

The territory of colonialism

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ABSTRACT

The territory of colonialism. *Territory, Politics, Governance*. Stuart Elden writes of territory as a specific form of sovereignty, and has provided its genealogy through a study of European texts. These texts drew upon a Roman legacy and engaged the practical issue of the relations between papal and monarchical powers. This paper argues that colonialism was at least as important a context for the elaboration of territory as a strategy of sovereignty. Furthermore, and as the example of Ireland shows, this colonial practice was not only a matter external to Europe.

KEYWORDS

biopolitics; boundaries; Europe; geopolitics; political geography; territory

摘要

殖民主义的领土。 *Territory, Politics, Governance*。斯图尔特·埃尔登将田野书写为主权的特定形式，并透过研究欧洲文本提供领土的系谱学。这些文本引用罗马的遗产，并涉入教皇和君权间的关系之实际议题。本文主张，殖民主义作为阐述领土的脉络，至少和主权的策略一样重要。此外，如同爱尔兰的案例所示，此般殖民实践并非仅是欧洲外部之事。

关键词

生命政治；边界；欧洲；地缘政治；政治地理；领土


RÉSUMÉ

Le territoire du colonialisme. *Territory, Politics, Governance*. Stuart Elden a traité le territoire comme une forme spécifique de la souveraineté, et a fourni sa généalogie au moyen d'une étude des documents européens. Ces documents-ci puisent dans un héritage romain et se livrent dans la question pratique des relations entre le pouvoir pontifical et le pouvoir monarchique. Ce présent article affirme que le colonialisme était du moins aussi important comme cadre pour la délimitation du territoire que pour une stratégie de souveraineté. Qui plus est, et comme le montre l'exemple de l'Irlande, cette pratique coloniale n'était pas tout simplement une question externe pour l'Europe.

MOTS-CLÉS

biopolitique; frontières; Europe; géopolitique; géographie politique; territoire

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RESUMEN

El territorio del colonialismo. *Territory, Politics, Governance*. Stuart Elden describe el territorio como una forma específica de soberanía, y ha presentado su genealogía mediante un estudio de textos europeos. Estos textos se inspiraban en un legado romano y trataban la cuestión práctica de las relaciones entre los poderes papales y monárquicos. En este artículo argumento que el colonialismo no solo representaba una estrategia de soberanía, sino también un contexto importante para la elaboración de territorio. Asimismo, y como muestra el ejemplo de Irlanda, esta práctica colonial no fue solamente una cuestión externa a Europa.

PALABRAS CLAVE

biopolítica; fronteras; Europa; geopolítica; geografía política; territorio

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In their editorial, Atzili and Kadercan (2017) invite political scientists and political geographers to a conversation about territory. In sketching matters of common concern, they distinguish between studies of the limits of territory and studies of its constitution, and between those identifying factors internal to states and others that stress the significance of external forces, such as the pressures exerted by other states or by multilateral institutions. They suggest that political geographers and political scientists approach these shared topics in rather different ways, with political scientists developing hypotheses for empirical testing and geographers problematizing concepts and explicating the genealogy of territorial discourse. There are differences of epistemology at stake here, as well as those differences in approach and emphasis that come from divergent traditions of academic formation. Post-structuralism (Dews, 1987) has had a strong impact upon Political Geography as have various other critiques of positivism (Keat, 1981). The result has been the development, initially by Ó Tuathail (1996) and by Dalby (1991), of a research project they called Critical Geopolitics.

Much of this work has been inspired by the scholarship of Michel Foucault and it does indeed bear some of the marks that Atzili and Kadercan identify. However, the separation between discourse studies and empirical work is not as necessary as might appear. I take Foucault's genealogical method to include examining the conditions of existence of various discursive formations (Kearns, 2007). A discursive formation is a set of institutions together with the texts, laws, and ideologies that sustain and animate them. Thus, any particular discursive formation will have material as well as textual circumstances that must be met before it can persist. For example, one might explore the emergence and selection of the concepts that allow a specific type of governance (biopolitics) that takes the biological material of the population as a focus of policy (Kearns & Reid-Henry, 2009). The influencing of birth rates through the adjustment of welfare regimes is certainly imagined in the population theory advanced by Malthus (1798), but it is can only be realized in the context of a suite of welfare policies, laws, buildings, employees, and so on (Dean, 2015). It is a very obvious point, but discursive formations include more than just texts and thus the study of the genealogy of concepts must needs move into materialist and historical analyses.

For example, in previous work, I have looked at the inter-states system as the essential, if under-theorized, context for explicating the changes in state strategy that Michel Foucault identified as biopolitics (Kearns, 2014a). I suggested that there had been a tendency to understand the development of biopolitics through an evolutionary model of the state considered as an entity in isolation. In taking up the inter-states system as the vital setting for the elaboration of biopolitics, I am, of course, identifying an opportunity for scholars of international relations, at least those with

historical interests, to engage with one of the central themes in the academic field that straddles the social and the life sciences (Hirst & Woolley, 1982).

My concern in this paper is with the concept of territory, or to be more specific, with territorial sovereignty (Agnew, 2013). I want to understand the material as well as the textual conditions of emergence of a form of sovereignty that rules through the presumed control exercised over a determinate space. I want to develop my argument by engaging with Elden's (2013) recent work, *The Birth of Territory*. This magisterial review of the emergence of precisely this variety of sovereignty has already gathered significant commentary, including several responses from Elden himself (2014, 2015a, 2015b). Some people have faulted Elden for paying too little attention to practices and too much to texts alone (Bryan, 2015; Cox, 2014; Koch, 2014). Others have questions about his particular reading of Foucault, either on 'birth' (Charron, 2014; Heffernan, 2015) or on the historicity of categories (Legg, 2015). Still others ask about the articulation of territory with matters such as enclosure (McDonagh, 2015), non-state relations (Sassen, 2015), diplomacy (Murphy, 2015), and property (Cox, 2014).

