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This little book had rather unconventional origins. It began in response to an invitation from Brian Howe, former deputy prime minister of Australia, to address a February 2009 conference entitled "Values and Public Policy" in Melbourne. In his long-standing role as conscience of the Labor left, Brian was convening an impressive array of public intellectuals to try to nudge the newly elected government off the Blairite right-of-center. Politically, the conference had no discernable effect, of course. Still, it was a splendid occasion and a fitting tribute to the life's work of a great Australian.

These thoughts were subsequently floated at seminars back at the Australian National University (ANU) and across the United States. During a magical year I spent in Washington as senior research fellow in bioethics at the National Institutes of Health, I benefited from conversations on these topics and many others with NIH colleagues Chiara Lepora, Annette Rid and Alan Wertheimer, over many pleasurable meals. Some of this material has been presented to seminars at the Political Science Department at Columbia, the University Center for Human Values at Princeton and the Philosophy Department at Rutgers and as the 2010 Eldon Lecture in Philosophy at George Washington University.

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WIVENHOE
December 2011

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CONTENTS

Introduction

Thomas Hobbes famously posits, as "a general inclination of all mankind . . . , a perpetual and restless desire of power after power, that ceaseth only in death."[1] The parts of that passage that stick in the schoolboy's mind are "power" and "death." Here I want to shift attention to a less-remarked part of that passage, and to use that as a springboard for exploring a contrasting concept.

The Hobbesian trope that I shall take as my foil is the "perpetual and restless desire" that he posits as part and parcel of that "general inclination of all mankind." Call this the practice of "striving." It has many mottoes. "Never content yourself with what you have: always seek more." "Always press on: never stand still." "Be not complacent or content: be always on the lookout for the main chance." Emphases vary. But the underlying spirit of "striving" runs through them all.

Striving has been a major driver of human history. It lay at the heart of the French Revolution. It was immortalized in the final ringing words of Danton's rallying cry, enjoining his listeners "to dare, to dare again, ever to dare!"[2] It is not only rabble-rousers who champion striving as an ideal, however. Many more reflective writers (Hobbes himself conspicuously *not* among them) have seen striving of that sort as something very much to be celebrated and admired.

That sentiment was particularly strong among the German romantics. Recall how, in Goethe's telling of the tale, Faust

promises to surrender his soul to the devil the moment he ceases to strive.

FAUST: If ever I lie down upon a bed of ease,
Then let that be my final end!
If you can cozen me with lies
Into a self-complacency,
Or can beguile with pleasures you devise,
Let that day be the last for me!
This bet I offer.

MEPHISTOPHELES: Done!

FAUST: And I agree:
If I to any moment say:
Linger on! You are so fair!
Put me in fetters straightaway,
Then I can die for all I care![3]

Faust eventually comes to speak precisely those words, and his soul is forfeit. But in the end, all that striving nonetheless turns out to be Faust's salvation. As demons are escorting Faust to hell, angels swoop down and whisk him to heaven instead, proclaiming:

ANGELS: Who strives forever with a will,
By us can be redeemed.[4]

Striving was a much-vaunted ideal among English romantics, as well. Recall the famous last line of Tennyson's poem "Ulysses": "To strive, to seek, to find, and not to yield."[5] Those words are inscribed on countless school crests around the world. The motto has even made its way to Antarctica, on the cross erected atop Observation Hill to commemorate the deaths of Robert Scott and his party returning from their trek to the South Pole in 1912.

"Striving" of that sort is familiar enough as a description of empirical reality, from its microfoundations in Hobbes's "matter in motion" to its macromanifestations in turbo-capitalism.[6] Hobbes himself clearly saw ceaseless striving as leading to no end of mischief. Still, he regarded it as a fact—an unfortunate fact, but a fixed fact nonetheless—about human nature.[7]

Many shrewd diagnoses of the sources of discontent under late capitalism turn on pointed critiques of just such striving. Tibor Scitovsky traces the "joylessness" of market economies to a vicious cycle—much the same as the one that Hobbes (indeed, even Plato) foresaw[8]—whereby satisfaction of one desire leads to arousal of another, leaving people constantly dissatisfied and questing for more.[9]

Here, however, I shall be less concerned to critique that familiar practice of "striving" than I shall be to describe and defend a contrasting practice. I do so by drawing together various strands around the oddly neglected theme of "settling." This too takes many forms:

- "settling down" in a situation and a place;
- "settling in," accommodating ourselves to our circumstances and our place;
- "settling up" with people we have displaced, unsettled, or otherwise wronged in the process; and
- "settling for," learning to make do in our newly settled circumstances.
- "settling on" a belief or value, project or commitment, way of being or way of living.

