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Montesquieu and early liberal thought : the dilemma of the citizen in the modern state.

Stephen J. Rosow
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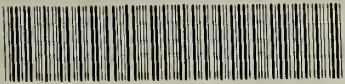
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MONTESQUIEU AND EARLY LIBERAL THOUGHT:
THE DILEMMA OF THE CITIZEN IN THE MODERN STATE

A Dissertation Presented

By

STEPHEN J. ROSOW

Submitted to the Graduate School of the
University of Massachusetts in partial fulfillment
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

September 1981

Political Science

• Stephen J. Rosow 1981
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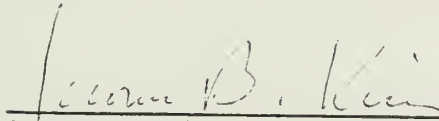
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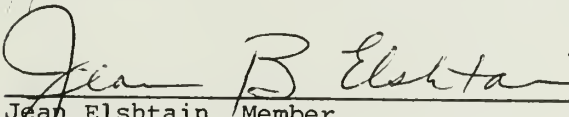
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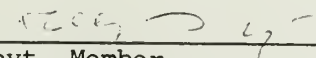
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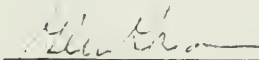
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Philosophy, of which political theory is an integral part, is one of those activities which is both public and private. Scholars influence one another and sharpen each other's thinking, but in the end one's personal judgment must prevail. My case has been no different. I hope that the ideas developed in this dissertation come across as if they could be no one else's but my own.

I want to thank all those people who have aided me either as colleagues, friends, or both. I thank my committee for their time and good judgment and especially my director, Jerome King, for the faith he has shown in me and my work over the past six years. I owe a special debt to Bradley Klein whose concern, encouragement and, most of all, friendship made this a much easier dissertation to write.

But in the end, this dissertation was a very private affair and it is to my family and close friends that I owe my deepest appreciation. The ideas developed here are of course my own but they could not have developed without the faith and encouragement of those friends who for years have been telling me that someday

I would finish. Most of all, this dissertation is for Ellen, who has given meaning to my work and to much more.

ABSTRACT

Montesquieu and Early Liberal Thought:
The Dilemma of the Citizen in the Modern State

September 1981

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This study probes the origins of the modern theory of citizenship through a reinterpretation of the works of Montesquieu. I interpret Montesquieu as a 'conservative-liberal' who shares the fundamental assumptions of the liberal theory as it had developed in the late sixteenth through the early eighteenth centuries while distinguishing himself from the Lockean tradition. I examine Montesquieu's theory of citizenship in his two major works, The Persian Letters and The Spirit of the Laws through an analysis of Montesquieu's own view of the context of his thought. I develop his reading of the eighteenth century context through an analysis of Montesquieu's theory of human nature and his theory of history, as well as through an analysis of the way in which liberal theory prior to Montesquieu, formulated the theory of citizenship. The fundamental concern of

Montesquieu's theory, I argue, is how can individuals, whose self-interested private action is considered the primary legitimate sphere of action, act to produce the public good. Montesquieu solves this dilemma by developing the primacy of a public but non-political sphere of action, described by 'moeurs' and 'manières,' which is made consistent with the needs of the state through the conception of the "general spirit" which universalizes the particular elements of the social life and tradition of a particular nation. The dissertation concludes by drawing out the implications of my interpretation of Montesquieu for a contemporary critical theory of citizenship.

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INTRODUCTION

The question I want to investigate in this dissertation has both historical and contemporary relevance. I am interested in understanding the conception of citizenship, the relation between ruler and ruled, which governs the self-interpretation of citizens in the modern state. The contemporary debate among social and political theorists about the nature of the contemporary state lacks an adequate understanding of the historical development of the liberal theory within which individuals define their public roles. By returning to the historical roots of that theory and probing its philosophical presuppositions I hope to begin to supply a historical dimension lacking in current theories.

My choice of Montesquieu as a subject of inquiry is rooted in my understanding of 'liberalism'. I follow what I take to be two senses in which we currently use the term. In the larger sense we use it to describe the general or 'total'¹ theory which historically fed the bourgeoisie's rise to power during the seventeenth and eighteenth centuries and legitimated capitalist social relations.² This theory involves crucial assumptions about the nature of man as an autonomous individual who

acts more out of self-interest and passion than out of reason and the public good. I will argue in Chapter Three that with regard to a theory of citizenship, liberal theory in this general sense rests upon a theory of political knowledge which polarizes the knowledge necessary to the citizen and that necessary to the ruler. Further, the general theory assumes that a stable political order can only result from the mediation between private interests and the public interest by an autonomous 'civil society' which is public but not political.

In a more narrow sense we use the term 'liberalism' to refer to a particular tradition within bourgeois ideology developing out of Lockean social contract theory with its particular defense of private property, the market and the minimal state. However, in the eighteenth and nineteenth centuries another tradition emerges within the general theory of liberalism, accepting its fundamental presuppositions, which reaches different conclusions about the nature and role of the state from those of the Lockean tradition. It is this tradition, which might be called 'conservative-liberalism,'³ which Montesquieu initiates and which I want to investigate. In the conclusion I will show how investigating this strain of the liberal tradition sheds

new light on the contemporary dilemma of the liberal citizen.

The central problem which the liberal theory of the citizen seeks to solve is: given a conception of individuals as autonomous actors whose pursuit of self-interest is necessary and legitimate as the primary sphere of action, how can self-interested action be made, or make itself, consistent with the public interest? It seems to me that this question crosses the historical horizons of both eighteenth century political thought and contemporary thought. In the conclusion I will suggest reasons why I believe current liberal society is unable to solve this dilemma and how the study of Montesquieu broadens our own historical horizons by opening up new possibilities. The institutions created with primary reference to the Lockean tradition seem to me able to sustain only a weak and contradictory notion of citizenship.

In this context there are two general reasons for focusing this study on Montesquieu. The first, which I have already mentioned, is that the strain of liberalism which he initiates provides a different view of the dilemma of the citizen. The Lockean tradition argues that the institution of private property along with the market can successfully transform private interests into

the public interest. The classical formulation of this argument is in the political economy of the late eighteenth and early nineteenth centuries and has spawned a long development. It is still a strong component of the current debate. The tradition deriving from Montesquieu attempts a different solution. Rather than insisting that the market serve this mediating function, 'conservative-liberals' assign that role to a particular national spirit and tradition. I will try to show in the course of this study that this view leads Montesquieu to highlight different facets of the problem of the citizen which tend to be overlooked in the current debate and which might inform possible solutions. The tradition that develops out of Montesquieu allows us to locate possibilities for restructuring current social and political institutions in order to promote a fuller notion of citizenship and civic virtue.

The second reason for concentrating on Montesquieu is that his theory provides a more complete view of the early modern state than any other. His work seems to me the culmination of the various historical traditions that lend support to an early theory of the modern state. His theory combines Natural Law theory developed by Pufendorf and Grotius together with the individualism of both Lockean epistemology and French moral theory.

Understanding the synthesis which his work attempts can tell us much both about the early modern state and about the structure of liberal thought.

The study of Montesquieu is in two parts. The first develops the context of Montesquieu's theory of the citizen through his own eyes. This section of the dissertation makes two arguments: that the philosophical grounding of Montesquieu's theory must be sought in his theories of man and history, and second, that his theory must be seen to emerge out of the historical context as Montesquieu himself could have conceived it. Hence the first chapter develops Montesquieu's theory of man as a moral theory which he constructed as a basis for a theory of history which could mediate between the empiricist and rationalist methods available in the early and middle eighteenth century. The key notion of this attempted synthesis of competing methods is Montesquieu's conceptualization of historical law and causation. I argue that the idea of developmental history which guides this theory is central to his attempt to use the spirit of the law and tradition to solve the dilemma of the liberal theory of the citizen.

Chapter Two develops Montesquieu's use of his theory of history in order to delineate the context in which an adequate theory of the modern state could

emerge. For Montesquieu an adequate political theory had to grow out of an understanding of the European state system. Many of his major arguments were developed first in works on what we would now call international politics--"Considérations sur les Richesses de L'Espagne," "Réflexions sur la Monarchie Universelle en Europe," and "Considérations sur les Causes de la Grandeur des Romains." Montesquieu borrowed freely from these works in De L'Esprit des Lois and it is essential to understand the political context they sought to describe. Crucial to his theory of citizenship Montesquieu's study of international politics led him to recognize the need for new forms of political action based upon the free movement of goods across borders and for a reinterpretation of the classical model of a republic as a commercial republic.

The third chapter sets a bridge between Parts I and II of the dissertation. In it I develop the philosophical presuppositions of the liberal theory of citizenship which developed in the late sixteenth through mid-seventeenth centuries. The chapter first traces Bodin's critique of Aristotle's definition of citizenship, arguing in its place that the life of the citizen can be properly understood only in terms of the opposition of public and private life. Next I develop Montaigne's

theory of the self and lastly the theory of political knowledge in Bacon and Hobbes which polarizes the knowledge of the citizen and that of ruler.

Part II of the dissertation is divided simply into two chapters, the first dealing with the theory of the citizen in the Lettres Persanes and the second with that of De L'Esprit des Lois. I have dealt with these separately mainly because they seem to me to be radically different works which Montesquieu wrote with radically different purposes in mind. By this I do not mean to imply that the theories which emerge out of the different works do not have similarities. Indeed, in Chapter Five on De L'Esprit des Lois, I try to show that the questions and issues raised by the earlier work became central to the latter work. But despite similarities I think it is misleading to treat both works as involved in a unified and consistent theory.

My interpretation of the Lettres Persanes is based upon the reading of the story as a novel, as a coherent piece of fiction rather than as a series of disparate and only tangentially related vignettes about the French society and politics of the Regency. This line of interpretation has begun to be investigated by recent works by J. Robert Loy and Marshall Berman and my particular interpretation owes much to theirs.⁴ The

fiction of the Lettres Persanes represents a theory of the citizen as an autonomous individual whose nature is to strive for freedom and self-expression. The drama of the harem and the dialectical relation between the classes of characters (eunuchs and wives; wives and Usbek; Usbek and eunuchs) depicts the tragedy of self-destruction that results from the inability of the political order to allow for free self-expression, the most extreme form of which is despotism. The need for political institutions adequate to accomodate self-expression is carried over as a central theme of the mature theory of De L'Esprit des Lois.

In the later work Montesquieu seeks to develop a universal politics which successfully absorbs the self-interests and needs of the particular elements of the society. The key to this theory is the concept of *l'esprit général*. I argue that this fundamental concept attempts to unify both the 'subjective' elements of action, depicted in the Lettres Persanes and embodied in the mature theory primarily in the notion of the principle of a form of government, with the objective element of political institutions embodied in the familiar constitutionalism of the balance of powers. The fundamental synthesis, I argue, is achieved with some but not complete success by Montesquieu's dual notion

of law as growing out of everyday social relationships and at the same time enforcing and instilling proper norms, and by his traditional notion of the spirit of the constitution as rooted in the fundamental laws of the kingdom.

CHAPTER I

MAN AND HISTORY

As is well known, Part I of Leviathan is devoted to the study of man, that 'matter' and 'artificer' of the great Leviathan, the 'artificial man'.¹ This knowledge is to be gained not by reading books but by reading into man himself to consider "what he does when he does think, opine, reason, hope, fear, etc. . . ." By looking inside himself man will discover what is the nature of all men: ". . . he shall thereby read and know what are the thoughts and passions of all other men upon the like occasions."² Hence we can take the individual mind as a model for all minds; the passions of men are the same, although their objects may be different.³ Montesquieu will likewise claim that the passions of all men are the same everywhere.⁴

In the Preface to De L'Esprit des Lois Montesquieu says: "I began my inquiry by examining men . . ."--a curious claim since nowhere in the work, especially at the beginning, does he explicitly develop a theory of human nature as did his predecessors like Hobbes who began with the same claim. Rather, he begins by distinguishing the nature of the various laws that govern

man's world, giving the reader an analytic tour through the anatomy of history. However, his claim had already been fulfilled by his development of a philosophy of human nature in earlier works, the Lettres Persanes and the "Essai sur les Causes qui Peuvent Affecter les Esprits et les Caractères." If we compare this philosophy of human nature to Hobbes' abstract individualism we can see why Montesquieu chose to depart from the style of his predecessor.

Montesquieu does not follow Hobbes's procedure because for him the passions are inextricably linked to their objects in ways they are not for Hobbes. Man's spirit can only be known through its involvement in the historical and cultural world. Whereas Hobbes and Locke analyzed the human mind in terms of abstract faculties of thought, Montesquieu looked to a matrix of relationships with the historical world and found resultant principles of action. From the complex relations of thought and its objects Montesquieu postulates, in a manner that is foreign to Hobbes and Locke, a diversity of human nature according to particular circumstances demanding not sequential but simultaneous understanding of man and his environment. Out of this view of human nature Montesquieu develops a philosophy of history wherein men can be studied only through an examination

of the anatomy of the historical world. This chapter will be devoted to the theories of man and history that Montesquieu counterposed to the models established by Hobbes and Locke.

Montesquieu seeks to explain historical events on their own terms, to de-mystify their genesis, development and demise. He claims to "derive my principles, not from my prejudices, but from the nature of things."⁵ Montesquieu's heightened awareness of the historicity of human action led him to construct a philosophy of history which could situate contemporary politics in order to illuminate both its empirical development and its theoretical meaning. His theory of citizenship is a direct result of this philosophy of history.

I. Man as Moral Agent

1. Pessimism as the foundation of the theory of mind and history. In the Preface to De L'Esprit des Lois Montesquieu sets out the book's purpose in a pessimistic but not quite fatalistic tone. He is under no illusion as to his prospects for success, not even expecting his work to be given adequate and fair consideration by most of his readers.⁶ Prejudice makes men ignorant of themselves, and social life is such as to be always governed by prejudice, except for those men "of such

exceptional genius that they can understand everything about the constitution of a state." Knowledge, no matter how absolute, has limits. The most complete enlightenment would still face the prejudices instilled in life by a particular culture. "The prejudices of magistrates," he asserts, "originate in those of their nation." Wise rulers may understand the causes of evils and the method necessary to correct them, but they must continually be aware of the evils their new policies will inevitably engender. Men confront a world which they can scarcely control, even when they understand its complexities and the depths of its soul. Their own nature is conceivable only in terms of particular relations with the particular objects of their world. Nature is not to be controlled, as optimistic prophets of progress believed. Rather, Montesquieu's pessimism about man's ability to control nature, and his resulting view that man is destined to accommodate himself to nature, established the tone for his theory of mind which in turn grounds his theory of history.

In the "Essai sur les Causes qui Peuvent Affecter les Esprits et les Caractères," published sometime prior to De L'Esprit des Lois (the date is uncertain) Montesquieu seeks to provide a psychological and physiological foundation for a causal theory of explanation

in history. In this essay he develops his theory of mind more fully than elsewhere. His main sources are Locke's Essay Concerning Human Understanding (1689) and the sensationalist psychology which developed from it, and John Arbuthnot's L'Essai sur les Effets de l'Air (1733).⁷ Following Locke, Montesquieu asserts that initially all ideas derive from sense experience:

An idea, then, is only a sentiment that one has on the occasion of a sensation that one has had, a present situation on the occasion of a past situation.⁸

Together with Arbuthnot's physiology based upon the flexibility of nerve fibres, Montesquieu develops a mechanical view of mental functioning. The brain works best when it does so out of habit, like the "fingers of a clavichord player" which "no longer depend on the will."⁹ Montesquieu establishes this physiological theory as the grounding of his theory of climatic determinism. The diversity of types of characters in different climates is dependent on various physical causes (temperature, wind, food) which make the fibres more or less flexible and moist. Hot climates tend to produce flexible, active fibres which make people more spirited, cold climates having the opposite effects. Most types of characters exist somewhere on a continuum between the

extremes. Taken together the various physical causes prescribe particular characters under particular circumstances.