In *The Birth of Territory*, Elden distinguishes between land (a matter of ownership), terrain (a field of military activity), and territory (a geographical area that is made the object of sovereignty). As I have commented elsewhere, there is a certain unevenness in his treatment of these three concepts with the first two treated as quasi-universals that may receive specific form in different periods, whereas the third, alone, is understood to have a distinct birth, its conditions of existence being met only, it would seem, with the establishment of the European absolutist states from the late seventeenth century (Kearns, 2014b). I will explicate these questions of method in a brief discussion of the historical specificity of land and territory. Broadly speaking, I think that it is only by narrowing territory to a specific type of territorial sovereignty (Agnew, 2013) that Elden separates it from land or terrain as a category of greater historical specificity. Even, then, I will go on to suggest, this specifically territorial form of sovereignty also emerged in contexts other than the one that Elden highlights, in particular that it was born again and again under different circumstances as part of the spatial tactics of colonialism.

In explaining the birth of territory, Elden proposes that the absolutist forms of European sovereignty were shaped in part by opposition to the interference of the pope in matters of internal sovereignty and, relatedly, against the claims of the Holy Roman Emperor. In terms of the framework proposed by Atzili and Kadercan in their Introduction, then, Elden is concerned with the interaction between domestic and interstate/external determinations of the constitution of territory. Elden asks, in effect: when is sovereign power exercised as territorial control? He operationalizes this question by looking for the moment when conceptual studies of sovereignty give it this territorial form? Although this question, and its restating as a specific research project, may not look like the sort of hypotheses that Atzili and Kadercan consider characteristic of political science, it could be suggestive of some such hypotheses.

I will not attempt this translation here but instead develop a slightly different argument. I want to suggest that colonialism was an important context in which a specifically territorial form of sovereignty was elaborated. The critical colonial condition was perhaps the colonial state's failure to interpellate the sub-altern population as subjects. The economy of the metropole was projected into the colony but, in the absence of loyal institutions constituting a civil society for the colony, the colonial state very often extended its claim in a territorial fashion, almost as a sort of shorthand for designating a set of entities, resources, and relations about which it otherwise knew or mastered very little. I am emphasizing, then, the significance of the external relations of colonialism for stimulating territorial practices that produced the colony as a space of colonial revenue extraction.

The idea that colonialism was an important context for the development of ideas of international law and of sovereignty more generally has been argued by a number of scholars from former colonies (Anand, 1972; Elias, 1972). Scholars of international relations theory have also taken up this theme. Bowden (2009) has described how international law has repeatedly re-inscribed the

colonial encounter as a distinction between civilized and uncivilized states. In an important study, Anghie (2004, pp. 2–3) argued, not only that ‘colonialism was central to the development of international law, [but] that sovereignty doctrine emerged out of the colonial encounter’. Anghie proposes that theories of sovereignty emerge in a context where the urgent task is to distinguish between states whose sovereignty must be respected, European, and places which lacking properly sovereign states can be made subject to external rule. Bowden and Anghie imply that sovereignty is in some sense a marker of difference between the core and the periphery of the world system. Keene (2002) puts this claim in a broader historical and geographical context, suggesting that the claim that Europe was made of properly sovereign states was originally more normative than descriptive. In what they were remaking as the world’s periphery, European colonial powers established a sort of divided sovereignty for many colonies and dependencies, allowing some autonomy to native rulers while reserving to European discretion martial, tax, and property regimes. Keene points out that a system of divided sovereignty was already characteristic of parts of Europe, particularly within the framework of the Holy Roman Empire. I admire the way Keene integrates the development of sovereignty for Europe and its overseas colonies into a single narrative.

There are four elements of this analysis that merit greater attention. In the first place, and as I will develop further below, divided sovereignty shares much with the notion of parcelized sovereignty that Bloch (1962) understood as central to feudal governance. Secondly, and again I will develop this a little more below, the development of an ideology of undivided sovereignty was part of a struggle against papal interference in matters of dynastic succession and the settlement of domestic property and tax regimes. Thirdly, although for Europe at least, the reference to feudal and papal contexts for divided sovereignty might make it seem an atavism, in fact, colonial forms of governance *within* Europe were a crucible for the development of the most advanced styles of public administration to such an extent that, from at least the seventeenth century, places like colonial Ireland bid fair to be classed among the more advanced examples of contemporary capitalist state development.

Despite the way they elaborate a colonial context for discussing the development of notions of sovereignty, neither Bowden nor Anghie make a specifically territorial form of sovereignty a focus of their work although in each case there are some suggestions that might be developed further. For example, in Bowden’s (2009, pp. 56, 60) account of how, from work on the Iroquois Confederacy, Morgan (1877) elaborated a stages-theory of the evolution of civilization, the object of human organization goes from family, to property, to territory. Since the Confederacy was a territorial organization, this case hardly helped to establish the Eurocentric superiority assumed by civilization theory. Similar difficulties are raised by one of the few discussions of territory in Anghie’s work. Anghie (2004, pp. 57–59) notes that Western positivist theorists of international law suggested that civilized sovereignty rested upon the notion of territorial control and that, as such, neither the societies of pirates nor of nomads could be admitted to the society of civilized states. However, Anghie also remarks that historical scholarship upon the societies of Africa and Asia had clearly established that territorial states existed in both places at various times both before and during European colonialism. In these circumstances, international jurists, such as Cambridge professor Lawrence (1895), argued that territory was a necessary but not sufficient indicator of civilized status and that African and Asian states failed on other grounds. In the cases considered by Bowden and Anghie, then, territorial sovereignty had been first proposed as a marker of difference between civilized and uncivilized states, and then largely ignored when it was found among peoples of the periphery and thus could no longer serve as an efficient divider. These are important studies and they highlight some of the troubling relations between concepts of territory and concepts of civilization. However, I want to return to territory as part of the practice of colonial sovereignty.

