

Montesquieu's Science of Politics

Essays on *The Spirit of Laws*

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Chapter Two

Forms of Government: Structure, Principle, Object, and Aim

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In *The Spirit of Laws*, Montesquieu introduces for the first time his novel typology of political forms.¹ His purpose in doing so is to trace the logic underlying the "infinite diversity of laws and mores" found in the larger world: his aim thereby is to demonstrate to the satisfaction of all that there is a method to this apparent madness and that human beings "are not conducted solely (*unique-ment*) by their fantasies" (Preface).²

To this end, at the beginning of the second book of this great work, Montesquieu distinguishes, with regard to "nature," three species of government—republics, in which "the people as a body, or only a part of the people, hold the sovereign power"; monarchies, in which "one governs alone, but by laws fixed and established"; and despotisms, in which "one alone, without law and without regulation (*règle*), draws everything in train by his will and by his caprices" (II, 1). As Montesquieu's argument unfolds in the course of that book (II, 2-3), he complicates this assertion, by further differentiating aristocratic republics, in which a part of the people hold the sovereignty, from democratic republics, in which the people hold the sovereignty themselves.

The typology deployed by Montesquieu is peculiar in two regards.³ On the one hand, it abstracts from questions of moral character.⁴ Where Xenophon, Plato, Aristotle, Polybius, and their medieval admirers had distinguished kingship from tyranny, aristocracy from oligarchy, and well-ordered popular government from the regime variously called democracy, anarchy, or mob rule and had done so chiefly with an eye to the character of the ruling individual or group,⁵ Montesquieu insists that "the form of the constitution" is alone determi-

native; and when discussing one-man rule, he therefore treats as "accidental" matters such as "the virtues or vices of the prince" and as "external" questions such as "usurpation" and "the succession" (XI, 9).

At the same time, however, that Montesquieu jettisons the contrast between aristocracy and oligarchy and that between well-ordered and ill-ordered popular government, he reasserts that between well-ordered monarchy and tyranny.⁶ Where Thomas Hobbes had explicitly rejected all such distinctions as not just illusory but dangerous in the extreme,⁷ Montesquieu insists on restoring in this one case something like the classical understanding. But where the ancients and their medieval admirers had juxtaposed the lawful rule of an individual over willing subjects in the interest of those ruled with the lawless rule of an individual over unwilling subjects solely in the interest of the ruler himself, Montesquieu abandons the focus on interest and consent while re-emphasizing the rule of law. If he eschews political moralism, he is nonetheless a constitutionalist of sorts; and although he appears at one stage to have been inclined to criticize Machiavelli for confusing depotism and well-ordered one-man rule,⁸ in the end, it is from the Florentine, who teaches that one should attend solely to "the effectual truth of the matter," that he takes his cue.⁹ As he sees it, monarchical government is distinguished from despotism solely by the presence of "powers intermediate, subordinate, and dependent" which cause the monarch to "govern by the fundamental laws." There is, he contends, a sense in which "the nobility . . . enters . . . into the essence of monarchy," for the "fundamental maxim" of this form of government is: "no monarch, no nobility; no nobility, no monarch."¹⁰ Where there is one-man rule in the absence of such a nobility, "one has a despot" on one's hands (II, 4).¹¹

Principles

In the third book of his encyclopedic work, Montesquieu puts flesh on these constitutional bones. There is, he suggests, a "difference between the nature of the government and its principle: its nature is that which makes it such as it is, and its principle, that which makes it act. The one is its particular structure, and the other is the human passions that set it in motion" (III, 1). The principle of democracy is virtue; that of aristocracy is moderation; that of monarchy is honor; and that of despotism is *la crainte* or fear (III, 2-11). If Montesquieu rivals Aristotle as an analyst of political regimes, it is because he attends to the procedure followed by Plato in the eighth and ninth books of *The Republic* and supplements his strictly institutional analysis with an attention to political psychology which gives to his political science a suppleness, a flexibility, a subtlety, and range elsewhere unexcelled in modern times.¹² The bulk of the first part of *The Spirit of Laws* is devoted to a consideration of the manner in which the laws and customs reigning within a polity must be framed with an eye not only to the structure of that polity but to the passions setting it in motion (IV-

VIII). As Montesquieu explains when he first introduces the notion, the "principle" of a polity has "a supreme influence over the laws," and one can see them "flow from it as from their source" (I, 3).¹³

We would therefore expect that, when Montesquieu suddenly and without warning complicates his typology further by introducing yet another species of government,¹⁴ he would not only discuss the structure of that government but take care to specify its principle and examine in detail the consequences that arise therefrom. But when the time comes and Montesquieu turns his attention to the question of "political liberty" in the eleventh book, he has nothing of the sort to say. He prefaces his discussion of what he terms elsewhere "a republic concealed under the form of a monarchy" (V, 19, 304) by introducing a new category of distinction: the "object" of the polity. He concedes that "all states have the same object in general, which is to maintain themselves"; then, he suggests that "each state has an object that is particular to it."

Aggrandizement was the object of Rome; war, that of Lacedaemon; religion, that of the Jewish laws; commerce, that of Marseilles; public tranquillity, that of the laws of China; navigation, that of the laws of the Rhodians; natural liberty was the object of the police of the savages; in general, the delights of the prince, that of despotic states; his glory and that of the state, that of monarchies; the independence of each individual is the object of the laws of Poland, and what results from this is the oppression of all.

"There is also," he then adds, "one nation in the world which has for the direct object of its constitution political liberty," and he promises "to examine the principles (*les principes*) on which" this constitution "is founded" (XI, 5). This promise he keeps in the very next chapter by launching into an elaborate discussion of the pertinent nation's constitution and laws.¹⁵ But neither here nor anywhere else does he tell us what is *the* "principle" and what are "the human passions that set in motion" what turns out to be the government of England.

It is difficult to know what to make of this. It is possible that, when he deals with England's constitutional monarchy in the eleventh book, Montesquieu abandons the mode of analysis that he had made extensive use of earlier when he discussed democracy, aristocracy, monarchy, and despotism. He may, in fact, be implying that it makes no sense to analyze the English polity in terms of "the human passions that set it in motion." But it is equally possible that Montesquieu has deliberately left it to his readers to discover on their own "the principle" exercising "a supreme influence over the laws" of England, which he had himself left unmentioned. At the end of the eleventh book, Montesquieu remarks that "it is not necessary always to so exhaust a subject that one leaves nothing for the reader to do. The task is not to make him read but to make him think" (XI, 20).¹⁶ At the very least, Montesquieu's silence on the subject of the English polity's "principle" is an invitation to ponder whether it has one and, if

it does, just what this "principle" might be. To properly address these two questions, we will have to explore Montesquieu's political typology as a whole.

Virtue as a Principle

On the face of it, if the English polity really is "a republic concealed under the form of a monarchy," it should be set in motion by virtue—the principle that animates democratic republics.¹⁷ But this seems not to be the case. To begin with, Montesquieu never attributes political virtue to the English: he touches on the subject only in referring to the brief republican experiment that took place after the execution of Charles I. The "impotent efforts" of the English "to establish among themselves democracy" on this occasion he regards as "a fine spectacle," noting that those "who took part in affairs had no virtue" and that the ambition that fueled their rivalries and gave rise to faction produced so "much of movement" and so "many shocks and jerks" that "the people," unable "to find anywhere" the democracy that "they were seeking," eventually "found repose" in the monarchical "government that had been proscribed" (III, 3).

Moreover, Montesquieu nowhere suggests that political liberty is the object pursued by democracies and aristocracies. Indeed, he contends that these republics "are not in their nature free states" (XI, 4). Moreover, he warns that it is a mistake to look for liberty "in democracies" where "the people seem pretty much to do what they wish" since to do so would be to "confound the power of the people with the liberty of the people" (XI, 2), for "political liberty does not at all consist in doing what one wants" (XI, 3). It is, in any case, "not to be found except" in what he calls "moderate governments"—and not always there. Political liberty, he observes, "is not present except where there is no abuse of power, and it is an eternal experience that every man who has power is drawn to abuse it; he proceeds until he finds the limits." It is in alluding to the human propensity for the abuse of power that he pointedly adds, "Who would say it! Even virtue has a need for limits" (XI, 4).

This claim should give us pause. If virtue has a need for limits, it is because the principle of democratic republicanism can itself become a motive for the abuse of power. It is "a misfortune attached to the human condition," Montesquieu later observes, but one cannot deny the fact:

Great men who are moderate are rare; and as it is always easier to follow one's momentum (*force*) than to arrest it, within the class of superior people, one may perhaps with greater facility find people extremely virtuous than men extremely wise.

The soul tastes so much delight in dominating other souls; even those who love the good love themselves so strongly that there is no one who is not so unfortunate as to still have reason to doubt his own good intentions: and, in truth, our actions depend on so many things

that it is a thousand times easier to do good than to do it well (XXVIII, 41).

In this passage, Montesquieu describes one dimension of the problem: there is something inherently immoderate and perhaps even tyrannical at the heart of all forms of political idealism and public spiritedness. The other dimension of the problem stems from the nature of political virtue itself.

When Montesquieu speaks of democratic republics, he nearly always has foremost in his mind ancient Rome and the cities of classical Greece. His analysis of these communities and of their customs and laws in terms of constitutional structure and political psychology is, in one crucial regard, at odds with their self-understanding. As I have tried to demonstrate in fine detail elsewhere, the Greeks—and the Romans as well—took political rationality to be the fundamental principle of the classical republican regime. To be precise, their institutions and practices embodied the presumption that, with the proper civic education, human beings can rise to the task of sorting out through public deliberation the character of the advantageous, the just, and the good; and a quarter of a millennium before Aristotle fully articulated what this entailed, they evidenced that they were quite conscious of the fact.¹⁸ Montesquieu stands opposed to the ancients and to those of their civic-minded, humanist admirers in the communes of Renaissance Italy who entertained similar presumptions concerning man's capacity for rational, public speech—for, like Machiavelli, he has next to nothing to say concerning public deliberation. When he speaks of virtue, he is not interested in those qualities of character and intellect that enable the very best citizens (and perhaps even the ordinary citizens at their very best) to transcend petty, private concerns and engage in public deliberation concerning the dictates of justice and the common good. Nor is he concerned with the liberation of reason from passion. In stark contrast with the citizens of the ancient republics, the classical philosophers, and their disciples the Christian theologians, he doubts whether "reason" ever "produces any great effects on the minds of men" (XIX, 27, 577).¹⁹ In consequence, when he mentions virtue, he has in mind the fostering of an irrational, unreasoning passion for equality—for, in his judgment, it is this passion that sets the democratic republic in motion (V, 2-7).

This passion in no way depends on, gives rise to, or is subordinate to anything resembling moral, Christian, or even philosophical virtue as interpreted by Aristotle and his Christian successors,²⁰ and it is at odds with what Montesquieu calls "moderate" government. It is perfectly possible for a republic to adopt some of the institutional safeguards that the French *philosophe* considers essential to "political liberty"; and as he demonstrates, something of the sort actually happened in classical Rome (XI, 12-19). But this cannot alter the fact that the democratic republic is not in its "nature" moderate. Popular government is rendered problematic by the fact that, in such a polity, the rulers are subjects at the same time: "he who causes the laws to be executed senses that he must submit to

them himself and that he will bear their weight." In consequence, where civic virtue is lacking among the populace as a whole, the laws will not be enforced—for, in the absence of self-discipline, there will be no discipline at all (III, 3).

The difficulty arises from the fact that self-discipline is, in Montesquieu's judgment, unnatural. Virtue is not onerous at the outset and, then, somehow satisfying in the end. It is not what it was for Aristotle—a completion of nature's work, a perfection of the soul.²¹ Nor is virtue anything like what Homer and his successors took it to be: the product of self-assertion on the part of a man who strives "always to be the best (*aristeúein*) and to be superior to others."²² It, in fact, requires doing violence to oneself: "political virtue" is not an assertion; it "is a renunciation of self"—and this is never pleasant, never satisfying. Virtue is "always a very painful thing" (IV, 5).

According to Montesquieu, republican virtue is grounded in a "love of the laws and the fatherland"; it demands "a continual preference for the public interest over one's own"; in its emphasis on equality, which Montesquieu describes as "the soul" of the democratic state, it "restricts ambition to a single desire, to the sole happiness of rendering to the fatherland greater services than the other citizens." To produce this love, to so restrict the scope of ambition, and to inspire in the citizens of a republic the requisite spirit of self-renunciation, one must deploy "the complete power of education" (IV, 5; V, 3, 5). In practice, this requires what Montesquieu calls "singular institutions"—of the sort established by the Spartans in Lacedaemon, by William Penn in Pennsylvania, by the Jesuits in Paraguay, and by Plato in his *Republic* (IV, 6). Such institutions are incompatible with "the confusion, the negligence, the extended affairs of a great people"; they find their "place" only "in a petty state" like the cities of ancient Greece where "one can provide a general education and rear a people as a family" (IV, 7).

In a large republic, Montesquieu adds, "interests become particular; a man senses then that he can be happy, great, glorious without his fatherland; and soon that he can be great solely on the ruins of his fatherland." One consequence of such a republic's size is that "the common good is sacrificed to a thousand considerations; it is subordinated to the exceptions; it depends on accidents." The situation "in a small" republic is more favorable: there, "the public good is more fully felt, better known, closer to each citizen; the abuses are less extensive there and as a consequence less well protected" (VIII, 16). Republics, if they are successfully to deploy shame as a reinforcement for the spirit of self-renunciation, must be comparatively simple and exceedingly small.