But Montesquieu wants to limit the applicability of Arbuthnot's and Locke's paradigm. Human character is not molded merely by physical causes but primarily by moral causes. Through the "general education within the society,"¹⁰ physical causes give way to moral causes: "Moral causes form the general character of a nation more, and decide more of the quality of its spirit than physical causes."¹¹ The idea of moral causes leads Montesquieu to minimize the machine like character of the mind, arguing that it is most appropriate to non-reflective reflex actions. Instead he replaces it with a more fluid notion of the mind as a reflective organ, capable of making autonomous moral judgments. The mind does not merely rearrange ideas in order to create more complex ideas. Moral judgments are a different sort of idea requiring an understanding of external objects in such a way that men would know how to respond to them properly. Montesquieu refers to Locke's sensationalist psychology for different reasons than his contemporaries. He is not concerned so much with how the human animal processes sensations, but more

with how, through reflection, he mediates between himself and the objects in the world. Montesquieu wants to develop the side of Locke's psychology which eighteenth century philosophes like Condillac and Helvetius want to expunge, the capacity for reflection.¹²

He is at one with Locke in prizing comparison as the mind's most important faculty. For Locke, comparison remains possible only between simple ideas in the mind, but for Montesquieu it composes the proper relation between sensations and their objects. The education of the individual consists of two things: "procuring ideas to ourselves;" and "proportioning them to the just value of things."¹³ One does not first develop a set of ideas and then a set of moral rules. Rather, the acquisition of ideas must have an evaluative content, ideas must be in 'accurate proportion' to their objects. The aim of Montesquieu's psychology in the "Essai" is to discover how men can produce a harmony between themselves and their world. This harmony is the key to Montesquieu's conception of the 'good' man:

It is not enough to have many ideas and many ways of feeling; it is necessary still that there be a harmony between these ideas and things. It is foolish to be struck more than necessary by an object; it is foolish not to be struck enough.¹⁴

2. Moderation: Montesquieu's reinterpretation of Aristotle's Ethics. Montesquieu uses Locke's sensationalism to develop a moral theory akin to Aristotle's search for the mean between extreme forms of action, transforming this doctrine into the quest for the proper relation between the acting subject and his objective world. For Aristotle, discovery of the mean produces the just man who understands his own goodness, knowing that his intentions are as righteous and just as his actions; for Montesquieu, moderation produces in the individual the sense of just proportion, a comfort in the world which dissolves the antipathy between subject and object. This idea of proportion is echoed in Usbek's discussion of justice in Letter Eighty-three of the Lettres Persanes. "Justice," he declares, "is a true relationship of appropriateness which exists between two things, and this relationship is always the same, no matter by whom considered, whether it is God, or an angel, or finally a man."¹⁵ Moderation and just proportion are natural relations which describe man's moral attitude towards the world. Montesquieu has Usbek conclude his letter by echoing the doctrine of Aristotle's Ethics:¹⁶

When a man performs a self-examination,
what satisfaction for him to realize that he

has a just heart! This pleasure, sober as it may be, must delight him. He finds that his being is elevated as much above those without one as he is elevated above tigers and bears. Yes, Rhedi, if I were sure of always following inviolably that equity which I have before my eyes, I should think myself the foremost among men.

Locke's sensationalist psychology acts as a catalyst for Montesquieu's reinterpretation of Aristotelian ethics. By opening the mind to empirical understanding, Locke added a dimension not available to Aristotle. However, in Montesquieu's eyes, Locke's theory did not negate Aristotle. Rather, it demanded that the Ethics be reinterpreted and incorporated in a moral theory appropriate to modern conceptions of science and nature.

Aristotle had opened the Ethics by claiming that: "Every art or applied science and every systematic investigation, and similarly every action and choice, seem to aim at some good; the good, therefore, has been well defined as that at which all things aim."¹⁷ However noble and proper this program was for the classical Greek, for Montesquieu and his contemporaries this ideal could no longer usefully guide action. In a society in which men were more inclined to self-interest than to the public good, the classical virtue of self-renunciation would lead one to be swallowed up by the intrigues of modern politics and the ethics of capital

accumulation. In this context, human action must seek new goals. The good man who can leap from practical to contemplative wisdom would last but a short moment in Parisian society.¹⁸ However, the 'man of spirit' (*l'homme d'esprit*) would flourish in such a society. He could reconstruct society according to its proper spirit of moderation, mediating his self interest through respect for others. He must be the product of a good education, feeling as well as knowing the proper moderation in his action in the world.¹⁹ He must know the world clearly and immediately; acting not according to abstract rules or principles but according to the particular circumstances which confront him. He is a continually self-conscious and acting subject who creates himself within the world:

A man of spirit knows (*connoît*) and acts in a momentary manner, with which he must be acquainted in which he must act; he creates himself, that is to say, at each instant, on the actual need; he knows and he feels the accurate relation which exists between things and himself.²⁰

It is this idea of the active subject, creating himself within the material world which Locke's psychology supplies to Montesquieu's reinterpretation of Aristotelian ethics. Montesquieu's concern for the differences between ancient and modern life is crucial to his moral theory. He concludes his discussion of the man of

spirit in the "Essai" by stating that what really distinguishes the classical Greek moral vision from the modern one is that the Greeks lack the crucial notion of *l'esprit*:

Here is a song of the Greeks: "the first of all goods is health; the second, beauty; the third, wealth amassed without fraud; the fourth, the youth that one passes with friends." At no point is the '*esprit*' mentioned, which is the principle attribute of our modern times.²¹

Locke's psychology unleashes the individual as individual. Montesquieu attempts to apply the Aristotelian principle of moderation as the primary moral rule to the action of concrete individuals confronted by other individuals.

However, it is not only the Greeks who lacked the idea of *l'esprit*. Montesquieu's pessimism about the prospects of contemporary life penetrates the discussion of the man of spirit in such a way that foreshadows some of the most important principles of his philosophy of history. The man of spirit requires the absolute conjunction of theoretical wisdom and practical wisdom, of knowledge and action. Yet this requires men that are rarely found. Theoretical wisdom and practical wisdom are separated by a nearly unbridgeable gulf. Some men are capable of being philosophers, others of being men

of the world, but the man of spirit, the subject who freely creates himself in harmony with his world, must be both, and few men are capable of that. It is worth quoting Montesquieu's statement of the dilemma of the man of spirit at some length:

A man of spirit is then more universal, but he is (in the narrow sense) very rare. He must unite two almost physically incompatible qualities: for there is really as much difference between that which is called a man of spirit in the world and the man of spirit according to the philosophers, as there is between a man of spirit and a fool. The spirit, for men of the world, consists in approaching the most distant ideas; the spirit, according to the philosophers, in distinguishing them. According to the first man of spirit, all the ideas which have some relation, (however distant they may be) are awakened; they are so distinct, for the other, that nothing is capable of confounding them.²²

The result of modern spirituality in Montesquieu's view is that modern man must reject the purely contemplative life as a valid expression of the ends of knowledge. The purpose of knowledge must always be practical, even if that knowledge is of the most theoretical sort. The formal goal of knowledge is the extension of *l'esprit*. The aim of Montesquieu's greatest work, De L'Esprit des Lois, is to teach men to think. He insists that he does not seek a mere compendium of laws but an understanding of their spirit so as to inform the creation of stable and just polities according to the particular circumstances of the various

nations. The central task of reason is to understand both the physical and historical 'facts' of the world. But facts alone are useless, they lead to mere confusion and many painful pages of manuscript thrown to the wind. Montesquieu could only discover truth "once I discovered my principles"--only then did history make sense.²³ But those principles must derive from the knowledge we gain from reflecting on the facts of history, and if our principles are correct then our knowledge will be useful. Here lies the true failure of ancient philosophy:

Knowledge gives much extension to the spirit. The ancient philosophers lacked such consciousness (*manquoient de connoissances*). They had good spirits; they made little use of them. They never penetrated to the heart of the question; they wanted to explain what was inexplicable, and spent their time giving reasons for false facts on the basis of principles which were as completely false.²⁴

The ancients failed to adequately explain the world because they could not penetrate the depths of the human mind. Because they tried to understand the wrong things, the nature of the abstract Good, the internal moral content of physical nature, they did not recognize that true knowledge must derive from the depth of the human mind, and is justified in so far as it extends the human spirit. The mind is an autonomous whole, a self, which interacts with the objects, including other

selves, around it and makes its own judgments about the appropriateness of actions.

However, the ancient world presented some glimpses of the self, if only negatively, in the power of suicide. A passage from the original 1734 edition of the "Considérations sur les Causes de la Grandeur des Romains" which was suppressed in later editions²⁵ asserted that the power to commit suicide allowed the ancients to do greater things than the moderns, whose religion forbids it. Montesquieu's choice of language is interesting, for he describes suicide as a "power that one takes over oneself:" "It is certain that men have become less free, less courageous, less disposed to great enterprises," he asserts, "than they were then, by this power which one takes over oneself, one is able at any moment to escape from all other power." In the Lettres Persanes Montesquieu had already presented a modern defense of suicide as a direct consequence of the Newtonian view of man's diminished place in the universe.²⁶ Since the defense of suicide plays a crucial role in Montesquieu's moral theory, as it did for Montaigne and seventeenth century French moralists, it is worth quoting from Letter LXXVI at some length:

European laws are merciless against those who take their own lives. They are made to die,

so to speak, a second time. They are infamously dragged through streets; they are covered with ignominy; their possessions are confiscated.

It seems to me, Ibben, that such laws are quite unjust. When I am overwhelmed with grief, misfortune, scorn, why should they want to prevent me from putting an end to my troubles, and why cruelly deprive me of a remedy that lies in my own hands?

Why should they want me to go on working for a society of which I am no longer willing to be a part? Why should they insist, despite my feelings, that I hold to a convention that has been made without my consent? Society is founded on mutual benefit. But when it becomes a burden to me, who can keep me from renouncing it? Life was granted to me as a favor; therefore I can give it back when it is no longer one. The cause stops; the effect should therefore stop too . . .

But, you will say, you are disturbing the order of providence. God has united your soul and your body and you are separating them. You are opposing his plan and you are resisting him.

What does all that mean? Am I disturbing the order of providence when I change the modifications of matter and square a ball which the primal laws of movement--that is to say, the laws of creation and conversion of matter--have made round? Certainly not, for I am using a right given to me, and in this sense, I can disturb all of nature as much as I please without being told that I am obstructing providence.

When my soul is separated from my body, will there be less order and less arrangement in the universe? Do you believe that this new combination will be less perfect and less dependent on general laws? Do you think the world has lost something thereby? Or that the works of God will be less great, or, rather, less immense?

Do you believe that my body, having turned into an ear of grain, or a worm, or a piece of turf, will have turned into a work of nature less worthy of her? Do you think that my soul, cut off from everything earthly

it once possessed, has become less sublime?
[emphasis added]

This defense of suicide seems on wholly modern grounds: the Newtonian view of men as small inconsequential parts of God's universe and the view of social life as a contractual relationship which men can opt out of when it no longer serves its original purpose, or even when they no longer want to live in it. Even the language--suicide as "a remedy that lies in my own hand"--implies a modern conception of agency and self that Montesquieu argues is lacking in the classical theory of mind.

Yet this avid defense of suicide based more on despair than honor, the traditional stoic defense, is not altogether incommensurable with the more traditional defense Montesquieu gives in "Romains." They both represent man's assertion of power over himself; in both instances man freely takes the reins directing his life. The moral import (and power) of the act of suicide is no less in either case. Whereas the stoic could assuage the painful thoughts of leaving the world by his identification with the natural harmony of the universe, Montesquieu could not. Indeed, Montesquieu believed that men of his time could not conceive of such an idea of greatness. But short of the grandeur of the stoic vision, Montesquieu did see the need to assert oneself

in the world and sometimes against it.²⁷ Therefore, he could accept the Newtonian defense of suicide in the Lettres Persanes as a sort of reinterpretation of stoicism. The nobility of the act of asserting control over one's life is really consistent with the cosmological vantage point which Montesquieu assigns to the self. Man stands in the world as a fragment of it, capable of knowing his own condition and struggling against it. The difference between animals and man, Montesquieu asserts in the opening book of De L'Esprit des Lois, is that man is cognizant of the fact that he will die.²⁸ Suicide, 'the power one takes over oneself,' is the ultimate expression of the self in a world he cannot otherwise control.

Neither the classical Platonic ideal of reason overcoming the passions and putting the soul in line nor the rationalism of the seventeenth century natural lawyers captures adequately the structure of the spirit. It is crucial to recognize that Montesquieu makes modest claims for reason precisely because rational action is not the primary end of human action. Passion governs men's behavior far more than reason. His critique, similar though less philosophically sophisticated than Hume's, is that man is, by nature, more a passionate than a rational animal; that human nature is the reverse

of the Platonic ideal--the passions put reason to their own use; reason does not control the passions. In Montesquieu's view, as in Hume's, if moral judgments were to be based upon the rational intuition of a natural moral law, then the world would certainly be a bastion of immorality. The psychological foundations of human action are more complex, requiring a moral theory which expresses not merely one faculty of the mind, but the spirit as a whole. Men are governed more by self-love than by their faculty of reason. To build a moral theory on the basis of natural law would be at best futile and at worst dogmatic and authoritarian; compelling and constraining people to act according to moral principles and values it is not in their nature to accept. Montesquieu's rejection of the dogmatic rationalism of natural law, along with his rejection of the moral implications of empiricism which we discussed earlier, distinguished him from the main currents of seventeenth and early eighteenth century secular moral theory. His philosophy of human nature charts a new course which is filled with potentialities for a philosophy of history and a theory of citizenship.

3. Human nature and the origin of society. Human nature for Montesquieu was not fixed as it was for both

dogmatic rationalism and empiricism. Only the biological structure and function of the mind are universal in men. But to understand man's nature one must understand his social life. Individuals cannot be understood outside of the various particular influences that affect and determine their behavior. Physical factors such as climate or the geography of the nation they inhabit and social factors such as laws, moeurs and manières, together mold the particular character of societies and individuals. In Montesquieu's view, investigating individuals abstracted from the social and physical situation is useless and misleading.²⁹ The relation between man and the world is like that between a subject and object in a sentence, men in their particular circumstances acting as the verb. Together they form a context in which each can be better understood. The concepts of proportion and moderation provide the rules of syntax which constitute discourse between man and his world, and this discourse determines his nature.

Men bind together in society out of natural inclinations not out of rational assent. In Book I, Chapter Two of De L'Esprit des Lois Montesquieu distinguishes the first four laws of nature. Following Hobbes and sensationalist psychology he presents a materialistic interpretation of natural law claiming that the laws of

nature are "so called because they derive exclusively from the constitution of our being. In order to learn what they are, it is necessary to consider man before the establishment of society."³⁰ Montesquieu seems to follow Hobbes further, depicting man's first instinct as one of self-preservation and his first psychology as one of fear:

Clearly, the first ideas conceived by man would not be speculative: he would concern himself with the preservation of his being before investigating its origins. Such a person would feel only his weakness; his timidity would be very great.

But here the agreement with Hobbes dissolves, for Montesquieu's framework is very different. Peace, not war is the initial condition of nature. Hobbes had erroneously attributed ideas and motives to men in their animal state that required for their genesis the more complex institutions of civil society. The Hobbesian state of war presupposes complex concepts on the part of individuals, such as the understanding of their essential equality, which could arise only with particular political and social configurations. Rather than a perpetual war in the state of nature, "every man would feel himself an inferior; he could scarcely imagine himself an equal." Montesquieu draws the opposite conclusion

from that of Hobbes: "No one would seek to attack anyone else; peace would be the first law of nature."

Just as Montesquieu's notion of the natural state is different from that of Hobbes so also the way to the creation of society is different. The social contract plays no role in Montesquieu's view. Society must arise out of man's instincts in the state of nature, not his reason. Against the rationalism of contract theory, Montesquieu uses the language of animal attraction and passion to describe the formation of civil society:

I have said that fear would lead men to flee one another. But encouraged by all the indications that such fear was universally shared, they would soon come together. Besides, they would be drawn by the pleasure felt by one animal when approached by another of the same species. A third law would follow from their natural inclination for one another.

In addition to whatever men feel originally, they succeed in acquiring knowledge. Thus they possess a second tie that does not exist for other animals. They have, then, another new motive for uniting; the desire to live in society is the fourth law of nature. [emphasis added]

Even the addition of knowledge to inclination does not produce the rational construction of society, but the 'desire' to live in society. Society must develop 'organically' from human instincts.³¹ Much earlier, in the Lettres Persanes, Montesquieu had already criticized

the idea that primitive men joined together rationally to form a civil society. Society has its roots in natural human relations. The family, he argues, is the first natural association followed closely by society. Paternal bonds are natural and society develops out of them as a matter of course. It is abnormal and a product of socially constituted norms that individuals would ever isolate themselves from one another. Directing his argument at Hobbes, Montesquieu claims: "If men never formed any societies, if they abandoned each other and fled each other's company, we should have to ask the reason for this and search out why they stand off from each other."³²

Montesquieu derives relativistic conclusions from his emphasis on the social context of human action. Men are different in different societies. In Letter XXXIV of the Lettres Persanes Montesquieu has Rica say to Ibben:

I shall continue to write to you, and I shall teach you things far removed from Persian character and spirit. It is certainly the same earth carrying both countries, but the men of this country where I am and those of the country where you are are quite different.³³

It is a constant theme throughout Montesquieu's works, which scholars have often noted, that to understand men

one must understand their particular situation in time and space; their national spirit, their individual social role and their particular education. Following his 'organic' conception of human association Montesquieu praises the naturalness and importance of human felicity, and decries the void created by a lack of human association and friendship. In Letter XXXIV of the Lettres Persanes Rica compares his culture's social individualism unfavorably to the friendship amid French society:

This Asiatic sobriety derives from the dearth of intercourse between people. They see each other only when forced to do so by ceremony. Friendship, that sweet bond of hearts which creates a gentleness of existence here, is practically unknown to them. They withdraw to their houses where they always find a social company awaiting them, so that each family group lives, so to speak, in isolation.³⁴

This idea is especially important in Montesquieu's praise of cosmopolitanism and commercial capitalism, both fundamental components of his theory of citizenship.

