

## French Imperial Liberalism in the 19th century



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### ***Abstract:***

Liberalism is presented as a universal creed that needs to be adopted if states are to achieve democratic values. A claim that is not different from that of international law being a law among sovereigns where states are equal, this is precisely why this paper will use Antony Anghie's theory about IL and how it developed out of the colonial encounter instead of being an exported ready European product. The paper will use this theory as a lens to evaluate whether liberalism has an imperial core much like IL, the focus will be on 19th century liberalism in France, with Tocqueville's writings at the center since he is presented as the theoretician of democracy because of his book "democracy in America" but what is often disregarded is his works about Algeria, which depicts a completely different image of the leading French liberal of the 19th century.

**key words:** liberalism; 19th century liberalism; colonialism; Antony Anghie; Tocqueville; algeria.

### **Introduction:**

Liberalism has always been promoted as the only universal creed under which states could build a pluralistic democratic regime, in fact, the system of international law and its institutions are the result of such an idealist doctrine<sup>1</sup> as opposed to the realist politics oriented understanding, in that sense, liberalism is presented as the product of the early European enlightenment by thinkers like Locke, Benjamin constant and Kant<sup>2</sup>, it was later exported as a ready product to the rest of the world as they were building their own nation-state projects, this paper aims to examine to what extent is this claim true, as in , was

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liberalism a universalized ready product that Europe exported to the world.

Liberalism like many other concepts isn't really easy to define, the word itself was coined in the early 19<sup>th</sup> century in Spain with the party of the liberals<sup>4</sup>, its roots however do run a little deeper back to the enlightenment thinkers in the 18<sup>th</sup> and 17<sup>th</sup> century. John Stuart mill is famous to have said "liberals comprise every shade of political opinions from moderate to radical<sup>5</sup>", Tocqueville a self-proclaimed liberal always insisted that liberals aren't listening to him, that he needed to be a new kind of liberal<sup>6</sup>, at that point liberalism was challenged and viewed as satanic, a moral plague with the goal to destroy the family, society and God as pope Pius IX defined<sup>7</sup>.

Ronald Dworkin offers three different types of liberalism, the first type is the equivalent of republicanism, i.e. it is against monarchical rule, sovereignty relies with the people, it is they who decide to delegate to an authority to mediate their conflicts, hence the long tradition of the social contract (and why Locke could be viewed as the father of liberalism)<sup>8</sup>. The second understanding of liberalism would be classical liberalism (also known as Manchester liberalism) this here adds to the republican aspect the notion of negative rights, the right to property, commerce and political rights with free market at the core of it<sup>9</sup>, and finally what is known as egalitarian liberalism (in Europe it is called social democracies) this adds to the previous layer the rights to social and economic equality in favor of redistribution<sup>10</sup>.

This development alone might be indicative about whether liberalism was indeed a ready product to export or not, but nonetheless the paper will go deeper using the theory of Antony Anghie about the colonial encounter<sup>11</sup> to assess the shaping and coining of the concept of liberalism. Anghie has offered a new account of international law, instead of the traditional story where the European states have created an international law order among themselves based on equal sovereignty following the 30 years war, which was later exported to include the rest of the world (especially after the wave of independence)<sup>12</sup>, he offers a different story whereby the very concepts of international law were created as the result of the colonial encounter<sup>13</sup>, in that sense it is the dynamics created through this imperial confrontation which forged a concept like sovereignty, thus concluding that International law might prove to have a colonial core

which is the reason of the failure in the development of the third world and the reason for the north-south inequality<sup>14</sup>.

This paper seeks to employ Anghie's theory as a lens to assess whether the liberalist tradition was a ready European product which was later expanded to include the rest of the world (there is much debate about this especially after the resurgence of populism and the rise of China), or whether liberalism much like international law was shaped by the colonial encounter. This question is especially valid for two main reasons, first, liberalism does influence a great deal of policies, law and concepts around the globe, the examples that Anghie provides as imperial tools like good governance, human rights<sup>15</sup>...are all products of the liberal school of thought and second, the liberal hegemony of the western world is a current reality and the social engineering that the USA has been exercising in the middle east since the 1990's is nothing but the result of such liberal understanding which supposedly seeks to establish democracies around the world<sup>16</sup>.

