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Adam Smith, Settler Colonialism, and Limits of Liberal Anti-Imperialism

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Abstract:

Recent scholarship has claimed Adam Smith's frontal attack on the mercantile system as a precocious expression of liberal anti-imperialism. This paper argues that settler colonialism in North America represented an important exception and limit to Smith's anti-imperial commitments. Smith spared agrarian settler colonies from his invective against other imperial practices like chattel slavery and trade monopolies because of the colonies' evidentiary significance for his "system of natural liberty." Smith's embrace of settler colonies involved him in an ideological conundrum insofar as the prosperity of these settlements rested on imperial expansion and seizure of land from the indigenous peoples. Smith navigated this problem by, first, predicating colonial "injustice" on conquest, slavery, and destruction, and second, describing American land as *res nullius*. Together, these conceptual definitions made it possible to imagine settler colonies as originating in nonviolent acts of "occupation without conquest" and embodying "commerce without empire."

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Introduction

Over the past two decades, “political theory and empire” has matured into a recognizable field of study. It is now commonplace to observe that many modern European thinkers, canonical or otherwise, addressed themselves to problems arising from a world of colonial empires rather than of nation-states (Armitage 2013; Muthu 2012b; Bell 2016; Pitts 2010).

While this “imperial turn” has generated valuable insights into the global scope of cardinal political categories, it has by and large skirted questions of political economy. Scholars have overwhelmingly focused on questions of universalism, particularism, cosmopolitanism, and pluralism in investigating historical ideas on the imperial constitution of the global order. Although the same world of empires also gave birth to global capitalism, historians of political thought have usually avoided engaging with “capitalism” on suspicions of anachronism and reductionism.¹ Unfortunately, this has prevented a promising conversation with the kindred imperial turn in social history, particularly in the fields of “new history of capitalism” and “racial capitalism” that have made colonialism pivotal to their understanding of the modern world economy.² As historians have connected colonial conquest, slavery, and expropriation to the formation of global capitalism, political theorists have construed the same colonial record as an ethico-political problem of unfreedom, inequality, and exclusion.

This essay brings together these two research agendas around Adam Smith’s reflections on commerce and empire. I contend that Smith’s writings, when reconstructed through categories of social theory, provide a window onto the formative relationship between colonialism and capitalism as well as onto the broader ideological problem that this relationship posed for Enlightenment anti-imperialism.

Smith offers a privileged case because his staunch imperial skepticism throws in sharper

¹ For a discussion, see Sartori (2006); Moyn (2014); Ince (2018, 14–18).

² For useful overviews, see Rockman (2014); Melamed (2015); Fraser (2016); Virdee (2019).

relief the historical entanglement of commerce, capital, and empire. Recent scholarship has shown that a frontal critique of European colonial empires *qua* systems of monopoly, slavery, conquest, and oppression was formative of Smith's political economy (Pitts 2005, 25–58, 2011; D. Williams 2014). Smith's proposed alternative, the "system of natural liberty" (*WN*, 687),³ emphasized the economic and moral benefits of unhindered commerce within and between societies, while remaining alive to the specific social and moral problems attendant to commercial society (Ahmed 2012; Pitts 2017; Rasmussen 2008).

Taken together, Smith's normative commitments point to a categorical antithesis between commerce and empire, that is, between relations of voluntary and mutually beneficial exchange and structures of restriction and depredation. "In dealing with the mercantile system," Donald Winch (1992, 97) notes, Smith "was constructing an anti-type that serves as a valuable inverted mirror-image of his own system." Even if his liberal vision failed to resonate with the political and economic elites of his time, the antinomy between commerce and empire has inspired subsequent generations of liberal publicists, statesmen, and scholars.

While broadly in agreement with these observations, I maintain that Smith's anti-imperialism found its limits at the settler colonies of the New World. Of particular significance was his favorable view of the non-slaveholding agrarian colonies of British North America.⁴ Born of imperial expansion, North American settlements constituted an essential part of Britain's imperial economic system, no less than the plantation societies and the exclusive trading companies. Yet whereas Smith unreservedly denounced colonial monopoly and slavery, he had a more equivocal position on agrarian settler colonies. The reason for this ambivalence

³ All in-text citations are from the Glasgow editions of Smith's works and are abbreviated in the following manner, followed by page numbers. *An Inquiry into the Nature and Causes of the Wealth of Nations*, henceforth "*WN*"; *Lectures on Jurisprudence*, henceforth "*LJ*"; *Theory of Moral Sentiments*, henceforth "*TMS*"; "Early Draft of the Wealth of Nations" (reproduced in *Lectures*), henceforth "*ED*"; "First Fragment on the Division of Labor" (reproduced in *Lectures on Jurisprudence*), henceforth "*FF*."

⁴ The colonies in question excluded the slave societies of British North America. Smith regularly distinguished between the "northern colonies" of "Pensilvania, the Jerseys, and New England," the tobacco colonies of "Maryland and Virginia," and the "sugar islands" of "Barbados and Jamaica" (*ED*, 580; *WN*, 173-5, 577-8, 942).

was the North American colonies' evidentiary significance for his political economy. Agrarian colonies represented the closest historical approximation to the "natural progress of opulence" and lent empirical support to the "system of natural liberty." In Andrew Skinner's (1976, 78) words, "America had acquired the status of an experiment which confirmed Smith's thesis; one which could be allowed to remain in the *Wealth of Nations* as a kind of permanent exhibit."

Smith attributed the extraordinary economic progress of the colonies to land and liberty. First, unlike in post-feudal Europe, land in America was plentiful, cheap, and unbound by practices of primogeniture and entail. Secondly, unlike rapacious joint-stock companies or despotic slave plantations, North American colonies accorded their inhabitants a high degree of freedom. Of the two causes of opulence, liberty could be traced to the relatively liberal British institutions transplanted overseas. By contrast, explaining the source of cheap land supply implicated the transfer of land from the indigenous peoples. The fairly liberal land markets that Smith approvingly observed in the colonies depended on the prior appropriation of land and its conversion into private property that could be bought, sold, and mortgaged. Crucially, land appropriation itself was not an act of commercial exchange but an imperial act of dispossession that laid down the institutional preconditions of commercial exchange in land and its products. As such, colonial land appropriations presented a fraught imbrication of commerce and empire.

The ensuing ideological difficulty, I maintain, is reflected in Smith's particular treatment of agrarian settler colonies. In contrast to his vociferous critique of conquest in Mesoamerica, slavery in the Caribbean, and merchant sovereignty in the Indian Ocean, Smith's description of North American settler colonies made it more difficult to detect their origins in indigenous dispossession. I advance two interlocking interpretations of Smith's account. The first of these, rooted in a historicized theory of natural jurisprudence, assigned Native Americans to the "savage" state of historical development where their notion of property had not yet "extended" beyond mere possession. Because Native Americans had not yet appropriated land, European

colonial settlement could not constitute an unjust act of expropriation.

In apparent conflict with this rationale, however, were Smith's open condemnation of the "savage injustice of the Europeans" against the natives of the East and the West Indies (*WN*, 448). Such passages seem to associate agrarian colonies with unjust land seizures on par with the depredations of slavers and East India companies. I contend that a closer examination of Smith's position suggests otherwise. When reappraised in terms of his spectator theory of justice and property, Smith's statements on colonization indicate that he drew the boundaries of "injustice" in America around conquest, enslavement, and destruction. As clear violations of Native Americans' right to life, liberty, and labor, these constituted injuries that would be recognized as "appropriate objects of resentment" by an impartial spectator. By contrast, Smith excluded the "occupation" of land from the ambit of colonial injustice because it could not be recognized as an injury to a people for whom property in land was unknown. Through this conceptual division, Smith assimilated British agrarian settlements to an idealized Greek model of colonization. He evoked two contrasting images of colonialism in America, one proceeding through conquest and the "cruel destruction of natives" in "fully inhabited" regions, and the other advancing through occupation of "thinly inhabited countries" where "the natives easily gave place to the settlers" (*WN*, 567). This stylized binary stabilized the categorical distinction between commerce and empire at the moment they converged on colonial land appropriations.

The paper proceeds in four parts. The first two sections explicate Smith's analysis of commerce and empire in the Atlantic world through the natural jurisprudential categories of "unnatural and retrograde order" and the "natural progress of opulence." The third and fourth sections magnify Smith's discussion of British agrarian colonies and delineate the conceptual divisions that uphold his liberal account of colonial economic progress in the face of land appropriations. I conclude with broader conjectures on theorizing the historical connections between capitalism, liberalism, and empire.