Montesquieu takes care to underline the alien character of classical republican institutions; and like Machiavelli,²³ he traces the change to the rise of Christianity. When the virtue of the ancients was "in full force," he reports, "they did things that we no longer see and which astonish our little souls." If his contemporaries are unable to rise to the same level, it is, he suggests, because the "education" given the ancients "never suffered contradiction" while "we receive

three educations different" from and even "contrary" to one another: "that of our fathers, that of our masters, that of the world. What we are told in the last overthrows the first two." In short, there is now "a contrast between the engagements" which arise "from religion" and "those" which arise "from the world" that "the ancients did not know." This is apparently why the moderns possess such "little souls" (IV, 4).

As should be obvious, Montesquieu has much in common with his Florentine predecessor. Like Machiavelli, he wants his readers to stand in awe of the magnanimity of the ancients.²⁴ "One can never leave the Romans behind," he writes. "So it is that still today, in their capital, one leaves the new palaces to go in search of the ruins; so it is that the eye which has taken its repose on the flower-strewn grasslands loves to look at the rocks and mountains" (XI, 13). But, in contrast to the author of the *Discourses on Titus Livy*, Montesquieu is also intent that his readers recoil in horror and distaste at the price that the ancients paid for having great souls.²⁵ "It is necessary," he observes in one chapter, "to regard the Greeks as a society of athletes and warriors." They "excited" they engaged in were "suited to making men harsh and savage." They "excited" in the citizens "but one species of passion: severity, anger, cruelty" (IV, 8). Later, he may begin by remarking that the "love of the fatherland" fostered by the ancient republics "is conducive to goodness in mores" and that "goodness in mores leads to a love of the fatherland," but he goes on to clarify what "goodness in mores" involves by invoking a disturbing analogy:

The less we are able to satisfy our private passions, the more we abandon ourselves to those of a more general nature. Why are monks so fond of their order? Precisely because of those things which make it insupportable. Their rule deprives them of all the things on which the ordinary passions rest: there remains, then, only that passion for the rule which torments them. The more austere the rule, that is, the more it curbs their inclinations, the more momentum (*force*) it gives to the one inclination which it leaves them with (V, 2).²⁶

Classical virtue has something in common with Christian virtue: in both cases, the self-renunciation required contains within itself the seeds of an ugly fanaticism.²⁷ Montesquieu may accept in its broad outlines Machiavelli's account of ancient citizenship—but that does not make him an unabashed admirer of the severity, the cruelty, and the ferocity to which it gives rise. In this particular, he has much more in common with his fellow Frenchman Michel de Montaigne.²⁸ Both men enjoy contemplating "rocks and mountains," but both would prefer to reside in "flower-strewn grasslands."²⁹ The form of government admired by Montesquieu for its dedication to political liberty is not to be sought among those distinguished by their lack of moderation.

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Moderation in Government

When he speaks of "moderate government," Montesquieu insists that it "is able, as much as it wishes and without peril, to relax its springs. It maintains itself by its laws and even by its momentum (*force*)."³⁰ Such is not the case, he points out, with despotism, the quintessence of immoderate government—for when "the spring" of that species of government, "which is fear," is no longer present, "all is lost" and "the people no longer have a protector." In such a polity, "it is necessary that the people be judged by the laws and the great ones by the whimsey of the prince; that the head of the least subject be secure while that of the pasha is always exposed." If, when contemplating republics, Montesquieu betrays the same inclination "to shudder" that he displays when "speaking of these monstrous governments" (III, 9), it is because republics can only within limits approximate moderation: they cannot without danger relax their springs as much as they wish. Republics and despotic governments thus have this in common: they are fragile; they require apprehension; they must remain tense. "It is necessary," Montesquieu asserts, "that a republic dread something. The fear (*crainte*) of the Persians maintained the laws among the Greeks. Carthage and Rome threatened one another and rendered one another firm. It is a thing singular: the more these states have of security, the more, like waters excessively tranquil, they are subject to corruption" (VIII, 5).

Moderate governments can profit from success and relax their springs because they encounter less friction than polities not in their nature moderate. Once set in motion, they possess a momentum all their own; like perpetual-motion machines, they do not run down. "To form a moderate government," Montesquieu tells us, "it is necessary to combine powers, to regulate them, to temper them, to make them act, to give, so to speak, a ballast to one in order to put it in a condition to resist another; this is a masterpiece of legislation, which chance rarely produces and prudence is rarely allowed to produce." It may be more difficult to sustain and stabilize the government of any given despot but it is much easier to institute despotic government in the first place. Despotism is, in a sense, natural. It "jumps up, so to speak, before our eyes; it is uniform throughout: as the passions alone are necessary for its establishment, the whole world is good enough for that" (V, 14, 297).

In his initial discussion of moderate governments, Montesquieu is coy. For this, there is a reason. "I say it," he will later confess, "and it seems to me that I have composed this work solely to prove it: the spirit of moderation ought to be that of the legislator; the political good, like the moral good, is always to be found between two limits" (XXIX, 1). Political moderation is, in a sense, Montesquieu's cause; and his purpose is not simply to describe the political phenomena. Description is subordinate to prescription throughout: his purpose is to teach legislators just how the spirit of moderation can be encouraged within each form of government. Thus, when treating despotism, he is quick to remark

that religion, which may be otherwise politically malign, is useful as a check on arbitrary power: "as despotism subjects human nature to frightful evils, the very evil that limits it is a good" (II, 4).³¹ And when speaking of moderate governments, he implies that various polities may qualify. He even treats republics as moderate states (VIII, 8), for to suggest that this is so is to justify and encourage their evolution in this direction.

Honor as a Principle

Where Montesquieu is direct and clear from the outset is in his contention that monarchy, as exemplified by his native France, is moderate. In fact, monarchy would appear to be moderate government par excellence.³² This polity's moderation is not, however, a consequence of the moderation of the monarch and his nobility. As a "principle," moderation is peculiar to aristocratic republics: it is "the soul of these governments," and it is "founded on virtue"; it does not "come from a cowardice and a laziness of soul." Virtue is required in an aristocracy for the same reasons that it is required in a democracy: "those who are charged with the execution of the laws against their colleagues will sense that they then act against themselves. . . . The nature of this constitution is such that it seems to place the same people under the power of the laws that it exempts from them" (III, 4). Because inequality militates against the inculcation of virtue in such a polity, Montesquieu has nothing to say concerning the education given the citizen in an aristocracy.³³ In that polity, one must rely on the laws, which must themselves instill "a spirit of moderation" in its rulers. In an aristocratic republic, the nobles must display "modesty and simplicity of manners": they must "affect no distinction"; they must "confound themselves with the people"; they must "dress like them"; they must "partake of their pleasures"—and thereby make the people "forget their weakness." Since all of this is contrary to the natural instincts of the well-born, there has to be within an aristocracy, "for a time or forever, a magistrate who makes the nobles tremble." Put bluntly, "this government has need of quite violent springs." In Venice, Montesquieu tells us, "it is necessary that there be a hidden magistracy," for the conspiracies "that it punishes, always profound, are formed in secret and in silence." For the letters of anonymous accusers, there is "a mouth of stone open in Venice; you could say that it is the mouth of tyranny" (II, 3; V, 8). The state that inculcates and enforces the virtue of moderation is anything but moderate itself.³⁴

Monarchy can be moderate because within it no one need be such himself. "In monarchies," Montesquieu observes, "policy makes great things happen with as little of virtue as it can, just as in the most beautiful machines, art also employs as little of movement, of forces, of wheels as is possible. The state subsists independently of love of the fatherland, of desire for true glory, of self-renunciation, of the sacrifice of one's dearest interests, and of all those heroic virtues which we find in the ancients and know only from hearing them spoken

of." If virtue and moderation can be discarded, it is because in a monarchy "the laws take the place of all these virtues, for which there is no need; the state confers on you a dispensation from them." It is a good thing that monarchies have no need for the virtuous because therein "it is very difficult for the people to be so." Consider, Montesquieu urges, "the miserable character of courtiers.... Ambition in idleness, baseness in pride, desire to enrich oneself without work, an aversion for truth, flattery, treason, perfidy, the abandonment of all one's engagements, contempt for the duties of the citizen, fear of the virtue of the prince, hope looking to his weaknesses, and, more than that, the perpetual ridicule cast on virtue form, I believe, the character of the greatest number of courtiers, as is remarked in all places and times" (III, 5).

If monarchy can nonetheless produce good government, it is because honor "takes the place of the political virtue" found in republics. The honor that Montesquieu has in mind is artificial: if it gives rise not to civic virtue but to the vices characteristic of courtiers, it is because it is a "false honor," which demands artificial "preferences and distinctions" and is grounded in "the prejudice of each person and condition." The consequences of this all-pervasive "prejudice" are paradoxical but undeniable. "In well-regulated monarchies," Montesquieu contends, "everyone will be something like a good citizen while one will rarely find someone who is a good man." Monarchy he compares to Newton's "system of the universe, where there is a force which ceaselessly repels all bodies from the center and a force of gravity which draws them to it. Honor makes all the parts of the body politic move; it binds them by its own actions; and it happens that each pursues the common good while believing that he is pursuing his own particular interests" (III, 6-7; XXIV, 6). Monarchies are ruled by something like Adam Smith's "invisible hand."³⁵

On the face of it, monarchical government would appear to be absolute: such was certainly the English view of France.³⁶ But, according to Montesquieu, monarchical rule is far from arbitrary.³⁷ "In states monarchical and moderate," he explains, "power is limited by that which is its spring; I mean to say honor, which reigns, like a monarch, over the prince and over the people." Honor reigns and limits monarchical power because "honor has its laws and regulations and knows not how to bend" and because "it depends on its own caprice and not on that of another." For this reason, honor is linked with constitutional government: its rules and laws may be as irrational and capricious as honor is itself artificial and false, but, reinforced as they are by human vanity, they do persist; and honor, though it may be replete with "whimsicalities (*bizarreries*)," can therefore "be found only in states where the constitution is fixed and the laws are certain." This explains why a monarchy can relax its springs without danger as much as it wants: it is not fragile; it does not require apprehension; it need not remain tense; "it maintains itself by its laws"; and like a well-made machine, it possesses a "momentum" all its own (III, 8-10), for the honor that sets it in mo-

tion is in no way painful: it "is favored by the passions and favors them in its turn" (IV, 5).

This false honor is taught "not in the public establishments where one instructs children" but in "the world," and it teaches "three things: 'that it is necessary to introduce into the virtues a certain nobility, into mores a certain frankness, and into manners a certain politeness.'" The pertinent virtues arise from honor itself. They are "always less what one owes others than what one owes oneself: they are not so much what summons us towards our fellow citizens as what distinguishes us from them." With regard to monarchical government, it can be said that "honor, mixing itself through everything, enters into all the modes of thinking and all the manners of feeling and directs even the principles" governing conduct. Under its influence, these become a matter of fashion: "this whimsical honor causes the virtues to be only what it wishes and to exist in the manner in which it wishes; on its authority, it sets down rules for everything that is prescribed for us; it extends or limits our duties in accord with its fancy—even though they have their origin in religion, in policy, or in morals." Laws, religion, and honor emphatically prescribe "obedience to the will of the prince," but this same honor restricts royal power—for it "dictates to us that the prince should never prescribe to us an action which dishonors us since that would render us incapable of serving him" (IV, 2).³⁸

Above all else, false honor is significant because it contributes to the rule of law. Monarchy is distinguished from despotism by the presence of "powers intermediate, subordinate, and dependent" constituted principally by the nobility. These sustain "the fundamental laws" of the kingdom "against the momentary and capricious will of one alone" by forming "intermediate channels through which power flows." In France, the most essential of these are the Parlements, which serve as a "depository for the laws" independent of the royal council and "the momentary will of the prince." These exercise the right of remonstrance: they "announce the laws when they are made"; they "recall them when they are forgotten"; and they "ceaselessly cause the laws to come forth from the dust where they are buried" (II, 4). These bodies, Montesquieu emphasizes, prevent the prince's salutary promptness in executing the laws from degenerating into haste. They "never better obey than when they proceed tardily and carry into the affairs of the prince that reflection that one can hardly expect from the lack of enlightenment in the court concerning the laws of the state and from the precipitancy of its councils" (V, 10).

