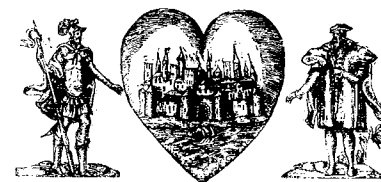

Philosophy and the State in France

THE RENAISSANCE TO THE ENLIGHTENMENT



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PRINCETON UNIVERSITY PRESS, PRINCETON, NEW JERSEY

CHAPTER FOURTEEN

Montesquieu: Constitutionalism
and Civic VirtueI. POLITICAL SCIENCE AND THE *Spirit of the Laws*

In a discourse delivered at the autumn reconvening of the Bordeaux Academy of Sciences in 1717, Montesquieu asserted that nature, "after hiding herself for so many years, showed herself suddenly in the past century." Fortunate scientists made astounding discoveries and brought whole new systems to light. "It is left to us only to labor in the wake of these great philosophers," he said. But he counseled his colleagues not to be disheartened; "who knows what may be still reserved for us? Perhaps nature still has thousands of secrets hidden." The boundaries of the continents of knowledge are mapped; the rich interiors remain to be explored.¹ When Montesquieu spoke of the fortunate philosophers of the seventeenth century, he meant especially Descartes. Like Descartes, he began his career by exploring the physical trunk of the tree of knowledge.² But he moved quickly upwards to the topmost branches of moral and political philosophy, where thousands of secrets were hidden. Montesquieu devoted most of his life to mapping those branches in the *Spirit of the Laws*.

When that mammoth treatise appeared in 1748, it was heralded as a landmark in the moral sciences, and it has been so regarded ever since. To draw attention to the novelty of his enterprise, Montesquieu spoke of it as a work "without a mother," and many readers have taken him at his word.³ But the matter of Montesquieu's originality is more complex than he makes it sound. From his extensive jottings and notebooks, we know that he read widely and depended on his reading in discovering as well as illustrating his own principles. When he ac-

¹ "Discours prononcé à . . . l'Académie de Bordeaux," in *Oeuvres complètes*, edited by Roger Caillois, 1, 8-9.

² On the importance of Montesquieu's work as a physical scientist for his work as a social theorist, see Ronald Grimsley, "The Idea of Nature in Montesquieu's *Lettres Persanes*," in *From Montesquieu to Laclos*, pp. 3-14; and Colm Kiernan, *Science and Enlightenment in Eighteenth-Century France*, ch. 5.

³ The epigram of the treatise is *Prolem sine matre creatam*. Two of the most thoughtful recent studies of Montesquieu open with an assessment of this claim: Louis Althusser, *Politics and History*, and Simone Goyard-Fabre, *Philosophie du droit de Montesquieu*.

knowledge precursors in the moral sciences, he tended to find them in antiquity. In a dossier of fragments for possible inclusion in the *Spirit of the Laws*, Montesquieu remarked that the ancient Greeks and Romans had raised the knowledge of politics "almost to the level of a cult," but since that time it had been allowed to atrophy. Contemporary philosophers, brilliant in the physical sciences, held the moral sciences in low esteem. "Among us," he said, "political good and evil are more a sentiment than an object of knowledge." He found few laborers beside him in the vineyard, and lamented that he had not been "born in the right century." He avowed himself a "votary of that excellent man the abbé de Saint Pierre, who has written so much about politics in our time," and consoled himself with the thought that "seven or eight hundred years from now there will appear some people to whom my notions will be useful."⁴

The sense of isolation that characterizes such passages was no doubt engendered by Montesquieu's absorption in his own researches in the library at La Brède. But he was not being wholly fair to his contemporaries. *The Spirit of the Laws* was only one (although by far the most impressive) product of the moral sciences between 1715 and 1748. Montesquieu may have discounted parallel efforts because they were unscientific. Most of his contemporaries mined old veins of jurisprudence, history, and political economy that he helped discredit by opening up new vistas in his own work. But several men were moving tentatively in the directions taken boldly in the *Spirit of the Laws*. Some of these works circulated only in manuscript, such as those of d'Argenson and d'Aguesseau. Others, including Mably's *Parallèle des romains et des françois*, Richer d'Aube's *Essai sur les principes du droit et de la morale*, and Le Gendre de Saint-Aubin's *Traité de l'opinion*, were published in France or abroad. Essays by Dutot and Melon on political economy, as well as Saint-Pierre's voluminous projects and several better-known works (Voltaire's *Philosophical Letters*, Montesquieu's *Persian Letters* and *Considerations on the Romans*) were all published in these years. The controversy over the early history of France was at its height. Du Bos and Boulainvilliers found numerous adherents; Montesquieu's treatise was, among many other things, a contribution to the dispute on the noble side.⁵ Finally, the *Spirit of the*

⁴ *Pensée* 1949 (198); and *pensée* 1295 (910). The first number given in citations of *pensées* in this chapter is that assigned them in the manuscript, also used in André Masson's edition of the *Oeuvres complètes*; the number in parentheses is from the more easily accessible Pléiade edition of the *Oeuvres* by Roger Caillois, where they are grouped by topic rather than chronologically.

⁵ Two studies that place Montesquieu in this context are E. Carcassonne, *Montesquieu et le problème de la constitution française au XVIII^e siècle* and Albert

Laws shows that Montesquieu, like many other Frenchmen, was familiar with ideas put forward in English coffee-houses and periodicals, and with the theories of Grotius and Pufendorf popularized by Barbeyrac.

The *Spirit of the Laws* was therefore not a work without antecedents or fellows. The originality on which Montesquieu justly prided himself lies in his self-consciously scientific postulation of his principles, and in his exploration of vast areas of what we now call anthropology, sociology, and psychology that had been generally ignored by social theorists. He took as the province of the moral sciences material that had been left to fancy, or entombed in the works of classical antiquity. His contemporaries perceived his originality; they also welcomed his solutions to problems regularly raised in French social theory in the preceding decades. Montesquieu had important things to say about all three of the traditions of French thought we have traced out in this study. In his description of moderate government, he provided the fullest statement of French constitutionalist theory, combining themes familiar since Seyssel with elements drawn from reflections on English sources. He struck a mortal blow at absolutist theory by confirming the connection between despotism and absolutism toward which French jurists had been groping uncertainly since the days of Richelieu. And he provided some suggestions for resolving the dichotomy between the public and the private that had haunted French philosophy since Montaigne. In his theories of republican virtue and monarchical honor, Montesquieu offered two models for accommodating individual passions and interests in society, infusing new life into the categories of *la charité* and *l'amour-propre*.

By birth, Charles de Secondat, baron de Montesquieu, was a member of the nobility of the sword and of the robe.⁶ Both lineages can be detected in his preoccupations and his preferences. Despite the scorn he sometimes showed in discussing noble honor, he clearly understood it at first hand. By training and profession, he was identified with the judiciary; he inherited the offices of counsellor and *président* of the Bordeaux parlement. But like Montaigne, he found the Bordeaux magistracy little to his liking. He sold his office in 1726, and divided his

Mathiez, "La Place de Montesquieu dans l'histoire des doctrines politiques du XVIII^e siècle." Brief discussions of a number of the other books mentioned above can be found in Ian Wilson, *The Influence of Hobbes and Locke*.

⁶ By far the best biography is Robert Shackleton, *Montesquieu*; for Montesquieu's own attitude toward his dual lineage see the early *pensée* 5 (69), in which he shares with his son some reflections on the disparate advantages of the two nobilities.

time between Paris, Bordeaux, and La Brède. The scientific pursuits of the Bordeaux academy continued to attract him. He greatly enjoyed being lionized in the salons of Paris. But increasingly he preferred his life as master of his chateau at La Brède, where visitors discovered him tramping around his estate in rough clothes, and writing for long hours in his library. Like Descartes, he expressed ambivalence about publishing. "I suffer from the malady of making books," he said, "and being ashamed of them when they are finished."⁷

2. SOCIAL PHYSICS AND THE CONSERVATION OF COMPLEXITY

In the preface to the *Spirit of the Laws*, Montesquieu professes his desire to "give every person new reasons for loving his duties, his prince, his fatherland, his laws." This is normally read as a conservative teaching, and so it is; but it is a distinctive conservatism that has much in common with that of Descartes. Here and elsewhere in his writing, Montesquieu gives patriotic duties a place in a widening series of concentric circles, moving outward from duties of the individual to himself, through duties to others and his country, to mankind and to God. As Montesquieu says of himself: "I am a good citizen; but in whatever country I had happened to be born, I would have been one all the same."⁸ His is a patriotism without chauvinism. He wants to buttress existing politics not by enhancing but by destroying prejudice, which he defines as whatever makes men ignorant about themselves. If men understand their natures better, they can appreciate the importance of dutiful obedience to authority. Like Descartes, he approached this endeavor in a spirit of adventure and exploration, confident that the best way to support what exists is not to hide its foundations behind a veil of sacred mystery, but instead to comprehend why it is and must be so. The better we understand the concatenation of duties, passions, customs, and accidents that compose a state, the more we will respect its intricate accommodations, and appreciate the immensity of the task of changing it.⁹

⁷ *Pensée* 837 (83).