By taking up the question of individual titles to land alongside his interest in divided sovereignty, Keene comes much closer to my concerns. Across a large part of North America, the establishment of a system of states and territories by the federal government of the United States not only used a cadaster voided of native claims in order to lay down a new set of spaces for Euro-American settlement, but also used a specific form of federal and divided sovereignty to manage these spaces while simultaneously undertaking an ambitious project of state building. Keene points out that projected into the spaces seized from native peoples were property arrangements that in European terms were relatively modern, being a title fee simple rather than subject to any feudal qualification. Keene goes further and points out that this use of unencumbered property titles was already part of the promotion of cultivation on difficult lands within Europe, as where new land was made by reclamation and maintained by continual, collective drainage-works.

Elden, himself, recognizes the territorial aspects of colonialism but suggests that it is not really part of project because his 'is a study of a European question' (Elden, 2015a, p. 99). Yet, colonial practices were developed also inside Europe as Meinig (1986) shows in presenting the reconquest of the Iberian peninsula from the Moors as something of a dress rehearsal for the methods deployed in the subjugation of swathes of South America, just as Canny (1976) finds the English to have used Ireland as a place wherein they prepared the techniques of the later British colonial project in North America. In other work, I have argued that that colonialism was central to the development of modern forms of sovereignty, suggesting that the 'state of exception' (Agamben, 2005) was often invoked for colonial circumstances where sovereignty was claimed, but only very limited local legitimation was enjoyed (Kearns, 2006). In a somewhat different context, Rabinow (1995) highlighted the importance of the colony as a site where a new political technology of environmental modernism was developed. MacDonagh (1958) showed how the colony might serve as a laboratory for social policies that would only later be attempted in the metropole. Barder (2015) has argued that the subjugation of colonial rebellion may involve the crafting of new techniques of surveillance and management that later serve as exemplars of social control in the homeland of the colonizer.

This paper considers the European case of Ireland suggesting that even by confining attention to Europe, it is impossible to evade the signal importance of colonialism as the laboratory of territorial sovereignty. In Ireland, the British crown elaborated forms of sovereignty that drew a space within which it claimed specific authority over colonial subjects. It chose territory rather than persons as the primary object of sovereignty in part because it lacked the local control that could establish a subject population by census or allegiance. The nature of the authority that was claimed related to the economic mechanisms of exploitation projected into the space of the colony. Feudal and capitalist colonies, then, projected very different sovereign claims but in each case the sovereignty was specified as extending to subjects captured within a definite spatial grid.

GENEALOGY AND HISTORICAL MATERIALISM

Elden writes that 'property in land' is not a suitable object for a genealogical analysis because it features in diverse societies across time and space, and thus must 'fail the historically specific test' (Elden, 2013, p. 10). I am reminded of Marx's discussion of historical versus universal categories in the early pages of his *Grundrisse*. But Marx was not concerned with origins, or at least he was not concerned with, say, the birth of the commodity, or the birth of property. He was interested, instead, in the historically specific circumstances under which certain economic forms became dominant. Furthermore, Marx took up precisely the concept, property in land, that Elden discards and used it to explicate the relations between states and economies, between superstructure and base.

Origins and generality

Elden begins with Rousseau and the argument that modern justice and thus civilization has emerged from modern property rights and that these, in turn, have been produced over a long period during which the cultivation of land created a more general demand for elaborate systems of ownership. Elden (2013, p. 2), proposes that: ‘Similar questions can be asked about a very particular understanding of property and political power over land, that of the relation between the state and its territory.’ Note, here, the emphasis upon a ‘particular understanding’, rather than upon, say, a particular set of empirical relations. Note, also, the emphasis upon the state, for this leads Elden to his criticism of perhaps the best known elaboration of territoriality in geographical scholarship. Sack’s (1986) *Human Territoriality* is an influential text in Political Geography but because Sack treats territoriality as a spatial tactic applicable alike to the parent trying to keep the child from danger by forbidding it to go into the kitchen where the water is boiling, and to the Roman Catholic church organizing its power through a hierarchical system of nested parishes, dioceses, and archdioceses, Elden argues that Sack fails to theorize the historically specific understanding of territoriality as the relation between a state and its spatial extent.

Elden’s exploration of categories, then, may seem rather like the way *Grundrisse* begins, where Marx (1973, p. 100) asked himself what might be a good point of departure for the study of the specificity of modern society:

It seems to be correct to begin with the real and the concrete, with the real precondition, thus to begin, in economics, with e.g. the population, which is the foundation and the subject of the entire social act of production. However, on closer examination this proves false. The population is an abstraction if I leave out, for example, the classes of which it is composed. These classes in turn are an empty phrase if I am not familiar with the elements on which they rest. E.g. wage labour, capital, etc. These latter in turn presuppose exchange, division of labour, prices, etc.

