



The Arts of Rule

Essays in Honor of
Harvey C. Mansfield

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Montesquieu's Political Science

A Cure for Machiavellianism?

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In *The Spirit of the Laws* Montesquieu develops a radically new political science by combining Descartes's standard for science in general with Machiavelli's understanding of political things. The aim of Montesquieu's science is to secure liberty without resorting to "machiavellian" means. Although he allies himself with Machiavelli in his disdain for "imaginary republics" and unattainable or rarely attainable perfections, Montesquieu repudiates both force and guile.¹ He educates his readers to recognize that the variety of laws that govern human beings leaves us free to act and to judge for ourselves. Moderate and, for the most part, indirect governments that allow for a distribution of political power acknowledge and enhance this ability.² The distribution of power is most visible in a constitutional government like that of England but may be discerned, for example, in a nation like France in which intermediary powers have established themselves historically,³ setting limits to the power of the monarch. Moderate government prevails over immoderate government as it promotes social contact. The more human beings interact with one another, the less they succumb to the overwhelming passion of fear and the more they can see that they are fundamentally akin.

Enlightenment undermines the prejudices that keep men and women from rationally pursuing their true interests. Montesquieu displays the height of enlightenment in the comprehensive account of laws that constitutes his political science. His interest in writing *The Spirit of the Laws* is to help people "cure" themselves of their prejudices,⁴ especially the crude machiavellianism that rigidly divides humans into princes who conquer by force or by guile and people who can do little but submit. Montesquieu draws on Cartesian science to help discern the role of nature in governing

human affairs. His science of politics incorporates the laws of nature along with laws that affect human beings in particular with a view to clarifying the possibility of liberty under moderate government. Historically, the liberty Montesquieu's political science promotes has supplanted the greatest political virtues. Having accepted Machiavelli's association of political virtue with the art of war, Montesquieu substitutes for the love of virtue the pursuit of free trade, including the free exchange of ideas, from which will come all that is good for human beings. But commerce by itself does not reliably promote good judgment.⁵

This paper has four parts. The first concerns in general Montesquieu's political science and the education that promotes liberty. The second outlines the dependence of Montesquieu's political science on Descartes's philosophic revision of science in general. The third focuses on English liberty, commerce, and slavery. Finally, I give an account of the relation of Montesquieu's teaching to Machiavelli's.

MONTESQUIEU'S SCIENCE OF LIBERTY AND THE LAWS

Montesquieu's design, he tells us in the Preface to *The Spirit of the Laws*, is, like God's, in the design of his work. The design may be difficult to discern—the work is very detailed and complex—but it is not hidden. In Montesquieu's political science, laws of nature combine with laws that govern or relate to every conceivable aspect of human life, for humans have "free souls" capable of resisting in rational and orderly ways the laws that nature imposes on us as corporeal beings.⁶ The laws of nature, or of matter in motion, lead to passions that enslave only the most primitive humans.⁷ Strong or despotic leaders may successfully impose their will on a limited domain; their power is ephemeral and depends upon the ability of one man to obliterate opportunities for the enlightenment of many. By contrast, the power of Montesquieu's political education arises from his ability to combat the reduction of political things to a few necessary and supposedly inescapable rules. He documents a wide variety of identifiable factors that govern men and women. A multiplicity of laws, both natural and political, prevails, but no set of them completely determines human activity (SL I.1; see also XIV). The more men and women know, the more they can both adjust their wills to unalterable facts and redirect phenomena in accord with their wills.⁸ In acknowledging laws that we cannot change, we enhance the possibility of legislating for more or less free citizens.

Montesquieu refers to many examples, but he rarely points to a leader whose greatness would inspire emulation. Rather, just as modern science strives to discern and articulate universally applicable laws, Montesquieu has sought principles from which all else in human affairs follows (SL Pref-

ace) and which allow him to formulate laws that comprehend an unlimited variety of examples. Only the most ambitious thinkers will try to follow the example Montesquieu himself sets in writing *The Spirit of the Laws*. His comprehensive knowledge ranks him among the philosophers, and in his work he presents a challenge to the greatest of ancient and early modern thinkers. But he writes for every reader, especially those who concern themselves with practical matters. All readers, Montesquieu thinks, can find in his work the means to educate themselves as citizens, seeking out means to temper the authority of any dominating power, human or non-human. Not exemplary virtues but moderation most effectually produces the greatest benefits for men and women in society.

Moderation engenders both liberty and the acceptance of limited constraints. With a fuller understanding of oneself, Montesquieu indicates, comes caution, and even the love of "one's duties, one's prince, one's fatherland, one's laws" (SL Preface) unless these conflict with one another.⁹ While facilitating progress, Montesquieu's political science discourages revolutionary activity and in general the striving for perfection in human things.