Empire’s “Unnatural and Retrograde” Order

Much ink has been spent on correcting the earlier “liberal-capitalist” caricature of Smith as an unconditional champion of commercial society (Winch 1978; Haakonssen 1981; Rasmussen 2006, 2008, 2014; Herzog 2016; Hanley 2008, 2011; Fleischacker 2005; cf. Liu 2019). A number of studies are notable for pursuing this agenda from a distinctly imperial standpoint, taking their cue from Smith’s animosity to the “old colonial system” of trade monopolies, chartered companies, and slave-owning plantocracies that ushered in the world of modern commerce (Muthu 2008; Ahmed 2012; Pitts 2011). Scholars have accordingly identified in Smith’s work a “far deeper ambivalence about commercial life” than is usually assumed (Muthu 2012a, 203) and an exceptional sensitivity to “unjust suffering on the part of the many victims of European commercial expansion” (Pitts 2017, 142).

Placing these remarks under different interpretive light, I treat Smith’s so-called “ambivalence” about global commerce as less a moral judgment on commerce itself than the expression of the fraught interdependency between commercial progress and imperial institutions. Two theoretical reformulations are helpful for dissecting this problem. The first is to abandon the antithesis between liberalism and mercantilism that governs the reception of Smith’s writings. Instead, I grasp the historical relationship between (mercantile) empire and (liberal) commerce as mutually constitutive. Secondly, I reconstruct Smith’s assessment of empire-commerce nexus through his categories of “natural history.” I suggest that eighteenth-century commercial capitalism of the British Empire exemplified the “unnatural and retrograde” path to economic development, whereas settler capitalism of North American agrarian colonies approximated to the “natural progress of opulence.”

Based on these revisions, I contend, first, that Smith viewed commerce as on the whole a force of progress, and second, that this favorable view depended on an act of conceptual

purification that dissociated it from empire. Smith disentangled the *idea of commerce* as peaceful, voluntary, and beneficial exchange from *actually existing commerce* girded by imperial structures of authority and coercion. As I show below, this theoretical move proved particularly difficult in the context of British settler capitalism and colonial land appropriations.

Smith's analysis of the "mercantile system" in the *Wealth of Nations* has been germinal in making "mercantilism" synonymous with the political economy of early-modern empires (Hecksher 2013; Stern and Wennerlind 2013). His derisive description of it as "in its nature and essence a system of restraint and regulation" (*WN*, 663) has also shaped its semantic content as an intrusive mode of governance inimical to economic development. A different picture emerges if one reconceives Britain's eighteenth-century imperial economy under "commercial capitalism."⁵ Unlike mercantilism, commercial capitalism posits a formative relationship between the politico-legal power of the imperial state and border-crossing regimes of property, exchange, and labor. On this view, imperial institutions represent the enabling framework of transoceanic commercial and capitalist circuits rather than deviations from an autochthonous world of free commerce (Flynn and Giráldez 2008). The various forms of resource appropriation and labor control in the eighteenth-century Atlantic and Indian Oceans emerge as the building blocks of Britain's "commercial empire" (Bowen 1998; Price 1998). Within this formation, we find slave-plantation capitalism and settler capitalism to the West, joint-stock company capitalism to the East, and British merchant capital integrating these subsystems (Cain and Hopkins 1986). Early-modern "commercial capitalism" therefore presents a more precise way of conceptualizing the target of Smith's critique.

Smith organized his critique around the "natural progress of opulence" and the "unnatural and retrograde order" as two macro-analytic categories of historical change. He used "natural

⁵ The concept of commercial capitalism grasps merchant capital not simply as the activity of buying cheap and selling dear but as a force that, in order to extract profits, intrudes into the organization of production through the levers of credit and market formation. For the most sophisticated treatment of the subject, see Banaji (2016).

progress of opulence” in overlapping languages of natural jurisprudence and political economy.⁶ The first of these was the stadial theory of societal development from savagery to civilization through the stages of hunting and gathering, pastoralism, agriculture, and commerce.⁷ The second sense of the term applied to the allocation of productive inputs (land, labor, and capital) and the distribution of the output (rents, wages, and profits) in the agricultural and commercial stages. Natural course of opulence obtained when factor employments and productivity advanced in the order of agriculture, manufactures, export trade, and finally carrying trade (*WN*, 365, 371-2, 380). Each progressive step followed the accumulation of capital in a given sector, which intensified competition, drove down the profit rates to their “natural level,” and induced capitalists to direct their savings to the next field of investment.

One should note in passing that “natural progress” neither implied inevitability nor ruled out alternative paths to opulence. Smith employed the notion for “explaining the distortions real circumstances can cause in political evolution, reconstructed by natural jurisprudence and theoretical history” (Hont 2015, 75). The arc of Smith’s theoretical history traced the idea of “improvement,” understood as the move from “concrete simplicity to abstract complexity” through the mastery of material necessity and the diversification of desires, wants, and activities (Berry 2013, 50). In more concrete terms, it made Smith a Whig by conviction and insinuated British political institutions into his political economy (Skinner 1965, 15; Robertson 1983, 477, 482).⁸ Societal progress, however, could be arrested, retarded, and reversed depending on human institutions. The latter had to be framed along the grain of natural progress, and Smith’s “system of natural liberty,” the centerpiece of his “science of the legislator,” pointed the way.

⁶ For the natural jurisprudential roots of Smith’s philosophy, especially Pufendorf’s influence via Gershom Carmichael, see Young (2008b); Winch (1983); Skinner (1967).

⁷ Smith’s stadial theory is one of the most controversial aspects of Smith’s thought, as it directly bears on the relative weight of economics and politics, and of determinism and agency, in historical analysis. See, Meek (1976); Skinner (1965, 1967); Winch (1978); Haakonssen (1981); Salter (1992); Berry (1997, 2013).

⁸ Most tellingly, Smith commended the Union of 1707 for its civilizing effects on Scotland and hoped for a similar union with Ireland (*WN*, 944). In a letter to Lord Shelburne (4 April 1759), he praised the Lord’s great-grandfather, William Petty, for introducing “arts” and “industry” to that “miserable country” (Smith 1987: 32).

Smith outlined the natural progress of opulence in Book III only to note that “though this natural order of things must have taken place in some degree in every such society, it has, in all the modern states of Europe, been, in many respects, entirely inverted” (*WN*, 380). The “unnatural and retrograde” European trajectory had issued from the “original engrossing of uncultivated lands” after the fall of the Roman Empire. The transformation of allodial into feudal titles, entrenched by laws of primogeniture and entail, had caused artificial scarcity of land, high rents, insecure leases, and neglect of agriculture. The breakthrough arrived with the waning power of the great barons, who traded away their wealth and power for frivolous luxuries peddled by self-seeking merchants. Out of such human vanity and avidity came the centralization of political authority, security of person and property, impersonal relations of dependency, and the improvement of the countryside (*WN*, 420-21). The demise of feudalism, however, did not realign Europe’s history with natural progress, for it coincided with European maritime expansion that ushered in the mercantile age. Merchants, the blind heroes of the previous story, became the villains of the next as their collective agency replaced the unintended consequences of their individual actions (Winch 1992, 107–8).

Smith’s examination of the colonial system in Book IV pursues the same theme into mercantilist territory. European maritime expansion originated in the misconception of wealth as gold and silver (*WN*, 561-2). Merchant and manufacturing interests propagated this error to secure economic policies promoting manufactures and foreign commerce at the expense of agriculture (*WN*, 266, 434, 445, 459). Mercantile regulations were morally odious as violations of mankind’s “most sacred right” to freely employ one’s stock and industry (*WN*, 582).⁹ They also retarded economic progress by artificially inflating the profit of colonial and export trades, attracting capital away from domestic agriculture, reducing the employment of productive

⁹ Mercantile regulations comprised all sorts of punitive restrictions on employment, enterprise, and movement (*WN* 642-62). Smith lauded the exemption of disbanded soldiers and sailors of the Seven Years’ War from corporate regulations, and wished for the extension of this “natural liberty” to all British subjects (*WN* 470).

labor, and slowing down capital turnover (*WN*, 495, 601-6). High profit rates further corrupted prudent economic behavior, most tellingly in the fiscal profligacy of joint-stock companies and endemic “overtrading” in West Indian plantations (*WN*, 438, 522, 612).

