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**Commerce, Glory and Empire:  
Montesquieu's Legacy**

in *Tocqueville and the Frontiers of Democracy*, E. Atanassow and R. Boyd eds.,  
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Translated by Patrick Camiller

‘This book does not exactly follow any particular person.’ Should we take seriously this statement at the end of the introduction to *Democracy in America*, Volume One? Or should we see it, more subtly, as just an echo of the quotation from Ovid that Montesquieu places at the end of his preface to *The Spirit of Laws: prolem sine matre creatam*, ‘a work created without a mother’? For Tocqueville, as for Montesquieu, the point is by no means to forgo the inspiration of past sources, but rather to announce a new method – the ‘new political science for a totally new world’, which he evokes in keeping with the science of society for which *The Spirit of Laws* laid the groundwork.<sup>1</sup> From the first volume of *Democracy in America*<sup>2</sup> (which weaves together geographical causes, laws and customs) to *The Ancien Regime and the Revolution* (which redeploys the method of *Considerations on the Causes of the Greatness of the Romans and Their Decline*), Tocqueville pursues Montesquieu’s project: to determine the causes of institutions (laws, customs) and assess their effects in a comparative light; to theorize the adaptation of legislation to the ‘genius’ of the people it is meant to govern;<sup>3</sup> and to explain the deep causes of radical historical breaks, without denying any leeway to the human will.

Nevertheless, it is not sufficient to quote Tocqueville’s famous phrase about his three ‘fetish authors’: Montesquieu, Rousseau and Pascal.<sup>4</sup> Beyond the parallels, we need to revisit an affinity that his contemporaries recognized but that has since been dropped from the picture.<sup>5</sup> Together with American Constitutionalists such as Madison and Hamilton, Tocqueville knew his debt to the ‘rarest political writer’ of all time. But in his eyes, Montesquieu was never a politician and would doubtless not have known how to be one.<sup>6</sup> It is therefore necessary to separate theory and practice. As a political theorist,

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<sup>1</sup> Raymond Aron, ‘Tocqueville’, in *Les Etapes de la pensée sociologique*, Paris: Gallimard, 1967, pp. 226-27, 237; Melvin Richter, ‘The Uses of Theory: Tocqueville’s Adaptation of Montesquieu’, in M. Richter ed., *Essays in Theory and History. An Approach to the Social Sciences*, Cambridge, Mass.: Harvard University Press, 1970, pp. 74-102, here p. 101. See also Melvin Richter, ‘Comparative Political Analysis in Montesquieu and Tocqueville’, *Comparative Politics*, January 1969, pp. 129-60; David Carrithers, ‘Montesquieu and Tocqueville as Philosophical Historians: Liberty, Determinism, and the Prospects for Freedom’, in R. Kingston, ed., *Montesquieu and His Legacy*, Albany: State University of New York Press, 2009, pp. 149-77.

<sup>2</sup> Alexis de Tocqueville, *Democracy in America* (henceforth DA), translated by Gerald E. Bevan, London: Penguin Books, 2003; here I, 2:9 (= vol. 1, part 2, chapter 9), p. 323. This first volume is more inspired by Montesquieu than the second, which in many respects owes more to Rousseau or Pascal (Agnès Antoine, *L’Impensé de la démocratie. Tocqueville, la citoyenneté, la religion*, Paris: Fayard, 2003, p. 9).

<sup>3</sup> DA, I, 2: 9, p. 326.

<sup>4</sup> ‘There are three men with whom I spend time every day, Pascal, Montesquieu, and Rousseau.’ Letter of 10 November 1836 to Louis de Kergolay, in *Oeuvres complètes* (henceforth OC), Paris: Gallimard, 1977, XIII, 1, p. 418.

<sup>5</sup> Molé, for example, noted: ‘You have not limited yourself to doing for America what Montesquieu did for the Romans: that is, to elucidate its origins, to explain its development and to foresee what it might still achieve or the causes that might bring on its decline. You present it as having outstripped old Europe and reached before it the goal towards which it pointed the way.’ ‘Réponse de M. Molé’, 21 avril 1842, OC, XVI, 1989, p. 278.

<sup>6</sup> ‘I have sometimes heard it regretted that Montesquieu lived in an age when he could not experiment with politics, even though he did so much to advance it as a science. I have always found much poor judgement in such regrets; perhaps his somewhat rarefied shrewdness of mind would have often made him miss the precise moment when the success of a matter is decided; it may well be that, instead of becoming the

Tocqueville drew on analyses of England as a free, trade-oriented nation; and he suggested that the French should study the ‘American model’, to see liberty ‘as if in a mirror’ and judge how free were their own institutions.<sup>7</sup> As a politician, Tocqueville gradually distanced himself from the author of *The Spirit of the Laws*: his role in the debate on the colonization of Algeria led him to reject the conception of commercial colonization that Montesquieu had defended in relation to the England of his time. The purpose of this article, then, will be to identify the breaking points in Tocqueville’s exploration of the *new frontier* between democratic society and the unprecedented growth of imperial rivalries.

## I. Commerce, Freedom and Empire in *The Spirit of the Laws*

### a) Spirit of conquest and spirit of commerce

Montesquieu’s critique of territorial empire is well known.<sup>8</sup> Whereas the Roman *Considerations* show that the expansion of empire can only lead to its decline, the *Reflections on Universal Monarchy* provide a lesson for the use of modern politics: no constant hegemony such as that of the Romans is possible any longer in Europe.<sup>9</sup> The theme reappears in *The Spirit of the Laws*: universal monarchy is now meaningless, and if the project of Louis XIV had succeeded ‘nothing would have been more fatal to Europe’.<sup>10</sup> To increase absolute greatness at the expense of relative greatness is absurd – territorial expansion makes a prince more vulnerable, not more powerful.<sup>11</sup> Modern conquests testify to the failure of such enterprises. On the pretext of civilizing and converting other peoples, Spain and Portugal were more fearsome than Rome in their cruelty and barbarity.<sup>12</sup> France should not follow the example of Spain, which ‘in order to hold America [...] did what despotism itself does not do’: enslave or destroy the conquered peoples.<sup>13</sup> In this respect, the failure of the Hispanic model expresses the law of every

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rarest of political writers, he would have been only a pretty bad minister, and not very rare at all.’ ‘Discours prononcé à la séance publique annuelle de l’Académie des sciences morales et politiques du 3 avril 1852’, OC, XVI, p. 231.