The paper will focus especially on the 19<sup>th</sup> century French liberalism, and how the colonial encounter did shape the debate about what it meant to be liberal and who does it include, the ideas of Condorcet and Tocqueville are of particular importance especially that the latter is taken as the exemplary defender of democratic values, the paper will however allude to the English experience because they are very linked considering that Mill and Tocqueville were friends<sup>17</sup> (they exchanged letters constantly about political regime and colonial endeavor<sup>18</sup>) it would also mention phases prior or after the 19<sup>th</sup> century to show that it wasn't an exception but rather a continuity. The first part will focus on how the colonial encounter and the idea of the civilizing mission shaped the concept of liberalism, while the second would be concerned about the dynamic of difference created by the liberal doctrine and how that effected the scope of inclusion of non-Europeans under the freedoms it guaranteed.

## **The colonial encounter, universality, and the civilizing mission**

Tocqueville's book "democracy in America" was a big hit even in its time, it was translated to many languages right on the spot<sup>19</sup>, it is as such that he is presented as the theoretician of democracy, as one of the main figures of liberalism within the 19<sup>th</sup> century, a continuation of the long line of legacies, Benjamin constant, Montesquieu, and Rousseau. The repercussions of this characterization aren't just personal, for it reinforced the idea that democracy and liberalism with all their values were a product of the west, after all Tocqueville came out of the French revolution and the rights of the "citoyen" to experience the American revolution and the legacy of republicanism, that of "we the people" and through this purely western dialectic, he was able to theocratize about the advantages and disadvantages of democracy.

What is missing from this picture about Tocqueville is more than half his life, it is the other encounter which is often disregarded, because while he went once to USA<sup>20</sup> and wrote one book about it, he actually visited the colony of Algeria a couple of times, and wrote about it many works, in fact he chaired the parliamentary committee which was responsible of making reports on how better to colonize Algeria<sup>21</sup>, and he himself (and his family) was an owner of land that was taken from the indigenous people<sup>22</sup>.

France had already ventured in Europe with the Napoleonic wars, and it did have an encounter with Egypt in 1798, not to mention its failing experience in the Americas with the exception of the few islands and pieces that it managed to keep, it was in this context that the new endeavor towards Algeria began. Intellectually, Condorcet had already shaped his idea of the "10 epochs", which is a theory of linear history by which man was meant to developed until he reaches civilization<sup>23</sup>, which finally Europe attained at what he calls the 8<sup>th</sup> epoch, but it now has a moral and historical obligation to spread it around the globe<sup>24</sup>, conquest is the tool towards such a goal, he admits that it might cause a lot of losses and immoralities, he says "this stage in our history the eighth of ten stages more than any other sullied by terrible atrocities<sup>25</sup>", but the he deems it necessary and even moral because the end result (i.e.. Civilization) would outweigh the cost, he adds "the discoveries of civilization will have repaid humanity what they have cost<sup>26</sup>" it is important that to notice that the four main conditions Condorcet departs from are:

- 1- "Men of all climates are equals and brothers by the wish of nature"<sup>27</sup>
- 2- freedom is a foundational good and societies that don't accept may as well perish<sup>28</sup>
- 3- Europe achieved a higher stage in the social hierarchy of progress, therefore it is permitted conquest<sup>29</sup>.
- 4- Progress is a universal law of nature; it is the result of the triumph of reason and individual fulfillment<sup>30</sup>.

So finally he universalized the ideas of Freedom, autonomy, reason and used them to include every human being in the circle of the need for civilization, a civilization that only Europe can offer, which why he would then use that to exclude every person he deems backward (all non-Europeans), and to deny them even the right to life, because it's a necessary sacrifice to achieve the same universal morality that allowed these atrocities<sup>31</sup>, it is important to notice two things here, first all of the mentioned 4 values represent the core of the definition of liberalism as presented earlier, and two, this creed is used both as the cause of conquest and its aim at the same time, in a very paradoxical conclusion.