⁸ *Pensée* 1437 (27). Cf. the "Analyse du traité des devoirs," in *Oeuvres complètes*, edited by Caillois, I, 108-111; *pensée* 220 (597), 350 (10), and 741 (11).

⁹ Two *pensées* strikingly reminiscent of Cartesian conservatism are 903 (1311): "It is not philosophers who trouble states, but those who are not philosophers enough to recognize their happiness and enjoy it," and 934 (632): "The best [government] of all is ordinarily that under which one lives, and a sensible man ought to love it; for, since it is impossible to change it without changing manners and *moeurs*, I do not see, given the extreme brevity of life, what utility there could be for men in departing in all respects from the bent that they have taken [*le pli qu'ils ont pris*]."

In discussing these topics, Montesquieu assumed a principle of social physics common in seventeenth-century French thought: that the social world, like the physical universe, is composed of complex forces in opposition and attraction to one another. He described monarchical politics as like "the system of the universe, in which one force ceaselessly repels all bodies from the center, and another force, that of gravity, brings them together." He used mechanical analogies as well, praising well-constructed monarchies as "beautiful machines" in which "artifice employs the fewest possible movements, forces, and wheels" to obtain its goal.¹⁰ Undergirding both the physical and the mechanical analogies was the ancient vision of social harmony, with its roots deep in medieval and Aristotelian theory. An eloquent passage on this topic from the *Considerations on the Romans* is reminiscent of the temper of Seyssel and Bodin:

That which we call union in a political body is a very equivocal thing; the true unity is a union in harmony, which operates in such a fashion that all the different parts, however opposed they may appear to us to be, concur in the general good of society, as dissonances in music agree in the concord of the whole. Thus there can be union in a state where one would expect only turbulence: that is to say, a harmony that gives birth to happiness, the only true peace. It is like the parts of this universe itself, eternally linked by the action of some and the reaction of others.¹¹

This conviction of the intricate forces conjoined in the harmony of a well-ordered polity explains Montesquieu's attitude toward change. He compared government to "a sum composed of many numbers. If you remove or add a single number you change the value of the whole. But since we know, in arithmetic, the value of each number and its relation to the rest, we are not deceived. It is not the same in politics: one can never know what will be the result of a change one undertakes."¹² Since the complex pattern of social forces is normally beyond our comprehension, it appeared obvious to Montesquieu that no one has any business proposing changes in a state except someone who is

¹⁰ *De l'esprit des lois*, Book III, ch. 5. The best English translation of large parts of Montesquieu's *Spirit of the Laws* is Melvin Richter's *Political Theory of Montesquieu*, which supplants the heavily flawed but ubiquitous Nugent translation. On the importance of translations of Montesquieu, see Keohane, "The President's English."

¹¹ *Considérations sur les causes de la grandeur des Romains et de leur décadence*, ch. IX; in *Oeuvres complètes*, II, 119.

¹² *Pensée* 941 (1918); cf. 184 (1916), 603 (1917), and 1436 (1920).

"so fortunately born as to be able to penetrate with a stroke of genius the entire constitution of the state."¹³

In his awareness of the unstable character of all political accommodation, and the difficulties that beset any attempt at deliberate reform, Montesquieu followed the example of Montaigne. He bade us cherish and protect any measure of stability that we may enjoy. But unlike Montaigne, he did not think that the road ahead is only deformation and decay. Montesquieu was convinced that liberty revives after eras of stultifying docility, and then once again is threatened by aggrandizing power. His social theory emphasizes the ever-present threat of decay as well as the sources for eventual renewal; it is a theory in which flux itself is constant.¹⁴ Rhedi's thumbnail summary of the history of Europe in the *Persian Letters* gives ground for despair as well as hope: despair, in that it shows how republics have succumbed before arbitrary power, and hope, because it also shows how the Roman empire crumbled before the inundation of Germanic nations from the north, bringing the conditions for a new liberty. In an early *pensée*, Montesquieu picks up the summary at the point where Rhedi's ended, with the establishment of the Gothic government on the ruins of the Roman empire, and continues: "It has taken nine hundred years to abolish that government in turn, and to establish in each state the rule of a single individual. Things now subsist in this fashion; and it appears that we are moving, from century to century, toward the final degree of obedience, until some accident changes the disposition of our brains and makes men as indocile as they were in the old days. Thus it has always been: a flux of domination and of liberty."¹⁵ Thus the tendency for the tenuous equilibrium of moderate governments to be destroyed by arbitrary rule is balanced by the opposing tendency for liberty to reassert itself. Unlike his disciple Tocqueville, Montesquieu did not conceive a unilinear process of leveling of complexity; he was wary of all attempts to provide neat pattern-theories for history. But apparently he had faith in an inexhaustible supply of new social energies arising from "accidental changes in the disposition of our brains."¹⁶

¹³ Preface to *Esprit des lois*, *Oeuvres complètes*, II, 230.

¹⁴ On the theme of flux, see *pensée* 2266 (not available in Caillois's edition), as well as no. 76 (690) and Henry Vyverberg, *Historical Pessimism in the French Enlightenment*. In *pensée* 364 (1766) Montesquieu remarks that "maxims of state should be changed every twenty years, because the world itself is changing," a prescription echoed in more radical form by Thomas Jefferson.

¹⁵ *Pensée* 100 (1475); Rhedi's summary is in letter cxxxI of the *Lettres persanes*, *Oeuvres complètes*, I, 327-329. On political flux, see Badreddine Kassem, *Décadence et absolutisme dans l'oeuvre de Montesquieu*.

¹⁶ In *pensée* 291 (1463), Montesquieu criticizes pattern-theories in history;

Montesquieu perceived his own time as one in which moderation, and the liberty made possible by moderation, were threatened by encroaching autocratic power. He did not preach simple resignation in the face of threats to things he valued highly; although he taught that it is difficult to make deliberate changes in our institutions, he was convinced that informed human action can ward off deformation. Therefore he exhorted his contemporaries to guard the remnants of the moderating institutions still left them from the past. He taught that it is *complexity* that must be preserved, since he identified simple government with despotism. The conservation of complexity becomes the fundamental principle of his conservatism, and it is drawn directly from his hatred of despotism. Montesquieu's faith that despotism will eventually spawn new liberties was a long-term faith, not a source of comfort for his own contemporaries. He wanted them to recognize that moderate governments are fortunate exceptions to the general rule of uniform autocratic power, exceptions based on historical accidents or the rare insight of a legislative genius. Moderate polities depend on intricate patterns of mutually supportive tensions, and are not to be tampered with in the misguided hope of making them more commodious. They possess no inherent tendency to return to moderate equilibrium when they depart from it; the groundstate, the ever-present threat, is despotism.

In a passage he thought sufficiently important to rework in several versions, Montesquieu asserted that

it should not be surprising that almost all the peoples of the world are so far from the liberty they love. Despotic government leaps immediately to the eye, so to speak, and establishes itself of its own accord. Since only the passions are required to constitute it, everyone provides material for it. But to form a moderate government, it is necessary to combine powers, temper them, make them act and regulate them; to provide, that is, ballast for the one to equip it to offer resistance to another. This is a masterpiece of legislation that chance produces only rarely, and prudence is seldom given the opportunity to create.¹⁷

Here Montesquieu makes several interesting assumptions beyond the

however, in 1917 (236), he offers his own version of a cyclical theory of development and decay.