The existence of a depository for the laws independent of the prince does much more than encourage rational policy making on his part. These bodies serve as "tribunals." They "render decisions," and these decisions, Montesquieu asserts, "ought to be preserved; they ought to be a subject for teaching and learning in order that one may judge here today as one judged here yesterday and the property and the lives of citizens here may be as secure and fixed as the constitution of the state itself." It is this that Montesquieu celebrates: the "fas-

tidiousness (*délicatesse*)" of the judges, the manner in which jurisprudence becomes its own peculiar "art of reasoning," even the fact that confusion creeps in as different judges rule and suits are ably or poorly defended. Montesquieu admits that in the end there will be "an infinity of abuses," for these "creep into all that passes through the hands of men." But he dismisses this as "a necessary evil that the legislator will correct from time to time as contrary to the spirit of moderate government" (VI, 1). The crucial fact is that "the formalities of justice" give rise to "the liberty and security of the citizens," for "the pains, the expenses, the delays, even the dangers attendant on justice are the price that each citizen pays for his liberty." In "moderate states," Montesquieu insists, "the head of the least citizen is valued (*considérable*)," and "one does not relieve him of his honor and goods except after an extended examination: one does not deprive him of his life except when the fatherland itself attacks it; and it does not launch such an attack without leaving him every possible means for defending" that life (VI, 2). Montesquieu makes much of the fact that monarchy is distinguished from despotism by "the security" that it confers on "the great" (VI, 21). Where Machiavelli was concerned chiefly with the integrity of the state and its success in conquest and war, Montesquieu gives priority to "the security of individuals."³⁹ It is "in moderate governments," where the obstacles to the abuse of power are many, that "gentleness reigns" (VI, 9).⁴⁰

It would be tempting, then, to suppose that the government of England was conceived by Montesquieu as a variant form of monarchy. In more than one passage, he seems to take this for granted (IX, 9; XI, 7), and the notion is by no means patently absurd.⁴¹ After all, England possessed a king, and Montesquieu associates monarchy not only with political moderation but with liberty as well. To this hypothesis, however, there are two insuperable objections. Quite early on, Montesquieu remarks in passing that "the English, in order to favor liberty, have eliminated all the intermediate powers that formed their monarchy" (II, 4); and he nowhere even intimates that honor is the passion that sets the English polity in motion.⁴² England may be, as he puts it, monarchical in disguise—but it is monarchical neither in its nature and structure nor in its principle.⁴³ It would appear, then, to be *sui generis*.⁴⁴

Object and Principle

To determine what is "the principle" of England's government, one must consider what is revealed by the fact that "political liberty" is that polity's particular "object." Monarchies may give rise to liberty but not in the course of pursuing it. As Montesquieu demonstrates, liberty is an accidental by-product of their pursuit of that polity's "direct object," which is "the glory of the citizens, of the state, and of the prince" (XI, 7). Monarchies may achieve moderation by combining, regulating, and tempering powers so that one power possesses the ballast to resist another—but moderation is not that at which they aim. Thus, if the

government of France is, in this regard, "a masterpiece of legislation" (V, 14, 297), this fact is largely a matter of chance. After confessing, "I do not believe that there has ever been on this earth a government as well-tempered as that which existed in each part of Europe during the [feudal] period in which" the Gothic monarchy "subsisted," Montesquieu adds that he finds it "a matter for wonder (*admirable*) that the corruption of the government of a conquering people has formed the best species of government that men have been able to imagine" (XI, 8).⁴⁵ One consequence of the fortuitous origin of Europe's monarchies is that they only "approach political liberty more or less." England's government would appear to be different: if it actually provides for "political liberty," it is because it aims directly at it. English liberty is, at least in some measure, a product of "prudence" rather than "chance" (V, 14, 297; XI, 7).

Montesquieu prefaces his initial discussion of the English polity with an account of the nature of "liberty," which he carefully distinguishes from "independence" of the sort possessed by those in the state of nature. His point is that the former is much more valuable than the latter. "Liberty," properly understood, "is the right to do what the laws permit."⁴⁶ It is incompatible with genuine independence, for if a man is "able to do what the laws forbid, he no longer has liberty since the others would likewise possess this same power" and obstruct his freedom to do what the laws allow (XI, 3).⁴⁷ To prevent those most likely to strive for this species of independence from being "able to abuse power," he soon adds, "it is necessary that in the disposition of things power check power." It is his contention that "a constitution can be such that no one will be constrained to do things that the law does not require or prevented from doing those which the law permits him to do" (XI, 4). This is the object of the English polity, and it constitutes what Montesquieu has in mind when he devotes the eleventh book of his tome to the laws which form "political liberty in its relation with the constitution." The government of England pursues this end chiefly through what came to be called the separation of powers. In its relation with the constitution, political liberty "is formed by a certain distribution of the three powers" (XII, 1).⁴⁸

Montesquieu distinguishes "political liberty in its relation with the constitution" from "political liberty in its relation with the citizen." The latter is the subject of the twelfth book of *The Spirit of Laws*. But because it is the central focus of Montesquieu's concern, it intrudes on that book's immediate predecessor as well. "In a citizen," Montesquieu explains therein, "political liberty is that tranquillity of mind (*esprit*) which comes from the opinion that each has of his security." If he is to possess "this liberty, it is necessary that the government be such that one citizen be unable to fear (*craindre*) another citizen" (XI, 6, 397). The separation of powers is as essential to the elimination of this fear as it is to the guarantee that "no one will be constrained to do things that the law does not require or prevented from doing those which the law permits him to do."⁴⁹

On the face of it, the two forms of liberty would appear to be inseparable. Where the executive and the legislative power are united, as they are in despotisms and tend to be in republics, one has reason "to fear (*craindre*)" that the individual or body that "makes tyrannical laws" will "execute them in a tyrannical manner." In similar fashion, if "the power of judging" is not somehow "kept separate from the legislative power and the executive power, there is no liberty." If it is united with the legislative power, "the judge would be the legislator" and the citizen's life and property would be subject to "arbitrary power." If it is united with the executive power, "the judge would have the strength (*force*) of an oppressor." If the power "of making the laws" were united with "that of executing public resolutions and with that of judging crimes or the disputes of particular citizens," Montesquieu exclaims, "all would be lost" (XI, 6, 397).

After having set up this standard, Montesquieu applies it to the polities he has earlier described. If "the kingdoms of Europe" tend to be "moderate," we are told, it is because the prince, who exercises the legislative and the executive power, leaves the power of judging to his subjects. The unity of the three powers in the Turkish Sultan produces "a frightful despotism"; that same unity causes there to be "less liberty in the republics of Italy" than in Europe's monarchies: these governments can sustain themselves only with "means as violent" as those used by the government of the Turks. As a "witness" Montesquieu summons the example of Venice with its "state inquisitors and the lion's mouth into which every informer can at any time throw his accusation by letter," and he mentions the "tyrannical magistracy of the ephors" at Sparta in the same regard. It was generally true of "the ancient republics," he later notes, that "there was this abuse: that the people were at the same time judge and accuser." Republics can be "despotic" in more than one way (XI, 6, 397-99, 404).⁵⁰

Montesquieu's account of the English constitution has an odd tone. Instead of describing, he resorts repeatedly to the language of prescription;⁵¹ and he underlines the point by issuing a disclaimer at the end: "It is not for me to examine whether the English actually enjoy this liberty or not." All that he will assert is that "it is established by their laws" (XI, 6, 407). One is left with the impression that his England is less a reality than an ideal type suggestive of the potential inherent in England's laws: one is given the same impression later by his persistent resort to the conditional in describing the contribution of England's laws in forming "the mores, the manners, and the character" of the nation (XIX, 27). He is far more concerned with what is likely to happen than with what does. "I will be," he warns, "more attentive to the order of things than to the things themselves" (XIX, 1).

Moreover, like Tocqueville in *Democracy in America*, Montesquieu seems to have his eye as much on the future as on the present or past—and though he betrays an enthusiasm for the political liberty embodied in England's laws, he qualifies this with a denial that it is his intention "to disparage the other governments or to say that this extreme political liberty should serve to mortify

those who possess none but one that is moderate." "How could I say that," he exclaims, "I who believe that an excess even of reason is not always desirable and that men better accommodate themselves nearly always to middling things than to extremities" (XI, 6, 407)?

Montesquieu's refusal to issue a blanket endorsement of the English example should give us pause—for, however valuable political liberty may be, there may be something wrong with a polity that makes that liberty its "direct object." There is much in his description of the structure of that polity which deserves discussion: his defense of the principle of representation, his endorsement of a bicameralism that leaves the initiative to the popularly elected branch and a veto to the hereditary nobility that stands in for the well-to-do, the case that he makes on behalf of a unitary executive armed with a veto and accountable to the legislature for his deeds solely through the principle of ministerial responsibility, the emphasis that he places on the linkage between taxation and representation, and the argument that he advances on behalf of an army of citizen soldiers commanded by the executive but ultimately dependent on the legislature (XI, 6).⁵² More revealing of the source of Montesquieu's reservations concerning the English polity, however, is the fact that, when he discusses the English constitution, he singles out for particular attention the power of judging and the criminal law.⁵³ He argues for fixed judgments determined by statute, and he praises the practice by which defendants help select their panel of jurors.⁵⁴ Security and fairness are obviously a concern. But repeatedly another theme thrusts itself into the limelight: Montesquieu's interests seem to be largely psychological.⁵⁵ Thus, in praising the jury system, he initially exclaims that "the power of judging" is "so terrible among men," and he then recommends that this power "be attached neither to a certain condition nor to a certain profession" and that it "become, so to speak, invisible and null." If this is the practice, "one does not continually have one's judges before one's eyes; and one fears (*crain*t) the magistracy and not the magistrates." In much the same spirit, he adds that the jury should be made up of the peers of the accused so that "he cannot be of the mind that he has fallen into the hands of those inclined to do him violence" (XI, 6, 398-99).

The emphasis placed on "fear" and on the defendant's state of mind is that which should catch and hold our attention. If Montesquieu can distinguish the liberty of the people from the power of the people, it is because he defines "political liberty in its relation with the citizen" in terms of "security, or, at least, the opinion that one has of one's security" (XII, 1-2). If anything, he seems more concerned with sustaining the citizen's "tranquillity of mind" than with sustaining his capacity "to do what the laws permit" him to do (XI, 3-4; XI, 6, 397). This explains why, in the end, he asks his readers to contemplate a paradoxical conclusion: that "it can happen that the constitution will be free and the citizen not" and that "the citizen will be free and the constitution not"; that while "only the disposition of the laws, and even the fundamental laws," can "form liberty in its relation with the constitution," liberty "in its relation with the citizen" can be

made to arise "from the mores, from the manners, and from the received examples" prevalent within a political community and that it is less effectively promoted by political arrangements than by "certain civil laws" (XII, 1). It also clarifies why he can claim that "the knowledge which one has acquired in some countries and which one will acquire in others with regard to the surest regulations that one can hold to in criminal judgments interests human kind more than anything else that there is in the world" (XII, 2). And it makes sense of his otherwise inexplicable concern with the psychological impact of taxation and his association of "duties," such as those "on commodities," that "the people least feel" with both "moderate government" and "the spirit of liberty" (XIII, 7-8, 14).⁵⁶ If he claims that, "in our monarchies, all felicity consists in the opinion that the people have of the gentleness (*la douceur*) of the government" (XII, 25), it is because human happiness and, therefore, "political liberty in its relation with the citizen" is a state of mind.⁵⁷

All of this suggests something about human nature and something about the "principle" of the "republic concealed under the form of a monarchy" that Montesquieu investigated during his extended sojourn in England. In contrast with its ancient counterpart, this modern republic requires little or no virtue. Nowhere does Montesquieu suggest that "self-renunciation" is required to sustain it. Nor can one claim that it demands anything "very painful." This is because what Montesquieu says of monarchy can be said of England's government as well: it "is favored by the passions and favors them in its turn" (IV, 5). But though the passion that it favors and is favored by is as solid and reliable as the "principle" of monarchy, if not more so, this passion is not the longing for distinction. The "principle" of the modern republic is not honor; it is something very much like fear.⁵⁸

English Inquiétude

The government of England is not a despotism comparable to the oriental states that Montesquieu so vehemently despised, but it has an undeniable kinship with despotism. It has as its object "political liberty," not "the delights of the prince." But it comprehends that political liberty in terms of the citizen's "opinion of his security." Where the "despotic state" in China takes as its object "public tranquillity" and other despotisms pursue "tranquillity" as their "aim (*but*)," if not their "object," England's government pursues the individual citizen's "tranquillity of mind."⁵⁹

If one were to examine the English constitution solely with regard to its "nature" or "structure," one would have to conclude that its three separated powers "form a condition of repose or inaction." But, of course, England's government is rarely, if ever, at rest (XI, 6, 405). In interpreting this fact, Montesquieu evidences a Heraclitean understanding of the human condition comparable to that of Machiavelli.⁶⁰ The foundation of the latter's teaching concerning politics is his claim that "all the things of men are in motion and cannot remain fixed." By

this he meant to convey something closely akin to what Thomas Hobbes and David Hume had in mind when they asserted that reason is the slave of the passions. As Machiavelli put it by way of explanation, "the human appetites" are "insatiable"; "by nature" human beings "desire everything" while "by fortune they are allowed to secure little"; and since "nature has created men in such a fashion" that they are "able to desire everything" but not "to secure everything," their "desire is always greater than the power of acquisition (*la potenza dello acquistare*)."⁶¹

In writing of England, Montesquieu follows Machiavelli's lead—contending that "this nation" is "always inflamed" and that "it is more easily conducted by its passions than by reason, which never produces any great effects on the minds of men" (XIX, 27, 577). And in speaking of "the three powers," he argues that when, "by the necessary motion of things, they are constrained to move (*aller*), they are forced to move in concert" (XI, 6, 405). One cannot say of the English constitution what Montesquieu says of despotism: that it "jumps up, so to speak before our eyes"; that "it is uniform throughout"; that "the passions alone are necessary for its establishment." The modern republic is, after all, "a masterpiece of legislation," a product not just of chance but of prudent artifice as well. One can say of it, instead, what he says of monarchy: that, in it, "policy makes great things happen with as little of virtue as it can" and that, "just as in the most beautiful machines, art also employs as little of movement, of forces, of wheels as is possible. The state subsists independently of love of the fatherland, of desire for true glory, of self-renunciation, of the sacrifice of one's dearest interests, and of all those heroic virtues which we find in the ancients and know only from hearing them spoken of." Moreover, one can say that, once a modern republic is instituted, "the human passions that set it in motion" are "alone" necessary to sustain it—and that the ruling passion that does so is closely akin to the very passion that is responsible for the "establishment" of despotism (III, 5; V, 14, 297).

This helps explain, among other things, the tenor of Montesquieu's description of the contribution made by England's "laws" in forming "the mores, the manners, and the character" of the English "nation" (XIX, 27).⁶² One consequence of the laws' provision of liberty is that "all the passions there are free: hatred, envy, jealousy, the ardor to enrich and distinguish oneself appear to their full extent; and if things were otherwise, the state would be like a man struck down by a malady who has no passions because he has no strength (*forces*)." In a sense, the English citizen is unaccommodated man: like the individual trapped within the state of nature, he is "always independent."⁶³ He therefore follows "his caprices and his fantasies"; he and his countrymen are inclined "not to care to please anyone," and so "they abandon themselves to their own humors." And frequently, they switch parties and abandon one set of friends for another, having forgotten "the laws of love and those of hatred" (XIX, 27, 575).

