

NEW FRENCH THOUGHT

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An Intellectual History of Liberalism

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With a Foreword by Jerrold Seigel



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falls decisively short of deciding on an action. Because the modern representative body confines itself to the law and leaves action to the executive, its deliberation is always radically incomplete. The immediate link between deliberation and action is a necessary condition for political action, and more generally for all human action. And since the unity of deliberation and action cannot reside in the legislative body, it will come forth in the executive power. One can truly deliberate only on what must be decided by oneself; one can decide wisely only on what one has oneself deliberated.

These few remarks on the question of the executive have not been aimed against Locke. I simply wished to show how much the idea of political representation, first formulated by Locke in terms that have remained our own, was uncertain and even confused, in spite of its apparent lucidity. I wished to suggest that politics is irreducible to representation, and that the modern emancipation of the executive, contrary to Locke's wishes yet authorized by his doctrine, bears witness to this irreducibility. And since political liberalism rests historically on the idea of representation, this tension between politics and representation will necessarily emerge in any attempt to define a liberal politics.

Montesquieu and the Separation of Powers

IN GOING FROM Hobbes and Locke to Montesquieu we change worlds. Montesquieu's political intentions remain essentially the same as those of Hobbes and Locke, but the means chosen for realizing them, and the language in which they are described, are radically different.

The political intention remains the same: the end of the political institution is to ensure the *security* of persons and goods. The more certain the security, the more recommendable the institution. But the need for individual self-preservation is no longer strictly speaking the foundation of political legitimacy, of an absolute and incontestable legitimacy. Whereas Hobbes and Locke spoke the language of absolute rights—the individual's or the sovereign's—Montesquieu abandons this language and reestablishes on new bases the flexibility of the ancient politics. For example, Locke considered absolute monarchy to be not only a bad and illegitimate regime, but in fact not a political regime at all. It left men in a state of nature worse than the original one. Montesquieu, in contrast, considered the defects and merits of the French monarchy with equanimity. The French monarchy's principle of legitimacy was radically illiberal, but its effective functioning assured tolerable liberties. In short, Montesquieu's liberalism is not aggressive like Locke's; he is liberal not only in his principles, but also in his mood or tone. If he was able to abandon the Lockean "absolutist" language, it is because he managed to found liberty on bases other than the concepts of the state of nature and sovereignty.

The doctrine of sovereignty was both the salvation and the bane of early modern political thought. It saved it by making possible the conception of a neutral power, superior in principle to all interests and passions that drive men to war, whether political or religious. Sovereignty was responsible for constituting a human world invulnerable in principle to religion's power. The bane was that, by constructing a power capable of imposing peace, one simultaneously raised a power capable of making war on its subjects. Of course, Locke attempted to make it impossible for the absolute sovereignty to turn against citizens by placing it in a legislative assem-

bly representing their desire for preservation. But what if this assembly betrays its mandate, becomes oppressive? Then, says Locke, the only recourse is to appeal to Heaven—to rebel. This recourse is always open since the people are the ultimate source of all legitimacy.¹ Montesquieu will show how the liberal plan can do without the dangerous means of absolute sovereignty, as well as the perilous remedy of rebellion, without risking anarchy.

Unlike Hobbes, Locke makes a *distinction* between the legislative and executive powers but does not achieve a doctrine of the *separation* of powers comparable to Montesquieu's. On the contrary, Locke insists on the essential subordination of the executive to the legislative. For a more or less equal distribution of power between the two cannot be conceived of, so long as sovereignty resides in the king. If the king is sovereign, he must necessarily possess the two powers—or at least, possessing the executive, he must also have a direct share in legislation. The liberal plan therefore required that the idea of royal sovereignty be refuted. To an absolute sovereignty, however, one can oppose only another absolute sovereignty: to that of the king, that of the people. The people's sovereignty, as absolute, is not in principle more propitious to the separation of powers than the king's sovereignty. But since the sovereign people cannot rule directly, and since the assembly of its representatives is also scarcely suited to govern, a regime based on the people's sovereignty practically needs a power other than that of the sovereign. At least Locke's English contemporaries thought so: the Lockean assertion of the people's sovereignty expressed itself practically, at the time of the Glorious Revolution of 1688–89, through a compromise between the representative Houses and the reformed monarchy. Once this compromise was established and began functioning passably well, it became possible to describe English politics as resting on the interplay of two almost equal powers, leaving aside the absolute sovereignty that had made the compromise possible, and leaving the question of legitimacy to lie dormant.

