

‘Dare Legem Victis’: Liberty, Emulation, and the Science of the Legislator in Eighteenth-Century Europe

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This paper aims to broaden contemporary debates about the nature of international trade by problematizing certain common tropes of historiography, and primarily among them the ostensibly ‘peaceful’ image held of commerce in eighteenth-century Europe. In a venerable tradition stretching from John Locke through Montesquieu to Kant, Constant and a plethora of modern writers, political theory has sought to pacify international relations by presenting the ‘spirits’ of conquest and commerce as mutually exclusive. Yet this has only ever been an ideal, never a reality, and alternative interpretations have long been either ignored or vilified by secondary scholarship. Adopting a birds-eye perspective on European debates in the long eighteenth century, this paper begins to delineate a widespread alternative to the standard paradigm, a tradition of thought which not only considered conquest and commerce to be synergistic, but indeed interchangeable with regards to conditions of liberty and dependence in the face of international rivalries.

To do this, the paper demonstrates how the classicizing idiom of ‘giving laws’ had become a shorthand for conquest and coercion between political communities in the eighteenth century. It then explores how this phraseology was harnessed by theorists of political economy all over Europe to illuminate the mechanisms of international competition, and how even ‘commerce’ on its own gradually came to be considered something through which a community could ‘give laws’ to others,

in effect ‘conquering’ them and depriving them of their liberty. This, as one observer put it, constituted ‘a different sort of Empire’ in the modern world, and a principal preoccupation of the science of the legislator therefore came to revolve around the means of countervailing such commercial empires to safeguard a state’s freedom. The inexorable interconnection of trading states meant that true independence was a chimera, however, and the sheer power amassed by successful economies similarly ensured that outsiders to the system of competitive commercial societies were doomed to a future of destitution and dependence. Liberty, then, had for many come to depend on success in a dynamic field of economic rivalries. Considering the dramatically increasing volume and changing flows of translations of economic works in the eighteenth century, the paper finally argues that the selective ‘emulation’ of the theories and policies of more successful nations became the mainstream reaction to this state of affairs, and that precisely such an insight informed the institutionalization of political economy from one end of the European world to the other. But if the acquisition of relative economic power uniformly had become a cardinal task of the science of legislation, for which common recipes continuously were circulated and emulated across Europe, the means and ends of deploying said power in international relations remained political and moral questions of incessant polyvalence. Laws given through commerce were no less evanescent than those based on conquest, and empire was not the only possible outcome of competition perceived by political economy in the long eighteenth century. ‘It is one thing for a country to be in a posture not to receive the law from others’, Alexander Hamilton wrote, ‘and a very different thing for her to be in a situation which obliges others to receive the law from her’.

Select Bibliography

Though relatively little has been written on translation, emulation, and political economy of commercial rivalries in the early modern world, the following works, some focusing on economic history and others on intellectual reactions to it, constitute a fruitful framework for thinking about the problem:

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