Precisely because the laws make no distinctions among men, each Englishman "regards himself as a monarch; and men, in that nation," are, in a sense, "confederates rather than fellow citizens." The fact that "no citizen ends up fearing (*craignant*) another" gives the Englishman a king-like "independence" that makes the English as a nation "proud." But, at the same time, "living," as they do "much among themselves" in a state of "retirement" or "retreat (*retraite*)," they "often find themselves in the midst of those whom they do not know." This renders them "timid," like those men in the state of nature truly graced with independence, but the recognition of "reciprocal fright (*une crainte réciproque*)" does not have on them the effect that it has on men in their natural state: it does not cause them to draw near, to take "pleasure" in the approach of "an animal" of their "own sort," and to become sociable.⁶⁴ Instead, "one sees in" the "eyes" of these Englishmen, "the better part of the time, a bizarre mixture of ill-mannered shame and pride." Their "character" as a "nation" most clearly appears in the products of their minds—which reveal them as "people collected within themselves" who are inclined to "think each entirely on his own" (XIX, 27, 582-83). In short, Montesquieu's Englishman is very much alone.

That so solitary a man should have an "uneasy spirit (*esprit inquiet*)" stands to reason (XIX, 27, 582). Nor is it surprising that, unprompted by genuine peril or even by false alarm, he should nonetheless "fear (*craint*) the escape of a good" that he "feels," that he "hardly knows," and that "can be hidden from us," and that this "fear (*crainte*)" should "always magnify objects" and render him "uneasy (*inquiet*) in his situation" and inclined to "believe" that he is "in danger even in those moments when" he is "most secure" (XIX, 27, 575-76). The liberation of the passions does not give rise to joy. "Political liberty in its relation with the constitution" may well be "established" for the English "by their laws," but this does not mean that they "actually enjoy" what Montesquieu calls "political liberty in its relation with the citizen"—for the latter is constituted by "that tranquillity of mind which comes from the opinion that each has of his security," and the English are anything but tranquil of mind (XI, 1; XI, 6, 397, 407).

"Uneasiness (*inquiétude*)" without "a certain object" would appear to be the Englishman's normal state of mind. He is rarely given reason to fear another citizen: fear is not deployed to secure his obedience as it is in a despotism. But he is anxious and fearful nonetheless. Moreover, in such a country, "the majority of those who possess wit and intelligence (*esprit*) would be tormented by that very *esprit*: in the disdain or disgust" that they would feel with regard "to all things, they would be unhappy with so many reasons not to be so" (XIX, 27, 576, 582).

In singling out *inquiétude* as the peculiar disposition of the English, Montesquieu is obliquely addressing a contemporary debate. In his *Essay Concerning Human Understanding*, John Locke had argued "that the Philosophers of old did in vain enquire, whether *Summum bonum* consisted in Riches, or bodily De-

lights, or Virtue, or Contemplation," observing that "they might have as reasonably disputed, whether the best Relish were to be found in Apples, Plumbs, or Nuts; and have divided themselves into Sects upon it." His point was that "Men may chuse different things, and yet all chuse right, supposing them only like a Company of poor Insects, whereof some are Bees, delighted with Flowers, and their sweetness; others, Beetles, delighted with other kind of Viands." What men have in common, Locke argued, is not an orientation towards the good defined in any concrete way but "a constant succession of *uneasinesses*" such that "very little part of our life is so vacant from these *uneasinesses*, as to leave us free to the attraction of remoter absent good." "*Uneasiness*" was for Locke the distinguishing characteristic of all mankind: it was, in fact, the motive for all human action.⁶⁵

In the French translation of *An Essay Concerning Human Understanding* that Pierre Coste produced in collaboration with Locke, *uneasiness* was rendered by *inquiétude*. "By *uneasiness*," Coste remarked, "the author means the state of a man who is not at ease, the lack of ease & tranquillity in the soul, which is in this regard purely passive." When he deployed *inquiétude* to translate *uneasiness*, Coste added, he had consistently italicized the French word. Unless one kept in mind precisely what Locke meant by the term, he explained, "it would not be possible to comprehend exactly the matters treated in" his crucial chapter "Of Power"—matters which Coste considered "the most important and difficult (*délicates*) in the entire work."⁶⁶ Locke's broad claims in this regard stirred up considerable discussion, especially among those who spoke French,⁶⁷ and Montesquieu's strategic deployment of the pertinent term in *The Spirit of Laws* is intended to suggest three conclusions: that Locke had mistakenly presumed that his countrymen were representative of all mankind; that, as a settled disposition, *inquiétude* is specific to the citizens who live under a particular form of government; and, most important of all, that the form of government "which has for the direct object of its constitution political liberty" characteristically fails to produce in its citizens the "tranquillity of mind" which constitutes "political liberty in its relation with the citizen."

Montesquieu's point becomes obvious when one reads his extended description of the character of the English nation in the context of what he has just written a few pages before concerning his native France. "If there were in the world," Montesquieu observes, "a nation which had a sociable humor, an openness of heart, a joy in living, a taste, a facility for communicating its thoughts, which was lively, agreeable, playful, sometimes imprudent, often indiscreet; and which had along with this courage, generosity, frankness, a certain sensitivity to honor, it would be necessary not to trouble, by the laws, its manners lest one trouble its virtues" as well (XIX, 5). One could certainly not say of the French what Montesquieu says concerning the English: that they evidence so great "a disgust for all things" that "they kill themselves without one being able to imagine any reason that would cause them to do so, that they kill themselves when in

the bosom of happiness" (XIV, 12-13).⁶⁸ *Inquiétude* is the distinguishing feature of modern republican man.

Partisanship

Inquiétude is not, however, the principle of Montesquieu's modern republic, for in and of itself uneasiness can do little more than keep a polity on edge. It cannot animate it and give it a definite direction and orientation. *Inquiétude* is too shapeless: it is too plastic, too protean, too apt to succumb to whimsy and fashion, too much a creature of circumstance. If it is to assume the status of a political principle, *inquiétude* must undergo a metamorphosis giving it a more precise and stable form.⁶⁹ In Montesquieu's England, as we have seen, the laws are primary: they are themselves almost sufficient to give form to the nation's mores, manners, and character (XIX, 26-27, 574). In practice, then, it must be the separation of powers itself, the fundamental law of the English constitution, that transforms the characteristic uneasiness of the English into a passion capable of setting their polity in motion.

England's constitution works this transformation by providing a focus for the *inquiétude* that makes modern republican man so inclined to "fear the escape of a good" that he "feels," that he "hardly knows," and that "can be hidden from us," and so prone to "believe" that he is "in danger even in those moments when" he is "most secure" (XIX, 27, 575-76). In the political realm, Montesquieu observes, the characteristic uneasiness of the English gives rise to occasional panic, and the separation of powers gives direction to these popular fears. It does so by way of the partisanship that it fosters.

Partisanship is, in Montesquieu's judgment, the fundamental fact of English life. In consequence, it is with this fact that he begins his analysis of the influence of the laws on English mores, manners, and character: partisanship is the premise from which his argument unfolds. "Given that in this state, there would be two visible powers, the legislative and the executive power," he observes at the outset, "and given that every citizen would have a will of his own and would value his independence according to his own pleasure, the majority of people would have more affection for one of these powers than for the other, since the great number is not ordinarily equitable or sensible enough to hold the two in equal affection." This propensity would only be exacerbated by the fact that the executive had offices in his gift, for his dispensing of patronage would alienate those denied favor as it turned those employed into adherents (XIX, 27, 575).

"The hatred" existing between the two parties "would endure," Montesquieu tells us, "because it would always be powerless," and it would forever be powerless because "the parties" would be "composed of free men" who would be inclined to switch sides if one party or the other appeared to have "secured too much." The monarch would himself be caught in the toils of partisan strife: "contrary to the ordinary maxims of prudence, he would often be obliged to give

his confidence to those who have most offended him and to disgrace those who have best served him, doing out of necessity what other princes do by choice." Not even the historians would escape with their judgment intact: "in states extremely free, they betray the truth on account of their liberty itself, which always produces divisions" such that "each becomes as much the slave of the prejudices of his faction as he would be of a despot" in an absolute monarchy (XIX, 27, 575, 583).

Montesquieu finds this spectacle droll but in no way distressing. In a polity so caught up in partisanship, he notes, "every man would, in his way, take part in the administration of the state," and "the constitution would give to everyone . . . political interests." One consequence of this widespread political participation would be that "this nation would love its liberty prodigiously since this liberty would be true." To "defend" its freedom, "it would sacrifice its well-being, its ease, its interests," subjecting itself to taxes that no prince, however absolute, would dare impose, and deploying against its enemies in the form of a national debt owed its own citizens "an immense fictional wealth that the confidence and nature of its government would render real." Another side-effect of the party struggle would be that everyone "would speak much of politics," and some would "pass their lives calculating events which, given the nature of things and the caprice of fortune, . . . would hardly submit to calculation." It matters little, Montesquieu intimates, whether "particular individuals reason well or ill" concerning public affairs: in a nation that is free, "it suffices that they reason," for from their reasoning arises "the liberty" that provides them with protection against the unfortunate "effects of this same reasoning" (XIX, 27, 577, 582).

In a country governed in this manner, Montesquieu hastens to add, the charges lodged by the party inclined to oppose the executive "would augment even more" than usual "the terrors of the people, who would never know really whether they were in danger or not." The modern republic is, however, superior to its ancient predecessor in that "the legislative power," which is distinct from the people, "has the confidence of the people" and can in times of crisis render them calm.⁷⁰ "In this fashion," Montesquieu observes, when "the terrors impressed" on the populace lack "a certain object, they would produce nothing but vain clamors and name-calling (*injures*); and they would have this good effect: that they would stretch all the springs of government and render the citizens attentive" (XIX, 27, 576).

In circumstances more dire, however, the English would comport themselves in a manner reminiscent of the various peoples of ancient Crete—who showed how "healthy principles" can cause even "bad laws" to have "the effect of good." In their zeal "to keep their magistrates in a state of dependence on the laws," the Cretans are said to have "employed a means quite singular: that of *insurrection*." In a procedure "supposed to be in conformity with the law," Montesquieu reports, "one part of the citizenry would rise up, put the magistrates to flight, and oblige them to re-enter private life." One would naturally presume

that "such an institution, which established sedition for the purpose of preventing the abuse of power, would . . . overturn (*renverser*) any republic whatsoever," but Montesquieu insists that this was not the case in Crete because "the people possessed the greatest love for the fatherland" (VIII, 11).

In England, where the citizens exhibit a love of liberty as prodigious as the patriotism of the citizens of Crete, something quite similar transpires. If the terrors fanned by the party opposed to the executive were ever "to appear on the occasion of an overturning (*renversement*) of the fundamental laws," Montesquieu observes, "they would be muted, lethal, excruciating and produce catastrophes: before long, one would see a frightful calm, during which the whole would unite itself against the power violating the laws." Moreover, if such "disputes took shape on the occasion of a violation of the fundamental laws, and if a foreign power appeared," as happened in 1688, "there would be a revolution, which would change neither the form of the government nor its constitution: for the revolutions to which liberty gives shape are nothing but a confirmation of liberty" (XIX, 27, 576). As Montesquieu remarks elsewhere, the "impatience" characteristic of such a people, "when it is joined with courage," gives rise to an "obstinacy (*l'opiniâtreté*)" that makes a "free nation" well suited "to disconcert the projects of tyranny." Their characteristic restlessness renders the English incapable of taking repose, and it renders them vigilant at the same time (XIV, 13).⁷¹

Paradoxically, then, the fact that Englishmen do not "actually enjoy" the sense of "security" and "tranquillity of mind" which Montesquieu describes as "political liberty in its relation with the citizen" helps account for the ethos of political distrust and the spirit of watchfulness and wariness which guarantee that "political liberty in its relation with the constitution" remains "established by their laws" (XI, 6, 397, 407). The partisan conflict inspired by the separation of powers transforms the *inquiétude* characteristic of the English into a vigilance directed against all who might be tempted to encroach on their liberty. This vigilance is the passion that sets the English polity in motion.

Corruption in Republics

To grasp fully the implications of what Montesquieu has in mind when he intimates that underlying the principle of political vigilance animating the English polity is the profound uneasiness that Locke had erroneously taken to be the distinguishing attribute of all mankind, one needs to consider the maladies to which the various forms of government are prone. Montesquieu had brought his initial account of political typology to an end with an examination of the phenomenon of corruption. Throughout this discussion, he insisted that what counts as corruption in political affairs is relative to the form of government. "The corruption of each government," he explains, "begins nearly always with that of its principles," and "once the principles of the government are corrupted, the best of its

laws become the worst and turn against the state . . . for the strength of the principle drives everything" (VIII, 1, 11-12).

The source of the pertinent species of corruption need not be internal to each form of government as such, but frequently it is. Thus, Montesquieu tells us, "the principle of democracy is corrupted not only when the spirit of equality is lost"—as it nearly always is in a republic situated on an extended territory in which "interests become particular" and "a man senses . . . that he can be happy, great, glorious without his fatherland and soon that he can be great solely on the ruins of his fatherland." Democracy's principle is corrupted also "when the spirit of extreme equality is seized on and each wishes to be equal to those chosen for command." If Montesquieu devotes considerable attention to the latter of the two possibilities, it is because "the spirit of extreme equality" reflects proclivities inherent within democratic republicanism. It is only natural that a democratic people should find "insufferable even the power that they confide" and that they should "wish to do everything on their own hook: to deliberate for the senate, to execute for the magistrates, and to strip all the judges" of their functions (VIII, 2, 16).