<sup>7</sup> Montesquieu, *The Spirit of the Laws* (henceforth SL), Cambridge: Cambridge University Press, 1989; here Book XI, pp. 156-7. See Paul Rahe, *Soft Despotism. Democracy’s Drift*, New Haven: Yale University Press, 2009; Annelien de Dijn, *French Political Thought from Montesquieu to Tocqueville*, Cambridge: Cambridge University Press, 2008 (which emphasizes the concept of ‘aristocratic liberalism’).

<sup>8</sup> See the various contributions in C. Spector, ed., ‘Montesquieu et l’empire’, special issue of *Revue Montesquieu*, No. 8, 2005-2006.

<sup>9</sup> See C. Larrère, ‘Introduction’ to the *Réflexions sur la Monarchie universelle*, in P. Andrivet and C. Volpilhac-Auger, eds., *Oeuvres complètes*, vol. 2, Oxford: Voltaire Foundation, 2000.

<sup>10</sup> SL, IX:7, p. 136.

<sup>11</sup> SL, IV:2; IX:6-9. (Cf. Montesquieu, *Pensées*, No. 271, with the deleted footnote ‘mis cela dans les Romains.’) Book Eight of *The Spirit of the Laws* raises the question of maintaining principles in such a way as to exclude the link between monarchical ethos and spirit of conquest (VIII:17-18). If monarchies agree to conquer only so much that they remain within the ‘natural limits’ of their rule, they are rewarded with the national homogeneity of prosperity (X:9).

<sup>12</sup> *Persian Letters* (henceforth PL), London: Penguin, 1973, No. 121, pp. 216-19; *Pensées*, No. 1268. On Spain, see G. Barrera, ‘Espagne’, in *Dictionnaire Montesquieu*, ed. by C. Volpilhac-Auger, <http://Dictionnaire-Montesquieu.ens-lyon.fr>, 2008.

<sup>13</sup> SL, VIII:18; X:3-4. Montesquieu severs the usual associations between monarchy and colonialism, honour and heroism. Even if ‘the spirit of monarchy is war and expansion’ (IX:2), he no longer considers its wellspring to be exploits of conquest. As regards honour, the reader may like to refer to Chapter One of

conquering empire: there are ‘natural’ limits to the expansion of republics and monarchies, beyond which their power declines. If empires are too large, they can guarantee neither external nor internal security. Unless one man can ‘hold’ a vast territory at every moment (as was the case, exceptionally, with Alexander the Great or Charlemagne), any earthly empire runs the dual risk of invasion and insurrection. It is doomed to dissolution or despotism: ‘the quick establishment of unlimited power is the remedy which can prevent dissolution: a new misfortune after that of expansion!’<sup>14</sup>

Yet Montesquieu also conceived of an empire that served the ‘good’ of men, respecting their liberty and beneficial to their reason. In the famous example of Alexander, an empire does not merely preserve the diversity of laws, customs and mores but enables the progress of enlightenment and the destruction of ‘barbarous’ superstitions.<sup>15</sup> Similarly, instead of ‘infinite woes’, might the Spanish not have brought real goods such as the abolition of destructive prejudices and an improvement in the lot of conquered peoples? Such a line of thinking is doubtless not without its risks – and we seem to see here the glimmerings of an apologia for ‘enlightened despotism’, so remote from Montesquieu and his critique of the ‘tyranny of opinion’.<sup>16</sup> But *The Spirit of the Laws* upholds a certain figure of reason in history: the philosopher’s judgement bears not so much on intentions (building an empire ‘for the sake of good’, albeit at the price of violence and war) as on the beneficial or harmful effects of institutions. Thus, while underlining the ‘immense debt’ that conquerors incur, Montesquieu also speaks of certain ‘advantages’ for a ‘vanquished people’, either because the conquest frees it of tyrannical rule, or because it allays its oppression and poverty, or because it brings civilizing effects in its train: ‘a conquest can destroy harmful prejudices, and, *if I dare speak in this way*, can put a nation under a better presiding genius.’<sup>17</sup>

This tension appears more than once, and an evolution might be traced from Montesquieu’s early ideas about the laws ‘fittest to make a republic or colony prosper’.<sup>18</sup> Decisive in this context are the chapters on the colonies that he finally withdrew from the printed edition of *The Spirit of the Laws*.<sup>19</sup> He notes of these: ‘Here is a piece on the colonies, part of which will go into my second book on commerce, part at the end of the book on the number of inhabitants, and part into Book 11 on conquests. We shall see where is best.’<sup>20</sup> The planned ‘book on the colonies’ never saw the light of day; and its content – which Montesquieu contemplates distributing among Books XXI, XXIII and X – was not published in its entirety.<sup>21</sup> In the ‘piece’ in question, using a typological

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my *Montesquieu. Pouvoirs, richesses et sociétés*, Paris: Presses Universitaires de France, 2004; reed. Hermann, 2011.

<sup>14</sup> SL, VIII:17.

<sup>15</sup> See P. Briand, ‘Montesquieu, Mably et Alexandre le Grand : aux sources de l’histoire hellénistique’, *Revue Montesquieu* No. 8, pp. 151-97.

<sup>16</sup> SL, XIX:3. See C. Larrère, ‘L’empire, entre fédération et république’, *Revue Montesquieu* 8, pp. 111-36.

<sup>17</sup> SL, X:4. See M. Mosher, ‘Montesquieu on Conquest: Three Cartesian Heroes and Five Good Enough Empires’, *Revue Montesquieu* 8, pp. 81-110.

<sup>18</sup> *Pensées*, 185 (written in 1731?). The evolution of Montesquieu’s thinking on the right of conquest is brought out in J. Terrel, ‘A propos de la conquête: droit et politique chez Montesquieu’, *Revue Montesquieu* 8, 2005-2006, pp. 137-50.

<sup>19</sup> According to Catherine Volpilhac-Auger, these chapters (in the writing of secretary H.) were composed between 1741 and 1742 and discarded during the revision of 1743-1744, but it is not impossible – given the remarks of secretary O., who was active between 1745 and 1747 – that Montesquieu intended to put some fragments back into *The Spirit of the Laws*. See C. Volpilhac-Auger, ed., *Montesquieu. Manuscrits inédits de La Brède*, Naples: Liguori, 2002, pp. 43-67, and the updated version in her introduction to *De l’esprit des lois (manuscrits)*, *Oeuvres complètes de Montesquieu*, Oxford: Voltaire Foundation, vol. 4, 2008, pp. 766-67.