Montesquieu begins with a quick account (SL I.1) of the "laws of nature" in which he replaces Hobbes's description of the state of nature. Natural man is at first timid. The desires for sex and society partially overcome natural timidity and put an end to the equality of solitary life. With society develop occasions both for conflict and for the development of reason, and thus law (SL I.3). "Law, in general, is human reason," Montesquieu says. Irrational passions demonstrate the power that the laws of nature describe. Nevertheless, the same passions that resist reason must provide the springs of government, both moderate and immoderate. Virtue (the love of equality), honor (the love of distinction), and fear are the primary political passions. Only fear seems to arise entirely by nature, without the intervention of education and law.

Fear characterizes the subjects of despotic governments. Similarly, the forces of nature are despotic when given free reign. Montesquieu's image of despotism is a seraglio guarded by eunuchs. At the other extreme, virtue and therefore republican government, at least that of a democratic republic, requires an unnatural sort of discipline.¹⁰ Although the principle of honor is, "in a certain fashion, bizarre" (SL IV.2; V.19), it is easier than virtue to engender among those who desire to distinguish themselves. While most men and women resist bizarre or irrational codes of behavior, those who submit to them serve ironically to moderate government that might otherwise dominate excessively. When nobles rule without a monarch they must exhibit at least a low sort of virtue: moderation is "the soul of these governments" (SL III.4). Aristocracy is both one of many kinds of government and in a sense the generic model for government in *The Spirit of the Laws*. Rather

than describing a best regime,¹¹ or even distinguishing good and bad forms of government, Montesquieu contrasts moderate with immoderate government. All moderate government is characterized by the assertion of a standard that elevates the citizens above base subservience to nature's laws.

Moderate governments are distinguished either by intermediary powers that maintain a standard the monarch must recognize or by a distribution of power that prevents any ruler from dominating totally, leaving citizens in a certain fashion free. Men and women acquire "free souls" through a sense of their superiority to and their abhorrence of despotism. Moderate government in general imitates hereditary aristocracy by asserting the superiority of humans over beasts and natural phenomena in general. Montesquieu contrasts good modern governments both with ancient, immoderate republics and with religious government that aims toward virtues that most men and women cannot be expected to achieve.¹² But while liberty seems to be the opposite of despotism, even liberty can be excessive.

Moderns are educated by "our fathers," "our masters," and "the world" (SL IV.4), and these authorities do not agree. Specifically, religion is at odds with the teaching of the world, which in Montesquieu's France promotes honor (SL IV.2). A true understanding of the world, by contrast, illustrates the laws of nature. "Our fathers" must be the priests who teach Christian dogma and support obedience to paternal authority. "Our masters" could be powerful political authorities but are more likely to be the ancients whose work, in Montesquieu's time, still predominated in schools. Montesquieu unequivocally and openly supports scientific inquiry and the widespread understanding of natural phenomena.¹³ But nature alone does not distinguish worthy from unworthy ends. Montesquieu does not simply reject the teachings of Christianity. He associates Christian teaching with ancient republics, which he respectfully acknowledges as admirable but painful, and he almost never mentions Jesus.¹⁴ He borrows from Christianity the egalitarian love of humanity and the belief in the dignity of each human individual.¹⁵ Nevertheless, modern—that is, Cartesian—science provides the starting point for the new education that Montesquieu develops further to include a comprehensive account of political things.

CARTESIAN SCIENCE: THE FOUNDATION OF MONTESQUIEU'S SCIENCE OF POLITICS

Montesquieu's political science rests on a thoroughly modern foundation. The Cartesian structure of modern science depends upon the recognition that a very limited set of propositions can be known unequivocally and that only unequivocal truths can form the foundation of a science. Such truths depend on nothing but the transparency of the mind of the thinker to him-

self, not on first principles that the thinker derives from the works of others (especially the ancients or the Bible) or from the senses. Descartes's proof of the existence of God in *The Meditations* (*Meditation III*) is in fact a demonstration that what is thought unequivocally has being or truth; it is not in any way a proof of the separate existence of a providential or merciful being.¹⁶ The radical limitation set by the standard of unequivocal thought does not require that the scientist regard humans as mere automata. Similarly, Montesquieu is no thoroughgoing determinist. The passions to which human beings are subject need not determine our behavior. As we have seen, this is evident in Montesquieu's account of the laws of nature that affect human beings.¹⁷ In *The Passions of the Soul* Descartes sets a high standard for the control by each of us of his or her passions and their physiological consequences. We are capable of striving toward virtue, Descartes asserts, and to practice virtue is "never to lack the will to undertake and accomplish all things that one decides to be best" knowing that nothing really belongs to one but "the free disposition of one's will."¹⁸ The emphasis here is on "decides." The good in itself is neither knowable nor meaningful. Rather, there are a variety of things and circumstances that human beings experience as good.