¹⁷ *Pensée* 892 (1794); in an earlier version, 831 (1793), Montesquieu describes a moderate government as "un système, c'est-à-dire une convention de plusieurs et une discussion d'intérêts." See also *Esprit des lois*, v, 14.

notion that power must be checked by power that is always associated with his work. He assumes that despotism is the condition toward which all polities tend unless they are pulled away from it by legislative art or happy accident. Creating a moderate government means deliberately lifting a polity out of simplicity, instituting a complexity of form where there would otherwise be pure domination. Despotism, on the other hand, constitutes itself without art out of human passion. Elsewhere in his writing, the role of passion in despotism is made more explicit, and the connection between the two is qualified significantly. He argues that moderate polities have managed to direct and channel human passion to create a supportive structure for tempered power instead of an open field for despotism; and he also points out that passions are a continual source of centrifugal tension, an element of instability that prevents despotism from perfecting itself. In despotic government, the range of human passions is distorted and truncated, and the energetic desire for self-preservation is focused in a single passion: fear. "Persons capable of esteeming themselves too much are ripe to make revolutions," observes Montesquieu. "Thus it is necessary that fear beat down all courage and extinguish it, down to the last glimmering of ambition."¹⁸ Still, the least relaxation of vigilance allows courage and ambition to begin to flourish once again, and challenge despotic power.

The tale of the seraglio in the *Persian Letters* is Montesquieu's fullest demonstration of this truth. The seraglio initially appears serene, a rather humane and stable despotism in which strict obedience to absolute authority depends on successful arrangement of the passions. Fear attends the subordination of the women to the capricious authority of the eunuchs; but the exercise of capricious authority by the women over the eunuchs in return creates a balance of noninstitutionalized power that holds the seraglio together. The ambition of the women is channeled into competition for the favors of the master, and Usbek and his slaves are bound together by intricate ties of love and lust and duty.¹⁹ But when Usbek leaves for Europe, this fragile stability is destroyed. The elements of complexity rooted in fundamental human passions undermine the simple despotic authority of the seraglio.

As the chief black eunuch describes it to Usbek, the core of the problem is that ambition has been loosed. No longer is feminine

¹⁸ *Esprit des lois*, III:9; *Oeuvres complètes*, II, 258-259.

¹⁹ The pattern of authority in the seraglio is described in letters II, IX, and XCVI.

energy channeled into pleasing the master; the women have begun to esteem themselves more highly, and compete for status and petty privileges. This leads them to challenge the allocations of the eunuchs. The eunuch advises his master that despotisms cannot be run humanely, especially in the absence of the lord and husband. The eunuchs are impotent symbols of his love and justice who cannot maintain the intricate network of passions he deployed. The only way to beat down ambition and maintain order, says the chief black eunuch, is to use the stringent measures of a perfect despotism exemplified in another seraglio in which he served, which he describes in letter LXIV. The severe eunuch in charge of that seraglio controlled the lives of the women down to the pettiest detail, and ensured that their lives were uniform and very simple. The women were isolated from one another in their cells, and guided by their slaves through regular routines each day. "Divisions and quarrels were unheard of; a profound silence reigned throughout." The women in that seraglio had no other relation to their master except availability as instruments to satisfy impersonal lust. In all else they were subordinated to the absolute authority of the chief eunuch, the grand vizier of that despotic state.

Usbek rejects such a terrible regime; but the chief eunuch's prophecy that half-way measures must fail is soon borne out. It is humanity and moderation that prove fatal to the seraglio in the end. They make it possible for the women to envision, and eventually to work for, a community in which they can fulfill their own desires and achieve some measure of autonomy, instead of remaining isolated subjects of the authoritative passions of their master and the despairing passions of his eunuchs. Their ambitions are channeled away from competition with one another into cooperation in a conspiracy to deceive the eunuchs and create a space for liberty. They find ways to satisfy their passions by taking lovers and bedding down with slaves; having known only lust and caprice, they express their desire for freedom in the only way they know, searching for love and the ordering of their lives. When the conspiracy is discovered, the chief eunuch demands authority to govern by pure fear; but it is too late. He dies before he can execute the bloody orders Usbek sends him. When a successor attempts to carry them out he triggers a revolution in the seraglio. Having experienced a measure of freedom and community, the women refuse to accept the authority of terror and caprice. Their manifesto is the eloquent closing letter written by Roxane, whose much-vaunted "virtue" is a central theme of this whole sequence. In that letter she shows herself a woman of true "virtue" in the ancient sense: a courageous, brave, resourceful leader of a revolution against arbitrary

mastery. She is one of the first genuine feminist heroines in literature—an aspect of the *Letters* that too often goes unremarked.²⁰

Roxane's spirited assertion that her spirit has "always been free" though she has lived in slavery, her claim that she has reformed Usbek's laws by those of nature, is a heartening affirmation of the indomitable well-springs of human liberty that recalls the eloquent passages of La Boétie. However, heartening as it may be, it is still a tragic ending. The only possible outcome is death for the women and their jailors, too. A tragic truncation of the human spirit accompanies a stable despotism, yet equally tragic difficulties attend any attempt to overthrow despotic power. Even the most benevolent despotism is a violation of the human spirit, and can maintain itself only by tending toward extreme and terrible simplicity.

3. ABSOLUTISM AND MODERATE GOVERNMENT

Why do all governments tend toward despotism? And why must power be neutralized by power? Like his counterparts across the Channel, Montesquieu was convinced that power tends to aggrandize itself unless it meets another power in its path. Power encroaches on liberty.²¹ Even the English constitution, for all its capacity to rise like a phoenix free again in the midst of the fires of civil conflict, was not immune to such a threat. It was derived from a more absolutist monarchy, and the intermediate powers in the constitution have been gradually leveled over time. If the balance of power at the center, or the vigorous individualistic spirit of the people, should be weakened, Englishmen would have no protection against slavery. The regime was poised above a despotism into which it will be plunged if the peculiar sources of its liberty are ever quenched.²²

In the *Persian Letters*, Usbek remarks that "most of the governments of Europe are monarchies, or rather are called so; for I do not know if there has ever been a true monarchy." Such a regime can hardly subsist "in all its purity," for "it is a violent state that always degenerates into despotism or a republic. Power can never be equally di-

²⁰ Roxane's letter XLCI closes the sequence of fifteen letters that describe the revolution in the seraglio. For further evidence of Montesquieu's feminist sympathies, see *pensée* 596 (1820), where he remarks that "despotic government obstructs the talents of subjects and great men, like the power of men restricts that of women," and Rica's observations in letter xxxviii. However, some notoriously anti-feminist sentiments are also expressed in Montesquieu's work, as in *pensée* 2219 (1265).

²¹ Montesquieu's familiarity with radical Whig arguments, and those of Bolingbroke as well, is apparent from his *Spicilège, Oeuvres complètes*, II, 1295 and 1358.

²² *Esprit des lois*, II:4, and IX:27.

vided between the People and the Prince; equilibrium is difficult to maintain." Montesquieu's conception of power indicated that "power must diminish on one side as it is augmented on the other," and that "the advantage is normally on the side of the Prince, who is at the head of the armies."²³ The *Considerations on the Romans* provide other illustrations of this tendency for power to aggrandize itself. The imperial republic could not sustain its original form; the aggrandizing vigor made possible by its excellent constitution destroyed the regime. Beyond this, the overweening power of ambitious leaders proved fatal to that of the mass of the people.

This is the background against which we must understand Montesquieu's urgent warning to his countrymen. One of his major purposes was to show Frenchmen what could happen to their own monarchy if they did not protect the remnants of Gothic power in the state. Threats to moderated power identified by some of his contemporaries such as Boulainvilliers were not a peculiar or ephemeral plight of Frenchmen, said Montesquieu, but an instance of a general pattern of political development and deformation. His interest in the pattern, however, was stimulated by his concern for his own *patrie*. As with Tocqueville in America, Montesquieu discussing England or Persia or Spain was always thinking of France.