<sup>20</sup> *Ibid.*, p. 766.

<sup>21</sup> Marginal notes in the hand of secretary L (‘I think this is good for bk. eleven’; ‘taken from bk. on the colonies, moved to bk. 11’) indicate that this would have been Book 11. Some chapters on confederations would also have been meant for this Book.

approach, Montesquieu makes it clear that settler colonies are only suitable for 'republican' (not absolute-monarchical or despotic) states; only republics benefit from their capacity to relieve overpopulated states of the 'burden of poor citizens'.<sup>22</sup> On certain conditions, the implantations may represent a gain in power: 'The colonies should keep the form of government of their mother country: this creates an alliance and a natural amity that is often stronger than one based on covenants. So it is that the various colonies of America have various governments in keeping with the one of the peoples that established them. They should keep the religion, customs and manners of the mother country.'<sup>23</sup> Settler colonies may be beneficial, so long as they contrive 'wise' laws (intermarriages, trade legislation, religious community, balance between home country and colonies); they may be useful, in so far as they are not 'under the domination' of a central power but 'united' with it in upholding its interests 'in principle'.<sup>24</sup> The demographic danger is then under control: 'We have seen, in their settlements founded in the two Indies, that the English and Dutch have established themselves in Asia and America without being weakened in Europe, and that they have shed only what was too much for them.'<sup>25</sup> On the other hand, the colonies of (absolute) monarchical or despotic states only depopulate and weaken them and inordinately extend the body politic, as was the case with the Spanish and Portuguese, who did not increase but divided their power. To the question of whether 'it is advantageous for France to have colonies', Montesquieu therefore gives a negative reply. Was it out of prudence that he refrained from publishing such a verdict at a time when the French colonial empire was expanding?<sup>26</sup> No doubt. For modern monarchies, the conquering empire was from now on destined for tragedy, if not for myth.

#### b) Land empire and sea empire

However, Montesquieu did not dwell on this vigorous opposition to France's imperial ambitions. Far from any sweeping condemnation, *The Spirit of the Laws* draws a distinction between land empire and sea empire, in which the former leads to poverty and servitude, the latter to power and liberty. In Anthony Pagden's fine eulogy, *The Spirit of the Laws* offered the eighteenth century's most lucid analysis of the conquering empire and the trading empire, the transition from war to commerce being the only possible solution for Europe's imperial future.<sup>27</sup> Let us look at this more closely.

In Book XXI, Montesquieu develops his distinction between land empires and maritime empires. The sea gives rise to a dynamic of *communication* among peoples, which Montesquieu constantly counterposes to the dynamic of *separation* that characterizes conquering empires: 'the history of commerce is that of communication among peoples' (XXI:5). It is a polemical statement: the mercantilism of Colbert and Monthchrétien deemed colonization necessary to unburden the kingdom of its surplus population, to work for the glory of God, to spread civilization among savage peoples, and to acquire endless riches from the supply of raw materials.<sup>28</sup> Colbert wanted to extend the project of universal monarchy to Canada and the Caribbean, through a state unified by language,

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<sup>22</sup> Ibid., pp. 775-76.

<sup>23</sup> Ibid., p. 779.

<sup>24</sup> This is the case when the settlers are granted citizenship rights (ibid., p. 775).

<sup>25</sup> Ibid., p. 776.

<sup>26</sup> It never went beyond a note in the original manuscript. .

<sup>27</sup> A. Pagden, *Lords of all the World*, New Haven: Yale University Press, 1995, pp. 115-23. See also his *Peoples and Empires*, New York: The Modern Library, 2001, Ch. 7.

<sup>28</sup> See A. de Montchrétien, *Traité de l'oeconomie politique*, ed. by Th. Funck-Brentano, Paris: Plon, 1889, pp. 315-29.

customs, religion, laws and blood – in short, a cultural unity of empire.<sup>29</sup> In his ‘Treatise on Political Economy’, Montchrétien supported this conception: France is ‘the glory of the world, to which not only all lands but all seas owe obedience’.<sup>30</sup> To be sure, like many of his contemporaries, he invoked the model of the Roman Empire, but he thought the Spanish model of territorial aggrandizement through navigation to be a mark of the superiority of the moderns over the ancients.<sup>31</sup>

Now, whereas this model involves applying the art of war to commerce, Montesquieu turns it around and sees commercial colonization as essentially peaceful and indicative of the greater ‘refinement’ of the moderns. Some modern nations have known how to change ‘objects of conquest’ into ‘objects of trade’, delegating sovereignty to the trading companies in order to ensure the blossoming of commerce:

Many peoples acted so wisely that they granted empire to trading companies who, governing these distant states only for trade, made a great secondary power without encumbering the principal state. The colonies formed there are in a kind of dependence of which there are very few examples among the ancient colonies, because those of today belong either to the state itself or to some commercial company established in that state. The purpose of these colonies is to engage in commerce under better conditions than one has with neighbouring peoples with whom all advantages are reciprocal. It has been established that only the mother country can trade with the colony, and this was done with very good reason, for the goal of the establishment was to extend commerce, not to found a town or a new empire (XXI:21).

Far from its being the case that land empire is confined to the ancients and sea empire to the moderns, both the one and the other are horizons of modernity.<sup>32</sup> Whereas colonies of conquest are subject to control or settlement by people from the metropolis, colonies of commerce are mere trading posts administered by the East and West Indies companies. In his *Essai politique sur le commerce*, Melon already drew this distinction and attacked the Spanish model that led to depopulation and extermination of the Amerindians.<sup>33</sup> With this in mind, Montesquieu argued that the dividing line in the modern world ran between the Spanish empire (in the ‘ancient’ mould of the Romans) and the empire of ‘peoples more refined than they’, who knew how to use colonial expeditions only for economic growth, so that external trade fuelled the development of their internal trade (XXI:21).