The future that Condorcet imagined in the tenth epoch of his historical development is exactly the kind of imperial liberalism that France and Britain would adopt in the next decades, centuries<sup>32</sup>, and which Tocqueville would defend fiercely, because like his predecessor he will believe in the theory of historical progress<sup>33</sup>, in fact the main reason he advocated democracy, wasn't for moral reasons but he thought it was inevitable<sup>34</sup>, this is most clear through his book "l'ancien regime" where he stresses how wrong it was to think the French revolution was an interruption of French history with a new beginning, it was a continuation<sup>35</sup>, it is also the same reason he chose the USA and not England as a destination because he thought France was well ahead of England in the historical stages of Condorcet, since England was still a monarchy<sup>36</sup>.

Tocqueville's defense of the imperial project was based on his liberal inclinations in two ways, first, he thought colonialism to be needed for sustaining the instable democracy in France<sup>37</sup>, he was very aware of the fluctuations in French politics<sup>38</sup> ( revolution 1789, 1791, 1795, Napoleon, the Bourbons, the liberals in 1848...) and the social alienation it created, such a democratic anxiety is clear in his writings when he says " The citizens, without a clear object on which to fix their

foundering public sentiments, retire into a narrow and unenlightened selfishness...the best thing this nation had before was its pride and grandeur...pursuit of glory through conquest would generate the political dynamics of an involved citizenry and a strong nation...an imperial project that demanded collective effort and promised national glory is the solution<sup>39</sup>” that is exactly why Tocqueville called Algeria “ la plus grande affaire de ce pays<sup>40</sup>” meaning, the biggest concern/cause of France, civilizing a barbarous people across the shores would have never gained such an importance unless France needed it, and French democracy/liberalism required it, and so one could clearly see how colonialism is necessary if liberalism is to succeed in France, let’s call this a causal colonialism<sup>41</sup>.

The second reason and much like Condorcet argued, was about the mission civilizatrice<sup>42</sup>, how the mighty France with all its grandeur is planning to share its civilization and universal values (liberalism) with the other barbarous shores of the Mediterranean<sup>43</sup>, Tocqueville spoke of making an America out of Algeria<sup>44</sup>, the Cincinnati of Africa he called it<sup>45</sup>. again and like Condorcet he thought there will be a lot of costs incurred (only to the Algerians) but they are inevitable, the theory of progress mandates it, in the worst case scenario he says, they will learn the arts of civilization in the process of being conquered<sup>46</sup>, or else they would perish, because stagnate and non-historic societies according to him will either have to learn the better ways of the Europeans or fade away from existence much like what happened to the Indians, he says: “Their homeland (patrie) has already been lost, and soon they will not have a people, their families hardly remain, the common name is lost, and the traces of their origin vanish. Their nation has ceased to exist<sup>47</sup>” it is as simple as that for the liberal Tocqueville.

What is important to notice here is that the very concept of liberalism is being shaped only through the image of “the other”, certain values are being universalized like reason and autonomy, but only with the hope of taking away every other right, much like Di Vitoria did with the Indians. at a much later point in his life, Tocqueville would even deem the Arabs in Algeria unredeemable<sup>48</sup>, in what feels like a jump from the age of di Vitoria to exclusionist positivism, and he even makes the comparison, unlike the Indians he says, who were half-civilized and had the potential to enter the realm of the modern man Arabs had no chance at achieving such a thing, because while the Indians were

rendered barbarous by their colonizer over the centuries, France has barely arrived in Algeria and as such their barbarism is inherent, France didn't cause it<sup>49</sup>, again the colonial encounter is what allows the French to see different degrees in civilization, it allows for the theory of progress, which condones conquest through liberalism, and as such liberalism is being shaped to justify all the misfortunes of the backwards and the advantages of the civilized.