Smith’s invective against exclusive trading companies in Asia (*WN*, 749-53) has been discussed extensively (Pitts 2011, 200; Muthu 2008; Ahmed 2012; Rothschild 2012). His view of the Atlantic empires was hardly more positive. The first acts of European injustice in the New World were the “conquest,” “plundering,” and the “cruel destruction” of the “harmless natives” (*WN*, 568, 588). Then came the injustice of colonial slavery. In a much quoted passage, Smith condemned the subjection of Africans, “those nations of heroes to the refuse of the jails of Europe, to wretches who possess the virtues neither of the countries which they come from, nor of those which they go to” (*TMS*, 206-7). Although the institution of slavery itself had not originated in colonialism, it received fresh stimulus from the particular world that colonialism created.¹⁰ The taproot of slavery was the “love of domination and tyrannizing” that Smith saw as “natural to mankind” (*LJ*, 198, 192). It sprouted whenever it found fertile soil, most importantly when central political authority was too weak to protect vulnerable individuals from falling prey to the powerful (*LJ*, 176, 198; cf. *TMS* 64-5). The “weakness of government” occasioning extreme servitude “was entirely the case with regard to the West Indian [slavery] (*LJ*, 199).” Columbus and Cortez’s enslavement of Native Americans against the orders of the Spanish crown (*LJ*, 455; cf. *WN*, 566-8) and the British West Indian planters’ crueller treatment of their slaves than their French counterparts (*LJ*, 182) testified to the desire to dominate flourishing under political freedom.

Colonial slavery diverged from previous forms of servitude in one critical respect: it was contingent on monopoly profits generated by the mercantile system. Colonial slaves were neither war captives nor feudal retainers but laborers purchased to work on credit-dependent

¹⁰ Smith conceived of slavery as the extreme end of a spectrum of servitude that had been endemic in human history, encompassing, for instance, feudal villains, Scottish colliers and Indian occupational castes (*LJ*, 187-92).

and export-oriented estates. Its high expense and low productivity, however, rendered slave labor inferior to hired labor (*WN*, 99). Its employment was rendered economically feasible only by the inflated profit rates secured by the monopoly of home markets in sugar and tobacco (*ED*, 579; cf. *WN*, 387-8). By amplifying wealth and status inequalities in slave societies, exorbitant profits also corrupted the moral sentiments of the superior ranks and led to the “shocking” treatment of West Indian slaves (*TMS*, 53-64; *LJ*, 185, 453). As discussed below, by favorable contrast, the experience of agrarian settler colonies suggested that the system of natural liberty could, if not abolish slavery altogether, then at least alleviate the condition of the slaves.

Reclaiming Commerce from Empire

Its unnatural and retrograde operation notwithstanding, European colonial expansion had brought about unforeseen commercial benefits (*WN*, 558). Chief amongst them was the formation of a world market that vastly expanded the scope of the division of labor in Europe. The inducement to endogenous commercialization, formerly provided by the medieval towns purveying luxuries, now came from the trade with Atlantic settlements and plantations. In a striking passage, Smith detailed the felicitous effects of Atlantic commerce:

“By opening a new and inexhaustible market to all the commodities of Europe, it gave occasion to new divisions of labor and improvements of art, which, in the narrow circle of the antient commerce, could never have taken place for want of a market to take off the greater part of their produce. The productive powers of labor were improved, and its produce increased in all the different countries of Europe, and together with it the real revenue and wealth of the inhabitants” (*WN*, 448).

The passage then took a darker turn as it looked to the imperial origins of Atlantic commerce:

The commodities of Europe were almost all new to America, and many of those of America were new to Europe. A new set of exchanges, therefore, began to take place which had never been thought of before, and which should naturally have proved as advantageous to the new, as it certainly did to the old continent. The savage injustice of the Europeans rendered an event, which ought to have been beneficial to all, ruinous and destructive to several of those unfortunate countries” (*WN*, 448).

The grim conclusion of this passage has become common stock in the “ambivalent” portrayals

of Smith's outlook on global commerce (Pitts 2017, 153). Below, I offer a different interpretation. I suggest that while Smith admitted the *historical* perversion of commerce by empire, he opposed the two *theoretically*. His analysis of global commerce combined a "natural history" of commerce with a "civil history" of empire into an analytic narrative about the rise, fall, and return of commercial progress through ancient republics, feudalism, and colonialism.

Despite the "cynicism, acerbity, and world-weariness" that punctuated Smith's critique (Winch 1983: 264; cf. Pitts 2017), his political economy rested at bottom on the assumption of an orderly natural world (Schabas 2006; Jonsson 2010).¹¹ At work was a relatively simple, stable, and uniform ecological substratum. It not only made the principles of political economy universally applicable across Virginia, Scotland, India, and China, but also sustained the progress of opulence under the distortion of human institutions (*WN*, 674; Travers 2009, Jonsson 2010). In spite of its violent history, commerce functioned as a force of progress in this narrative arc insofar as it connected peoples in bonds of mutual dependence and expanded the channels of material and cultural intercourse. It was the main mechanism of Smith's social theory, which synthesized Samuel Pufendorf's natural jurisprudence with Smith's own moral philosophy (Young 2008a).¹² The "intensification of society" through regularized communication with others was a key tenet common to Smith's account of sympathy and of division of labor (Hont 2015, 61; Muthu 2012a, 200). Autonomous population growth could provide such intensification, but a more historically pervasive pattern had been intercultural contact and economic interaction (*FF*, 583-4; *LJ*, 494-5). In an Enlightenment reevaluation of oceanic connections, Smith deemed access to communication by water as the necessary (and to some extent sufficient) condition of commerce and civilization (Muthu 2012a). Ancient Egypt,

¹¹ Whether Smith intended his theory of unintended consequences as a providentialist account is not essential to my argument. Cf. Hill (2001); Forman-Barzilai (2010); and Berry (2013); Winch (1988). What is relevant here is the tendency of spontaneous order to assert itself amidst the tumult and disorder of social life (Winch 1978, 92).

¹² Pufendorf had predicated human sociability on the necessity of social cooperation in the material production of human wants. Smith's theory of sympathy was a monumental attempt to specify the workings of Pufendorf's "unsocial sociability" without the shortcuts of rationalism, utilitarianism, or moral sense. The classic passage is where Smith models commercial society on a hypothetical community of merchants (*TMS*, 129; Hont 1987).

India, and China had been “civilized” early thanks to navigable rivers that facilitated travel and exchange, while inland Africa and Tartary had remained “in the same barbarous and uncivilized state” since the dawn of history (*WN*, 36). Different degrees of societal progress followed from institutions that allowed or hindered the immanent tendencies of commerce. For instance, mercantile fetters retarded advancement in Europe while the curb on foreign commerce arrested it altogether in China (*WN*, 112). By contrast, North American colonies’ meteoric progress sprung from their freedom from Europe’s institutional morass and their access to regional markets where the “most perfect freedom of trade is permitted” (*WN*, 580).

We can now return to Smith’s so-called ambivalence about global commerce and the modern European civilization that it had created. In a passage frequently enlisted to his anti-imperialist credentials, Smith declared,

To the natives, however, both of the East and West Indies, all the commercial benefits which can have resulted from those events have been sunk and lost in the dreadful misfortunes which they have occasioned. These misfortunes, however, seem to have arisen rather from accident than from any thing in the nature of those events themselves. At the particular time when these discoveries were made, the superiority of force happened to be so great on the side of the Europeans, that they were enabled to commit with impunity every sort of injustice in those remote countries” (*WN*, 626).

It is common to interpret this passage by stressing Europeans’ accidental military dominance at the time of the colonial encounters (Hopkins 2013; Muthu 2008). Smith hoped that such fatal asymmetry would eventually give way to a balance of power between Europeans and non-Europeans, and in fact pinned his hopes on “an extensive commerce” in bringing it about (*WN*, 627). The question here is whether he grasped existing power relations as expressing essential hierarchies between different cultures. As the phrases “from accident” and “happened to be” certify, he saw European domination as neither inevitable nor indicative of cultural superiority.

The complementary interpretation I propose here has as its stakes the very conceptual parameters of commerce in its relationship to empire. I hold that in parsing out what is “from accident” and what is “in the nature” of global commerce, Smith isolated commerce as a natural,

peaceful, and beneficent principle, and relegated the violence that globalized commerce to a contingent status. This is consistent with Smith's earlier remarks that the contact with America "should naturally have proved advantageous" and "ought to have been beneficial to all" (*WN*, 448, emphases added). The implication is that a truly commercial contact *would have* been beneficial to all, had it not been perverted by the "savage injustice of the Europeans."

