

Montesquieu on Conquest: Three Cartesian Heroes and Five Good Enough Empires

Cartesian Acts of Resistance to Empire¹

Knowable Bodies, Free Minds, Despotic Empires

«Descartes», Judith Shklar once noted, «was a real presence» in Montesquieu's thought². She, however, left it at that and instead lavished attention on Montesquieu link to Montaigne³. With a promissory note to consider the issue in greater depth on another occasion, I restrict myself to stating here only the bare essentials of the argument. Two Cartesian themes ripple through the writings of Montesquieu: the determinism of the body, including the social and political body, and the liberty of the mind. The method of radical doubt led to new foundations, to a science of matter based solely on «quantity [...] to which every kind of division, shape, and motion is applicable»⁴. These foundations also eliminated the very idea of «occult» influences: «There are no powers in stones and plants that are so mysterious and no marvels attributed to “sympathetic” and “antipathetic” influences that are so astonishing, that they cannot be

1. Early drafts were written in the accommodating atmosphere of the Centre d'études et de recherches internationales (CERI) at Sciences-Po in Paris, Autumn 2004 and May-June 2005.

2. Judith Shklar, *Montesquieu*, Oxford, Oxford University Press, 1987, p. 15.

3. See J. Shklar, *Ordinary Vices*, Cambridge, Belknap Press of Harvard University Press, 1984.

4. Descartes, *Principles of Philosophy*, 1644, II, 64: «Car j'avoue franchement ici que je ne connais point d'autre matière des choses corporelles, que celle qui peut être divisée, figurée et mue en toutes sortes de façons, c'est-à-dire celle que les géomètres nomment la quantité, et qu'ils prennent pour l'objet de leurs démonstrations» (*Les Principes de la philosophie*, in *Ceuvres philosophiques*, t. 3, F. Alquié éd., Paris, Bordas, 1989, p. 220).

explained in this [mathematical] way.»⁵ Mind or spirit, however, stood apart. As he explained in the «Synopsis» to the *Meditations*, «the mind uses its own freedom»⁶. There is a telling line in *Discourse on Method*: «I could pretend that I had *no body* and that there was *no world or place* that I was in.»⁷ This sets up the classic body-mind problem. Mind attached to body was susceptible to those causal determinations upon which either a science of physics or a science of society could be founded. But the liberty of mind was such that by an act of thought it could detach itself from, and therefore re-order its relationship to, «body», «world», and «place».

The metaphysical difficulties of these relationships do not detain us because they did not concern Montesquieu. Their moral implications do. Here are three questions to which Montesquieu sought and offered answers. 1) What are the moral implications of the new science, given that its understanding of nature is radically egalitarian: there is no thing or body moved by powers that are any different or higher than those that move any other thing or body? 2) What happens when a free mind comes to understand the character of its freedom as revealed in the radical doubt where thought (i.e. self-consciousness) can distinguish itself from place, habit, memory, and duty? 3) What happens when free minds attempt to «know» other free minds? Montesquieu's responses to these questions are given in three Cartesian figures discussed below. Two, the Mexican warrior and the captive harem wife Roxanne, are heroes of resistance to empire builders. The third, Alexander the Great, was an empire builder whom Montesquieu nevertheless admired. This essay attempts to explain why.

It is unusual to find abstruse philosophical filiations – Descartes' legacy to Montesquieu – prefacing a text on political attitudes to empire. Perhaps it is even odder, given Montesquieu's fiercely anti-colonial, anti-imperial protests, which run through all his writings, that I should claim his

5. «Il me semble qu'il [le lecteur] aura sujet de se persuader qu'on ne remarque aucunes qualités qui soient si occultes, ni aucuns effets de sympathie ou d'antipathie si merveilleux et si étranges, ni enfin aucune chose si rare en la nature [...] que la raison n'en puisse être donnée par le moyen de ces mêmes principes» (*ibid.*, IV, 187, p. 502). The passages are cited in John Cottingham, *Descartes*, New York, Routledge, 1999 (first imprint, Orion, 1997), p. 3-5.

6. René Descartes, *Meditations on First Philosophy: With Selections from the Objections and Replies*, trans. John Cottingham, Cambridge, Cambridge University Press, 1986, p. 9. «L'esprit, usant de sa propre liberté [...]» (Abrégé des *Méditations*, in *Œuvres complètes*, t. 2, F. Alquié éd., Paris, Bordas, 1992, p. 399).

7. Descartes, *Discourse on Method*, Hammondsworth, Penguin, 1968, p. 54, emphasis added: «Voyant que je pouvais feindre que je n'avais aucun corps, et qu'il n'y avait aucun monde, ni aucun lieu où je fusse [...]» (*Discours de la méthode*, Quatrième partie, in *Œuvres complètes*, t. 1, F. Alquié éd., Paris, Bordas, 1988, p. 603).

thought points us in the direction of accepting not just one but five «good enough» empires. This old philosophical liberal was also in some sense an «imperialist». Before attempting to justify this claim, however, it might be useful to sketch out Montesquieu's traditional reputation as consummate anti-imperialist.

Montesquieu's hostility to empire as it is usually understood follows from his definitions in *The Spirit of Laws*⁸. Despotisms were almost always empires, empires almost always despotic⁹. It was, Montesquieu thought, a simple deduction from a science of geography. Republics were small, monarchies were best suited to bigger territories, but despotisms were governments that typically presided over expansive spaces. Empire – by definition, rule over a great extent of territory – was always despotic. Montesquieu even had a quasi-scientific theorem to describe rule across vast spaces: the greater the distance of those places to which political decisions were applied, the less likely were officials in the remote provinces to interpret, to apply, or to obey in the manner intended by the orders they receive from the central government, unless there was a «supplement», namely unreasoning fear that terrorized officials and subjects alike into «promptitude»¹⁰.

In the *Persian Letters*, Usbek's efforts in Paris to govern his seraglio in Persia at a distance of 10 000 kilometers illustrated the problem. Communication across vast space was the setting natural to despotic relationships. Letter 117 (121) of the *Persian Letters* concerned the Spanish depredations in the Americas and summarized much of what Montesquieu had to say against colonialism. Colonies weaken or destroy colonized and colonizer alike. It is, however, irrelevant whether colonization is rational or irrational for the colonizer. From the perspective of victims, one need attend only to the «cruelty» and «barbarism» of imperial conquest.

8. All references in the text to *L'Esprit des lois* are to Book and chapter number. *Laws*, Book I, chapter 1 is abbreviated I, 1. Occasionally there will be a page reference to the standard English translation, Montesquieu, *The Spirit of the Laws*, ed. and trans. Anne Cohler, Basia Miller, and Harold Stone, Cambridge, Cambridge University Press, 1989. Beginning with the title (I prefer *Spirit of Laws*), I have often adopted my own translations, using the Pléiade edition, Montesquieu, *Œuvres complètes*, Roger Caillois éd., Paris, Gallimard, 1949, t. 1; 1951, t. 2.

9. For a compilation of and commentary on references to «empire» in Montesquieu, see Jean Ehrard, «Idée et figures de l'empire dans l'esprit des lois», *L'Empire avant l'Empire: état d'une notion au XVIII^e siècle*, Clermont-Ferrand, Presses universitaires Blaise-Pascal, 2004, p. 41-54. For more on despotism, see Sharon Krause, «Despotism in the *Spirit of Laws*», *Montesquieu's Science of Politics. Essays on the Spirit of Laws*, David W. Carrithers, Michael A. Mosher, Paul A. Rahe, eds., Lanham, MD, Rowman & Littlefield, 2001, p. 231-271.

10. «Il faut que la promptitude des résolutions supplée à la distance des lieux où elles sont envoyées; que la crainte empêche la négligence du gouverneur ou du magistrat éloigné [...]» (*Laws*, VIII, 19).

The alleged prestige of empire was ostensibly the last thing on Montesquieu's mind. The *pax Romana* was a cruel joke. His little book *Considerations on the Grandeur and Decadence of the Romans*, in running through the whole destructive cycle of Roman history from republic to empire, managed simultaneously to evoke both stunned admiration and deep horror at the spectacle. The pre-empire republic was not spared criticism. Rome was from the beginning simply a republican « project for invading all nations »¹¹. « War » was, Montesquieu declared, a form of « meditation » for the Romans, peace a mere « exercise » (p. 37)¹². In lines that Nietzsche could have written, Montesquieu writes, likely out of both horror and fascination :

Rome was not guided by experiences of good and evil. Only its glory determined its actions, and since it could not imagine itself existing without commanding, no hope or fear could induce it to make a peace it did not impose. There is nothing so powerful as a republic in which the laws are observed not through fear, not through reason, but through passion (p. 45)¹³.

In this manner the greatest of the republics had become an empire long before it was called empire: « All nations [...] disappeared little by little into the Roman republic » (p. 75).