Montesquieu's doctrine is not founded on an analysis of man's original condition or of the bases of political legitimacy. It depends on the interpretation of a political experience, namely the English experience, whose results Montesquieu contemplated from afar. The doctrine of the separation of powers finds its classical expression in Montesquieu thanks only to the "forgetting" of the principle of legitimacy that made it possible. Montesquieu's "forgetting," which only reproduced that of English actors and authors who had already made the compromise, suggested that in the future the principle of legitimacy—the people's sovereignty—which made the separation of powers possible, could be turned against it. The two doctrines have no intrinsic affinity: democratic legitimacy, the condition for liberal institutions in the framework of the English monarchy, could in

other circumstances become their enemy. Thus Montesquieu's thought represents that unique, exquisite moment of liberalism when the question of legitimacy could be forgotten, a pause between the active sovereignty of kings (which comes to an end with the English Revolution) and the active sovereignty of the people (which begins with the French Revolution).

By seeing the heart of the political problem in the conflict between *power* and *liberty*, Montesquieu determines the definitive language of liberalism. In so doing, he reverses Locke's point of view, so as to carry out the latter's intention more effectively. Instead of starting with the right that founds liberty, he starts with power that threatens it; instead of pondering the origin of power, he ponders its effects. He is doubtless the first author to speak of power as a *thing*, separable in right and fact from its origin as well as its end, man himself. He takes us then to the end of the process that led the modern mind to conceive the ways in which men influence each other under the single concept of "power." The Romans, by contrast, had distinguished at least three forms of political power: *auctoritas*, *potestas*, *imperium*. Later Hobbes simplified matters when he reduced all human passions and motives to the desire for power. "The passions that most of all cause the differences of Wit, are principally, the more or lesse Desire of Power, of Riches, of Knowledge, and of Honor. All of which may be reduced to the first, that is Desire for Power. For Riches, Knowledge and Honor are but severall sorts of Power."² And again: "So that in the first place, I put for a generall inclination of all mankind, a perpetual and restlesse desire of Power, that ceaseth only in death."³

The modification to which Montesquieu subjects Hobbes's teaching is contained in the following phrases: "The natural impulse or desire which Hobbes attributes to mankind of subduing one another is far from being well founded. The idea of empire and dominion is so complex, and depends on so many other notions, that it could never be the first which occurred to the human understanding."⁴ And then: "Constant experience shows us that every man *invested with power* is apt to abuse it."⁵ In other words, the desire for power is not essentially inscribed in man's nature. It is not born from itself, so to speak, or at least it is born in its excessive and dangerous form only if the individual is in a social or political institution already endowing him with a certain power. It is born thanks to institutions. Consequently a judicious institutional arrangement will make it possible to avoid the abuses of power.

How? Montesquieu's answer is well known: "To prevent this abuse, it is necessary from the very nature of *things* that power should be a check to power."⁶ Human nature is sufficiently flexible, sufficiently plastic, for its behavior to be largely determined by the institution in which it lives. No need then of an absolute power to subdue an essentially ambitious and rebellious human will by the death threat, as Hobbes believed; this neu-

tralizing power can itself be neutralized by being judiciously divided in such a way that one power will be opposed to another. Hobbes was not yet liberal because he saw in man something that rebelled against association and cooperation; Rousseau, despite his hatred of absolutism, was not any more liberal because he saw a basic incompatibility between man's nature and social life, even in a liberal regime. Although he often seems to recall Hobbes and to announce Rousseau, Montesquieu is convinced by the English example that it is possible to bring into harmony man's desires and political necessities by a judicious adjustment of power and liberty: by the "distribution of powers." The account of the distribution of powers is found in the chapter of *The Spirit of the Laws*, (II.6) entitled "Of the Constitution of England." I am going to consider it briefly.