When a democratic people give way to "the spirit of extreme equality," the magistrates, the senators, the old, and fathers all lose respect; husbands are denied deference and masters, submission. Instead of being satisfied to have "for masters only one's equals," one seeks to have no master at all. All will then be equal not only in their capacity as citizens but regardless of the fact that a particular citizen may be "a magistrate, senator, judge, father, husband, or master." "Everyone will come to love this libertine life (*libertinage*)," Montesquieu laments. "The difficulty of command will be as fatiguing as that of obedience. The women, the children, the slaves will submit to no one. No longer will there be mores (*mœurs*) and love of order, and in the end there will be virtue no more" (VIII, 2-3).

The process of dissolution begins when "those to whom the people have entrusted themselves, wishing to conceal their own corruption, seek to corrupt the people." That their own ambition and avarice be not seen, these demagogues "speak to the people of their grandeur alone," and "they flatter their avarice without cessation." Thereafter, "corruption will grow among the corruptors, and it will grow among those who are already corrupted. The people will distribute all the public moneys to themselves. And just as they will have joined to their idleness the administration of affairs, they will join to their poverty the amusements of luxury." Given the taste that they have developed for idleness and luxury, the people will then make the public treasury their "object" and sell their votes for silver. But "the more they seem to draw advantage from their liberty, the more they approach the moment when they will lose it." At first, within the republic, there will be "petty tyrants possessing all of the vices of a single tyrant." In time, even "the remains of liberty become insupportable, a single tyrant

arises, and the people lose everything—even the advantages of their corruption” (VIII, 2).⁷²

Montesquieu's account of aristocratic corruption is similar. In its republicanism, after all, his aristocracy is quite like his democracy: it knows no restraint but self-restraint (III, 3-4), and it can be sustained only if its territory is small (VIII, 16). Even then, however, it becomes “corrupted when the power of the nobles becomes arbitrary” and “the ruling families” no longer “observe” the laws. What had been a monarchy with many monarchs then becomes a despotism with many despots. The republic may continue to exist with regard to and among the nobles but it will be “despotic” with regard to “the governed.” Moreover, when nobility becomes hereditary, “extreme corruption” is the natural result, for then the nobles “can hardly possess moderation.” If they are few in number, their power may be great but they will be insecure; if they are numerous, as they are in Venice, their power will be diminished and their security augmented. The fact that a large membership in the ruling order renders their “government less violent” does not, however, alter the fact that this government will evidence “little in the way of virtue,” for hereditary aristocracies are prone to fall prey to “a spirit of nonchalance, idleness, and abandon,” and a state under the control of the dissolute will “possess neither strength (*force*) nor spring (*ressort*).” For an aristocracy to “sustain the strength (*force*) of its principle,” Montesquieu insists, the laws must be such as to “make the nobles sense the dangers and tiresomeness of command more than its delights” and the state must be “in such a situation that it has something to dread.” Security must “come from within and uncertainty from without” (VIII, 5).

In this last regard, democracies and aristocracies are again alike. “Confidence” subverts them, for it is necessary that “a republic dread something.” The more successful a democracy is, the more the people have contributed to its success, the more prone they are to an “arrogance” that renders it impossible “to guide them.” It is in this context that Montesquieu remarks that the more democracies and aristocracies “have of security, the more, like waters excessively tranquil, they are subject to corruption” (VIII, 4-5).

Corruption in Monarchies and Despotisms

In Montesquieu's estimation, monarchies are less vulnerable to corruption than are democracies and aristocracies: the principle of honor that governs them is far less fragile than the virtue required of democratic citizens and the moderation demanded from their aristocratic counterparts. In consequence, monarchies are suited to territories of a considerable, if not unlimited size. If they become as large as the empires of Alexander and Charlemagne, they either break apart or succumb to despotic rule—but only then (VIII, 17). Of dread, moreover, they have no need. In fact, the “confidence” that tends to be fatal to republics “consti-

tutes the glory and security of a monarchy” (VIII, 5). The ruin of monarchies derives from another source.

If democracies succumb to corruption “when the people strip the senate, the magistrates, and the judges of their functions,” monarchies suffer the same fate “when, little by little, they deprive the corporations (*des corps*) of their prerogatives or the towns of their privileges” and thereby eliminate the intermediary powers. It is obvious that Montesquieu has in mind here the policy devised by Cardinal Richelieu—of whom he writes, “When this man did not have despotism in his heart, he had it in his head”—a policy systematically implemented at the first opportunity by Louis XIV. It is Montesquieu's contention that

a monarchy is lost when the prince believes that he demonstrates his power more in changing the order of things than in following it; when he deprives one group of its natural functions in order to give them arbitrarily to others, and when he loves his fantasies more than what he wills.

A monarchy is lost when the prince, ascribing everything solely to himself, summons the state to his capital, the capital to his court, and the court to his person alone.

Finally, it is lost when a prince misapprehends his authority, his situation, the love of his peoples; and when he does not sense that a monarch ought to judge himself secure just as a despot ought to believe himself in peril (V, 10; VIII, 6).

With an eye to Tacitus' depiction of imperial Rome, Montesquieu subsequently adds that monarchy's “principle” has itself been corrupted when “pre-eminent (*les premières*) dignities are marks of a pre-eminent servitude, when one deprives the great of popular respect, and when one renders them the vile instruments of arbitrary power. It has been corrupted even more when honor has been set in contradiction with honors and when one is able to be covered at the same time with infamy and with dignities.” In such circumstances, honor as a political principle ceases to be a force (VIII, 7).

There is an irony in this, which seems to have been lost on the courtiers and monarchs of the time. “If it is true (as one can see in every age) that to the degree that the power of the monarch becomes immense, his security diminishes,” Montesquieu asks, “is it not a crime of *lèse-majesté* to corrupt this power to the extent of causing its nature to change” (VIII, 7)? Montesquieu openly worries that “a long abuse of power” or “a great conquest” will undermine “the mores” that sustain liberty and that there will be established on the continent of Europe a “despotism” such that “human nature” there will “suffer at least for a time the insults to which it is subject” elsewhere (VIII, 8). “Nothing,” Montesquieu asserts, “would have been more fatal to Europe, to his original subjects, to himself, to his family” than the success of Louis XIV's putative “project” for the establishment of a “universal monarchy” in the West. This king of France was bet-

ter served by his "defeats" on the field of battle than he would have been "by victories" (IX, 7).

Montesquieu finds it difficult to speak of corruption within a despotism without resorting to paradox. The "principle" of this form of government, he explains, "is ceaselessly corrupted because it is in its nature corrupt. The other governments perish because particular accidents violate their principle; this one perishes by its own interior vice when accidental causes fail to impede its principle of self-corruption." Despotism can sustain itself without a frequent collapse into anarchy "only when circumstances drawn from its climate, religion, situation, or from the genius of its people force it to follow some order and to submit to some regularity (*souffrir quelque règle*). These things force its nature without altering it; its ferocity remains; for a certain time, it is tamed" (VIII, 10). Circumstances of just this sort, he soon adds, provide an explanation for the remarkable stability of the despotic polity that governs the Chinese (VIII, 21).⁷³

English Corruption and the Separation of Powers

Just as Montesquieu nowhere explicitly discussed "the principle" informing the English polity, so nowhere in his book did he address the question of its "corruption." In one cryptic passage buried at the end of the chapter dealing with England as an exemplar of "political liberty in its relation with the constitution," however, he did acknowledge the vulnerability of England's government, and in that passage he deployed the pertinent adjective. "Just as all human things have an end," he wrote, "the state of which we speak will lose its liberty; it will perish. Rome, Lacedaemon, and Carthage have indeed perished. This state will perish when the legislative will be more corrupt than the executive power" (XI, 6, 407). On what he meant by the final sentence in the passage Montesquieu did not further elaborate—at least not in *The Spirit of Laws*.

Few appear to have taken notice of Montesquieu's puzzling aside. But, within a year of the book's publication, an English acquaintance named William Domville did write to its author to express dismay at the licentiousness of his own compatriots and to ask whether Montesquieu thought that England was in any immediate danger of succumbing to corruption and losing its liberty in the process.⁷⁴ In the course of preparing a reply designed both to reassure his English correspondent that "in Europe the last sigh of liberty will be heaved by an Englishman" and to draw his attention to the intimate connection between English liberty and English commerce,⁷⁵ Montesquieu sketched out in his notebooks a series of reflections that cast light on the brief remarks in his book.⁷⁶

Montesquieu begins by remarking that it is "good" that England's monarch believes in the stability of the polity and "that the people believe that the foundations on which it is established are subject to disturbance (*peuvent être ébranlés*)": that "the prince renounces the idea of augmenting his authority" while "the people dream of preserving the laws." "I believe, sir," he then ex-

plains, "that what will conserve your government is the fact that the people basically have more of virtue than those who represent them." In England, "the soldier is worth more than his officers, and the people are worth more than their magistrates and those who govern them." The pay given officers is so great that it seems as if the English wanted to corrupt them, and there are so many ways in which one might make one's fortune in and through government that it seems as if the English wanted to corrupt their magistrates and representatives. "It is not the same with the whole body of the people," Montesquieu then adds, "and I believe that I have noticed a certain spirit of liberty that always flares up and is not readily extinguished."

Montesquieu acknowledges that corruption plays a role in Parliamentary elections but he denies that it affects the whole—for this species of corruption is limited to localities. Even more to the point: what Parliament lacks in probity, it possesses in enlightenment. The attempts of the executive to corrupt individual members of Parliament cannot successfully be covered up; and however much a given member may wish to be a rogue, he wishes as well to pass as a good man. Indeed, "those who betray their duty hope that the evil that they do will not extend so far that the members of the contrary party will wish to make them fear." In consequence, the evil that flows from this corruption is severely constrained.

From Montesquieu's perspective, the crucial fact is that within the populace there is a large and vigorous "middle class (*l'état moyen*)" that "still loves its laws and its liberty." As long as these "middling men (*gens médiocres*) preserve their principles," he insists, "it will be difficult" for England's "constitution to be overthrown." The steadfastness of these middling men is made possible by the fact that England is a mercantile society in which the chief "sources" of "wealth are commerce and industry," which are "of such a nature that he who draws on them is unable to enrich himself without enriching many others." Rome was more vulnerable to corruption because it was a martial society and the principal "sources" of its wealth were "the profits from the levying of tribute and the profits from the pillaging of the subject nations." That which enriched an individual Roman impoverished an infinite number of others. In consequence, Rome was distinguished by extreme wealth and extreme poverty. It lacked not only "middling men" but "the spirit of liberty" that, characteristically, they and they alone display. In England, Montesquieu concludes, liberty will be secure as long as "great fortunes . . . are not drawn from military employment and as long as those drawn from civil employment (*l'état civil*) remain moderate."⁷⁷

To grasp the import of the observations that Montesquieu sketched out in preparation for writing back to his English correspondent, one must keep in mind that he is elaborating on his cryptic claim that England will continue to exemplify "political liberty in its relation with the constitution" as long as its legislature is less corrupt than its executive, and that he is doing so in a manner easily understood by someone conversant, as he and his correspondent were,

with the principles espoused by the English Whigs. In this context, Montesquieu does what he pointedly refrains from doing in his book: he attributes "virtue" to the English middle classes. Nowhere, however, does he specify what constitutes this virtue: nowhere does he attribute to these Englishmen a passion for equality or a spirit of self-renunciation; nowhere does he describe the "singular institutions" by which the English provide for their education. Nor could he do so: as we have already noted, the "singular institutions" necessary for the production of virtue of this sort are inconsistent with "the confusion, the negligence, the extended affairs of a great people" and can be found only in "petty" states, such as the cities of ancient Greece, where "one can provide a general education and rear a people as a family" (IV, 7). The virtue that Montesquieu celebrates in his discussion of the English middle class is not republican virtue: it amounts to little more than the watchfulness typical of spirited men who are wary lest they be robbed of a prize possession.⁷⁸ Diminished though it may seem, this virtue deserves respect, for, as a political principle, vigilance is compatible with political moderation,⁷⁹ and this spirit is sufficient as a safeguard for the liberty established by England's laws.⁸⁰

As Montesquieu and his English correspondent are both aware, the source of the pertinent corruption can be found in the military and civil offices and honors that are in the gift of England's executive.⁸¹ These are, as Montesquieu confesses, exceedingly lucrative, and they can be used to influence voting in Parliament. But this public largesse is nothing, he insists, in comparison with the money to be made by private initiative in industry and commerce; and given the fact that this corruption extends to only a few members of Parliament, that the press and the opposition are poised to expose it,⁸² and that the multitude of those within the electorate who are of middling wealth are beyond corruption's reach, fearful of executive encroachment, and vigilant in the Constitution's defense,⁸³ there is no immediate danger that the legislature will fully succumb to executive influence and that there will for all practical purposes cease to be a separation of powers. Such a danger would present itself only in the unlikely event that the management of commerce and industry were entrusted to the executive. In such a polity, should the populace in general and the middle class in particular ever be beholden to government for their economic well-being, the situation of the citizens would indeed be grim.⁸⁴

All of this helps explain why, on the very first occasion in which Montesquieu mentions England, he makes two surprising observations: that if you "abolish in a monarchy the prerogatives of the lords, the clergy, the nobility, and the towns," as England's Parliament did, "you will soon have a state popular—or, indeed, one despotic"; and that the English who, "in order to favor liberty, have eliminated all the intermediate powers which formed their monarchy, . . . have good reason to conserve that liberty"—for, "if they should come to lose it, they would be one of the most fully enslaved peoples on the earth" (II, 4).⁸⁵ The principle of the English polity, the passion that sets it in motion, is by no means

unnatural, and it is generally reliable—but it is not utterly impervious to corruption. The uneasiness, the fear, the anxiety, the impatience, and the restlessness that contribute to the spirit of obstinacy and vigilance which enables the English to defend their liberty might take another, less salutary, and quite ominous form should they fail, by chance, to succeed in that defense and should their failure in this particular deprive them thereafter of the sense of sturdy independence that had hitherto sustained their courage. Because the modern republic and despotism are in the passions that set them in motion akin, the former can easily degenerate into the latter.

