scots – a serious religious threat. 'Indeed, this was [what] most concerned Spaniards. The danger of the introduction and spread of heretical and Protestant (or Reformed) opinions among the populations of the Indies was one of the reasons why the Viceroy of New Spain gave priority to the expulsion of the Scots in the spring of 1699' (ibid.: 9). Given the inconclusive first attack on the Darien plantation in early 1699, further attacks were planned, to culminate in the deployment of 4,900 troops and crew. In the event, given delays in preparing and assembling this force, it arrived after the Scots' settlement had been surrendered to a lesser force. Belatedly, a Scottish tract of 1699 challenged Spain's claim to *de jure* possession of Darien, argued that the plantation could operate successfully to the mutual benefit of Spain, England and Scotland, and claimed that the Scots' Protestantism could coexist with Spain's Roman Catholicism (Phil-Caledon 1699).

Perhaps the most significant misjudgement, given the intention to found a plantation, was the expectation that an effective social community could readily be formed from 1200 individuals, drawn from among self-selected volunteers from an immiserised agricultural population and a pool of officers and men demobilised after the Treaty of Ryswick (Barbour 1907: 47, 48; Insh 1922: 11). Their only common purpose was to escape from poverty; they may have been in poor physical condition and had no knowledge of tropical agriculture. The community was to be formed under the 'supreme direction' (Barbour 1907: 49) of just seven 'councillors' appointed just before departure by the Company's Directors, none with relevant experience. Four of them were also masters of the ships involved, which proved to be a fundamental mistake. In Paterson's words, '... our Marine Councillors ... brow-beat and discouraged every body else, yet we had patience, hoping things would mend when we came shore; but we found ourselves mistaken' (ibid.: 94). 'The dissensions among the Councillors and their deplorable mismanagement were not least among the contributory causes of failure of the settlement, and these rendered quite useless all the efforts of Paterson towards a firm and unanimous rule' (ibid. 95, 96).

Notwithstanding the fact that '... only by a miracle could [its] failure have been escaped' (Scott 1904: 182), the opportunity was taken to blame the monarch for engineering the failure by his instruction to other Caribbean colonies to withhold assistance from the Darien settlers. Scott's assessment suggests a double irony – the Darien Scheme was both the creature and the casualty of a conflict-orientated 'trade' policy of restriction and retaliation; the intensity of feeling over its failure heightened opposition to the possibility of Union but its failure helped pave the way to it – as foreseen by Paterson (Barbour 1907: 176). In Scott's words, '... the effect of this [restrictive trade] policy together with the resulting retaliation was that Scotland virtually, from the commercial point of view, [with his apologies to Lord Rosebery] "starved and coerced *herself*" into such a position that a

political union was the best way to escape' (Scott 1904: 190, emphasis in the original). From the public finance point of view the situation seemed no better: 'Accumulating demands on the Scottish purse on the one hand and on the other a weak economy and the dubious efficiency of the tax-gathering machinery meant, in the words of one historian – not often quoted – ... "an independent Scotland was not financially viable"' (Whatley 2006: 202, citing Murray 1974: 34). And given that the cash injection into the Scottish economy of almost £400,000 that the Union brought – the 'Equivalent' – included funds for the purchase of the entire share capital of the Company plus payment of interest on it at five per cent, '... we cannot necessarily assume that the Darien "disaster" ... was an entirely negative experience' (Jones 2001: 40) – at least, for the shareholders.

8.8 The Emergence and Containment of the 1715 Insurrection

It is plausible to claim that the Darien Scheme should never have happened. Similarly, according to Szechi, the '15 was '... the rebellion that should never have happened. Any rational assessment of the odds against success, given their circumstances, should have persuaded the Jacobites at least to postpone, or more prudently, to call off the whole enterprise ...' (Szechi 2006: 251). However, '... none of the Jacobites wanted to appear behindhand and so, step by step, they talked themselves into rebellion. ... A deep unreality had taken hold of the community' (ibid.: 74, 75). Nietzsche has made the general point somewhat more candidly: 'Madness is rare in individuals – but in groups, parties, nations and ages it is the rule' (Nietzsche 1966 [1886]: aphorism 156). Collective dynamics contribute significantly to the contingency of temporal succession and where contingency prevails, it is perhaps inappropriate to attribute irrationality to agents. The Jacobites and their government opponents each had to conjecture, not just as to how the other might act but how the other would respond to their own acts. Unreality inevitably accompanies any conjectured projection of interdependent action into the future. The initiation of a specific course of action would be a product of collective dynamics, not deductive inference.

Szechi implies that the potential threats to the success of rebellion were obvious to its proponents, which accords with the view that '... the rebellion [was] by no means inevitable' (Reid 2014: 1). But it did occur and did make some progress. Accordingly, the failure of these threats to materialise constitutes part of the explanation of the '15. Szechi suggests it was due to procrastination by the British fiscal-military state (Szechi 2006: 137). However, an explanation in terms of inadequate judgement and resources also seems plausible.

Legitimate military action should be more securely resourced as the government can finance its military capability through taxation, whereas illegitimate action must be resourced through theft – or self-financing from the insurgents' resources or subventions from some foreign power. However, the enterprise necessary to drive illegitimate military action may be more forthcoming. On the legitimate

side, in a parliamentary context, enterprise is institutionalized, involving a formalised political process and the delegation of appropriate authority to pursue only specific, collectively formulated objectives. On the illegitimate side, however, enterprise typically comes from a self-appointed individual leader with personal control over the determination of strategy. The leader has both a personal ‘vision’ of the new order being sought and the capacity to convince others to commit themselves to the ‘cause’. While personal charisma is influential, it is the power to deploy rhetoric, to discredit arguments in favour of inaction or some alternative strategy, that will produce results. Manipulating the collective dynamic will be easier the greater the pre-existing disposition in favour of the ‘vision’. If rhetoric can achieve a rapid *volte-face*, then illegitimate military action could gain the strategic advantage of a ‘first-strike capability’. In that respect, there is a resemblance to the enterprise of peaceful economic activity, where the attitude towards risk and the timeliness of initiative and innovativeness can achieve a crucial and aggressive competitive advantage.

These considerations do suggest specific ‘might-have-beens’ that contributed to the explanation of the 1715 insurrection. The actions of the 6th Earl of Mar and the resourcing of the military efforts of the 2nd Duke of Argyll are singled out for illustrative purposes.

8.9 Illustration: The Enterprise of John Erskine, 6th Earl of Mar

A Recapitulation

The connecting theme running through the argument being pursued in this study is that singularity and contingency characterise the temporal trajectory of human action. The former derives from the nature of the human perception of time, which contributes timeliness to the distinguishing and critical dimensions of every human action. Thus, actions are dated and actions at different dates are thereby intrinsically different. The latter derives from the partial ignorance time imposes on the agent in respect of the nearer and further consequences of any action taken, in the morally and instrumentally conflicted human context of interdependence with others. Thus, actions could have been different from those that were pursued. These characteristics of actions are without prejudice to the perception that their physical outcomes display order, either in terms of resemblance or of succession. So, it is possible for description to employ categories of actions (e.g. wars; migrations; economic activities) and identify directionality in actions (e.g. progressing technology; enlarging the rule of law; changing forms of government). However, these characteristics are prejudiced against forms of explanation which suppress the inherent singularity of action in favour of imposing timeless regularities on the temporal succession or diminish the decisiveness of human actions within their own particular – in some cases highly restricted – domains in favour of

disembodied yet directional ‘forces’ that render human action pointless and insignificant. The necessity for an appropriate alternative mode of explanation led to the analogy drawn in Chapter 2 between historical explanation (in the widest sense, embracing all human action) and legal advocacy before a jury.

The judicial analogy yields the crucial elements of an alternative mode of explanation: first, the adversarial encounter of two rival accounts of an event; second, the dependence on persuasive discourse to determine which gains acceptance as authoritative; third, the provision of accounts of the event that convey the motives and intentions of the principal agents, to answer the question ‘Why?’. The judicial context is framed by key value judgements: that an allegation of guilt should not lead directly to conviction but rather a presumption of innocence until guilt is proven should force a contest between rival claims; that the states of mind of an independent lay audience, not a party with an interest in the case, should be brought to judge in favour one claim or the other; that individual responsibility for actions should be affirmed, and its emergence traced. Framed in this way the inherent singularity and contingency of human action are being squarely addressed. However, while the judicial process is designed to deal with an allegation of criminal action, there is nothing specific to the approach to restrict its applicability only to such situations. In short, any human action can be subject to this mode of explanation, which is fundamentally different from orthodox scientific explanation.