What must be grasped is that Montesquieu is really considering *two* powers, the legislative and the executive. Of course he makes a general distinction among three powers: these two and the judiciary power. But judiciary power has real political importance only in regimes where the first two powers are confused: "Most kingdoms in Europe enjoy a moderate government because the prince who is invested with the two first powers leaves the third to his subjects. In Turkey, where these three powers are united in the Sultan's person, the subjects groan under the most dreadful oppression." In the English regime, as interpreted by Montesquieu, judiciary power does not exist as such: there it is "exercised by persons taken from the body of the people."⁷ He comments: "By this method the judicial power, so terrible to mankind, not being annexed to any particular state or profession, becomes, as it were, invisible. People have not then the judges continually present to their view; they fear the office, but not the magistrate." Montesquieu considers this point so important that he (who never repeats himself) repeats it two pages later: "Of the three powers above mentioned, the judiciary is in some measure next to nothing: there remain, therefore, only two."

How does Montesquieu conceive of these two powers and their relationship? He begins by going back to Locke's doctrine on the subordination of the executive to the legislative: the latter contains "the general will of the state," the former, "the execution of that general will." As for the significance of the legislative, it also echoes English philosophy: "As in a country of liberty, every man who is supposed a free agent ought to be his own governor; the legislative power should reside in the whole body of the people. But since this is impossible in large states, and in small ones is subject to many inconveniences, it is fit the people should transact by their representatives what they cannot transact by themselves."

In spite of these superficial resemblances, the accent is going to be very different from that found in Locke. Locke insisted on the continuity, so to speak, between the mass of the people and the body of representatives, on

the latter's necessary faithfulness to the trust placed in them. Montesquieu does not contradict this, but insists rather more on what *distinguishes* the representative body from the mass of the people. The faithfulness of the representatives to the electorate is valuable only if they also know how to be unfaithful; one has the feeling that the principal merit of representation is to prevent the people from taking "active resolutions," "something of which it is entirely incapable." In Montesquieu's eyes, the people are entirely capable of choosing their representatives well, but not of deliberating well: deliberation must be left to the representatives. One sees how, from Locke to Montesquieu, the interest moves from the origin of power toward its exercise or functioning.

As for the executive power, it "must be in a monarch's hands," because this post of government is technically better administrated by a single person rather than by several. Yet the principle of this monarch's legitimacy, the origin of his power, are never discussed. Decidedly, the interest is elsewhere. The most important concern is obviously the relationship between the two powers. Here again, Montesquieu's emphasis is contrary to Locke's. For Montesquieu, the danger for liberty comes rather from the legislative body:

Were the executive power not to have a right of restraining the encroachments of the legislative body, the latter would become despotic; for as it might arrogate to itself what authority it pleased, it would soon destroy all the other powers. But it is not proper, on the other hand, that the legislative power should have a right to stay the executive. For as the execution has its natural limits, it is useless to confine it; besides, the executive power is generally employed in momentary operations.

And although of course the legislative must have the possibility of examining how the laws have been carried out, it cannot judge the conduct of the person who carries them out; his person must be "sacred." Finally, in legislative matters, the monarch must have the option, if not of making rulings, at least of "preventing" them.