In *The Passions of the Soul* Descartes exhorts his readers to strive to control their passions even to the point of retraining the physiological responses that constitute them as a means of facilitating the pursuit of the things we experience as good.¹⁹ To know what we can control and what is beyond our ability is indispensable to a satisfactory life, much as to recognize what is knowable and what is not knowable is indispensable to the development of a science. Montesquieu's political thought completes the Cartesian approach to the study of man in *The Passions*. While *The Spirit of the Laws* demonstrates Montesquieu's respect for a wide range of political phenomena Descartes neglects, Montesquieu interprets these phenomena in accord with Cartesian science. Human virtues are a modification of the passions.

One of the implications of Descartes's scientifically based ethics is that choices that vitiate the pursuit of virtue, namely despotism of any sort, must be repudiated. After all, to exert self-control one must be free from external compulsion; one must have the liberty to direct one's actions in accord with one's will. Montesquieu's political thought facilitates the pursuit of the Cartesian species of virtue by promoting both the liberty of the citizen and free trade. The diversity of things men and women experience as good replaces the hierarchy of goods that characterized ancient ethical and political thought.

Without denying any of the characteristics that distinguish superior individuals, Montesquieu reinterprets virtue of any sort as part of the diversity of behavior accessible to humans. All accomplishment is evidence of the greatness of the species. In comprehending the human variety that includes

the exemplary emperor of China as well as Plato, Lycurgus and Christ, Montesquieu redirects our admiration into a sober assessment of their achievement. He strives to transform fanatical excess into moderation by emphasizing the variety of distinguished humans rather than setting them up as standards by which to judge others or ourselves. Modern, enlightened political societies presumably do not need heroes to admire. Similarly, they do not need men of extraordinary virtue to govern them. As long as free trade prevails and the desire of some to dominate over others is limited, administration can for the most part replace government. Various excellences can be cultivated in private by those who admire them. They can just as well and as freely be ignored by others as they see fit.

Natural passions lead to the establishment of societies by bringing human beings together into associations, and such associations in turn create new possibilities for choice and freedom. Tocqueville's understanding of the art of association as "the mother of all the arts" is a direct implication of Montesquieu's political science, for if there is no good in itself, there is no universal standard of human merit apart from what others can verify and experience.²⁰ Political statesmanship, if necessary at times, is only as good as its effects, and its effects must include the elimination of the need to rely upon great statesmen. Similarly, while scientific inquiry is an activity of few men and women, its basic underpinnings are accessible to all who have experienced a general, modern education. The standard of freedom, unlike Christian virtue and the excellences of the ancients, is realizable wherever enlightenment can reach. In this context, Montesquieu's discussion of the constitution of England provides a vehicle for enlightenment. It is an example of the political moderation that results when citizens assess and protect their interests but no one simply rules. The English system of distributed powers provides an image of an association of citizens assumed to be capable of responsible acts.

ENGLISH LIBERTY, COMMERCE, SLAVERY, AND GOOD TASTE

Descartes distinguishes the power of "animal spirits" to produce passions from the liberty of the individual to direct his own affairs. Similarly, political moderation depends upon the distinction between the powers that rule societies and the liberty that results when no power dominates. Montesquieu never lays out criteria for the formation of constitutions in general. Such criteria may encourage immoderate attempts to impose a constitution on unreceptive subjects. Rather, Montesquieu offers the constitution of England as an example of a regime that aims at liberty. He presents the constitution not as a pattern to copy but as an image in which to see clearly the various powers humans can exert over one another. Indeed, the government

of England is not in every respect moderate, although the constitution of England does display liberty "as in a mirror."²¹ Montesquieu's discussion of English government and society has several parts. I will focus first on book XI, chapter 6, the most famous part of *The Spirit of the Laws*.

Book XI treats "the laws which form political liberty in its relation to the constitution." Book XII continues the study of liberty, this time with respect to the citizen. In XI.3 Montesquieu contrasts liberty with "independence;" liberty is "the right to do all that the laws permit." For there to be liberty, "power must arrest power" (SL XI.4). The arrangement of powers in the government of England is not determined by a single fundamental document; it was not explicitly framed by English founders. Montesquieu cites Tacitus ("On the Mores of the Germans") to indicate that the origin of "this beautiful system is found in the woods" (SL XI.6). Although it is very different, French government has a common historical origin, Montesquieu claims, with the English system. In the last books of *The Spirit of the Laws*, Montesquieu takes pains to show that France too has inherited a system that moderates the power of the king. But moderate government in England is self-perpetuating.

