LOCKE STUDIES

Vol. 19

<https://doi.org/10.5206/lis.2019.6305> | ISSN: 2561-925X

Submitted: 11 JULY 2019

Published online: 13 AUGUST 2019

For more information, [see this article's homepage](#).

© 2019. Paul Corcoran

Review of Vincent Grégoire's *Théories de l'État et problèmes coloniaux (XVI^e–XVIII^e siècle): Vitoria, Bacon, Hobbes, Locke, Rousseau*

PAUL CORCORAN (UNIVERSITY OF ADELAIDE)

Abstract:

A review of Vincent Grégoire's *Théories de l'État et problèmes coloniaux (XVI^e–XVIII^e siècle): Vitoria, Bacon, Hobbes, Locke, Rousseau* (Paris: Honoré Champion Éditeur, 2017).

Keywords: problems of law, state, John Locke, Francisco Vitoria, Francis Bacon, Thomas Hobbes, Jean-Jacques Rousseau, imperial power, colonization

Locke Studies is published by [The John Locke Society](#).

This is an open access article published under the terms of the [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International](#) license, which permits use, distribution and reproduction in any medium, provided the original work is properly cited and shared under the original license.

Grégoire, Vincent. *Théories de l'État et problèmes coloniaux (XVI^e–XVIII^e siècle): Vitoria, Bacon, Hobbes, Locke, Rousseau*. Paris: Honoré Champion Éditeur, 2017. 526 pp. 85.00 EUR (pbk). ISBN 978-2-7453-3179-3 (pbk); ISSN 1259-4482; Ebook available; e-ISBN 978-2-7453-3447-3

Reviewed by Paul Corcoran

The title of this book signals the vast historical scope of its intended coverage, but it does not prepare the reader for an even more ambitious exploration of legal and philosophical concepts. The subtitle names five important Western thinkers whose political ideas the reader must assume contribute to our understanding of early modern European theories of the state and the colonial experience from the sixteenth to the eighteenth century. The five-page table of contents gives the impression that this will be a chronological account, but the reader will discover considerable leaping forward and backward in time. Though somewhat disorienting, the leaps and digressions provide useful information: Roman law concepts; complex theological debates; tales, real and fictional, of fateful colonial ventures. With anachronism sometimes acknowledged, Grégoire draws on notable thinkers, including Carl Schmitt, Hannah Arendt, Michel Foucault, Jacques Derrida and Pierre Bourdieu, to broaden and drive his interpretative arguments.

The book focuses on the European projection of imperial power into the New World and the evolution of a philosophical, legal, and strategic framework for colonial possession and economic exploitation. It is to these matters that British royal intentions and economic power “belatedly” arrived.

Readers of *Locke Studies* will be especially interested in chapters devoted to Thomas Hobbes and John Locke. These chapters trace the theoretical framework of the book’s central themes of colonialism and slavery as the ultimate, indeed the inevitable, result of European legal theory and political practice during this period.

The author’s special concern is to show that theories of the state reflect “stages” of an intellectual evolution emanating from Europe’s unique historical and cultural heritage of scientific invention, exploration, colonial exploitation, and domination. Grégoire, a philosophy graduate of the Sorbonne, proposes that the “logic” of those successive iterations of culture—including papal doctrines, jurisprudential concepts of authority, and *raison d'état*—are nevertheless paradoxical and self-contradictory. Attempts to clarify, or indeed justify, distinctions between nation and empire or between citizen and colonial subject are bound to disappoint. Is it Charles V’s Holy Roman *imperial sovereignty* or his Spanish *royal sovereignty* that obliges Spanish fealty to their king? What doctrine supports that same king’s sovereignty over uncharted New World lands and compels fealty and Christian faith from their pagan populations? Do the Natives of South America have souls? Must they be enslaved or evangelized?

In 1550, Charles V invited Bartolomé de las Casas, Francisco Vitoria, Domingo de Soto and Juan de Sepulveda to debate these questions. They duly advised him of the brutal subjection, oppression, starvation, and slaughter of thousands of New World Natives souls resulting from Spain’s colonial engagement, which nevertheless continued.