In a set of *mémoires* written in his youth, Montesquieu proposed fiscal reforms for the French state like those of Boisguilbert, Vauban, and Saint-Pierre; he also pressed for the reestablishment of vigorous communal administration and the creation of provincial estates throughout France, asserting, like d'Argenson, that "the authority of the king will in no way be weakened by such institutions." Echoing the views of noble critics of Louis XIV, he charged the old monarch with "losing the hearts of his subjects by the intolerable tributes with which he burdened them, the necessary prop for a vain war." However, Louis's "immoderate desire to augment his power over his subjects" did not surprise the *président*, who saw it as a "sentiment common to all men."²⁴ He placed the primary blame for attempted assault on French liberties on cardinal Richelieu. In reading Richelieu's *Testament*, he was struck by the cardinal's desire to avoid "the thorny obstacles of the companies" and to abase the ancient orders in the state. He judged that "if this man had not despotism imprinted in his heart, it would still have found a place in his head." To Montesquieu, Riche-

²³ Letter cii; cf. letter xcii, where Usbek applies the concept of absolutist deformation directly to the French monarchy, comparing the weakened parlements to ruined temples.

²⁴ *Pensée* 1306 (596); see also "De la politique," *Oeuvres complètes*, I, 112-119.

lieu's reliance on the personal virtues of kings and ministers and their familiarity with *raison d'état* to guarantee good government, was incredible. "He demanded so much of them that there is scarcely an angel who could be counted on to have so much attention, so much reason, firmness, knowledge; one could only with difficulty delude oneself into believing that from now until the dissolution of monarchies there could be such a prince, and ministers like that."²⁵

Yet men of his own time composed books in which the same principles were put forward with equanimity. Le Gendre de Saint-Aubin's *Traité de l'opinion* contained a number of arguments on the power of *l'opinion générale*, the nature of despotism, and its foundation on fear, that were much like those of Montesquieu himself. But Saint-Aubin complacently confined despotism to Africa and Asia, and asserted that such government is fundamentally different from absolutist monarchy. In language unchanged from Bossuet's *Politique*, Saint-Aubin ascribes to the French king a *plenitudo potestas*, mastery of the lives and goods of his subjects. He makes him an image of God on the earth, accountable to God alone for what he does; there is no rightful role for "feudal institutions" in the state.²⁶ In Saint-Aubin's catalogue of attributes of sovereignty, the injunction that the king should not abuse his power and the feeble notion that "one cannot call power to do evil legitimate" have the effect of hollow mockery. It was against such durable, petrified absolutist dogma that Montesquieu leveled his lance so effectively. He made clear that only insofar as France retained vestiges of "Gothic government" did it deserve to be called a moderate monarchy rather than an abject despotism; and he removed despotism from the realm of oriental exotica to bring it very close to home. After he published the *Spirit of the Laws*, it was no longer possible to assume complacently that absolutism was divinely protected against the horrors of despotism by its European situation or its juristic maxims. The formulas for constitutional government took on new life in France, and efforts to salvage something from the wreckage of divine-right absolutism were required to begin with different principles.

In his chapter in the *Spirit of the Laws*, "the corruption of the prin-

²⁵ *Esprit des lois*, v:10; *Oeuvres complètes*, II, 289; see also *pensée* 1302 (595), "Sur l'histoire de France," and 1962 (594); Montesquieu's general opinion of *raison d'état* is expressed in *Esprit des lois* XXI:20, where he notes that his contemporaries have begun "to cure themselves of Machiavellism," so that what would once have been called *coups d'état*, would be regarded, "apart from the horror they would inspire, as imprudences" (*Oeuvres complètes*, II, 641).

²⁶ Gilbert-Charles Le Gendre, marquis de Saint-Aubin-sur-Loire, *Traité de l'opinion* (1735), v, 75-79 and 97-114.

ciple of monarchy," Montesquieu made his central warning quite explicit. "Monarchies are corrupted," he says, "when one gradually removes the prerogatives of the corporate bodies or the privileges of the towns." In such a case, the government moves toward "the despotism of a single man." On the basis of his research on China, Montesquieu reports that "the Tsin and Soui dynasties" had been destroyed when "instead of limiting themselves, as their ancestors had done, to a general overview of governing, the only office worthy of a sovereign, the princes attempted to govern everything directly by themselves." If any uncertainty about the implication of these principles remained, it would have been dispelled when the reader turned to a section of the treatise prefaced with the notice that "I cannot make myself understood unless the following four chapters have been read." The argument of these chapters is that the three forms of government identified by Montesquieu—republics, monarchies, and despotisms—are closely correlated with the size of different territories. When a monarchy attempts to aggrandize itself beyond a moderate extent, it commits itself to despotism. The supporting example is not faraway China or exotic Persia but Spain, the monarchy next door, ruled by the same family and originating in the same institutions as France herself. Montesquieu asserts that in its attempt to build an empire in the Americas and Europe, the Spanish monarchy was forced to use despotic methods. Despotism at home was the necessary consequence; this would have been clear to anyone familiar with the standard account of the decline of Rome. Unless the French monarchy took timely notice of such tendencies, and moved to protect ancient institutions and renounce aggrandizement, its fate, for Montesquieu, was clear. "Rivers run down to mingle with the sea; monarchies move on to lose themselves in despotism."²⁷

Montesquieu recommended several courses of action to governments intent on maintaining moderate power and avoiding deformation. In the well-tempered constitutions that he praises, the executive power itself plays a moderating part. It is not simply the object of tempering or checking by other parts of the state, but has its own role in the balancing and tempering. Sometimes Montesquieu used the language of the scale, with the monarch in the center and the power of the nobles and of the people in the balances. The king can abase or raise up as necessary to prevent either from becoming dominant in the

²⁷ *Esprit des lois*, viii:6-7 and 15-20. The importance of Spain as an example of monarchical decay is brought out in Mark Hulliung, *Montesquieu and the Old Regime*, pp. 46-53.

state.²⁸ In republics and monarchies alike, strong leaders are essential to political health as well as a source of potential deformation. In a passage that shows his affinities with d'Argenson, Montesquieu says: "If the English lacked a king, they would be less free." This is proved, he continued, by the experience of Holland, "where the people have become more enslaved since they no longer have a stadtholder; all the magistrates in each town are so many little tyrants."²⁹

However, Montesquieu is as adamant as d'Argenson that the prince should not become involved in the details of his government. "He should think, and let others act, and set them into motion. He is the soul, not the arm." To meddle with details is "a *métier* he cannot do well; and if he did it well it would mean he would do all else badly."³⁰ One of the most important aspects of a monarch's office is delegating power, choosing good agents and ensuring that they act according to his wishes, and knowing how much power to retain in his own hands. "The authority of the sovereign ought to be communicated to as many people as necessary, and as few as possible," he says.³¹ Montesquieu's model here is like that of Fénelon, Saint-Pierre, and d'Argenson: the prince as powerful overseer, animating principle in the state, acting little himself but responsible for the action of the whole. He advised the prince to give a vivacious people room, let them express their natural capacities and tendencies. "Let us be as we are," he said, rather than working against the *esprit générale* of the French nation to make them follow more sober and regular paths.³² An appropriate balance of control and restraint on the prince's part ensures that he is more powerful than any despot, for a despot cannot possibly govern his huge territory himself, yet lacks any institutional mechanism for delegating power in an ordinary fashion. Anyone who acts in his name becomes a little despot on his own, which reduces the scope of the despot's power. "The kings of Europe govern like men, and therefore enjoy a condition as unalterable as that of gods," says Montesquieu. "The kings of Asia govern like gods and are ceaselessly exposed to the fragility of the condition of mere men."³³

There is at least one way, however, in which "to govern like a man" means to govern like God Himself: expressing power through regulated *volonté*, in law, rather than capriciously. Montesquieu speaks of

²⁸ *Esprit des lois*, xix:27; cf. iii:10.

²⁹ *Pensée* 655 (1674); see also 1786 (207), and Jean-Jacques Granpre Molière, *La théorie de la constitution anglaise chez Montesquieu*.

³⁰ *Pensée* 953 (1843); see also 965 (1912).

³¹ *Pensée* 1994 (659); cf. 1898 (228), and *Esprit des lois*, v:16.

³² *Esprit des lois*, xix:5-6.

