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XXI.17 Discovery of two new worlds ; the state of Europe in this regard

- The Spirit of Law - Book XXI. On laws in the relation they have to commerce, considered in the transformations it has seen in the world -

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The compass opened up, in a manner of speaking, the entire globe. Asia and Africa, only a few shores of which were previously known, were found, and America, about which we knew nothing at all.

The Portuguese, sailing in the Atlantic Ocean, discovered the southernmost point of Africa ; they saw a vast sea : it carried them to the West Indies. Their perils on this sea, and the discovery of Mozambique, of Melinde, and of Calicut, have been sung by Camoens, [1] whose poem makes one experience something of the charms of the *Odyssey* and the magnificence of the *Æneid*.

The Venetians had until then plied the Indian trade through Turkish lands, and had pursued it amidst extortions and harassments. With the discovery of the Cape of Good Hope, and others made some time thereafter, Italy was no longer at the center of the trading world ; she was, so to speak, in one corner of the world, and still is. With trade even in the Levant depending today on that which the great nations ply in the two Indies, Italy now practices it only secondarily.

The Portuguese traded in the Indies as conquerors. The obstructive laws on commerce which the Dutch impose today on petty Indian princes had been established by the Portuguese before them. [2]

The fortune of the House of Austria was prodigious. Charles XV inherited the succession of Burgundy, Castile, and Aragon ; he became emperor, and in order to obtain a new kind of grandeur for him, the world expanded, and a New World came into being under his scepter.

Christopher Columbus discovered America ; and although Spain sent no forces there that a petty European prince could not have sent just as well, she subjugated two great empires and other large states.

While the Spaniards were discovering and conquering to the west, the Portuguese were pressing their conquests and discoveries to the east ; these two nations met up and appealed to Pope Alexander VI, who made the famous line of demarcation, and judged a great case. [3]

But the other nations of Europe did not allow them to enjoy their division quietly : the Dutch drove the Portuguese from almost all the eastern Indies, and several nations established settlements in America.

The Spanish first considered the discovered lands as objects of conquest ; peoples more refined than they found that they were objects of commerce, and directed their views on that assumption. Several peoples behaved with such prudence that they yielded control to companies of merchants who, governing these distant states solely for trade, have created a great accessory authority without burdening the mother state.

The colonies created there are under a sort of dependency of which scarcely any example is to be found in ancient colonies, whether today's are owned by the state itself or by some merchant company established within that state.

The purpose of these colonies is to trade under better conditions than they do with the neighboring peoples, with which all advantages are reciprocal. It was established that the mother country alone would be able to do business in the colony, and this quite rightly, because the purpose of the establishment was the extension of trade, not the foundation of a city or a new empire.

Thus it is once more a fundamental law of Europe that all trade with a foreign colony is considered a pure monopoly

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punishable by the laws of the country ; and this must not be judged by the laws and examples of ancient peoples which are hardly applicable. [4]

It is further understood that the commerce established between the mother countries does not imply permission for the colonies, which remain forever in a state of prohibition.

The disadvantage of the colonies that lose liberty of commerce is visibly compensated for by the protection of the mother country, [5] which defends it with her arms or maintains it with her laws.

A third law of Europe follows from this, that when foreign trade is forbidden with the colony, one may not enter its seas except in cases established by treaties.

Nations, which are with respect to the globe what individuals are in a state, like them govern themselves by natural law and by the laws they have made for themselves. One people may yield the sea to another, as it may yield land. The Carthaginians demanded that the Romans not sail beyond certain limits, [6] as the Greeks had demanded that the king of Persia always maintain the distance of a career [7] between himself and the seacoasts. [8]

The extreme distance of our colonies is not a liability for their security : for if the mother country is far away when it comes to defending them, the mother country's rival nations are not less far away when it comes to conquering them.

In addition, because of this distance, people who go settle there cannot adopt the manner of life in such a different climate, and are obliged to obtain all the conveniences of life from their country of origin. The Carthaginians, in order to make the Sardinians and Corsicans more dependent, had forbidden them on pain of death to plant, to sow, or to do anything of that sort ; they sent them food from Africa. [9] We have reached the same point without making such harsh laws. Our colonies in the Antilles are admirable : they have objects of commerce which we do not nor cannot have, and they lack the products we trade in.

The effect of the discovery of America was to bind Asia and Africa to Europe ; she furnished it the material of her commerce with that vast part of Asia we call the East Indies. Silver, that metal so useful to commerce as sign, was further the basis of the largest trade in the world as commodity. Finally, sailing to Africa became necessary : she furnished men to work the mines and fields of America.

Europe has reached such a pinnacle of might that history has nothing that can compare with it, if we consider the immensity of the expenditures, the size of the commitments, the number of troops and their continual maintenance, even when they are the most useless and we keep them only for show.

Father du Halde [10] says that China's domestic trade is greater than that of all Europe. That may be, if our foreign trade did not increase the domestic trade. Europe carries on the trade and shipping of the three other parts of the world, as France, England, and Holland essentially carry on the shipping and trade of Europe.

[1] [Luíz Vas de Camões (c. 1524-1580), Portuguese poet, author of *The Lusiads*.]

[2] See the relation of François Pyrard, part 2, ch. xv.

[3] [His bull *Inter cætera* of 1493 set the dividing line in the New World between Spain and Portugal.]

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[4] Except for the Carthaginians, as we see from the treaty that ended the first Punic War.

[5] In the language of the Ancients, a state which has founded a colony.

[6] Polybius, book III.

[7] [A career is the distance which a horse can be made to go before exhaustion (*Trévoux*).]

[8] The king of Persia obliged himself by treaty not to sail in any warship beyond the Cyanean Rocks and the Chelidonian Isles (Plutarch, *Life of Cimon*).

[9] Aristotle, on supernatural things ; Livy, book VII of the second Decade.

[10] Vol. II, p. 170.