Marx went on to show that in following this method, political economists break the modern economy down into acts of commodity exchange. Are these, then, the universal building blocks of all economies, or in Marx’s (1973, p. 102) exposition: ‘[D]o not these simpler categories also have an independent historical or natural existence predating the more concrete ones? That depends’; in some cases yes, in others no.

In the case of commodity exchange, suggested Marx, the political economists were wrong to hypostasize exchange as a universal, as had Smith (1993, p. 21) in the famous passage from *The Wealth of Nations*, where he explained the division of labour as proceeding from ‘a certain propensity in human nature [...]; the propensity to truck, barter, and exchange one thing for another’. Marx argued that, in contrast, the historical record featured many societies where cooperation predominated and in which commercial exchange occurred only at their margins, in the interactions between separate communities. In the Roman Empire, for example, commodity exchange was a feature of economic life at its limits, propelled by the needs of the army, a feature which may explain the great density of Roman coin that modern archaeologists had recovered from the fringes of the former Empire. On the other hand, in modern society, commodity exchange is pervasive. What was once marginal was now central.

Likewise, with the category ‘possession’ which Hegel had treated as a universal condition of humanity. In fact, proposed Marx, modern property was a juridical relationship, very unlike the forms of personal use of times long ago. In earlier times, it made sense to say that an individual held things for personal use without implying that any legal system existed by which this was formalized. Such a legal system had developed at first for certain special categories of possession, for which contracts were produced. These contracts set out the particular sets of uses that attended a particular legally enforceable form of ownership. Once again the form that once was an exception

had now become the rule. The student of modern society, according to Marx, must needs explain the generality of commodity exchange and of juridical relations of ownership, rather than treating them as systems established time out of mind and thus as having origins lost in the mists of the past. The historical materialist method enjoins us to ask, not, when is a particular category emergent or first fully conceptually elaborated, but, rather, what does it do?

Concepts and relations

Marx's materialism is readily caricatured. Nevertheless, I am persuaded by its central claim. In each historical period, the historically dominant ways of thinking about society, politics, and economy are in close relation to the historically specific ways society, politics, and economy are conducted. In his *Introduction to the Critique of Political Economy*, Marx (1975a, p. 351) wrote: 'Thought and being are indeed distinct, but they are also in unity.' Echoing Heidegger's discussion of being-in-the-world, Butler (2012, p. 9) has commented upon ethical reflection as a state of 'being comported beyond oneself [...] in response to the claims made by those one [...] did not fully choose'. This notion of being tumbled into social relations we have not chosen has a family relation with Marx's (1975b, p. 425) notion of materialism: 'In the social production of their existence, [people] inevitably enter into definite relations, which are independent of their will, namely relations of production appropriate to a given stage of development of their material forces of production.' In short, the problems that are given to speculation are precisely those encountered in practice.

It might seem, again, that Elden (2013, p. 8) shares this last ambition for he describes his approach as giving attention to 'texts that reveal concepts that inform [...] practices'. Certainly many of the texts that Elden (2013, p. 10) examines, 'privileging the legal and the technical', are a commentary upon ideal state practice and are thus suggestive of the concepts that might be said to inform, or at best describe, state practice. However, Elden (2013, p. 10) rarely takes us up close to practices, rather, as he himself notes, he 'begins to fold the analysis of practices into its genealogical narrative'. Elden is interested in some contexts more than in others. In short, attending quite brilliantly to the long story of the relations between papal and monarchical powers, Elden underplays a vital series of other economic contexts, particularly where they implicate colonialism.

GENEALOGIES OF THE ABSOLUTIST STATE

Jurisdiction and papacy

Elden wants to show that modern discussions of territory, as state power over a determined space, emerged from earlier discussions of related terms. The conditions of existence of the modern concept, then, comprehend the older elaboration of related terms. Elden proposes that the rediscovery of Roman law in sixteenth- and seventeenth-century Europe informed a discussion of sovereignty that effectively asserted the right of the monarch to act as emperor within its own lands, thereby devaluing the overarching political legitimation asserted over monarchs by the Bishop of Rome and, by association, the Holy Roman Emperor. Elden's (2013, p. 321) conclusion is that: 'Leibniz's suggestion that the sovereign is he "who is master of a territory" is a fundamental moment in the development of Western political thought.'

Elden goes further in arguing for the importance of Leibniz and does so in a way that, again, is very suggestive of the political practices that, as I would phrase it, the concept of territory was intended to justify. Elden (2013, p. 321) takes a swipe at the more usual suspects in the genealogies of the absolutist state: 'While it might appear that Hobbes's absolute sovereignty and Newton's absolute space defined modern politics and geography, Leibniz's relational view of both are closer to how politics was actually practiced.' Elden's reasons are good ones. Leibniz, notes Elden, saw sovereignty as a continuum rather than as absolute, and as asserted in relation to the powers of external contending sovereignties rather than in isolation. The ideology of the monarch, or later

the state, might be that it was ‘master of a territory’, but in reality this mastery was conditioned by the possibility of external interference. This relativity inheres in the distinction Elden describes Leibniz as having drawn between the force of jurisdiction and the force of territory. The first comprehends the relatively mild force of law usually affirmed over a limited terrain, whereas the second deploys the more severe force of the military and can be asserted over a wider terrain. A territory is held, then, by force of arms.

Elden only gets to this at the end of his book, with, it would seem, territory having been born out the renegotiated terms of the body of Roman law that related to the Empire and its limits. But here there is a tension between Leibniz’s forces of jurisdiction and of territory. The practical problem that concerned the theorists upon whom Elden draws, particularly Leibniz and Chemnitz, was the assertion of monarchical sovereign power against the imperial claims of the Holy Roman Empire, as distantly legitimated by its relation to the papacy. Elden points out that the criticisms of the Holy Roman Empire developed by Chemnitz (notably that its abuses proceeded from its imperial forms and its virtues from the autonomy of the constituent estates, or principalities) were used by the French negotiators to the Treaty of Westphalia (1648).