Montesquieu perceives very clearly that in a regime based on representation the legislative body, as holder of representative legitimacy, is the most naturally tempted to increase its power abusively. Hence, precautions must be taken to ensure a sufficient consistency to the executive. The end of all constitutional provisions is to make the two powers approximately equal in strength, or capacities, even though in accordance with the principle of the regime's legitimacy, the executive should be strictly subordinate to the legislative. The question then is obviously the following: are not these two equal powers going to paralyze each other? Hobbes would not have failed to notice that putting two equal powers opposite each other is a sure recipe for instituting permanent war between them. One must submit

to the other or their conflict will bring on the ruin of the body politic. Montesquieu judges it otherwise: "These three powers (including the Upper House) should naturally form a state of repose or inaction. But as there is a necessity for movement in the course of human affairs, they are forced to move, but still in concert."

The classic objection of the absolutists is that somebody has to decide in the last resort, and the one who does necessarily enjoys absolute sovereignty. Montesquieu agrees that these decisions must be made, but denies that they must be taken by *one* power. *One* decision can be taken by *two* powers that have agreed; and they will agree (*volens nolens*) precisely because a decision must be made. The true sovereign of such a regime is neither the legislative nor the executive, but necessity. Most of the decisions taken will not have been desired by either of the two powers. Montesquieu even speaks in his papers of a "miraculous bill" that "passed against the will of the Commons, the Lords and king."

Given that decisions must be made and that therefore the two powers are forced to agree, will they not possibly agree on something to the detriment of the citizens? Might they not reach an agreement to oppress them, to divide up their spoils? What Montesquieu suggests is that the compromise between the two powers will take place necessarily, or at least generally, to the benefit of the citizen's liberty. The explanation of this fortunate result is found in another chapter of *The Spirit of the Laws*, which is as important as the one we have just considered, but too often is neglected by commentators. While chapter 6 of book II describes the statics of the separation of powers, chapter 27 of book 19 reveals its dynamics. It introduces a fundamental notion for understanding the functioning of free regimes, the notion of *party*:

As there are in this state two visible powers—the legislative and executive—and as every citizen has a will of his own, and may at pleasure assert his independence, most men have a greater fondness for one of these powers than for the other, and the multitude have commonly neither equity nor sense enough to show an equal affection to both.

And as the executive power, by disposing of all employments, may give great hopes, and no fears, every man who obtains any favor from it is ready to espouse its cause; while it is liable to be attacked by those who have nothing to hope from it.

All the passions being unrestrained, hatred, envy, jealousy, and an ambitious desire of riches and honors, appear in their extent; were it otherwise, the state would be in the condition of a man weakened by sickness, who is without passions because he is without strength.

The hatred which arises between *two parties* will always subsist, because it will always be *impotent*.

These parties being composed of freemen, if the one becomes too powerful for the other, as a *consequence of liberty* this other is depressed; while the citizens take the weaker side, with the same readiness as the hands lend their assistance to remove the infirmities and disorders of the body.

Every individual is independent, and being commonly led by caprice and humor, frequently changes parties; he abandons one where he left all his friends, to unite himself to another in which he finds all his enemies: so that in this nation it frequently happens that the people forget the laws of friendship, as well as those of hatred. (emphasis added)

I must attempt to analyze briefly this very remarkable text, in which the extraordinarily evocative description of the England of Walpole and Bolingbroke prophetically contains a summary of the functioning of two centuries of representative regime.

Each of the two powers, precisely because it confronts another power of approximately equal strength, needs partisans. And because it is a power, it is bound to attract them. Just as power is divided in two, society is going to be divided between the partisans of one power and those of the other. The citizens are going to wish themselves represented by one or the other: even the executive is going to become representative in a way. The citizens are going to seek to realize their ends through the power they favor and whose favor they hope to win. But their will cannot have an immediate or direct effect, since it can be realized only through a power that is held in respect by another power. Because society is represented by a divided power, the citizens are going to be powerless to do much to harm each other.

But what if one of the parties is supported by such a large majority that it obliterates the other party and the citizens who support it? Montesquieu responds by referring to the *consequence of liberty*. If one of the powers seems to get carried away, he argues, then the citizens will go to the aid of the other. But why is he so certain that such a mechanism will come into play? Why does he think that citizens will divide into two almost equal parties corresponding to the two powers?