*Descartes in Mexico, or the Warrior Who Knows:
I am (made of) the same (stuff) as you*

Letter 117 (121) of the *Persian Letters* poses a strange counterfactual question: « What would have happened to [the Spanish conquerors] if they had given the American tribes enough time to recover from their admiration at the arrival of these new Gods. »¹⁴ In the *Persian Letters*, the question remains rhetorical, but four years later in a lecture to the Academy of Bordeaux, Montesquieu offers a radical answer to the question. The issue

11. Montesquieu, *Considerations on the Causes of the Greatness of the Romans and Their Decline*, trans. David Lowenthal, Indianapolis, Hackett, 1999, chap. XV, p. 138 (*Romains*, OC, t. 2, p. 204). The page references in the text are to the English translation.

12. « Comme dit Jôsèphe, la guerre était pour eux une méditation, la paix un exercice » (*Romains*, II, p. 104).

13. « Rome ne se conduisait point par le sentiment des biens et des maux, elle ne se déterminait que par sa gloire; et comme elle n'imaginait point qu'elle pût être si elle ne commandait pas, il n'y avait point d'espérance ni de crainte qui pût l'obliger à faire une paix qu'elle n'aurait point imposée. Il n'y a rien de si puissant qu'une République où l'on observe les lois, non par raison, mais par passion » (*ibid.*, IV, p. 112).

14. « Que seraient-ils devenus, s'ils avaient donné le temps à ces peuples de revenir de l'admiration où ils étaient de l'arrivée de ces nouveaux dieux, et de la crainte de leurs foudres » (OC, t. 1, p. 459).

should not be how to deal with invaders whom their victims regarded as Gods, for the Amer-Indians could never have recovered from this fatal perception of their tormenters. Rather the question had to be how these people – or similar victims elsewhere – could have immunized themselves in advance against the thought that would otherwise occur to the «superstitious», that heavily armed invaders could well be «gods» to which resistance was futile. For the French philosopher, the answer was obvious. They could have done so in the same way that a portion of the educated European public had done so, by internalizing the lessons of enlightenment ideas.

Montesquieu offered his listeners a thought experiment. Imagine that Descartes had somehow gone to Mexico before the arrival of the invaders! That is to say, what if European ideas had preceded European arms? Montesquieu did not conclude that the Amer-Indians would have become better armed. Science leads not to better technology but to being better prepared spiritually and morally for invasion. What would they have learned? Materialism and the scientific outlook would have given them skepticism about the gods and would have encouraged them to find only natural and not divine reasons in the strange men who confronted them. The new science would have taught them *knowledge* of the radical equality of all beings and given them, subsequently, courage in the face of those better armed. Each person could say: «I am the same as you» because he (or she) could simultaneously say: «I am made out of the same stuff and possess the same powers as you.» For Montesquieu, Descartes «might have taught these peoples that men, constituted as they are, cannot be immortal; that the springs of their machines get worn out like all machines; and that the effects of nature are nothing but the consequences of laws and of the communication of movement»¹⁵. That is to say, Cartesian enlightenment would have taught Indians that Europeans could be killed.

Descartes would have taught them not to believe that the invaders were an «effect of an *invisible power*». The passage echoes Hobbes famously skeptical remark about the consequences of rejecting science: «They that make little or no enquiry into the natural causes of things [...] are inclined

15. «Si un Descartes était venu au Mexique ou au Pérou cent ans avant Cortes et Pissarre et qu'il eut appris à ces peuples que les hommes composés comme ils sont ne peuvent pas être immortels, que les ressorts de leur machine s'usent comme ceux de toutes les machines, que les effets de la nature ne sont qu'une suite des lois et des communications des mouvements, Cortes avec une poignée de gens n'aurait jamais détruit l'empire du Mexique ni Pissarre celui du Pérou» (*Sur les motifs qui doivent nous encourager aux sciences*, 1725, OC, t. 1, p. 495).

to suppose [...] *Powers invisible*; and to stand in awe of their own imagination.»¹⁶ Had Descartes gone to Mexico, there would be no such misjudgment on the part of the newly enlightened inhabitants. In what must be one of the earliest recommendations of terrorist insurgency, or guerilla warfare, Montesquieu concludes that «the vast extent of their empire gave the Mexicans [the Aztecs] a thousand ways of destroying the foreigners»¹⁷.

Montesquieu pens another version of this mental experiment in the *Traité des devoirs*. The mistakes of the Indians were due to their «ignorance of philosophy». It was a story of «superstition» and of «the destructive prejudices» that it engenders¹⁸. Because they regarded the Spanish as «irritated Gods», they lost heart. Montezuma and the Incas could have had the invaders «starved to death», but instead they attacked them only with useless «prayers» and «sacrifices»¹⁹.

Besides observing that a thinker, renowned for his advocacy of political moderation, was capable of having a distinctly immoderate and murderous fantasy, what other conclusions should we draw from these fervidly anti-Spanish and anti-imperialist remarks?

The reader might conclude that the idea of Cartesian science as spiritual resource for political victims sets up a double-edged sword. One side has the Amer-Indians cultivating the sharp edges of enlightenment science in order to slay their enemies from the land of the (partially) enlightened Europeans. Today «Westernizers» in developing countries are caught up in similar considerations. However, given that the Mexicans did not have Descartes on their side and that they continued to abide by their «prejudices» – that is to say, by their culture – the other side of this proffered sword cuts the way for a justification for a new kind of invasion, one that would restore peoples bereft of «light» to enlightenment. Who was better situated than the Europeans to make conquests for «enlightenment»? Edmund Burke for one argued against this ideological justification for

16. «D'où vient donc qu'ils furent si facilement détruits? C'est que tout ce qui leur paraissait nouveau, un homme barbu, un cheval, une arme à feu, était pour eux l'effet d'une *puissance invisible* à laquelle ils se jugeaient incapables de résister» (*ibid.*, p. 497), emphasis added. See Thomas Hobbes, *Leviathan*, Richard Tuck ed., Cambridge, University Press, 1996, chap. 11, p. 75.

17. «D'ailleurs la vaste étendue de l'empire donnait aux Mexicains mille moyens de détruire les étrangers supposé qu'ils ne pussent pas les vaincre» (*ibid.*, p. 496).

18. «Ces effets que l'ignorance de la philosophie fait attribuer aux Puissances invisibles ne sont pas pernicieux en ce qu'ils donnent la peur, mais en ce qu'ils jettent dans le désespoir de vaincre et ne permettent point à ceux qui en sont frappés de faire usage de leurs forces, les leur faisant juger inutiles. [...] Rien n'est plus capable d'engendrer des préjugés destructifs que la superstition» (*Extraits du Traité des devoirs*, in *OC*, Pléiade, t. 1, p. 1134-1135).

19. *Ibid.*, p. 1135-1136.

British interference in India and cited Montesquieu as a source for this erroneous understanding²⁰.

With this tale of Cartesian science among the Indians, Montesquieu in effect offered an unhappy choice to the Mexicans. Given the geo-political prospects, either accept the destruction of your country or prevent it by the prior, self-imposed destruction of your culture by means of the replacement of indigenous religion with a universal science. It is either a European imperial conquest pure and simple; or it is cultural imperialism (also European) that requires the destruction of a traditional culture on the grounds that it was incompatible with the clear-sighted realism needed to survive. Montesquieu was right. An indigenous culture – or any other culture for that matter – could be «irrational» from the point of view of its survival. Given the nature of aggressive predator nations, certain cultures were bound to disappear either because they were not up to the cultural challenge of preparing for the threat or because they were prepared for the challenge, and this required fundamental self-transformation.

In the guise of a fantasy about Descartes in Mexico, Montesquieu offers the reader a picture of a European spiritual civil war between faith and enlightenment. In imagining the right sort of philosophical education for the colonized, the philosophe chooses sides in the debate between religion and the new science. Montesquieu transfers this conflict from Europe to Mexico where the violence between the enlightened (Cartesian educated Mexicans) and the unenlightened (priest-led Spanish conquistadors) becomes overt.

*Descartes and Locke in Persia,
or Roxanne Who Acknowledges: I am «I» – and different from you*

Were the Europeans, philosophe and cleric alike, deceived about the «soft power» of their ideas to non-Europeans? Or was the potential moral unity of dispersed humanity capable of being expressed in the ideas on offer in the various European enlightenments?

Let us return to the primal scene of intellectual self-deception, the *Persian Letters*. First time readers are themselves typically deceived. One is slow to understand the connection between Usbek the searcher after universal truths and Usbek the delusional intellectual whose increasing grasp

20. Edmund Burke, *Works of Edmund Burke*, Beaconsfield ed., Boston, Little Brown, 1901, vol. II, p. 207. See also Michael Mosher, «The Sceptic's Burke», *Political Theory*, XIX, 3, p. 391-418.

of the sciences of enlightenment teach him nothing about himself or his relationship to others. In addition to being a thinker, Usbek is a figure of despotic authority, a jealous husband, and the target of a political rebellion organized by his favorite wife Roxanne. Her organized revolt against the tyranny of the seraglio fails and in her final letter to her oppressor and husband, she announces the perfect strategy of the colonized regarding the colonizer. «We were both happy: you thought that I had been deceived, while I was deceiving you.»²¹ It was an implicit contract that could not survive being made explicit.