4. From the social to the political self. The belief that human nature is intertwined with the social world finds its fullest expression in the Lettres Persanes.

Constantly the Persian travellers and their subjects at home demonstrate that the passionate life of men and women is bound up with the political life; what is most personal and private is at the same time political. In the final letter, Roxane, Usbek's most cherished wife, reveals that she has deceived her master and announces her suicide. The immodesty of Usbek's treatment of 'his' women as objects of both his lust and his paternal political power is in the end negated by this act of his most beloved object.³⁵ Roxane, the former object of Usbek's love and passion and subject of his political domain, must reject both roles if she is to reject either. First, she rejects her position as the subject of his political power, leading the other women in the seraglio to take lovers, covertly but emphatically defying Usbek's rule. By doing so she asserts her political freedom against Usbek's despotism. "I might have lived in servitude," she declares, "but I have always been free." She continues by proclaiming that not only has she always been free, but that she has turned Usbek's despotism back on him: "I have rewritten your laws after the laws of nature, and my spirit has ever sustained itself in independence."³⁶ By taking a lover, and committing suicide in the wake of his murder by Usbek's eunuchs, Roxane has negated her role as the

object of Usbek's passion. In her final act she asserts her subjectivity. The final paragraph of the letter, and the book, reads:

My language, no doubt, seems new to you. Could it be that after having overwhelmed you with sorrow, I should even yet force you to admire my courage? But it is finished. The poison consumes me. My strength is leaving me. The pen falls from my hands. I feel even my hatred weaken. I am dying.

The use of the first person and the constant repetition of the possessive 'my' seems to emphasize that Roxane is in complete control. Her acts of defiance must be simultaneously personal assertions of her self and expressions of her struggle for freedom against repression. By rewriting the laws of repression 'after the laws of nature,' her spirit has 'ever sustained itself in independence.'

Roxane's declaration, so to speak, completes Montesquieu's theory of mind. Human beings are social animals meant for constant interreaction with others and always subject to certain forms of public life. In Roxane's case personal freedom is necessarily political freedom. In the discussion of De L'Esprit des Lois (Chapter Five) I will show that whatever the form of government Montesquieu seeks to safeguard the space for self-expression. In despotism, he will argue this is

impossible, whereas in both republics and monarchies this is possible if self-expression is limited as much as possible to 'society' while it is kept at a distance from the state. But now I want to complete the argument of the present chapter, demonstrating how the theory of man I have described so far grounds Montesquieu's theory of history.

II. Particulars and Universals

1. The nature of history and the historian. Montesquieu's concern for the social constitution of human nature led him to urge new standards in the study of history which respected the autonomy of particular events. Particular events and cultures in history must be understood in their own right, free from the prejudices of the age of the historian. Montesquieu's own historical work followed this insight. In the Preface to De L'Esprit des Lois he writes:

When I have had to consult the works of the ancients, I have sought to understand the spirit in which they were written. Otherwise I might have considered as similar cases that in fact differed; I might have missed those differences that separate cases ostensibly similar.³⁷

In order to understand the past one must recapture its

spirit. Indeed, Montesquieu seems to have seen his role in the debate over the ancient French feudal tradition as in part to restructure the debate itself, to change the way questions about the past had been asked.³⁸ For example, in Montesquieu's view, both Boulainvilliers and the Abbé du Bos were involved at least as much in political polemics as they were in writing history.³⁹ In the midst of his own discussion of the origin of the French monarchy Montesquieu implicitly attacks them, warning of the dangers of interpreting the past through the present. Their interpretation distorted the past by reading it as if it were coexistent with the present. The striving "to render modern all the ancient centuries," which Montesquieu charged his adversaries with doing, deprived the ancient world of its authenticity and uniqueness. His judgment of those who failed to respect the historicity of the past was unequivocal: "To transport into remote centuries all the ideas of the century in which one lives, is the source of the deepest confusions."⁴⁰ As I showed above, this same spirit which led him to attack both Boulainvilliers and du Bos guided Montesquieu's critique of Hobbesian contract theory.

This mode of critique led Montesquieu to envisage a new role for the historian as one who could relate

the past as it was, purged of the preconceptions of the present. His praise of Ceasar's and Tacitus's accounts of the ancient legal codes of the Germans reflects this new ideal for the historian:

These two authors can be found in such harmony with the codes of the laws of the barbarous people that we have, that in reading Ceasar and Tacitus one finds these codes throughout, and that in reading these codes one finds Ceasar and Tacitus throughout.⁴¹

Montesquieu's ideal historian transports himself into the past age, blending himself with his subject matter. Montesquieu himself attempts to do this in order to understand the contribution of Saint Louis to the French legal tradition, for him a crucial moment in the creation of modern France. The code as it appears to the modern historian is confused, combining different and sometimes contradictory legal traditions. Indeed, the glory of Saint Louis was his ability to unite traditional with Roman law. The historian who wants to understand Louis' contribution properly must study it in the spirit of the times in which it was written.

What is, then, this compilation that we call by the name of d'Establissemments of Saint Louis? What is this obscure, confused and ambiguous code where French jurisprudence is continually mixed with Roman law; where one speaks as a legislator and sees a jurisconsult; where can be found an entire body of

jurisprudence on every case, on all points of civil law? To understand this it is necessary to transport oneself into those times.

Montesquieu understands the demands of historicity even more than Meinecke's great reinterpretation claims.⁴²

Despite an apparently naturalistic theory of causation, Montesquieu made demands on the historian more akin to nineteenth century historical idealism and the Romantic conception of history than to the materialistic rationalism of his more well known theory of climate. Recognizing the seeming incompatibility in these two views, Montesquieu seeks a philosophy of history which synthesizes the contradictions between these two systems of understanding. The purpose of the remainder of this chapter is to trace that synthesis, especially as it provides a basis for the theory of law which is crucial to the theory of citizenship in De L'Esprit des Lois.⁴³

2. Developmental history. As many commentators have recognized Montesquieu's nascent historicism led him to embrace a wide ranging cultural relativism. However, it also led him to develop a fundamentally new type of history in De L'Esprit des Lois which posits a theory of historical development. For Montesquieu the present could only be known by knowing the past. He asserts that this is the reason that he studied the old Germanic

law.⁴⁴ But he has not completely given up more traditional attitudes towards history. As many passages in De L'Esprit des Lois demonstrate history is still a storehouse of lessons to inform the statesman's present actions as it had been for renaissance historians such as Machiavelli and Bodin. Yet, for Montesquieu history plays a greater role too: it is the condition of correct knowledge of the present. It is a constant and important theme in his work that there has been a break in the historical continuity of the western world and that we can only recognize its consequences if we understand the historical development which necessitated it. In the next chapter we shall see how this break has rendered the ancients' solutions to political problems, such as the virtuous republic and imperialism, utterly inapplicable to contemporary circumstances. I will show in Chapter Five that this leads Montesquieu to conceptualize the political future in terms which transcend the analysis of the traditional forms of government. In the face of the growing nation-state and a world capitalist economy political analysis based on traditional ideas about forms of government reflect inadequate conceptual tools.

The most neglected, although crucial, historical work in Montesquieu's major treatise deals not with

traditional subject matter--nations, laws, rulers, wars--but with the development of institutions and social practices. In Book XXI of De L'Esprit des Loix Montesquieu writes a history of the development of commerce from the ancient world to the present. This book illustrates his notion of developmental history better than any other. The first five chapters are introductory advancing the theory of climate's strong influence on the ways of life of different peoples and on their modes of commerce. The last two of these are devoted to citing the general differences between ancient and modern commerce. With Chapter Six the history of commerce begins with 'the immense treasures of Semiramis,' and ends by analyzing Spain's fall as due to its failure to harness the power of modern commerce, allowing the Dutch and English to command international trade.⁴⁵ On the way Montesquieu discusses the various revolutions in the structure of commerce, from the ancient world to the Athenian 'empire of the sea,'⁴⁶ through the revolutionary expansion of commercial networks under Alexander and the supremacy of the Egyptians after his death. He continues to discuss the commerce of the Roman Empire and the disastrous effects of its breakdown. He finally surfaces in the modern world through a discussion of the technological advances, praising particularly the com-

pass, that broke the cages of barbarism and freed commerce to spread across the globe taking on far greater importance than ever before. As if to drive the point home Montesquieu ends the book with a chapter which makes a plea for free trade and competition as perhaps the best way for Spain to retain some of the economic and cultural values of the trade with the New World drawing on his earlier essay on the riches of Spain.

3. Scientific history: laws and causes. Montesquieu seeks to give philosophical depth to his developmental theory of history with his scientific theory of 'laws' and 'causes.' His view of law begins similarly to traditional seventeenth century natural law theory with the proposition that law is in essence human reason. The essential condition of the universe is the invariable regularity of law logically prior to both the material existence of the world, which exists as possibility, and God. The beginning of Book I of De L'Esprit des Lois echoes Grotius's famous phrase from the "Prolegomena" of The Law of War and Peace that the rationality of natural law would be valid even if God did not exist:⁴⁷

Thus the creation, which might appear to be an arbitrary act, presupposes rules as invariable as the fatality dear to atheists. It would be absurd to say that the Creator could govern the world without these rules, since

without them the world would no longer continue to exist.⁴⁸

If the world were not rational, governed by unchanging laws, then men could have no knowledge of it. Yet immediately after his affirmation of natural law Montesquieu departs from Grotius and the natural law tradition shifting to the language of Newtonian science to describe the internal relations of the system of laws:

These rules are in an invariable relation to one another. Between two moving bodies acting upon each other, motion is received, increased, diminished, or lost in proportion to their respective mass and velocity. Every diversity is uniformity; every change, constancy.

The use of the physical analogy is not limited in Montesquieu's work to this passage. In fact, this scientific view seems to play a far more important role than the view taken from the moral natural law tradition. In the opening chapter of the all important Book V, "The Laws Provided by the Legislator Ought to be Relative to the Principle of Government," Montesquieu states the physical nature of the system most clearly:

The relationship between the laws and this principle stretches all the springs of government, and the principle in turn receives new strength from the laws. Thus in physics, an

action is always followed by a reaction.⁴⁹

Montesquieu's notion of historical law seeks to combine both a moral dimension drawn from the rationalist natural law tradition and an explanatory dimension drawn from Newton and empiricist science.

Montesquieu's definition of 'laws' as "necessary relations deriving from the nature of things,"⁵⁰ seems to imply for him two ideas of necessity. First, laws are necessary because the world is in essence rational. As we saw above, laws are the preconditions for the world's existence. If it were not governed by invariable laws of reason then the world could not exist. Laws in this sense imply a moral compulsion. If laws embody a universal rationality then universal justice must be the obedience to law, to which all beings, intelligent or not, are subject. With relation to the moral compulsion of law the difference between men and less intelligent beings on the one hand, and physical beings on the other, is that men are imperfect, led by their nature to contradict laws, whether of God, nature or men. Just as for Plato justice and law transcend the material world of appearance, embodying the universal 'good,' so they also do for Montesquieu.

Implied in Montesquieu's use of his definition of

law, however, is an almost antithetical meaning of 'necessary.' In the first case laws are logically necessary, they exist a priori. Yet laws, along with their corollary 'causes,' describe the actual movement of history; they are necessary to make sense out of empirical history. Montesquieu rejects the idea that history is governed by any laws which are extrinsic to it, such as the 'fortuna' of Machiavelli or the divine Providence of Bossuet.

If Montesquieu had clearly distinguished these two ideas of law, as contemporary social science tries to do, the task of understanding his theory would perhaps be easier. We could cite his confusion and treat his two views of law as separate. However, Montesquieu does not clearly distinguish them not because of a lack of philosophical acumen but because he sees a need for both as dimensions in a single system of law. Montesquieu considers both the rationalist and the empiricist paradigms of law as inadequate by themselves and attempts to transcend them by incorporating both into a single system of law. Before trying to judge Montesquieu's success we must examine his theory of law linked to his theory of historical causation more closely.

Continual flux and stasis are important categories of Montesquieu's historical ontology, forming the basis

of his crucial distinction between general and particular causes and between physical laws and laws of intelligent beings. The more general causes are, the more fixed their effects will be. The more particular (individual) the causes are, the more arbitrary the actions seem and the less knowable and predictable their effects are. Montesquieu opens the first part of the "Essai sur les Causes" by clearly distinguishing these two levels of causation:

These causes become less arbitrary to the extent that they have a more general effect. Thus, we know better what gives a certain character to a nation than that which gives a certain character to an individual (un particulier), that which modifies a sex than that which affects a man, that which forms the genius of societies which have embraced a general way of life than that of a single person.⁵¹

On the most general level human history is fixed or in more modern language determined. Climate will determine the character of a nation. However, this does not mean that individuals within a particular nation subject to a particular tradition and set of laws will act in the way that the climate prescribes. Were their social traditions not to intervene to counter the influence of physical laws the determinism of physical causes would be more pronounced. However, through education and the

development of tradition men can struggle against the determinism of physical causes often countermanding their less useful and more dangerous commands.

Physical causes, then, are only one part of the system of laws and causes which govern Montesquieu's universe. As soon as men begin to think and a nation begins to develop a particular spirit and tradition they are absorbed under moral causes.⁵² Although Montesquieu's philosophy of history contains a level at which behavior is determined, viewed as a whole the system of laws and causes demands human initiative, knowledge and self-conscious action. Human history, like human nature is the saga of man's total relationship to his physical and moral environment. In some cases the physical causes overtake the moral causes producing a relatively static society. For example, Montesquieu uses this to explain the predisposition of oriental nations toward despotism:

The oriental peoples have a certain indolence of mind reinforcing that sensibility which makes them so sensitive to every impression. Such indolence of mind and body makes them incapable of any action, any effort, any resistance. Their souls, once they have received an impression cannot be rid of it. For this reason oriental laws, moeurs, and manières, even if of no intrinsic importance, such as their mode of dress, remain today what they were a thousand years ago.⁵³

Climatic influence, however, is not always determinative. In fact, societies often rise to greatness by counteracting the effects of physical causes. "The more physical causes incline men to inaction, the moral causes ought to counter such effects."⁵⁴ The task of the legislator is to understand the determinism of physical causes (and the general levels of moral causes) and to mold the best possible polity out of them, even if it means struggling against them. Montesquieu's disenchanted history has no room for causes that men cannot recognize and, at least in principle, counterbalance. The limits to understanding history are limits prescribed by man's passionate nature, not limits inherent in nature. The irrationality that we recognize in human history is not that of the world itself but of human nature. It is crucial to recognize, so as not to over-rationalize Montesquieu's doctrine, that irrationality is not so much a fault of human nature as a necessity of it. Just as universal reason is a precondition of the material world passion and subjectivity are preconditions of human existence. Without these society would never have developed out of the intercourse of primitive men. For Montesquieu neither fortune nor Providence is necessary to explain the irrational in history. Rather, what is necessary is scientific knowledge.

De L'Esprit des Lois proposes to establish such knowledge. Like Montesquieu's other major works, it undertakes to explain the structure of political and social life through an analysis of the 'spirit' of the laws: that system of laws and causes which motivates and describes a particular political situation. There must then be some principle which captures the internal dynamic of that system, which gives the system motion and internal cohesion. Montesquieu discovers this principle in 'utility,' a principle which for him embodies both of the conceptions of 'necessity' mentioned above. In the first place Montesquieu follows Machiavelli in linking utility to the stability of the state, deducing the proper laws of a particular government from what is necessary to preserve it. This is embodied in Montesquieu's famous definition of liberty as security.⁵⁵

The moderate government which acts so as to preserve its liberty will adopt the best laws. To establish laws on any other basis is to invite, indeed to guarantee, the destruction of the state. Furthermore, to depart from the principle of utility and the preservation of liberty will require plunging the state into civil war and the adoption of cruel and inhuman public policies. If the Romans had constructed public policy solely to ensure the preservation of liberty not only would they have

maintained their greatness but they would also have prevented the cruelties of civil war and the atrocities of the later emperors. But utility does not merely prescribe the proper course of action embodying the most just and best possible laws under the particular circumstances, it also describes the movement of the laws of history. All events in history can be explained by their causes which are either physical or moral (tradition). Human history requires men to reflect upon their circumstances and to act self-consciously to create the best possible polity. Yet as they reflect they will come to recognize the laws of history which are as fixed as those of physical nature. The task of the legislator is to turn this scientific knowledge of the 'necessary system of relations' into concrete historical reality. Above all, Montesquieu wanted to demystify history--to purge it of all notions of 'fortuna' and 'Providence'--yet not lose its spontaneity and subjectivity. We can see this system at work in Montesquieu's portrayal of Roman history.