Inherent in this mode of explanation is its accommodation of more than one account of an event. (Outside of the judicial context, with its binary opposition between guilt and innocence, there is no implicit restriction on possibilities). This arises because of the role of the analyst’s subjective judgement in interpreting the available evidence from a chosen perspective, drawing abductive inferences from it, imaginatively recovering the lost ‘might-have-beens’ that contributed to the path of the event, and assembling the parts into a coherent and consistent narrative. These issues have already been discussed in Chapter 6 and at the beginning of Part Two, but bear being emphasised, as the prospect of plurality of histories of a given event is not widely advertised. Yet as Megill observes, ‘... a true historian ... is happy to leave her mind suspended between conflicting attitudes or claims. It is not the historian’s task to articulate a single unequivocal position, let alone a single consistent theory, concerning the world as it is’ (Megill 2007: 2).

With adoption of this mode of explanation, the pursuit of might-have-beens becomes an important component of the historical account.

The Earl of Mar and the 1715 Insurrection

The 1715 insurrection can be attributed to the Earl of Mar. Prior to his involvement, the Scots Jacobites' pragmatic assessment was that they could only succeed against government forces given a significant infusion of French troops, matériel and funds; the arrival from France of the Duke of Berwick to provide experienced military leadership; and, specifically, the appearance in person of the putative King James VIII to act as a focus and to develop a plan of action towards his restoration. John, Master of Sinclair, recorded their categorical conclusion, even after Mar's arrival from London, 'We agreed not to rise until we saw the King come' (MacKnight 1858: 24). Only the month before, Mar had informed James, that '... there is no hope in succeeding in [a rebellion] without the assistance of a regular force, or without a general raising of the people in all parts of England, immediately upon the King's landing, and the latter of these depends very much on the former' (Szechi 2006: 86, citing contemporary correspondence). Yet, between August and early September, Mar had personally triggered the '15, none of the prerequisites having been met. With Berwick confined to France, Mar himself – despite his lack of military experience – took the role of military commander. By November, however, in the chaotic and disorderly military action that was the Battle of Sherrifmuir and despite a significant numerical advantage '... the rebel army was effectively shattered. ... For the Jacobite rising to succeed, Mar needed to win the battle; for the rising to fail, Argyle merely needed to deny Mar that victory. In that respect the outcome of the battle was clear enough' (Reid 2014: 146, 147). Mar's apparent ineptitude as a military commander took a lot of the blame.

There were two 'might-have-beens' when a different action by Mar could have changed the course of events. First, he could have rejected the Jacobite invitation to journey to Scotland specifically to initiate an insurrection. Second, on arrival he could have, nonetheless, agreed with local Jacobite judgement that a purely Scottish-resourced insurrection, without James VIII, was impractical. But in the spring or early summer of 1715 he instead responded positively to approaches in London from English and Scottish Jacobites '... that he shou'd immediately go to Scotland and declare publicly for King James ... [and] to enable him to prosecute his design they gave him 7,000 pounds sterling to carry with him' (Constable 1843: 9). This action, financed by the English, was to be the 'convenient miracle' that 'the great majority of English Jacobites wanted ... to come to their rescue' to trigger their own insurgency (Szechi 2006: 94). Mar left from Gravesend on 1st August, in disguise and in the company of Major General George Hamilton and Colonel Hay (and presumably the £7,000), working their passage on a coal ship returning to the Tyne, transhipping there to a vessel bound for

Elie in Fife, whence by land to his estate at Braemar and Invercauld Castle, as yet unknown to the authorities in Edinburgh (Reid 2014: 10) – and, presumably, in London.

From one perspective Mar's course of action was a reaction to his summary dismissal by George I, after ten years' highly responsible service to the governments of the day, a casualty of the King's antipathy towards the Tories' negotiation of the Treaty of Utrecht. This '... precipitated [Mar] into truly Jacobite politics' (Szechi 2006: 40). However, his '... reputation had been destroyed in Hanoverian circles by stories of his encouragement of Jacobite intrigues in the Highlands' (Riley 1964: 254, citing a documentary source of 1714). Although '... at the time of Anne's death [he was not] amongst Bolingbroke's clique of active Jacobite plotters' (ibid.), the Jacobite invitation with its significant implicit trust must have been triggered by known sympathies at that time. His dismissal from office occurred while his salary payments were seriously in arrears, so the prospect of 'financial ruin' (Szechi 2006: 41) has also been suggested as having a bearing on his decision.

As to the second 'might-have-been', Mar did not share the Scottish Jacobites' reluctance to act without French support. Sufficient of their leadership became persuaded by Mar's rhetoric. 'From the outset Mar deliberately manipulated his fellow Jacobites by confidently assuring them of victory on whatever grounds he thought would get them to commit themselves' (Szechi 2006: 99). Given their prior commitments and hopes, he transformed their perspective on what could be achieved with already-available resources. Thus, by mid-September '[a]ll over Scotland armed men were on the move' (Szechi 2006: 100). According to James Keith, '[m]any ... thought it an ill omen, and even worse policy, to employ the person who had been one of the principal instruments in building the fabrick [of the Union] ... in the pulling it down; but the great employments he had been in, his knowledge of the country, and *the sincere marks of repentance he gave*, made the greater number [of the King's friends] approve the choice' (Constable 1843: 11; emphasis added). His experience of the administration of Scottish affairs was indeed considerable: joint Secretary of State for Scotland from 1705; member of the Privy Council of Great Britain; a Commissioner for the Union (a moderately popular choice from the Scottish Parliamentary viewpoint (Whatley 2006: 233)); centrally involved in the passage of the Treaty of Union; Keeper of the Signet from 1708 to 1709 and third Secretary of State with responsibilities for Scotland from 1713, enjoying the confidence of Queen Anne and being rewarded by her by being made a Knight of the Thistle (Whatley 2006: 258)..

An alternative perspective can be offered on Mar's actions, focusing on his entrepreneurship. This was demonstrated in the political context by his exploitation of patronage, shifting political allegiance to secure personal advancement. The other context for his enterprise was his estates. Stewart summarises Mar's concurrent activities as an industrial entrepreneur (coal mining and port development in the Alloa area) and improving landowner, identifying him as an early Scottish exponent of the French seventeenth-century *amanégement* approach to integrated local development

planning (Stewart 2012: 101-111). His horticultural interests had a sufficiently high priority for him to write to the Duke of Argyll on the eve of the battle of Sheriffmuir, ‘... begging him, as “a lover of gardens” to order his soldiers not to despoil his gardens’ at Mar’s Alloa estate (Whatley 2006: 76, citing National Archives of Scotland, SP, RH2/4/306 10A, earl of Mar to duke of Argyll, 30 Oct. 1715). These activities – possibly financed initially from his public offices – reveal Mar as imaginative, innovative, decisive and forward-looking. The loss of his salary should be seen in the context of a six-fold increase in the value of the output of his Alloa coal mines between 1714 and 1715 (Stewart 2012: 101). A combination of ‘favourable geological circumstances’ and ‘efficient colliery management’ possibly accounted for about half of his output being of marketable ‘great coal’ (Whatley 1987: 34 n.9). In Stewart’s view, he was single-mindedly ‘... prepared to support any government that would deliver economic and industrial benefits to Scotland’ (ibid.: 98). By the summer of 1711 his initial acquiescence in the establishment of an incorporating Union was subject to economic reservations: ‘... though he himself was “not yet weary of the Union” [but] “if our trade be no more encouraged than yet it has been ... what Scotsman will not be weary of [it] *and do all he can to get quit of it?*”’ (Fry 2006: 304, emphasis added). At some stage – possibly 1710 (Gregg 1984: 181) – he had even communicated to the exiled James his willingness to devise an alternative federal constitution in the event of James being restored and dissolving the existing union (Stewart 2012: 98). This scenario appeared again in the Manifesto that Mar published on the 9th September 1715, as reported (Charles 1816), involving restoration of the two parliaments – in short, the *status quo ante*. Thus, his persuasive powers stemmed from his personal commitment to force the change he considered necessary to encourage Scottish manufacture and trade.

A further ‘might-have-been’ concerns the possibility that Mar could have been prevented from acting as he did. The state’s response to the aborted French invasion of 1708 – that ‘almighty fright’ (Reid 2014: 8) – had already involved new provisions to tighten the law and reduce the threat of further insurrection (Riley 1964: 103). The failure of the authorities to apprehend Mar comes into the frame of an explanation of the ’15.