Roxanne the great heroine of the *Persian Letters* is a French subject in rebellion against overbearing kingship, a Christian woman tortured by convent life, and a Persian princess revolting against the court/harem of her husband. She is above all simply the figure of the sequestered woman who has much to say and no one to say it to. Montesquieu's typology of government is intertwined with this figure²². The communicativeness of women and the possibility of women communicating with men in a public, and not in a merely private setting, were for Montesquieu the distinguishing marks of a polity that had escaped despotic domination. In *The Spirit of Laws* he argued that European men had made a distinctive discovery about women that went beyond lust and beyond even love, neither of which conferred on women a public standing. European men had discovered that women were «very enlightened judges on a part of the things that constitute personal merit»²³. In institutionalizing this practice in the late medieval practices of chivalry, they gave women a public standing and public voice. By contrast, the despot enforces silence: «One communicates less in a country where everyone, whether as superior or as inferior, exercises and suffers arbitrary power than in those where liberty reigns in all its conditions.»²⁴

For Montesquieu, women are the natural agents of change. «In China manners are indestructible» because «the women are completely separated

21. «Nous étions tous deux heureux; tu me croyais trompée, et je te trompais» (*LP*, 150, 161, p. 544).

22. For a fuller discussion of these issues, see Michael Mosher, «The Judgmental Gaze of European Women: Gender, Sexuality, and the Critique of Republican Rule», *Political Theory*, XXII, 1, February 1994, p. 25-44.

23. «Juges très éclairés sur une partie des choses qui constituent le mérite personnel» (*EL*, XXVIII, 22).

24. «On se communique moins dans un pays où chacun, et comme supérieur et comme inférieur, exerce et souffre un pouvoir arbitraire, que dans ceux où la liberté règne dans toutes les conditions» (*EL*, XIX, 12).

from the men»²⁵. In despotic societies, «women are ordinarily enclosed». If it were otherwise, «manners would change everyday»²⁶. He adds that «everything is closely linked to the despotism of the prince is united with the servitude of women»²⁷.

From these correlations, he draws two contrary conclusions, one for the observer and one for the actor. In *Spirit of Laws*, he speaks the language of the scientist for whom persons are bodies subject to multiple social determinisms. In *Persian Letters* he speaks the activist language of Cartesian «self» discovery – the discovery that that the self is free and detachable from place – and also the language of the Lockean revolutionary, which gives the free floating self a political direction.

Thus, the *Laws* require women to accept the sociological reasons for their being embedded in a despotic set of social relationships. «It is a maxim of capital importance that the manners and mores of a despotic state must never be changed», the reason being that «in these states there are no laws; there are only mores and manners and if you overturn them, you will overturn everything»²⁸. If women are the agents for opening a culture's eyes to change, in a country where there is no framework of law to handle social change, the women must be enclosed to prevent revolution.

The *Letters*, however, celebrate one woman's refusal of the social determinisms that bear upon her. Roxanne was fully justified in revolting against the despotic system of control of the harem. Montesquieu twice has Usbek unwittingly making Roxanne's Lockian revolutionary argument for her. In Letter 101 (104), ostensibly on «English» ideas, Usbek rehearses Locke's argument without naming its source:

If a ruler wants [...] to tyrannize [...] [his subjects,] the basis of obedience is lost; nothing unites them and they go back to their natural liberty. [...] unlimited authority can never be legitimate, because it can never have a legitimate origin [f]or we cannot give someone greater power over us than we have over ourselves – for instance, we cannot take our own lives²⁹.

25. «Mais c'est à la Chine que les manières sont indestructibles [...]. Les femmes y sont absolument séparées des hommes» (*EL*, XIX, 13).

26. «Les femmes y [dans les pays despotiques] sont ordinairement enfermées, et n'ont point de ton à donner. Dans les autres pays où elles vivent avec les hommes, [...] les manières changent tous les jours» (*ibid.*).

27. «Tout est extrêmement lié: le despotisme du prince s'unit naturellement avec la servitude des femmes» (*EL*, XIX, 15).

28. «C'est que, dans ces États [despotiques], il n'y a point de lois; il n'y a que des mœurs et des manières; et, si vous renversez cela, vous renversez tout» (*EL*, XIX, 12).

29. «Si un prince bien loin de faire vivre ses sujets heureux, veut les accabler; et les détruire; le fondement de l'obéissance cesse; rien ne les lie, rien ne les attache à lui; et ils rentrent dans leur liberté naturelle. Ils soutiennent que tout pouvoir sans bornes ne saurait être légitime, parce qu'il n'a jamais pu avoir d'origine légitime. Car nous ne pouvons pas, disent-ils, donner à un autre plus de pouvoir sur nous, que nous n'en avons nous-mêmes: or nous n'avons pas sur nous-mêmes un pouvoir sans bornes: par exemple, nous ne pouvons pas nous ôter la vie» (*LP*, 101, 104, p. 414).

In Letter 74 (76), Usbek offered a radical version of this argument by dropping the provision against suicide. In dropping the explicitly Christian reservation against suicide, Montesquieu had arguably made the argument more Cartesian, because (despite his own religious views) the self that Descartes exposes in the method for radical doubt is pretty much ready to question everything that otherwise attaches him to «body», «world», and «place» (*Discourse of Method*, cited above). Usbek rehearses the argument of the detached self: «Why am I required to work for a society from which I consent to be excluded and to submit against my will to a convention which was made without my participation?»³⁰ In revolt against the seraglio, Roxanne bravely adopts just these views:

How could you have thought me credulous enough to imagine that I was in the world only in order to worship your caprices? [...] No, I may have lived in servitude, but I have always been free. I have amended your laws according to those of Nature and my mind has always kept me independent³¹.

Roxanne stands forthrightly with the Cartesian educated Indian, both figures of resistance to the exercise of imperial power. There is for the French philosopher a moral unity to human nature even when there is no political form to represent it. Despite his reputation for acknowledging the moral diversity of peoples, here we see the place reserved for moral universalism³².

The Justifiable Empires of Conquest

Universal Monarchy, Unjust – and Impossible

Modern European monarchies were for Montesquieu imperial aggrandizers, as the case of Spain exemplified. In the little piece that was once expected to accompany the 1734 *Considerations*, «Reflections on Universal Monarchy in Europe», Montesquieu explains why empire is now a losing

30. «Pourquoi veut-on que je travaille pour une Société, dont je consens de n'être plus? Que je tiens malgré moi une convention qui s'est faite sans moi?» (*LP*, 74, 76, p. 337).

31. «Comment as-tu pensé que je fusse assez crédule, pour m'imaginer que je ne fusse dans le monde, que pour adorer tes caprices? Que pendant que tu te permets tout, tu eusses le droit d'affliger tous mes désirs? Non: j'ai pu vivre dans la servitude, mais j'ai toujours été libre, j'ai réformé tes lois sur celles de la nature; et mon esprit s'est toujours tenu dans l'indépendance» (*LP*, 150, 161, p. 544).

32. For a somewhat different appreciation of Montesquieu on these issues, see the fine essay by Tzvetan Todorov, *On Human Diversity: Nationalism, Racism, and Exoticism in French Thought*, trans. Catherine Porter, Cambridge, Harvard University Press, 1993, p. 353-366 (*Nous et les autres. La réflexion française sur la diversité humaine*, Paris, Seuil, 1989, chap. 5).

proposition for Europeans. There will never be another Rome to exercise «a constant superiority over the others»³³. «Universal monarchy» – Dante’s approving term – expressed an anxiety, but did Montesquieu think it was a realistic anxiety? Readers may assume that the entire message of the essay was to warn readers about the efforts of Louis XIV to unify the crowns of France and Spain, which might have posed the threat of a unified Catholic Europe against a divided Protestant Europe. This conclusion is, however, most likely wrong³⁴. Montesquieu literally denies that this is his intention in section XVII, the only one of 25 sections devoted to Louis XIV. «The enemies of a grand prince who reigned in our day have a thousand times accused him, *more out fear than reason*, of having formed and conducted a policy of universal Monarchy»³⁵, emphasis added.

Contemporary observers also expressed doubts. While Louis XIV’s ambiguous plans to enforce a dynastic claim in favor of the Bourbons for the crown of Spain precipitated the war in which a coalition of European Protestant powers eventually defeated France, it was less clear that Louis XIV’s dynastic claims were really part of a project for universal Europe wide monarchy. What constituted Louis’s intentions was one of the great debates of the day. In *Just and Unjust Wars*, Michael Walzer returns to these debates and argues that the obscurity of French intentions makes the War of the Spanish Succession a paradigm example of an unjust-

33. *RMU*, in *OC*, t. 2, p. 339.