Rome fell because of its own internal contradictions which for Montesquieu typify the contradictions embedded in the classical Republic as a form of government. In Book II, Chapter 2 of De L'Esprit des Lois Montesquieu uses Rome's failure to follow the principles

of a republic to demonstrate the centrality of utility for the laws of history:

It is essential to fix the number of citizens who may participate in assemblies. Otherwise, it would be uncertain whether all the people had spoken, or only one part of it. At Sparta the number was fixed at ten-thousand. Rome was destined to rise from insignificance to grandeur, to experience all the vicissitudes of fortune. At one time almost all its citizens were outside its walls; at another, all Italy and much of the rest of the world were inside them. The number of citizens was never fixed, and this was among the principle causes of its ruin.⁵⁶

Rome was able to rise to preeminence in the world because it best embodied the spirit and virtue which makes for greatness in republics. This spirit led to the perfection of the arts of war and territorial expansion. While the polity remained in harmony, its citizens moved by the spirit of virtue and the public good, the state could prosper both at home and abroad. During its rise to greatness the Roman polity preserved liberty at home and adopted good laws for the preservation and continued expansion of the empire, such as the wise policy of allowing conquered territories to retain their own laws and way of life. However the dynamic of imperialism while leading to Rome's greatness also mandated its destruction.

The emphasis on militarism, so necessary to the

greatness of the Roman spirit, accentuated class division within the state, creating a rift between two types of citizens. The virtues of conquest are not suited to the peaceful life of the city:

We hear in the authors only of the dissensions that ruined Rome, without seeing that these dissensions were necessary to it, that they had always been there and always had to be. It was the greatness of the republic that caused all the trouble and changed popular tumults into civil wars. There had to be dissensions in Rome, for warriors who were so proud, so audacious, so terrible abroad could not be very moderate at home. To ask for men in a free state who are bold in war and timid in peace is to wish the impossible. And, as a general rule, whenever we see everyone tranquil in a state that calls itself a republic, we can be sure that liberty does not exist there.⁵⁷

This class division led to a usurpation of political power by the military and the privatization of government in the persons of generals who led soldiers more loyal to their chiefs than the state.

Class polarization and the privatization of government developed as well out of the mode of production consequent on the greatness of Roman expansion, the city's wealth becoming more and more based upon foreign sources. However, as the soldier class grew in strength the traditional mode of the distribution of wealth based upon the equality of the citizenry gave way to the ag-

grandizement of the soldiers through increased shares of booty and tribute. Furthermore, as the wealth of the city grew private interest dwarfed the public good. The antithesis of civic virtue motivated the people, leading on the one hand to the eclipse of the power of the Senate by the military and on the other to increased demands by the plebs. The system of political and social life became unbalanced as conflicts latent in the structure of the state exploded onto the surface.

But the tragedy of the Roman empire, and of human history, is that both Rome's greatness and fall were necessary, mandated by the laws of history. Certainly there were more correct policy choices which would have prolonged the life of the republic--Montesquieu does claim that Rome "lost its liberty because it completed the work it wrought too soon."⁵⁸ However, human history moves by internal contradictions. Men must institutionalize their social life through laws and government. But to do this is to fix the flux of history which itself never remains fixed. Statesmen must create laws out of the particular circumstances of their society at a given time in history but that history is fluid; circumstances change often because of the laws themselves. As Montesquieu's depiction of Rome's history is meant to demonstrate, the most important move-

ment in history is that motivated by the choices of men. For Rome, as for all polities, there is a gulf between creation and maintenance of the state; as in the case of Rome, they contradict each other:

It is true that the laws of Rome became powerless to govern the republic. But it is a matter of common observation that good laws, which have made a small republic grow large, become a burden to it when it is enlarged. For they are such that their natural effect was to create a great people, not to govern it.

There is a considerable difference between good laws and expedient laws--between those that enable a people to make itself master of others, and those that maintain its power once it is acquired.⁵⁹

When we discuss Montesquieu's view of political knowledge and the legislator in Chapter Five we shall see how important this gulf between creation and stability is to political life. It is important to recognize that this gulf is part of the structure of human history giving meaning to the vicissitudes of law in the flux of history.

4. The success of the synthesis: the general and the particular. It remains to assess Montesquieu's attempt to synthesize the two dimensions of law, the empirical and the moral/rational, in a single theory of history. Laws both bind men morally and describe the physical

determinants of their action. In their latter aspect laws are invariable, men cannot deny their need for food and the general effects of climate, but in their moral aspect laws can be and are broken by men. In Book I of De L'Esprit des Lois Montesquieu claims that intelligent beings are bound by the physical aspects of laws as are all other animals. But the intelligent world is not so well governed as the physical:

For although the intelligent world also has its laws that by nature are invariable, it does not follow them without deviation as does the physical world its laws. The reason for this is that individual intelligent beings are limited by their nature and hence are subject to error. On the other hand, because of their nature, they act by themselves. Thus they do not always observe their original laws, and do not always obey even those they made for themselves.⁶⁰

Yet there is an ambivalence in Montesquieu's seeming distinction between laws as physical constraints and as moral rules, for the thrust of his argument as we described it above is that law plays both roles simultaneously. Either Montesquieu is sunk in a quagmire, confounding descriptive and normative laws, as some critics maintain,⁶¹ or he conceives law as containing both normative and descriptive content necessarily. The thrust of my argument in this chapter has been that the latter is central to an understanding of Montesquieu's

philosophy of history. In describing what Montesquieu seems to have meant we must be careful to dissociate our own conceptions of law from Montesquieu's. In the early eighteenth century discussions of law were still governed by the aura of natural law theory which never conceived of a disjuncture between normative and descriptive dimensions of law. Even the late seventeenth and early eighteenth century empiricists following Bacon and Newton only imperfectly enunciated this distinction. Viewed historically, the complexity of Montesquieu's theory of law derives from his recognition of the seeming incompatibility of the two dimensions of law and his conviction that no theory of law could be complete without both.⁶²

For Montesquieu laws establish the necessary course of action if an end is to be properly achieved. This fundamental relationship is the same for physical as well as positive law. Law orients man's action to its proper end. Man "might at any moment forget his Creator:

God has reminded man by the laws of religion. Such a being (man) might at any moment forget himself; philosophers have reminded him by the laws of morality. Made to live in society, he might forget his fellows; legislators have recalled him to his duties by political and civil laws.⁶³

Laws express in the material world the rational ends of God's creation, a creation which, as we have seen, must itself be rational. If the compulsion which brings the physical as well as the moral world into existence is 'rational' then it must 'ought' to be as well as 'be.' On the most general level, Montesquieu does not seem to distinguish between the physical and the spiritual world. (In this sense he may actually have been closer to Spinoza than he thought!) Whether the theory is internally consistent or not Montesquieu held to it and developed it consistently through De L'Esprit des Lois.

The confusion and true novelty of Montesquieu's view was the way he distinguished between the general and particular levels of phenomena. There was a qualitative difference in the phenomena at various levels. The particular level of human existence embodies the full and tenuous life of the free and active subject, whereas the general level embodies the invariability of a strict determinism. This is evidenced in Chapter 3 of Book I wherein he states the traditional view of natural law as human reason, only to follow it by a profound statement of the diversity of cultures:

Law in general is human reason, to the extent that it governs all the peoples of the earth. The political and civil laws of each nation ought to be only particular cases of

the application of human reason

Laws ought to be so appropriate to the people for whom they were made that it would be highly unlikely that the laws of one nation could suit another.⁶⁴

The rest of the chapter explains how laws must be tailored to particular circumstances, including a clear statement of the 'system of relations' that together constitutes the general spirit:

Laws should be relative to the physical characteristics of the country, to the climate, whether freezing, burning, or temperate; to the quality of the terrain, to its location and extent to the style of life of its inhabitants, whether farmers, hunters, or shepherds; the laws should be relative to the degree of liberty permitted by the constitution; to the inhabitants' religion, inclinations, riches, number, commerce, mores (moeurs) and customs (manières). Finally, the laws are related to one another; their origins are related, as is the intent of the legislator, and the order of things on which they were established. They must be considered from all these points of view.

This is what I shall undertake to do in this work. I shall examine all these relationships. Taken together they comprise what is called the Spirit of the Laws.⁶⁵

Two views seem to be competing for preeminence in the explanation of history, causal explanation and a more organic explanation of the internal development of historical events. The first leads Montesquieu to assume that the physical system of relations embodied in a matrix of laws can be known not as historical knowl-

edge but as a form of technical knowledge of statecraft removed from the everyday life of politics. We must remember the distinction between the laws of creation and those of stability and maintenance which he considers crucial to the understanding of human history. The former requires a knowledge and genius not available to the majority of men. As we shall see he lodges this species of absolute knowledge in the legislator, no longer represented by the ancient lawgiver but by the form of scientific knowledge of the political system itself. Yet, as it was for Plato and later for Bacon and Hobbes (see Chapter Three below) this knowledge must be isolated from political life proper.

Still this technical knowledge of the system of laws and causes that comprises the general spirit does not fully capture the true being of historical events. Montesquieu's fundamental departure from empiricist psychology to develop an organic theory of human nature will not allow him to forget that men create their history out of their own wills; there is a spontaneity and freedom to human action which causal explanation, no matter how complex, can never capture. This aspect of human history requires that the historian not merely show what causes are operative in any particular situation, but also explain how various causes are subsumed

or repressed by others in the particular action of any historical moment. Montesquieu's analysis of the political content of love in the Lettres Persanes provides one example of this sort of explanation,⁶⁶ his explanation for why the Greeks needed music to soften their military character in order to produce a whole society is another.⁶⁷ More important than these particular explanations, as I will demonstrate in Chapter Five, is Montesquieu's attempt to embody this more organic idea of historical events in the conception of the 'principle' of a form of government.

In the end Montesquieu does not adequately reconcile these two ideas of the being and explanation of history, both of which have far reaching implications for a theory of citizenship. The first implies a view of citizenship which is subordinate to an active civil society into which the state interjects itself only as the initiator of technical manipulation of natural social mechanisms. This view is developed most clearly in the political economy of the physiocrats and in a more sophisticated way by Adam Smith and the Scottish school of political economy. It is also developed in a slightly different way by the ideologues of progress: Turgot, Condorcet, Saint-Simon and Comte. In John Stuart Mill these two branches of Montesquieu's view come together

in the most sophisticated attempt to formulate a liberal theory of citizenship.

However, the other side of Montesquieu's philosophy of history leads to a different solution to the problem of citizenship in the modern state. Montesquieu's idea of the principle of the form of government represents his most far reaching attempt to synthesize in a single system of law the two competing interpretations described above. The 'principle' represents the subjective internalization of the law and its outward manifestation in society, embodying a psychological argument akin to Freud's theory of sublimation. The same argument that Marshall Berman sees as the logical compliment to Montesquieu's theory of love in the Lettres Persanes, which I will develop more fully in my discussion of the Lettres Persanes in Chapter Four, guides his formulation of the principle of the form of government. This dimension of the life of citizens leads him in De L'Esprit des Lois to formulate a political theory which retains a strong civic virtue which is lost in earlier liberal theory. The idea that society cannot function unless its laws are internalized by its subjects and projected back into society by those subjects acting in the 'spirit' of the laws provides a foundation for this second idea of citizenship, most clearly expressed in

the dictum that for good laws to function in a republic they must be loved by the citizens. Out of this side of Montesquieu's philosophy of history a theory of citizenship is developed which links the individual directly to political life through an elaboration of a radical notion of public life. After him, this theory is developed most clearly first by Rousseau and then in different ways by Hegel and Marx.

C H A P T E R   I I

COMMERCE AND THE EUROPEAN STATE SYSTEM: THE CONTEXT OF CITIZENSHIP IN THE MODERN WORLD

Montesquieu considered himself a citizen of the world.¹ He owed allegiance to particular associations, the family and the state, but his final allegiance was to humanité. All men belonged to a single community that knew no 'national' boundaries. This cosmopolitan vision defined the scope of Montesquieu's theory of citizenship as it did for many others in eighteenth century Europe. To understand the particular associations which men enter into in everyday life it is necessary to view them in their universal context. In Montesquieu's view that context was the European state system with its rules for relatively peaceful coexistence among states and its commercial system based upon a 'capitalistic'² contractarian ethic which drew men together in the common pursuit of a true international community. Montesquieu's description of the European state system meant to probe possibilities for the realization of a utopian vision of world peace and human felicity. This context impressed upon him the need for contemporary political theory to supplant the

classical definitions of problems and solutions.

The purpose of this chapter is to trace the system that Montesquieu saw governing the European system in the eighteenth century and which established the setting of the principles of action of states and citizens. Europe of the eighteenth century presented statesmen with a new historic moment, different both from antiquity and from the universalism of the Middle Ages. Most important, new economic forces coalesced into a vast commercial system and new political configurations rendered traditional empire building obsolete as well as mandated a balance of power.

Montesquieu described a European system which promised the possibility of a peaceful and prosperous community among nations. Commerce, he believed, would impress upon European nations the benefits of international felicity and law. Empire based upon the Roman model of political expansion could only have harmful effects. In the newly discovered lands of America and in the East expansion had to be based upon economic not political goals. Universal Monarchy must be banished from international politics. This was the aim of Montesquieu's description of the European system; to show European rulers the imperative of encouraging commerce together with the pernicious consequences of Universal Monarchy.

I. Commerce: The International Marketplace

1. The historical development of European Commerce.

In Montesquieu's view commerce did not develop steadily since antiquity. Trade first flourished in the Greek world under the rule of the Athenian Empire. Situated by the sea it was natural for the Athenians to develop their economy on a mercantile basis. Their wealth derived from their trade and their power from their ability to protect that trade and to colonize areas for economic advantage. The Athenians, says Montesquieu, were successful as a 'world' power because they expanded not merely for the sake of the glory of conquest but for the sake of commercial advantage. Roman policy was exactly opposite. Lacking the commercial spirit of the Athenians they gloried in pure conquest. They sought colonies not in order to establish firm trading partnerships but in order to exact tribute.³ Hence, the creation of secure trading networks gave way in the Roman experience to concrete political and military domination. With the decline of Athens and the rise of Rome commerce receded from the center stage of world events. It was no wonder, then, that when the Germanic tribes overran the Western Empire commerce was nearly obliterated.⁴ Oriented primarily toward agriculture and hunting these

tribes had not developed the prerequisites for a flourishing of commerce. Isolated from one another, knowing little of the arts or of craftsmanship, they perceived little need for peaceful intercourse with others in order to exchange different goods.⁵ It would take several centuries for trade routes to reopen and for trade to increase in volume. When the Roman Empire split the East did continue to trade, but most of this was turned eastward to Asia and remained isolated from the rest of Europe.

The modern world of the eighteenth century was very different. Commerce penetrated the fabric of life far more than it did that of the ancient world. There was more of it and it took on an expanded importance for all of society. All nations were involved and a greater variety of goods were traded. The more powerful nations in Europe were those most involved in commerce not those with the greatest armies.

Montesquieu argued that the revival of trade in Europe owed much to certain key technological inventions. "The compass," he claimed, "opened the universe."⁶ It facilitated broader knowledge of Asia and Africa and led to the discovery of America. The expansion of the space in which trade could easily take place put a greater premium on larger-scale enterprises

than the Italian city-states had revived and controlled during the Renaissance. Hence, this extension of the focus of trade to the New World and the expansion of its volume gave the larger states of Central and Northern Europe, which had easy outlets to the Atlantic ocean and greater resources to increase trade, a strong competitive advantage. The supplanting of the Italian city-states was crucial for the development of the European commercial system.

The discovery of the Cape of Good Hope meant that the western and northern states of Europe could trade with the Levant directly, bypassing Italy. The center of trade shifted to the larger powers of the north.

"Italy was no longer the center of the commercial world."⁷ Rather, it had become "no more than an accessory." First the Portuguese then the Dutch became masters of trade to the Indies. The opening of the New World in the Americas was even more important. The Portuguese and the Spanish began the rush to colonize the New World, but everyone followed.

The Spanish effort to colonize the New World and its eventual failure were crucial to the development of the European system. Initially at least the Spanish were most successful; but their eventual failure demonstrated clearly how the structure of international re-

lations had been altered by their initial expansion.

The Spanish failed, in Montesquieu's view, because they followed the Roman model too closely concentrating too much on political empire and not enough on trade. By emphasizing political colonization they did not recognize that the most fruitful implication of the discovery of the New World was its economic wealth and commercial potential not the possibilities for political domination. The aim of colonization could no longer be to conquer peoples, as it had been for the Romans, but to control land in order to exploit its economic resources.

The Spanish at first regarded discovered lands as objects of conquest; people more refined than them regarded them as objects of commerce, directing their energies toward that. Several peoples were led by such wisdom, that they gave empire to trading companies who, governing the extended states only for trade, have made a great accessory power, without embarrassing the principle state.⁸

Of course the Spanish did not ignore the wealth of the colonies. They sought the wealth of precious metals available in the New World but they were inattentive to its possible effects on their domestic economy. Their emphasis on military power and their corollary concern for importing ever greater quantities of precious metals led them to create new technologies in order to exploit the mines more efficiently, or at least in greater vol-

umes. But failing to understand the effects the increased volume of gold and silver would have on the value of goods in the European market they glutted the market, thereby cheapening the metals they went to great expense to import. Since they did not develop any corollary production of commodities to encourage either trade or consumption, Montesquieu argues, the enhanced volume of precious metals reduced their value enough to impoverish the Spaniards rather than to enrich them.⁹ Furthermore, their emphasis on political and military domination of the natives led them to brutalize them in order to exploit the mines. This made the natives more hostile, creating greater problems of political control as well as causing dissention in civilized opinion in Europe.