Mar’s actions indicated he anticipated the possibility of capture. Precisely when the Scottish authorities learned that Mar was a substantive threat is not clear. The authorities’ window of opportunity for action extended from Mar’s initial landing in Scotland around the 5th August, to his entry into Perth on 28 September, the assembly point for the emergent Jacobite army. But he was not on a 12th August list of known Jacobites ordered to be apprehended (Szechi 2006: 283, end-note 127). Szechi suggests London knew by 18 August. However, a letter of that date from Secretary of State Townshend to the City of Glasgow, declining its offer of 8 August to support a force of 500 loyal volunteers (ibid.: 287, end-note 39; Charles 1816: 248), concerned a proposal arising from earlier communication among the authorities in Glasgow, Edinburgh, Stirling and Menteith. They apparently

were already aware of Mar's activity (Charles 1816: 247). Moreover, Townshend's reply disclosed that Scottish regular forces were being strengthened, suggesting the authorities had already identified an emerging threat. These regiments, significantly drawn from Ireland and northern England, were used to create a camp at Stirling to increase the security of its castle, between 24 and 31 August. Mar's prior intention to march on Edinburgh by way of Stirling, may have been known even before his council of war at Braemar on 25 August. Mar was included in a list of those required to surrender to the authorities under the terms of an Act for Encouraging Loyalty in Scotland given Royal assent on 30 August; by his lack of response, he declared himself a rebel.

The fact that Mar was not apprehended could be attributed to an unintentional compromising of Scotland's system of local law and order by broader policy decisions. Treason had been a concern of the Scottish Privy Council, '... the only executive power in Scotland' (Riley 1964: 95), but its abolition in 1708 left the Scottish Lord Advocate to bring matters to Westminster's attention and to await orders; '... a great deal of business was delayed or did not get done' (ibid.: 98). Queen Anne's veto of the Scottish Militia Act, also in 1708, to avoid arming potential Jacobite rebels, generated confusion as to the extent of local powers to raise a militia (Henshaw 2011: 211). Movement towards the English model of empowering lord lieutenants could not proceed until their appointment to the Scottish counties around 19 August 1715; thereafter '... the Lord-lieutenants mobilised the fencible men in virtually every county under government control' (Szechi 2006: 119). Even then tensions arose regarding the extent of their powers *vis à vis* both the heritable jurisdictions and the traditional limit of 'Scottish service' in arms to forty days in the year (ibid.: 220, 221). The effectiveness of heritable jurisdictions and the lower courts depended on those exercising powers honouring their sworn allegiance to the Crown. However, as the offices of that system (sheriffs, justices of the peace and, in the burghs, magistrates) had become heritable opportunities for the landed élite, or within their gift, then their dissembling in favour of a Stuart restoration potentially undermined the entire system of social order at a community level. This permitted the perpetration of breaches of the peace, seditious conduct, intimidation and the use of actual physical force against civilians. Legal opposition was beyond the modest capabilities of local constables, watchmen, town officers or even magistrates, as shown by the 'capture' of Perth and Dundee (Szechi 2006: 111-114) – which significantly lacked barracks. Given these deficiencies the failure to apprehend Mar was scarcely unexpected. But it was surprising that it took until 17 February 1716 for the Act of Attainder of the Earl of Mar to receive royal assent, virtually two weeks after his voluntary departure into exile.

8.10 Illustration: Resourcing the Campaign of the 2nd Duke of Argyll

There is general agreement that the Jacobite army assembled in response to Mar's enterprise numerically exceeded that of the Duke of Argyll by a substantial margin, although the estimates of the Jacobite forces vary both necessarily, given the sources and nature of the manpower involved, and

interpretatively, given the apparent motives underlying the computations. Thus, to emphasise the popular nature of the insurrection the Jacobite forces have been described as ‘... a vast host, almost the maximum size of an army which could be recruited from the nation’s population’ (Pittock 1998: 42), as though domestic opposition were negligible. Yet loyalist numbers outside the regular army were significant. For example, Charles notes six thousand armed fencible men assembled at Irvine on 22 August, five hundred at Nithsdale, three hundred at Clydesdale and an anticipated six hundred at Glasgow (Charles 1816: 247, 250-252). However, at the insistence of George I these, and other volunteers of the Association movement, were not all mobilised (Szechi 2006: 107-111).

The Duke of Argyll was concerned by the disparity. When Mar proclaimed James VIII at Kirkmichael on 6th September, 1715, the number of regular troops available to the government in Scotland lay somewhere between 600 and 1000 (Szechi 2006: 119), some located in far-flung castle garrisons in the west. Argyll made numerous requests for additional regular troops, but the support provided was limited. The plausible ‘might-have-been’ is that if the government had provided additional, appropriate resources, then the insurrection would have been brought to a more rapid and decisive end. Accordingly, the reasons for the failure to do so had a significant part to play in the explanation of the event.

A domestic standing army can be an ambiguous asset. Given its allegiance, it can be a defence against insurrection fomented by internal political division or foreign invasion. But under despotic control it may become a malign tool of internal oppression or, if control of it is lost, an equally malign challenge to the political *status quo*. In Britain, the experience of the Civil War left a strong political prejudice against the maintenance of a standing army. ‘The educated elite, unlike their continental neighbours ... believ[ed] that a standing army would become corrupt and a threat to peace, while a militia would foster a sense of [Machiavellian] virtù in its citizen soldiers’ (Henshaw 2011: 242). However, that a group of the community’s ‘fencible men’, led by local gentry, could constitute an appropriate militia and not an insurgency was premised on that gentry’s allegiance to the Crown. Political division undermined this institution as it did the local system of law and order. Strachan points out that ‘... most surprisingly, the militia – the so-called “constitutional force” – actually went into decline after 1689, and increasingly became a supplement to the regular army, not a counterweight to it’ (Strachan 1997: 48).

The Bill of Rights of 1689 ‘... made provision for the legal existence of a standing army [in that] it accepts rather than rejects the idea that there will be a standing army in time of peace ... [and that] parliament had to consent to the continued existence of the army, [but] it retained no say over how that army would be employed’, that control remaining with the Crown (ibid.). The broad purposes of this standing army were defined in the contemporaneous Mutiny Act. The original purpose of this annually renewable Act was to define the limits of military law in a domestic context (Higham 1972:

617). However, from 1712 it became the convention for the Act to set a specific upper limit to the size of the standing army, in terms of numbers of foot-soldiers – 8,000 at that time. Independently, with the Treaty of Union there had ceased to be a separate Scottish army; at the beginning of the eighteenth century this had numbered nearly 3,000 men (Childs 2012: 326). Thereafter the share of the British standing army allocated to Scotland became a matter of expediency at the discretion of the Crown, driven by its judgement of the overall contemporary political situation. As of mid-1715, the complement of regular troops in Scotland was a matter of expediency.

An army of 8,000 foot-soldiers was less than half what James VII/II called on to oppose William of Orange in 1688, perhaps reflecting an ambiguous political assessment, under Queen Anne, of the possibility of foreign invasion. Many Jacobites considered this necessary to promote the Stuart counter-revolution. It had come close to reality in 1708, pointing up the specific inadequacy of Scottish defences. A generally acknowledged and accepted characteristic of the significant ‘Country’ element within the British Tory party was the defining Jacobite aspiration towards the ‘second restoration’ of the Stuart dynasty. It was legitimate, provided it could conceivably be achieved through parliamentary means, a possibility encouraged by the opinion that Queen Anne was a ‘closet Jacobite’ who would revoke the 1701 Act of Settlement and name her half-brother James as her successor before her death (Gregg 1972). This was reinforced by the hope that James would repudiate his Roman Catholic faith, to accord with the 1689 Bill of Rights. The Tories came into power in the 1710 general election; sixteen of the forty-five Scottish seats were taken by confirmed Jacobites. The Tory position was further consolidated in the election of 1713. Pro-Jacobite commitments were thus deeply embedded in the contemporary political system, and the ministry’s policies could scarcely be totally free from their influence; moreover, significant ministers shared the pro-Stuart aspiration, as became evident later with their impeachment. Tory policies were possibly influenced to varying extents by anti-Hanoverian, anti-Union, pro-France sentiment and opposition to involvement in expensive continental wars – complementing the long-standing Cavalier opposition to the maintenance of a standing army, housed in locally oppressive garrisons (Henshaw 2011: 261). Thus, the reduced size of the British army was conceivably an expeditious accommodation of Jacobite views that saw little need for serious preparation to oppose a counter-revolutionary invasion. But the dramatic switch to an anti-Jacobite and Whig administration under George I, by provoking Mar’s enterprise, pointed up the inadequate domestic military capability to cope with an insurrection. According to Whatley, in 1715 ‘there was mounting alarm among government officers responsible for security matters in Scotland, not only about the inadequacy of [available] forces and arms ... but also as there seemed little likelihood of reinforcements being brought north. ... London, where the king and ministers had been lulled into a false sense of security over Scotland, seemed unprepared to release funds,’ to strengthen [Scottish] defences (Whatley 2006: 354).