34. For a contrary view, see the articles by my University of Tulsa colleague and friend Paul A. Rahe, «Empires Ancient and Modern», *Wilson Quarterly*, summer 2004, p. 68-84, and «The Book That Never Was: Montesquieu’s *Considerations on the Romans* in Historical Context», *History of Political Thought*, XXVI, 1, spring 2005, p. 43-89. For Rahe, the defeat of Louis XIV in the battle of Blenheim at the hands of Winston Churchill’s ancestor the Duke of Marlborough was an event as decisive for Europe as the fall of the Berlin Wall. On my view, Montesquieu did not regard this or any other battle of modern times as decisive (Ancient warfare was another story). One should not exaggerate our differences. Rahe and I are agreed upon many interpretive details, e.g. Montesquieu’s view of Rome as predator. But on occasion we draw broadly different conclusions from his work. For Rahe, Montesquieu would seem to be the proper corrective for the (alleged) facts, which he regrets, that American history departments fail to pay enough attention to the significance of war and do not heed Churchill’s dictum that «great battles [...] change the entire course of events». Quite apart from whether Churchill was sometimes right, upon my view, the reason that history departments neglect war, relatively speaking, and do not always take Churchill’s *dicta* seriously is (in part) because of what historians have learned from Montesquieu and other modern liberal philosophers. The latter favor impartial causes in history (in opposition to the thesis of the «great man», a Churchill or a Marlborough). Further, Montesquieu found events too deeply embedded in multiple causal contexts (social, intellectual, economic, political), or, as he would say, too deeply informed by «esprit», to isolate just one set of factors in order to claim, with Churchill, that «battles are the principal milestones of secular history» (citations from «The Book That Never Was», p. 67-79). We would appear to be in a contest over the partisan legacy of Montesquieu for Americans in the twenty-first century. War in the Middle East has led us to reconsider Montesquieu on conquest and empire and to inquire to what extent the French jurist sits in judgment of these events... and to what extent events sit in judgment of him.

tified « preventive war ». It was unjustified because it depended upon speculative suppositions about French intentions and their remote potential consequences. Montesquieu himself explained why: « Plans which require a lot of time in order to be executed almost never succeed: the inconstancy of fortune, the changeability of human minds, the variety of passions, the continual changes in circumstances, and the diversity of causes [at play] give birth to a thousand barriers. »³⁶

According to this standard account of the medieval Catholic heritage of just war theory, unjustifiable « preventive war » stands opposed to a justifiable « preemptive war », where, for instance, an adversarial army has moved to the border of another country and it was more certain that unless the menaced power acted immediately, it would be over-run. In making the war the very paradigm of an unjustified preventive conflict, Walzer cites contemporary English observers like Jonathan Swift who in 1711 stated his opposition to the war with Louis in *The Conduct of the Allies and of the Late Ministry in Beginning and Carrying on the Present War*. After the fact, Emer de Vattel, the Swiss jurist and author of *The Law of Nations*, argued that the British and their allies had been wrong about French intentions³⁷. The passage is worth recalling:

The principal sovereigns of Europe, habituated, by the ministry of Louvois, to dread the power and designs of Louis XIV, carried their mistrust so far that they were unwilling to permit a prince of the House of France to sit upon the throne of Spain, although he was called to it by the nation [Spain], which approved of the will of its late king. [The French prince] ascended the throne in spite of the efforts of those who feared so greatly his elevation; and events have proved that their policy was too suspicious [emphasis added]³⁸.

35. « Les ennemis d'un grand Prince qui a régné de nos jours l'ont mille fois accusé plutôt sur leurs craintes que sur leurs raisons, d'avoir formé et conduit le projet de la Monarchie universelle » (*RMU*, § XVII, p. 358).

36. « Les desseins qui ont besoin de beaucoup de temps pour être exécutés ne réussissent presque jamais, l'inconstance de la fortune, la mobilité des esprits, la variété des passions, le changement continuel des circonstances, la différence des causes font naître mille obstacles » (*RMU*, § V, p. 344).

37. Cited in Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, New York, Basic Books, 1977, p. 76-79 (*Guerres justes et injustes*, Paris, Gallimard, « Folio Essais », 2006, p. 169-172). As these contrasting ideas of justification entered into the debate over the Second Iraq War, note that the terms has been reversed. « Pre-emptive war » now means what « preventive war » had meant in Walzer's account, namely a war that sought justification by invoking hypotheses whose remoteness to the event in question rendered it illegitimate by just war standards.

38. « Les principaux souverains de l'Europe, que le ministère de Louvois avait accoutumés à redouter les forces et les vues de Louis XIV, portèrent la défiance jusqu'à ne pas vouloir souffrir qu'un prince de la maison de France s'assît sur le trône d'Espagne, quoiqu'il y fût appelé par la Nation, qui approuvait le testament de ce dernier roi. Il y monta malgré les efforts de ceux qui craignaient tant son élévation, et les suites ont fait voir que leur politique était trop ombrageuse » (Emer de Vattel, *Le Droit des gens, ou principes de la loi naturelle appliqués à la conduite et aux affaires*

Against the idea that Montesquieu thought Louis a danger to Europe instead of just a menace to the French themselves, we may point to the main thesis of the «Reflections» which was precisely to show that European empire was now impossible. War, Montesquieu supposed, had become less significant in European affairs. The short section III focuses entirely on this point:

If you recall history you will see that it had not been warfare that has changed Europe over the last four centuries; rather it has been marriages, successions, treaties, edicts, that is to say, civil dispositions that changes and have changed Europe³⁹.

Montesquieu cites the example of Spain, which lost twenty-five successive battles with France and in the end only a tiny part of its territory. The defeat of the French in the War of Spanish Succession was not a decisive defeat, for in Europe there were no decisive battles. Even had the French won the great battle «the work would have been so far from succeeding that it would have barely begun». Had France won, the European balance of power would have come into play. French allies would have changed sides and even neutral powers would have taken up arms. Moreover, for Montesquieu, defeat did not damage French power. Indeed, French victory would have been worse than defeat. Universal monarchy, if that was Louis' intention, would have been «fatal to Europe», but it would have weakened France, too. «Heaven which knows true advantages has better served [Louis] by defeats than by what he could have done in victory; in place of making him the sole king of Europe, heaven favored him more by leaving him [still!] the most powerful of all [European kings].»⁴⁰

In modern times, empire in Europe had become less likely because there had been a change in «the law of peoples». When the Romans took a city in ancient times, it was sacked to enrich the army. Its lands and people were sold. Rome's victories gave it the wealth of the whole world, whereas today, Montesquieu exclaims, «nothing remains but a justified horror at this barbarism». As a consequence, because it must preserve and not destroy, a country now «ruins itself» in conquest:

des nations et des souverains, 1758, III, 3, § 44). I have adopted the older English translation, *The Law of Nations*, trans. Charles G. Fenwick, *The Classics of International Law*, James Brown Scott ed., London, Wildy & Sons, 1902, vol. 3, p. 250.

39. «Si l'on se rappelle les Histoires, on verra que ce ne sont point les guerres qui depuis quatre cents ans ont fait en Europe les grands changements: mais les Mariages, les Successions, les Traités, les Édits; enfin c'est par des dispositions civiles que l'Europe change et a changé» (*RMU*, § III, p. 343).

40. «Le Ciel qui connaît les vrais avantages l'a mieux servi par des défaites qu'il n'aurait fait par des victoires, et au lieu de le rendre le seul Roi de l'Europe, il le favorisa plus en le rendant le plus puissant de tous» (*RMU*, § XVII, p. 359).

When a monarch sends an army into an enemy country it sends at the same time a part of its treasure in order to keep the country going; it enriches the country it has begun to conquer and very often puts it into a state to chase [the army] out⁴¹.

The wealth that « commerce » has brought to Europe has increased the needs and expense of armies. Commerce has to be maintained and requires « wisdom » in government. A state that « appears victorious externally » ruins itself internally by not attending to the policies that maintain its commerce. The latter flourishes in the absence of combat so that neutral nations prosper. Through enforced neglect of arms, the vanquished grow rich again. Moreover, « decadence begins especially in times of great success ». An apparently victorious country discovers it « can neither possess nor maintain [its conquests] except by violent means »⁴². If Machiavelli had imagined that an expansionary republic warded off political decadence by keeping citizens focused and special interests at bay, Montesquieu supposed that the very politics that conquest introduces led to paralysis and to the corruption that Machiavelli had hoped to avert.

Montesquieu draws the obvious conclusion. « Great conquests » are « difficult », « vain » and « dangerous »⁴³. Why do the European powers not take the next step and withdraw from the vicious arms race into which they had entered, which left the Europeans « poor » even « with the wealth and commerce of the whole universe »?

The Empire of Security

Imperial expansion attempts to defy Montesquieu's lesson in geography that connects increasing size to unwanted transformations in the character of a polity. A form of government « will change its spirit to the degree to which its boundaries are narrowed or extended »⁴⁴. What, however, does one say about a republic or a monarchy that has not yet reached the limits of its appropriate territorial rule? Provided that it has a right to go to war, the warning against an expansionary policy that distorted internal political

41. « Quand un monarque envoie une armée dans un pays ennemi, il envoie en même temps une partie de ses trésors pour la faire subsister; il enrichit le pays qu'il a commencé de conquérir, et très souvent il le met en état de le chasser lui-même » (*RMU*, § I, p. 340).