Expressed in historiographical modes available to Smith, commerce properly belonged to the "natural history" of humanity. As a function of the natural propensity to truck, barter, and exchange unfolding through changing modes of subsistence, commerce was not just a stage in conjectural history but a "constant cause producing the same effects in all stages" (Winch 1978, 64). By contrast, colonial empires, notwithstanding their world-historical role in globalizing commerce, belonged to the "civil history" of Europe, an inventory of events that were "aberrant, deviant, and even inexplicable by the operations of nature" (Pocock 2006, 276). Smith's original assumption that modern colonies "arose from no necessity" (*WN*, 558) was critical to according them an accidental role in the history of global commerce. In the same theoretical gesture, Smith thereby admitted the violence and injustice of colonial expansion, yet categorically denied that it had anything to do with the pacific and progressive essence of commerce. To the contrary, he never tired of repeating that whatever economic progress was to be observed in the colonies occurred *in spite* of colonial regulations and by dint of the silent and natural workings of commerce (*WN*, 607, 609). The effects of commerce instantiated most visibly when the institutional disturbances of the colonial system were at their lightest. In other words, empire belonged to the *history* but not the *theory* of commerce. On this reading, there was nothing "ambivalent" about global commerce itself, only about its imperial "history."

There was yet one special case wherein the categorical distinction between commerce and empire proved particularly difficult to sustain. We now turn to North American settler colonies.

America and the “Natural Progress of Opulence”

Britain’s North American settler colonies were born of its commercial empire. They participated in the imperial division of labor as exporters of primary products to regional and overseas markets and as consumers of metropolitan manufactured goods (Price 1998, 86, 90).¹³ Equally significant was their distinctive internal economic organization. In Christopher Lloyd’s (2013, 547, 549) words, these were “*settler* and *capitalist* economies and societies” characterized by “land extensive capitalist export agriculture,” “resource extraction and labor importation,” and “commercial cities with liberalizing constitutions.” The high land/labor ratio in British colonies thwarted attempts to instate European-style feudal relations of tribute and dependency such as primogeniture, entail, and quit-rents. Consequently, the main institutional features of settler capitalism emerged as alienable private property in land, modest land taxes, and early development of land markets (Kulikoff 2000, 111–16). Private property in land proved critical for economic growth not only as a productive asset. As the principal security for obtaining commercial credit for clearing and cultivation, it also operated as the lever for capitalizing the colonial economy (Kulikoff 2000, 126; Price 1998, 96; Weaver 2006, 92–93).¹⁴ In sum, land and commercial agriculture formed the basis of settler capitalism and the hinge that articulated it to the wider commercial capitalism of the Atlantic.

The *Wealth of Nations* is replete with fascination at the settler colonies’ “rapidly progressing” state (*WN*, 423), a fascination that commentators have linked to American colonies’ convergence with the natural course of commercial progress.¹⁵ Smith attributed

¹³ The unusually commercial disposition of colonial agriculture has been noted by even those skeptical of the “staple thesis.” Marc Egnal (1998, 8) estimates that subsistence farms of about 120 acres in New England and the Mid-Atlantic shipped 20-25% of their produce overseas, concluding “[w]orld markets, not local ones, set prices and helped determine how rapidly output expanded. ... The export of staples ... provided the impetus for growth.” Also see McCusker and Menard (1985, 297–301).

¹⁴ A survey of the distribution of capital goods in the Thirteen Colonies in 1775 reveals that the share of land, livestock, and farming equipment averaged above 72% of the total stock, rising to 85% in the Mid-Atlantic and 94% in New England and scoring a robust 60% in the slave-owning Southern mainland (Egnal 1998, 15).

¹⁵ The consensus on this point is notable. Nicholas Phillipson (2010, 228) stresses Smith’s depiction of the “experience of colonial America as the classic, and indeed the only possible example of a society whose progress had been rapid and natural by comparison with that of Europe.” For similar remarks on the natural progress of

American opulence to the signature features of settler capitalism and reduced them to two: “plenty of good land, and liberty to manage their own affairs their own way, seem to be the two greatest causes of the prosperity of all new colonies” (*WN*, 572).

First, liberty. The example of settler colonies was critical for defending Smith’s “natural system of perfect liberty” from charges of mere speculation and for demonstrating that liberty actually delivered prosperity (Koebner 1961, 229). Although all European colonies were originally conceived as dependent imperial provinces, “the great distance from Europe has in all of them alleviated more or less the effects of this dependency” (*WN*, 567). Commercial intercourse and division of labor in America were thereby greatly relieved from the institutional constraints of feudalism and mercantilism. As a result, the employment of land, labor, and capital, and the distribution of profits and wages followed a pattern radically different than that of Europe. First and foremost, American landowners were “improvers.” Disburdened of hereditary nobilities, primogeniture, and entail, land in America was owned mostly by “small proprietors” who were “of all the improvers the most industrious, the most intelligent, and the most successful” (*WN*, 423; cf. *LJ*, 523; *ED*, 581). The same landowners were also “capitalists” who chased profits, invested capital, hired labor, and produced for the market.¹⁶ Paying no rent and a small land tax incentivized the cultivators to maximize output while also leaving them with more funds to invest to this end (*WN*, 395, 565). The abundance and fertility of land pushed up agricultural profits, notwithstanding high interest rates and high wages due to low capital/land and labor/land ratios (*WN*, 109). Farmers ploughed their profits back into cultivation while laborers saved to become landowners themselves. Capital naturally flowed into agriculture where it employed the highest number of productive hands, and that without any active government encouragement as proposed by the Physiocratic “agricultural system.”

opulence in American colonies, see Hont (2005, 374); Robertson (1983, 474); Winch (1992, 111).

¹⁶ It is worth emphasizing that in Smith’s discussion of American agriculture all factors of production were assumed to be available on the market; in these pages, one looks for an autarkic subsistence farmer in vain.

On this basis, British legislation that curbed manufacturing in the colonies and forced them to specialize in agriculture was economically redundant and morally noxious (*WN*, 582).

Because of the “demotic” nature of landownership and free commerce in the region, profits of agricultural improvement were lower than the mercantile profits of “extractive” sugar and tobacco cultivation.¹⁷ Absent mercantile profits that bankrolled the West Indian planter’s “love of domination,” free labor prevailed over slavery in agrarian colonies. “In the northern colonies,” Smith lectured, “they employ few slaves, and . . . the lands are generally cultivated by the proprietors” (*LJ*, 523). The reason was economic: “the planters in the more northern colonies, cultivating chiefly wheat and Indian corn, by which they can expect no such exorbitant returns, find it not of their interest to employ many slaves” (*ED*, 580). The crucial implication was that generalizing the North American pattern of free commerce across the empire would “keep profits low and force producers to abandon inefficient systems of labor control” (Salter 1996, 228). That total emancipation was not altogether inconceivable was attested by “the late resolution of the Quakers in Pennsylvania to set at liberty all their negro slaves” (*WN*, 388). Moreover, relative socioeconomic equality in agrarian colonies meant that the few slaves employed there received more humane treatment, lending further moral sanction to the liberal system.¹⁸ In short, “America provided a setting in which commerce and liberty would thrive together” (Winch 1992, 111).

These salutary effects of liberty were particularly pronounced in the “English colonies of North America” whose progress had been more rapid than that of their European counterparts. Smith offered an institutionalist explanation of this divergence. Although they occupied less fertile land, “the political institutions of the English colonies have been more favorable to the

¹⁷ I borrow the terms “demotic” and “extractive” agriculture from Jonsson (2010). Smith described the “liberal system” of corn cultivation in Britain and America in similar terms: large number of producers, small plots, absence of combination, competitive markets, and average profit rates (*WN*, 525-8, 538-9).