The overall size of the standing army apart, a higher priority may have been given to the protection of parts of Britain other than Scotland. Centres of population, economic activity and political power had priority, although the nature of economic interdependence complicated the matter – for example, the northern coalfields of Tyneside warranted specific protection given London’s dependence on coal supplies. Resources were also focused on known centres of disturbance – hence the creation of garrisons in southern cities such as Oxford, Bristol and Bath (Szechi 2006: 142). As Szechi notes, ‘The bulk of the forces in England and Wales were ... concentrated in the south. This opened the way for the northern England rising ‘... opposed [and dealt with] by forces that had to march up from the south’, forces that remained in occupation as a precaution (ibid.). So not only Scotland was under-defended. Opposition was potentially growing: Scotland was possibly affected disproportionately more than elsewhere by the concurrent demobilisation of some 52,000 troops consequent on the Peace of Utrecht (Henshaw 2011: 33). This flooded British society with experienced ex-soldiers. Some became recruits to the Jacobite cause: ‘[Landed gentry in Fife] had taken into their service additional domestics, selecting in preference men who had served in some of the dragoon regiments, which had been reduced in consequence of the peace of Utrecht’ (Scott 1833: 94). However, the clear indication given to Argyll that the Scottish theatre was not a government priority suggests confidence that the prospect of a French invasion following a decisive Jacobite victory in Scotland was diminishing. It had not occurred during the term of a government with Jacobite leanings and, given the outcome of the War of the Spanish Succession and France’s commitments within the Treaty of Utrecht, the likelihood of an invasion looked remote. A different consideration was that the Mutiny Act of 1713 had abolished capital punishment for mutiny, sedition and desertion, reducing the severity of sentence to that for lesser crimes. The Crown ‘... became powerless to suppress the political activity of the Army in favour of the Pretender’ (Clode 1872: 49). This potentially undermined the reliability and effectiveness of the standing army, whatever its size, in anti-Jacobite operations, particularly in Scotland. Capital punishment was restored in the third of three Acts passed within a year of the outbreak of Jacobite disturbances in 1715. In short, the outcome in Scotland was less important than maintaining stability in southern England and London specifically. In that respect, there may have been, as Szechi suggests, an inclination to treat Scotland as temporarily ‘expendable’, using limited military capability first for higher-priority defence against more damaging insurrection in England and then ‘... to reconquer any territory [the government] might lose in the interim’ (Szechi 2006: 140).

On the presumption that the government could ultimately call on superior resources than could the Jacobites, in the absence of French assistance, the eventual outcome of Mar’s enterprise – even if unanticipated – was scarcely in doubt. However, that its suppression was neither immediate nor decisive can be explained in part in terms of a combination of factors: a constraint on military resourcing inherited from a previous administration that lacked a committed opposition to Jacobitism

and, given that constraint, a recognition that French intervention in support of Jacobitism was no longer a threat.

Part Three The Nature of Explanation of Historical Conflict

Towards a Conclusion

The foregoing chapters have offered a specific argument concerning the nature of explanation of past human action, supported by some illustrations. Its conceptual starting-point was the claim that an awareness of the ‘passage’ of time (using the customary metaphor) is integral to human action. In this respect, any explanation of human action is intrinsically historical in nature. It is not simply because the evidence of human action has been generated in and therefore belongs to the past. It is rather that all action, present and past, is a product of an integration of retrospective and prospective judgements by temporally conscious individual minds.

The implications are significant. First, in so far as explanation of the temporal succession of the ‘events’ of human experience is sought, the dated singular account displaces the timeless general account. The supposed epistemological advantages of the latter are irrelevant, given the primacy of private subjective judgements, exercised in a context of action that is itself the product of similar previous judgements. Second, by way of a corollary, such explanation can claim contingency, not the necessity that might be expected of a reliable explanation – although Chapter 1 suggested that the logical concept of necessity may not be an unassailable criterion, even for explanations of the physical world. Third, again following on, as contingency means that things could plausibly have happened differently, potentials that previously existed failed to be realised. But their failure contributed to the course of the event as experienced. However, the reasons for their failure must be largely speculative. As explanation is thus obliged to span the ‘what-might-have-beens’, the possibility arises of a plurality of legitimate singular historical explanations – co-valid explanations of the same evidence set. Which of these explanations, none directly contradicted by the evidence, is awarded the accolade of ‘most persuasive’ is essentially a product of rhetoric – as it has been effectively put, albeit in a different context, by a ‘... reliance on the mysterious, subtle and fathomless power of words’ (Shackle 1974: 75).

The ubiquity of conflict

However, the argument has not only been concerned with the general nature of historical explanation of human action, but also specifically with conflict, which pervades and possibly characterises human action. Conceived as above, human actions possess a sufficient degree of autonomy to warrant the attribution of responsibility for them, yet this individual responsibility is qualified. The autonomy is coupled with a consciousness of other individuals presumed similarly capable, such that actions are to a greater or lesser extent unavoidably social in nature and, in the limit, collective. While there is

evidence of constructive social engagement, there is also ample evidence of division and destructive engagement, to the extent of deliberately killing fellow-humans. Moreover, a significant part of the former is motivated and pursued primarily to prosecute the latter more assiduously. It is not obvious why 'social' should necessarily signify harmonious engagement, as conflict seems integral to society.

The argument has suggested that the presence of conflict results from the same conscious human endeavour to cope with this awareness of the 'passage' of time. This endeavour involves the adoption of a singular perspective on the apparently ceaseless procession of events from which individuals, as reflective participants, cannot detach themselves. Its adoption may involve the intention to resist that change and remain 'the same' in both of Davis's 're-identification' and 'individuation' senses introduced in Chapter 2 (Davis 2003: 12, 13). If it is anticipated that change 'brought' by time inevitably poses a threat to the identity of the self, then the 'other', as the agent of change, may be viewed as a threat and thus a target for action, violent if thought necessary. However, at the same time, for some individuals that same perspective may change abruptly and a new perspective enable them to identify themselves with the active pursuit of change, but of a constructive kind, despite opposition from both the erstwhile 'we' and the 'other'. It remains to consider further the origination of these perspectives and how they may change.

Prior to that, however, the implications of the problem of reflexivity must be considered. This problem permeates the entire enterprise of explanation of human action and might be thought to undermine the conclusions reached so far. It arises here because historical explanation (and archaeological explanation) is itself a kind of human action and thus shares its defining characteristics. As observed in Chapter 6, the key issue is whether, if action explains action, the distinction between subject and object can be abandoned, when that Cartesian distinction is generally presumed to be the prerequisite of sound explanation. So long as the 'object' is literally an object – that is, not a person – then there is no problem. But once minds are admitted and their component role acknowledged in the phenomena to be explained, then the problematic prospect follows, of minds explaining minds. And this cannot obviously be immunised by a methodological commitment to objectivity, as that would deny the existence of minds – paradoxically, minds would have abolished minds. Moreover, human action – taken to be essentially a matter of purpose, intention and vitally conscious of self and others – would then be reduced to physical movement of material substances. This inadequate reductionism is arguably a greater problem than the challenge posed by minds endeavouring to explain minds – or, as Shackle put it, '... thought endeavouring to understand a world of action based upon thought' (Shackle 1992: xii). Although Shackle had economics specifically in mind, his arguments apply to all the human sciences. The problem of reflexivity cannot be circumvented – nor can the plurality of explanations of human action where definitive objectivity is not on offer.

Chapters 9 and 10 consider respectively the formation and change of perspectives on the passage of time, and the specific issue as to how violence can be integral to these perspectives, particularly lethal violence. The former draws on insights provided by the economist George Shackle, previously cited, on the premise that these have a much wider currency than only within the discipline of economics. The latter addresses the most extreme form of human action, with important moral associations. This presents a distinct challenge to explanation, in so far as this can engage the moral judgement of the analyst.