42. « La décadence commence surtout dans le temps des plus grands succès qu'on ne peut avoir ni maintenir que par des moyens violents » (*RMU*, § II, p. 341).

43. « Les grandes conquêtes sont si difficiles, si vaines, si dangereuses [...] » (*RMU*, § XXIV, p. 362).

44. « Cet État changera d'esprit, à mesure qu'on rétrécira ou qu'on étendra ses limites » (*EL*, VIII, 20).

arrangements would simply not apply. There is only the complication of deciding when those territorial limits had been reached in any particular case. Montesquieu explicitly acknowledges this possibility in the case of monarchy: «*It should conquer only up to the limits natural to its government*»⁴⁵, my stress. Montesquieu supposes that where there is a right to go to war, there is necessarily a limited right as well to temporary territorial conquest. Otherwise the conquering nation would never have a duty to undo the mischief it has caused.

«It is for the conqueror», he claims, «to make amends for part of the evils he has done.» Accordingly the «right of conquest» is a «a necessary, legitimate, and», he adds, «unfortunate right, which always leaves an immense debt to be discharged if human nature is to be repaid»⁴⁶. The right to war is based on «the right of natural defense» that all «societies» possess, a right that «sometimes carries with it a necessity to attack» (X, 2).

When does self-defense confer a right and «necessity to attack»? The question ripples into current controversies⁴⁷. Understanding Montesquieu on the right of natural defense requires parsing the potentially separable clauses in a sentence that marks out 1) the broader (and illegitimate) claim for preventive war and 2) the narrow (and justifiable) claim for pre-emptive war. The sentence in question argues that a right to attack is established «when a people sees [1] the preventative war claim] that a longer peace would put another people in a position to destroy it and [2] the pre-emptive war claim] that an attack at this moment is the only way to prevent such destruction»⁴⁸. On one construction, preventive war is justified only if it coincides with the preemptive claim of imminent danger that requires «an attack at this moment», which would mean that a preventive attack, absent imminent danger, would not be justified. The alternative construction argues that for Montesquieu the meaning of the imminent danger that establishes the allegedly preemptive right to «an attack at this moment» is wholly established by the preventive war claim («a longer peace would put another people in a position to destroy it»). That is to say, however many intermediate chains of causation must hold true to make

45. «Elle [la monarchie] ne doit donc conquérir que pendant qu'elle reste dans les limites naturelles à son gouvernement» (EL, X, 9).

46. «C'est à un conquérant à réparer une partie des maux qu'il a faits. Je définis ainsi le droit de conquête: un droit nécessaire, légitime et malheureux, qui laisse toujours à payer une dette immense, pour s'acquitter envers la nature humaine» (EL, X, 4).

47. See J. Terrel.

48. «Entre les sociétés, le droit de la défense naturelle entraîne quelquefois la nécessité d'attaquer, lorsqu'un peuple voit qu'une plus longue paix en mettrait un autre en état de le détruire, et que l'attaque est dans ce moment le seul moyen d'empêcher cette destruction» (EL, X, 2).

good on the speculative assertion regarding the dangers of «a longer peace», the very fact that the assertion has been made means that there is imminent danger now that would justify attack.

On the first construal of his remarks, Montesquieu is a philosopher of prudence and moderation who does not suppose that speculative claims for future outcomes should justify rash action now. This view is also consistent with Montesquieu's explicit warning (already cited above) against arguments of the kind needed to establish a preventive claim: «Plans which require a lot of time in order to be executed almost never succeed.»⁴⁹ Such a thinker could not have supported the second American incursion into Iraq. On the second interpretation, however, we would appear to have a philosopher more confident about the predictive value of the «science» of politics in which case Montesquieu could be ranged in defense of this adventure in the Middle East.

The outcome of war, if successful, leads to conquest and occupation. For Montesquieu, the policies of the occupier are distributed along a time line that distinguishes the antiquity from modernity. It is simultaneously a time line that moves from the reprehensible to the tolerably good, that is to say, from the cruelty of the ancients to the compassion that the philosophe believed might be an earmark of modern men and women capable of enlightenment. 1) Worst were the ancient Romans who simply «exterminated all the citizens». Less evil was 2) the practice of destroying the society and dispersing its inhabitants (i.e. ethnic cleansing which, alas, modernity has not banished). Conquest might, however, give us 3) the policy of giving a country new civil and political government. This is evidently more attractive to contemporary readers who may wish to distribute the benefits of democracy. For Montesquieu, however, this option was not as morally compelling as 4) a policy which he evidently thought was the sole outcome morally tolerable in modernity: namely, the practice of allowing the conquered state to govern itself according to its own laws, leaving the conqueror only with «the exercise of political and civil government». This policy was the only manner of conquest that accorded with «modern times, contemporary reasoning, the religion of the present day, our philosophy, and our mores»⁵⁰. This is an authoritative a line-up:

49. «Les conquêtes demandant aujourd'hui plus de temps qu'autrefois, elles sont devenues à proportion plus difficiles» (*RMU*, § V, p. 344).

50. «Sur quoi je laisse à juger à quel point nous sommes devenus meilleurs. Il faut rendre ici hommage à nos temps modernes, à la raison présente, à la religion d'aujourd'hui, à notre philosophie, à nos mœurs» (*EL*, X, 3).

modern reason, modern religion, modern philosophy, and modern habits are for once in deep agreement.

If this is so, why are we evidently persuaded of the superiority of the third option that would permit the conqueror to transform a non-democratic polity into a democratic one? One reason might be that we regard only one form of government as legitimate whereas Montesquieu thought that there were two vastly different forms of legitimate rule, namely monarchies and republics. (But does he imagine that even the despot ought to have his country returned to him? This was the outcome of the first Iraq War.)

The Hague Convention of 1907 still upheld Montesquieu's view. According to its terms, the occupier must respect the laws already in force in the occupied country and return the country in time to its rightful, that is to say, initial ruler. Thanks to Wilsonian doctrines and the commitment of the League of Nations to « political development » in trusteeship countries, international law changed in the direction of the (for Montesquieu) less salutary third option, i.e. changing the government of the occupied country. Political transformation was further affirmed in post-WW II Geneva conventions and, owing to the horrors of World War II, in the changing climate of international opinion that has eroded the right of national sovereignty.

Quite apart from the fact that monarchy – Montesquieu's alternative form of legitimate government – no longer exists as a morally acceptable alternative to democracy, one can suggest two other reasons why on Montesquian grounds of « moderation » or prudence, restoring the *status quo* might seem superior to transforming occupied countries into democracies. First, given that in *Universal Monarchy* Montesquieu was keen to rehearse the reasons for believing that destructive wars were becoming less viable – costs soared while the benefits disappeared – he would have been naturally reluctant to add a potent new ideological reason for going to war, namely to « democratize » an enemy. Not dissimilar to the moral imperative to « Christianize » the world or to provide it with the benefits of « enlightenment », democratization could be construed as a standing ground for war and a source for international instability.

Second, Montesquieu would have been acutely alert to the paradox in the contention that one must impose democracy on another people, and force them to be free. *The Spirit of Laws* was after all the last great text devoted to exhibiting the virtues of ancient over modern constitutionalism. That is to say, it explained why it was often better, as in the slow evolution of the French monarchy lovingly narrated in the dense final

chapters of the work, to allow a people to transform their own habits and expectations into an unwritten form of freedom, as opposed to the (for Montesquieu) disastrous, modern English experiment in revolutionary republicanism during the English civil war. The Second Iraq War has revived this spirit of revolutionary optimism. American policy makers committed themselves precisely to a top down, once and for all imposition of democratic constitutional authority as the best manner of introducing a people to freedom. In the light of subsequent experience, a few among them may now possess renewed patience for a certain kind of realism, that is to say, the sober view, associated with Burke, but in origin the outlook of Montesquieu, that for a people to achieve freedom, they must have nurtured the local habits of liberty over a long period of time.

It is permissible to conclude that while the right of natural defense could lead to the empire of security, it would have been, for Montesquieu, shorn of the usual ideological justifications for transforming the international system.

The Empire of Human Rights

For Montesquieu, Gelon the king of ancient Syracuse made «the finest peace treaty mentioned in history». It was exceptional because it demanded only that the Carthaginians «abolish the custom of sacrificing their children», which is to say that the treaty «exacted a condition useful only to the» Carthaginians, not to the conquerors⁵¹. They had – Montesquieu is sure of it – unambiguously improved the people they had defeated in battle. This is a perfect, if ancient, example of a human rights intervention.