Those variations on the theme of settling overlap and interweave in such a way as to constitute a stark counterpoint to "striving."

To foreshadow, I will show that what runs through all these forms of settling is a quest for "fixity." Accordingly, a generalized

version of "settling on" turns out to be the "master notion" within this cluster. Settling on something, holding it fixed at least for a time, is centrally implicated in all those other forms of settling. It is also a primary source of the value of the practice of settling in our lives. And, as I shall show, the practice of settling is indeed valuable (although any particular act of settling or the terms of any particular settlement might, of course, be problematic).[10]

Notice, though, that I characterize settling as a "counterpoint" to striving, not an absolute alternative to it or wholesale substitute for it. Settling, I shall argue, should be a complement to striving. In the end, a judicious mixture of both is required. I shall say more in chapter 4 about how the two models might fit together.

First, however, I need to say much more of a purely descriptive sort about "settling" in its many modes, in order to get that part of the composite firmly on the table. That more purely descriptive part of the project comes in chapter 1, which offers an inventory of various different modes of settling drawn from a wide range of primary and secondary sources. With those descriptive resources in hand, I then turn in subsequent chapters to the more philosophical task of defending the practice of "settling" (chapter 2) and distinguishing it from other cognate practices with which it might readily be confused (chapter 3).

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Modes of Settling

Let us begin descriptively, by familiarizing ourselves with some of the many and varied facets of settling. In the end, what I am interested in is the practices represented rather than the words that are employed to describe them. But perhaps the best way to approach that task is by surveying the various different contexts in which that term is employed.[1]

Philosophically, of course, it would be wrong to presuppose that anything very much can necessarily be read off the quirks of language alone. The fact that the same word happens to pop up in all these different connections does not necessarily mean that it is actually the same concept that is at work on each occasion. There is no a priori reason to suppose that we will necessarily be able to provide a coherent account that unifies all those various usages. That is something to be shown, not something to be presumed from the start. Still, these will serve as the descriptive materials on the basis of which subsequent chapters' attempts at a philosophical synthesis and normative evaluation will proceed.

Where This Is Heading

I will argue that there is an important respect in which all of these forms of settling do indeed form a tolerably coherent whole. Inevitably, that analysis cannot accommodate absolutely

every facet of every form of settling. Nonetheless, it manages to accommodate the great bulk of them.

What is central to settling, I shall argue, is a notion of *fixity*. I shall demonstrate this through analysis of the various forms of settling surveyed below.[2] But for a quick overview, lexicography is a good place to start, as is always the case with any conceptual analysis.

Notice, therefore, that "fixity" is a feature that reverberates across the plethora of definitions offered by the *Oxford English Dictionary* for the adjective "settled":

- Of mental states, purposes, habits, etc.: Fixed, firmly embraced or implanted.
- Of a matter in dispute . . . : Determined, decided, enacted or agreed upon.
- Of a truth, a principle: established, placed beyond dispute.
- Of affairs, an institution . . . : Established on a permanent footing and under fixed conditions or regulations.
- [Of residence: h]aving a fixed abode.
- Of a person: Established in life, esp. by marriage; brought into a regular way of life
- Of an estate or property: Secured to a person by a legal act or agreement; held by a tenant for life under conditions defined by the deed.

Thus, for example, settlements of disputes—whether in the law courts or battlefields—bring them to an end, and on determinate terms.[3] The Act of Settlement of 1701 settled the English Crown upon the Hanovers—thus fixing the line of succession.[4] Immigration law offers the notion of a "settled domicile"—a fixed residence. A "settled intention" is one that you intend to remain fixed, at least for a time.[5]

Nothing is fixed forever. Settled intentions can be revisited and revised. People can move away from domiciles where they had previously been settled. Middle-class do-gooders settle in settlement houses, intending to remain for a time—but only for a time.[6]

Nonetheless, the phenomenology of settling is such that, once something is settled, it stays settled, at least for a while. Or at least people intend (or maybe just presume) it to be settled for a time—and, crucially, they proceed with their other planning on that basis. That, I shall go on to argue in chapter 2, is a major source of the value of "settling" in our lives.