The new interest in Roman law was part of an argument within Europe about the ways a monarch should be sovereign within its own lands. Building upon the monarchical rights asserted by the Diet of Augsburg (1555), where wars of religion were foresworn leaving to each monarch the right to determine the religious affiliation of its subjects, and thus the related right of the prince to determine the legality of succession without reference to the Pope, the Treaty of Westphalia went further and confirmed the powers of the monarch over the lands under its control, specifically the right to dissolve ecclesiastical property should it so wish. These were essentially about the force of jurisdiction. The relations between jurisdiction and territory may be close, and the decline of the martial force of the Holy Roman Empire altered the parallelogram of forces within which sovereigns operated, but the rights asserted in 1555 and 1648 look more like jurisdiction than territory. The claims made in these treaties were made against the Pope and against the Holy Roman Emperor. They applied equally to all the neighbouring principalities that were parties to the treaty. They were essentially rights exercised within a space and concerned the qualities of sovereignty. In Leibniz’s terms they did not concern the qualitative change in force that accompanied the extension of power beyond a prescribed realm, within which something close to consent might have been established. It was rather a confirmation of jurisdiction than an extension to territory by military might. Perhaps I make too much of Leibniz’s distinction but the idea of territory as a projection of force by military means is suggestive of a rather different set of practices than those Elden prioritizes.

Land and territory in the feudal colony

At one point, Elden (2013, p. 244) asks of a set of sixteenth- and early-seventeenth-century writers, including Shakespeare: ‘[W]hat is the relation between place and power in their thought?’ The issue arises from a discussion of conquest and of the New World, but the theme runs into the sand before it matures. This might suggest we need to attend to different forms of feudal and early-capitalist colonialism; alternative genealogies of absolutism. For example, Elden describes Machiavelli as setting out to explain how an empire or state might hold lands it had taken in conquest. In this respect, we might see Machiavelli as having devised a textbook for colonialism. Yet, for Elden (2013, p. 252), this is not a particularly modern treatment because ‘[g]eographical questions are underplayed in his work, territory was not the object of rule’. For Machiavelli, then, people were the object of rule.

This distinction between ruling over people and ruling over territory needs closer examination. Under one of the forms of the parcellization of sovereignty that was, as Bloch (1962, p. 251) noted, a central feature of the feudal system, a monarch might grant to a baron certain jurisdiction over a defined piece of land, perhaps as a barony, and the baron in turn could divide out this land

granting manors and villages to individual lords (Anderson, 1974a, p. 150). In return, the monarch and the baron could require in return from the baron and lord respectively, the economic benefits of hospitality and tax, and the military benefit of equipped and trained soldiers from those resident on the parcel of land. At certain times and in certain parts of Europe, the economic rights devolved to baron or lord included a right to the labour of those residents in the neighbourhood and these people were required to continue to live there, as serfs or *villeins*. At the heart of feudalism, then, was a state practice that prescribed control over people in the form of control over an area. It was, at least in Sack's terms a form of territoriality.

Within a given territory, then, the monarch secured the loyalty of powerful barons by making concessions to them in the form of territorial grants. But this reduced the resources of the monarch and increased those of the barons who were thus enabled to imagine challenging the authority of the monarch. The fissiparity of feudalism was, as Kiernan (1980) described, rebalanced by periodic *redaction* whereby the monarch dissolved existing grants reclaiming them to itself before reallocating some of them to a new set of allies, which would out of loyalty and self-interest sustain the rule of the monarch.

Colonialism offered an alternative way to retain the loyalty of the barons. Ireland was in this sort of relation with England. The French style of manorial system was, as all English schoolchildren know, extended to England with the Norman Conquest of 1066. By 1171, the Norman-English king Henry II looked to Ireland for new lands so that he might make conquest there and establish lands on which to settle his two sons, thereby diverting them from challenging him for land and authority in England. Within a few years, one of the sons, Richard, now established on Irish estates, found himself in similar relation with the knights under him:

[N]ot being able to subsist by plunder as they were wont, [they] came in a body to the earl, and loudly declared that unless Raymond was appointed their commander they would at once quit his service, and either return to England, or, what was worse, desert to the enemy. (Gerard of Wales, 1894, p. 255)

These knights asked for Raymond as commander because he had promised to lead them beyond the existing English settlement into those lands of the Irish that yet remained unsubdued. Military adventures beyond the established feudal baronies, to establish new estates or simply for plunder, were an essential dynamic of the feudal system. But, note also that a historically specific form of land-as-property, the feudal estate, is at the heart of this territoriality.

I call this form of the feudal estate a feudal colony because the asymmetry between English and Irish was retained in law and reinforced by territorial distinctions. We can see this very clearly in the areas Pratt (1991) calls the contact zone. For example, in the fourteenth century, Kilkenny was a frontier town, planted in the Irish midlands and the funnel for the Midlands trade down south towards Cork, then a more significant export centre than was Dublin. In Kilkenny, as in several English settlements in Ireland, there was a distinction between English town and Irishtown. No Irish were allowed to live, work, or trade in the English (or new) town. Furthermore, no Irish had any legal protection within English town should they be there on sufferance in the hours before curfew. Thus, when, in 1344 and in the streets of English town within the city of Kilkenny, Bartholomew Foly killed a man calling himself Adam Walsh (an English name deriving from Welsh), and the court heard that the victim was in fact one 'Adam Omolgame, an Irishman and not an Englishman', then it was 'adjudged that the said Bartholomew is quit thereof' (Otway-Ruthven & Smithwick, 1961, pp. 18–20). In 1372 when asserting a new town charter, the English burgesses of Kilkenny insisted that they 'shall not be compelled to go outside the bounds of [the town of Kilkenny] for military service or to parley against the Irish or whatsoever enemies [...] unless they freely wish to do this' (Otway-Ruthven & Smithwick, 1961, p. 13). The distinction between the Irish and the English is framed not only in ethnic but also in territorial terms.