## **The dynamic of difference and sphere of liberalism**

The dynamic of difference in liberalism was born even before the 19<sup>th</sup> century, it is true that Kant generalized rationality to include every human being but at the same time he thought blacks and Indians were natural slaves<sup>50</sup>, by the same natural laws that equipped men with reason, Locke on the other hand, the father of classical liberalism, had investments in the slave trading company<sup>51</sup>, and he was the one to write the Carolina constitution giving masters absolute powers over the slaves<sup>52</sup>, in this sense liberalism was universal but only with regards to white males with property. Tocqueville's position on Algeria will be much more extreme, because he is willing to sacrifice the "mission civilatrice", he merely deemed Algerians as irreparable, when he spoke of them, he used the same lexicology as Kant and Locke, they were ignorant, barbarous and savage<sup>53</sup>, when his fellow liberals argued that its exactly because of such ignorance that they( France) conquered them, he replied "Only people who have never been to Africa, could entertain the "chimera" of a fusion of the two peoples...they find it wrong that find it wrong that we burn harvests, empty silos, seize unarmed men, women, and children. These, in my view, are unfortunate necessities, but ones to which any people who want to wage war on the Arabs are obliged to submit<sup>54</sup>".

The dynamic of difference takes extreme measures and diverse forms when it comes to Algeria, the earlier mentioned dichotomy was one of a civilized European versus the ignorant Arab, the standard here is civilization, but that would soon develop to encompass all aspect of comparison. When Tocqueville spoke of cultural realities that made democracy a success in the USA he characterized the people as religious<sup>55</sup>, they had decentralized religious groups which bring a certain

form of morality within the culture, a certain form of social control that contribute into saving liberty<sup>56</sup>, when he speaks about Algeria in a letter to his family, he says “ I studied Islam and I came out with this conclusion: in this world there aren't as much religions that are fatal as the Mohammedan religion, in my opinion it is the main source for the backwardness of the Arabs even if we compare it to paganism it seems like a step backboard and not a progress<sup>57</sup>.”

The new form of the dynamic of difference is that of the Christian versus non-Christian<sup>58</sup> (Christianity being superior in that it caused civilization, this takes to the ages even before Di Vitoria), this is clear through all of Tocqueville's writings, European conquest for him wasn't just the triumph of progress but that of the superior religion of Christianity<sup>59</sup>, in 1857 when England managed to subdue a revolution in India he wrote a letter to the British parliament saying “never for an instant doubted your triumph, which is that of Christianity and of civilization<sup>60</sup>” the link between the civilized situation of Europe and its Christian faith is always highlighted, even in 1847 when the ottoman sultan demanded recuring to international law about a problem in Hungry<sup>61</sup>, Tocqueville says he was acting Christian<sup>62</sup> while his European counterparts were acting like the Turks<sup>63</sup>, in fact he deems the liberal values mentioned earlier as Christian values, arguing that the American famous saying “all men were born equal<sup>64</sup>” is the Christian doctrine which allowed for the unity of races under god, a unity that could only be achieved on the hands of the European conquerors<sup>65</sup>, and it is as easy as that, that the concept of “just war” as invoked by saint Augustine is brought back<sup>66</sup> but it is under the liberal doctrine this time.

The idea of united races under god might seem appealing but it doesn't last long, because sooner enough Tocqueville would create another form of the dynamic of difference that is based on race, the religious form served to include people in the kingdom of god through conquest, but race will exclude them even from any possible rights, he says: “In order for us to colonize to any extent, we must necessarily use not only violent measures, but visibly iniquitous ones...The quarrel is no longer between governments, but between races<sup>67</sup>” all of a sudden European supremacy isn't because of civilization or Christianity but rather due to racial supremacy, in fact and according to Jennifer pitts, Tocqueville, constant and Condorcet all held that there might be a biological difference between the Europeans and the rest of the world but that



unless proven scientifically, it shouldn't be used politically<sup>68</sup>, she says "they maintained that European superiority should be theorized as cultural, political, and economic, not biological<sup>69</sup>" she adds "Tocqueville did not deny altogether the possible scientific truth of racist theories; his objection to racism was primarily political. Constant had worried that racist theories would be manipulated by the powerful<sup>70</sup>" but the idea is there and the cultural, religious gap becomes a racial one.