¹⁸ At work was once again the interplay between inequality and sympathy. “Those persons who most excite our compassion and are most apt to affect our sympathy who most resemble ourselves” (*LJ*, 184). Unlike the “proud West Indian,” “a North- American planter, as he is often at the same work and engaged in the same labor, [he] looks on his slave as his friend and partner, and treats with the greatest kindness” (*LJ*, 185; cf. *LJ* 453).

improvement and cultivation of this land, than those of any of the other three nations” (*WN*, 572). The Spanish and the French had replicated in their colonies some version of the feudal engrossing of uncultivated land and thereby retarded agricultural improvement (*WN*, 572-3). By contrast, “the genius of the British constitution which protects and governs North America” had shown what human labor could unleash when it was freely applied to nature (*WN*, 91). British colonists enjoyed “perfect security” of person and property, a more liberal trade regime, and a lighter fiscal burden of government (*WN*, 572-4, 580, 584-6). Smith’s contrast was not fortuitous. To the eighteenth-century enlightened mind, Spain and France represented absolutist monarchies with territorial empires of conquest akin to Sparta or Rome, against which the British maritime empire resembled a commercial empire of liberty with an Athenian or “Carthaginian constitution” (Pagden 2015, 230). As I discuss shortly, the association between ancient Greek colonization, empire of liberty, and the natural progress of opulence formed a powerful semantic constellation at the heart of Smith’s argument.

Secondly, land. As mentioned earlier, Smith admitted that the opulence of the colonies had increased in spite of mercantile regulations that still exerted some sway. “The policy of Europe” had “very little to boast ... in the prosperity of the colonies of America” (*WN*, 588). Even the government of the British colonies were only “somewhat less illiberal and oppressive,” as impressive as the results of this relative liberality had been (*WN*, 584). The deeper cause of prosperity was the “abundance and cheapness of land, a circumstance common to all new colonies,” which presented “so great an advantage as to compensate many defects in civil government” (*WN*, 222). In the section “Causes of the Prosperity of New Colonies,” there are more than a dozen invocations of “waste land,” “plenty of good land,” “great extent of land,” “cheapness of good land,” and cognate expressions in a mere few pages (*WN*, 564-73). A particularly forceful passage asserted that the “plenty and cheapness of good land are such powerful causes of prosperity that the very worst government is scarce capable of checking

altogether the efficacy of their operation” (*WN*, 570; cf. *WN*, 222), lucidly encapsulating the opposition between the natural course of opulence and obstructive human institutions.¹⁹

In this context, the Royal Proclamation of 1763, by prohibiting private land transfers from Native Americans and proscribing settlement beyond the Appalachians, posed a particularly contentious mercantilist impingement on colonial liberty and prosperity (R. Williams 1992, 234–36, 266-71).²⁰ Written with the brewing colonial crisis in mind (Smith 1987, 377-85; Winch 1978, 147–48), the *Wealth of Nations* (especially books IV and V) evidences Smith’s sympathy with the colonists and their resentment against the “impertinent badges of slavery imposed upon them, without any sufficient reason, by the groundless jealousy of the merchants and manufacturers of the mother country” (*WN*, 582). The drama of the progress of opulence playing on the American stage reached its climax in 1776. The colonists’ immediate grievances were exceeded by their historic significance, namely, the vindication of a liberal system of unhindered land markets, emancipation of labor from corporations, and the freedom of trade, movement, and enterprise. The American revolt, in Pocock’s (2006, 285) words, represented the “revolt of commerce and its attendant social structures against obsolete structures of empire.” American settler capitalism that had incubated in British commercial capitalism was now challenging its limits. A nascent empire of commerce rose against the commerce of empire.

If the source of liberty could be traced to British constitutional principles and the factor of oceanic distance, the source of colonial land posed a more difficult problem. Smith and his contemporaries knew that Europeans had made contact with an inhabited continent and that their presence in the New World had been flourishing at the expense of the indigenous peoples. American colonies had already become in embryo what Aziz Rana (2010, 3) has termed a “settler empire,” where settlers predicated their liberty and prosperity on the external

¹⁹ Similar references can be found in *WN*, 109, 221-2, 378-9, 422-3.

²⁰ Smith made no reference to the Proclamation in his writings or letters. His association of colonial prosperity with the liberty to acquire land gives strong cause to infer that he would have an unfavorable opinion of it.

subordination and dispossession of the indigenous and the enslaved peoples. Settler expansion sparked a string of armed confrontations between the colonists and the indigenous peoples in the seventeenth and eighteenth centuries, eventually prompting the 1763 Proclamation (Richter 1998, 351–53; Kulikoff 2000, 101–4). Such expansionism grew out of the settler capitalist configuration of land and labor in the colonies. Daniel Richter (1998: 348) summarizes:

In British North America, not the fur trade but capitalist agriculture, whether on family farms or plantation worked by enslaved laborers, was primary, and persistent immigration of agricultural labor was essential to economic prosperity. The result was an inexorable demand for new agricultural land – land that one way or another had to be expropriated from its aboriginal owners (also see Clark 2012, 36; Lloyd 2013, 546).

The question of land acquisition was pivotal to the settlers' relation to both the imperial metropole and the indigenous peoples. As Andrew Fitzmaurice (2014, 172) observes, “America could not become independent of the British rule and leave Native Americans possession of their land.” In a critical passage, Smith himself indicated the connection between colonial settlements and native displacement when he remarked, “in Africa and the East Indies, therefore, it was more difficult *to displace the natives, and to extend the European plantations over the greater part of the lands of the original inhabitants*” (WN, 634, emphases added).

The question is whether Smith understood agrarian colonies and their natural path of opulence as conditional on the unjust expropriation of the indigenous peoples. I contend that while Smith *did* condemn conquest, slavery, and destruction as unjust, he distanced agrarian colonies of settlement and commerce from the same odium. This was because he viewed American land as *res nullius* and settler colonies as rooted in *occupation without conquest*, that is, in establishing property in unowned land without subjugating its inhabitants.

Savages and “Savage Injustices”

It is now the prevailing scholarly opinion that John Locke's labor theory of justified colonial land appropriations by representing America as devoid of *dominium* and *imperium*

(Arneil 1996; Weaver 2006, 82–95; R. Williams 1992, 246–51; Fitzmaurice 2014, 125–70). In a recent analysis of Smith’s account of the colonies, Thomas Hopkins (2013, 64) holds that Smith “had little time for such apologetics; he was quite clear that the European conquest of America represented a grave injustice to the indigenous inhabitants.” At the same time, he concludes, “the destruction of native peoples, whilst denounced, was somewhat sidelined by the adoption of the image of America as a waste country, allowing Smith to adopt, and apparently vindicate, the Greek model of colonization” (Hopkins 2013, 71). It is true that Smith, unlike Locke, never expressly proclaimed America to be in a state of nature; nor did he openly press the rights of settlers against aboriginals like Emer de Vattel. Nonetheless, a careful analysis of Smith’s writings suggests that Smith assumed American lands to be devoid of relations of property and sovereignty.

The key to understanding Smith’s position is his spectator theory of justice. After Hume, Smith rejected the Lockean rationalist paradigm for a theory of justice based on moral sentiments. The “sense of justice” was rooted in mankind’s “very strong sense of the injuries that are done to one another” (*TMS*, 34, 83). It manifested itself in the impartial spectator’s sympathy with the injured person’s resentment against the offender (*TMS*, 70). “The violation of justice is injury” Smith wrote, “and it is therefore the proper object of resentment” (*TMS*, 79; Pack and Schliesser 2006). This rendered justice the only enforceable virtue and injury the only punishable blameworthy act (*TMS*, 79-82). The mandatory nature of justice required that the action deserving punishment be recognized as “the proper and approved object of resentment,” and it would fulfil this criterion only “when the heart of every impartial spectator entirely sympathizes” with the resentment it provoked in the victim (*TMS*, 68, 69). “Actions of a hurtful tendency, which proceed from improper motives seem alone to deserve punishment because such alone are the approved objects of resentment, or excite the sympathetic resentment of the spectator” (*TMS*, 78).

Smith built his theory of property on the same foundation of moral spectatorship. Against both compact and labor theories of original appropriation, he defined the institution of property as a convention that emerged from the mechanism of sympathy. Property came into existence when the impartial spectator sympathized with the resentment of a person who had lost something in his possession to another. In that very act of sympathy, he concurred with the first possessor's claim to continuous exclusive possession. "The cause of this sympathy of concurrence betwixt the spectator and the possessor is, that he enters into his thoughts and concurs in his opinion that he may form a reasonable expectation of using the fruit or whatever it is in what manner he pleases" (*LJ*, 17). Property in this sense consisted in the "subjective opinions of the agents involved," an agreement derived from practical experience, reiterated across countless occasions, and sedimented into institutions that underwrote the recognition of exclusive ownership (Young 2008a, 54).

