RACE, SPACE, AND THE FORMATION OF THE HOSTIS HUMANI GENERIS CONSTELLATION

While part 1 made a general point about the centrality of legitimacy in modern constructions of piracy, part 2 specifically addresses the history of hostis humani generis as a constellation. It will put the constellation in its imperial context and demonstrate that the constellation relies on the assumption of a racialized conflict between three different figures in a specific form of space. The conflict takes place between white representatives of civilization, nonwhite representatives of a collectivist hostile bloc of Otherness (whom I call praedones), and white individualist renegades who adopt nonwhite behavior and turn against civilization (whom I call piratae). According to the constellational logic analyzed here, these three figures always appear together in an ambiguous, sea-like in-between zone. Praedo and pirata are not necessarily allies, but they are constructed as complementary figures within the constellation. The role of the representative of civilization in this constellation is essentially determined by the relationship of praedo and pirata toward each other.

Many of the aspects that the discussion of Ellms in part 1 touched on become understandable as general properties of the hostis humani generis constellation. This especially concerns the intimate link between discourses that rely on an essentialist understanding of race (such as the discourse of phrenology) and the structuring of territorial spaces as discernible realms of inherent justice and injustice, or the understanding of white figures such as the slave traders as adopting behaviors that are themselves understood as characteristically nonwhite.

The first chapter in part 2 discusses the historical roots of the praedo-pirata constellation in early modern English and Scottish (and, later, British) law. It establishes the terminology that will be used to discuss the structural properties of the hostis humani generis constellation in the remainder of this book and pinpoints the source of the racialized split in the constellation’s original legal context. This chapter focuses on the European—mainly English and Scottish—assessment of the Barbary States of North Africa and of Barbary corsairdom in the Mediterranean. The chapter sketches the defining properties of praedo and pirata, how the two are
structurally linked, and which discursive history has informed these connections. In conclusion, it becomes evident that the praedo, pirata, and representative of civilization always appear together whenever the hostis humani generis fiction is used successfully in a modern text.

The second chapter in part 2 remains in the now-British context as it dissects the narrative implications of William Blackstone’s definition of hostis humani generis in the context of eighteenth-century British colonialism in America. In addition to a discussion of the narrative constellations of conflict in Blackstone’s commentary on the legal fiction, this chapter resumes part 1’s discussion of the state of nature, which Blackstone explicitly names as the most important contextual factor of the hostis humani generis constellation. While the general importance of the state of nature fiction for Enlightenment thought has already been outlined in part 1, the discussion of Blackstone shows the theoretical centrality of the Lockean state of nature fiction, and the role that the notions of race and space play in the hostis humani generis constellation on this basis.

The final chapter of part 2 focuses exclusively on the context of the United States in the nineteenth century and discusses how Americans attempt to adopt European discourses of civilization to substantiate their own claims to legitimacy. As mentioned above, I focus on a novel by a contemporary of Charles Ellms, James Fenimore Cooper, and use this discussion to show that the application of the hostis humani generis constellation not only begins to extend beyond the crime of piracy at this time but also is used beyond the maritime context, which is not yet the case with the legal conceptualization of the slave trade. As in Ellms, in Cooper this expansion of the constellation’s thinkable application is closely associated with the attempt to legitimate violence on behalf of a nation-state. This chapter discusses the American historical novel as the genre that, more than any other, begins to offer itself for a translation and development of the hostis humani generis constellation into what R. W. B. Lewis called “the American myth” (*American Adam*, 1). I discuss Cooper’s novel *The Deerslayer* as a particularly interesting literary interpretation of the narrative constellations of praedo and pirata used, in this case, to interrogate the notions of race, space, and territorial expansion into the American wilderness.