Tocqueville will use all of these versions of the dynamic of difference: economic, cultural, religious and racial to justify defending the rights of the settlers but not of the Algerians<sup>71</sup>, he maintained that the excessive violence used in Algeria was because it is an exceptional case "Algeria was denied of the rule of law because the situation there was too new and uncertain to permit even the most basic freedoms<sup>72</sup>" and much like the mandate system the new colony was turned into a laboratory to study the barbarous people and install different political and legal regimes to test how viable they are<sup>73</sup>, much of the doctrines of administrative law were born that way, the same principles that will become the general principles of law recognized by civilized nations<sup>74</sup>, Tocqueville says "colonial war had become a science...Domination of the tribes and establishment of a tenuous peace had allowed the French to study them...you can study barbarous people only with arms in hand...Algerian society had become transparent...indigenous society is no longer veiled to us and domination simpler<sup>75</sup>."

It is as such that we can see not only manifestation of the 19<sup>th</sup> century positivist theory as indicated by Anghie in this period, but one could go back to the crusades, then di Vitoria and perhaps even fast-forward to the mandate system, the universal liberal values as highlighted in the French revolution aren't really universal, after all Tocqueville asserts again and again that Muslims aren't fellow citizens nor are they equal to the French<sup>76</sup>, they are merely an obstacle in his words "in our eyes the old inhabitants of Algeria are merely an obstacle to be pushed aside or trampled underfoot, if we surrounded their populations, not to lift them in our arms toward well-being and enlightenment but to destroy and smother them, the question between the two races would be that of life or death<sup>77</sup>" the scope of liberalism is widened to reach universality, and therefor gain the right of conquest, but then its narrowed down to only include the civilized, in the first instance colonialism was there to ensure liberalism at home, but now it is there because the liberalism at home is

universal, colonialism is now is a consequence (and not a cause) of the universal liberal dogma, but either way it is there to shape its concepts.

### **Conclusion:**

It is as such that the leading figure of liberal thought and the most famous theoretician of democracy of the 19<sup>th</sup> century deals with the question of colonial Algeria, Samuel Moyne suggests that liberalism in the 21<sup>st</sup> century lost its way<sup>78</sup>, the reason for that he presents, is the cold war which put it in a fight against communism and thus resulted in its individualistic tendencies<sup>79</sup>, the solution for Moyne is to go back to the liberalism of the 19<sup>th</sup> and 18<sup>th</sup> century, but one is left to wonder if Locke Tocqueville and Condorcet are the liberals that he is referring to then what kind of liberalism would that be, because not only does it have an imperial core but also a racial and religious one.

This also begs the question that John Mearsheimer raises concerning the adventures of the USA in the middle east which are supposed to be based on realist tendencies, oil in the case of Iraq<sup>80</sup>, protecting Israel and perhaps defeating Russia in the case of Syria<sup>81</sup>, but John Mearsheimer argues that it is none of that, simply its liberalist legacy in action<sup>82</sup>, the ideal dream of making democracies all around the globe, which isn't a fantasy because after all ideals like the state-nation managed to be globalized and in an irreversible way as An Naim and Wael Hallaq argue<sup>83</sup>, so why not liberal democracies, it is this exact idea that causes all the social engineering around the world, and perhaps it is the attempt to turn Ukraine into a liberal democracy which led to the current war, much like the attempts of the USSR to get Cuba to its side, a scenario that Cuba is still paying for it until today.

Anghie would agree in that sense, adding that not only does the USA do all the social engineering through direct interventions, but also through the devised mechanisms and institutions of international law<sup>84</sup>, human rights for instance and especially humanitarian intervention has been used as false pretext for a new kind of imperialism<sup>85</sup>, ideas like good governance with the limits they have on sovereignty and through some international institutions like the world bank and the IMF has been used to undermine sovereignty again<sup>86</sup>, but one would argue it's not just sovereignty that is at play, but this is all part of the broader liberal project of democratizing the whole world so it follows the universal western model. Now the problem with this logic is that as we have shown the liberal doctrine itself was shaped by the imperial encounter

and as such it is impossible to make the people on which it is being forced in a better place, simply because it was designed to undermine them in the first place, if this is to succeed then indeed liberalism would have to undergo a huge reformation not just from its imperial core but also the racial and religious elements that forged it.