³³ *Pensée* 1889 (223).

kings as "above the law" in the sense that they establish it and are not formally subordinate to it, as are the citizens of a republic; but he also specifies that monarchs, unlike despots, govern in accordance with established laws, and obey the fundamental laws of their own state. Montesquieu takes the presence or absence of fundamental laws as the first criterion for differentiating monarchy from despotism. To such laws monarchs are indeed subordinated. Beyond this, he specifies that monarchy requires laws for the protection of the lives and property of subjects, and strong tribunals for enforcing them. When these conditions are realized, he notes in one of his most striking passages, the citizen of a moderate state who is judged according to all formalities and sentenced to be hung is freer than the Turkish sovereign.³⁴

Several French absolutists had stressed the importance of governing in accordance with established law, and respecting *les lois fondamentales*. Constitutionalists were careful to specify that there must be other institutions in the state responsible for protecting and enforcing laws, in addition to the agents of the king himself. Here Montesquieu proves himself the most ardent of all French constitutionalists; for he asserts that "the intermediate, subordinate, and dependent powers constitute the nature of monarchical government, that is to say, one in which a single ruler governs by fundamental laws." The intermediate institutions in the state are not merely convenient ways to distribute power; they are fundamental to the constitution and determine the character of the regime, marking it off from despotism. "These fundamental laws necessarily suppose mediating channels along which power flows. For if there is only the ephemeral and capricious will of a single ruler in the state, nothing is fixed, and consequently there are no fundamental laws."³⁵

Sometimes, particularly in his famous chapter on the English constitution, Montesquieu's language in describing the relation between institutions is that of checks and balances, mechanically acting as obstacles to one another to prevent abuse of power rather than facilitate its use.³⁶ In other passages his conception is more fluid, reminiscent of the Seysselian pluralism that is the hallmark of French constitutionalism. The moderation that distinguishes good government is not a blockage but a smooth flow of power from one part of a complex state to another, a harmonious tension of mutually limiting ambitions

³⁴ *Esprit des lois*, XII:2. Walter Kuhfuss, *Mässigung und Politik*, is a good analysis of the theme of moderation in Montesquieu's thought.

³⁵ *Esprit des lois*, II:4; cf. VI:5.

³⁶ *Esprit des lois*, XI:6: "These three powers ought to form a repose or inaction; but since, by the necessary course of things, they are required to move, they are forced to move in concert" (*Oeuvres complètes*, II, 405).

harnessed and channeled toward a single end. Montesquieu stressed the place of the nobility of robe and sword in a well-constituted monarchy "not to provide a line of demarcation between the power of the prince and the weakness of the people, but the link between the two."³⁷ Monarchy is defined in the *Spirit of the Laws* as government by a single man exercising power according to law rather than his own caprice, himself "the source of all political and civil power" in the state. Other powers are not only intermediate but also *subordinate*, channels along which monarchical power flows throughout the state, rather than autonomous sources of power in themselves. Montesquieu, like Seyssel, was sensitive to the importance of limiting power by opinion as well as force. Although he did not use the specific image of the bridles, his metaphors express the same attitude toward the subtle yet durable sources of power in the intermediate institutions in the French polity. "Although the French parlements have no great authority," he said, "this does not prevent them from doing good. Ministers and princes do not want to have their disapproval, since they are so much respected. Kings are like the ocean, whose impetuosity can often be arrested by seaweed or pebbles."³⁸

It is clear from the chapter that immediately follows the discussion of the English constitution, and from the closing chapter of book XI, that Montesquieu regarded England as but one example of the principle that all well-constituted states distribute the several parts of sovereign power. If they do not, they degenerate into despotism. Despite the threat of despotic deformation, the French monarchy was still supported by institutions left over from "the ancient Gothic government," which Montesquieu praises as a form in which "the civil liberty of the people, the prerogatives of the nobility and the clergy, the power of the kings were so beautifully concerted that I think there has never been on earth a government so well-tempered as that found in each part of Europe while this form subsisted."³⁹ Intermediary powers developed under Gothic government are to some extent mutually substitutable, in his eyes. It is crucial for whatever is left of liberty in Spain, for instance, that the power of the clergy remains

³⁷ *Esprit des lois*, V:9 (*Oeuvres complètes*, II, 288).

³⁸ *Pensée* 589 (1962); the definition of monarchy is in *Esprit des lois* II:4 (*Oeuvres complètes*, II, 247).

³⁹ *Esprit des lois*, XI:8; in the manuscript copy of the treatise in the Bibliothèque nationale (n.a.f. 12833), this chapter, at ff. 192-193, shows evidence of extensive re-writing, particularly of the last sentence, as Montesquieu attempted to ensure that he expressed his meaning here as precisely as possible; a final line is crossed out, in which he qualified his praise by noting that this was a "gouvernement qui avoit en soy la capacité de devenir meilleur."

a factor in the state when other intermediate powers and the rule of law are undermined. Contemporary France was characterized by several corporate counterweights to royal power that had managed to escape Richelieu's leveling enterprises. The *président* singles out the provincial estates and the municipal liberties as commendable on this score. But he is especially anxious to stress the power of the nobles and judges in the French monarchy. The *corps* of judicial magistrates act as a *dépôt des lois*, incessantly guarding the laws and rescuing them from the dust to which they would otherwise be relegated; held together by their training, traditions, and networks of alliances, they are centrally important to liberty in France.⁴⁰ The nobility of the sword is equally important; for the honor of the nobility is the motivating spring of monarchy as Montesquieu defines it. Both the English and the French regimes exemplify the essential character of modern monarchy for Montesquieu: the use of the unpromising raw stuff of human selfish passion to fuel the engines of society itself, the ingenious channeling of private action to create a political pattern conducive to security, liberty, and commodious life. This is a passable substitute for public life. But it should never be confused with true public life, based directly upon virtue, which is associated with the classical polities of Greece and Rome.

4. THE ANCIENTS AND THE MODERNS

The quarrel over the literary virtues of the ancients and the moderns had its counterpart in political philosophy in France. The position defended by Montesquieu in this debate was, like everything else about his work, complex. In literature and politics alike, Montesquieu held that "there are good works among the ancients and among the moderns too."⁴¹ He admired the magnificent public life of ancient republics and the admirable efficiency of modern monarchies. The distinction between the two was not purely chronological in his eyes; he discovered a few contemporary republics and outstanding individuals who exemplified the virtues of the ancients. But he regarded monarchy as characteristic of modernity, suited to the distinctive economic and ethical dispositions of men of his own time. The difference between republics and monarchies in Montesquieu's theory rests on the configuration of passion as much as on institutional patterns of popular and monarchical rule. Like Descartes and Pascal, Montesquieu believed

⁴⁰ *Esprit des lois*, II:4; V:10; and XIII:12; cf. the "Mémoire sur les dettes de l'Etat," *Oeuvres complètes*, I, 70.

⁴¹ *Pensée* 111 (445).

the passions were grounded in the operation of the human body, *la machine*.⁴² But he was less interested in the physiology of the passions than in their psychology and sociology. In the *Spirit of the Laws*, he describes three ways of organizing passions that correspond to the three basic forms of government: despotism, monarchy, and republic.

Montesquieu describes the classical republic as an intimate community whose members are associated by a shared love of public life itself. They love the very equality of their participation in that life, and are intensely attached to *la patrie* as the symbol of the durable community that they enjoy. Members of a republican community think of "we" instead of "I." They regard the things they share in common as belonging equally to each of them, whereas in monarchy public things are treated as though they were unrelated to each individual, the property and therefore the concern of someone else.⁴³ Republican polities are like close-knit families with a hierarchy of paternal authority, community of goods, mediocrity of fortune, frugality, and simplicity of life. Participants in such communities realize the potential for love and justice that characterizes the species at its best. They enjoy goods that cannot be won in isolation, discovering true happiness as part of a whole. In the limiting case of the benevolent anarchy of the good Troglodytes in the *Persian Letters*, the elders continually instruct their children that "above all, the interest of individuals is always to be discovered in the common interest; that to wish to separate oneself from the whole is to will one's own destruction; that virtue is not something to be counted as costly, or regarded as a painful exercise; and that justice for others is charity for ourselves."⁴⁴

Yet the Troglodytes proved unable to sustain such virtue. They chose a king to relieve them of the burdens of virtuous autonomy. The truth of this beautiful socializing myth was called into question in Montesquieu's own work. He never denied the sublimity of the vision, but he did deny its painlessness. Such virtue involves lifting human nature to a higher plane, transforming us from selfish individuals into something we naturally are not. It requires an austerity and singlemindedness that is difficult to maintain, however admirable and satisfying its fruits. The myth of the Troglodytes suggests that such a regime can sometimes sustain itself in extraordinary circum-

⁴² *Pensée* 30 (549) and 2035 (183).