In Montesquieu's view, England tends to promote its own form of government among its colonies. Still, while the citizens of the newly founded United States did have some previous experience of liberty, they surely did not find their system of government ready made. Just as the system inherited from the early Germans was modified over the course of English history, the American system has its own character.²² Certain aspects of the English constitution so impressed the American Founders that they chose to institute them in the newly established United States in an act as revolutionary, in Hamilton's view at least, as the actual rebellion against British rule.²³ They were especially impressed by what Montesquieu calls the distribution of power among legislative, executive, and judicial authorities.

Montesquieu warns that there would be no liberty if the power of judging were not separated from the other two powers. Even more emphatically, Montesquieu claims that "[e]verything would be lost if the same man, or the same body of men, exercised . . . all three powers." Those who make the law, which embodies the "general will" of the state, must not execute it, presumably because the law can be too "rigorous." In XI.6 Montesquieu praises executive veto power, advocates the judgment of the accused by his peers, and indicates the superiority of representative government. The army must be led by the executive power although the executive may only consent to the levy of funds, which is primarily the responsibility of the legislature. The body of the people must have the power to legislate because "in a free state" each man is considered able to govern himself. But Montesquieu concludes the chapter by indicating that the government he has been describing aims at "extreme liberty." He, by contrast, believes that "the excess even of reason

is not always desirable and . . . [that] men accommodate themselves better almost always to middles than to extremes."

Montesquieu returns to the discussion of the English political climate several times, most notably in book XIX on "Laws in their Relation to the Principles that Form the General Spirit, the Mores and the Manners of a Nation." In the chapter on England (SL XIX.27), Montesquieu confirms that this nation would possess liberty, saying that it "would love its liberty prodigiously because this liberty would be true, and . . . in order to defend [its liberty] the country would sacrifice its goods, its ease, its interests." Individual citizens would reason for themselves, even though they would not necessarily reason well. The society would tend always to be worked up (*échauffée*) and could easily be led by its passions: "it would be easy for those who govern it to make it undertake enterprises against its true interests." Such a nation then, while free, would not necessarily be happy. In chapter 6 of the same book, entitled, "That one must not undertake to correct everything," Montesquieu exhorts caution in altering the laws that govern a somewhat corrupt but pleasantly sociable nation. He is thinking of France. "Would that we be left as we are," he says. If reason indeed "never produces great effects on the mind of man," why not rely on the passions and the good taste that communication among peoples promotes (SL XIX.8)? Vanity is in some ways preferable to pride in governing society, according to Montesquieu, and may promote not only liberty but even the love of liberty. Although the distinctions vanity makes among men and women ignore merit of the highest sort, this vice may be more conducive to happiness. A reader may well disdain such an appeal to our baser tendencies, but if the political climate of England induces uneasiness, its meteorological state has even worse effects (SL XIV.13).

The general spirits of nations differ and, Montesquieu warns, a legislator must follow that spirit "as long as it is not contrary to the principles of government" for "we do nothing better than what we do freely" (SL XIX.5). Just as passions almost always have greater effects than human reason, so also it is more prudent to promote liberty by indirect means than through constitutional reform.²⁴ Despite the influence of Montesquieu's ideas on the American Founders, he would not have endorsed their radical act in instituting a government. Foundings require political virtue, and political virtue, or love of the fatherland and of equality (*Avertissement*), is rare. Montesquieu associates political virtue with moral or Christian virtue, which set too high a standard for any society.²⁵ Although he admires the highest things that men can attain, Montesquieu believes gentleness is more effective in promoting the health of a political climate than any sort of excellence, while ignorance and laziness cause the most harm.²⁶ Commercial activity of the sort that develops new needs and satisfies the most basic ones is, then, beneficial. When men and women pursue their private interests,

they indirectly promote the common good and even the interests of humanity in general. Still, the natural desire for society does almost nothing to eliminate the danger of crass and narrow individualism. Rather than looking to corrective political leadership to reduce the danger, Montesquieu emphasizes history and commerce.²⁷ The general spirit derives from the particular circumstances of a nation's history and shapes citizens as parts of society.

Historical examples abound in Montesquieu's work, whereas he ignores theoretical examples. He thinks that no lawgiver who ignores the collective history of his subjects has much hope of success. But history demonstrates in general the development and the benefits of commerce.²⁸ With the availability of a wide range of goods for men and women to choose, a more or less natural ranking of goods becomes manifest. Montesquieu appears confident that mass culture will not overwhelm good private judgment. Scientific education is the key to good judgment among sensible administrators who must govern moderate regimes. Where political leaders are necessary, they must exemplify enlightened self-interest by recognizing that their long-term benefits depend upon the healthy economy of the nation and even the healthy economy of its international partners. Their leadership exhibits at most a vestigial and thoroughly hidden version of princely *virtù* as Machiavelli understood it. The goal of the leadership is to avert the crises in which a machiavellian prince would emerge. Montesquieu remains silent about what one must do when a founding becomes necessary. Hopefully, the enlightened pursuit of common interests will prevent society from deteriorating into a collection of narrowly selfish individuals or petty despots.