The Spanish did nothing to develop their economy sufficiently in order to absorb the volume of precious metals they imported. Although Spain could not circulate its new wealth, other European nations took the opportunity to increase their own wealth and power at the expense of Spain. The Dutch and the English put the increased wealth to work, establishing banks and forms of credit in order to expand trade networks throughout the world. England was unique and potentially uniquely successful because it had a tradition of

subordinating political interests to economic interests.¹⁰ In this respect England joined with Athens forming an exact counter to Rome and Spain both of which subordinated economic interests to political interests; the modern world belonged to England, not to Spain.

The discovery of the Americas along with the opening up of unknown parts of Asia and Africa dramatically altered the basis of international power and the nature of imperialism. The Roman model had to give way to the Athenian model. The Spanish failed to recognize that power in the new international system was based upon the continual exchange of goods, not on military force. In the modern world there are limits to the efficacy of political expansion. Montesquieu argued that traditional imperialism and colonialism were ineffective because increasing economic expansion encouraged the spread of forms of influence that superseded political domination. In this context, Montesquieu argued, Spain's emphasis on political expansion left the economic fruits of their conquests in the grasp of the commercial powers of England and Holland. To understand the immense importance of this situation for Montesquieu's theory we need to look at the economics that lay behind the Spanish form of conquest and that which Montesquieu argued should lay behind real commercial power.

2. The economics of the European system. The Spanish concern for political domination was coupled with a mercantilist view of wealth and power. They considered the quantity of precious metals directly proportional to the amount of political power. But according to Montesquieu this view failed to understand the nature of money. The increased trade could not be financed by increasing quantities of gold and silver, partly due to the inflationary impact of Spain's policy and partly due to the impracticality of the metals as a medium of exchange. According to Montesquieu the new commercial system required new forms of credit and paper money. In the new system wealth required abstract signs which could represent both the value which the community of merchants considered it to have and which could represent the long term contracts necessary to facilitate and encourage the financing of risky commercial ventures. The mercantilist equation of wealth and power could fulfill neither of these. Montesquieu saw the need for a new theory of money and value which understood that wealth was created by the process of exchange and the intercourse among merchants.

In Montesquieu's theory of money and exchange, which appears in Book XXII of De L'Esprit des Lois, the prince establishes only the 'positive' value of money,

essentially how much its value was in relation to the other coins of that state's currency.¹¹ But more important than this money has a value relative to the currencies of other states. This relative value is subject to fluctuations and is governed by the many factors that converge in the international marketplace:

The monies of each state have, moreover, a 'relative value;' in the sense that they are compared with the monies of other countries; it is this relative value that exchange establishes. It depends much on the positive value. It is fixed by the most general opinion of merchants, and cannot be by order of the prince, because it is continually changing, and depends on a thousand circumstances.¹²

One state generally serves as the leader in establishing the relative value of money. Holland, whose banks and merchants controlled more trade than any other state in the early eighteenth century, set the standard which all European merchants followed.

The prosperity of the state, in Montesquieu's view, is determined by the quantity of international trade and by a balance between the amount of money and the total value of commodities in the market. The value of money remains stable only when it is mirrored by an equal level of commodities. "Money is a sign which represents the value of all merchandise."¹³ The state is prosperous only when there is an equilibrium established

between money and the commodities which make up its value; in other words, that sufficient money exists (and only that amount) to purchase the commodities that exist and vice-versa.¹⁴ This restricted but did not vitiate the use of credit. Montesquieu feared the impact of inflation and particularly the wild speculation of the sort of John Law's system. He wanted to limit credit and paper money to an actual amount of commodities (these could be projected to be delivered in the fulfillment of contract at a later time). Money had to be freed from the confines of the precious metals but should not be freed from the goods it represents in the sense of the commodities it could be exchanged for.

The preeminence of exchange in the market means that the individual European economies have become mutually dependent. States play different roles in the international economy. Some produce goods to fill the needs of other states while some, like Holland, act as bankers and middlemen to facilitate exchange. The crucial fact of the new system is that exchange is an imperative. Economically, states cannot be isolated from one another without risking being dwarfed by more economically active states, as Spain was dwarfed by the physically smaller states of England and Holland.¹⁵

The fact that European nations share their economic

destinies has more than just economic consequences.

"Now, the commerce of the Indies is not that of Spain but of all of Europe."¹⁶ Montesquieu believed that this mutual economic dependence implied a need for all states to actively protect trade. The international community creates a community of the nations in Europe. The bonds of economic necessity created by commerce have to extend to social and political bonds as well. In contrast to the isolation of the times before the expansion of commerce, Montesquieu describes the modern condition of Europe as united:

Currently, the universe is composed almost solely of one nation, wherein each people knows what it has too much of and what it lacks and searches to attain the means to receive it; gold and silver are drawn from throughout the earth. These metals being transported throughout, each people communicates with them and there is not a single nation whose capital in gold or in silver does not increase each year, although at different speeds and levels in different states.¹⁷

The international market could not be limited merely to facilitating an efficient trade network but had to generate its own ethical foundation as well. Founded on the moral logic of the mutuality of contracts the commercial ethic had to penetrate the political and social lives of individual states. Rulers had to recognize the

beneficial effects of commerce on moeurs and manières. By doing this, Montesquieu believed that the diverse interests of independent states could help develop a peaceful universe. His conception of the universal benefits of commerce led him to impress upon merchants and intellectuals a consciousness of universal citizenship, which he himself felt. Let us now look more deeply at what Montesquieu considered these universal benefits to be.

3. The universal benefits of commerce. Montesquieu distinguished two sorts of commerce: the commerce of economy and the commerce of luxury.¹⁸ Whereas the latter, he argues, is most appropriate to monarchies the former is more appropriate to republics.¹⁹ In a commerce based upon luxury merchants seek grand projects with the aim of "procuring to the nation which promotes it all that which serves its pride, delights and fantasies." Unlike the commerce of economy, the commerce of luxury seeks large short term gains emphasizing spending and downplaying savings. The symbols of success are physical signs: quantities of gold; ornamental dress; opulent consumption, etc. . . . This economy of grand style was clearly appropriate and necessary to court life where action was motivated by honor and the purpose of

rewards was to distinguish the worth of men from that of others. The mind of the merchant dealing in luxuries is susceptible to charlatan schemes such as John Law's system--the promise of a great increase in wealth was irresistible and the more outrageous Law's promised rate of return, the more enticing the deal became. The result, of course, was to ruin some of France's most traditional families of wealth and even to challenge the basic principles of the monarchy itself.²⁰

The commerce of economy operates on a very different logic. The economic rationality appropriate to it is that of the capitalist free market. Merchants begin with little and through moderate increases in profit grow wealthy. But the merchant must always be content with small short term gains, even occasional losses, in order to increase profits in the long run. "One commerce leads to another," he claims in Book Twenty of De L'Esprit des Lois on the nature of commerce, "the small to the middling, the middling to the great, and the one who has had so much a desire of gaining little, puts himself in the position of gaining much." The capitalist merchant is more efficient than his counterpart who deals in luxury. He must be cautious, always concerned with saving for prudent investments with an eye toward long range profit.

The benefits of the commerce of economy far outweigh those of the commerce of luxuries. The former encourages an international system by seeking trade wherever it is profitable, in the process expanding the horizons of any particular nation. The capitalist merchant is able to exploit the unlimited potentials of world trade whereas the merchant dealing in luxuries limits himself only to trade which leads to immediate wealth. The commerce of luxury survives only when a society can absorb a non-productive class, a privileged class of nobility. So long as workers and merchants produce a surplus to support this nobility the stability of the state is secured. Workers and merchants must be kept from acquiring independent means, for this removes their incentive to work well, bringing about general ruin in the state. The capitalist merchant is in less danger of becoming wealthy enough to discourage continual work. The spirit of his rule does not encourage conspicuous signs of wealth, but rather a judicious poverty. When the proper laws are adopted, such as those limiting inheritances, merchants and craftsmen are induced to work continually. Montesquieu's law that the rationality of continual small investments can lead to maximum profits ensures that capitalist merchants will spread their commerce wherever they can, always seeking

new opportunities for investment and trade.

The priority of work in Montesquieu's economic theory derives from his theory of human nature. As I discussed in Chapter One above, the essence of human nature for Montesquieu is a natural balance between man and his world--a natural moderation and appropriateness of subject and object. The activity which creates the essential harmony is work. "Nature is just towards men,"²¹ rewarding him in proportion to his efforts. The more one works the greater the benefits nature provides. So long as man's natural efforts are encouraged he and nature will prosper. The government must follow this natural inclination. It must not remove those natural incentives to work, or else work itself will be destroyed along with the wealth of the state. But neither should the state leave men free in the 'pure' market; for work and wealth, as for all social goods, contain moral imperatives to moderation. Both the extremes of riches and poverty which the market has the potential to create, and the tyranny of despotism which leaves no room for natural human endeavors to grow, have the same pernicious and unnatural effect--to destroy the supremacy of work as the preeminent natural human activity.²²

The commerce of economy has social as well as eco-

conomic benefits, both domestic and international. Within states the work ethic implied by capitalist commerce produces, if not the virtuous citizens of ancient republics, citizens who are absorbed in activities which increase the wealth of the state while minimizing social conflict. As I mentioned above, capitalist accumulation with respect to individuals must have clear limits for it can only be self-perpetuating so long as merchants do not become so wealthy as to create a desire and need for luxuries to distinguish themselves from their fellow merchants. The market must not be allowed to create extremes of wealth and poverty for this causes tension and insecurity in the state. In order to stress this point Montesquieu distinguishes two types of poverty, poverty produced by despotism and poverty produced by a scarcity of commodities. The latter is completely beneficial whereas the former is utterly pernicious. Successful commerce requires the security of private property. Merchants must be sure that they will be able to enjoy their profits if they are to risk their capital in order to increase it. Despotism leads to a pernicious poverty because merchants are not encouraged to work, whereas the lack of commodities combined with the security of private property encourages a spirit of accumulation in merchants who are certain that their

gains will not be arbitrarily confiscated.²³ Trade in a despotism, then, stagnates, whereas under moderate governments it flourishes.

The commerce of economy has other domestic benefits as well. The ethic of moderate accumulation of the merchant creates a social life which limits conflict to manageable proportions. At the head of Book XX, Chapter 2 on the nature of commerce, Montesquieu proclaims the overwhelming goodness of commerce:

Commerce undermines destructive prejudices, and it is almost a general rule that wherever there are softened moeurs, there is commerce; and wherever there is commerce there are softened moeurs.

Thus it is not so astonishing that our moeurs are less ferocious than they used to be. Commerce has brought about the acquaintance with the moeurs of all nations, causing them to penetrate throughout the world: we have compared them with each other, and this has resulted in great benefits.

The benefits of Montesquieu's conception of a work ethic extend beyond individual states. The spirit of commerce limits the warlike nature of man. Montesquieu's idealism, however, is limited. Social conflict is not eliminated, but he believed that commercial social relations would encourage the formal adjudication of rival claims (at least among merchants and between them and the state).²⁴ The ethic of contracts, that

commercial relations can only take place if both parties accept the fundamental rule of performing contracts made; implies a formal-legal procedure. Merchants seek gain according to their own self-interest. Yet they recognize the necessity of the mutuality of their condition--that the self-interests of other merchants are also legitimate. It is illustrative to counterpose Montesquieu's conception of the international situation to the Hobbesian model of a state of war which was accepted by many of Montesquieu's contemporaries. In Hobbes the ethical logic of contract tends to undermine the realism of his state of nature as a state of war. He must somehow produce out of the state of nature individuals capable of recognizing the logic of contract as a foundation of civil society. This seems, however, to contradict several of Hobbes's most important assumptions about the natural condition of men. It also contradicts his conclusion that ethical life does not have any foundation other than the positive will and power of the sovereign. Clearly, the ethic of contract establishes far stronger social and moral bonds, as Montesquieu recognizes, than the sovereign's power ever could. The implications for international politics is even more crucial. Within a system of states based upon self-interest and a permanent state of war, which Hobbes

and other contemporaries believed was an adequate description of international politics, existed a preestablished ethical system based upon the sanctity of contracts. As Montesquieu realized, this ethical system could explain far more of the development of the international system than could the pure power politics view of the Hobbesians.²⁵

Domestically, the commerce of economy provides the possibilities for a stable republic. However, this is not a pure republic. In republics based upon *virtù* conflicts are resolved organically in the processes of everyday public action. Self-interest is understood to depend on the public good. But in commercial republics based upon capitalist commerce and work, self-interest, not the public good must form the basis for resolving conflicts. Commercial republics must give up the organic *virtù* of classical republics and replace it with the work ethic of the commerce of economy. In the context of Montesquieu's realism this is a minor problem. He felt that the geopolitical situation of physically large states and the expansion of the world commerce already rendered classical republics obsolete. This was the major point of his general history of commerce which I described at the beginning of the chapter. Under modern conditions the capitalist commercial ethic

could replace the virtù of classical republics, just as the federative republic could replace the small self-contained republic of antiquity. The 'moeurs' of capitalist commerce do not encourage the self-sacrifice of authentic republican virtù, but they do encourage fairness in dealings with others even if that fairness is primarily formal.

Internationally, capitalist commerce has even greater benefits than it does domestically. It provides an ethical basis, a 'cosmopolitan ethic,' out of which a peaceful universe can emerge.

Within the international commercial system amity and peace, not war, must reign. The mutual dependence of states requires a consciousness that Europe's shared destiny is in increased dependence. Contractual ethics are inconsistent with war. Relations among merchants must be predictable. Merchants in England who have contracted to buy wine in Bordeaux must be sure that nothing will interfere with the fulfillment of the agreement. War cannot be allowed to disrupt the free flow of goods and states must be encouraged to protect the property of merchants and neither encourage nor practice piracy, common in the eighteenth century. The creation of the armies necessary for war drains valuable resources which could be utilized better by merchants,

and thus, as I will show below, Montesquieu believed that no amount of military power could render a state more secure. In short, the mutuality of the international system requires peace:

The natural effect of commerce is to bring peace. Two nations which trade together render themselves reciprocally dependent: if one has an interest in buying the other has interest in selling, and all unions are founded on mutual needs.²⁶

Not only the economic benefits from international commerce but also the social benefits incline towards peace. "The history of commerce," Montesquieu claims, "is that of the communication of peoples."²⁷ Intellectuals play a crucial role in the commercial system. The international travelers such as Usbek and Rica in the fictional Lettres Persanes, as well as Montesquieu himself, must have a secure place in the international community spreading knowledge and developing man's universal Reason. As Raphael did in Thomas More's Utopia, and the more reflective authors of the travel journals of the seventeenth and eighteenth centuries reasserted, the intellectual traveler has the task of spreading the knowledge of all cultures on the globe to all others. Montesquieu's comparative method was rooted in the positive value of this universal human community. It was

method not only as scientific tool but as moral imperative. By comparing different cultures one could learn the defects of one's own and cement a universal brotherhood based upon reason and knowledge. Francis Bacon's New Atlantis had made the same point. Montesquieu's theory of the benefits of international commerce raised the utopian notions of More, Bacon and others to the self-conscious level of scientific theory. By implanting the utopian vision of an international community within an economic analysis of commerce and a method of comparing all the laws and practices of all known states in order to draw out the best laws and political maxims, Montesquieu produced a powerful argument for a peaceful world order to which liberal advocates of capitalism have often returned without recognizing, until recently,²⁸ the rather complex development Montesquieu had already given to it.

II. International Justice and Law: The Politics of International Citizenship

The international commercial system requires a political parallel. Montesquieu is clear that traditional imperialism, called by the eighteenth century "universal monarchy," had no future in European politics. It was incompatible with the cosmopolitan ethic

which had been developing among merchants and which the spread of commerce required. Yet Montesquieu was not blind to a certain force in the doctrine of *raison d'etat*. States, especially monarchies, did act on an interpretation of national interest based upon the assumptions of an international state of war. In the current international system naked power did confront naked power. But the international commercial system implied a compatible political system, and Montesquieu sought to free the interpretation of the state's interest from the notion of raw power and replace it with one of mutuality. His political theory of the state system is no less bounded by the laws of historical development and the actual historical development of Europe than is his theory of commerce. In short, he argues for international political relations wherein the interests of states are mediated through an international balance of power and are governed by maxims of international law derived from universal principles of justice.