Although Grégoire’s study is a deeply researched undertaking, referencing the relevant philological, historical, and theoretical documentation, he does not dissemble about its being ethically *engagée*. The Introduction proposes “to interrogate the idea of the modern state and its evolutions in the light of the tension between cosmopolitanism and

imperialism ... leading to a first formulation of human right [*un droit des gens*] whose horizon is a concern for the common good of the world” (32). Grégoire attempts to clarify: “we are speaking of a ‘*cosmopolitisme manqué*.’ ... Kant, distinguishing human rights from cosmopolitan rights, deploys a clearly anti-colonialist argument, incorporating into the inventory of laws ... the relationship between Europeans and stateless people ... articulating intra-European relations with the rest of the world” (33). The reader always needs to remember that Kant was making a point in 1795, not 2019.

Cosmopolitanism will eventually emerge, Grégoire proposes, as the final State: a borderless, global, unified world, fulfilling what he sees as Europe’s destiny. He conceives this as a project arising from Europe’s long and painful tradition of renunciation. “In any case,” he writes, “it is perhaps secondarily more than rationality, in the strict sense, that gives Europe a cosmopolitan vocation” (32). Always the new is built on the ruins of what has gone before: the Greco-Roman political institutions subsumed by Roman empire; fragmented medieval kingdoms; renewed Roman (Catholic) Empire; nation-state monarchies; colonial empires, eventually fragmenting into late modern nation states. Now Europe bequeaths, atop the rubble of twentieth-century empires in a fracturing European Union, the idea of a global community.

Signaling that French classical method endures, Grégoire assures the reader that “*Cette investigation se divise en trois parties*” (32). Part I is a review of early modern attempts to frame a form of universal governance. It is a complex story of the Spanish pope’s ambition for universal Christian empire and the Spanish Crown’s efforts to retrieve a pan-European empire, driven since the sixteenth century by rapid developments in global exploration and acquiring New World possessions and wealth in colonial trade. Here, too, are surprising digressions regarding “communities” (*compagnies* or *communautés*) of Huguenot migrants, marooned seafarers, criminals and pirate fraternities as precursors of utopia, anarchy, and anti-imperialism (115–45).

Grégoire makes a case for the historical compass of the book. “In Kant’s *Perpetual Peace* there is a profound echo of Vitoria’s *On Indians and the Law of War*. The two texts frame the historical period of European modernity in view of the appearance of territorial States and a new type of relations among them, against the background of conquest and exploitation” (97). Now, Grégoire explains, we are able to consider that one text inaugurates and the other closes a cycle of three centuries that saw the establishment of a certain rapport between Europe and the rest of the world, and that this rapport is singularly anchored on the island of Santo Domingo. What took place there from 1492 is what prompted Vitoria’s reflections. “When Kant wrote his essay in 1795, the Treaty of Bâle had just formed the basis for hope that Europe could know a durable peace putting an end to the troubles engendered by the French Revolution. For by that treaty Spain ceded its claims in Santo Domingo to France” (97). Grégoire outlines Kant’s nine articles required for peace between states. They include a federation of free and sovereign States, not a universal republic (*république mondiale*) and subscribing to a “cosmopolitan right” (*droit cosmopolitique*) establishing the conditions of a universal hospitality. Three centuries earlier Vitoria had conceived this idea as a moral duty arising from *droits des gens*; Kant expressly defines and limits cosmopolitan rights (and universal hospitality) as a concept of “*droit public*” (98–99).

Grégoire only glancingly alludes (26, 112, 500–1) to Europe’s contemporary experiences of migration and asylum-seekers. The book’s trenchant analysis of European imperialism, colonialism, and slavery is expressed with an undisguised moral fervor that

resonates sympathetically with Vitoria's concepts of natural right and universal hospitality. Nevertheless, Grégoire's exposition of Kant's insistence on the positive law basis of cosmopolitan hospitality (97–101) exposes, by implication, the philosophical, moral, and political complexity of the "right" to asylum. Conceptual extensions of Roman law, together with *le droit d'hospitalité* and *le droit cosmopolitique* discussed by Vitoria and Kant, are impressive but incommensurable building blocks for a natural (universal) right to asylum. Initially, Kant's idea of cosmopolitan hospitality seems robust: "an absolute and imprescriptible right ... that flows directly from natural right, to enter any country and communicate with its inhabitants." But the conditions are strict: "on no account is the foreigner [*l'étranger*] to consider this to be a right to reside, but only to establish a contact that the sovereign is able to accept or refuse. ... In this way, Kant makes of asylum not a virtue tied to morality or any religious tradition, but an unconditional right [*un droit inconditionnel*] imposed on the sovereignty of states" (100–1).