This recognition caused Montesquieu's successors—Adam Ferguson and Adam Smith in Scotland, James Madison and Thomas Jefferson in America, and Benjamin Constant and Alexis de Tocqueville in his native France—to reflect on the laws and institutions that might be deployed within a modern republic to reinvigorate the despondent, to reduce timidity and reinforce pride, to transform impatience and anxiety into a form of public spiritedness unknown to the ancient republics, and to introduce within that polity a simulacrum of the sense of honor that had made monarchical France so attractive and so resistant to tyranny at the same time.⁸⁶ Their reflections were grounded in Montesquieu's analysis of the various "principles" or "human passions that set in motion" democracy, aristocracy, monarchy, despotism, and the peculiar form of government which he had found in England.

Notes

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In citations, I have used the standard abbreviations for classical texts and for the books of the Bible provided in *The Oxford Classical Dictionary*, 3rd edition, Simon Hornblower and Antony Spawforth, eds. (Oxford: Oxford University Press, 1996), and in *The Chicago Manual of Style*, 14th edition (Chicago: University of Chicago Press, 1993), 474-75. Where possible, the ancient texts and more recent works of similar stature are cited by the divisions and subdivisions employed by the author or introduced by subsequent editors (that is, by book, part, chapter, section number, paragraph, act, scene, line, Stephanus page, or by page and line number). All of the translations are my own.

1. All of the interlinear references in the text are to the Pléiade edition of Montesquieu's *Œuvres complètes*. Where I found that I could not do better myself, I have not been hesitant to borrow phraseology from Montesquieu, *The Spirit of the Laws*, Thomas Nugent, trans. (New York: Hafner, 1949), and from Montesquieu, *The Spirit of the Laws*, Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone, ed. and trans. (Cambridge: Cambridge University Press, 1989).

2. See C. P. Courtney, "Montesquieu and the Problem of 'La Diversité,'" in *Enlightenment Essays in Memory of Robert Shackleton*, Giles Barber and C. P. Courtney, eds. (Oxford: The Voltaire Foundation, 1988), 61-81, and Chapter 1, above.

3. See Marcel Prélôt, "Montesquieu et les formes de gouvernement," in *La pensée politique et constitutionnelle de Montesquieu: bicentenaire de L'Esprit des lois, 1748-1948* (Paris: Recueil Sirey, 1952), 110-32; Simone Goyard-Fabre, "La typologie des gouvernements selon Montesquieu," *L'Ecole des lettres* (28 April 1973): 39-43; Thomas L. Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on The Spirit of the Laws* (Chicago: University of Chicago Press, 1973), 48-52, 70-71; Paul Vernière, *Montesquieu et "L'Esprit des lois" ou la raison impure* (Paris: Société d'édition d'enseignement supérieur, 1977); Catherine Larrère, "Les typologies des gouvernements chez Montesquieu," in *Études sur le XVIIIe siècle*, Jean Ehrard, ed. (Clermont-Ferrand: Association des publications de la Faculté des Lettres, 1979), 87-103; and Tzvetan Todorov, "Droit naturel et formes de gouvernement dans *L'Esprit des lois*," *Esprit* n.s. 75 (March, 1983): 35-48. Note also Michael A. Mosher, "The Particulars of a Universal Politics: Hegel's Adaptation of Montesquieu's Typology," *American Political Science Review* 78 (1984): 179-88.

4. For a penetrating, if not in all respects persuasive discussion of this propensity on Montesquieu's part, see Louis Althusser, *Politics and History: Montesquieu, Rousseau, Hegel and Marx*, Ben Brewster, trans. (London: NLB, 1972), 17-42.

5. Cf. Polyb. 6.3.5-10.14 with Xen. *Mem.* 4.6.12, *Oec.* 21.9-12; Pl. *Pol.* 291d-303b, *Leg.* 3.689e-702d, 4.712c-715d, 8.832b-d; Arist. *Eth. Nic.* 1160a31-1161b10, *Pol.* 1278b30-1280a5, 1284b35-1285b33, 1295a7-24, *Rh.* 1365b21-1366a22, and see Pl. *Leg.* 6.756e-758a, Arist. *Pol.* 1281b22-38 (esp. 28-31), 1295a25-1297a12 (esp. 1296b14-16), 1297b1-27, 1329a2-17, 1332b12-41. Note, in this connection, Pind. *Pyth.* 2.86-88, Hdt.

3.80-83, and Thuc. 8.97.2. In Montesquieu's day, with the exception of a few fragments, the pertinent passages of Cicero's *Republic* (1.20.33-2.44.70, 3.13.23, 25.37-35.48) were as yet undiscovered.

6. Although he is perfectly aware of the possibility that an aristocracy will degenerate into a "despotism of the few" and a democracy into a "despotism of the people," Montesquieu is persuaded that these are unstable and will quickly enough collapse into a "despotism of one alone": consider "Dossier de *L'Esprit des lois*," 235 (1893), in Pléiade, II, 1048, in light of Larrère, "Les typologies des gouvernements chez Montesquieu," 87-103.

7. See Thomas Hobbes, *The Elements of Law Natural and Politic*, 2nd edition, Ferdinand Tönnies, ed. (London: Frank Cass, 1969), II.i.3; *De Cive: The Latin Version*, Howard Warrender, ed. (Oxford: Clarendon Press, 1983), II.vii.1-17, x.2; and *Leviathan*, Edwin Curley, ed. (Indianapolis: Hackett, 1994), II.xix.1-2.

8. The pertinent passage was initially included in and eventually excised from *Spirit of Laws* III, 9: see "Dossier de *L'Esprit des lois*," in Pléiade, II, 996.

9. For the most part, Machiavelli is content to juxtapose republics with principalities: consider *Il principe* 1 with an eye to the implications of 15-19. He makes it clear, however, that in the end even this distinction is illusory: cf. *Discorsi sopra la prima deca de Tito Livio* 1.20 with *Il principe* 9; see Harvey C. Mansfield, Jr., "Machiavelli and the Modern Executive," in *Understanding the Political Spirit: Philosophical Investigations from Socrates to Nietzsche*, Catherine H. Zuckert, ed. (New Haven: Yale University Press, 1988), 88-110 (esp. 97-102), and Mansfield, *Taming the Prince: The Ambivalence of Modern Executive Power* (New York: The Free Press, 1989), 1-149. And yet, in his discussion of Ottoman Turkey and of France, he insists on the crucial importance of the very features that are determinative for Montesquieu's denial that monarchy and despotism are one and the same: see *Il principe* 4 and 19. Note, more generally, Machiavelli, *Discorsi sopra la prima deca de Tito Livio* 1.2-8, 16, 19, 55, 58, 3.1, in light of Mansfield, *Machiavelli's New Modes and Orders: A Study of the Discourses on Livy* (Ithaca: Cornell University Press, 1979), 32-62, 79-83, 88-90, 160-64, 168-74, 299-305 (esp. 304-5), and see Elena Fasano Guarini, "Machiavelli and the Crisis of the Italian Republics," in *Machiavelli and Republicanism*, Gisela Bock, Quentin Skinner, and Maurizio Viroli, eds. (Cambridge: Cambridge University Press, 1990), 17-40. In citing Machiavelli, I have employed Niccolò Machiavelli, *Tutte le opere*, Mario Martelli, ed. (Florence: Sansoni, 1971). Note Robert Shackleton, "Montesquieu and Machiavelli: A Reappraisal," *Essays on Montesquieu and on the Enlightenment*, David Gilson and Martin Smith, eds. (Oxford: The Voltaire Foundation, 1988), 117-31. For an overview, see Ettore Levi-Malvano, *Montesquieu and Machiavelli*, A. J. Pansini, trans. (Kopperl, Tex.: Greenvale Press, 1992), 13-87 (esp. 33).

10. Precisely because he distinguished monarchy from despotism and did so in this fashion, historians, especially in France, have tended to treat *The Spirit of Laws* as a partisan tract written in defense of the order into which Montesquieu was himself born. Some take him to be a reactionary aristocrat: see Albert Mathiez, "La place de Montesquieu dans l'histoire des doctrines politiques du XVIIIe siècle," *Annales historiques de la Révolution française* 7 (1930): 97-112, and Franklin L. Ford, *Robe and Sword: The Regrouping of the French Aristocracy After Louis XIV* (Cambridge, Mass.: Harvard University Press, 1953), 222-45. Others treat him as an aristocratic liberal: see Elie Carcassonne, *Montesquieu et le problème de la constitution française au XVIIIe siècle* (Paris: Presses Universitaires de France, 1927). For a more nuanced approach, see Harold A.

Ellis, "Montesquieu's Modern Politics: *The Spirit of the Laws* and the Problem of Modern Monarchy in Old Regime France," *History of Political Thought* 10 (1989): 665-700. In their eagerness to make of Montesquieu a man of his own time, however, very few scholars are inclined even to contemplate the possibility that he wrote *The Spirit of Laws*, as he said that he had, with an eye to being "useful" to people "seven or eight centuries" after his own time: "Dossier de *L'Esprit des lois*," 198 (1940), in *Pléiade*, II, 1039-40.

11. In this connection, see R. Koebner, "Despot and Despotism: Vicissitudes of a Political Term," *Journal of the Warburg and Courtauld Institutes* 14 (1951): 275-302; Melvin Richter, "Despotism," in *Dictionary of the History of Ideas*, Philip P. Wiener, ed. (New York: Scribners, 1973-74), II, 1-18; and Franco Venturi, "Oriental Despotism," *Journal of the History of Ideas* 24 (1963): 133-42. Then, see Françoise Weil, "Montesquieu et le despotisme," in *Actes du Congrès Montesquieu réuni à Bordeaux du 23 au 26 mai 1955* (Bordeaux: Imprimeries Delmas, 1956), 191-215; Badreddine Kassem, *Décadence et absolutisme dans l'oeuvre de Montesquieu* (Paris: Librairie Minard, 1960); David Young, "Montesquieu's View of Despotism and His Use of Travel Literature," *Review of Politics* 40 (1978): 392-405; and Chapter 5, below.

12. Bernard Manin, "Montesquieu et la politique moderne," *Cahiers de philosophie politique* 2-3 (1984-85): 157-229 (esp. 182-229), does much to clarify what it is that links Montesquieu with Aristotle and distinguishes these two exponents of political prudence from Plato, Hobbes, Rousseau, and the like—but he errs in suggesting that both are somehow pluralists with regard to political ends. His discussion of Plato and Aristotle should be contrasted with that to be found in Arlene W. Saxonhouse, *Fear of Diversity: The Birth of Political Science in Ancient Greek Thought* (Chicago: University of Chicago Press, 1992). As will become clear in the course of this essay, Montesquieu's appreciation for political and cultural diversity derives from the emphasis he gives to a unitary principle of political psychology. For further exploration of the links between Montesquieu and Aristotle, see Judith N. Shklar, "Virtue in a Bad Climate: Good Men and Good Citizens in Montesquieu's *L'Esprit des lois*," in *Enlightenment Studies in Honour of Lester G. Crocker*, Alfred J. Bingham and Virgil W. Topazio, eds. (Oxford: The Voltaire Foundation, 1979), 315-28, and Simone Goyard-Fabre, *Montesquieu: La nature, les lois, la liberté* (Paris: Presses Universitaires de France, 1993). That Montesquieu is best read as a sociologist I am persuaded neither by Émile Durkheim, "Montesquieu's Contribution to the Rise of Social Science," *Montesquieu and Rousseau: Forerunners of Sociology*, Ralph Mannheim, trans. (Ann Arbor: University of Michigan Press, 1965), 1-64, nor by Pierre Manent, *The City of Man*, Marc A. LePain, trans. (Princeton: Princeton University Press, 1998), 11-85 (esp. 50-85). As Tzvetan Todorov demonstrates in *On Human Diversity: Nationalism, Racism, and Exoticism in French Thought*, Catherine Porter, trans. (Cambridge, Mass.: Harvard University Press, 1993), 353-83, in Montesquieu, political analysis is inseparable from moral reflection.

13. See Althusser, *Politics and History*, 43-60. Unfortunately, Althusser's heavy-handed and clumsy attempt to depict Montesquieu as a partisan of his own class (26-29, 96-106) mars his otherwise perceptive discussion of the latter's analysis of republicanism, monarchy, and despotism (61-86).

14. For an extended meditation on the significance of this unexpected shift, see Manent, *The City of Man*, 11-85 (esp. 11-49, 82-85).

15. That he has discussed "the principles" of England's "constitution" in *Spirit of Laws* XI, 6 Montesquieu specifies at XIX, 27, 574. In XI, 5 and at XIX, 27, 574, he is evidently employing the plural term *principes* in the loose, non-technical sense in which

he had used it in the preface to his book (Preface), in the title of XIX, and with some frequency elsewhere (IV, 2, 264; IV, 8; V, 9; VIII, 14; XI, 16; XVII, 7; XIX, 5, 16-17; XXVIII, 6). As is suggested by Montesquieu's choice of words in V, 18; VIII, 11-12; XI, 13 and 16, the plural term as used in these passages quite often includes what he has in mind when he uses the singular term in its technical sense.

16. See Pangle, *Montesquieu's Philosophy of Liberalism*, 1-19. Note also Anne M. Cohler, "Montesquieu's Perception of his Audience for the *Spirit of the Laws*," *Interpretation* 11:3 (September, 1983): 317-32.

17. For an argument along these lines, see Mark Hulliung, *Montesquieu and the Old Regime* (Berkeley: University of California Press, 1976), 1-3, 14, 212-21. Cf., however, Giuseppe Cambiano, "Montesquieu e le repubbliche greche," *Rivista di filosofia* 45 (1974): 93-144.