Unlike Pufendorf and Locke, who labored to establish timeless principles, Smith examined property rights using historicized categories of natural jurisprudence. The conceptual backbone of Smith's theory was the appropriation of the earth through acts of occupation (Pocock 2005, 166). He defined "occupation" as the act "by which we get any thing into our power that was not the property of another before," adding that the relations and regulations that it occasioned "must vary considerably according to the state or age society is in that time" (*LJ*, 13, 14). The historical evolution of property rights through the stages of hunting, pastoralism, agriculture, and commerce involved the gradual "extension" of the idea of property to a wider range of objects in increasingly abstract and complex forms (*LJ*, 16, 19-21, 23).²¹ The key moment in Smith's stadial theory, the "greatest [step] in the progression of society," was the transition from the "savage" state of hunters to the "barbarous" stage of shepherds, because in this step "the notion of property is extended beyond possession ... When this is once established, it is a

²¹ Pack and Schliesser (2006, 56) comment that the preconditions of justice, namely, the "capacity for abstraction, reason, and language themselves are slow cultural/societal *achievements* and not fixed givens of human nature."

matter of no great difficulty to extend this from one subject to another, from herds and flocks to the land itself” (*LJ*, 107). Permanent property gave rise to inequalities of wealth and status, relations of dependence and authority, and notions of justice and law — in short, to civil society. “The age of shepherds is that where government first commences. Property makes it absolutely necessary” (*LJ*, 208). Crucially, in this stage the idea of property for the first time extended to land. Although shepherds did not recognize individual landownership “it would be more easily conceived that a large body such as a whole nation should have property in land. Accordingly, we find that in many nations different tribes have each their peculiar territory on which others dare not encroach (as the Tartars and the inhabitants of the coast Guinea)” (*LJ*, 22).

By contrast, both in *Lectures on Jurisprudence* and in the *Wealth of Nations*, indigenous North Americans epitomized the archetypal hunting or “savage” society, where the notion of property had not yet extended beyond immediate possession. Smith explained, “in North America, again, where the age of hunters subsists, theft is not much regarded. As there is almost no property amongst them, the only injury that can be done is the depriving them of their game” (*LJ*, 16). He applied the judgment of the “impartial spectator” to the “case of the hunters,” concluding that “[i]n this stage of society therefore property would extend no farther than possession ... to what was about ones person, his cloaths and any instruments he might have occasion for.” (*LJ*, 19-20; cf. *LJ* 27, 39). Elsewhere, he exemplified “the early and rude state of society, which precedes both the accumulation of stock and the appropriation of land,” by “a nation of hunters” (*WN*, 65; cf. *TMS*, 210). At one point, he admitted indigenous cultivation in America only to dismiss it as having only “the appearance of an objection” (*LJ*, 15):

“Their women plant a few stalks of Indian corn at the back of their huts. But this can hardly be called agriculture. This corn does not make any considerable part of their food; it serves only as a seasoning or something to give a relish to their common food; the flesh of those animalls they have caught in the chase.” (*LJ*, 15).

Despite referencing pre-Columbian cultivation of “Indian corn, yams, potatoes, bananas &c. plants,” Smith consistently designated Native Americans as “savages” (*WN*, 560). The corollary

was that Native Americans, as hunters and savages, had not yet appropriated land and lacked the notion of territory that developed together with political authority in the shepherding stage (*LJ*, 22). America was therefore devoid of both property and sovereignty, as a matter not just of legal principle but of social conventions and mental conceptions.²²

The only exceptions to American savagery were Mexico and Peru. Smith wrote, “the natives of every part of America, except Mexico and Peru, were only hunters” (*WN* 634). Even though he disparaged their social development in comparison to India, China, and even the “Tartars of Ukraine” (*WN*, 221), he nonetheless described them as having advanced beyond the hunting stage. “There were but two nations in America, in any respect superior to savages, and these were destroyed almost as soon as discovered. The rest were mere savages” (*WN*, 448).

The exception of Mexico and Peru is significant here in conversely affirming the savage condition of North America, elucidating an important statement in the *Wealth of Nations* that links back to settler colonialism. In contrasting the availability of land in America and Europe, Smith wrote, “land, indeed, is in North America to be had almost for nothing, or at a price much below the value of the natural produce; a thing impossible in Europe, or, indeed, in any country where all lands have long been private property” (*WN*, 424). “Private property” in this passage can be interpreted either as a metonym for the feudal engrossing of land or, more plausibly, as the institution of property pure and simple. On this reading, the reason for the abundant supply of land in America that depressed its price to “almost nothing” was the original absence of property (Young 2008b, 291). If the commodification of land in the Old World necessitated the removal of feudal restrictions, then in the New World, it necessitated “converting nature into capital” by a prior, non-commercial act of appropriation (Jonsson 2010, 1345).

It is around this act of appropriation the problem of empire and injustice returns. Smith’s designation of Native Americans as hunters with no notion of property suggest, *prima facie*,

²² Equally importantly, the absence of property amongst Native Americans did not indicate any rational deficiency (Pitts 2011). It merely signaled that their mode of subsistence had not yet led to the extension of property to land.

that the American continent lay unoccupied and could be settled by Europeans without injury to the indigenous peoples. Yet, cutting against the grain of this conclusion are Smith's sympathetic descriptions of Native Americans as the victims of the "savage injustice of the Europeans" (*WN*, 448), as "defenceless natives," "harmless natives," and "miserable and helpless Americans" (*WN*, 561, 588, 634). What needs explication is the exact nature of European "injustice" and how it figured in relation to settler colonies. More precisely, which European acts and institutions in the New World would be judged by the impartial spectator as "injurious" to Native Americans? What offences, by Smith's theory, would be recognized as the "proper and approved object of resentment" and incur the spectator's sympathetic response?

I suggest that Smith drew the boundaries of "injustice" around conquest, slavery, and extirpation and excluded the occupation of land from its ambit. His theory of justice once again offers the proper starting point. In *Theory of Moral Sentiments*, Smith established a hierarchy of injustices. "The most sacred laws of justice, therefore, those whose violation seems to call loudest for vengeance and punishment, are the laws which guard the life and person of our neighbor" (*TMS*, 84). Injuries against "property and possession" ranked second to injuries against person in moral gravity (*TMS*, 84). In his lectures, Smith deemed the rights to one's life, liberty, labor as "natural rights" that "belong to a man as a man" (*LJ*, 8). These rights were the "most simple and easily understood" such that when they were violated, "any one will at first perceive that there is an injury done" (*LJ*, 8, 13). Amongst injuries to person, Smith included "killing, wounding and maiming him, or any way hurting his body, and secondly by restraining his liberty" (*LJ*, 8). Such injuries would be acknowledged by anyone irrespective of cultural particularity or level of social development, as a spectator would have no difficulty sympathizing with the resentment of a person whose life, bodily integrity, or freedom of action was forcibly extinguished, even if the injured in question was already dead (*TMS*, 70-1).

By contrast, "estate" or property rights were not as transparent. "The only case where the

origin of natural rights is not altogether plain,” Smith remarked, “is in that of property” (*LJ*, 13). Smith posited the “property which every man has in his own labor” as “the original foundation of all other property,” and thereby “the most sacred and inviolable” (*WN*, 138).²³ Beyond this minimum, the particular conventional forms that property assumed in the course of its institutional evolution, or its “degree of historicity” (Haakonssen 1981, 102), rendered its breaches more opaque to observers.²⁴ As a result, property violations did not command the self-evident “moral urgency” that stemmed from the primordial ease with which the spectator recognized violations of life, liberty, and labor (Salter 1996, 228; Haakonssen 1981, 148).

This lens yields a more precise image of the “savage injustice of the Europeans,” that is, those acts that the impartial spectator could more readily judge as “proper and approved objects of resentment.” Notwithstanding their different levels of development, Europeans and Native Americans shared a universal human nature and therefore the same natural rights. Being conquered and subjugated by force, being enslaved and worked to death in mines and on plantations, perishing by starvation, cruelty, and violence all represented grave violations of the natural rights to life, liberty, and labor. An impartial spectator observing such atrocities could not fail to imagine and sympathize with the resentment of the indigenous peoples.

When we survey Smith’s writings on European colonialism, we find the explicit references to conquest, slavery, and destruction cluster around Iberian empires, sugar and tobacco colonies, and East India companies. The Columbian expedition had ended up in a “project of conquest” that “gave occasion to all the establishments of the Spaniards in those newly discovered countries” (*WN*, 564). The “sacred thirst of gold” drove “the council of Castile ... to take possession of countries of which the inhabitants were plainly incapable of defending

²³ This premise held true for hunters. “Among nations of hunters,” Smith wrote, “there is scarce any property, or at least none that exceeds the value of two or three days of labor” (*WN*, 709). As Young (2008b, 292) puts it, “the fruits of one’s labor would have been historically the first objects to which people attached rights of property”.