Citizens are certainly partisans of one or the other power and hope to gain advantages from it. But above all they are members of society, which is distinguished from the two powers. Consequently, if one of the powers takes too much advantage, a certain number of its own partisans, the most lukewarm at first, will feel threatened as members of society. Actually, citizens have a twofold interest: that the power serve their interest, *and* that it not weigh too heavily on society. They also have a twofold feeling: that the power they favor "represents" them, *and* also that it is different from them—that it does not understand or will betray them. It is the inevitable interplay of these two inseparable interests and feelings that

guarantees that the citizens will spontaneously help the weaker power. The "double dealing" of citizens with power is inscribed in the logic of representation: from the moment that power is supposed to represent the citizen, the feeling of alienation grows along with the desire for identification.

Thus such a regime produces a double impotence. The division of power leaves the citizens generally incapable of doing much to each other; conversely, citizens can easily make the power powerless by changing parties.⁸ The impotence of citizens and of power condition each other. This is ultimately what Montesquieu calls *liberty*. Since divided power can neither do much against the citizen (hence the feeling of security), nor for him (except for patronage) the citizen has only to "assert his independence whenever he pleases." He turns his desires and activities toward domains unfamiliar to politics, toward domains where strictly speaking one does not exercise power over other men. He can now earn money or write books: the economy and culture are the two great domains liberated by this double impotence.

Liberty is produced through the neutralization of the political. But it should not be said that this liberty is apolitical; it is a liberty conditioned by the political organization which neutralizes the power of power. Hence, in a free regime, the citizens "assert their independence whenever they please." It would certainly seem that liberty and independence are the same thing. However, in chapter 3 of book 11, entitled "In What Liberty Consists," Montesquieu warns that "political liberty does not consist in an unlimited freedom. . . . We must have continually present to our minds the difference between independence and liberty. Liberty is a right of doing whatever the law permits." To understand Montesquieu's thought on this crucial point, we must reconcile two of his apparently contradictory assertions. On the one hand, in a free regime, citizens are independent; on the other, political liberty does not consist in being independent but in being able to do whatever the *laws* allow. But what if the law forbids everything or almost everything? The solution to the contradiction is found in Montesquieu's conception of the law. In a free regime founded on the separation of powers, laws will necessarily tend to "permit" citizens a great number of things, widening the sphere of their "independence." In this way independence and obedience to the law will be reconciled.

Each citizen desires that the power he supports grant him through law the maximum number of advantages possible, even at the cost of oppressing other citizens. But this power has to reckon with the other power, which bears the demands of the other party. What then is the law going to be? It is going to be the compromise, explicit or implicit, between the two powers and the two parties. It is going to implement the maximization of advantage for both sides, with each obtaining less than it wanted. This form of liberty, in the sense of independence, facilitates the maximization

of advantage for everybody. Take an example unknown to Montesquieu: imagine a society in which a powerful group wants education to be dispensed under the Church's direction, and another group of about equal strength wants it completely removed from the Church's influence. If this society has a representative regime of divided powers, neither of the two groups will be able to impose the law it wants. The only compromise possible will be that each group have the liberty to obtain the type of education it desires: one part of the educational establishment will be dependent on the Church, the other will be completely independent.

In such a system, the law tends to forbid any individual from imposing his will on another. But by that very fact, it forbids anyone else from imposing his will on him. By preventing the individual from imposing his will on another, it limits his independence; but by guaranteeing him the right to do what he wants, so long as that act does not involve exercising power over another, it protects his independence. The law has power only for preventing the excesses of one citizen's power over another. Thus, "asserting his independence whenever he pleases" and having "the right to do whatever the laws permit" become, in a free regime such as Montesquieu conceived of it, progressively synonymous.