Before beginning his discussion of the laws in relation to commerce, Montesquieu calls upon the Muses to aid him in his work, signaling that in some respect this is the most artful part of *The Spirit of the Laws*. He closes his invocation by claiming that the Muses wish him "to speak with reason." He calls reason "the most perfect, the most noble and the most exquisite of our senses" (XXIV.Invocation), an odd categorization. The Muses must ease his labor and give its product some of their charm. Economics is not a lovely art, and Montesquieu seems to fear that it will not capture the reader's attention. But commerce is the key to all he strives to accomplish: "Commerce cures destructive prejudices" (XX.1). He acknowledges with Plato that it corrupts pure mores, but he is willing to tolerate some corruption, for "the laws of commerce perfect mores for the same reason that these same laws ruin mores." It causes men of different nations to compare their ways. From this much good results "as we see every day" (XX.1). Montesquieu attributes to the spirit of commerce a tendency to promote peace and a "sentiment of exact justice opposed . . . to too rigid a sense of moral virtue" (XX.2). While the speculations of scholastics led to widespread suffering, by contrast "the avarice of princes [caused] the establishment of a

thing that places it in a certain fashion outside of their power." Usury is more beneficial than destructive of prosperity. Greedy princes have since begun "to govern themselves with more wisdom than they themselves had thought possible. . . . We have begun to be cured of our machiavellianism,²⁹ and we will be cured of it every day" (XXI.21). The prejudice Montesquieu refers to as "machiavellianism" presumes that the good of one nation requires overt dominance over others.

Montesquieu's science leads to trust that when political and economic power is distributed, goods become available for selfish citizens and nations to share. Free commerce is the vehicle of enlightenment. Vanity and love of fashion promote commercial activity and develop taste (XIX.8, 9). His confidence in the benevolent powers of commerce is limited, however, by his hatred of slavery. If all could see slavery as a violation of self-evident right, presumably they would abolish such practices. Montesquieu speaks of slavery as unnatural. But commerce facilitates slavery, and the commerce in ideas does not necessarily hinder its spread. Shame is a passion Montesquieu considers general, but it needs to be provoked and is felt only by individuals conscious that they possess "free souls."³⁰

Although he allows that the evils of slavery are not always equally grave, Montesquieu condemns slavery, declaring that "[a]ll men are born equal" (XV.7). Slavery

is not good by its nature. It is useful neither to master nor to slave; to the slave, because he can do nothing through virtue; to the master because . . . he accustoms himself insensibly to the lack of all the moral virtue. (XV.1)

Christianity is Montesquieu's ally in promoting the elimination of slavery "in our climates." In attacking slavery where it still persisted, as in the United States, he becomes strident. He means to provoke shame, a useful tool in eliminating prejudices that drown out "the sweet voice of nature" (XXVI.4) and cause us to renounce gentleness and humanity (XV.3).³¹ Self-respect, Montesquieu suggests, brings with it a sense of shame at the subhuman treatment of similar beings. He expects behavior to follow ideas that illuminate our common nature as dignified beings, combating the prejudices that support slavery, even when these ideas must compete with narrow self-interest (XV.9).

A CURE FOR MACHIAVELLIANISM?

In Montesquieu's view political science deters excesses. His anti-machiavellianism consists in a rejection of the activity of princes who strive to create political orders, responding to subjects' claims only when necessary to preserve princely power. For Machiavelli there is an unbridgeable chasm be-

tween honor-loving princes and the people in general, who love security more than anything else. Like Hobbes, Montesquieu rests his hopes on science rather than on princely leadership. Both thinkers follow Machiavelli in substituting a sober assessment of facts for the admiration of extraordinary qualities. Montesquieu purportedly offers an objective, scientific account of all the laws that govern humans. His science reveals a continuum among humans who are always more or less capable of enlightened self-government. However limited and narrowly self-interested, men and women are rarely so inferior to another of their species as to justify absolute rule.

In writing *The Spirit of the Laws*, Montesquieu's primary motivation is to promote scientific education and to elucidate its implications for the behavior of citizens. Enlightenment accrues to individuals and even to nations through peaceful exposure to a manifold of particulars. In *The Spirit of the Laws*, Montesquieu guides readers by articulating his principles or general rules, using them to organize all the phenomena available to him. To make himself clear he must invent new words and give old words new meaning. He interprets the words *virtue* and *honor* in true Machiavellian style, although not in Machiavellian terms. He revises the vocabulary of politics so that the order he sees in widely various phenomena may emerge.