Those are the sorts of claims that I hope to sustain through a closer examination of the many varieties of "settling" to which I now turn: settling down, settling in, settling up, settling for, settling one's affairs. All centrally involve a notion of "fixity (at least for a time)" that is characteristic of "settling on."

Settling Down

In various places—Australia, New Zealand, and South Africa among them—we are accustomed to thinking of ourselves as "settler societies."[7] The colonial experience in those places was self-consciously one of "peopling" the place. That was done, furthermore, with the aim of creating a society as similar as circumstances allowed to the one the settlers had left behind—pushing aside, in the process, such people as were already there.[8]

Here, for example, is how Charles Darwin described his 1835 visit to a mission settlement on New Zealand's Bay of Islands:

> At length we reached Waimate; after having passed over so many miles of uninhabited useless country, the sudden appearance of an English farm house and its well dressed

> fields, placed there as if by an enchanter's wand, was exceedingly pleasing. . . . At Waimate there are three large houses, where the Missionary gentlemen . . . reside. . . . On an adjoining slope fine crops of barley and wheat in full ear, and others of potatoes and of clover were standing; but I cannot attempt to describe all I saw; there were large gardens, with every fruit and vegetable which England produces. . . . All this is very surprising when it is considered that five years ago, nothing but the fern here flourished.[9]

That is the sort of "stamping your mark on the place," as best you are able, that is associated with self-consciously settler societies.

"To colonize" is, on Dr. Johnson's definition, "to plant with inhabitants; to settle with new planters." And for Dr. Johnson, like Hobbes before him, it is a defining feature of a "colony" that it is "a body of people drawn from the mother-country to inhabit some distant place."[10] John Stuart Mill corrected him, pointing out that that is not true of all colonies. It was hardly true, for example, of the colony that was British India, only a very small fraction of whose inhabitants were drawn from Britain.[11]

Still, Dr. Johnson's description is perfectly apt as a characterization of that subset of colonies that came to be known as "settler societies." Those really were a matter of (in Seeley's title) "the expansion of England"—send out Englishmen to settle distant vacant lands, and "where Englishmen are there is England."[12] According to the laws of England as set out in Blackstone's *Commentaries*, "If an uninhabited country be discovered and planted by English subjects all the English laws are immediately there in force. For as the law is the birthright of every subject, . . . wherever they go they carry their laws with them."[13] According to *The Law of Nations* as set out by Vattel, where "a nation takes possession of a distant land, and settles a colony there, that country,

though separated from the . . . mother-country, naturally becomes part of the state, equally with its ancient possessions."[14]

Those settler societies are different, too, in one other crucial respect. To return to the "expansion of England" refrain (although the basic principle generalizes perfectly well beyond the English): where there are Englishmen, there is a right of self-government. Mill thought it a matter of principle that colonies "composed of people of similar civilization to the ruling country" are "capable of, and ripe for, representative government" of their own, at some suitably early date.[15]

Whether as a matter of principle or pragmatics, settlements at some distance were inevitably administered through highly imperfect mechanisms of communication, command, and control. In the process, they invariably acquired substantial powers of self-rule, de facto if not de jure. Jeremy Bentham went "so far as to compare the difficulties that Spain faced ruling over its colonial possessions with those of governing the moon: 'It has its Peninsular part and its Ultramarian part! It has its *earthly* part: it has its *lunar* part.'"[16] Thus, for one reason or another and in one way or another, settler societies initially created in the image of their mother countries typically came to operate quite independently of them.

We might even follow Carole Pateman in thinking of this in terms of a "settler contract." As she elaborates:

> When colonists are planted in a *terra nullius*, an empty state of nature, the aim is not merely to dominate, govern, and use but to create a civil society. Therefore, the settlers have to make an original—settler—contract. . . . So in a settled colony the *terra nullius* vanishes; a civil society is developed as colonists plant themselves, husband the land, and create modern political institutions.[17]