Since the Treaty of Westphalia, however, doctrines of national sovereignty have regarded as illegitimate all interventions that endeavor to correct the internal abuses of another country. Only after the exceptional horrors of World War II has this convention partially broken down so that human rights abuses can sometimes be advanced as justifiable causes for intervention and war. Given that challenges to the doctrine of sovereignty are relatively recent, it is surprising to find something like this justification for intervention in the *Spirit of Laws*.

51. «Le plus beau traité de paix dont l'histoire ait parlé est, je crois, celui que Gélon fit avec les Carthaginois. Il voulut qu'ils abolissent la coutume d'immoler leurs enfants. Chose admirable! Après avoir défait trois cent mille Carthaginois, il exigeait une condition qui n'était utile qu'à eux, ou plutôt il stipulait pour le genre humain» (*EL*, X, 3).

The example does not foreclose disagreement between the Syracusans and the Carthaginians. What to the latter was an egregious abuse of a universal human right may have been to the former an imposition upon a cherished, customary way of life. Or alternatively, the custom of child sacrifice may have been disapproved by some, but not all Carthaginians. On these grounds, a conqueror might be justified in, for instance, abolishing, as the British did in the occupation of India, the practice of suttee or widow burning. But does Montesquieu's admiration for such interventions point to more than occupation policy? Would the prospect of eradicating an abuse (to take contemporary examples, cliterectomies, or for some, capital punishment) also justify the invasion of another country?

One imagines that any answer would be complex. At the very least it would have to distinguish, as Montesquieu always did, between the diversity of good enough ways of life as opposed to the horror of the worst case. Nevertheless, we should not be altogether surprised to find in the great anti-imperial thinker cases that point to military intervention on grounds of human rights or even on grounds of the promotion of enlightenment, because the very basis for Montesquieu's opposition to imperial conquest stems from his concern with both human rights and with the eradication of prejudice through enlightenment. The conclusion is, however, inescapable. Montesquieu's defense of human rights pushes him toward a policy of «liberal imperialism».

Is, however, the empire of rights defeated by the plurality of cultures? The imperialism of the liberal presupposes ease of access to a common rational outlook. In the empire of rights, every person, of whatever attachments and loyalties, is presumed to be capable (under one or another set of ideal speech conditions or other arrangements conducive to rational impartiality) of recognizing what constitutes abusive conduct and irrational prejudice and what does not. This image of individuals ideally capable of rational agreement on norms of conduct works well for the most part in a reading of Montesquieu. But sometimes the author speaks as though all that could be said was that each people were in possession of a distinctive *esprit* and that the perspective of each individual member was necessarily attuned to the expectations of this *esprit*. If *esprit* were the necessary communal focus for individual perception and judgment, the case for easy rational agreement among individuals who belonged to different communities would be harder to make out. To the extent that scattered remarks in his writings combine to suggest this understanding of the collectivist background to individual perception and judgment,

Montesquieu stands closer to Herder and to the possibility of at least partially incommensurable standards of assessment between communities⁵².

Herderian cultural nationalism owes a debt to Montesquieu's initial conception of the collective spirit of peoples and of the latter's impact on individual judgment. This is a consequence of Montesquieu's science of society. Individuals cannot be understood without placing them in the context of their belonging at a certain time and place to a people whose customs and habits ground individual judgment. But opposed to thinkers like Herder, Montesquieu also makes the inverse claim. One cannot make sense of a people or of their habits and expectations without making room for the independent perceptions of its individual members. The mind is free. Individuals can make self-reflexive assessments of the collectivities to which they are otherwise attached. If Montesquieu points to Herder and the partially incommensurable perspectives of distinct peoples, he also never ceases to be a Cartesian rationalist. The latter is grounded in the possibilities of the expressive «I» whose capacity for thinking alone establishes the individuality of existence.

Roxanne is a troubling figure for those who believe that standards for judging a culture must come from within a culture for the good reason that these standards must be justifiable to those who belong to this culture. Roxanne is a Persian woman who for whatever reason has managed to find an ethical standpoint outside the Persian harem from which she claims to judge it. No effort to impose its standard on her can now possibly make sense by this meta-standard – that arguments must make sense to those to whom they are applied – since Roxanne has already indicated that the external standards (regarding human rights) do make sense to her, alien though they may be to other members of her «culture». Her Cartesian self-assertion not only trumps membership, it transforms membership. One could argue that Roxanne is but a fiction in the mind of a European thinker, but this does not diminish the number or importance of those who have criticized their own culture from within by invoking standards that were also new to the community.

Justification from within a community means in part justification to those who speak for cultural norms. But it also means the justification of cultural norms to insiders who claim that through the exercise of rational

52. For a defense of the cultural relativism inherent in an acknowledgment of «partial incommensurability» between cultures, see Sankar Muthu, *Enlightenment against Empire*, Princeton, Princeton University Press, 2003. For Muthu, Diderot, Herder, Kant, synthesize, no less than I argue Montesquieu does, the perspectives of individualist rationalism and cultural relativism.

intellect they no longer accept community norms. The two kinds of justification can come into conflict. The two strands of Montesquieu's theory – one stressing the collective, the other the individual – may collide. If Montesquieu's discovery that people were organized into varieties of *esprit* leads to the conclusion that each community perceives the world through its own *esprit* informed paradigm, there could be no world of knowledge that rose above *esprit*. Rather, *esprit* would express the paradigm through which organized knowledge is made available.

Montesquieu effectively invented this way of looking at organized communities, but he never went so far as to think that the individual judge counts for little outside these organized communities of apperception. To judge the world by the standard of cultural identity and to judge the world by the belief that there are standards that rise above every cultural identity are two radically different things, two incommensurabilities struggling, as it were, for the souls of Montesquieu's readers.

The Empire of Enlightenment

In Book X, chapter 4, Montesquieu opens the door wider to foreign adventure justified on the grounds that, to cite the chapter title, there may be «some advantages for the conquered people» in submitting to rule by another. Providing advantages to the conquered is a part of «the immense debt to be discharged» by the conqueror⁵³. Nevertheless, he is careful to add that the reason such «advantages» are so little spoken of is because, with this argument, so many varieties of abuse create false justifications for war.

At the beginning of the chapter, Montesquieu addresses only the circumstance of nations that have already been conquered in just wars. Here the idea of providing future advantages to a people is not itself a justifiable cause for war. By the end of the chapter, however, Montesquieu pushes his claim to bolder generalization: «A conquest can destroy harmful prejudices, and, if I dare speak in this way, put a nation under a better genius.»⁵⁴ In the previous section, we showed how for Montesquieu human rights violations might pave the way for liberal empire. Here is the second half of the argument. A certain sort of conquest promotes enlightenment.

53. «Je définis ainsi le droit de conquête: un droit nécessaire, légitime et malheureux, qui laisse toujours à payer une dette immense, pour s'acquitter envers la nature humaine» (*EL*, X, 4).

54. «Une conquête peut détruire les préjugés nuisibles, et mettre, si j'ose parler ainsi, une nation sous un meilleur génie» (*EL*, X, 4).

Montesquieu expresses caution, however. There are many varieties of abuse and they do not all provide a priori justification or after the fact rationalizations for intervention. Was there, however, a special class of abuse that only external intervention could correct? If normally a people should reform themselves, perhaps there are duties of humanity to states where reform is impossible. Even so, what explanation of incapacity points to external intervention?

Montesquieu's answer seems at first decidedly strange. He suggests that a political community might suffer from «la tyrannie sourde», a «muffled» or «imperceptible» tyranny which, he adds, is the first thing that the «violence» of the conqueror will throw out. But to whom is the tyranny «imperceptible»? Not evidently to the external invader who now uses the existence of tyranny as a (*post hoc*) rationalization for invasion. It is imperceptible precisely to the people who should be expected to complain most loudly about it, namely those subject to it. But these people are twice victimized, first by tyrannical government and second by their own inability accurately to feel or intellectually to identify the source of their exploitation. They lack precisely enlightenment.

Such a people sense that laws have been made in order to abuse them: «Le malheureux qui gémit, voyant ce qu'il croyait des abus devenir des lois, est dans l'oppression» (X, 4). For the victims of tyranny this is a useful beginning to understanding, but it goes no further. They lack confidence in their own feelings and this prevents them from drawing the right conclusions. The unhappy subject «croit avoir tort de la [l'oppression] sentir». Contrast Roxanne to these unhappy souls. While she finds the mental fortitude to detach herself from the claims made upon her in the seraglio and remains in full possession of a free mind, the unhappy victims of «la tyrannie sourde» feel only guilt and inner turmoil as they try to reconcile their perceptions with their conflicting duties and loyalties. Roxanne is free because she has detached herself from the social claims made upon her. The unhappy consciousness, if I may call it that, is in the grip of emotional confusion about its situation.