⁴³ Descriptions of virtuous republics can be found throughout Montesquieu's writings; see, for example, *Esprit des lois* III:3; V:2-3; and *pensées* 1269 (618); 1342 (1791); 1760 (232); 1854 (234); and 1891 (233).

⁴⁴ Letter XII (*Oeuvres complètes*, I, 149); the tale of the Troglodytes is given in letters XI-XIV, with a sequel in *pensée* 1616 (120).

stances for a time; but in the *Spirit of the Laws* Montesquieu stresses its exceptional demands on human beings and the difficulties of instituting it among ordinary men. He mentions the Severambian regime, along with Plato's republic, Crete, and Sparta, as specific examples of this type of polity; this indicates that he regards it as a utopian vision, although not one that is impossible to realize. A legislator of genius must create the institutional and educational frameworks that lead men to see themselves and their fellows in this way; and such a man is not to be met with every day. In modern times, the most familiar parallel to such regimes is a monastery, in which all ordinary human passions are denied, and only the obedient love of the order itself is left, partaking of the fierceness of other passions that have been channeled into this one love.⁴⁵ This analogy moves republican virtue paradoxically close to despotism, in focusing all human energy in a single direction; it also reminds us that modern men can be dealt with in this way, just as they can become the material for despotism.

Thus while Montesquieu regarded the classical republic as the site of true human virtue, he also saw that it forces men into demanding molds that thwart their most primitive desires and inclinations. In one of his earliest *pensées* he asserts the unnaturalness of such a regime:

Just as the physical world subsists only because each portion of matter tends to flee the center, so the political world is supported only by this interior and restless desire each individual has to get out of the situation in which he finds himself. It is in vain that an overly austere morality attempts to efface these traits that the greatest of all workers has imprinted in our souls. It is up to morality, which tries to work with the human heart, to regulate these sentiments, not to destroy them.⁴⁶

In his description of the unregenerate early Troglodytes in the *Persian Letters*, Montesquieu shows how a society of unregulated men is quickly torn apart by these centrifugal desires. Each individual follows his own interest and sees no reason to come to the aid of any of his fellows. The message of this part of the fable is that there is no innate harmony among our interests as selfish human beings. The virtuous republic seeks to induce harmony by instilling a preference for the public interest over the private from childhood, and continually rein-

⁴⁵ *Esprit des lois*, v:2 and iv:6. Saint-Evremond uses this same parallel in his "Réflexions sur les divers génies du peuple Romain"; according to the *Catalogue de la bibliothèque de Montesquieu*, edited by Louis Desgraves, pp. 165-166, the *président* owned several editions of Saint-Evremond's works. For Montesquieu's musings on utopias, see *pensée* 1208 (1811).

⁴⁶ *Pensée* 5 (69).

forcing this preference at every point. But there is another way, much easier and more efficient: providing a framework of laws and customs that lead individuals to serve the interest of other men as they pursue their own. In this scheme, the natural preference for the private interest is not suppressed, but made the material of public good. This is the way of modern monarchy.

The description of monarchy reflects Montesquieu's conviction that we always act according to where we think our selfish interest lies unless we are systematically taught to act otherwise. In the *Persian Letters*, Usbek insists that justice exists in the universe and does not depend on human convention or contrivance; but it is not always perceived by men, and "even when they see it they often turn away from it. For their interest is always what they see most clearly. Justice raises her voice, but can hardly be heard amidst the tumult of human passions." No one is "gratuitously unjust; there must be a reason that determines what men do, and this reason is always a reason of interest."⁴⁷ Usbek argues that the best government for men, the one "most conformable to reason," is that "which proceeds to its goal with least friction," and "guides men in a way that most closely suits their penchants and their inclinations."⁴⁸ This is the path taken by the monarchical regime described in the *Spirit of the Laws*. It requires no difficult sacrifices or artificial inculcation of virtue, only the ingenious arrangement of rules and institutions so that ambitious men are encouraged to serve the state and obey the law.

Whereas republics dissolve private interests in a public whole, monarchies assure space for pursuit of private interest within a public framework that provides for the minimal integration of those interests. The distinctive spring or motivating principle of monarchy is "honor, that is, the prejudice of each person and each rank," which takes the place of virtue in a republic and "represents it throughout." This desire to assure precedence and recognition for oneself operates "like the system of the universe, where one force ceaselessly pulls men outward from the center, and the force of gravity brings them back. Honor makes all parts of the body politic move, and links them together by its own action; and thus it happens that each individual works for the common good, while he believes himself to be pursuing his own particular interests." Montesquieu observes that "it is true, philosophically speaking, that this is a false honor that conducts all

⁴⁷ Letter LXXXIII. Montesquieu may well have derived this sentiment directly from cardinal de Retz, whose *Mémoires* he greatly admired; *pensée* 1203 (897).

⁴⁸ Letter LXXX; cf. *pensée* 597 (1800): "In a well-regulated monarchy, the subjects are like fish caught in a great net; they believe themselves to be free yet they are in fact constrained."

parts of the state; but this false honor is just as useful to the public as true honor would be to individuals who possess it."⁴⁹

In the distinctive English variant of monarchy, that peculiar "mixed regime" that Montesquieu is hard put to name, avarice rather than ambition is the spring of action. Montesquieu speaks of the preoccupation with commerce as "the genius of our century," the distinguishing characteristic of modernity. He shared the common notion that noble ambition was gradually being displaced in his own time by the bourgeois passion of avarice. The English regime accommodates and thrives upon this passion. It also encourages the spirit of frugality, hard work, independence, and personal liberty with which commerce is associated.⁵⁰ However, Montesquieu is careful to point out that monarchy based on honor also gives rise to a "spirit of liberty" that is an effective substitute for liberty itself. He values liberty highly, as "that good which makes it possible to enjoy all other goods," the essential condition or ground for a happy human life.⁵¹ But he makes clear that liberty is not uniquely associated with any form of government. It accompanies moderation; and the virtuous republic can be made as amenable to moderated power as monarchy itself. Rome and Sparta, as well as England and France, are named by Montesquieu among moderated polities, since their constitutions distribute power in complex ways. It is true that *personal independence* is closely connected with the English type of modern monarchy. But Montesquieu was ambivalent about this particular type of liberty; it isolates men from one another and leads them from honor or virtue into privatism. Liberty, in his eyes, is fundamentally identified with security; and the "political liberty" of the ancients can provide this as easily as the individualistic liberty of the moderns.⁵²

Montesquieu lists many advantages of modern monarchy; yet he clearly regarded this regime as deficient, judged by the standard of

⁴⁹ *Esprit des lois* III:6-7 (*Oeuvres complètes*, II, 256-257).

⁵⁰ In *Esprit des lois*, V:6 (*Oeuvres complètes*, II, 280), Montesquieu remarks that "the spirit of commerce brings with it that of frugality, economy, moderation, work, wisdom, tranquillity, order, and rule," and thus tempers the corrupting effects of wealth so long as it prevails. This makes it possible to have commercial republics (such as Athens) as well as modern commercial mixed regimes. In XIX:27 (*Oeuvres complètes*, II, 574-579), he deals with the connections between commerce and liberty in England. The reference to commerce as the *génie particulier* of his own time is in *pensée* 810 (1228).

⁵¹ *Pensée* 1574 (1797).