Following one of many sets of rebellions, in 1367, the English held a parliament in Kilkenny and passed a set of laws to regulate relations between the English and the Irish. These Statutes of Kilkenny included a ban on intermarriage between English and Irish, excluded the Irish from such professions as law, military or church, and also attempted to inoculate the English in Ireland against Irish culture ordaining that

every Englishman do use the English language, and be named by an English name, leaving off entirely the manner of naming used by the Irish; and that every Englishman use the English custom, fashion, mode of riding and apparel, according to his estate. (s. 3; Hardiman, 1843, p. 11)

The status of the English in Ireland was of course intended to be higher than the Irish but it is a feature of the colony that the status of the metropolitan settlers in the colony is better than it might have been back in the home country. So, in this case, the crisis of feudalism that followed the mass mortality of the Black Death (perhaps one-third of the population died in the four years 1348–1351), harsh new forms of labour discipline were enacted in England with brutal punishment for those wandering poor who did not choose settled and gainful employment. In Ireland, wages and conditions of employment were likewise regulated by the Statues of Kilkenny, but only for the Irish. Irish labour was not allowed to leave the country: '[N]o labour shall pass beyond sea; and in case that he shall do so and shall return, he shall be taken and put in prison for a year, and afterwards make fine at the King's will' (s. 33; Hardiman, 1843, p. 145). There really was one law for the Irish and another for the English. In fact, there were three sets of law: and English common law for the English, a different set of English laws for the Irish, and the self-regulation of the Irish according to their own Brehon law (significantly about compensation rather than about deterrent pain). No English person was to resort to local Irish forms of justice:

[N]o Englishman, having disputes with any other Englishman, shall henceforth make caption, or take pledge, distress or vengeance against any other, whereby the people may be troubled, but that they shall sue each other at the common law; and that no Englishman be governed in the termination of their disputes by March law nor Brehon law, which reasonably ought not to be called law, being a bad custom. (s. 4; Hardiman, 1843, p. 17)

The marches (and hence 'march law') was a geographical and a colonial term, meaning the lands beyond English law, as in the Welsh marches or marchlands. This territorial term recurs in the Statutes of Kilkenny, for example, in this regulation of the sports to be allowed the English settlers (the commons) of Ireland:

The commons of the said land of Ireland, who are in the different marches at war, do not, henceforth, use the plays which men call horlings, with great sticks and a ball upon the ground, from which great evils and maims have arisen, to the weakening, of the defence of the said land, and other plays which men call coiting; but that they do apply and accustom themselves to use and draw bows, and throw lances, and other gentlemanlike games, whereby the Irish enemies may be the better checked by the liege people and commons of these parts'. (s. 6; Hardiman, 1843, p. 23)

Note here, that the English settlers are described as living in these marginal areas under state of war. Note also the conflation of land and persons in the term commons, which at the time could refer to English persons of low status but also to the lands of which such people had collective use. It is clear from these Statutes that the English feudal estates in Ireland are maintained under conditions of radical legal separation between Irish and English, a condition that deserves to be called feudal colonialism. It is a system that regulates people but does so in an explicitly territorial manner.

Land and terrain in the early-capitalist colony

The feudal state was no more than the collection of estates claimed by the monarch. This could be an archipelago of detached entities and, in the case of the English kings, included during the period c.1330–1500, properties in France, Britain, and Ireland. This political geography was unstable, not only because peripheral barons might establish local monarchies, but also because rival monarchs might pick off remoter possessions. As the scale and cost of warfare increased with canon rather than crossbow, and sieges became ever more prolonged and deadly, the political geography of monarchy changed. The new military technologies caused terrain to be understood in a new way. Mercenaries could no longer be sent hither and yon to take and hold remote estates. Rather, there was now, as Anderson (1974b) argued, a focus upon concentrating holdings to make the collective more easily defensible from a common heartland. Monarchs now travelled less and instead of visiting themselves upon various barons in turn, they centralized authority in capital cities and taxed more intensively the lands that they claimed. They now had to draw to a central location a much larger share of the national product, the better to sustain their capital city.

Elton (1953) called this a Tudor revolution in government, and Hoskins (1988) has described the new forms of statecraft that were developed in England, preparing the way for the mercantilist state of the eighteenth century. But the colonies were central to this new science of the state, with its novel statistics. It was no longer useful to follow the feudal practice of treating the colonial periphery as a place under weak control to be plundered or farmed by adventurous sons, earls, or barons who might otherwise cause trouble at home. Instead, the Irish possessions were expected to yield more for the English crown: more timber for ships, more corn for the English towns, and more soldiers for the English army. This required a new territorial project in Ireland: the shiring of the Irish lands. Under Poyning's Law of 1495, Ireland was made subject to all British statute law and the English monarch asserted the right of veto over all legislation proposed by the Irish parliament. Ireland was now to be divided into shires, each administered by a sheriff appointed by the English crown and answerable in the first instance to an English administrator, the Lord Deputy of Ireland. All Irish lords, with lands claimed under whatsoever authority, were to surrender those lands to the English crown and to plea for the same to be re-granted with the understanding that all would now come under English common law and English statute law. Gaelic forms of property, marriage, and inheritance were to be dissolved.