Chapter 9 Human Action and Incompatible Perspectives

9.1 Patterns, Perspectives and Explanation

In the domain of the physical sciences the object of explanation is typically a perceived pattern of association exhibited by specific material evidence, possibly in the form of recorded observations (including derived measurements) from repeated experimental manipulation, but not excluding (in the case of archaeology, for example) distributions of objects in the field, uniquely arrayed where they were deposited, to be associated with those uncovered at other locations. Conditions must be satisfied for a specific pattern to be admitted as a legitimate explanandum; these are routinely satisfied in most experimental contexts but elsewhere can be more contentious. The materiality of the evidence and of the experimental set-up confer a reasonable objectivity on the several observations. However, the observed pattern of the observations is not a substantive entity but a product of inference.

Corroborated observation of the pattern, in a simple visual sense or through replication, may give it additional significance, but does not alter its inferential status. It is the adoption of an underlying perspective in the mind's 'eye' that warrants the pattern's legitimacy, worthy of investigation.

It seems plausible to claim that this process of inference driven by a mental perspective on specific evidence and its context is not only the essence of scientific investigation of the physical world; it is also the essence of both the investigation of human action and of its actual practice. In short, it is central to human life. That is, the explanation of human action involves the prior adoption of a perspective from which the relevant evidence is viewed in some specific 'light'. However, the need for the adopted perspective to be plausible can be illustrated by reference to Shackle's contribution to the discipline of economics. In Shackle's view the perspective that inspired the orthodoxy of economic analysis was implausible. The orthodox perspective did not only define the domain of economics as the activity of exchange, but crucially it also viewed variation in the market price of a good as able to wholly resolve the conflict intrinsic to exchange, as each party sought to out-do the other – rather than serve their interest. Then, in combination with various *a priori* premises, it eventually showed that an abstract, closed system of price-forming markets could logically harmonise all conflicting demands within the limit set by available resources. No element of monopoly could exist to give an agent superior market power over any other, so only impersonal competitive forces remained to drive price formation. This abstract model gained credibility from the fact that it was in effect a simulacrum of a physical mechanism: minds played no part. While it ignored the actual existence of monopoly, either from the granting of privileges or as the dialectical culmination of successful competition itself, the implausibility surfaced most prominently in the model's implication that unemployment of labour must therefore be voluntary, due to unwillingness to work – although minds were supposed to have no role. This was an untenable position in the contemporary context of

the Great Depression. John Maynard Keynes argued in the 1930s that a substantive change of analytical perspective was required, to recognise that an economic system that employed capital goods and financial assets (the two being related, as argued in Chapter 8) could produce ‘involuntary unemployment’, illogical from the orthodox perspective. Broadly speaking, it resulted from economic agents coming to terms with their unavoidable ignorance of the collective consequences of their own actions, in turn driven by their own perspectives. In short, minds were relevant. These perspectives were resistant to economic policy and yet prone to be sensitive to changes in what Keynes called ‘the news’ – changes in general socio-political circumstances which, though remote from the actual contexts of individual agents, had leverage on opinion. Whereas the orthodox perspective viewed exchange as eliminating economic conflict, the market in capital assets required conflict (of opinions about their future values) for exchange to occur – that is, price variation signalled conflict, not its resolution. And the presence of monopoly in actual markets involved the aggravation of economic conflict, through the exercise of market power, leading towards Bobbitt’s market state. Shackle spent a large part of his academic career explicating the ‘revolutionary’ features of Keynes’s analysis of the ‘economic process of history’ (Shackle 1974: 42), giving intellectual support to various heterodox positions within the discipline. In so doing he made extended use of his ‘kaleidic’ analogy to explore expectations – and he did find some evidence of Keynes’s use of the same analogy (*ibid.*: 76).

9.2 The Kaleidic Conception

The structure of the kaleidoscope – a set of mirrors and a lens providing a reflected view of a given set of small objects – supports a useful analogy. Its applicability to human action arises from the assumption that the springs of action are situated in the consciousness of the individual. The initial arrangement of the objects has no apparent pattern. But through the lens a pattern can be observed, generated by the instrument’s structure and disposition. Any adjustment to the lens, while the objects remain in position, instantly creates a significantly different and evidently unrelated pattern. By analogy, the mental process engenders a perspective on the underlying context of life, involving a pattern of expectations as to the possible prospects. However, expectations are qualitative and pertain to an unknowable future, one that cannot – as Keynes himself explicitly argued – be brought within the compass of quantitative probability. But expectations are as abruptly changeable as the pattern in the kaleidoscope, in response to any adjustment of its lens. Such is the nature of expectations that they are vulnerable to ‘the news’, ‘... something that was in some sense and in some degree unguessable ... containing an element of novelty, unexpectedness and surprise [and] ideas whose possibility was considered and rejected; and some element of the unexpected, the unthought of, the unentertained idea, never considered or assigned any degree of possibility, high or low, because it never entered into thought. News may thus disrupt the formal structure of a man’s expectations ...’ (Shackle 1972: 180, 181). None of this ‘news’ need be narrowly ‘economic’ in nature. Its origin,

however, is the collective past actions of other agents predicated on their previous but equally vulnerable expectations.

Shackle limited his use of the analogy to the economic context. However, this ‘kaleidic perspective-shift’ is applicable to all forms of human action, since they are all intrinsically future-directed and thereby contingent on potentially unstable and mutable expectations. Indeed, the prospect of the individual entertaining a bewildering diversity of mental images generated from experience raises the question as to how this is simplified or becomes focused in such a way as to enable specific actions to be pursued. As noted in Chapter 1, Shackle offered a distinctive approach to the analysis of individual choice within which that narrowing of options would occur. In the context of an individual private business enterprise, the perspective will plausibly be focused on prospective financial gains and losses. Keynes, however, emphasised the collective nature of the perspective in the case of the future value of financial assets, heightening its sensitivity to the wide range of considerations in the ‘news’. Beyond the economic context, perspectives are likely to be intrinsically social, political and religious in nature. In turn these are likely to be permeated with personal values and awareness of rights and obligations. Concerns pertaining to relationships with others – such as social acceptance or rejection, inclusion or exclusion, identification or opposition, social standing and respect, allegiance and commitment – seem likely to drive affinities and focus individual expectations on a few discrete perspectives. Human action can then be influenced by collective alliances and crowd behaviour, with public opinion exhibiting inertia or momentum divorced from specifically individual rationales. Thus, it may be a serious distortion to interpret agents’ actions in terms of substantive individual motives, beyond the commitment ‘to join in’ – or not. The relevance of this for the decision to engage in lethal conflict will be considered in the following chapter.

Reflexivity again

The possibility of perspective-shifts has implications in respect of the reflexivity of explanation of human action, previously introduced. Just as past human action that left behind an archaeological and historical record was contingent on agents’ contemporary perspectives, present human action in pursuit of an explanation of that past action must similarly be contingent on the analyst’s perspective. This can in turn be presumed to have the same potential to shift as those of the agents whose actions, inferred from the physical evidence, are to be explained. In the context of the physical sciences analysts are subject to the discipline of scientific procedure that is intended to isolate the actions of analysts as scientists, from the actions of analysts as ordinary human agents, a separation that contributes to the claimed objectivity of science. Whether this voluntary quarantining of the personal perspectives and expectations of the agents who assume the role of analysts (that is, scientists) can – or indeed should – succeed is an important issue (touched on in Chapter 1), but in the human sciences it cannot succeed. The basic reason for this is partly the inapplicability of the method of the physical

sciences, but primarily the necessity to employ the ordinary capacities that constitute existence as a human agent to comprehend the actions of other similarly constituted human agents. The latter's distinctiveness is essentially in terms of mere temporality, not an 'other' defined in oppositional terms. But this is difficult to sustain, for reasons that will be considered in the next section. However, the important conclusion at this point is that historical explanation typically involves an inherent reliance on a specific perspective to play an instrumental role in 'observing' a pattern in the evidence, in all its ambiguity. This commitment to a specific perspective constitutes a 'meta-explanation', as it generates, in Shackle's kaleidic sense, the ordered view of the evidence that precedes an explanation in conventional understanding. But obtaining general acceptance of the explanation so derived, when the commitment to the meta-explanation may not initially be shared, requires specific effort. This is where the persuasiveness of the discourse used to present the explanation, and the rhetoric therein deployed, become of critical importance. The objective is to produce the necessary change in the audience's perspective – and reinforce the pattern 'observed' in the evidence – which is central to achieving the addition to understanding of what may have happened.