Montesquieu rejects the ancient, specifically Aristotelian, idea of politics as an architectonic science aiming at the greatest good for human beings. In doing so, he is a direct descendent of Machiavelli, who denounced "imaginary republics" and those who prefer to live in their illusory domains. His work owes much to Machiavelli's project in that it is a model of indirect government primarily using reason to promote and defend moderation. Montesquieu counts on the experience of freedom to enlighten citizens, that is, to inculcate an awareness of the ways in which all human beings are fundamentally akin. Without a despot to terrorize his subjects' souls, he is confident that the taste for liberty will prevail. The commercial exchange of goods and ideas gives men and women an opportunity to develop "free souls" and to abolish their natural tendency toward slavishness. The enlightenment that obviates machiavellian virtue requires not the philosophical grasp of the truth but the awareness of what is possible and the hopeful attachment to one's own good. It is in fact a further development of Machiavelli's project.

Montesquieu acknowledges the need for political orders, but he does not rely on the virtue of those capable of organizing them. He extends Machiavelli's distrust of those who would impose too high a standard of virtue on their fellow citizens. Montesquieu challenges even the distinction between princes and people. Some men understand the nature of things more fully than others, but none can set standards for, or rule fully over, others. Just as "intermediary powers" with a will of their own animate moderate monarchical government, any regime that is not despotic must leave room for

"free souls" who judge for themselves. The opportunity to reflect upon the greatest goods for humans is a commodity for which only a few develop the taste, but many men and women will consider how to promote the freedoms most can enjoy. At the same time, science replaces princely *virtù*. Political science benefits from the comparison of nations that respond in various ways to human needs. Commerce among nations facilitates a kind of rule that is so indirect that no prince is visible.

Nonetheless, religion is a useful means to promote enlightenment. Christianity has taught us humanity, Montesquieu says. He endorses the teaching of Christianity without ever making use of the name of Jesus,³² relying instead on the "voice of nature" to condemn slavery of all sorts. To follow Montesquieu's enlightened version of the "true religion" is to acknowledge as a fundamental truth that all men and women would thrive under moderate government and that despotism of any sort is corrupt at its heart. If prejudice alone can support slavery, it follows that freedom depends upon the enlightenment that cures readers of their prejudices (XV.3). Religion is useful when it indirectly promotes enlightened rule. In nations that have endured despotism, religion and labor can help mitigate their slavery and give subjects some experience of self-direction. Montesquieu treats political orders as schools for the enlightenment of citizens.

There is no single model in *The Spirit of the Laws* of a good regime. Moderate government differs both from despotism and from the ancient republics that required a virtuous body of citizens. Moderate regimes do not require political virtue but leave citizens free to pursue their good as they see fit. In his distrust of the machiavellian tendencies of leaders to create radically new orders, Montesquieu implicitly disparages the work of some of his greatest admirers.³³ He reinterprets the love of the good (virtue) as the love of a republic, and in doing so he abandons the political aspiration toward an unequivocal human good that must have sustained the American Founders, the good of self-government in accord with reason and choice (*Federalist* #1). A written constitution is an attempt directly to shape, not merely to reflect, the general spirit of the people that animates it. Montesquieu does not prescribe effectual means to engender an appropriate animating national spirit when history fails to provide enough support for liberty.

While their statesmanlike virtues are not to be counted upon in the American republic (*Federalist* #10), the founders do not consider them obsolete. Clearly the difference between the situation in which the framers found themselves and Montesquieu's France must account for some of the difference in tone between *The Spirit of the Laws* and *The Federalist Papers*. Still, the articulation of the U.S. Constitution was not merely a natural outgrowth of the history of the American colonies and the enlightened understanding of human beings in general.

The success of the American Founders was in part based on the cultivation of a common animating spirit, however eroded we find it in the twenty-first century. At the same time they persuaded citizens that reason combined with self-interest could rule, they engendered awe and reverence for the declaration of independence and the U.S. Constitution. This was a demonstration of exemplary statesmanship demanded by the current crisis. But "the idea of rights" and the awe of the founding documents has worn thin.³⁴ By disparaging political virtue in the highest sense, the success of Montesquieu's political philosophy mars and undermines the Founders' work. The scientific and egalitarian tendencies he endorsed and promoted are at war with the reverence that gave Americans a common spirit and therefore a sense both of security and of liberty.

CONCLUSION

Montesquieu's anti-machiavellian political science is an endorsement of liberty based upon the enlightenment of citizens. It presumes that self-interest can promote the common benefit of a nation as long as the power of each group is limited. It relies on commerce to sort out the proper value of goods and ideas. It supersedes Machiavelli's thought by treating even the virtue of a prince as imaginary. As Montesquieu sees it, science alone can rule moderately and well.