²⁴ Though Smith initially subsumed “estate” under natural rights in his lectures (*LJ*, 8), he later recast property rights as conventional when he defined “attack upon property” as a crime against “our acquired rights” (*LJ*, 105).

themselves” (*WN*, 562). The “injustice of the project” incarnated in conquistadors like Cortez and Pizarro, who presided over the “conquest of Mexico and Peru” and the “plundering” and “the cruel destruction of the natives which followed the conquest” (*WN*, 561-2, 568). As mentioned above, the conquistadors also deserved blame for enslaving the indigenous peoples against the directives of the crown (*LJ*, 455).

While the record of the Spaniards was particularly egregious, it was not unique. As discussed further below, what mattered in provoking the spectator’s “double resentment” (*TMS*, 75-6) were the motives and the consequences of the colonial enterprise (ambition, avidity, arrogance; slavery, suffering, slaughter), not its national character. Smith repeatedly invoked “the Europeans,” “the people of Europe,” or “the European governments” as authors of colonial injustices (*WN*, 568, 589). Nor did he spare the British. He attributed Walter Raleigh’s excursion to the same “strange delusions” of El Dorado (*WN*, 564). Besides calling out the cruelty of British planters in sugar and tobacco colonies, he openly credited the British “plunderers of India” with “conquests in the East Indies” (*WN*, 635, 752). In all these cases, conquest, plunder, destruction, and slavery marked the coordinates of European injustice.

This constellation of cruelty and injustice did not apply to the agrarian colonies of British North America for three reasons. First, these were not colonies of conquest, tribute, or plunder because they were founded on land inhabited by savages who had no civil organization, territorial control, or economic surplus (*LJ* 22, 129-30, 201, 208; *WN*, 690, 709, 712-3). Second, the conditions in agrarian colonies made slavery marginal and milder compared to sugar, tobacco, or mining colonies. Third, the greatest productive asset in these colonies was neither slaves nor minerals but agricultural land, which was abundantly available. Consequently, these settlements did not infringe upon the natives’ natural rights to life, liberty, and labor.

If the British did not conquer North America, then how did they acquire land for their settlements? As close as one gets to an answer in Smith’s writings is a stylized model of Greek

colonies originating in occupation without conquest. His account of the prosperity of new colonies opened with the statement, “[t]he colony of a civilized nation which takes possession of a *waste country*, or of one so *thinly inhabited*, that the *natives easily give place to the new settlers*, advances more rapidly to wealth and greatness than any other human society” (WN, 564, emphases added). Widening the historical aperture, Smith adduced “the progress of many of the antient Greek colonies towards wealth and greatness,” which he explained by “plenty of good land” and the “liberty to manage their own affairs in the way they judged most suitable to their own interest” (WN, 567). Crucially, he suggested that Greek colonies were not colonies of conquest, as they had been established “in countries inhabited by savage and barbarous nations, who *easily gave place to the new settlers*” (WN, 567, emphasis added). To clinch this point with a contrast, he invoked “the history of the Roman colonies” and found their progress to be “by no means so brilliant.” This was because Roman colonies “were all established in *conquered provinces* which in most cases had been *fully inhabited* before.” (WN, 567, emphases added).

Once the Greek/Roman binary was in place, Smith observed, “[i]n the plenty of good land, the European colonies established in America and the West Indies resemble, and even greatly surpass, those of antient Greece” (WN, 567).²⁵ The upshot of assimilating agrarian colonies to the Greek model was to exclude conquest and expropriation from its origins and to ground them in the original occupation of unoccupied land. The trope of “thinly inhabited countries” where the natives “easily gave place to the new settlers” was consistent with Smith’s view of land in North America as *res nullius*. Provided that it was not accompanied by conquest, slavery, plunder, or massacre, colonial occupation of land did not amount to an injury to the natives. This is because no impartial spectator in, or observing, a society of hunters would recognize exclusive claim to land by sympathizing with the resentment of its alleged violation.²⁶ The violent loss of life, liberty, and fruits of labor would be judged as “proper and approved objects

²⁵ As Jonsson (2010, 1355) and Hopkins (2013, 60) note, this resemblance was strongest in British North America.

²⁶ I would like to thank an anonymous reviewer for *The Journal of Politics* for pressing me on this point.

of resentment” amongst hunters, but the same recognition would not extend to land. The peculiar expression of “giving place” captured the imagined relationship between the indigenes who did not own the land and the settlers who did not seek to conquer them.²⁷ It completed the idea of occupation that defined the settlers’ relation to the unowned land by marking the absence of force and subjugation. The resulting notion of *occupation without conquest* made it possible to treat agrarian settler colonies as an exception to the injustice of European empires.²⁸

The last point finds further, if indirect, support from a passage where Smith contrasted the motives behind the “first project of establishing colonies” and “later establishments” in the New World. He attributed origins of the first American colonies to the “folly of hunting after gold and silver mines and the injustice of coveting the possession of a country whose harmless natives, far from having ever injured the people of Europe, had received the first adventurers with every mark of kindness and hospitality” (*WN*, 588). The formulation “the injustice of coveting the possession of a country” at first sight seems to contradict the interpretation offered thus far. Upon closer inspection, however, it betrays a twofold ambivalence, the first concerning the injustice of the act (“possession”) and the second the motive behind it (“coveting”). Even if cannot definitively resolve this ambivalence, explicating it in terms of Smith’s theory of justice yields significant insights.

The ambivalence stems partly from Smith’s employment of the term “taking possession” to refer to both the occupation of vacant land in “waste countries” (*WN*, 564, 567) and the conquest of territories with recognizable, if rudimentary, civil societies (*WN*, 561, 569, 571). Parsing the specific meaning of “possession” thus turns on the context of its articulation. The phrase “first adventurers” points to Columbus, Spanish conquistadors, and other Europeans

²⁷ This point might have eluded recent commentators because Smith gave no express indication of how he imagined a morally acceptable relationship between a commercial and a savage society to look like. The contrast with Edmund Burke’s clear prescriptions of variegated imperial rule is illustrative. See O’Neill (2016).

²⁸ “Occupation without conquest” was in tune with the British mode of colonization that centered on acquiring land for settlement rather than finding indigenous tributary vassals. In contrast to Spanish colonists, the English pursued what Wolfe (2006) has called the “elimination of the native” by displacement rather than by assimilation.

(including the English) who crossed the Atlantic for gold and silver (*WN*, 564). The initial seizure of colonial land was accessory to the extraction of precious metals directly or by the exploitation of indigenous subjects. Against this backdrop, “possession” would seem to denote not so much the occupation of vacant land as the conquest of territory, echoing Smith’s earlier reference to the “conquest of Mexico and Peru” as “taking possession of countries” (*WN*, 561, 564). Given Smith’s view of Mexico and Peru as having quit the savage state, and developed some notion of landed property and civil society, the Spanish possession of land would amount to the *dispossession* of the natives. In this case an impartial spectator could imagine and sympathize with the natives’ resentment of the seizure of their lands as an act of injury.

The second aspect of the ambivalence turns on the motives behind colonization, the other grounds of judging its moral status. An impartial spectator, observing European adventurers driven by “avidity” for gold and “coveting” the possession of a country, would morally censure colonization for its corrupt motives irrespective of its consequences and the actual resentment of the colonized. Yet such moral disapprobation would not by itself translate into an injustice claim because justice, by Smith’s narrow definition as the only enforceable and negative virtue, applied strictly to situations of injury (*TMS*, 79-82). Corrupt motives that did not result in injury deserved moral blame but not the sanction of injustice. Unless Smith tacitly presumed the actual injustices of conquest, plunder, and massacre that such “coveting” eventually occasioned, the “injustice of coveting” would seem to be a cipher for strong moral denunciation, a breach of “justice in a broader sense as a desire for punishments and rewards to be proportionate to moral desert” (Schwarze and Scott 2015, 463).²⁹

²⁹ The ambivalence in question instantiates the more general interpretive difficulties that attend Smith’s spectator theory of justice, above all, the tension between the universal thrust of *Theory of Moral Sentiments* and the particularizing provisions of *Lectures on Jurisprudence* and the *Wealth of Nations*. While of special interest to the recent scholarship on the political theory of empire (D. Williams 2014, Pitts 2017), the epistemic grounds of spectatorship and its validity in forming cross-cultural moral judgments has been the subject of intense debate. Some have located in spectator theory a cosmopolitan horizon and the resources for surmounting cultural parochialism via “open impartiality” (Sen 2002; Fricke 2011). Others have emphasized the sociological constitution of the spectator and thereby the partial norms that inevitably color moral judgments (Campbell 1971; Fleischacker 2016; Rasmussen 2014). The latter position does not deny the *potential* of Smith’s theory to overcome