18. I first set out much of the pertinent evidence in Paul A. Rahe, "The Primacy of Politics in Classical Greece," *The American Historical Review* 89 (1984): 265-93; I restate and amplify my argument and then explore its consequences for our understanding of classical civilization in Rahe, *Republics Ancient and Modern*, vol. I: *The Ancient Regime in Classical Greece* (Chapel Hill: University of North Carolina Press, 1994).

19. Cf. Pl. *Rep.* 443d-e, Rom. 6:17-18, and Thomas Aquinas, *Summa theologiae*, Thomas Gilby, O.P., et al., eds. (New York: McGraw and Hill, 1964-76) Ia q.77 a.4, and note Paul A. Rahe, "Situating Machiavelli," in *Renaissance Civic Humanism Reconsidered*, James Hankins, ed. (Cambridge: Cambridge University Press, 2000), 270-308.

20. See Pangle, *Montesquieu's Philosophy of Liberalism*, 50-70, who juxtaposes Aristotle's exploration of the character of political virtue, its defects, and the manner in which it points beyond itself to moral and philosophical virtue with Montesquieu's quite different account. See also Manent, *The City of Man*, 12-49 (esp. 12-34).

21. Consider Arist. *Eth. Nic.* 1103a4-b25 in light of 1097b28-1098a18, 1098b22-99a21.

22. Hom. *Il.* 6.208, 9.443.

23. Cf. Machiavelli, *Discorsi sopra la prima deca di Tito Livio* 1 Proemio, 4, 3.27, 31, 43—all of which should be read in light of 2.2.

24. For further evidence suggesting the depth of Montesquieu's admiration for the ancients, see *Pensées* 444 (110), 589 (1607), 598 (221), and 604 (1253), in *Pléiade*, I, 1018, 1081-82, 1127, 1129-31.

25. See Pangle, *Montesquieu's Philosophy of Liberalism*, 52-106 (esp. 72-106, 112-13). In this connection, see also Roger B. Oake, "Montesquieu's Analysis of Roman History," *Journal of the History of Ideas* 16 (1955): 44-59, and David Lowenthal, "Montesquieu and the Classics: Republican Government in *The Spirit of the Laws*," in *Ancients and Moderns: Essays on the Tradition of Political Philosophy in Honor of Leo Strauss*, Joseph Cropsey, ed. (New York: Basic Books, 1964), 258-87.

26. Cf. *Spirit of Laws* VII, 2.

27. One cure for this disease is provided by commerce: see Manent, *The City of Man*, 36-49, 80-85.

28. Consider Montaigne, "De la cruauté" and "De la vertu," in *Les essais de Michel de Montaigne*, Pierre Villey and V.-L. Saulnier, eds. (Paris: Presses Universitaires de France, 1978) 2.11, 29, in light of Paul A. Rahe, *Republics Ancient and Modern*, vol. II: *New Modes and Orders in Early Modern Political Thought* (Chapel Hill: University of North Carolina Press, 1994), 30-44.

29. Because Montesquieu's discussion of classical republicanism is so vigorous, so exciting, and so replete with admiration, the severity of his criticism of this form of government was lost on many of his early readers—who took him for a partisan: on this, see Robert Shackleton, *Montesquieu: A Critical Biography* (Oxford: Oxford University Press, 1961), 276-77; Wyger R. E. Velema, "Republican Readings of Montesquieu: *The Spirit of the Laws* in the Dutch Republic," *History of Political Thought* 18 (1997): 43-63; and Chapter 3, below: all of which correct this misinterpretation. This propensity is still very much evident in the scholarship, however: see, for example, Nannerl O. Keohane, "Virtuous Republics and Glorious Monarchies: Two Models in Montesquieu's Political Thought," *Political Studies* 20 (1972): 383-96; "The President's English: Montesquieu in America, 1976," *Political Science Reviewer* 6 (1976): 355-87; and *Philosophy and the State in France: The Renaissance to the Enlightenment* (Princeton: Princeton University Press, 1980), 392-419 (esp. 408-19). Some try to reconcile Montesquieu's admiration with his criticism of classical republicanism by suggesting that his book reflects an evolution in his thought from an enthusiasm for the ancients to a hostility to them: see Joseph Dedieu, *Montesquieu et la tradition politique anglaise en France: les sources anglaises de l'Esprit des lois* (Paris: Gabalda, 1909), 131-39, and Robert Shackleton, "La genèse de 'L'Esprit des lois,'" *Essays on Montesquieu and on the Enlightenment*, 49-63. Few appreciate the degree to which his assessment of each of the non-despotic polities is similarly balanced and nuanced.

30. In this connection, see Manin, "Montesquieu et la politique moderne," 182-229, and Anne M. Cohler, *Montesquieu's Comparative Politics and the Spirit of American Constitutionalism* (Lawrence, Kans.: University Press of Kansas, 1988), 66-97. Note also Walter Kuhfuss, *Mässigung und Politik: Studien zur politischen Sprache und Theorie Montesquieus* (Munich: Wilhelm Fink Verlag, 1975), 94-229. The argument advanced by Donald A. Desserud, "Virtue, Commerce and Moderation in the 'Tale of the Troglodytes': Montesquieu's *Persian Letters*," *History of Political Thought* 12 (1991): 605-26, though intriguing, is not justified by the textual evidence on which it is putatively based.

31. See also *Spirit of Laws* III, 10; XII, 29; XXVI, 2.

32. See Keohane, *Philosophy and the State in France*, 392-415; Cohler, *Montesquieu's Comparative Politics and the Spirit of American Constitutionalism*, 85-94; and Chapter 4, below. Cf. Pangle, *Montesquieu's Philosophy of Liberalism*, 64-69, 98-100, 102-3, 113-14, 151-53, 212-39, 301-3, who is so intent on situating Montesquieu within the tradition of modern natural right (20-47) and on making of him a partisan of the English polity (104-60, 197-200, 219-39) that he fails to do justice to Montesquieu's appreciation of the advantages that monarchy has to offer, with Manin, "Montesquieu et la politique moderne," 157-229, who goes too far in the opposite direction by failing to give due emphasis to the unitary principle of political psychology that underpins Montesquieu's subtle analysis of the defects and advantages associated with the diverse political and cultural forms. In contrast with Pangle, Pierre Manent emphasizes Montesquieu's rejection of doctrinaire politics—but he then follows Pangle in devoting his attention almost solely to the opposition between classical republicanism and the commercial polity established in England: *The City of Man*, 11-85. To get a sense of the obstacles that stand in the way of reducing Montesquieu's argument to a straightforward endorsement of liberal democracy, one should consider the critique of Montesquieu advanced from that point of view by Antoine Louis Claude Destutt de Tracy, *A Commentary and Review of Montesquieu's Spirit of Laws*, Thomas Jefferson, trans. (Philadelphia: William Duane, 1811).

33. Consider Montesquieu's failure to discuss the aristocratic republic in *Spirit of Laws* IV in light of the first paragraph of V, 8.

34. See David W. Carrithers, "Not So Virtuous Republics: Montesquieu, Venice, and the Theory of Aristocratic Republicanism," *Journal of the History of Ideas* 52 (1991): 245-68. Note also David Wootton, "Ulysses Bound? Venice and the Idea of Liberty from Howell to Hume," in *Republicanism, Liberty, and Commercial Society: 1649-1776*, David Wootton, ed. (Stanford: Stanford University Press, 1994), 341-67.

35. Cf. Adam Smith, *The Theory of Moral Sentiments* IV.i.10 and *An Inquiry into The Nature and Causes of the Wealth of Nations* IV.ii.9, with "The History of Astronomy" III.2, in *Essays on Philosophical Subjects*—all to be found in *The Glasgow Edition of the Works and Correspondence of Adam Smith* (Oxford: Oxford University Press, 1976).

36. Everyone who read *The Character of a Trimmer* understood that Lord Halifax was referring to the example set for James II of England by Louis XIV of France: see *The Works of George Savile, Marquis of Halifax*, Mark N. Brown, ed. (Oxford: Clarendon Press, 1989), I, 195-96. For the opinion of France prevalent in England in the 1720s, see [John Trenchard and Thomas Gordon], *Cato's Letters*, Ronald Hamowy, ed. (Indianapolis: Liberty Press, 1995), I, 11, 15, 59-60, 234-35, 308-9, 395, II, 525-44 (esp. 539-43), 661-69, 888-89, 910-18. Cf. *A Character of King Charles II*, in *The Works of George Savile*, II, 484-505 (esp. 504).

37. Cf. Hulliung, *Montesquieu and the Old Regime*, 15-107 (esp. 15-53), 173-230, who presents Montesquieu as a radical critic of monarchy inclined to see it as an ugly and unstable polity destined to become ever more despotic if it does not evolve in the direction taken by England, with Chapter 4, below, which, by way of examining the distinction between *pouvoir absolu* and *pouvoir arbitraire*, shows that monarchy is absolute in the French but not in the English sense of the word.

38. For an extended and valuable meditation on this important passage, see Sharon Krause, "The Politics of Distinction and Disobedience: Honor and the Defense of Liberty in Montesquieu," *Polity* 31 (1999): 469-99.

39. Cf. *Spirit of Laws* VI, 5 with Niccolò Machiavelli, *Discorsi sopra la prima deca di Tito Livio* 1.7.

40. See also *Spirit of Laws* XII, 25.

41. Nowhere, however, does Montesquieu resort to the traditional language and refer to England's polity as "a mixed monarchy (*monarchie mixte*). But, in his notebooks, he does refer to it on one occasion as a "monarchy blended (*mêlée*)," and he elsewhere describes it as a "government" that has been "moderated": *Pensée* 1795 (918) and "Dossier de *L'Esprit des lois*," 238 (1744), in *Pléiade*, I, 1429-30, II, 1048-49. For an exploration of this theme, see Chapter 4, below. Montesquieu's allusion to England as "a republic concealed under the form of a monarchy" was apparently a very late addition to the manuscript of *The Spirit of Laws*: see Keohane, "Virtuous Republics and Glorious Monarchies," 393 n. 3, with Shackleton, *Montesquieu*, 236.

42. In his notebooks, Montesquieu remarks that "money is" in England "accorded sovereign esteem" while "honor and virtue" are accorded but "little." See *Notes*, in *Pléiade*, I, 878.

43. See Hulliung, *Montesquieu and the Old Regime*, 46-48. See also 14, 85-88, 208-11.

44. Cf. Louis Althusser, "Despote et monarque chez Montesquieu," *Esprit* 267 (November, 1958): 595-614, and *Politics and History*, 65-95—who is so eager to fit Mon-

tesquieu into the procrustean bed of Marxist historical analysis and therefore to make of him a simple partisan of the class from which he hailed (26-29, 96-106) that he allows his own partisanship to blind him to the manner in which the latter's discussion of England is revealing of far deeper concerns which cannot be explained in terms of the interests of the French nobility—with Judith N. Shklar, "Montesquieu and the New Republicanism," in *Machiavelli and Republicanism*, 265-79, and see Georg Wilhelm Friedrich Hegel, *The Philosophy of Right*, T. M. Knox, trans. (Oxford: Oxford University Press, 1942), 177-78 (no. 273), and Manent, *The City of Man*, 11-49 (esp. 12-17).

45. Montesquieu devotes the last part of his book to an examination of the convoluted, internal logic governing the evolution over a period of centuries of the monarchical constitution and law in his native land: consider *Spirit of Laws* XXVII-XXXI in light of the passage cited. See Iris Cox, *Montesquieu and the History of French Laws* (Oxford: The Voltaire Foundation, 1983) and Chapter 10, below.

46. For an example of the confusion to which Montesquieu's discussion of liberty has given rise, see David Spitz, "Montesquieu's Theory of Freedom," *Essays in the Liberal Ideal of Freedom* (Tucson: The University of Arizona Press, 1964), 28-35. Cf. Pierre Manent, *An Intellectual History of Liberalism*, Rebecca Balinski, trans. (Princeton: Princeton University Press, 1994), 60-63.

47. See also *Spirit of Laws* XXVI, 15, 20. Cf. XXIV, 2.

48. On this, see Pangle, *Montesquieu's Philosophy of Liberalism*, 117-38; Manent, *An Intellectual History of Liberalism*, 53-64; and Mansfield, *Taming the Prince*, 213-46.

49. "Liberty," Montesquieu writes in his notebooks, "is that good which makes it possible to enjoy the other goods." It can be found in "well-regulated monarchies" and wherever one finds "good laws" functioning in the manner of "large nets" in which "the subjects" are like fish who "believe themselves free" because they do not "sense that they have been caught." For the pleasures associated with political participation, Montesquieu has little esteem: "I count," he writes, "as a very small thing the happiness of disputing furiously over the affairs of state and not ever saying one hundred words without pronouncing the word *liberty* as well as the privilege of hating half of the citizens." See *Pensées* 1797 (1574), 1798 (943), 1800 (597), and 1802 (32), in *Pléiade*, I, 1430-32. If Montesquieu considers England "the freest country that there is in the world"—freer than "any republic"—it is not because there are elections in that country and debates in its Parliament but because "a man in England" can have "as many enemies as he has hairs on his head" and yet "nothing" will "on this account befall him." This last observation Montesquieu glosses with the remark that "this fact matters much because the health of the soul is as necessary as that of the body." See *Notes*, in *Pléiade*, I, 884.

50. The remaining chapters of the eleventh book analyze in much greater detail the various polities with an eye to the separation of powers: consider *Spirit of Laws* XI, 7-19 in light of XI, 20.

51. Shackleton, *Montesquieu*, 288, took note of this fact but failed to detect its import (288-301); Judith N. Shklar, *Montesquieu* (Oxford: Oxford University Press, 1987), 86-88, was, characteristically, more perceptive. See also Hulliung, *Montesquieu and the Old Regime*, 214-15.