This was a colonial and a territorial project because it comprehended Ireland as a single territorial entity and because it recognized within Ireland very different statuses for the English and Welsh, and soon the Scots, in contradistinction to the Irish. Indeed the early-capitalist colonial adventure in Ireland perhaps forges the British state of England, Wales, and Scotland. Colonialism makes British the English, Welsh, and Scots and it does so against the Irish. The Irish resisted this colonialism and the religious conversion that went with it. In response, the British waged successive wars of reconquest and entrenched still deeper the distinction between Irish native and British settler.

Before I spend a little time on these new territorial strategies of attainder, exile, and plantation, I want to underline the essentially virtual nature of colonial sovereignty. The ideology of the early modern state, as absolute or constitutional monarchy, was that it rested upon the loyalty of its subjects, what Locke described as the 'tacit consent' of the people (Elden, 2013, p. 308). Its ideology was in the form that Leibniz described as a force of jurisdiction. In Ireland and other colonies, it was more akin to the force of territory, sustained only by repeated and brutal use of military force. There is a more general point that one could develop about the relations between the imaginary and the lived. Capitalism, for example, is imagined and defended in the form of petty commodity production, whereas it is practiced through monopoly powers, vested interests, and special concessions. For the colonial state at least, the distance between ideal and reality allowed projection to serve as legitimation.

COLONIAL TERRITORY

When Elden moves on, in the 'Coda', to a brief explication of territory as a political technology, he shifts geographical frame, no longer writing about Leibniz and the Treaty of Westphalia, he writes about colonialism and the New World. Asserting that territory precedes nation, Elden notes that surveying was particularly important in the colonies. This picks up a thread that he had dropped earlier. The internal and external geopolitics of European states co-mingle. However, the issues arising from the relations between sovereignty and papacy are somewhat different from those secreted by the colonial fix. First, the comingling. Elden suggests that when the Pope published the Treaty of Tordesillas, dividing the future Spanish territories to the west, from the projected Portuguese territories to the east, of a line 378° west of the established European settlements on the Cape Verde islands, he carved a caesura that bore no relation to contemporary patterns of exploration, occupation, or settlement (Elden, 2013, p. 22). Yet, the relation between internal and external is clear. The authority exercised by the Pope in determining dynastic succession within Europe was likewise asserted in separating the realms of those same princes outside Europe.

The papal, if not the religious, form of this legitimation seems like special pleading. Indeed, when Elden describes the consolidation of the Reformation, he remarks that a late-sixteenth-century English political philosopher, Richard Hooker, had sketched a compound church-polity where the authority of the secular over the ecclesiastical could be justified because, as historical fact, the state had first taken the land militarily before it could ever have been filled with religious mission (Elden, 2013, p. 280). Elden cites several commentators who remarked upon the belatedness of the ecclesiastical authority, yet the general argument of his book treated the translation of authority from clerical into secular geopolitics. It is the ambition of the normative that matters here, and that bridges the normative and the political. Hobbes' argument, as Elden describes it, is that, while the basis of sovereignty was the consent of the people, this implied, in turn, that all property rights should affirm the legitimacy of the government protecting those rights. In the colonies, if nowhere else, property was theft. More than this, the theft had been organized geographically.

Which brings me back to Ireland, and to the plantations. In the late fifteenth century, then, and with Poyning's Law, the English state asserted the inclusion of Ireland within the state-territorial structure of England: Thou shalt have no law but . . . By their own lights, the English now depicted Irish resistance as treason. Once it was accepted, having been asserted, that property titles in Ireland rested upon loyalty to the English crown, one could conclude that resistance was treachery. And, thus did property pass between Irish Catholic and settler Protestant. Yet this transfer was evidently colonial and manifestly both dramatic and violent.

Territoriality and theft

Each re-conquest of Ireland had a distinct territoriality: a specific set of relations between violence, theft, and reallocation. In the two centuries following 1500, 90% of Irish land became British property. In all cases, the Irish were treated as non-persons. On each occasion, the tactics were territorial. The reconquest of Ireland was clearly both colonial and territorial.

Over the period 1579–1583, a violent campaign by the British prepared the plantation of Munster. About one-in-three of the people living in the province died, of whom one-third perished by force of arms and two-thirds by pestilence and famine. The British destroyed the crops in the field and thereby produced this supplementary mortality. After the clearance, good English folk were invited to settle Munster. The instrument of dispossession chosen by the British assumed and projected the virtual sovereignty of colonialism. Asserting that the Irish had vowed allegiance to the English monarch, the English found the rebels guilty of treason. This

instrument of attainder was, I would suggest, a territorial tactic of colonialism. On behalf of the English Queen, the Lord Deputy of Ireland put through a parliament in Dublin, an Act for the Attainder of the executed Earl of Desmond and numerous other rebels ‘convicted and attainted of high treason’, so that they should all ‘forfeit to your Highnesse, and to your heires and successors, all and every such honours, castles, mannors, messuages, lands, tenements, rents reversions, remainders, possession rights, conditions, interests, offices, fees, annuities, and all other their hereditaments, goods, chattels, debts’, and anything else of use to them (28 Eliz. I c. 7, 1586, p. 420). A set of commissioners were appointed ‘to survey the lands of such as have been in rebellion within the last four years in Ireland and have no lawful pardons for their lands’ and their instructions from the English Privy Council were quite detailed, requesting to know of these forfeited estates, their annual profit under very many categories, as well as a determination of their area (quoted in Murphy, 2013, p. 36). Once again, then, we see a set of people organized by managing the space, or lands, to which they are linked. Or, rather, we find their social status devalued by redefining the association between land and people. This was one more territorial form of colonialism.