1. The critique of universal monarchy. Montesquieu declares in the opening of "*Réflexions Sur la Monarchie Universelle*," published with the "*Considérations Sur Les Causes de la Grandeur des Romains et de leur Décadence*,"

in 1734, that universal monarchy is impossible in contemporary Europe. Here as well as in De L'Esprit des Lois, especially in Books IX and X, Montesquieu develops three arguments against universal monarchy: economic, geopolitical, and legal-moral. Woven together into a single argument, these three amount to a complete rejection of the project of universal monarchy based upon power politics. In its place Montesquieu urges the general recognition that modern Europe forms a single community governed by necessary and generally accepted rules of action. In the "Réflexions" Montesquieu argues that "today all civilized nations are, if I may say it, members of a great Republic. Riches make for power; there not being today any nation which has advantages that a richer power may not be able almost always to have" (p. 21). The growth of commerce has meant a relative equality among the nations of Europe.

Montesquieu's first argument against universal monarchy asserts that the stability of the state is determined by its geopolitical relation to other states. As a general rule large states such as monarchies are more stable than smaller republics. But stability cannot be found in unlimited military deployment and expansion. The contemporary European policy of raising larger and larger numbers of troops only leads to

greater insecurity. Contradicted by those prudent maxims which could be drawn from history, this policy has severe consequences for the political and economic stability of the state. As one nation expands its military force others must follow, thereby nullifying the positive benefits the initial increase might seem to have meant for the security of the state.²⁹ Furthermore, as the state expands it requires more and more troops in order to protect it, draining the state's resources to an ever greater degree. The spirit of conquest creates the desire for honor and luxuries among the troops, making it more difficult to keep them under control. Paradoxically, then, a policy to strengthen power actually results in the ultimate ruin of the state.

The maintenance of armies is detrimental to the state economically as well as socially and politically. The ancient practice of pillaging a conquered people in order to pay an army is no longer sanctioned either by law or custom. Modern men recoil in horror at such barbarian practices.³⁰ Hence the state must itself furnish the economic necessities of war. This strains the national economy both in manpower and in wealth, in the eighteenth century French case requiring the increase in already burdensome taxes on the poor.

But the changed nature of modern conquest causes

deeper problems for the state. The modern spirit of conquest, according to Montesquieu, must be conservation not destruction. It must aim to preserve the conquered area so that it can be exploited for the good of the conquered as well as the good of the conqueror. Expansion of this sort tends to undermine the power of the conquering state, rather than enhance it. The maintenance of occupying armies requires that wealth be transferred from the conquering state to the conquered, impoverishing the aggressor and enhancing the ability of the victim to raise its defenses and eventually expell the enemy.³¹ In Montesquieu's view, the dynamic of conquest in modern Europe makes it impossible for a nation to enjoy the fruits of conquest.

The history of European states demonstrates that there are natural limits to a state's growth. The ways in which the structure of states has changed historically is crucial to Montesquieu's argument. The small ancient republics were inherently unstable. In their world it was possible for a republic to subsist so long as its power could be put in a balance with other republics of similar size. But as I made clear at the beginning of this chapter the rise of forms of political organization based upon greater extension threatened the security of those republics.

A new form of republican government, the federative republic, however, provides a solution to the dilemma. In several modern cases--Holland, Germany and Switzerland--small republics have banded together into a single federative republic. Germany is the weakest because it is formed by small monarchies rather than republics. This causes greater internal dissension. Federative states work best as unions of republics because monarchies, even small ones, establish competing centers of political identification, making it more difficult for citizens to form the bonds to the republic necessary for its subsistence and more difficult for the individual monarchs to recognize and accept the general interest of the republic. The German federation, then, embodies a fundamental contradiction:

The spirit of monarchy is war and aggrandizement; the spirit of republic is peace and moderation. These two sorts of governments can exist in a federative republic only by force.³²

The idea of a federative republic reflects one of Montesquieu's most important principles, that war and peace cannot mix, for their spirits contradict one another. War cannot be accepted as a legitimate act in international diplomacy except under strict conditions.

The spirit of monarchy is not conducive to the

union necessary to federative republics. Monarchies based upon luxuries do not encourage the felicity of moeurs and manières. Instead, luxury encourages aggrandizement of the state not contentment with a modest situation. The spirit of republics, particularly commercial republics, is more consistent with a defensive orientation to force than is the spirit of monarchy. When properly composed, federative republics present an attractive model. "It enjoys the goodness of the interior government of each, and with regard to externals, it has by the force of association, all the advantages of great monarchies."³³

This federation is more than a mere system of alliances. Rather, Montesquieu describes it as a "society of societies."³⁴ The union is secured internally by the republican virtù of the individual republics, or by work if they are commercial republics, and by a balance of power between them. If one state should aspire to supremacy, the others would bind together against it. In order to secure the whole the autonomy of the individual republics, especially in the sphere of foreign policy, must be limited.³⁵

It is clear that such nations should not be expansionist. By their nature as associations they must in-

corporate all conquered areas into the responsibilities of the association. Montesquieu's argument that democracies should not conquer other states holds for federative republics as well.³⁶ Aggressive democracies, he argues drawing from his study of Roman history, have two possible courses of action, both equally dangerous. They may choose to extend citizenship to the conquered peoples, but the extension of the number of citizens beyond that natural number appropriate to them opens the state up to the countless instabilities which Montesquieu demonstrates in the "Considérations Sur Les Causes de la Grandeur des Romains et de leur Décadence."³⁷ If they choose the alternative course, governing the conquered territories directly, they invite the creation of a class of magistrates too powerful and too ill-spirited to remain within republican rule. Furthermore, as Montesquieu's study of the Roman empire allowed him to see, soldiers, particularly generals, do not embody the spirit appropriate to making peaceful public policies. War and peace do not mix.

It is important to stress the precarious nature of republics, for this insight provides the key to Montesquieu's defensive orientation to force. He opens Book IX of De L'Esprit des Lois, "Of the Laws in Relation with Defensive Force," by declaring the natural insecur-

ity of republics: "If a republic is small, it is destroyed by a foreign force, if it is large, it is destroyed by an interior vice." Federative republics solve these difficulties only when they renounce offensive force. If they have armies, the state must be carefully insulated from them, ensuring that they cannot usurp power (a major failing of the Roman republic) and armies must not be used to expand the state beyond its natural limits. The same principle also applies to monarchies.

No less than republics, monarchies should limit their expansion. The spirit of monarchy encourages aggrandizement. Its commercial practices based upon pursuit of luxury and its principle, honor, seem to imply that imperial expansion is natural to them. Generals can best distinguish themselves by conquest, and monarchs are constantly looking to expansion to enhance the grandeur of their power. But even for monarchies continued expansion only leads to ruin. These limits are reached in several ways.

The fundamental defense of the state rests upon its ability to deploy troops along its borders quickly and efficiently. The larger the state becomes the more difficult the maxim becomes to enforce.³⁸ If a monarchy becomes too large it will have trouble defending its

borders. As in republics, Montesquieu concludes, military policy in a monarchy should emphasize defensive not offensive force:

The true power of a prince does not consist so much in the facility to conquer as in the difficulty that one would have in attacking it; and, if I dare say it, in the immutability of this condition. But the expansion of states demonstrates to others new sides from which it can be attacked.³⁹

Monarchies require greater extension than do republics, but their extension cannot go beyond natural limits established by the population and wealth of the state. If it is too small it can be conquered by larger states, but if it is too large it will be unable to defend itself completely. Seams will necessarily open in its defenses, and enemies will quickly perceive its vulnerability and exploit it. Monarchies, then, should not conquer beyond their 'natural limits.' "Prudence demands that she (monarchy) stop herself as soon as she possesses those limits."⁴⁰

For monarchies, as well as for republics, the external threats are compounded by even greater threats from within. The dynamic of conquest in the case of monarchies threatens the state with erosion due to "interior vice." Political conquest, driven by the luxury of the state, leads to the creation of decadent centers

of luxury--particularly in the capital city. As did many of his contemporaries, Montesquieu associated cities in a monarchy, particularly a single capital city, with luxury, and the rural countryside with a more simple and natural lifestyle. The more a monarchy conquers, the more polarized the relation between city and country becomes.⁴¹ The result is to impoverish the countryside. Wealth in the form of basic necessities is drained off from the provinces in order to maintain the troops necessary for either defense or further conquest. Wealth in the form of greater and greater luxury swells the city.. The draining of resources must surely result in destroying the internal domestic commerce, so crucial to rural producers. Montesquieu, the wine producer from Bordeaux, clearly diagnosed the dangers of expansion for the rural economy. His critique of conquering monarchies calls from him some of his most vivid imagery:

Such is the necessary state of a conquering monarchy; a frightful luxury within the capital, misery within the far away provinces, and abundance in the extremities. It is the same as with our planet; fire at the center, plush green at the surface, and an arid, frigid, and sterile earth between.⁴²

The prudent monarchy, attentive to domestic and international pressures, must thus know when and how to limit

expansion.

Expansion is as dangerous to states economically as it is politically. By establishing new criteria for measuring the wealth of the state commerce establishes a balance of power among the nations of Europe. In keeping with his moral theory of natural moderation, Montesquieu claims, "Prosperity itself sets its own limits."⁴³ And for the European states to prosper they must embody this fundamental maxim in their policies.

The international commercial system is centered in Europe. "Europe at present," Montesquieu claims, "does all the commerce and all the navigation of the universe."⁴⁴ Within Europe the distribution of power is determined by the extent that nations partake of this trade. Economic power thus sets new requirements for foreign policy. If states seek to increase their power, conquest must be subordinated to economic development. Governmentally they must encourage their citizens to enter trade and to develop an interest in the smooth flow of goods. In the eighteenth century war caused great havoc in international credit markets and wars for control of trade disrupted the free flow of goods. Together with the instabilities in the nature of the international market (natural disasters, crop failures,

etc. . .) government policies based upon military aggrandizement, Montesquieu believed, actually reduced the power of the state. Over the long run military force is ineffective; security can only be assured by a strong commerce whether based on capitalism or on the acquisition of luxuries. The thrust of Montesquieu's argument is that the modern commercial system determines wealth in a much more flexible way than mercantilist supporters of the idea of universal monarchy thought. Prosperity and the good of the state derive from the advantageous participation of the citizens in commerce, not merely from the quantity of gold and silver that the state is able to control. Political conquest must be secondary to economic movement.

2. Defensive force and international law. Throughout European history, military conquest has played a far less important role than is customarily thought. Montesquieu's theory of the laws of history led him to recognize that the fundamental changes that have affected the course of European history have not been military. "If histories are examined," he states in the "Réflexions," (p. 21) "they will show that wars have not been responsible for the great changes that have taken place in Europe during the past four-hundred years." Consis-

tent with his theory of history, Montesquieu argued that "civil dispositions" cause European states to change. Revolutionary changes are changes in moeurs and manières, not in political domination. Certainly, politics can affect these. The traditional diplomacy of the last several centuries had made important changes. "Marriages, successions, treaties and edicts" have made some difference. But in the end even these have been less important than changes in 'civil disposition.' And it is commerce that has brought about the most important revolution in moeurs and manières.

When Montesquieu turns to a discussion of offensive force in Book X of De L'Esprit des Lois he completes his theory of the modern European state system. The international community created by commerce has its political compliment in the prudent orientation to defensive force and in international law and morality. Although Montesquieu allows the use of offensive force under certain conditions these must be clearly determined by international law. "Offensive force," he argues, "is ruled by the 'droit des gens' which is the political law of nations considered in their relations to one another."⁴⁵ Any use of offensive force, indeed any use of force, must have both utilitarian and moral justifications.

Under particular conditions 'necessity' can justify war. But here Montesquieu's emphasis on defense becomes primary. Clearly, a state has a right to respond when attacked. Indeed, following Grotius, he goes even further, accepting a state's right to initiate a preemptive war, drawing the parallel, as Grotius had done, between private and public war.⁴⁶ Just as individuals have a right of self-defense, so does a state:

In the case of natural defense, I have a right to kill because my life is my own, as the life of the one who attacks me is his own: a state makes war the same way, because its conservation is just as all other conservation.⁴⁷

Montesquieu does make one crucial addition to Grotius' principles, that the spirit of war must be 'conservation.' A state has no right to make war in order to expand unless this is necessary for the conservation of the state.

Consequently, if offensive war is undertaken strict rules for the treatment of the citizens of other states must be followed. The rule of conservation must apply to both the conqueror and the conquered. In this case, Montesquieu's thesis relies on the abstract concept of state sovereignty as logically equivalent to a free individual. Arguing that conquering states have no right to destroy either the population or the social fabric

(moeurs, manières and customs) of a conquered state, Montesquieu asserts that "society is the union of men, not the men; the citizen may perish but the man remain."⁴⁸ The society of the conquered state is not to be dissolved by conquest and the conquering state must respect its social and political customs.

It is crucial to recognize the combination of right and necessity in Montesquieu's theory of war and conquest. The laws of international conduct follow Montesquieu's view of dynamic laws of history; they have both moral and utilitarian force.⁴⁹ The Spanish treatment of the natives in America is the exception which proves the rule. Concerned more with political conquest than commercial expansion, the Spaniards disregarded the spirit of conservation. They enslaved the native populations and slaughtered them when they thought it best served their purpose. Morally indefensible, this policy also led to the decline of Spanish power with relation to other European states. The injustices and imprudence of their behavior made it impossible for them to enjoy the fruits of conquest.⁵⁰

Montesquieu states clearly that the Spanish case is not an isolated one and that it represents a more general principle. Monarchies especially are prone to violate the prudent principles of conquest. A monarch's

advisers must be careful to follow correct principles rather than seek the glory of the prince. Glory, he asserts, "is a passion, not a legitimate right."⁵¹

International right and morality must constitute part of the definition of the *raison d'etat*. States must make war only when necessary (i.e., only when the 'conservation' of the state is threatened) and then according to strict principles of justice. The consequences of failing to follow the principles of law and morality which Montesquieu articulates here will lead to the most devastating results:

The right of war derives, then, from necessity and rigid justice. If those who advise princes do not hold themselves to this all is lost; and when (the right of war) is founded on arbitrary principles of glory, convenience (*bienséance*) or utility, waves of blood will inundate the earth.⁵²

Although not as widely accepted and practiced as Montesquieu thought necessary, the rise of general respect for international law in modern Europe had produced a more peaceful and less cruel system than did the practices of the ancients. The emphasis on defensive force and the strict rules regarding the use of offensive force cement a truly international community in which commerce can flourish. Modern reason, religion, philosophy and *moeurs*, Montesquieu asserts, limit

the brutality of 'the perpetual state of war.' It is worth repeating that for Montesquieu, Hobbes' characterization of international relations does not adequately capture the experience of the new European system. To interpret this system in Hobbesian terms is to set the stage morally and intellectually for immense cruelties and injustices, as well as for the ruin of the state.

Montesquieu's principles also extend beyond Europe to include the territories of the New World. However, there are important differences. While dismissing cruel treatment of natives as unjust and imprudent, Montesquieu does not outlaw either colonialism or slavery, so long as they follow from the spirit of conservation.

If used properly,⁵³ conquest of primitive nations can be universally beneficial. It can bring more refined moeurs to cruel and unenlightened nations and prosperity to the European economy. Conquered states, Montesquieu argues, are almost always in a state of disarray, so that the conquest can actually benefit them by providing a security that did not exist.⁵⁴ If the conquering state has the best interest of the conquered in mind the conquest can be justified, so long as the conqueror preserves the customs and moeurs of the nation to the greatest extent possible.⁵⁵ The mistake made

by the Spanish in Mexico was that they attempted only to exploit and to dominate the native population. Had they used their conquest in order to teach the Mexicans the true tenets of religion and morality, leaving them their own customs, both the Spanish and the Mexicans would have drawn great benefits. In short, Montesquieu allows colonial conquest so long as the conquering nation accepts the responsibilities which conquest entails.⁵⁶

Montesquieu strains his principles in order to give a limited defense of slavery under particular conditions. The legitimate right of domination includes a right of slavery only when it is necessary to the return of the subject people to order through the imbueement in them of more gentle moeurs. Even in this case the period of slavery must be short. For example, Montesquieu justifies the enslavement of some Romans by the Germanic tribes after the fall of the western empire on the grounds that they had become so warlike that they had to be reeducated in more civilized moeurs and manières.⁵⁷ In general, slavery is justified as a colonial policy only if the would be slaves were incapable of establishing a stable order and the alternative would be chaos and mass destruction.

Montesquieu's allowance for a right of conquest is

rooted in an idea of progress which leads to the universality of the European system. On one level he agrees with Bacon that the spread of science and knowledge constitutes new possibilities for the happiness of mankind. Technology leads to improved commerce and the subsequent spread of knowledge of different peoples. The increase in the range of knowledge in turn encourages a softening of moeurs which makes moderate government possible. The development of new modes of scientific inquiry broadens man's knowledge of the physical universe and man's relation to it, leading to more rational forms of social organization. The peaceful world order that commerce and international law make possible is the result of historical development according to rational laws. By the eighteenth century it was possible for this European centered system to spread throughout the globe. If the end of conquest and even slavery was to bring distant peoples into the fold of this European system then it would have been justified.