In this regard, Montesquieu’s history of commerce in Book XXI castigates the mercantilist vision of empire. Whereas Père Huet dedicated a *Histoire du commerce et de la navigation des anciens* to Colbert,<sup>34</sup> seeking to show the superiority of the Roman model as an inspiration for the French, the author of *The Spirit of the Laws* identified wholeheartedly with the Athenian model (which he distinguished from the Roman) and claimed that England was its modern representative. In his view, then, the dividing line ran between two types of empire in antiquity itself: the Greek empire, unlike the Roman, was a sea

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<sup>29</sup> After 1663, when the Compagnie des Indes Occidentales established itself in Canada, the Antilles, and so on, French settlers were encouraged to marry native people. This Gallicization of the ‘savages’ was intended to increase the population in the colonies, and hence the forces available against the English (see the ‘Mémoire à Jean Talon’, 6 April 1607, quoted in Pagden, *Lords of all the World*, pp. 149-50).

<sup>30</sup> Montchrétien, *Traité de l’oeconomie politique*, p. 279.

<sup>31</sup> *Ibid.*, p. 282.

<sup>32</sup> See Carl Schmitt, *Land and Sea*, Washington: Plutarch Press, 1977.

<sup>33</sup> Melon, ‘Essai politique sur le commerce’, in E. Daire, ed., *Economistes et financiers du XVIII<sup>e</sup> siècle*, Geneva: Slatkine Reprints, 1971, ch. IV, pp. 677-78.

<sup>34</sup> Huet, *Histoire du commerce et de la navigation des anciens*, Paris: Fournier, 1716 (the work was written at an earlier date). See C. Larrère, ‘L’histoire du commerce dans *L’Esprit des lois*’, in M. Porret and C. Volpilhac-Augier eds., *Le Temps de Montesquieu*, Geneva: Droz, 2002, pp. 319-36 ; and C. Spector, *Montesquieu et l’émergence de l’économie politique*, ch. 8.

empire, and its sway was proportional to the number of nations that it managed to form. Greece was at the heart of an economic world open to the outside, endowed with secondary zones and a periphery (XXI:7). The colonial domination attained by the Greek cities (Athens, Corinth, Rhodes, Orchomenus), quite contrary to that of the Romans,<sup>35</sup> symbolized the solid and beneficial foundation of prosperity. Greece treated other peoples as subject but did so without subjugating them. Its settler colonies were organized not for destruction but for conservation and prosperity, in keeping with the true spirit of conquest (X:3; XXI:12). Whereas the Romans established inequality between citizens and vanquished, resorting to tyranny and pillage, the Greeks carried the independent spirit characteristic of republican government to Italy, Spain, Asia Minor and Gaul; ‘these Greek settlements brought with them a spirit of freedom which they had acquired in their own delightful country.’<sup>36</sup>

The English paradigm – which went outside the original typology of regimes<sup>37</sup> – therefore needed to be reappraised. In the *Persian Letters*, Montesquieu describes England as ‘mistress of the seas (a thing without precedent), combining trade with empire’.<sup>38</sup> Like Athens, Carthage and Holland, England embodies the maritime figure of empire, destined for commerce, not domination:

If this nation inhabited an island, it would not be a conquering nation, because overseas conquests would weaken it. It would be even less a conqueror if the terrain of this island were good, because it would not need war to enrich it. [...] This nation, made comfortable by peace and liberty, would be inclined to become commercial. If it had some one of the primary commodities used to make things that owe their high price to the hand of the worker, it could set up establishments apt to procure for itself the full enjoyment of this gift of heaven.<sup>39</sup>

Athens, enamoured of glory, did not take things very far in terms of trade; it was ‘more attentive to extending its maritime empire than to using it.’<sup>40</sup> But England knew how to create a productive and cooperative community that led to prosperity and freedom. Should we see in this an embodiment of *le doux commerce*? Montesquieu certainly cannot be accused of naïve irenicism: England practises ‘sea warfare’ and has the natural pride of those who possess a ‘maritime empire’. Driven by commercial jealousies, the British believe that, while their power is limited internally, it is externally as boundless as the ocean.

The dominant nation, inhabiting a big island and being in possession of a great commerce, would have all sorts of facilities for forces upon the seas; and as the preservation of its liberty would require it to have neither strongholds, nor fortresses, nor land armies, it would need an army on the sea to protect itself from invasions; and its navy would be superior to that of all other powers, which, needing to employ their finances for a land war, would no longer have

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<sup>35</sup> See the *Considerations on the Romans*, ch. VI.

<sup>36</sup> PL, Letter 131, p. 235. Adam Smith takes the distinction further in *The Wealth of Nations*, Book Four, chs. 7-8.

<sup>37</sup> England is a ‘nation where the republic hides under the form of monarchy’ (SL, V:19). This is a later formulation.

<sup>38</sup> PL, Letter 136, p. 242. On the question of whether the England described by Montesquieu is an example of his favoured ‘trading imperialism’, see the debate between J. Shklar (who thinks it is) and S. M. Mason: J. Shklar, *Montesquieu*, Oxford: Oxford University Press, 1987, pp. 65-66; and S. M. Mason, ‘Montesquieu, Europe and the Imperatives of Commerce’, *British Journal for Eighteenth Century Studies* 17, 1994, pp. 65-72.

<sup>39</sup> SL, XIX:27. Concerning the *Constitution of Athens*, Montesquieu writes: ‘You might say that Xenophon intended to speak of England’ (SL, XXI:7). According to Bernard Manin, the source of the ‘sea empire’ concept is a text entitled *The Constitution of Athens*, which is not really by Xenophon (as people believed in the eighteenth century) but by an unknown author now known as ‘pseudo-Xenophon’ (‘Montesquieu, la république et le commerce’, *Archives européennes de sociologie*, XLII, 3, 2001, pp. 573-602.