### **General characteristics in writing Respectable:**

- Auto marginalization,
- controlled and coordinated paragraphs,
- interline 1 cm,
- 1 cm distance between paragraphs,
- Correction of the language.
- The comma and the point follows the word directly,
- Line Spacing Single,
- The page (2 cm above, 2 cm down, 2 cm left, 2 cm right).

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<sup>1</sup> Christian Reus-Smit, "The Politics of International Law", in: Christian Reus-Smit (ed.), *The Politics of International Law*, (Cambridge: Cambridge university press, 2004), p. 15.

<sup>2</sup> George Smith, *the system of liberty: themes in the history of classical liberalism*, (Cambridge: Cambridge university press, 2003), p. 7-26.

<sup>3</sup> Helena Rosenblatt, *The Lost History of Liberalism*, (New Jersey: Princeton university press, 2018), p. 8-36.

<sup>4</sup> Ibid.

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<sup>5</sup> Ibid., p. 15.

<sup>6</sup> Ibid., p.27

<sup>7</sup> Ibid.

<sup>8</sup> Ronald Dworkin, “how universal is liberalism”, paper presented at the conference hosted by New York University, New York, 2012.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*, (Cambridge: Cambridge University Press, 2004).

<sup>12</sup> Ibid., p. 3-4.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid., p. 196-235

<sup>15</sup> Ibid., p. 182.

<sup>16</sup> John Mearsheimer, *The Great Delusion: Liberal Dreams and International Realities*, (New Haven: Yale University Press, 2018).

<sup>17</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, (Princeton: Princeton University Press, 2005), p. 219.

<sup>18</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, (Princeton: Princeton University Press, 2005), p. 219.

<sup>19</sup> Jennifer Pitts, “Life, Liberty, and the Pursuit of Empire: Humanitarian Intervention and Neo-Orientalism”, conference held at the University of Chicago, Chicago, 08/05/2012, available at: <https://www.youtube.com/watch?v=ZAKy6smHCT0&t=640s>

<sup>20</sup> Paul Magnette, “Tocqueville et la question coloniale : grandeur et misère du libéralisme classique”, paper presented at the annual conference of Académie royale de Belgique, 30 mars 2018.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, (Princeton: Princeton University Press, 2005), p. 206.

<sup>24</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, (Princeton: Princeton University Press, 2005), p. 173.

<sup>25</sup> Ibid., p. 171.

<sup>26</sup> Ibid., p. 163-196.

<sup>27</sup> Ibid.

<sup>28</sup> M. de Condorcet, *Esquisse d'un tableau historique des progrès de l'esprit humain*, (Paris : Editions Sociales, 1966), p. 76-91.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> M. de Condorcet, *Esquisse d'un tableau historique des progrès de l'esprit humain*, (Paris : Editions Sociales, 1966), p. 76-91.

<sup>32</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, (Princeton: Princeton University Press, 2005), p. 163-196.

<sup>33</sup> Ibid.

<sup>34</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, (Princeton: Princeton University Press, 2005), p. 163-196.

<sup>35</sup> This here is really important for Tocqueville because he will build on the need for ancient glory, the glory that unites the French nation and saves its liberalism, such a glory is found in conquest, hence the relation liberalism-conquest

<sup>36</sup> Alexis de Tocqueville, *The Old Regime and the Revolution*. (Chicago: University of Chicago Press, 1998).

<sup>37</sup> Paul Magnette, "Tocqueville et la question coloniale : grandeur et misère du libéralisme classique", paper presented at the annual conference of Académie royale de Belgique, 30 mars 2018.

<sup>38</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 193.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid., p. 204.

<sup>41</sup> By causal colonialism it is meant that colonialism is needed as the cause if liberalism is to exist and proper, colonialism comes before in this sense.

<sup>42</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 206, 222.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid., p. 203.

<sup>45</sup> Ibid., p. 197.