52. For an extended commentary on *Spirit of Laws* XI, 6, see Jean-Jacques Granpré Molière, *La théorie de la constitution anglaise chez Montesquieu* (Leyden: Presse Universitaire de Leyde, 1972), esp. 271-313.

53. He returns to the latter theme with a vengeance soon after: consider *Spirit of Laws* XII, 3-30 in light of XII, 2, and see Chapter Seven, below.

54. On the latter point, see also *Spirit of Laws* XI, 18.

55. See Pangle, *Montesquieu's Philosophy of Liberalism*, 139-42.

56. See Pangle, *Montesquieu's Philosophy of Liberalism*, 142-45.

57. To assimilate Montesquieu's thinking on the question of liberty to that of Rousseau and Kant, one must assume, as does Sheila Mason, that, when the author of *The Spirit of Laws* defines "liberty in its relation with the citizen" solely in terms of the citizen's "security" and "tranquillity of mind," he could not possibly mean what he actually says. Cf. Mason, "Montesquieu on English Constitutionalism Revisited: A Government of Potentiality and Paradoxes," *Studies on Voltaire and the Eighteenth Century* 278 (Oxford: The Voltaire Foundation, 1990), 105-46 (esp. 116-20); then, consider, in addition to the evidence to the contrary presented in the text of this essay, that cited in notes 49, above, and 68, below. In pursuit of this assimilation, Mason ("Montesquieu on English Constitutionalism Revisited," 116-28) also ignores Montesquieu's remarks justifying the restriction of the suffrage in England to men with tangible property (*Spirit of Laws* XI, 6, 400); and then, by neglecting the all-important difference between "is thought to have" and "has," she misconstrues as a call for universal suffrage and an assertion of the rational dignity of the autonomous individual Montesquieu's rather more prosaic observation (XI, 6, 399) that the logic of the legal order in "a free state" dictates that "every man who is thought to have a free soul ought to be governed by himself."

58. Cf. Keohane, "Virtuous Republics and Glorious Monarchies," 393, who describes the English government as "a political bumblebee which, according to [Montesquieu's] principles, was not supposed to fly" and who suggests that "it might best be regarded as a fourth type of regime, in which not virtue, honour or fear, but liberty, was the motive principle," with Pangle, *Montesquieu's Philosophy of Liberalism*, 116-17, who argues that, where liberty reigns and "there is the least 'modification' of man's soul, it is the course of nature for the selfish passions for security to become dominant." Consider also the brief but penetrating discussion buried within Keith Michael Baker, "Politics and Public Opinion Under the Old Regime: Some Reflections," in *Press and Politics in Pre-Revolutionary France*, Jack R. Censer and Jeremy D. Popkin, eds. (Berkeley: University of California Press, 1987), 204-46 (at 214-21). There is an Hegelian flavor, alien to Montesquieu, in the suggestion of Alan Gilbert, "'Internal Restlessness': Individuality and Community in Montesquieu," *Political Theory* 22 (1994): 45-70 (esp. 54-66), that the principle of the English polity is "individuality—the passion of each to live a life of her own"—and that the species of individuality which he found in England was also somehow at the same time "liberal" and "communitarian." For yet another view opposed to mine, see Chapter 6, below.

59. After considering *Spirit of Laws* XI, 6 and XII, 1-2 with an eye to V, 6 and XX, 5, see V, 14; VIII, 21; XI, 5; XVI, 9; XVIII, 1; XIX, 16, 19-20; XXV, 15; XXIX, 18.

60. In his notebooks, Montesquieu remarks that "the political world sustains itself by the internal, uneasy (*inquiet*) desire that each has to depart from the location in which he is placed. It is in vain that an austere morality should wish to efface the traits which the greatest of all the workers has impressed on our souls." See *Pensée* 69 (5), in *Pléiade*, I, 993.

61. Cf. Machiavelli, *Discorsi sopra la prima deca di Tito Livio* 1.6, 37, 2 Proemio, with Hobbes, *Leviathan* I.iii.3-5, viii.14-16, and with David Hume, *A Treatise of Human Nature*, L. A. Selby-Bigge, ed. (Oxford: Clarendon Press, 1888) II.iii.

62. Perhaps because he attributes to commerce what Montesquieu attributes to England's "laws" and explicitly associates with that country's "liberty," Pangle, *Montes-*

quieu's *Philosophy of Liberalism*, 146-60, fails to discern the degree to which *Spirit of Laws* XIX, 27 expresses grave reservations on Montesquieu's part with regard to the English form of government. Note, in this connection, Montesquieu's *Philosophy of Liberalism*, 104-6, 197-200, 219-39, and see Manent, *The City of Man*, 11-85 (esp. 46-49). Cf. Baker, "Politics and Public Opinion Under the Old Regime: Some Reflections," 214-21.

63. See Manent, *An Intellectual History of Liberalism*, 60-63.

64. Cf. *Spirit of Laws* I, 2.

65. See John Locke, *An Essay Concerning Human Understanding*, Peter H. Niddich, ed. (Oxford: Clarendon Press, 1979) I.vii.1-2, II.xx.6, 15, xxi.29-71.

66. John Locke, *Essai philosophique concernant l'entendement humain: où l'on montre quelle est l'étendue de nos connoissances certaines, et la manière dont nous y parvenons*, Pierre Coste, trans. (The Hague: Pierre Husson, 1714), 267n. This edition was originally published in 1700.

67. See Jean Deprun, *La Philosophie de l'inquiétude en France au XVIIIe siècle* (Paris: Librairie philosophique J. Vrin, 1979). Note in this connection the response of Leibniz, who defended Coste's use of *inquiétude* to convey what Locke had in mind when he spoke of man's characteristic uneasiness: see Gottfried Wilhelm Leibniz, *Nouveaux essais sur l'entendement humain*, André Robinet and Heinrich Schepers, eds., in *Sämtliche Schriften und Briefe* VI:6 (Berlin: Akademie-Verlag, 1962), 162-212 (esp. 163-66).

68. In a series of remarks jotted down in his notebooks for his own use, Montesquieu observed that "the sole advantage that a free people has over another is the security wherein each is in a position in which the caprice of one alone will not deprive him of his goods or his life." He then adds that "a subject people, which has this security, well or badly founded, would be as happy as a free people, the mores otherwise [being] equal: for mores contribute still more to the happiness of a people than the laws." It is in this context that he continues, "This security of one's condition (*état*) is not greater in England than in France." See *Pensée* 1802 (32), in *Pléiade*, I, 1431, and consider the argument advanced in Chapter 4, below.

69. This fact explains why Locke speaks of "uneasiness" in *An Essay Concerning Human Understanding* and not in his *Two Treatises of Government*: see Manent, *The City of Man*, 111-55.

70. Cf. Machiavelli, *Discorsi sopra la prima deca di Tito Livio* 1.4.

71. In a much earlier work, Montesquieu has a character observe that in England's historians "one sees liberty constantly spring forth from the fires of discord and sedition" and that one finds "the Prince always tottering on a throne" which is itself "unshakable." If the "nation" is "impatient," this character remarks, it is nonetheless "wise in its very fury." Consider *Persian Letter* 136, in *Pléiade*, I, 336, in light of Neal Wood, "The Value of Asocial Sociability: Contributions of Machiavelli, Sidney and Montesquieu," in *Machiavelli and the Nature of Political Thought*, Martin Fleisher, ed. (New York: Atheneum, 1972), 282-307 (esp. 298-305).

72. In *Spirit of Laws* VIII, 2-3, Montesquieu draws heavily on the classical Greek descriptions of democratic Athens as it existed in the late fifth and fourth centuries: for the evidence, see Rahe, *Republics Ancient and Modern*, vol. I: *The Ancien Régime in Classical Greece*, 174-78 (with the attendant notes).

73. Elsewhere Montesquieu treats China's tempered despotism as an example of monarchy (*Spirit of Laws* VIII, 6; XII, 25); once he even calls it a monarchy and republic

(VI, 9, n. a). But he suffers no illusions in this regard: see VII, 7; X, 15-16; XI, 5; XVI, 9; XVIII, 6; XIX, 4, 10, 13, 16-20; XXV, 15. For a detailed analysis of the particular form of corruption intrinsic to despotic regimes, see Chapter 5, below.

74. William Domville to Montesquieu, 4 June 1749, in Nagel, III, 1235-37.

75. Montesquieu to William Domville, 22 July 1749, in Nagel, III, 1244-45.

76. See *Pensée* 1883 (1960) [Lettre à Monsieur Domville], in *Pléiade*, I, 1447-50. For an extended discussion of this fragment, see Lando Landi, *L'Inghilterra e il pensiero politico di Montesquieu* (Padua: CEDAM, 1981), 244-369. See also Chapter 6, below.

77. See *Pensée* 1883 (1960) [Lettre à Monsieur Domville], in *Pléiade*, I, 1447-50.

78. After reading note 42, above, see note 71.

79. In his aversion to classical virtue, understood as heroic self-sacrifice, and in his preference for this more modest form of virtue, understood as a spirited assertion of the long-term self-interest of a commercial people, Montesquieu was in the Whig mainstream: see Paul A. Rahe, "Antiquity Surpassed: The Repudiation of Classical Republicanism," in *Republicanism, Liberty, and Commercial Society*, 233-69.

80. In consequence, it would be completely inappropriate for an admirer of English liberty to share the disdain that, in his guise as a Roman republican, Cicero quite rightly expressed for "men of commerce . . . for whom all governments are equal as long as they are tranquil": cf. *Spirit of Laws* XVIII, 1 with *Pensée* 1883 (1960) [Lettre à Monsieur Domville], in *Pléiade*, I, 1450.

81. Montesquieu touches on the question of executive patronage in *Spirit of Laws* XIX, 27, 575.

82. See *Spirit of Laws*, XIX, 27, 576-77.

83. Elsewhere in his discussion of England Montesquieu treats elections as an antidote to corruption: *Spirit of Laws*, XI, 6, 402.

84. Cf. Sharon Krause, "The Spirit of Separate Powers in Montesquieu," *Review of Politics* 62 (2000): 231-65, who ignores the letter that Montesquieu wrote to William Domville and the notes that he penned in preparation for composing it and then argues that Montesquieu's worries concerning the long-term prospects for liberty in England arose from a conviction that the commercial spirit would gradually subvert the separation of powers: first, by eroding the residual distinction between peer and commoner needed to underpin it; second, by undercutting the inclination of the English to treat the person of their prince as sacred; and, third, by undermining their willingness to make sacrifices for the sake of retaining their liberty. There is warrant within *The Spirit of Laws* for supposing that commerce will promote social equality but none for attributing to Montesquieu the fear that a diminution in aristocratic deference would seriously threaten the separation of powers. Instead, as we have seen, he was persuaded that England's monarchical executive would eventually find the means with which to corrupt the legislative power. Krause's third claim has even less to recommend it. As should be evident from what has already been said in this chapter, it runs counter to the tenor of *Spirit of Laws* XIX, 27, which describes the English as a commercial people fervently involved in partisan politics, ferociously vigilant in defense of its liberties, and more than willing to "sacrifice its well-being, its ease, its interests" to defend its "freedom." Her third claim is similarly inconsistent, as we have now seen, with the observations elicited from Montesquieu by William Domville's question—which suggest on his part an exceedingly sanguine assessment of commerce's role.

85. See also *Spirit of Laws*, VIII, 6.

86. See Adam Ferguson, *An Essay on the History of Civil Society*, Duncan Forbes, ed. (Edinburgh: Edinburgh University Press, 1966), passim, and Adam Smith, *The Wealth of Nations* V.i.f-g; consider Paul A. Rahe, *Republics Ancient and Modern*, vol. III: *Inventions of Prudence: Constituting the American Regime* (Chapel Hill: University of North Carolina Press, 1994), 31-74, in light of Cohler, *Montesquieu's Comparative Politics and the Spirit of American Constitutionalism*, 85-94, 115-19, 148-69, and see Paul A. Rahe, "Thomas Jefferson's Machiavellian Political Science," *Review of Politics* 57 (1995): 449-81; then, see Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism* (New Haven: Yale University Press, 1984); and Alexis de Tocqueville, *De la Démocratie en Amérique*, Eduardo Nolla, ed. (Paris: Librairie philosophique J. Vrin, 1990) II.i.5, 15, ii.1-17, iii.8-13, 16-21, iv.1-7.

Chapter Three

Democratic and Aristocratic Republics: Ancient and Modern

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In May, 1793 there appeared in the *Chronique de Paris* two articles bearing the title "Montesquieu républicain" and containing extracts from *The Spirit of Laws*. The author's intent, in the period of Jacobin revolutionary ascendancy, was to demonstrate the crucial role played by political virtue in republics.¹ There was little danger, however, that French revolutionaries could legitimately read Montesquieu as an advocate for their cause.² As far as contemporary French politics was concerned, he was an advocate of monarchy designed on *thèse nobiliaire* lines, and he was convinced that the virtue and the intensive political participation required by democratic republicanism made such governments impractical in the modern world. Therefore his study of republicanism was more academic than partisan. By birth, profession, and personal predilection, he was inclined to favor monarchy over republicanism. Where France was concerned, he favored a monarchy tempered by time-honored privileges for the nobility and clergy and anchored by a host of local rights and liberties whose exercise served as a counterweight to the centralization of power in the King's Council and in the cadre of *intendants* reporting directly to the king's ministers. Montesquieu envisioned for France a reformed monarchy capable of avoiding despotism by means of Parlements functioning as depositories of stable laws and provincial estates handling taxation and regional affairs while communicating local and regional needs to a benevolent monarch.³ Montesquieu greatly admired both the French and the English monarchies, and he believed that the power of kings could be moderated to produce liberty, not just in England as had occurred after the revolutionary settlement of 1689, but in France as well. As compared to England,