Echoing Machiavelli's republicanism, Montesquieu supposes that a state that lacks «the force of its original institution» is liable to invite conquest. In an off-hand, almost cavalier way, Montesquieu asks rhetorically: «What would a government lose from being re-founded, if it had reached the point of being unable to reform itself?»⁵⁵ This is a powerful, but

55. «Un gouvernement parvenu au point où il ne peut plus se réformer lui-même, que perdrait-il à être refondu?» (EL, X, 4).

dangerous, argument for externally imposed reform. It permits the external observer to reject what people actually say about themselves on the grounds that they are in the grip of disorders that prevent them from understanding their real interests. If this were always true, an occupier would never need to listen to the voices of those under its authority. The unenlightened must submit to the enlightened. Does Montesquieu favor such a use of *lumière*? It is hard to say. Much tells against such radical aspirations, for instance, his portrait of the deluded enlightenment intellectual Usbek, his commitment to the slow accretion of custom under an ancient constitution, and his repeated assertions of the unintended consequences of reform that calls for caution and moderation.

Why Montesquieu Admired Alexander

The Conqueror Who Acknowledges Subjects: The Empire of Plural Cultures

Alexander was the greatest of the ancient Western empire builders⁵⁶. He very nearly united – however briefly – Europe and Asia. One might suspect that his tale of pillage and destruction across Asia Minor into India would have aroused anti-colonial indignation in Montesquieu to the same degree that it was aroused by the story of Spain in the Americas. But instead Alexander was for Montesquieu a paragon of virtue in conquest.

Montesquieu distinguishes between Alexander's conduct at home and abroad. At home, he was an oppressor of Greek liberties. This was not admirable. The conquest of Asia elicited, however, the same amazed admiration at Alexander's brilliant strategy and tactics that was stirred in Montesquieu's soul by the spectacle of Rome at war, however much he made clear his ultimate disapprobation of the Romans. It is not only the rationality of Alexander's mind at war that draws Montesquieu to him, but a kind of amoral aesthetic appreciation of the beauty of these actions, even when they led to real evils. Alexander «did two things that were bad: he burned Persepolis and killed Clitus», but what happened then testified to his beautiful soul:

He made them famous by his repentance, so that one forgot his criminal actions and remembered his respect for virtue, so that these actions were considered misfortunes rather than things proper to him, so that posterity finds the beauty of his soul at virtually the same time as

56. See P. Briant.

his ravings and his weakness, so that one had to be sorry for him and it was no longer possible to hate him⁵⁷.

Montesquieu is at his most interesting on the subject of Alexander's occupation policies. To put it in a nutshell, Alexander governed as a multiculturalist. He assimilated the conquered into an empire of plural cultures. In doing so, Alexander resisted the advice, Montesquieu says, following Plutarch's account, of his teacher Aristotle. Aristotle «wanted him to treat the Greeks as masters and the Persians as slaves». Kant made the same accusation against Aristotle, which he said was typical of Greek prejudices. Instead, Alexander «thought only of uniting the two nations and wiping out the distinction between conquerors and vanquished», but he did so by assuming «the mores of the Persians in order not to distress the Persians by making them assume the mores of the Greeks»⁵⁸. He took wives among the subject populations and insisted that his generals do likewise. «He left to the vanquished peoples not only their mores but also their civil laws [...]. He respected the old traditions and everything that recorded the glory or the vanity of these peoples.» He rebuilt the temples of the «Greeks, Babylonians, and Egyptians» and «there were few nations at whose altars he did not sacrifice». He thought only in every country of what would enhance «its prosperity and power». He was the «monarch of each nation», but «the first citizen of each town». In sum, if «the Romans conquered all in order to destroy all, [*Alexander*] wanted to conquer all in order to preserve all»⁵⁹, emphasis added. This was to become the sole criteria upon which empire could be justified.

57. «Il fit deux mauvaises actions : il brûla Persépolis, et tua Clitus. Il les rendit célèbres par son repentir : de sorte qu'on oublia ses actions criminelles, pour se souvenir de son respect pour la vertu ; de sorte qu'elles furent considérées plutôt comme des malheurs que comme des choses qui lui fussent propres ; de sorte que la postérité trouve la beauté de son âme presque à côté de ses emportements et de ses faiblesses ; de sorte qu'il fallut le plaindre, et qu'il n'était plus possible de le haïr» (*EL*, X, 14).

58. «Il ne songea qu'à unir les deux nations, et à faire perdre les distinctions du peuple conquérant et du peuple vaincu [...]. Il prit les mœurs des Perses, pour ne pas désoler les Perses en leur faisant prendre les mœurs des Grecs» (*ibid.*).

59. «Il ne laissa pas seulement aux peuples vaincus leurs mœurs, il leur laissa encore leurs lois civiles, et souvent même les rois et les gouverneurs qu'il avait trouvés. Il mettait les Macédoniens à la tête des troupes, et les gens du pays à la tête du gouvernement ; aimant mieux courir le risque de quelque infidélité particulière (ce qui lui arriva quelquefois) que d'une révolte générale. Il respecta les traditions anciennes et tous les monuments de la gloire ou de la vanité des peuples. Les rois de Perse avaient détruit les temples des Grecs, des Babyloniens et des Égyptiens ; il les rétablit ; peu de nations se soumirent à lui, sur les autels desquelles il ne fit des sacrifices. Il semblait qu'il n'eût conquis que pour être le monarque particulier de chaque nation, et le premier citoyen de chaque ville. Les Romains conquièrent tout pour tout détruire : il voulut tout conquérir pour tout conserver» (*ibid.*).

To be sure, Montesquieu's Alexander was a rational strategist who knew how to attract the allegiance of the peoples he conquered, but not necessarily because he felt in himself a similar allegiance to them. But there is something more at work. For Montesquieu, Alexander evidently understood that living in accord with one's own mores, customs, and laws and being a member of the collective *esprit* thereby established, was a priority for everyone. In order to preserve the conquests of alien national communities, one should do as much as possible to recreate their own feelings of solidarity across the boundary between conquerors and conquered. That Montesquieu admired Alexander for these achievements suggests that a Herder-like appreciation of the human capacity for «belonging» was equally as important to the French philosopher as his more evident appreciation of detached individual intelligence. The tension between belonging and detached intelligence is evident. It suggests a sticking point, an ultimate issue of potential inconsistency between Montesquieu's *ère de lumière* individualist rationalism with its universally applicable standards and his fondness for multiple particular ways of life and their often equally worthy but differentiated, fundamentally at odds collective solidarities.

There is, quite apart from the epistemological issues at stake, an existential question to be faced. What is the detached intellect (like that of an Alexander, an Usbek, or a Montesquieu) to do when it comes into contact with these multiple particular ways of life? One answer to this question is: write books that look much like *Lettres persanes* and *L'Esprit des lois*. But that, for the writer and the reader, only reinforces the intellect in its detachment. What would real contact look like? That is what is at stake in the admiration that Montesquieu expresses for Alexander's conduct in the following line: «After the conquest, [Alexander] abandoned all the prejudices that had served him in making it; he assumed the mores of the Persians.»⁶⁰

The prejudices of Alexander were those that Aristotle taught: the Greeks were superior to the barbarians, a view, moreover, that Montesquieu shared. What Aristotle, Alexander, and Montesquieu thought they knew about Asians that was prejudicial to them can be stated roughly as follows. The Asians did not practice political freedom and therefore their polities could not capture and transform into military power the collective energy, social innovations, and individual initiative that political freedom brings in its train: therefore, peoples who practiced political free-

60. « Il abandonna, après la conquête, tous les préjugés qui avaient servi à la faire. Il prit les mœurs des Perses » (*ibid.*).

dom could conquer the Asians. There is a corollary to which Aristotle subscribed: political freedom unleashed the individualist power of rational intellect in a discerning few – the philosophers. These pieces of Orientalist savoir-faire were cognitive to the extent they submitted to the testimony of contrary evidence. Otherwise they became dogma. Begun in Herodotus' account of the Greek city state struggle with the Persian Empire, these dogmas were conveyed by Montaigne into modern European philosophy. To his credit, Montesquieu was not always sure that his own Europeans knew how to practice freedom. He had a greater suspicion of philosophy than did Aristotle. Nevertheless, in taking the « oriental harem » as a preferred image of the despotic absence of freedom, Montesquieu continued in a new register the old Herodotean understanding of the East.

When Montesquieu famously declares that « prejudice is what makes one unaware of oneself » (*Laws*, Preface), there is in the reflexive « oneself » (« *qu'on s'ignore soi-même* ») a kind of Cartesian « I think » being commended, an « it is "I" who is thinking ». Whatever particular detail that one could *know* about any individual « I », all one need know is that it is « I » – and that cannot be known, only acknowledged. When this « I » finds itself in the presence of another of its kind, another « *moi* », so to speak, one has the non-cognitive or minimally cognitive acknowledgement of another self or other selves. In the latter case, the acknowledgment of another « we » (or of another « *nous* » among « *les autres* »⁶¹), one discovers that relating to another group is less a matter of recognizing it as a type under knowable standards and more a matter of acknowledging the standing of the « others » as one would acknowledge the existence of the « I » who is thinking.