⁵² *Pensées* 751 (1805), 907 (80), and 940 (1806) support this conclusion; Thomas Pangle, *Montesquieu's Philosophy of Liberalism*, is a cogent statement of an alternative reading of Montesquieu on modern liberal politics; for a fuller attempt to come to terms with his arguments, see Keohane, "The President's English," pp. 378-386.

true human excellence. His ambivalence about monarchy is apparent even in those passages in which he praises it most enthusiastically, as when he observes that in a monarchy

policy accomplishes great things with the least possible amount of virtue, just as in the best machines, art employs the fewest possible movements, forces, gears. The state subsists independently of any love for *la patrie*, and of the desire for true glory, the renunciation of the self, the sacrifice of our dearest interests, and all those heroic virtues we discover in the ancients, known to us only by hearsay. The laws take the place of all these virtues, and there is no need of them. The state relieves you of the necessity of having them, and a private action done quietly enough is, in a sense, an action without consequence.⁵³

His admiration for classical virtue was profound, although he well knew its costs. The absence of such true virtue in modern monarchy leaves a hollowness and pettiness that Montesquieu describes with uniform distaste. The ambition that undergirds modern monarchy is not even noble Corneillian heroism; in the form it takes among the denizens of Versailles, ambition degrades men into a paltry preoccupation with themselves. In describing the slothful, sly, perfidious impulses that substitute for virtue in a monarchy based on honor, Montesquieu admitted that he might be thought to be satirizing instead of praising this regime. Ambition and avarice alike encourage isolation, meanness, and triviality. Montesquieu depicts monarchy as an ambiguous bargain, and one whose terms were becoming worse in his own time. "We have left to princes the pleasures of commanding, in order to reserve to ourselves those of obedience. This means that grandeur and its perils are the lot of kings. Our own is mediocrity, security, repose. But every day they labor to make our lot less attractive. They leave us our pettiness, but work to deprive us of our tranquillity."⁵⁴

Modernity, for Montesquieu as well as Tocqueville, means an increasing tendency toward the isolation of each individual from his fellows.⁵⁵ In the fragments of a "Treatise on duty" that Montesquieu

⁵³ *Esprit des lois*, III:5 (*Oeuvres complètes*, II, 255).

⁵⁴ *Pensée* 282 (1849); *Esprit des lois*, III:5-7, and *pensées* 998 (33) and 1272 (621), contain Montesquieu's reflections on the pettiness of his courtier contemporaries. Corrado Rosso, *Montesquieu moraliste*, pp. 100-101, remarks that this indictment of noble education and values is *une véritable autocritique* on Montesquieu's part.

⁵⁵ The comparison with Tocqueville is also made by Mark Hulliung in *Montesquieu and the Old Regime*, pp. 27-53. Montesquieu's stress on the isolation of men in modern monarchy casts doubt on Raymond Aron's conclusion in

wrote in the early 1720s, he endorses the Stoic view that the truly virtuous man "should be moved to succor the perfect stranger as much as his closest friend," so that even friendship becomes a derogation from our duty to love mankind. The man who focuses affection on a few "separates himself from the trunk and attaches himself to the branches." However, Montesquieu recognized that among imperfect men friendship is a praiseworthy extension of the self. In listing the virtues of the ancients, he remarks on the close friendship between citizens. "They were bound together by all sorts of ties," he says, whereas "today all this has been abolished. . . . Each man is isolated. It seems that the natural effect of arbitrary power is to particularize all interests. Yet the links that detach a man from himself and attach him to another lead men to undertake the most sublime actions. Without it, all is vulgar; nothing is left but the lowest interest, which is in truth only an animal instinct inherent in all men."⁵⁶

It is not only the "false honor" of ambition that divides modern men from one another. Avarice has the same effects. In his travel notebooks, Montesquieu was vitriolic in his scorn for the Dutch passion for commerce, which he held responsible for the deformation of their public life. He was less harsh in his assessment of the same phenomenon in England, where he recognized its connections with the taste for independence. But he was careful to distinguish this sentiment that separates men from the sentiment of patriotism that unites them. He spoke of the English as "confederated" petty monarchs rather than "fellow-citizens."⁵⁷ Their focus on sturdy personal autonomy made it impossible for them to be true citizens. Their "public life" was a game of spectators and dilettantes, not the integral civic commitment of the ancient polity. Although he was willing to refer to England as "that nation where the republic hides itself under the form of a monarchy," Montesquieu never equated the English constitution with the classical republic.⁵⁸ "It was a pretty sight," he says,

Main Currents of Sociological Thought, I, 24, that honor shields the state "against the supreme evil of despotism," since despotism thrives on isolation.

⁵⁶ *Pensée* 1253 (604) in *Oeuvres complètes*, I, 1130; this is among a number of fragments from a lost "Traité des devoirs" summarized in *Oeuvres complètes*, I, 108-111.

⁵⁷ *Esprit des lois*, XIX:27 (*Oeuvres complètes*, II, 582); on Dutch avarice, see the "Voyage de Gratz à La Haye," *Oeuvres complètes*, I, 863-874, and *pensée* 552 (1120).

⁵⁸ *Esprit des lois*, V:19 (*Oeuvres complètes*, II, 304); judging by the handwriting in the manuscript of the treatise, this chapter was written very late. Montesquieu had a hard time deciding what to call England. It was not based on honor, virtue, or fear. In *pensée* 1744 (238) he speaks of it as a "mixed monarchy," corresponding to the mixed aristocracy of Sparta and the mixed

"in the past century, to watch the impotent efforts of the English to establish a democracy," since their politicians were wholly lacking in the virtue necessary to sustain such efforts. It was the English politicians above all whom Montesquieu had in mind in his indictment of the political culture of modernity: "Greek statesmen, who lived in a popular government, recognized no other force that could sustain them except virtue itself. Those of today speak to us only of manufactures, commerce, finances, wealth, and luxury."⁵⁹

5. VIRTUE AND POLITICS

In an *avertissement* designed to mollify critics of the *Spirit of the Laws*, Montesquieu insisted that the "virtue" he identified with classical republics and found wanting in modern monarchies was *political* virtue, not to be confused with moral or Christian virtue. The treatise contains ample evidence that he also thought "vices" in the traditional sense could be useful in politics. Book XIX is particularly full of comments on this topic; here is chapter XI of that book in its entirety:

I have not said any of this to diminish the infinite distance between the vices and the virtues—God forbid! I have simply wished to make clear that all political vices are not moral vices, and that all moral vices are not political vices; and it is this that must not be forgotten by those who make laws that offend *l'esprit général*.⁶⁰

This attitude toward the political usefulness of moral "vice" had been familiar since Machiavelli and Montaigne. Where Montesquieu differed with them both was in his conception of political *vertu*, which had nothing in common with the forceful and tortured secular morality of *raison d'état*. In identifying "love for the patrie and for equality" as the motivating principle in republican politics, Montesquieu had "new ideas, for which it was necessary to find new words, or give

democracy of Rome. In *Esprit des lois*, XIX:27 (*Oeuvres complètes*, II, 580), he describes it as a nation where "on the foundation of a free government one often sees the form of an absolutist regime."

⁵⁹ *Esprit des lois*, III:3 (*Oeuvres complètes*, II, 252); see also *pensée* 981 (1795). Montesquieu's most sustained discussion of English politics, touching on liberty, virtue, and corruption, is a letter to M. Domville, *pensée* 1960 (1883), *Oeuvres complètes*, I, 1447-1450.

⁶⁰ *Esprit des lois*, XI:11 (*Oeuvres complètes*, II, 563); in chapter 27 of that same book, a description of English politics, he says: "All the passions are free there—hatred, envy, jealousy, the ardor to enrich and distinguish oneself, appear in all their fullness; and if it were otherwise the state would be like a man laid low by sickness, who lacks passions because he has no strength" (*Oeuvres complètes*, II, 575).

new meanings to old ones," just as he claimed.⁶¹ But his critics had a point; and it is not surprising that *L'Esprit des lois* soon joined Montaigne's *Essais* and Charron's *Sagesse* on the Index of forbidden books. For the political "virtue" identified by Montesquieu with classical republics, and denied to subjects of modern monarchies, was a secular version of Christian charity itself.

Montesquieu defines the "political virtue" that distinguishes republics from monarchies as "the love of the laws and of *la patrie*. This love, which demands a continual preference for public interest to one's own, gives rise to all particular virtues, which are themselves nothing but this preference." Virtue itself is defined by Montesquieu as "a general affection for the human species." He says that "nothing is closer to divine Providence than that general benevolence and grand capacity for loving that embraces all men; and nothing is closer to the instincts of beasts than the limits the heart puts upon itself when it is concerned only with its own self-interest, or with what it discovers immediately around itself."⁶² The love of something beyond the self takes the specific form of love of *la patrie* and its laws in the republican polity; but the capacity to love something other than the self, to extend one's vision and affection beyond isolated individuality, is what Montesquieu means by virtue. He captured the essence of *la charité* for a particular type of *patrie*, and convicted subjects of monarchies of what Christians had always taken to be vice—ambitious, avaricious, narrow self-interest. That Montesquieu was aware of these consequences but loath to join battle on such issues is suggested by the oblique evasiveness of his replies to clerical charges that he had dishonored Christian monarchy by his notion of monarchical *honneur*.⁶³

In arguing that the "spirit of commerce" unites nations but divides individuals from one another, and leads men to "make a traffic of all human actions and all moral virtues," Montesquieu summarized concisely a long tradition of argument in French moral discourse.⁶⁴ His debt to that tradition led him to take for granted the primacy of *amour-propre* in human psychology. But he contended that it expresses itself differently in different eras, societies, and individuals.