Although Montesquieu rejects "machiavellianism," he is a genuine follower of Machiavelli in his pursuit of generally realizable rather than exemplary virtues; for like princely power, widespread enlightenment displaces the pursuit of the highest human goals. But free trade of all sorts does not suffice to soften harsh mores, especially when they usurp the names of piety and virtue. The political education Montesquieu offers in *The Spirit of the Laws* demands that the reader broaden her view of humanity beyond the teaching of any regime, however exemplary. In its breadth Montesquieu's inquiry into the variety of regimes is a model for further inquiry. It does not allow us to rely upon the sort of political activity that requires an assertion of excellence difficult to integrate into society in general.

While a new founding would indeed require princely virtue, if Montesquieu is correct the vision of a goal high enough to keep extraordinary virtue alive runs the risk of undermining political moderation. Cartesian political science moderates Machiavellian virtue by recognizing the laws that govern continuous adjustments of power to preserve liberties already attained. Moderate rule, similarly, dispenses with a rigid set of principles that reflect and encourage virtue in favor of separate powers in constant mutual tension to limit the effect of each. Ancient political virtue and Machiavellian princely virtue demand that liberty and power, separated in liberal

politics as Montesquieu conceived it, be combined.³⁵ The philosophic education that permits us to see the limitations of liberal political thought demands a return to the books in which those virtues come to light. But liberal political education requires no return to the ancients or to Machiavelli. It requires a sober assessment of the political significance of the distinction between the simply excellent and what can in practice be achieved. In accord with that assessment, moderate political rule demands the careful redirection of passions that would lead us to unattainable heights. Moderation is the excellence of enlightened human beings.

NOTES

1. Machiavelli, *The Prince*, trans. Harvey C. Mansfield (Chicago: University of Chicago Press, 1998), 61.
2. See Harvey C. Mansfield, *Taming the Prince* (New York: Free Press, 1989).
3. Montesquieu, *De l'Esprit des Loix*, (Paris: Société les Belles Lettres, 1950), XXVIII-XXXI. Hereafter references will appear parenthetically in the text in the form of SL book.chapter. See also Iris Cox, "History of Laws," in *Montesquieu's Science of Politics*, ed. David W. Carrithers (Lanham: Rowman & Littlefield, 2001).
4. See Montesquieu, SL, Preface, especially 12-13.
5. Mansfield, *Taming the Prince*, 262.
6. Montesquieu uses the expression in XI.6, "On the Constitution of England:" "as in a free state every man, considered to have a free soul, should be governed by himself. . . ."
7. See Thomas Pangle's discussion of "The Laws of Nature and of Nature's God in Montesquieu" in *Confronting the Constitution*, ed. Allan Bloom (Washington: AEI Press, 1990), 24-35.
8. Aron, Raymond, *Main Currents in Sociological Thought* (New York: Basic Books, 1965). See especially 48-49 and 56.
9. Cf. SL IV.4. Montesquieu attempts to make modern education coherent by basing it upon Cartesian science. See Stanley Rosen, *The Elusiveness of the Ordinary* (New Haven: Yale University Press, 2002).
10. SL V.4. See Sharon Krause, "Despotism in *The Spirit of the Laws*," in *Montesquieu's Science of Politics*, 58.
11. For a contrasting view see Henry J. Merry, *Montesquieu's System of Natural Government* (West Lafayette: Purdue University Press, 1970), 320.
12. See Pierre Manent, *La Cité de l'Homme* (Paris: Fayard, 1994), 31f (on Montesquieu's association of Christian or moral with ancient virtue).
13. See Montesquieu's essays, especially "Discours sur les motifs qui doivent nous encourager aux sciences" in Montesquieu, *Oeuvres complètes*, ed. Roger Callois [Paris: Gallimard, 1949-1951], vol. I.53-57; "Essai sur les causes qui peuvent affecter les esprits et les caractères" in *Oeuvres complètes*, vol. II.39-68; and "Essai sur le goût dans les choses de la nature et de l'art" in *Oeuvres complètes*, vol. II.1240-63.
14. See SL IV.6, entitled, "On Some Greek Institutions." In SL XXIV.5 Montesquieu does mention Jesus in a discussion of Calvinism. In XXIV.13 he refers to Christ in a discussion of bad laws. Montesquieu prefers stoicism.