Citizens who no longer exercise power over each other tend to distance themselves from one another, to live separately. In the same chapter, Montesquieu writes that "men, in this nation, would be more like confederates than fellow citizens." Astonishingly, he compares the relationships between citizens of a free regime with those linking independent and allied political bodies. One cannot suggest more clearly that these citizens live in a kind of state of nature, but one freed from fear. The free society founded on the separation of powers is a perfected state of nature: the citizens enjoy the advantages of the state of nature (they "act as they please") without suffering from its inconveniences (they are freed from war and fear).

What is important in the doctrine of the separation of powers is less the static definition of particular competences than the dynamic description of the relationship between civil society and two equally but differently representative powers, each acting as intermediary for parties. This interplay between society and divided power will always unfold according to the schema proposed by Montesquieu, even at a time when the separation between the executive and the legislative will no longer be anything but a memory. (Today, for example, confusion between them prevails in the form of "cabinet government," a form in which the head of government—the executive—is at the same time head of the parliamentary majority—the legislative.) The two powers are then no longer the executive and the legislative, but the "majority" and the "opposition." It is not that the opposition constitutionally shares power with the majority; on this point there is a considerable difference between the free regime described by

Montesquieu and contemporary democracies. But the very presence of the opposition, and the threat of its winning the next elections, are enough, as a general rule, to persuade the majority party to make moderate use of its power.

The motivating spirit of Montesquieu's liberal system is to separate the will from what it desires, or to prevent each person from doing what he cannot prevent himself from desiring. The people cannot do what they want, they can only elect representatives in the hope that they will do what the electorate wants; the representatives in turn cannot do what they themselves want, but must be keenly aware of what the executive wants; and the executive cannot do what it wants since it must seriously take into account what the legislature wants. A mechanism of decision making that makes sovereignty useless now replaces the absolute sovereignty of Hobbes's Leviathan and also that of Locke's legislative body. This mechanism is extremely different from deliberation as it was instituted in the Greek republics and described by Aristotle in book 4 of the *Politics*. Precisely because deliberation is a reasonable activity, the deliberating part of the city-state had to consider the need for compromise and moderation in the decisions it made. The point of compromise was fixed by the deliberation itself, according to its chosen ends, and the circumstances imposed on it. In ceding to the necessity of compromise, deliberation did not cease to be sovereign. The situation is entirely different in Montesquieu's liberal system. Far from being chosen by the sovereignty of deliberation, compromise is itself the sovereign of the decision, since what is decided is the result of the combined desires of the two powers.

We have now seen how, even if opinions differ greatly, it is nevertheless possible to reach an agreement. It is very difficult to reach it positively, very much easier to do it negatively. If we cannot achieve both what I want and what you want, why not try to achieve what neither of us wants? The two powers say to each other: I do not want you to govern, you do not want me to govern. Why not make the citizens independent of both our powers, why not liberate them, and the desired result will be achieved? The representation of society by a divided power results in the citizens being less governed, that is freer in Montesquieu's sense of the word liberty. Freedom is less doing what I want than being able not to do what you want me to do. It is doing what I want so long as I do not constrain you.

Fully constituted liberalism, which is fully constituted doctrinally only with Montesquieu, is based on two ideas: the idea of representation and the idea of separation of powers. The idea of representation postulates that the only legitimate power is founded on the consent of those subject to power. In such a regime, all powers within civil society born from the spontaneous interplay of economic and social life or from traditions come to seem essentially illegitimate since they are not representative. Hence

they are slowly but surely eroded. All legitimate power is concentrated at the summit, in the political institution, in the state which alone represents members of society. The modern idea of representation leads naturally to a continuous increase of the state's power over society, because it continuously erodes the intrasocial powers that ensure the independence and solidity of this society. This is the paradox of representation: representative power tends necessarily to dominate the civil society that it claims to represent. In this sense, those who deplore society's growing dependence on the state are right.

But, simultaneously, because this representative state is divided between majority and opposition, its acts tend no less necessarily to be generally favorable to individual liberty. As I have tried to show, the compromise between the two powers is reached much more easily in the negative mode than in the positive: each power tends to exercise its power by preventing the other from obtaining what it wants. Thus what are sometimes called the citizen's "realms of freedom" inevitably grow. In this sense, those who celebrate the progress of individual liberty, the growing emancipation of individuals, are right.