<sup>40</sup> SL, XXI: 7. In these lines, Manin also hears an echo of Thucydides and his *History of the Peloponnesian War*.



enough for a sea war. A naval empire has always given the peoples who have possessed it a natural pride, because, feeling themselves able to insult others everywhere, they believe that their power is as boundless as the ocean.<sup>41</sup>

Far from abandoning empire, England aims to expand its power together with its liberty. In the case of America, the mother country *communicates* its political regime to its distant colonies: ‘as one likes to establish elsewhere what is established at home, it could give the form of its own government to the people of its colonies; and as this government would carry prosperity with it, one would see the formation of great peoples, even in the forests to which it had sent inhabitants.’<sup>42</sup> This judgement, on which Montesquieu himself cast doubt,<sup>43</sup> would be challenged in later years, in so far as commercial rivalries among European nations turned into armed confrontation.<sup>44</sup>

## II. Commerce, Honour and Empire in Tocqueville’s Work

To what extent did Tocqueville inherit this conception of the benefits of maritime trading empires? To what extent did he break with the distinction between ‘spirit of conquest’ and ‘spirit of commerce’ that Benjamin Constant, for one, took over from *The Spirit of the Laws*?<sup>45</sup>

### a) Liberty and empire

As his work and political career progressed, Tocqueville gradually distanced himself from Montesquieu’s critique of territorial empire.<sup>46</sup> In a page in the first volume of *Democracy in America* where Montesquieu’s inspiration is especially strong, Tocqueville praised the advantages of small republics, the ‘cradle of political liberty’, in which there is no reason for self-glory. And he lucidly observed: ‘Most of them happen to have lost this liberty as they increased in size.’<sup>47</sup> The passions that are fatal to a republic increase with the size of its territory: ‘It is therefore permissible to say that in general terms nothing opposes the prosperity and freedom of men as much as great empires.’<sup>48</sup> Following the example of Montesquieu and the Federalists (Hamilton, Madison), he therefore put forward the federal model on the grounds that it combined the advantages of large and small states.<sup>49</sup>

The famous chapter on ‘the three races which live in the territory of the United States’ offers another glimpse of Montesquieu’s legacy. On the one hand, Tocqueville

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<sup>41</sup> SL, XIX:27.

<sup>42</sup> Ibid.

<sup>43</sup> The relationship of friendship can degenerate into hatred and a struggle for independence, as Montesquieu prophesied for the English colonies in America. See his ‘Notes on England’ (<http://ouclfiuscomp.org/articles/montesquieu.shtml#notesone>): ‘I don’t know what will be the result of sending so many of Europe’s and Africa’s inhabitants to the West Indies, but I think that, if any nation is abandoned by its colonies, that will begin with the English.’ On the concept of ‘commercial jealousy’, see I. Hont, *Jealousy of Trade*, Cambridge: Cambridge University Press, 2005.

<sup>44</sup> See M. Platania, ‘Dynamiques des empires et dynamiques du commerce: inflexions de la pensée de Montesquieu (1734-1802)’, *Revue Montesquieu* 8, pp. 43-66.

<sup>45</sup> ‘The Spirit of Conquest and Usurpation’, in Constant, *Political Writings*, ed. by Biancamaria Fontana, Cambridge: Cambridge University Press, 1988, Part One, ch. 2, pp. 52-54.

<sup>46</sup> On the chronology of this distancing process, see Melvin Richter, ‘Tocqueville on Algeria’, *Review of Politics*, 25/3, 1963, pp. 362-98.

<sup>47</sup> DA, I, 1:8, p. 186.

<sup>48</sup> Ibid., p. 188.

<sup>49</sup> Ibid., 189; cf. SL, IX:1.

seems more convinced than his predecessor that it is impossible to civilize a people by conquest; indeed, barbarian peoples rise to civilization or absorb enlightenment from other nations only when they dominate them militarily.<sup>50</sup> On the other hand, the author of *Democracy in America* blurs the distinction between colonies of conquest and colonies of commerce: North American Indians cannot integrate with dignity into the colonizing nation, even commercially, since the relationship of material and intellectual forces is unfavourable to them. The effects of ‘competition’ are ‘disastrous’, driving them into poverty and servitude.<sup>51</sup> Aware, like Montesquieu, of the tyranny of government and the greed of the settlers, Tocqueville further denounces the imposition of ‘free’ institutions on the Amerindians without their consent – which impels them towards savagery, not civilization.<sup>52</sup> In contrast to *The Spirit of the Laws*, the first volume of *Democracy in America* no longer uses Spanish-style colonization as a negative foil to the more ‘refined’ colonization stemming from free republican institutions. On the contrary, Tocqueville suggests that the Indian populations in Latin America which escaped massacre ended up ‘mixing with their conquerors and adopting their religion and customs’, whereas the legalism of the North Americans led to a still more pernicious policy of deportation and extinction:

The Spanish, using unparalleled atrocities which bring an indelible shame upon themselves, have not succeeded in exterminating the Indian race, nor even in preventing them from sharing their rights; the Americans of the United States have attained both these results with amazing ease, quietly, legally, and generously, with no spilling of blood, with no violation to the great moral principles in the eyes of the world. Men could not be destroyed with more respect for the laws of humanity.<sup>53</sup>

Once he became a politician, however, Tocqueville went back on this outright condemnation of colonization and ‘race war’.<sup>54</sup> With India no longer just a trading post but a territorial conquest, he drew all the consequences implied for the rivalry between England and France. But Algeria gave him the opportunity for a defence of empire. Unless one colonizes a country, one’s domination will always be unproductive and precarious: ‘It has often been said that the French should limit themselves to dominating Algeria without trying to colonize it, and some people still think so. Studying the question has given me an entirely contrary position.’<sup>55</sup> The distance from Montesquieu is evident here: Book XXI, Chapter 8 of *The Spirit of the Laws* answered negatively to the question ‘must a country be conquered to trade in it?’; Tocqueville answers positively to the question ‘must a country be conquered to dominate it?’ Neglecting the modern theory of *prudence* that he had developed as a philosopher, the politician now argues that military victory is the prerequisite for economic domination and, above all, political power.

Of course, one should not minimize the hesitations that some pernicious effects of colonization aroused in Tocqueville. After a moment of enthusiasm for the idea of cultural fusion between colonizers and colonized, his first trip to Algeria, in 1841, made him aware of the insurmountable obstacles to the harmonious blending of peoples. The

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<sup>50</sup> DA, I, 2:10, p. 387. Montesquieu had a favourable view of the Jesuit ‘reductions’ in Paraguay (SL, IV:6).

<sup>51</sup> DA, I, 2:10, pp. 389-90.

<sup>52</sup> Ibid., pp. 392, 396-97.

<sup>53</sup> Ibid., p. 397.

<sup>54</sup> See Nestor Capdevila, *Tocqueville et les frontières de la démocratie*, Paris: P.U.F., 2007; Alan S. Kahan, «Tocqueville: liberalism and imperialism», in *French Liberalism from Montesquieu to the Present Day*, R. Geenesn and H. Rosenblatt eds., Cambridge, Cambridge University Press, 2012, pp. 152-65.