In saying that Alexander overcame a prejudice about the Asians he conquered, Montesquieu did not, I think, mean that Alexander discovered something new about Asians that inclined him to think his earlier beliefs were wrong. His beliefs may well have been wrong, but Alexander was not at this moment giving up beliefs about others. Alexander knew the Asians. They were the objects of his cognitive statements – false or true. But Alexander shifted the ground of his standing with them. He acknowledged the existence and position of the Asians, not as an object of knowledge, but as a form of subjectivity in confrontation with his own subjectivity.

61. Alluding to T. Todorov, *Nous et les autres...*

Whatever the knowledge content of the universal message that Alexander carried to Asia, it was necessarily tainted by its bearer's particular identity. Whatever the potential value of the alleged universal interests – or «advantages» – for those Alexander conquered, it had in it nothing *for* them because there was nothing *of* them in it. There was no acknowledgment of who they were except as the cognitive objects to which Greek «enlightenment» might be applied.

Montesquieu appreciated the beauty of Alexander's integrative conduct without quite explaining why it was admirable. He lacked the vocabulary that I apply, which is in truth post-Kantian⁶². But Kant like so many other thinkers was responding to Cartesian dualism and this Montesquieu had internalized. Through the method of radical doubt, Descartes shows that the mind is free even when it is in chained in a body, a place, a world that submits to the «knowledge» claims of the knower, the enlightenment scientist.

In admiring Alexander's conduct, Montesquieu himself switched from the perspective of the knower to the perspective of the actor confronting another actor; he moved from the standard scientific assumptions of *The Spirit of Laws*, which sets out the natural history of a species – our own – to the activist languages Roxanne invoked in the *Persian Letters*. He went from *knowing* the Asians to *acknowledging* them. «Knowing» permitted him to place them. «Acknowledging» called upon him to assimilate their existence to his own.

*The Traveler Who Knows «That Which Great Atlas Taught»:
The Empire of Global Commerce*

In Montesquieu's brief against the implausibility of military empire in modern times («Universal Monarchy»), there is a plea for the recreation of the one empire to which he could give his approval. Its territorial reach was roughly coextensive with the conquests of Charlemagne. The lands that this empire encompassed are almost, if not quite, captured in the, at this writing, troubled European Union of twenty-five federated states. Section XVIII reads in its entirety:

Europe is no longer but one nation composed of several, France and England having need of the riches of Poland and Moscow just as one of their provinces has need of the others: the state

62. See Stanley Cavell, «Knowing and Acknowledging», *Must We Mean What We Say?*, 2nd ed., Cambridge, University Press, 2002, p. 238-68.

which believes it can enhance its own power by the ruin of one that borders it ordinarily weakens itself along with its neighbor⁶³.

Montesquieu seized upon a new kind of empire, one whose federal structure of potentially overlapping sovereignties preserves the structure of liberties associated with other forms of rule. This was the empire of «trade and liberty» that arose in eighteenth century England and in the mainly Protestant powers of northern Europe⁶⁴. Whether the empire was quite as «peaceable» (*Laws*, XX, 1-2) as Montesquieu seems initially to claim is still a contested proposition.

In the midst of considerations on international trade, Montesquieu returns to two exemplars of a type that *doux commerce* was expected to banish, the conquerors Alexander and Darius. Montesquieu appears to ask, almost as if he were still thinking of the voyager Usbek, which was the more philosophical traveler, the Persian king Darius or Alexander the Great? Montesquieu found it curious that both the Persian and the Greek had explored a passage to the sea down the river Indus; and significant that only Alexander's travels resulted in the opening of a trade route:

The voyage that Darius had [the Persians] make down the Indus and the Indian Sea was the fancy of a prince who wants to show his power rather than the orderly project of a monarch who wants to use it. This had no consequence, either for commerce or for sailing, and if one departed from ignorance [in making the voyage], it was only to return to it shortly⁶⁵.

Alexander proved to be the more enlightened traveler not only on the Indus but along the whole course of his conquests which had a long post-history as a trading route between East and West, India and the Mediterranean. Commerce may have been *doux* in consequence but not in origin. Montesquieu is pretty clear about it. Conquest precedes trade. The philosopher has one more reason to admire Alexander: trade routes. Alexander constituted an ancient precedent of what was coming together in eighteenth century Europe: an enlightenment inspired alliance of conquerors and agents of commerce. The exceptional character of Alexander's empire building lay, Montesquieu said, in his wanting «to conquer all in order to preserve all».

63. «L'Europe n'est plus qu'une nation composée de plusieurs, la France et l'Angleterre ont besoin de l'opulence de la Pologne et de la Moscovie, comme une de leurs provinces a besoin des autres: et l'État qui croit augmenter sa puissance par la ruine de celui qui le touche, s'affaiblit ordinairement avec lui» (*RMU*, § XVIII, p. 360).

64. A. Padgen, *Peoples and Empires*, New York, The Modern Library, 2001, p. 86.

65. «La navigation que Darius fit faire sur l'Indus et la mer des Indes fut plutôt une fantaisie d'un prince qui veut montrer sa puissance, que le projet réglé d'un monarque qui veut l'employer. Elle n'eut de suite, ni pour le commerce, ni pour la marine; et si l'on sortit de l'ignorance, ce fut pour y retomber» (*EL*, XXI, 8).

There were hints in the *Laws* of a dialectical relationship between conqueror and trader. Sometimes the former prepares the way for the latter, as Alexander did in opening a trade route to the East. But commerce eventually transforms warriors into merchants. That is to say, «commerce destroys destructive prejudices». Conquest fostered trade which made the former costly and unattractive. Trade in turn led to philosophy and modern mores. In the epigraph that prefaces Books XX-XXI, Montesquieu expresses a self-consciousness regarding the relationship of philosophy to this interconnected world of commercial relationships. His philosophy was «that which great Atlas taught», namely, a world held up before eyes rendered self-conscious by global interconnections and the diversities they reveal.

Not unlike Marx, Montesquieu seizes upon the circulation of commodities as emblematic of this new order of things: «Movable effects [commodities] [...] belong to the whole world, which in this regard comprises but a single state of which all societies are members.»⁶⁶ This goes considerably further than the European Union like idea of the *Reflections on Universal Monarchy*. It expresses in its purest form the idea of global commerce as an empire giving expression to the unity and universality of human nature.

There were, however, good reasons why a country should avoid trade and its global empire. Political elites in one or another nation used their power to create monopolies that would impoverish the rest of the nation (*Laws*, XX, 19-22). In addition, some nations were so disadvantaged that participation in international commerce would ruin them. Poland might advisedly avoid international trade altogether, since the Polish nobility had pursued external trade in such rapacious manner that the peasants were left in poverty. Egypt and Japan had willfully restricted their external trade (*Laws*, XXI, 6) and the latter at least did not apparently suffer from its isolation (*Laws*, XX, 23). In these qualifications, one spies the outline of the many objections that have been made even by the friends of commerce to this last enlightenment project, the empire of trade and industry.

Through its federated structure, global commerce is an empire that has more or less avoided the political despotism into which other empires have fallen. But if it is an empire, how does its imperial *esprit* compare to these other examples from the genre? For Montesquieu, it had two peculiarities. It had something in common with the empires of the Eastern antiquity,

66. «Les effets mobiliers [...] appartiennent au monde entier, qui, dans ce rapport, ne compose qu'un seul État, dont toutes les sociétés sont les membres» (*EL*, XX, 23).

for like them it concentrated on providing luxury (*Laws*, XXI, 6). In addition, commercial empire supported the «perfection of the arts» and philosophy. But this suggests another theme often rehearsed in the text, namely, Rome where «sects of philosophy had already introduced into the empire a spirit of distance from public business» and where, after Constantine, «the Christian religion, succeeding philosophy, fixed [...] ideas for which the latter had only cleared the way». The laws of empire reflected a preference for leisure and the cultivation of private things. «Christianity gave its character to jurisprudence», Montesquieu says and then adds: «*for empire always had some relation to priesthood*»⁶⁷, emphasis added.

It is an extraordinary reminder of the ancient lineages of the commercial empires for the old anti-clerical author. The specialist law that superintends global commerce that has become an empire will not favor citizen involvement even as it does favor private life. The agents of this commerce will have no better historical model than the priesthoods of the old Christian empires. Brussels will replace Rome and Constantinople.

If the empire of commerce escaped the political despotism that had characterized imperial aggrandizement elsewhere, it might not so easily avoid the soft despotism of public enervation, social conformity, and isolated self-seeking that were Tocqueville's themes in volume II of *Democracy in America*. In signaling to their readers these signs of danger attached, respectively, to the empire of commerce and to democracy, neither Montesquieu nor Tocqueville sought to discredit these forms of rule. They were for the two philosophers among the cherished goods of this world. Their internal defects were lamentable but they were also occasions for thinking of compensatory mechanisms – constitutional or otherwise – that might channel and focus the energies of citizens living under arrangements that were on the whole good enough, and in any event, better than the likely alternatives.

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67. «Le christianisme donna son caractère à la jurisprudence; car l'empire a toujours du rapport avec le sacerdoce» (*EL*, XXIII, 21).