But on another level, Montesquieu did not draw the optimistic conclusions which Bacon's eighteenth century followers were prone to draw. He was not optimistic about the prospects of the new system. There was no determinism in Montesquieu's view, no eschatological vision. Commerce and international law establish the

preconditions for a peaceful and universally beneficial world order. However, men had to put it into practice. Montesquieu was 'utopian' only in the sense that he saw that if men acted according to true principles, history provided the possibility of a happy future, at least for a time. But he was not a visionary. The possibility of a pacific world order resulted from the scientific understanding of history, from understanding historical facts through the lens of proper principles. Furthermore, there was considerable variety in Montesquieu's vision. he did not have a single vision regarding the constitutions of all states. He only sought a world in which all states and individuals would develop their particular potentialities in peaceful harmony with others. Under particular conditions he could be either a monarchist or a republican, depending upon what form of government best fit particular nations and so long as they recognized a sense of universal citizenship which would allow them to recognize and want to preserve the particularity of others.

III. Conclusion: The State System and Citizenship

Montesquieu's study of the European state system led him to recognize the need for new modes of political action in the modern state. Most important, the modern

state system required commerce, therefore demanding the development of *moeurs*, *manières* and laws which would encourage it. For Montesquieu, political space has expanded internally as well as externally. Politics in the modern world must encompass more of the human mind, the soul, than ever before. Unlike in the classical world the modern political subject has a spirit which makes itself known to the world through the social interaction of individuals. The modern idea of citizenship has become politically problematic, whereas it was not for the classical Greeks.

There have been few attempts to understand Montesquieu's theory of the European system. His theory of the benefits of commerce have recently drawn renewed attention, specifically from Thomas Pangle and Albert O. Hirschman.⁵⁸ But neither attempts to connect Montesquieu's political economy, as he himself does, to the international political community. Albert Sorel on the other hand discusses Montesquieu's acceptance of the principles of Machiavellian power politics without discussing the importance of the commercial system.⁵⁹

In the previous chapter and in the present one I have developed Montesquieu's own view of the general structure of the world in which the contemporary citizen acts. Permeated by moral and physical causes this view

acts both as a description of man's current situation and as a program for a valuable future. Man in society has a history which must be properly conceptualized, understood and studied if peoples are to be known, and their particular possibilities for the future charted out. History is always history of a specific context and has nothing to do with abstract theories of a state of nature. The social world Montesquieu sees is a European dominated one. This is not to say that he considered it 'the best of all possible worlds.' Rather, to his mind, its being was an historical fact. The ancient political solutions to political and moral dilemmas so revered by scholars, including Montesquieu himself, had limited application. The classical world which they represented was as removed from modern conditions as was the image of Socrates choosing to die by poison rather than betray the laws of Athens was from the image of the modern courtier. Classical political philosophy provides Montesquieu with powerful stimuli to reflection about contemporary politics, but not solutions to its problems.

Modern Europe exhibited a greatly expanded political space, both geographically and phenomenologically. Geographically, Europe had become the center of a community which stretched throughout the globe, bringing

distant cultures and peoples into its orbit. As did many eighteenth century French intellectuals Montesquieu often showed considerable respect for the value of distant cultures. At the same time, however, he tended to uphold as universal principles drawn from the specifically European experience. He would not go so far as Diderot's "Supplement to Bougainville's 'Voyage'" which prefers the supremacy of the simple life of nature to the complex world of European laws and mores. Rather, Montesquieu retains faith in the traditional Western mind and in the growth of modern science to solve the enigmas that the modern world presented.

Phenomenologically, political space expanded to include all facets of life. In classical thought political space defined the forum in which citizens debated the public good and in the late middle ages politics came to be seen as a struggle between the universality of the Church and the particularity of secular authority. In this case political space could be defined only negatively as that space left aside by the Church. However, in the early modern state political space was broadened to include all social relationships. Calvinism, by organizing Protestantism into a politically self-conscious movement, politicized even the most private sphere of personal faith. Early liberal thought

attempted to disentangle the private from the public by defining a sphere in which the individual qua individual could be freed from the constraints of the power of the collectivity. This is the subject of the next chapter.

Montesquieu accepted the phenomenological expansion of political space and sought to examine the specific ways in which personal and social life had become politicized. Politics involves a broader range of relationships in the modern state than it did in the ancient polis. The modern subject confronts networks of relations in which he must act. Moeurs, manières, traditions, and laws all constrain his action. Together, these networks of relations form a nation's 'esprit général.' 'Monarchy,' 'republic' and 'despotism' represent networks of laws--'necessary relations' which have their own dynamic, their own spirit. They call on men to act so as to preserve them, to bring out their best by developing their inner logic. Montesquieu sought to discover this inner logic and to report its requirements.

The spread of Europe was nowhere more clear than in the development of technology. Montesquieu's judgment about the value of modern technology in the new world was not simple, as the debate between Rhedi and Usbek about the value of Western technology in Letters

CV and CVI of the Lettres Persanes makes clear.

Rhedi opens his attack on technology by telling Usbek, ". . . I am not so sure that the profit drawn from them [the arts and sciences] can make reparation to men for the bad use made of them daily."⁶⁰ He argues first that the change in military technology has made war more devastating. The invention of mortar shells renders all cities vulnerable, no matter how well fortified. This results in the need for a greater number of regular troops, which act to oppress the people as much as to defend them. He concludes that "since the invention of gunpowder, there is no impregnable city, which is to say, Usbek, that there is no asylum on earth against violence and injustice." After mentioning the pernicious effects of chemistry, Rhedi goes on to attack the value of colonialism. The compass has brought more harm to Europe than good; but perhaps more devastating is its effect on the natives in the New World:

But . . . this invention has been ruinous for the countries that have been discovered. Entire nations have been destroyed, and men who have escaped death have been reduced to such crude servitude that the story of it makes Moslems shiver.⁶¹

Usbek replies in the following letter that there are two ways to read history. Gunpowder has indeed

changed combat, but the change is really for the better. Wars are shorter than they were formerly, and since troops do not any longer directly engage those of the enemy, battles are less bloody. As for the future invention of cruel weapons, Usbek assures Rhedi that they would be renounced by Princes and outlawed by international law. "Princes have no interest in conquering by such means. They have to be on the lookout for additional subjects, not territory."⁶²

Usbek then shifts the grounds of the argument showing that the invention of the arts and sciences has reinforced the work ethic and the capitalist market, even in a commerce based on luxury, bringing about supreme benefits to all mankind. "Softness and idleness," he concludes, "are incompatible with the arts." Certainly the result of the arts has been luxury, but this has benefitted rather than harmed French society. In Paris, all are encouraged to work in order not to be surpassed in wealth by their neighbors. This wards off the supreme danger of laziness and channels individual ambition into productive work which benefits the entire society. Usbek goes so far as to conclude, "that to keep a prince powerful, his subjects must live in pleasure. He must work to secure all manner of superfluity for them, devoting to this as much attention as he turns

to the necessities of life."⁶³

In the Lettres Persanes the argument between the costs and benefits of technology is left unresolved, but the importance of posing the issue as Montesquieu does cannot be underestimated. It raises the more general question of the ultimate value of the modern world over the ancient, a question of profound importance for other eighteenth century thinkers, especially Rousseau, and which taunts the radicals of the French Revolution. Although Usbek's position finds its way into De L'Esprit des Lois in a modified form, it is nevertheless clear that there is nothing certain about the value of the domination of modern European culture. If Montesquieu never waivered in his belief that Europe could lead the world into an age of prosperity and justice by following the principles laid down in De L'Esprit des Lois he nevertheless had little faith that European rulers would actually follow them.

Montesquieu's theory of history sought to explain the determinative character of history while preserving an active and effective sphere for the human will. In order to do this he drew on an empiricism which lead him to accept the 'facts' of the past as well as in a rationalism that postulated order and rationality in historical movement. The modern world presented men with

an historically determined situation which constrained them but which also opened up possibilities for creative action. For Montesquieu, free will was as much a 'fact' as the balance of power or the extension of commerce.

Individuals owe allegiance not merely to their particular states but to *humanité* in general. Their particular citizenship must be informed by a consciousness of world citizenship which derives from the practice of commerce and international law and morality in the state system. In this context men owe allegiance to universal principles of justice which can be said to be natural, and which can be understood in the traditional language of rationalist natural law. But the main focus of citizenship is still with respect to particular states and forms of government; it is this theory which Part II of the dissertation will be concerned with.

Montesquieu's citizen is an autonomous self acting in a world which constrains his free action. In the first two chapters I have developed what we might call Montesquieu's general theory of the constraints on man's action--the definition of man as a moral creature, the notions of historical law and causation, and the European system that these historical laws have produced. In the next chapter my focus shifts to the conceptuali-

zation of the political subject. In it I mean to explore the terms and the logic or language within which thinkers in the early modern state captured the experience of the political subject. From there I will move to Montesquieu's theory of the citizen--a theory which attempts to show how the constraints of the social and physical world and the autonomous agency of the political subject interpenetrate.

C H A P T E R   I I I

POLITICAL KNOWLEDGE AND CITIZENSHIP: THE ROOTS OF LIBERAL THEORY

1. Political knowledge and citizenship. A theory of citizenship requires a theory of political knowledge. Theorists must have adequate means to describe the ways in which the political subject could and should act in political life--a knowledge of political self. This knowledge is necessary in order to know the nature of legitimate actions and the consequences of acting contrary to established norms. Further, the citizen requires a knowledge of how his everyday life is political; how it is influenced and constituted by public meanings and decisions. Without reference to a theory of political knowledge there could be no coherent conception of the citizen, for there would be no way of delimiting and describing the public roles which individuals adopt or the way in which their personalities are constituted by public life. The purpose of this chapter is to establish the contours of the early liberal theory of the political subject and their implications for a theory of citizenship.

The central question of a theory of political

knowledge is how does political thought inform political action? The ancients formulated the question in terms of the relation between practical and theoretical wisdom; more modern formulations involve the relation between theory and practice, or between science and tradition.

The concept of political knowledge can be organized roughly by two broad categories: the problem of political space, and the relation of knowledge to power. The former involves the perspective from which we view how people participate in political life. In the early theory of the modern state the problem of political space seeks answers to two questions: What knowledge is necessary to govern and what knowledge must the citizen possess in order to function as citizen? Most often in the political theory of the early modern state the first was answered by a theory of the legislator and the second by a theory of political obligation. The knowledge of rule and the knowledge of obedience constitute and organize the early modern theory of political knowledge. In this chapter I will argue that the early liberal theory which culminates in what I call the "absolutist theory of political knowledge" in Bacon and Hobbes, rigidly separates the knowledge of rulership from the knowledge of the citizen.

The second category of the theory of political knowledge, the relation between knowledge and power, concerns more directly the relation of political thought and political practice. The central question here is what knowledge is to be considered political? Of course this presupposes the more fundamental question of how the social dimension of knowledge is to be organized. Is the ruler to be a philosopher, or is he to be informed by scientists whose direct involvement in decision making is circumscribed by their lack of executive power? The theory of the early modern state tended toward the latter. I will argue that the tendency of early liberal theory was to lodge political knowledge outside of the space of political action, and I will conclude that on both the level of the legislator and the citizen, political knowledge was not fundamentally political.

There are two essential elements in the theories I will describe. First, during the sixteenth century there was a shift in the perspective of theory; the conception of political space broadened from the Prince to the citizenry. Machiavelli exhibited a concern for and penetrating insight into the relation between the citizen and the state with which all of the theorists I describe were aware. However, his concern was the art

of government, and he was not fundamentally concerned with the question of obligation. This problem was left to the era of religious wars on the continent and to the civil wars in England. Hobbes's first attempt to formulate a comprehensive view of politics is De Cive in which the reader "shall find briefly described the duties of men; first, as men; then as subjects; lastly, as Christians."¹ For Hobbes the central concern was the relation between citizens and rulers within political space. He and his followers through the eighteenth century filled this space on the basis of a strict dichotomy between the knowledge appropriate to rule and the knowledge appropriate to citizenship. This led to a conception of the legislator "not as the agent of a divine idea but as a man of intelligence blessed with a golden opportunity."² He stood above citizens because he had the capacity to be rational--to recognize, control and manipulate fate.

This leads us to the second element in the early theory of political knowledge. As rational knowledge seemed appropriate to the legislator, passion and will provided the basis of the citizen's action. Men cannot be trusted to act rationally; their passions dictate behavior. The ordinary citizen is pure will, acting rationally only under the compulsion of necessity. The

theory of the social contract based upon an epistemological separation between ruler and ruled introduces into the modern notion of the citizen the problem of political creativity in such a way as to declare its importance but to attempt to minimize its effect. According to contract theory men can be politically creative only once, when nature forces them to recognize that the renunciation of right is the only adequate defense of their personal safety.³ Man's passions compel him to one initial act of political creation which renders all further such acts as illegitimate. In this context the language of 'interests' attempts to give the citizen, still a creature of will in the face of the politics of reason, a more active role in political life.

The importance of the separation of the citizen and the ruler is that it separates political knowledge from the practical knowledge of action. Political knowledge becomes the technical application of scientific principles. This is possible only if the practical knowledge of action can be wholly absorbed outside of politics, in introspection, the study of the self in order to establish a foundation of knowledge, and in activity within a non-political civil society wherein interests can be pursued and produce a minimum of conflict. This chapter will explain the structure of this separation

in the early modern state on both the levels of the preoccupation with self and introspection and the distinction between public and private which leads to the formation of a non-political public sphere.⁴ I will first counterpose Aristotle's paradigm of citizenship to that of Jean Bodin. When viewed from the point of view of classical politics Bodin's theory rests upon radical foundations. Rather than defining the citizen in terms of activity in politics, Bodin defines the citizen in terms of the opposition of public life to private life.

I will then move to Montaigne's theory of the self and particularly to the fundamental claim of the Essays that all true knowledge must be directed towards action and that the knowledge which is most important is introspection--knowledge of the internal self. This leads Montaigne to oppose political action to this private introspective knowledge, asserting that the only true action of the citizen is unreflective obedience. Finally, I will turn to the absolute separation of political knowledge and citizenship in Bacon's and Hobbes' theory of politics as a rational science based upon objective principles, and the action of 'citizens' (or more properly individuals) as based upon passion and self-interest. For Bacon and Hobbes politics becomes a

technical science and the action of citizens is removed from politics.

I. From Aristotle to Bodin:
The Opposition of Public and Private

1. Social differentiation and the function of the citizen. Individuals act in different social contexts; they relate to others in a variety of ways. In their concrete existence, ignoring the possibility of a state of nature, they relate to others as members of families, as producers and laborers, and as ethical beings in 'society' and as legal beings in the 'state.' The concrete individual can only be understood as part of a nexus of social relations, each part free in itself but at the same time dependent upon relations of domination and subjection from the social organism as a whole. In short, the understanding of the individual requires knowledge of the differentiation of action in particular social and historical settings.

Herein lies the central focus of the traditional theory of citizenship. Understanding the political responsibilities of the individual requires knowledge of how one grows into public life. How is a citizen to be educated to function adequately in his public role?

Aristotle sets the stage for this theory of a dif-

ferentiated polity.⁵ He distinguishes two principles of differentiation: 'growth' and 'nature.' Growth involves the historical development of life within social corporations. The primacy of the family leads directly to village life and then to the polis, the final stage which represents the culmination of temporal association for the individual. Yet in the second order of differentiation, nature, the polis is the primary sphere of individual action. In terms of 'nature' the order of primacy is reversed from that order dictated by moral growth.⁶ The polis is the crown of man's existence; he cannot complete his inner nature without political action. In this sense the polis is prior to man. Men create it but without it they do not exist as men; just as, "if the whole body be destroyed, there will not be a foot or a hand."⁷ The polis is an end of man's life in two senses. It is the final temporal stage of his concrete growth, and it is the purpose toward which his nature directs his action.

All individuals participate in the state, although at different levels of goodness and actions. Likewise, the differences among men allow for different political institutions.⁸ Individuals participate in two senses, moral and functional. The end of the state is "the best and highest life possible" and each participates to the

extent that he can act in the "perfect practice of goodness."⁹ By viewing the state as requiring certain functions, individuals are differentiated into classes. It requires farmers, craftsmen, soldiers, property-owners, priests and legislators.¹⁰ Individuals, then, play different roles in the state according to their natural capabilities and occupations. But only some can be citizens.

Class differentiation, according to Aristotle, is natural. The primary division within the family is among slaves, women and men--there are natural slaves and there are natural masters. A person's proper function can only be attained through proper forms of rule. The necessary classes are mirrored by the structure of the inner nature of the species. Inside men and women there is a natural hierarchy. The soul ought to rule the body, and the rational element of the soul ought to rule the appetitive.¹¹ On this basis strict criteria for a natural class division emerge. Slaves are those who are incapable of autonomous rational action; presumably they could not survive adequately in the world if left to themselves. Incapable of autonomous rational action, the slave is not irrational, but he is capable only of apprehending rationality in others.