<sup>55</sup> ‘Essay on Algeria (October 1841)’, in *Writings on Empire and Slavery*, ed. by Jennifer Pitts, Baltimore: Johns Hopkins University Press, 2001, p. 61.

danger was not only that military high-handedness and administrative despotism would feed the settlers' hatred, making it bubble over so much externally that it had to be choked back inside; the conquered semi-nomadic, tribal people would never become reconciled to colonial domination, which would tend to kindle a sense of national unity that had not previously existed.<sup>56</sup> No government, however just or well-meaning, can immediately unite peoples so different in their history, religion, laws and practices. For all that, Tocqueville does end up justifying what his chapter on the 'three races' tended to exclude: the need to use 'all means to ruin the tribes' (a trading ban, pillaging and crop destruction, military raids, seizure of old people, women and children). Although he disapproves of gratuitous violence, the politician is concerned to quieten the 'shouts' heard in France against such practices. He even invokes an ad hoc 'law of war', such as Montesquieu, following Locke, vigorously dismissed.<sup>57</sup>

b) The softening of mores: a new curse?

One reason for this parting of the ways is doubtless Tocqueville's unease over the mediocrity of democratic passions. In *Democracy in America*, he deflects Montesquieu's reflections on *le doux commerce* – that is, the beneficial effects of trade for peace and liberty.<sup>58</sup> In a chapter in the second volume entitled 'Why Great Revolutions Will Happen Less Often', he points out that commerce leads to greater liberty and keeps revolutions at a distance: 'I know of nothing more hostile to revolutionary conditions than commercial ones. Commerce is a natural opponent of all violent passions. It likes moderation, delights in compromise, carefully avoids angry outbursts. It is patient, flexible, subtle, and has recourse to extreme measures only when absolute necessity obliges it to do so. Commerce makes men independent of each other, gives them quite another idea of their personal value, persuades them to manage their own affairs, and teaches them to be successful. Hence it inclines them to liberty but draws them away from revolutions.'<sup>59</sup>

Could commerce replace honour in giving people a high idea of their worth and preserving their liberty against the threat of despotism? Montesquieu had held that trade and finance, being independent of their international circuits, could contribute to political liberty.<sup>60</sup> While it considers the rule-abiding and fanciful 'realm' of honour to be incompatible with the conditions that underpin despotism (III:5), *The Spirit of the Laws* places its main emphasis on the 'realm' of commerce: 'Commerce, sometimes destroyed by conquerors, sometimes hampered by monarchs, wanders across the earth, flees from where it is oppressed, and remains where it is left to breathe: it reigns today where one used to see only deserted places, seas, and rocks; there where it used to reign are now only deserted places' (XXI:5). Thanks to the deterritorialization of wealth and the mobility of credit, the violent acts of princes (persecution, confiscation) are now condemned to impotence.<sup>61</sup>

Noting the decline of honour in democratic societies, Tocqueville faces up to a new political fact: the real danger is no longer a moderation of princely power but revolution and popular revolt. And from this point of view, the growing importance of movable property is a factor weighing against revolutionary violence.<sup>62</sup> In this particular

<sup>56</sup> See Ewa Atanassow, 'Tocqueville's Algeria and the Final Frontier', in *forthcoming...*

<sup>57</sup> 'Essay on Algeria', p. 70.

<sup>58</sup> See Albert O. Hirschman, *The Passions and the Interests*, Princeton: Princeton University Press, 1977.

<sup>59</sup> DA, II, 3:21, p. 740.

<sup>60</sup> 'What makes traders more independent is the fact that sovereigns are less able to get their hands on their goods' (*Pensées*, No. 776). See C. Spector, *Montesquieu et l'émergence de l'économie politique*, chs. 4 and 5.

<sup>61</sup> SL, XXI:20; XXII:13.

<sup>62</sup> DA, II, 3:21, p. 740.

set of circumstances, the movable property that Montesquieu saw as a guarantee against despotism becomes its trump card, since this form of property makes it possible for the State to appropriate and control private wealth. At the moment when the Industrial Revolution is taking off, the ever-growing 'industrial class' that is gaining the upper hand over the 'merchant class' 'carries despotism within its ranks', and this 'naturally spreads as the class grows'.<sup>63</sup>

Tocqueville, then, takes Montesquieu's analysis in a novel direction: on the one hand, he too asserts that commercial institutions produce a real taste for liberty;<sup>64</sup> on the other hand, he draws out the consequences of the Industrial Revolution and the redefinition of democratic despotism. As to the 'new physiognomy of servitude', associated not with violence and cruelty but with the weakness of political passions and the softening of mores, there is a move away from the vision of *The Spirit of the Laws*: a softening of mores is no longer only the trump card of modernity; it is also a risk against which the democratic centuries have to be on their guard. The evolution of mores dictates a profound shift. Montesquieu saw only the beginnings of a tendency in which the heroic love of glory gives way to the lure of gain, ostentation to utility, prestige to profit;<sup>65</sup> Tocqueville, faced with the continuing decline of honour and community associations, fears that the enslaving love of well-being will tame the heroic political passions.<sup>66</sup>

This different vision of modernity opens the way for the restoration of greatness by means of empire. It is expressed in a disagreement with Tocqueville's friend and correspondent, John Stuart Mill, in March 1841:

I do not have to tell you, my dear Mill, that the greatest malady that threatens a people organized as we are is the gradual softening of mores, the abasement of the mind, the mediocrity of tastes (...) one cannot let this nation take up easily the habit of sacrificing what it believes to be its grandeur to its repose, great matters to petty ones; it is not healthy to allow such a nation to believe that its place in the world is smaller, that it is fallen from the level on which its ancestors had put it, but that it must console itself by building railroads and by making the well-being of each private individual prosper amidst peace, under whatever condition the peace is obtained. It is necessary that those who march at the head of such a nation would always keep a proud attitude, if they do not wish to allow the level of national mores to fall very low.<sup>67</sup>

### c) A resurgence of honour?

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<sup>63</sup> DA, II, 4:5, p. 797-98.

<sup>64</sup> *Sur la démocratie en Amérique, Fragments inédits*, p. 8. 'Commercial institutions produce not only skill in making use of liberty, but also a real taste for it. Without commerce, such a taste for political liberty amount to no more than childish desires or youthful fears.'