⁶¹ "Avertissement de l'auteur," *Esprit des lois*, *Oeuvres complètes*, II, 227.

⁶² *Pensée* 938 (1097); discourse before the Bordeaux parlement, 1725, *Oeuvres complètes*, I, 47; and *Esprit des lois*, IV:6.

⁶³ Andrew Lynch, "Montesquieu and the Ecclesiastical Critics of *L'Esprit des lois*."

⁶⁴ *Esprit des lois*, XX:2; Montesquieu's familiarity with Jansenist argument is clear from several references to Nicole's *Essays*; see especially *pensées* 2064 (1036), 1970 (802), and 2231 (1107); *pensée* 464 (1042) is a short statement of the ethic of *amour-propre* and *l'envie de plaire*.

In his study of the Romans, he points out that "the love of our own conservation displays itself in many ways, leading us sometimes to sacrifice ourselves for love of self."⁶⁵ It is much easier to focus *amour-propre* on narrow advancement and preservation of the individual than to turn it against itself in love for a larger whole. That is the course followed in educating the subjects of modern monarchies, who are taught a "virtue" that centers not on what we owe to others, but on duties to oneself, "not so much what calls us toward our fellow-citizens, but what sets us apart from them." This course is deficient, in Montesquieu's eyes, judged by the standard of human capacity for fellowship. He asserted that man is a social animal, in the sense that he has the capacity to enjoy things in common with other members of his species, whereas "beasts, who all have separate interests, continually harm one another."⁶⁶ Men have become more beastlike, and less godlike, in separating themselves out from one another and pursuing private interests. In ancient times, this was not so; this explains Montesquieu's tone of admiration and awe in describing the educational achievements of the Greeks and Romans, who pursued the much more difficult course of bringing men together in community. "When one ponders the pettiness of our motives, the baseness of our actions, the avarice that leads us to seek the vilest rewards, and our ambition, so different from the love of glory," says Montesquieu, "one is astounded by the difference between these two spectacles. It seems as though, since these two great ancient nations disappeared, mankind has lost at least a cubit from its stature."⁶⁷

Yet Montesquieu did not think the species itself had altered with the centuries. In faraway Pennsylvania, among the communities established by the Jesuits in Paraguay, and in a canton hidden deep in the Swiss mountains, he found traces of civic virtue in his own times. He praised William Penn as "a true Lycurgus," forming a people worthy of Greece itself "amidst the dregs and corruptions of modern times."⁶⁸ Here was heartening evidence that modern men are not abbreviated in their moral stature. They can be led to undertake the demands and rewards of citizenship, if they are fortunate enough to find leaders of rare genius, and situations of sufficient purity and freshness. Montesquieu paid homage to the legislators who made such

⁶⁵ *Considérations sur . . . les Romains*, ch. XII (*Oeuvres complètes*, II, 136).

⁶⁶ *Pensée* 1747 (366); *Esprit des lois*, IV:2 (*Oeuvres complètes*, II, 262).

⁶⁷ *Pensée* 221 (598); see also *pensée* 1760 (232).

⁶⁸ *Esprit des lois*, IV:6 (*Oeuvres complètes*, II, 268); Voltaire also refers to Penn's having brought forth the Golden Age, in *Philosophical Letters*, no. IV. Montesquieu refers to Berne in the *Considérations sur . . . les Romains*, IX (*Oeuvres complètes*, II, 120), and to Paraguay in the passage where he praises Penn.

enclaves possible, and mused about a set of ideal institutions in which the splendors of the ancients might be recaptured among modern men. He also named a few Frenchmen who deserved to be ranked alongside the Romans for their glorious patriotism. Saint Louis and Michel de L'Hôpital were on his list, as was Henry of Navarre.⁶⁹ These men of rare civic virtue embellished his country's history and provided grounds for optimism about excellence in modern times. Montesquieu was sufficiently exhilarated by this possibility to think of ways the ideal community of classical republics might be a realistic alternative for his contemporaries. In the ninth book of the *Spirit of the Laws*, read with special interest by the legislators of the infant United States of America, he showed how a confederation of small republics might retain the blessings of intimate civic virtue, and yet also "by the strength of their association, all the advantages of large monarchies."⁷⁰

In developing the model of modern monarchy, Montesquieu appears in his most familiar guise as the great philosopher of liberalism. His theory of the balanced constitution, and his conviction of the link between liberty and the rule of law, are the best-known aspects of his liberalism. Among other aspects, less often noticed, are Montesquieu's suspicion of direct popular power and his attitude toward property. The passages in the *Spirit of the Laws* on the advantages of representation, and the drawbacks of active involvement by all citizens in classical democracies, indicate that while Montesquieu admired the extraordinary virtue and patriotism that made self-government possible, he did not greatly admire self-government *per se*. His cavalier dismissal of the claims of a free man to govern himself makes clear that the exercise of political responsibility is not itself, for Montesquieu, a part of the good life.⁷¹ His chapters on the connection between laws and property are among the most important in his treatise, although they are seldom read because they follow lengthy disquisitions on the details of Roman husbandry and the length of the hair of Frankish kings. In book xxvi, chapter 15, Montesquieu distinguishes political laws concerning liberty, which he describes as *l'empire de la cité*, from civil laws concerning property. His discussion recalls Bodin on the public and the private, and foreshadows Hegel on civil society and the state.

Since we encounter Montesquieu so frequently as patron saint of modern liberalism, it is easy to overlook his ambivalence about liberal politics, even in England. I have tried to bring out this ambivalence by citing passages in which he connects politics in modern monarchies, of

⁶⁹ *Pensée* 1258 (609); the sketch for ideal institutions is in *pensée* 185 (1966).

⁷⁰ *Esprit des lois*, ix:1 (*Oeuvres complètes*, II, 370).

⁷¹ *Esprit des lois*, xi:6 (*Oeuvres complètes*, II, 399); see also viii:2-3, and xix:27.

both the French and English types, with hatred, envy, pettiness, isolation of all sorts. He recognized that luxury in a monarchy, where wealth is unequally distributed, has as its concomitant the misery of the poor. It is true, says Montesquieu, that "if the rich did not spend so lavishly, the poor would die of hunger"; but this is only because "in accumulating their great wealth, a few individuals have deprived a part of the citizens of physical necessities, and they must give them back."⁷² He also saw threats to independence of thought entailed by the liberty the English cherished so much: "In monarchies that are extremely absolute, historians betray the truth because they lack the liberty to speak it; in states that are extremely free, they betray truth because of that very liberty, which, by producing divisions incessantly, leads each one to become as much the slave of the prejudices of his faction as he would be of a despot."⁷³ Such insights into dilemmas of modernity are worth noting, though they are rare. More commonly, Montesquieu criticized "liberal" practices from the standpoint of the classical ideal.

In his youth, Montesquieu cast in his lot with the Ancients against the Moderns; and he never reversed himself. His most fundamental admiration was reserved for the classical polity, the site of true human virtue. His descriptions of this alternative inspired Rousseau and others to extend his vision, and laid the foundation for modern theories of community. Montesquieu expressed deep nostalgia for the "laughing air" the world had worn in the time of Greece and Rome. He mourned the passing of the transparent simplicity and naivete that made it possible for men to "see through the eyes of others what their own *amour-propre* hid from them," rather than remaining narrowly centered and isolated in themselves. "I confess," he said, "my inclination for the ancients. Antiquity enchants me, and I am always drawn to say with Pliny: 'It is to Athens that you go. Respect her gods.'"⁷⁴

⁷² *Esprit des lois*, vii:4 (*Oeuvres complètes*, 336). In xv:9, there is an argument against slavery that depends on the notion of a lottery similar to Rawls's "veil of ignorance," as Melvin Richter points out in his note to this chapter in *The Political Theory of Montesquieu*.

⁷³ *Esprit des lois*, xix:27 (*Oeuvres complètes*, II, 583).

⁷⁴ *Pensée* 110 (444); 1606 (558); and 1607 (489); and "Eloge de la sincérité," *Oeuvres complètes*, I, 99-107.