9.3 The Limits of Objectivity

An implication of the claim that it is necessary to employ persuasive discourse to obtain endorsement of a given explanation is that initially there must coexist at least two competing explanations of the same evidence. In Chapter 2 and elsewhere it was argued that this was the characteristic of adversarial advocacies in a trial by jury. However, the claim is not based on a presumption that one advocacy must be wrong, but on the view that the commitment to any given perspective – on which a given explanation ultimately rests – may be difficult to dislodge, because the perspective can be prior to the evidence (as considered below). In contrast, 'wrongness' is an evidential matter (as opposed to merely un-compelling). Nonetheless, the plausibility of the coexistence of rival explanations is typically attacked on the basis that the singularity of objective evidence surely must warrant a single correct objective explanation: agreement as to what had happened should, on that basis, support one and only one explanation. The key question is whether, were this to be successfully argued in principle, it would constitute a general case to which all explanation should conform or a special case of limited applicability. Chapters 1 to 3 above have largely subscribed to the latter view. If the objective explanatory domain admits only objects and changes in their location, then either it excludes humans or reduces humans to objects that can move. By ignoring what distinguishes humans from other objects – including that only they seek explanations of objective evidence – or by excluding them altogether, a special case is defined encompassing only a subset of reality. The general case is the one that includes human agency, not only in terms of agents' use of material objects but also their engagement with one another. The pursuit of explanations in that wider set unavoidably involves the deployment of human perspectives on human agency. This incidentally emphasises the relevance of

the kaleidic view of explanation. There can only be uncertain expectations of how others may act in circumstances which are, in turn, partly uncertain constructions of their imagination, rather than narrowly what the material record shows.

In the course of Chapter 4 it was suggested that empathy (or sympathy) played an important role in the establishment of social integration, represented by the concept of the 'we'. It might seem plausible that this capacity should also have a role in the adoption of an appropriate perspective from which to explain an instance of past human action. This presumes that empathy could be simply redirected from the context of actual social engagement among contemporary agents and made to drive a retrospective reconstruction of past human action, consistent with the available evidence. However, the notion that this specific human capacity and none other might be so deployed is not only unjustifiably selective, but also, despite its relevance and value in a contemporary context, liable to be impeded by the difficulty of imagining unfamiliar contexts of past action – most particularly that of lethal combat or the total failure of social order and the rule of law. The endorsement of an empathetic approach may possibly arise from thinking of it as a proxy for the detached observation associated with physicalist scientific method. A capacity to share, in some phenomenological sense, the mind sets of historical agents, penetrating the overlays due to the passage of time and disregarding the partial knowledge of both the contemporary context and the identities of the individuals concerned, might be thought to yield a clear and undistorted vision of the reasons for past action. But the appeal to sympathy was not originally intended to provide an objective view of the actions of others; rather, with its judgemental dimensions it had a significant role in the development of a moral philosophy (Raphael 2007). This raises the critical questions of whether an adopted perspective in historical explanation can be value-free or indeed should be. Affirmative answers to both questions are generally understood to be part and parcel of scientific method. In the material sciences, the issue arguably does not arise: the mindless nature of its objects means that their movements are not actions and neither they nor their manipulation raise moral considerations. In the life sciences, the same cannot be said; values intrude, both in judging what ought to be subject to intervention or what techniques of intervention ought to be employed. But more generally it may be overlooked that the pursuit of a particular orthodox scientific procedure has an implicit evaluative warrant which it claims a heterodox procedure lacks – hence the debate between good and bad science, touched on in Chapter 1, a debate which reveals that science admits at least epistemic values (Putnam 2002: 30). However, given that the explanation of action is focused on the role of 'doing' and that this generally impinges on others, it raises the prospect that good or bad is thereby done to them. This admits ethical values into the context of action, which in turn permits the explanation of the action to incorporate a judgement along with description – a judgement that will reflect the values of an individual analyst and so may not coincide with that of another, or the agent. So, the entanglement of fact and value (as opposed to their dichotomous separation) in human action contributes to the coexistence of differing

perspectives on the human action in question, apart from each possessing the distinguishing kaleidic propensity to shift. Accordingly, while it could be argued that an ideal description of human action will be purely factual and thus singular – by the device of considering agents as no more than objects that change their position – explanation of human action as such will inevitably be plural, value-driven and potentially unstable.

9.4 Advocacy and Explanation

The analogy drawn between different historical explanations of the ‘same’ event offered to interested audiences and the adversarial advocacies addressed to a trial jury, was to support two claims. First, one body of evidence could conceivably support conflicting accounts. Second, it is the persuasiveness of one account relative to another – a matter of the choice of language used and thus the force of rhetoric – from the hearer’s mental perspective, that leads to the acceptance of one rather than another. Each explanation or advocacy seeks to reconstruct from the variously witnessed actions the agents’ underlying perspectives and judgements, the former now understood to be prone to kaleidic shifts. Moreover, the act of reconstruction involved in both necessarily exercises reflexively not only the similarly kaleidic perspectives and judgements of the advocate or historical analyst, but also engages in a similar way those to whom the accounts are intentionally directed. Awareness of the latter engagement will also bear on those of the advocate or analyst, particularly conditioning the language finally employed to convey the account. The advocate or analyst thus performs a Janus-like function, facing back to past action and forward to future understanding of it, custodian of the gateway between the two. However, there are differences between the advocacy and the historical explanation, which limit a more extended analogy. First, a jury is under obligation to decide – and within a time constraint – in respect of the alleged guilt of the accused. But an audience is under no such obligation to choose between rival historical explanations, although it is free to do so. Second, members of a jury decide by vote in favour of one advocacy, setting aside – but not necessarily invalidating – the other. An audience, however, is not a forum in which specific historical explanations are given special comparative assessment, although individual members may independently choose to do so. Third, that a jury may be offered guidance by the presiding judge reveals not only the substantive issue that it is under the authority of the court (and the law), but also that their decision should be arrived at in a particular way: that each member should decide as ‘a reasonable person’, in favour of the outcome that is considered ‘beyond reasonable doubt’ or that is indicated by the ‘balance of probabilities’ (according to the legal context). The guidance may be intended to help convey the notion that the decision is solemn and serious, not frivolous or casual, to be based solely on the argument and not prejudice or partiality. However, the words carry rhetorical force towards the notion that the decision is a matter of deductive reason or inference from measurable probabilities. Taken literally it seems almost contrary to the rationale of trial by jury: if

reason can decide then there should be no need for contrary advocacies to be resolved by a vote. An alternative construction is possible, however: that in the interest of justice it is important for consideration to be given to both advocacies and the inclination resisted to act simply in accordance with the juror's prevailing perspective – even if there has been a switch in perspectives induced by counsels' presentations.

The preparation and presentation of a particular advocacy or explanation span a specific temporal duration of the life of the advocate and the analyst – just as their subject matter concerns a specific duration in the lives of others. It seems inevitable that the perspectives and judgements brought to their engagement in these tasks will reflect their personal recollected pasts and their imagined futures, precisely as do those that energised the actions of the agents featured in the advocacy or the explanation. As was pointed out above, the kaleidic quality pervades their own perspectives just as it does those of the subjects of their work. They will of course bring relevant training and experience to their respective tasks. But that need not prevent their personal perspectives from affecting the processes of inference, of ascribing weights to specific elements of evidence, of selecting syntax and vocabulary to achieve the desired reactions to the eventual advocacy or explanation. Perspectives relating to personal reputation and rivalrous ambition, inspiration and creativity, and ideological commitments permeating their approach cannot be prevented from influencing what is drawn from the evidence and presented to either jury or audience. But not only are all prone to kaleidic shifts; they are the product of previous shifts.