<sup>65</sup> 'It is the commercial spirit that prevails today' (*Pensées*, No. 810); 'what used to be called *glory, laurels, trophies, triumphs, crowns*, is today ready cash' (*Pensées*, No. 1602). See also *Pensées*, Nos. 575, 760 and 761.

<sup>66</sup> DA, II, 3:18; *The Ancien Régime*, London: J. M. Dent, 1988, ch. 20, p. 168.

<sup>67</sup> Letter of 18 March 1841 (OC VI.1, p. 335), translation modified by Pitts from Roger Boesche, ed., *Selected Letters on Politics and Society*, Berkeley: University of California Press, 1985, p. 151. According to Jennifer Pitts (*A Turn to Empire. The Rise of Imperial Liberalism in Britain and France*, Princeton, Princeton University Press, 2006, p. 195), 'Mill responded to Tocqueville's confidence with a scolding. He agreed reluctantly "that the feeling of orgueil national is the only feeling of a public-spirited and elevating kind which remains and that it ought not therefore be permitted to go down". But French politicians – and Mill did not exclude Tocqueville – had offered the French public only "low and grovelling" ideas of what "constitutes national glory and national importance"; they had sacrificed good government and solid achievement for boisterous self-importance.'

Beyond any factors related to the immediate situation, Tocqueville's ambivalence towards Montesquieu's legacy should be understood as follows. Faced with the *fait accompli* of French colonization following a long period of Ottoman rule, the politician thought he saw an opportunity for France to regain its glorious reputation. Whereas his speech supporting the abolition of slavery presented this as a 'question of honour' for democratic France as the bearer of human rights,<sup>68</sup> his letters and speeches on Algeria adopt a different tone. Beginning in 1841, he is mainly concerned with a strategic, even tactical, question: how to prevail militarily at the least cost, and how to administer in the most effective (that is, decentralized) manner. In line with Marshal Bugeaud or General Lamorcière, he approved of the war to defeat Abd-el-Kader and Arab 'fanaticism', while at the same time attaching importance to the settlement of French civilians in the newly conquered colony.<sup>69</sup> Yet he began to develop a justification beyond immediate interest, arguing that France's honour was at stake in the rivalry with Britain.

How should we interpret the appeal to 'honour'? Again, the distance from *Democracy in America* (which nevertheless was published around the same time) needs to be emphasized; in the second volume, the lesson Tocqueville drew from Montesquieu was transposed to the new context that he saw as inevitably transforming honour in the democratic centuries.<sup>70</sup> Inspired by Saint-Lambert's article 'Honneur' in the *Encyclopédie*, by notes from Tocqueville *père* and by private conversations with Kergolay, the famous chapter on honour is impregnated with the analyses of *The Spirit of the Laws*.<sup>71</sup> But feudal honour, which he considers to have been 'extraordinary', is now explained in terms of the very *special* needs of an aristocratic caste. Democratic societies cannot but renounce the ethos of distinction and promote a morality of likeness and resemblance. The rules for the allocation of praise and blame are no longer 'bizarrely' particular, subject to peer assessment of one's reputation, but are internalized and generalized; the disappearance of nations will lead to the disappearance of national honour itself. The particularist ethic of the aristocratic centuries is being supplanted by a universalistic morality of conscience.<sup>72</sup>

In his writings on Algeria, however, Tocqueville is a long way from looking beyond the nation-state and endorsing the peaceful industrial future of honour (as he did in the second volume of *Democracy in America*<sup>73</sup>). The Algerian question is now an

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<sup>68</sup> Intervention in the debate on the law governing slaves in the colonies, 30 May 1845: *Oeuvres complètes* (OC), III.1, p. 124.

<sup>69</sup> Richter, 'The Uses of Theory', art. cit., p. 377. Richter mentions Tocqueville's silence in 1846 when it was discovered that hundreds of Arabs had been smoked to death during raids that he had described as humane – a policy that Lamartine, for instance, fervently opposed (pp. 389-90).

<sup>70</sup> Here I would disagree with Paul Rahe, who argues that Montesquieu had predicted the decline of the 'ridiculous' prejudice of honour in the age of Enlightenment, and that Tocqueville was merely following him on this point (*Soft Despotism*, p. 170).

<sup>71</sup> In January 1838, during a four-day visit to Baugy, Louis de Kergolay probably helped Tocqueville in the drafting of this chapter. On 18 January Tocqueville wrote to Gustave de Beaumont: 'Louis has just spent four days here; I was *bricked up* in a system of ideas and unable to break free. It was a real intellectual *cul de sac*, which he got me out of in just a few hours' (OC, VIII.1, p. 279). As the editors note, Tocqueville had previously asked his father to consult the librarian at the Institut Royal de France for information about the feudal code of honour. But M. Feuillet had done no more than refer him to the relevant article in the *Encyclopédie* and to Books III, IV and XXVIII of *The Spirit of the Laws*. Hervé de Tocqueville then compiled some notes of his own and sent them to his son on 17 January 1838 (see the Pléiade edition of the *Oeuvres*, pp. 1150-53). This thoughtful chapter on honour should not be underestimated. In his 'Discours de rentrée des tribunaux sur le duel', which he delivered in November 1828 before the judges at the Versailles law courts, Tocqueville had argued that 'a state perishes if it [honour] does not reign where virtue is no longer' (OC, XVI, pp. 49-65; here p. 63). The speech should be read in its entirety.

<sup>72</sup> DA, II, 3:18, pp. 716-19.