<sup>46</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 196.

<sup>47</sup> Alexis de Tocqueville, *Democracy in America*, (New York : G. Dearborn & Co, 1838), p. 411.

<sup>48</sup> Paul Magnette, "Tocqueville et la question coloniale : grandeur et misère du libéralisme classique", paper presented at the annual conference of Académie royale de Belgique, 30 mars 2018.

<sup>49</sup> Alexis de Tocqueville, *Travail sur l'Algérie*, 1841. Available here : <https://eweb.uqac.ca/bibliotheque/archives/13866127.pdf>

<sup>50</sup> Charles Mills, *Black rights white wrongs: the critique of racial liberalism*, (Oxford: Oxford University Press, 2017), 91-113.

<sup>51</sup> Ibid., p. 6.

<sup>52</sup> Ibid.

<sup>53</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 199.

<sup>54</sup> Ibid., 212.

<sup>55</sup> Paul Magnette, "Tocqueville et la question coloniale : grandeur et misère du libéralisme classique", Paper presented at the annual conference of Académie royale de Belgique, 30 mars 2018.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 216.

<sup>59</sup> Ibid., p. 232.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 232.

<sup>64</sup> Wattenberg, William W. 1966. "All men are created equal". Detroit: Wayne State University Press.

<sup>65</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 242.

- <sup>66</sup> John Langan, “The Elements of St. Augustine’s Just War Theory”, *The Journal of Religious Ethics*, vol. 12, no. 1 (1984), 19-38.
- <sup>67</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 213.
- <sup>68</sup> *Ibid.*, 241.
- <sup>69</sup> *Ibid.*
- <sup>70</sup> Alexis de Tocqueville, *rapport sur l’Algérie*, 1847. Available here : <https://eweb.uqac.ca/bibliotheque/archives/13866113.pdf>
- <sup>71</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 214.
- <sup>72</sup> This is very similar the Israeli-palestinian conflict, invoking the case of exception and serving the rights of the settlers.
- <sup>73</sup> Alexis de Tocqueville, *Travail sur l’Algérie*, 1841. Available here : <https://eweb.uqac.ca/bibliotheque/archives/13866127.pdf>
- <sup>74</sup> Which is again a source of international law, and which Anghie challenges as a colonial heritage.
- <sup>75</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 215.
- <sup>76</sup> Jennifer Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France*, p. 231; Alexis de Tocqueville, *Travail sur l’Algérie*, 1841. Available here : <https://eweb.uqac.ca/bibliotheque/archives/13866127.pdf>
- <sup>77</sup> *Ibid.*, p. 218.
- <sup>78</sup> Samuel Moyne, “The Many Faces of Liberalism: Liberalism and Universal Norms”, conference at the university of Brooklyn, New York, 26 October 2018. Check here: [https://www.youtube.com/watch?v=\\_zC4dMV2JS8&list=WL&index=30](https://www.youtube.com/watch?v=_zC4dMV2JS8&list=WL&index=30)
- <sup>79</sup> *Ibid.*
- <sup>80</sup> John Mearsheimer, *The Great Delusion: Liberal Dreams and International Realities*, (New Haven: Yale University Press, 2018).
- <sup>81</sup> John Mearsheimer, *The Israel Lobby and US Foreign Policy*, (New York: Ferar and Straus, 2007), p. 6-19.
- <sup>82</sup> John Mearsheimer, *The Great Delusion: Liberal Dreams and International Realities*, (New Haven: Yale University Press, 2018).
- <sup>83</sup> Wael Hallaq, *The Impossible State : Islam, Politics, and Modernity’s Moral Predicament*, (New York: Columbia University Press, 2013), p. 65; Abdullah An Na’im, *Islam and the Secular State: Negotiating the Future of Shari’s* (Massachusetts: Harvard University Press, 2010), p. 9.
- <sup>84</sup> Antony Anghie, *Imperialism, Sovereignty and the Making of International Law*, (Cambridge: Cambridge University press, 2004), 245-273.
- <sup>85</sup> *Ibid.*
- <sup>86</sup> *Ibid.*