Nonetheless, an audience still must confront the question of how to respond to the coexistence of plural historical explanations of the same event. On the face of it, time is on the side of the audience (unlike a jury) and the plurality may be dismissed as a temporary problem, to be harmonised in due course by new evidence. It is true that, when new evidence comes to light, even a jury's vote may be shown to have promulgated a miscarriage of justice. Equivalently, hitherto undiscovered documentary evidence can emerge, new scholarship can suggest fresh implications of already-known sources and new archaeological finds can potentially indicate physical presences and actions that were previously unsuspected or erroneously reported (For example, Pollard 2009: Chapter 6). However, the presumption that new physical evidence can necessarily arbitrate between rival explanations must be challenged. A central strand of the argument pursued here is that explanation is a type of non-deductive inference from physical evidence. An augmented set of evidence does not eliminate that inferential step; at best, it merely alters the evidence from which the inference is drawn. In the judicial context, new evidence may occasion a new trial to re-assess culpability; but the original judgement may nevertheless be upheld. Whether an inference or interpretation is revised is a separate issue. Explanation of human action remains a matter of inference and interpretation. As outlined above, action expresses a kaleidic judgement. Such is its nature that, while new findings may be

noted, they may not be admitted as objects of evidence that would necessarily transform the perspective, which accordingly remains unaltered. On the other hand, if admitted as new evidence they may occasion a discontinuous shift to a totally new and unanticipated perspective, from which previously existing evidence comes to be seen in an altogether new light. But the new perspective need not be ‘closer’ to some other pre-existing perspective. In accordance with the proposal at the beginning of Part 3, perspectives are discrete and not continuously variable. The substantive patterns the kaleidoscope can generate cannot be combined; they are mutually exclusive. The notion that there can be a unified explanation of an historical event amounts to a commitment to the possibility of a ‘kaleidic synthesis’. But this is grounded on a misunderstanding about the expectational nature of human judgement – a response to the perpetual ignorance generated by the passage of time – fostered by the physicalist notion that one agreed set of evidence must warrant only one true explanation. The mutability of the kaleidic judgement is also heightened by agents’ sensitivity to the expected actions of the ‘other’ – those who, for a variety of reasons associated with the fact of their separation from the ‘we’, are suspected of opposition to the future state of affairs which the agents seek to bring about. As Shackle puts it, ‘... practical conscience, the guardian of survival, will insist on attention being paid to sequels [of choices] ... whose realization would be a disaster, perhaps destroying the chooser’s capacity for further action’ (Shackle 1979: 103). It can be argued that the emergent prospect of conflict, and particularly lethal conflict, whether contemplated reactively or proactively, is of a different order amongst the factors that can bring about a kaleidic transformation in human perspectives. Accordingly, conflict merits separate consideration.

Chapter 10 Conflict in Human Perspective: Towards a Conclusion

10.1 The Argument in Summary

The distinctiveness of historical explanation derives from its task of explaining the singularity and contingency of human action. Historical explanation must confront both the absence of any reliable separation between individual and social origins of human action, and the changeable nature of relationships among individuals and groups, ranging from concord to conflict, over both space and time. Presuming human action to be willed by consciousness, the argument identified three of its aspects that contribute to these features. First, its inherent temporality – that is, its awareness of and engagement with time. Second, its ignorance of the consequences of the actions that it wills – they lie in a future yet to be experienced; they depend on the as-yet-unknown actions of others; they are contingent on a limited understanding of the practical relationships in which they are engaged. Third, the commitment to specific values that exist as resistant anchor points of self-identity and collective-identity in an otherwise uncertain world. To these the argument has added a rationale for the instability of individual human wills: the role of a self-identifying mental perspective, composed from internally generated expectations concerning aspects of the future, that is prone to undergoing ‘kaleidic shifts’ in response to the mutability of expectations. These expectations are the attempts of consciousness to plug the gaps of ignorance identified above and so are sensitive to the acquisition of new information and impressions from experience. Their sudden changes shift the mental perspective, which provokes new actions and may radically change relationships with others, now ‘seen in a new light’, the nature and extent of their impact depending, *inter alia*, on the position of the individuals in the already-conflicted social hierarchy.

10.2 The Endemic Nature of Conflict

The prominence given to wars, revolutions and similar violent disturbances can create the impression that conflict is peculiarly associated with these discrete events, its emergence demanding a unique explanation on each occasion. The argument developed here has suggested instead that conflict is endemic and it is variation in how it manifests itself that distinguishes ‘war’ from ‘peace’. It is a matter of degree, not of kind.

An aspect of the argument that must be stressed is the centrality of a phenomenological consciousness of time to the explanation of the temporal succession of human action. Implicit in the notion of a human action is its timeliness, being anchored to specific moments. Yet action in the present will have plural possible consequences in the future, none of them known, some of them undesirable. This endows actions with intentions and purposes that look beyond their timely physical expression. The necessity to imagine the future in order to act is inescapable and fundamental: as Shackle puts it ‘The

very living of conscious life is a thing unthinkable and basically excluded if we suppose the living beings to have knowledge of an objective future' (Shackle 1969: 23). While the limitless capacity of the imagination could confront prospective action with an immense complexity, the individual consciousness can abstract from this by reducing it to a single composite perspective in the 'mind's eye', focusing on critical expectations of the future, coloured by sentiment and sharpened by hope and fear. Amongst these are expectations that signal the perceived vulnerability of the self, at the hands of others. Individual action inevitably involves engagement with actions of other conscious individuals, and it is implausible to assume that these must compose in a coherent, orderly and harmonious manner, ensuring that the collective outcome is – and therefore always will be – in some sense optimal for all concerned.

A purely analytical general solution to this problem of disparate expectations has been conceived, but its assumptions that time can be collapsed to an instant and that mutual consistency of actions can be negotiated instantaneously render this dismissal of time and history no more than an intellectual curiosity – but sufficiently influential to be challenged by Keynes and Shackle (Chapter 9). But time cannot be dismissed, so the mutual inconsistencies of expectations, some derivative of irreconcilable values, must be addressed, along with the potential they generate for fearfulness, antagonism, aggression and conflict in human engagement. Chapter 3 made it clear that this engagement is structured in a complex system of overlapping and interlocking social groups, changing over time. Individuals are members of more than one group, such that specific actions can be both consistent with the *status quo* of one group but disruptive of that of another. Moreover, the entire system is hierarchically ordered, so it is plausible to claim that at any given moment within the constellation of expectations will be some whose expressions in appropriate action are suppressed or repressed by the socio-political system of the moment, in contrast to those permitted to drive the routine business of 'ordinary' life. To the extent that actions predicated on the former expectations seeking change in the *status quo*, are prevented (a source of the might-have-beens of Chapter 6), the apparent order and coherence of human actions at that moment is a matter of form and not substance: it is conflict kept under tension.

In short, the existing socio-political system is effectively conserving the *status quo* through force. Accordingly, 'order' is employed there in a sense categorically different from that of a reproducible physical process and therefore is not 'natural' in that sense. Moreover, the point has been made that the perspective of consciousness may undergo a 'kaleidic shift' as experience over time transforms expectations. If so, then the social tension may reach breaking-point and violence ensue. In a fundamental sense, human life is a state of general disorder and conflict, which at times temporarily reaches a pitch of intensity that results in deaths. Drawing physical analogies has obvious risks in the circumstances, but these periods of lethal conflict are the tips of an iceberg or the prominent but only

periodically appearing fruiting bodies of an extensive, perpetual and otherwise underground fungus. Conflict that is endemic may be less apparent than open warfare. One task of historical explanation of any specific event is to expose and represent the underlying conflict integral to any significant change.

10.3 Conflict, Change and Explanation

Human affairs change through events. The problems of explaining physical change – as ‘becoming’ – encourage it to be thought of as a process: spontaneous and of endogenous origin, perpetual and gradual. But the present context involves an anthropocentric approach (or the agent’s view, as it was put previously), with its distinctive connection between time and change. The agent’s phenomenological awareness of time, for example in Husserl’s combination of retention and protention, locates memorable events in a ‘presence’ integral to an ageless (conceivably eternal) self-identity and lacks resemblance to the temporal dimension of, say, an evolutionary physical process. Within this framework, the agent’s personal actions discontinuously originate change, frequently in collaboration with others, so it does not necessarily have a unitary source. Actions give expression to conscious, pre-existent expectations of specific outcomes. Given that conflict is endemic, actions may be deliberately contrary to the interests of others and provoke reaction or retaliation, opening or foreclosing other opportunities and engendering further revisions of expectations as experience unfolds. Consequently, while change due to human action can legitimately be described as endogenous, this is not in the physical causal sense associated with the orthodox antecedent-consequent relationship, but in the ‘uncaused’ or innovative sense discussed in Chapter 2: once more employing Shackle’s words, ‘... when a person decides he innovates’ (Shackle 1969: 3). Nor can this type of change be considered either perpetual or gradual. Instead it is unpredictable and episodic, and at times precipitate, rapidly cumulative and ‘revolutionary’. This conception applies to all human contexts: the personal; the socio-political; the industrial and the scientific – including change associated with scientific discovery. Change initiated through human action shifts the baseline from which subsequent change departs, but does not in itself ‘cause’ this subsequent change in any mechanical sense. It may leave an enduring legacy of changed and changing expectations – as happens in the case of a prolonged and intense war between nations, supporting the perspective that detects the event’s consequences reverberating even up to the present, a possibility effectively signalled in part of the title of Furedi’s treatment of the First World War: ‘Still no end in sight’ (Furedi 2014) – an interpretation also central to Bobbitt’s thesis (Chapter 4).