<sup>73</sup> DA, II, 3:10-12.

opportunity to impart new vigour to the national honour.<sup>74</sup> From 1837 on, honour helps to justify the direct domination of civilian populations: 'Independent of the tribes over whom it is in our interest to attempt to exercise no more than an indirect influence at present, there is a considerable enough part of the country that our security as much as our honour obliges us keep under our immediate power and to govern without intermediaries.'<sup>75</sup> As the reporter of the parliamentary commission on Algeria, Tocqueville preferred to argue in terms of *honour* rather than financial, agricultural or commercial *interest* (acquiring the treasury of the Dey of Algiers, fertile lands and manufacturing markets, control over the Mediterranean). He scarcely ever used the much-heard rhetoric about France's 'civilizing mission' to free the Christian slaves and oppressed peoples of the Ottoman Empire, to dispel fanaticism and spread enlightenment.<sup>76</sup> For Tocqueville, the cardinal issue is that France must preserve its great power status on the international stage: 'I do not think France can think seriously of leaving Algeria. In the eyes of the world, such an abandonment would be the clear indication of our decline. It would be far less disturbing to see our conquest taken from us by a rival nation.'<sup>77</sup> In the aftermath of the Anglo-French crisis of 1840, he was hostile to Guizot's policy of appeasement overseas:

If France shrank from such an enterprise in which she found nothing but the natural difficulties of the terrain and the opposition of little barbarous tribes, she would seem in the eyes of the world to be yielding to her own impotence and succumbing to her own lack of courage. Any people that easily gives up what it has taken and chooses to retire peacefully to its original borders proclaims that its age of greatness is over. It visibly enters the period of its decline. If France ever abandons Algeria, it is clear that she could do it only at a moment when she is seen to be doing great things in Europe, and not at a time such as our own, when she appears to be falling to the second rank and seems resigned to let the control of European affairs pass into other hands.<sup>78</sup>

Not only would this invite France's rivals to step in and take over; the loss of Algiers would be damaging to the nation's honour: 'Our action in the world will be suspended, and it is as though the arms of France were paralysed – a state of affairs that we must quickly bring to an end, for our security as much as for our honour.'<sup>79</sup> Tocqueville's attitude not only differs from that of a left critic of the colonial adventure in Algeria (who would see honour being manipulated by those with an economic interest in the conquest<sup>80</sup>), but also diverges from the principles of another great liberal inheritor of

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<sup>74</sup> 'Tocqueville turned to the conquest of Algeria as a facet of his political efforts to generate in France the national pride and public virtue he believed the nation required' (J. Pitts, *A Turn to Empire*, p. 196). Some rejoice in the newly 'virile' politics outlined by Tocqueville (Harvey C. Mansfield and Delba Winthrop, 'Tocqueville's New Political Science', in *The Cambridge Companion to Tocqueville*, Cambridge: Cambridge University Press, 2006, pp. 81-107).

<sup>75</sup> 'Second Letter on Algeria', 22 August 1837, in *Writings on Empire and Slavery*, Baltimore: Johns Hopkins University Press, 2001, p. 23.

<sup>76</sup> These two arguments are already found in Raynal, *Histoire philosophique et politique des établissements et du commerce des Européens dans les Deux Indes*, Paris, 1770, vol. IV, pp. 113-116. See Ann Thomson, 'Arguments for the Conquest in the Late Eighteenth and Early Nineteenth Centuries', *The Maghreb Review*, 14/1-2, 1989, pp. 108-18.

<sup>77</sup> 'Essay on Algeria (October 1841)', in *Writings on Empire and Slavery*, p. 59. See Cheryl Welch, 'Colonial Violence and the Rhetoric of Evasion: Tocqueville on Algeria', *Political Theory* 31, April 2003, pp. 235-54; Richard Boyd, 'Imperial Fathers and Favorite Sons. J. S. Mill, Alexis de Tocqueville, and Nineteenth Century Visions of Empire', in J. Locke and E. Hunt Botting, eds., *Feminist Interpretations of Alexis de Tocqueville*, University Park: The Pennsylvania State University Press, 1992, p. 225-252.

<sup>78</sup> 'Essay on Algeria', p. 59.

<sup>79</sup> *Ibid.*, p. 61.

<sup>80</sup> On the opposition of Amédée Desjobert, see J. Pitts, *A Turn to Empire*, pp. 185-89.

Montesquieu: Benjamin Constant. For Constant was much more suspicious of the illusions of grandeur and honour present in colonial policy.<sup>81</sup>

Without being justified, Tocqueville's turn on the question of empire is understandable in light of his role as a politician directly embroiled in the tragedies of history. Montesquieu considered that territorial conquest threatened to lead to the worst genocide and, ultimately, to the decline of the conquering nation; he criticized France's expansionist urges and held up Britain as an example of modern commercial colonization, more 'refined' than that of countries which imitated the Roman model. Faced with a shift in Britain's colonial policy, Tocqueville too sought to take it as his principal model, while remaining as aware as his predecessor of the peculiarities of the French national character – more capable of dazzling feats than of lasting conquests.<sup>82</sup> But the British model was now carrying all before it, as we can see from Tocqueville's preparatory work on the colonization of India: 'India. A great position, from which England dominates all Asia. A glory which revives the entire English nation. What a sense of grandeur and power this possession creates in every part of that people! The value of a conquest ought not to be calculated only in terms of financial and commercial considerations.'<sup>83</sup> In relation to colonization more than in internal affairs, Tocqueville's aristocratic liberalism only sorrowfully accepted the individualism and 'honest materialism' of the democratic centuries.

The difference between Tocqueville and Montesquieu is therefore not only due to the change in historical circumstances; it also has to do with Tocqueville's loyalty to certain aristocratic values, even as he defended the new spirit of democracy. This loyalty, which is also a loyalty to Montesquieu, sometimes sets Tocqueville at odds with himself. Can one preserve a form of honour in a society which has replaced honour with clear-sighted self-interest as the dominant passion? Nothing is less evident. Compare, for example, a letter to Corcelle from 1840 (in which Tocqueville excludes any option other than abandonment or complete domination) with one written to the same correspondent six years later: 'How can we manage to create in Africa a French population with our laws, our mores, our civilization, while still preserving vis-à-vis the indigenous people all the considerations that justice, humanity, our interest well understood, and, as you have said, our honour strictly oblige us to preserve?'<sup>84</sup> Honour has changed sides: its weak prescriptions can no longer guide our conduct.

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<sup>81</sup> Constant died in December 1830, shortly after the conquest of Algeria. We therefore have only one text by him on the question ('Alger et les élections', *Le Temps*, 20 June 1930), in which he describes it as a matter of honour between the Dey of Algiers and Charles X but remains alert to the dangers of political manipulation and increased oppression (J. Pitts, *A Turn to Empire*, p. 184).

<sup>82</sup> *The Ancien Regime*, pp. 168-69; cf. SL, IX:7.

<sup>83</sup> OC III.1, p. 478; Jean Alphonse Bernard, *Tocqueville in India*, Paris: Les Éditions d'En Face, 2006. Tocqueville also now sought to derive inspiration from the American model of colonization (Letter to F. Lieber, 22 July 1846, in OC VII, p. 111).

<sup>84</sup> Letter to Corcelle, 10 October 1846.