Hence there is an essential ambivalence in the internal movements of democratic societies. It leads some people to describe them as totalitarianisms in disguise; others, as the most satisfying societies in human history, where each free and sovereign person uses the talents and satisfies the tastes nature has granted him. Both groups are both wrong and right. The reason is that today we are governed more exclusively by a state that governs us less. Insofar as we are less governed, we are, in a way, living more in a state of nature. And because this state of nature is still not a state of war, but offers us acceptable security and prosperity, we have no motive for leaving this state. We have thus fulfilled the original program of liberalism by reversing the order of the factors. The representative regime initially was the ingenious device making it possible to leave a state of nature that was essentially (Hobbes) if not even necessarily (Locke) unbearable; it became the ingenious device making it possible to live in an essentially satisfying state of nature. This diagnosis can hardly be contested even by those who denounce the benign "totalitarianism" of liberal societies. What makes them indignant about our societies is precisely this state of satisfaction: the quarrels and rebellions, the audacities and subversions, are all absorbed and recuperated by the system, to our general satisfaction.

A slight doubt can still, however, undermine this satisfaction. After all, an artificial or instituted state of nature that is still political is a contradiction in terms. Montesquieu himself discreetly suggested the difficulty when he said of the English that they were "confederates rather than fellow citizens." This alternative can and will be formulated as questions. Is each person primarily an independent member of "civil society" or a subject of

the "state," a bourgeois or a citizen, a *homo oeconomicus* or a *homo politicus*? Does he belong first to the transnational or worldwide space of the "market" or rather to the territory of the "nation"? He belongs to both, it will be answered. But such an answer signifies that in spite of the reconciliation between the state of nature and the civil state by means of a free regime, we remain radically *divided*: the dividing line between the natural man and the citizen is now within us. To describe this division, to denounce the misfortune and corruption that it brings about, to seek to overcome it, will be the task of Montesquieu's—and liberalism's—most profound critic, Jean-Jacques Rousseau.

Rousseau, Critic of Liberalism

IT SEEMS ANACHRONISTIC to present Rousseau as a critic of liberalism. After all, the first target of his indignation was the social and political order of the France he knew, which cannot be called liberal; the second was "society" as such, regardless of its political regime. But the fact that Rousseau criticized the ancient régime like everyone else in the second half of the eighteenth century must not lead us astray. In his eyes, the verdict was already in: the absolute monarchy was odious, and was already dead inside. If he crossed swords several times with "absolutism" or despotism, it was without particular anger. Besides, like Montesquieu before him, he was sure that a revolution would soon bring it down. What mattered to him was what was going to replace the monarchy, something that was already present in France and had already substantially transformed it. France was no longer characterized by the king's absolute power; it was ruled by *opinion*. Whose opinion? *Society's*. And what is *society*? It is inequality.

For Rousseau the king's favor no longer determined men's credit and thus their position. It was opinion, an authority with no specific organ and no specific place apart from "Paris," which had replaced Versailles. The credit that opinion conferred was attributed by no one in particular, but it was recognized and obeyed by all. This credit of opinion was directly related to credit in the financial sense of the term: one lent only to the wealthy, and those who had credit, for whatever reason, became wealthy.¹ Consequently, men were ranked not on the basis of their power, birth, competence, or even riches, but rather on the basis of this imperceptible credit of which wealth was only the outward or measurable sign. The society Rousseau was contemplating was not characterized by powers attributable to persons or institutions, but by an inequality relating only to itself, with no content or meaning other than itself. Men looked at each other "from above" or "from below" according to a point of view which had been that of power, but which power had deserted. The relationships of power had become simply that, "relationships." They were relationships of inequality. Therefore, the spirit of society was inequality.

This is where liberalism comes in. To repeat, the foundation of liberal-