Although one cannot conclusively settle this matter, a closer look at the motives of colonization in Smith's account sheds further light on the agrarian colonies' positive divergence from the colonies of conquest and plunder. After noting the "folly" and "injustice" of early colonization, Smith invoked "other motives more reasonable and more laudable" leading to "some of the later establishments" (*WN*, 589).³⁰ He continued, "[t]he English puritans, restrained at home, fled for freedom to America, and established there the four governments of New England. The English catholicks, treated with much greater injustice, established that of Maryland; the Quakers, that of Pensylvania" (*WN*, 589). In the move from Spanish conquests to English settlements, the charge of injustice in the colonial circuit shifted from the colonists to the metropolitan governments. Animated by the quest not for gold and silver but for freedom from persecution, the colonists now figured as the victims rather than the perpetrators of injustice. Smith concluded, "it was, not the wisdom and policy, but the disorder and injustice of the European governments, which peopled and cultivated America" (*WN*, 589). Notable here is the overlap between the colonies originating in the flight from injustice and the agrarian "northern colonies" that Smith set apart from British tobacco and sugar colonies (*WN*, 173-5, 577-8, 942). Inasmuch as English agrarian colonies were born of the pursuit of freedom (as opposed to avidity) and established by the occupation of vacant land (as opposed to conquest), neither their motives nor their consequences carried the opprobrium of imperialism. As an exception to European injustice in the New World, they stood witness to the natural system of liberty and to the possibility of commerce without empire.

Conclusion

particularism through the "self-correcting" tendency of moral spectatorship (Sayre-McCord 2010), resentment of cruelty as the basis of a universal ethics (Forman-Barzilai 2010), immanent criticism aided by public education (Schliesser 2017, 136-147), and the exposure of cultural sensitivities to "moral pluralism" (Golemboski 2018). With respect to colonialism, the tension is complicated by the fact that universalism and particularism can each be, and indeed has been, pressed into the defense as well as the critique of empire (Fitzmaurice 2014; Bell 2016).
³⁰ While one should not overdraw the distinction between "first" and "later" colonies in this passage, the introduction of "motives more reasonable and laudable" right before turning to agrarian colonies is significant.

Recovering the complexity of Smith’s moral, juridical, and political-economic system continues to be a valuable enterprise. Departing from recent studies of Smith’s “ambivalence” on commerce and empire, this paper has carved a fresh path by decoding such ambivalence through categories of socio-historical analysis. Instead of rendering the tensions in Smith’s thought as a matter of individual moral sensibility, I have sought to reconstruct them in terms of the fraught historical entanglement of global commerce (which he welcomed) and colonial empires (which he abhorred). I have proposed to view Smith’s ambivalence as indexing those moments where the constitutive nexus between commerce and empire became conspicuous, and where his investment in improvement and the progress of opulence collided with his disdain for the imperial forms that such progress assumed overseas.³¹ American settler capitalism epitomized this contradiction insofar as it emerged from the unnatural order of Atlantic commercial capitalism yet vindicated the system of natural liberty. Moreover, once the colonies threw off the restrictions of the 1763 Royal Proclamation, they came to their own as a “settler empire” and accelerated the foundational process of indigenous dispossession. Smith could hold onto British settler colonies as the historical validation of his model of natural liberty only by imagining their origins in an act of occupation that posed no injury to the indigenous peoples.

Ironically, the very opacity of property rights that Smith emphasized in his lectures filtered out indigenous claims to land. While Smith rejected the Lockean premise of non-consensual unilateral appropriation in the natural state, he converged with Locke’s conclusion that American land was *res nullius*. The skepticism and sophistication of Smith’s social theory no doubt diverged from the imperious universalism of Lockean rationalism. Yet Smith’s own spectator theory of property — especially its assumptions about what would and would not be approved by the impartial spectator as a just claim to land — was already inflected by his

³¹ For instance, his scorn for the Spanish conquest notwithstanding, he admitted that the Spanish creoles were “superior to the antient Indians” and that without their intervention, “it seems impossible, that either of those empires [in Mexico and Peru] could have been so much improved or so well cultivated at present” (*WN*, 569).

fundamental commitment to agricultural improvement and commercial intensification.³² The ideological undercurrent that led the two thinkers to the same verdict on American land was the “possessiveness of Western thought” and the “link between the idea of occupation and economic progress” (Fitzmaurice 2014, 2, 332). Locke’s pro-colonial investments have made him an easy target in this regard. Smith by contrast offers a stronger test of the power of this ideological undercurrent precisely because of his skepticism of imperial expansion and his sympathy for the colonized. If, with recent commentators, we take Smith’s critique as exemplary of Enlightenment anti-imperialism, then his failure to recognize colonial land appropriation as tantamount to indigenous expropriation demarcates the limits of this strand of anti-imperialism grounded in an idealized notion of commerce.

The potential stakes of the foregoing analysis exceed the appraisal of Smith’s thought and Enlightenment anti-imperialism. If my argument is plausible – if one can grasp the ambiguities in Smith’s thought as reflecting a formative yet contradictory historical connection between commerce and empire – then it prefigures a broader research agenda. This would be an investigation of how violent transformations internal to the history of global capitalism were theorized in classical political economy, which seminally conceived of capitalism in the liberal image of “commerce” – that is, as a system of market exchange between contractually free and juridically equal property owners – and cast a long neoliberal shadow into our present (Whyte 2019). That the capitalist subsumption of land and labor assumed its most violent forms in colonial expropriation, bondage, and extraction renders “colonial capitalism” a productive analytic frame for asking new questions about the history of political and economic liberalism (Ince 2018, 2020).

The generative potential of this framing can be signaled briefly by training it on the

³² Given that “improvement” was a ubiquitous ideological force in the eighteenth-century Anglo-American world, capable of unifying otherwise discordant viewpoints of settlers, merchants, and colonial administrators (Weaver 2006, 95), it should perhaps not come as a surprise that it also demarcated the “closed impartiality” (Sen 2002) of even the most skeptical and nuanced observers of the eighteenth-century world of commerce, like Smith.

“colonial turn” in new institutional economics, which has made colonialism pivotal to explaining the emergence of liberal-inclusive and authoritarian-extractive institutions across the world (Acemoglu, Johnson, and Robinson 2001, 2012). New institutionalism credits inclusive institutions, above all the security of private property and the rule of law, with fostering virtuous cycles of innovation, investment, and growth. Conversely, extractive institutions are argued to breed monopoly, rent-seeking, and stagnation. The grand conclusion that new institutionalism draws from colonial history is that only inclusive institutions qualify as properly capitalist. By contrast, imperial forms of land and labor control (colonial monopoly, unfree labor, and extractivism) represent failed or distorted transitions to capitalism. The resemblance with Smith’s contrast between the natural system of liberty and the unnatural mercantile order is difficult to overlook. In the new institutionalist narrative, plantation slavery, commercial imperialism, and settler colonialism feature in the *history* but not the *theory* of capitalism. Echoing Smith’s remarks on what was “in the nature” or “accidental” in the emergence of global commerce, new institutionalism casts imperial violence, dispossession, and disposability as contingent facts with no analytic purchase on the constitution of capitalism.

The point of this juxtaposition is to raise a simple but far-reaching research question: how do we account for the resonance between, on the one hand, Smith’s classical political economy rooted in a non-rationalist moral theory and natural jurisprudence, and on the other, new institutional economics based on neoclassical rationalist micro-foundations and econometrics? What renders analogous the Smithian antithesis between commerce and empire and the new institutionalist dichotomy between inclusive and extractive institutions, despite their profoundly different premises, lexicons, and methods? The final conjecture I hazard is that a deep-seated liberal imaginary of capitalism underlies both dichotomies, the originary elements of which can be detected in Smith’s conception of commerce as a peaceful and progressive principle. Building a genealogy of this liberal imaginary would be a vast project of excavating

the theoretical innovations that have derived an idealized image of commerce and capital from a world of territorial conquest, unfree labor, and forced exchange. Smith's vision of colonies without imperialism, of commerce without empire, offers a germane entry point to this inquiry.

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