Part II offers chapters on Francis Bacon and Thomas Hobbes. The discussion of Bacon traces his remarkable life in diplomatic and government office, his preeminence as a philosopher of science, his startling ideas about colonial relations with Indigenous people, and his *New Atlantis* (1627) utopia. Though informative, it reveals Grégoire's tendency to digression, anachronism, and a blurring of fact and fiction.

Perhaps because Hobbes was a systematic political philosopher, "Hobbes and the Colonies" is a more disciplined and focused discussion of *Leviathan*. Nevertheless, Grégoire uses a lens fixed upon colonialism, dispossession, and slavery. In the state envisaged by Hobbes, "the individual becomes a proprietor embedded in a market [which] only connects atomized individuals, but its logic tends to the association of merchants whose interests go beyond the borders of the state, contrary to the logic of sovereignty. The practical solution of this logical contradiction consists in the colonial project. ... Ultimately, peace and prosperity favour the emergence of an indigent and superfluous population, propertyless and unemployed, a spectre of a state of nature within the State, which the colonial space is able to absorb" (256).

Grégoire's reading of Hobbes through Marxist economic accounts of property and class (259–68) relies on what Hobbes did not say, or what he would have said if he had read Marx. "With Hobbes, the State loses all innocence in matters [of honour and dignity]. The value of a man is measured in terms of his economic and social value (using the term 'capital' here is perhaps anachronistic, but *marque bien*, in Bourdieu terms, that is what it is)" (267).

Grégoire often reads texts not to construe what they say or mean in their context, but to use them as an interpretative framework for what he wants to say. Thus, Hobbes's natural man's relentless, acquisitive search for possessions and power is framed tendentiously (here using Arendt): "The subject in the full acceptation of the term is a proprietor able to trade, to do business and accumulate capital, that is to say, for Hobbes, to get ahead. ... The process of accumulation is a logical necessity ... fueling a progressivist ideology that foreshadows the rise of imperialism.' One therefore sees how the colonial adventure is inscribed in a programmatic manner in the presuppositions of Hobbes's doctrine" (268–69).

Part III, "Sovereignty, Liberty and Property," is a reading of Locke's *Second Treatise* and *Fundamental Constitutions of Carolina* and Rousseau's *Social Contract* and *Discourse on the Origins of Inequality*. A reader might expect a discussion of the state of nature, human equality, liberty, and property as set forth in Locke's *Second Treatise* and

Rousseau's *Social Contract*. But by page 323 of Grégoire's 524, readers will rightly anticipate further expansion on imperialism, colonial dispossession, and slavery.

Grégoire's use of French secondary literature on Locke will impress readers. He also draws on leading British, Canadian, and American scholars such as David Armitage, Barbara Arneil, Richard Ashcraft, Andrew Fitzmaurice, John Milton, and James Tully.

However, Grégoire surprises in announcing an attack on the "traditional" way Locke "is studied in relation to the emancipatory events and the founders of modern democracy," especially "the interpretative disputes about his more or less grandly radical democratic ideas and commitments" (323). Such a focus "leads to a complete coverup [*occultation*] or reducing to anecdote his passionate involvement in the colonial affairs of his time. ... This coverup is all the more disconcerting given the omnipresent references to America in the *Two Treatises*, especially in the *Second*, where they play a central role in the economy of his thinking and the genesis of his concepts" (324).

Having none of that, he embraces another tradition: "We therefore propose to read the *Second Treatise* as a plea [*plaidoyer*] in favour of the colonisation of North America by England, its legitimatizing by imposing new titles and basing the appropriation of land on labour and cultivation. ... He eliminates the Indians' own rights to the 'vacant lands' of the New World" while also eliminating the "Spanish model" of colonization by conquest and the "French model" based on hunting and commerce (324). Grégoire surprisingly concedes that the letter and contents of Locke's treatise "lean in favour of the democratic and liberal reading," but he nevertheless insists that "it is important to understand Locke's doctrine as liberal *and* colonialist, and even liberal *and* pro-slavery" (325; Grégoire's italics).