15. SL XV.7; see also XXIV.1, 3.
16. In a lecture delivered at St. John's College in Santa Fe in September 2006, I develop fully this reading of Descartes's Third *Méditation*. Others have acknowledged in passing Descartes's influence on Montesquieu, but I do not know of any thorough account of this influence. See Anne Cohler, *Montesquieu's Comparative Politics and the Spirit of American Constitutionalism* (Lawrence: University Press of Kansas, 1988), 35; see also Simone Goyard-Fabré, *La Philosophie du Droit de Montesquieu* (Paris: Librairie C. Klincksieck, 1973) on Montesquieu's Newtonian tendencies.
17. See SL I.2 and the first part of section one of this paper. See also XIV, especially XIV.5.
18. René Descartes, *Les Passions de l'âme*, Part III, article 153.
19. See Descartes, *Les Passions de l'âme*, I.50.
20. Tocqueville, *Democracy in America*, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), II.ii.5.7.
21. SL XI.6; Cf. XI.4, 20.
22. For example, the United States as established by the constitution is a federation of republics, an arrangement Montesquieu endorses (SL IX.I).
23. Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers* (New York: Modern Library), no. 1.
24. Montesquieu's indirect government is gentler than Machiavelli's version. See Machiavelli, *The Prince*, XI.
25. SL XXIV.7. See also XIX.6 and IV.6.7. Foundings tend to produce "singular" institutions that impose on humans a standard that they cannot long attain without subjection. In IV.6 Montesquieu explicitly links William Penn with Lycurgus in the "ascendancy they had over their peoples" and "the passions that they subjugated." Montesquieu admires the genius of founders even while cautioning that the political virtue they instill is contrary to liberty and the spirit of commerce.
26. See SL XVIII, especially 3, 7.
27. See SL III.3.
28. Catherine Larrère, "Montesquieu on Economics and Commerce," in *Montesquieu's Science of Politics*, 356; see also 366.
29. The lower case 'm' seems to me to distinguish the vulgar version of Machiavelli's teaching from those ideas that Montesquieu adopted from Machiavelli. For discussion of the distribution of powers as a corrective for the Machiavellian prince, see Michael A. Mosher, "Monarchy's Paradox: Honor in the Face of Sovereign Power," in *Montesquieu's Science of Politics*, 177. See also Manent, *Cours Familier de la Philosophie Politique* (Paris: Fayard, 2001).
30. Here Montesquieu is exerting a kind of princely power over his readers, commanding agreement that the ownership of humans is wrong. Montesquieu is not being entirely straightforward. By arousing salutary passions, he means to rule, not merely to educate. Montesquieu draws attention to his methods in SL XV.8. See also two passages in which he uses the expression "God forbid:" XII.6 and XIX.11.
31. In the "Defense of the Spirit of the Laws," I, paragraph 1, Montesquieu says that he wrote SL in order to make Christianity loved (Montesquieu, "Défense de l'Esprit des Loix" in *Oeuvres complètes*, vol. II.1121-66). In SL XXIV.7 he confirms that religion speaks to the heart not necessarily to the mind (but see XV.3). In XV.8, however, when arguing against slavery, Montesquieu does not know whether his mind (*esprit*) or heart is speaking. In XXV.12 he discusses how to detach the soul from religion.

32. Montesquieu does occasionally use the names "Jesus" and "Christ," but almost never when endorsing Christian teachings. See *SL* XXIV.5 and XXV.13.

33. See "On the manner of composing the Laws," *SL* XXIX.

34. Tocqueville, *Democracy in America*, I.ii.6. "The idea of rights is nothing other than the idea of virtue introduced into the political world. . . . In America, the man of the people has conceived a lofty idea of political rights because he has political rights." Contemporary speech about rights is rarely lofty.

35. Pierre Manent, *Intellectual History of Liberalism*, trans. Rebecca Balinski (Princeton: Princeton University Press, 1994), 55: "By seeing to the heart of the political problem in the conflict between *power* and *liberty*, Montesquieu determines the definitive character of liberalism." And later: "Liberty is produced through the neutralization of the political" (60).

12

New Models and Orders

Hume's Cromwell as Modern Prince

Andrew Sabl

David Hume spent perhaps a twentieth of his great *History of England* discussing the character and conduct of one man: Oliver Cromwell (or "Cromwel").¹ One chapter cannot fully explicate either Hume's painfully ambivalent portrait of Cromwell or the larger institutional and theoretical lessons Hume drew from his career. But at least one may start by asking how the two are linked, how the "biography" that a study of executive power would fall into if divorced from the study of formal institutions and powers links up with the larger purposes of a work centrally about those institutions and powers, about the development of settled liberty and stable political order.² Already by the late seventeenth century, Cromwell's cautionary lessons had turned English "republican" thought toward an overwhelming concern with domestic liberty, away from policies of military expansion and the domestic ambition and dictatorship that such expansionism was now seen to promote. Cromwell was likened to Sulla.³ Hume's particular telling of the story became so famous a few decades after its writing that rival factions during the French Revolution competitively cited Hume's *History* to tar opponents as potential Cromwells, or as opening the door to future Cromwells.⁴ But perhaps the example also provides lessons beyond the obvious and partisan ones. What can the successful career of a prince who despised constitutions teach us about constitutionalism?

Two of Hume's descriptions of Cromwell are separately famous, but in fact only make sense when combined. In one, Hume describes Cromwell as a singular study in paradox:

one of the most eminent and most singular personages, that occurs in history. . . . His extensive capacity enabled him to form the most enlarged projects: His