Some of the older territorial tactics continued, including various forms of the spatial ban, and the Lord Deputy for Ireland, Sir John Perrot, charged with subduing the province, proposed a series of measures that had clear territorial form. He retained the old distinction between the small part of Ireland, the Pale, within which the English writ ran without too much resistance, and the remainder beyond, which was effectively under belligerent occupation. He sought to disarm the Irish within the territory under English control. In 1584, Perrot endorsed a proposal that:

No man [was] to wear weapons within the English Pale, either by day or by night, unless he be of the Pale, and in English habit or else it shall be lawful for any of the army to kill him. (Brewer & Bullen, 1868, p. 399)

The pacification failed and, within a decade, the British deployed one of the largest armies yet seen in the western hemisphere when they sent 18,000 troops to subdue Ulster. This was more numerous than the army the Spanish sent to take South America. This time the destruction of the Irish people was even more savage and Mountjoy’s scorched earth policy full earned its infamy: perhaps 40,000 souls perished, one half the population of Ulster. We must appreciate just how much mortality and displacement was necessary for plantation to be given a chance. The British had to dispose of half the population of Ulster to give the Presbyterian Scots a fair chance to establish a new, and loyal, society. The secretary to Mountjoy saw it all without any seeming remorse:

And no spectacle was more frequent in the Ditches of Townes, and esepciallie in wasted Countries, than to see multitudes of these poore people dead with their mouthes all coloured greene by eating nettles, docks, and all things they could rend up above ground. (Moryson, 1907, p. 283)

This was no natural catastrophe but rather biological warfare, a recurring tactic of colonial repression.

Surpassing both these in infamy was the re-Conquest directed by Oliver Cromwell. Smyth (2014, p. 4) has noted that:

In the Irish Folklore Commission archives only Daniel O’Connell—Catholic Ireland’s greatest politician of the nineteenth century—surpassed Oliver Cromwell in number of references. Clearly for the Catholic Irish the memory of this perceived ‘demon-destroyer’ and his actions had burned deep into their psyche.

The military campaigns of the 1640s and 1650s produced mortality and emigration equivalent to about one-quarter of the Irish. The Act of Settlement that followed the Cromwellian campaign offered this evidently necessary assurance:

Whereas the Parliament of England, after the expense of much blood and treasure for suppression of the horrid rebellion in Ireland, have by the good hand of God upon their undertakings, brought that affair to such an issue, as that a total reducement and settlement of that nation may, with God's blessing, be speedily effected, to the end therefore that the people of that nation may know that it is not the intention of the Parliament to extirpate that whole nation. (Act for the Settlement of Ireland, 1652, p. 598)

Some 50,000 Irish were exiled to the Caribbean and the remaining rebel families were to surrender their lands to the British crown and be given back in the province of Connacht new lands to the extent of one-third of their former possessions.

Matters in Ireland bore no relation to Lockean ideas of property. None could claim that in Ireland property was the reward for cultivation; rather, it was straightforwardly the spoil of conquest. The space of Ireland was reorganized so that in the agriculturally most productive provinces, Leinster, Munster, and Ulster, Irish Catholic property was translated into British Protestant property. This plantation of a new society was a massive undertaking; fully 11 million acres were taken after the Cromwellian wars. From this enterprise came Petty's *Political Anatomy of Ireland, with the Establishment for the Kingdom and Verbum Sapienti* (1672; published posthumously in 1691). As Cronin shows, Petty took the tabular method of his *Political Arithmetic*, confining his description of the state to matters 'of Number, Weight, or Measure', and allied it to a more geographical perspective that came directly from his time in Ireland (Petty, 1691; quoted in Cronin, 2014, p. 63). Petty was director of the survey of the lands confiscated from the Irish in the 1640s and 1650s. These surveys were part inventory and part projection. As inventory, they described the condition of various parcels of land, their resources, and likely economic yield. As projection, these surveys presented a land fit for English and Protestant settlement. In large part, this meant erasing the Irish from their own lands. It was a projection of a void where in fact there were people, history, and a cultivated landscape. This erasure and projection is a common territorial strategy of colonialism. Despite the violence required to take the land, the ideology of colonialism was that now there was simply extensive possibility.

Territory was made the object of colonial governance, at least in its ideological form. This was done because a new geography could be offered as the starting point for a new society. Thus, Petty could insist that: 'The parishes of Ireland do much want Regulation, by uniting and dividing them; so as to make them fit Enclosures wherein to plant the Gospel' (Petty, 1662; quoted in Cronin, 2014, p. 61). Ireland was now Eden, and Petty claimed that he chose Ireland as the case study for his new science of *Political Anatomy* because it was a 'Political Animal, who is scarce Twenty years old; where the Intrigue of State is not very complicate and with which I have been conversant from an *Embiricon*' (Petty, 1691; quoted in Cronin, 2014, p. 63). Elden finds the 1494 Treaty of Tordesillas somewhat lacking as an example of territory, the exercise of sovereignty through mastery of space, precisely because it projected control without regard to existing patterns of exploration, occupation, or settlement. However, it is precisely in this form that territory does much of its most important work. It projects a blank space for colonial powers, erasing indigenous claims and legitimating new and colonial ones.

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