Given the many post-colonial critiques of Locke in the past several decades as an ideologist of capitalist exploitation and an imperialist, racist apologist for Indigenous dispossession, Grégoire's position is less radical than he presumes. Indeed, his tendentious critique of Locke is all too familiar. His arguments are weakened by passages taken out of context. Presuppositions become facts, and statements of clear and specific reference to one thing are claimed to mean something else. For example, after carefully examining the uncertainty of Locke's degree of authorship of the *Constitutions of Carolina*, he states: "it must illuminate our reading of the *Second Treatise*. ... The [liberal] principles revealed there, if they are emancipatory virtues when applied to Europe, are in their intention weapons of legitimation and a foundation for the colonial enterprise. Such is the hypothesis that we propose to defend" (349). At times, Grégoire's imaginative interpretation soars free from the text to survey "*l'horizon de Locke*" (402). "This vision supposes ... a fictional island" of Indigenous Americans (401–3), rendering direct engagement with Locke's text and context unnecessary. Frequently he refers to "the doctrine of Locke" as if it is a key to unlock what Locke might think about any number of issues.

Grégoire's *Second Treatise* is simply about Indigenous dispossession. He locates his critique exclusively on chapters 4 and 5 (slavery and property), interpreting them as a disguised apologia for marginalizing the Amerindian and seizing their lands. Like so many others, he ignores later chapters (XVI–XIX, §§ 176, 184, 192, 194, 220) where Locke discusses the limitations of conquest and provides an explicit and unconditional argument on behalf of Indigenous right, in perpetuity, to their lands and possessions. Glancing at the chronology, Grégoire notes that the displacement of supposedly savage and nomadic inhabitants had "its source in the colonial experience," which had been

underway and widely debated for more than sixty years before the *Second Treatise* was published. Nevertheless, Locke deserves the condemnations now typically laid at his feet because of “the doctrine of Locke.” He is responsible for the colonial depredations because of “the originality with which he is universally recognized in the history of ideas,” because of “Locke’s well-known position in the debates which animated the colonists,” and because “he gave to his chosen viewpoint a degree of philosophical elaboration and coherence unrivalled by the works of other protagonists” (420).

In the chapter “Jean-Jacques Rousseau: Ni Impérialisme ni Cosmopolitanisme,” Grégoire is puzzled by Rousseau’s primordial state of nature and the ambiguity and fragility of his social contract. Nothing seems to fit: the paradoxes in Rousseau’s views on freedom, human sociability, and happiness; the divorce of labour from rightful property; grounding of law and right on will rather than nature; Rousseau’s speculation that in some circumstances slavery may be inevitable. Grégoire is uncomfortable with Rousseau “on the question of natural law” because his “state of nature ... is even more radical than that of Hobbes ... [and] his anthropological atomism is more radical than Hobbes’s natural man, whose customs at least presuppose sociability. Nothing like that is true for Rousseau’s natural man, not even common membership in the human race in the presence of his own kind, thus no spontaneous good will” (460–61).

Despite Grégoire’s oblique disposition to Rousseau’s thought, this chapter has a tone of tolerant embrace. Its style is fluid and easy, in marked contrast with the chapter on Locke, which is uneven, disjointed, by turns respectful and combative, a tendentious argument in search of evidence to convict.

In the “Conclusion,” Grégoire once again invokes Kant’s *Perpetual Peace*, confirming his aspiration to imagine a future arising from *cul de sacs* in contemporary metropolitan and post-colonial state relations. Grégoire seems to make a plea for cosmopolitan hospitality as *le dernière mot* of international relations theory. It is a utopian epilogue to his elegiac account of Europe’s shipwrecks. “‘The world is small,’ wrote Columbus, thus enunciating ... a limiting principle of which we hear the echo three centuries later in the Kantian argument for the common membership of the earth and ‘the right all men have to demand entry into the society of strangers, a right [*droit*] based in the common possession of the earth’” (497). Grégoire adds a word of hope as well as caution, testifying that the European dream lives on. “Certainly the world is small, but its discovery, its exploration, opens up horizons, opens out perspectives which yield the feeling [*le sentiment*] that everything is possible, that there are no limits. It is the impetus tied to this feeling that characterizes imperialism” (498).

University of Adelaide