Change propagated by human action in this manner is the source of the contingency of the temporal trajectory: actions are not pre-determined or necessitated, but are anticipatory yet initiated in a state of partial ignorance – whether in terms of their intended expediency or their consonance with the actions of others. However, these outcomes may well be at variance with expectations and thus disappoint. Even so, some consolation may be derived from actions having been consistent with strongly held

personal values; these are integral to the consciousnesses of the agents, so actions can express such commitments (Chapter 8). Indeed, it has been claimed that all agents necessarily act with the intention of bringing about what they consider to be desirable change, some pragmatists asserting this as a fundamental *a priori* axiom of action (on the basis that it is unthinkable that individuals would act otherwise) (von Mises 1962: 2-6). This may be a tautology, but it certainly is neither sufficient to conclude that the present is in any sense the best of all possible worlds so far, nor does it energise a teleological impulse to take history in any specific direction. But most critically, returning to the theme of the preceding section, it does not rule out the possibility that the change desired by some agents will generate the worst of all conceivable worlds from the standpoint of other agents affected by their actions.

How individual actions compose is influenced by how mutually consistent the actions initially are, both in terms of their immediate engagement and the accommodation one agent is prepared to offer the 'other'. Their relative power and influence – individual, social, political and economic – become important means by which control over the 'other' can be attained. Power may be augmented by acting in alliance with others, with shared or congruent objectives, the prevailing social structure becoming an important factor. The emergence of divergent perspectives on each other's existence may engender a conception of each 'other' as being not just beyond the scope of mutual accommodation but a real threat to their welfare. These perspectives would have associated expectations regarding respective future actions and outcomes. As previously argued, these are vulnerable to 'the news' and prone to radical change, resulting in the 'kaleidic shift' of perspectives. In this way, a previously accommodating and even mutually supportive relationship with the 'other' may be suddenly transformed by fresh suspicions, rumours or propaganda through stages of separation, confrontation and ultimately physical conflict, conceivably extending to mutual savagery and barbarity (Chapter 4). The prospect of any resolution may have to await the outcome of subsequent violence before a negotiated settlement (possibly involving third-party mediation) can be achieved.

Whether conflict resolution can be achieved is likely to depend on the balance between negotiable and the non-negotiable elements embedded in the prevailing perspectives, together with the prospect that these perspectives can be changed again, this time in the direction of mutual accommodation. It is quite plausible that the non-negotiable elements will be rooted in ethical and moral values, conditioning the socio-political mores that in turn defend accepted patterns of rights and obligations. Efforts at conflict resolution may have to disturb these patterns. But value-driven opposition to this will perpetuate physical conflict, conceivably to the extreme point where the seemingly shared right to life is forced for the time being into a subordinate position, relative to protection of the substantive firmly held values that are apparently under threat from the 'other's' initiatives. In so far as the

attachment to those values – religious, social or political – are common to individuals’ differing physical circumstances, then shared commitment to a specific value can be expressed as a common cause, multiplying opposition and mobilising public opinion against the proposed change. Thus conflict – the de-composition of human actions – emerges as a product of the opposition of ideas that give primacy to values. When values clash, there is no basis in rationality for one to claim supremacy over the other; they are ends, not means (Chapter 3). But if primacy is not given to a value that deprecates the use of physical force and its possibly lethal consequences, then it is quite plausible that recourse to physical force will be considered a legitimate means to oppose a perceived external threat from the ‘other’ to the values that constitute the ‘we’ (Chapter 5). This will be even more likely if the initiative being confronted is specifically directed towards achieving internal ‘régime change’, the supplanting of one set of values, together with its associated power structures, by another.

The resort to physical force can thus be interpreted as a justified response to the encounter of divergent value-infused perspectives, grounded on expectations of mutually exclusive future states of affairs and characterising each ‘other’ as the embodiment of a mortal threat. But it is another matter to expect that the resort to physical force will resolve the divergence. Being non-material, values cannot be destroyed, even if all those who presently subscribe to them were to be eliminated – which is unlikely, given human mobility – as deprecated values can re-appear through the kaleidic transformation of other groups’ perspectives, regarding the form their own futures might take. Conflicts of values are likely to be endemic and perpetual, and any cessation of lethal violence only a temporary hiatus, to be replaced by a different manifestation at some as-yet undetermined time in the future (Chapter 4). The implication for historical explanation is that it can reasonably be expected to interpret events in terms of the contrary and conceivably shifting values held by the influential participants. In that respect, the judicial analogy introduced in Chapter 2 is again appropriate, in so far as the determination of culpability in the eyes of the law ultimately concerns a conflict between the values it seeks to enforce and the contrary values held by the offender.

10.4 ‘Emergent’ Jacobitism – A Postscript

In Chapter 7 it was observed that the lack of a precise meaning of ‘Jacobitism’ presented a challenge to its explanation. Although an examination of this challenge is not the purpose of this study, its use of the emergence of Jacobitism to illustrate implications of the main argument (Chapters 7 and 8) prompts some reflection on that process. The important aspect involves the reflexivity implicit in historical explanation, raised in Chapter 6: the historian’s actions are not different in kind from the actions the historian seeks to explain, as they both emerge from perspectives in their respective consciousnesses. The suggestion was first made in Chapter 2 that a court case heard before a jury could be an exemplar of historical explanation of a singular event. It followed that contrary perspectives on the same proven evidence were not only permissible but required, to form the

opposed advocacies. So, analogically, alternative historical perspectives on the evidence might be expected. However, the illustrations made use of only a subset of evidence of ‘Jacobitism’, designated its ‘emergence’ (1689-1715). Accordingly, a perspective addressing a larger evidence set (specifically 1689 to 1745) may not yield the most persuasive explanation of this subset. A perspective on that alone might consider several issues. First, it is not obvious that Scotland’s experience, in social, economic or political terms, under the post-Restoration Stuart dynasty and the brief reign of the absentee James VII/II should have generated a strong allegiance towards the dynasty in general and the person of James specifically, sufficient to view restoration as a justifiable end in its own right. Few had any personal attachment to James. Second, the reactions of the opponents to the invitation to and installation of William of Orange as William III, either at the Convention of 1689 or to the subsequent overtures of Viscount Dundee, scarcely revealed a marked enthusiasm on their part at that time to employ force to restore the Stuarts a second time, while the Highlanders’ motives had other priorities. Third, by the time of the failed French invasion, twenty years after the Revolution, it seems plausible that this later generation’s expectations of the future would have been substantially affected by the intervening and radical changes in Scotland’s circumstances (the Claim of Right; the legacy of prolonged famine; the failure of the Darien plantation; deaths of Queen Mary, James VII/II and William III; accession of Queen Anne; the passage of the Treaty of Union; determination of the Hanoverian succession; continuing war with France). Fourth, the establishment of Presbyterianism and the tolerance granted later to other confessions had detached the issue of the restoration from value-infused inter-confessional rivalry. These changed expectations could well have shifted the contemporary perspective on the restoration of the Stuart dynasty, now to be in the person of a largely unknown James VIII. Arguably the restoration was by then seen first and foremost as a component means to the re-establishment of an independent Scottish parliament, not out of principle but in pursuit of economic advantage, even although there existed no evident strategy to connect the two. The eventual commitment of some landed elite and their loyal (and not-so-loyal) tenants to armed insurgency in 1715 could be viewed as a self-interested though belated attempt to restore their past power and influence just when economic development was on the cusp of being driven by capital and trade rather than by land, with the necessary capacity for the time being existing in England and London specifically. In that respect the materiality of Jacobite loyalties, comprehensively documented by Novotny (Novotny 2013), symbolised not so much a personal association with a putative king whom few had ever seen, but a physical representation of the ‘presence’ of a kinship’s honourable past. This perspective on the 1689-1715 period may be more persuasive than one based on subsequent events two generations after the Revolution, and projected back to embrace this earlier period on the ground of resemblance, in terms of its similar resort to armed insurgency. ‘Emergence’ in this sense is thus potentially a product of presentism, understandable given the persistent efforts of successive exiled Stuarts throughout the entire period, supported by the continuing threat posed by the French court. From this point of view Jacobitism is a ‘kaleidic perspective’.

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