For women the case is somewhat different: "The

relation of the male to the female is permanently that in which the statesman [temporarily] stands to his fellow-citizens."¹² In other words, men rule women naturally as the statesman rules his equals (i.e., citizens) with the difference that for citizens, the positions must at some time be reversed. The citizen is one who rules and is ruled by equals in turn, sharing deliberative and judicial decisions. Although women are not accorded the possibility of rule, they are differentiated from slaves by their rational capability and by their functions; they are not property as slaves are. Women have the capacity for rational reflection but it is 'inconclusive.'¹³ They are rational but they are not suited to be citizens.

Aristotle never discloses what he means by 'inconclusive,'¹⁴ but it is of great importance to his theory of citizenship. At the end of Book I (Chapter xiii, section 16) Aristotle calls women "a half of the free population." Yet, they are not citizens. He has given clues as to the reason, but no argument. The argument we can surmise would rest upon the goodness appropriate to women's functions in the household; paralleling his argument that the slave's function in the household derives from the nature of their soul, and that the goodness appropriate to their characters derives from

their particular functions as "servants in the sphere of action." Whatever argument he may have presented, women are ambiguous equals of men--they are capable of partaking in the essentials of 'goodness,' but they are not citizens.

But women are not the only ones barred from citizenship. The fundamental distinction established in Book VII, Chapter ix is that full citizens, whose life is dedicated to the pursuit of goodness, must have little to do with production:

Upon these principles it clearly follows that a state with an ideal constitution--a state which has for its members men who are absolutely just, and not men who are merely just in relation to some particular standard--cannot have its citizens living the life of mechanics or shopkeepers, which is ignoble and inimical to goodness. Nor can it have them engaged in farming: leisure is a necessity, both for growth in goodness and for the pursuit of political activities.¹⁵

Their only place in the economy is as property owners, the class which has the greatest stake in the proper functioning of the polity, and the leisure necessary to clear reflection on public issues. Citizens should be thoroughly political, devoting their public lives to either military service, deliberations regarding justice, or to the priesthood.

"All things derive their essential character from

their function."¹⁶ This is likewise true of the citizen. After rejecting purely formal criteria such as residence and the right to sue in courts as adequate to describe the citizen, Aristotle settles on his famous functional definition:

The nature of citizenship in general emerges clearly from these considerations; and our final definitions will accordingly be: (1) 'he who enjoys the right of sharing in deliberative or judicial office [for any period, fixed or unfixed] attains thereby the status of a citizen of his state,' and (2) 'a state, in its simplest terms, is a body of such persons adequate in number for achieving a self-sufficient existence.'¹⁷ (III, i, 12)

The paradigmatic case for the citizen is a democracy, wherein he participates actively and regularly. Citizenship is available in other constitutions but it is more problematic, there being less time for individual participation in the state. In so far as an individual is a citizen, his life is thoroughly public and political. Citizenship involves deliberation about and an application of the good of the state, the public good, embodied in the ideal of self-sufficiency.

The self-sufficient polis is one which is both materially and morally independent and complete:

. . . while it (the polis) grows for the sake of mere life [and is so far, and at that stage, still short of full self-sufficiency],

it exists [when once it is fully grown] for the sake of a good life [and is therefore fully self-sufficient].¹⁸

The public good cannot in any sense be a sum of the parts of the state, although they are essential to it. It must be determined in a "public space," an intellectual and physical forum determined by the constitution and constituted by meanings and discourse available to all citizens. Indeed, that space must be thoroughly public, containing no private associations at all. A more formal theory based upon the 'rights' which individuals possess within the state would define citizenship in terms of private needs and claims. Where one lives, that one has been wronged in a business transaction, are essentially private criteria, just as the economic production of farmers and craftsmen is always bound up with the private interests of a particular corporation. The criteria of citizenship must be such as to create a class aloof from private interest, able to partake in purely rational discourse about the public good. Only the individual whose life is thoroughly public and political can perform this function.

Aristotle draws a radical conclusion from his thoroughly public view of citizenship: the good citizen cannot be identified with the good man.¹⁹ In the pre-

vious chapter (III, iii) Aristotle had established that the identity of a state, what gives it a coherent character derives from the constitution. It follows that the good man, who 'is a man so called in virtue of a single absolute excellence," does not describe the good citizen, who serves the sole end of "safety in the working of their association; and this association consists of the constitution."²⁰ Even in the ideal polis the good man is not equivalent to the good citizen. Deliberation and judicial judgment require various sorts of tasks, and the good citizen is the one who can perform the necessary task. The criteria of the good citizen must derive from the state itself, not from either his private life or from his general participation in universal virtue: "the excellence of being a good citizen must belong to all citizens indifferently, because that is the condition necessary for the state being the best state . . . ." ²¹

Aristotle's functional definition of citizenship allows him to preserve a purely public space within which the only admissible action is that directed to preservation of that space. It is pure in that neither private criteria, such as 'interests,' nor a universal Platonic 'Good' have any relevance. The public good describes the preservation of the public space in which citizens can freely debate and implement public choices. As we turn now to the modern

notion of the citizen, we find that this fundamental orientation has shifted in two fundamental ways.

2. Bodin and the modern notion of the citizen. First, the criteria of citizenship have been universalized to include not only women, but the individual qua individual. All those who participate in public authority, either owing obligations towards it or contributing to its well-being now are accorded certain rights as citizens (although to different degrees for different groups). The revival of Roman law in the thirteenth century, culminating in Renaissance jurisprudence, opened up citizenship to new classes and potentially to all classes. In this respect the most important result of the universalization of citizenship was that economic action became a legitimate sphere of action for the citizen. The political ascendancy of the bourgeoisie required a doctrine of citizenship which recognized the legitimacy of economic activity within the boundaries of citizenship. The individual who acts in such a way that he enriches the wealth of the society must be considered as good a citizen as those who serve in public office.

This leads to the second major change in the theory of citizenship: the redrawing of the lines between pub-

lic and private life and the tendency for the former to be described in language more suited to the latter, particularly utilizing the language of interest and self-interest,²² while at the same time theorists posed them as antithetical spheres of action. The universalization of the criteria of citizenship tended to elevate formal criteria over the requirements of public action, providing individuals with protection from the state for their persons and property, while being removed from public responsibilities.

The cost of the universalization of the criteria of citizenship was that it made it impossible to define a public space purely on its own terms as Aristotle had done. The social differentiation had new sets of boundaries; civil society, the world of morality and economic action took on a legitimacy it never had in the Greek polis. Furthermore, a 'public' space arose governed not by the public good or by universal religious principles, but by 'social' interaction described best by the untranslatable team of French words, 'moeurs' and 'manières.' Politics became increasingly submerged beneath a surface of social appearances (as evidenced by the court life in the period of the early modern state which grew up based primarily upon appearances--fashions, social graces and politeness).

In political thought the shift came early in the bourgeoisie's rise to power. In the fifteen-seventies Jean Bodin had already defined the public realm in terms of its opposition to private interests:

But besides sovereign power there must also be something enjoyed in common such as the public domain, a public treasury, the buildings used by the whole community, the roads, walls, squares, churches, and markets, as well as the usages, laws, customs, courts, penalties, and rewards which are either shared in common or of public concern. There is no commonwealth where there is no common interest . . . For nothing could properly be regarded as public if there were nothing at all to distinguish it from what was private. Nothing can be thought of as shared in common, except by contrast with what is privately owned . . . We see therefore that commonwealths were ordained of God to the end that men should render to the community that which is required in the public interest, and to each individual that which is proper to him.²³

By entering the public realm the head of the household does not enter into a higher order of association which morally encompasses the household; rather he enters a realm of power relations by renouncing the private interest in order "to treat of those things which are of common interest."²⁴

For Bodin, the individual who is destined to become a citizen moves directly from the household into his role as citizen:

When the head of the family leaves the household over which he presides and joins with other heads of families in order to treat of those things which are of common interest, he ceases to be a lord and master, and becomes an equal and associate with the rest. He sets aside his private concerns to attend to public affairs. In so doing he ceases to be a master and becomes a citizen, and a citizen may be defined as a free subject dependent on the authority of another.²⁵

There is no intermediary, such as village life for Aristotle, between private and public life. Even while these two spheres can be distinguished from one another, they are both regulated by the same form of action. Indeed, while mastership is based upon paternalistic power and authority, and citizenship is based upon mutual obligation, the fundamental root and focus of action is the same: both public and private space are determined by power. In the private space described by the family the father rules over his wife, children and slaves unchecked, whereas in public his interests and desires are bounded by those of others. Sovereignty, Bodin's major determinant of public space, is defined as 'that absolute and perpetual power.'²⁶ The space in which Bodin's citizen acts is radically different from Aristotle's. Bodin describes the public realm in a new language governed by assumptions about power rather than about the public good or the good life. In

fact, Bodin defines citizenship in direct response to Aristotle.

In Bodin's view the ancients were incorrect to define the commonwealth "as a society of men gathered together for the good and happy life."²⁷ This definition 'falls short' by omitting the principle parts of a commonwealth: "the family, sovereign power, and that which is of common concern." We might note that this is exactly what Aristotle intended to do in order to define public space wholly according to its own nature. On the other hand, the definition 'goes beyond the mark' by positing 'happiness' as essential to the state. The end of the state is internal justice and survival in a world of other states. Happiness and the pursuit of the good life jeopardize rather than reinforce the state's welfare. If happiness were essential to the state "the good life would depend on the wind always blowing fair." The state no longer provides the space in which the individual can be fulfilled and hence truly happy. Rather, it protects the proper ordering of life. The highest good for men "springs from the union of action and contemplation." The end of the state is to secure material goods and economic well being providing the leisure for individual contemplation, rather than that sphere in which contemplation has its fullest meaning.

The ideal of individual life for Bodin requires removal of oneself from politics. Action is primarily economic action and it is political only in a technical and negative sense. Action consists in "mundane activities such as the administration of justice, the defence of the subject, the provision of the necessary means of subsistence." Once the state secures these, individuals are free to pursue the higher good of contemplation. For Bodin contemplation is 'the final end' of the state, but he means this as last in a temporal chain of activities. It is essentially a final 'good' which the state must secure:

The same principles hold good for the well-ordered commonwealth. It is ordained to the contemplative virtues as its final end, and those things which are least in order of dignity come first in order of necessity. Those material things necessary to the sustenance and defence of the subject must first be secured.²⁸

The spiritual and moral results of contemplation are clearly secondary to the role of the state as maintaining outward order. Later theorists of the modern state will remove those results completely from the state, relegating them to a private life within civil society.

Bodin criticizes Aristotle further for defining the citizen in terms of his participation in the state.

Rather, he urges a universalization of citizenship (excluding slaves) within a public space based upon mutual obligations. His criticism is worth quoting at length:

It is a very grave error to suppose that no one is a citizen unless he is eligible for public office, and has a voice in the popular estates, either in a judicial or deliberative capacity. This is Aristotle's view . . . . Plutarch improved on this description when he said that citizenship implied a right to share in the rights and privileges of a city-state, implying that he meant such a share as accorded with the standing of each, nobles, commoners, women, and children too, according to the differences of age, sex, and condition . . . . It must however be emphasized that it is not the rights and privileges which he enjoys which makes a man a citizen, but the mutual obligation between subject and sovereign, by which, in return for the faith and obedience rendered to him, the sovereign must do justice and give council, assistance, encouragement, and protection to the subject.²⁹

The state has become more like a private partner in a contract than a sphere of action in which men realize their nature. The economic metaphor does not emerge as the grounding of a theory of political obligation in Bodin but the fundamental assumptions of the later theory do. The citizen is anyone who owes obedience to the state in order to receive in return "justice . . . council, assistance, encouragement, and protection." The public is now a realm of 'interests' not of goodness. Mature social contract theory makes explicit the shift

that Bodin's critique of Aristotle implies: both public and private life are governed by the same language of 'interests.' But interest implies particularity; for an act to be in someone's interest it must be opposed to that of others. On the contrary 'public' implies universality, a community that transcends its particular parts. A fundamental antinomy plagues Bodin's theory of citizenship as it establishes the contours of debate in the modern state; the public is defined in terms of its opposition to the private, yet the very notion of public implies universality and harmony. It is this antinomy which Montesquieu's conceptualization of *l'esprit general* attempts to solve by arguing for an interpretation of law which can successfully mediate particular interests and the universality of the public good.

II. Montaigne: The Self and the Supremacy of Private Life

. . . a sound intellect will refuse to judge men simply by their outward actions; we must probe the inside and discover what springs set men in motion. But since this is an arduous and hazardous undertaking, I wish fewer people would meddle with it. ("Of Drunkenness," II, 1, p. 244)

1. A grammar of practical action. No one has captured the everyday life of the modern subject better than

Montaigne. His Essays comprise, so to speak, a grammar of practical action: the rules of every day life on which people act in ways that often seem the most irrational. His major themes, life is learning to die, skepticism with regard to intellectual wisdom and the complexity of the subconscious motivations of human action describe a view of persons as autonomous agents, the knowledge necessary and proper to them is introspection. Whether good for him or not, and Montaigne thinks that in most cases the freedom of the self only leads to foolishness and depraved morals, the legitimacy of particular actions must be judged from the point of view of individual actors. In the following section of this chapter I want to present a picture of Montaigne's notion of the subject and the implications he draws for politics.

Judgments about good and evil are relative to particular individuals and their circumstances. Montaigne marvels at the instances when people act other than they should. Men should never commit suicide, or so we are told both by traditional Christian morality and the secular platitude that men should and will avoid pain. Yet in practice, Montaigne argues, neither of these seems true. Men endure pain for what they perceive as higher purposes, and they commit suicide willfully when

life no longer poses a meaningful alternative. In "That the Taste of Good and Evil Depends in Large Part on the Opinion We Have of Them" (I. 14) Montaigne describes the motivations which lead men to suicide. That they are justifiable Montaigne never questions.³⁰ He relates the reactions of Jews ordered expelled from Castile. Sold into slavery by the King of Portugal, the first shipload of exiles were treated so ruthlessly by sailors that the others resolved to remain in Portugal as slaves. Continued efforts to convert the Jews to Christianity failed. The Jews remained firm in their convictions and beliefs. When the crown finally ordered that all the children under fourteen be taken away by the state and raised as Christians, they committed suicide, even killing their children to thwart the crown's designs. Montaigne concludes, "How often have not only leaders, says Cicero, but even whole armies rushed to certain death?" (p. 36). Moral judgments can only be examined in light of the meaning particular individuals give to their actions, not on the basis of abstract rules.

Knowledge then for Montaigne must be practical knowledge, directed towards action. Rather than separate theory and practice, knowledge must merge them. In "Of Pedantry" Montaigne decries the scholastic emphasis

on the quantity of knowledge. Learning to them means a purely external acquaintance with the thoughts of others and a causuistry which has no relevance to action. He describes their notion of knowledge as that of a man who, needing fire, seeks it at his neighbor's, but "having found a big fire there, should stop there and warm himself, forgetting to carry any back home." He continues by an analogy to food: "What good does it do us to have our belly full of meat if it is not digested, if it is not transformed into us, if it does not make us bigger and stronger?"³¹ Judgment, not learning, should be the focus of knowledge, and judgment requires digestion. We must process it and reflect on it according to our needs. Knowledge is related to action, to goodness. Principles of good and evil mean nothing unless men have internalized them so they can be translated immediately into action. For Montaigne it is clearly this internal action that is of uppermost concern: ". . . in truth it is a fact that learning is less valuable than judgment . . . Any other knowledge is harmful to a man who has not the knowledge of goodness."³²

2. Introspection as the basis of knowledge. For true knowledge men must look into the soul: "The soul may

be shaped into all varieties of forms, and molds to itself and to its every condition the feelings of the body and all other accidents. Therefore we must study and look into it, and awaken in it its all-powerful springs."³³ The locus of the good and the useful is now inside man; it is not to be found in learning or in scripture. This internal knowledge is difficult, too difficult for most men to pursue, hence the quotation which opens my discussion. Inside the mind is a complex of often contradictory motives and drives: "Our actions are nothing but a patchwork."³⁴ By conceiving the mind and action as a system of interacting motives and drives Montaigne opened a new form of inquiry. A "scientific" understanding of human action and thought was now possible, indeed necessary if an absolute skepticism regarding the knowledge of human action and hence rational and moral judgment about it was to be avoided. A century later Locke could analyze thought into sensations deriving from external objects, and Descartes could devise a method which stripped the mind of all knowledge except that of itself in order to establish the validity of the propositions the mind accepted as true.³⁵ Both sought to disentangle the complex interactions of drives inside the mind, the 'new world' opened up by Montaigne's probing of the self. The following

passage from "Of the Inconsistency of our Actions" could be an underlying belief of many liberal psychologies:

If I speak of myself in different ways, that is because I look at myself in different ways. All contradictions may be found in me by some twist and in some fashion . . . I have nothing to say about myself absolutely, simply, solidly, without confusion and without mixture, or in one word. (p. 242)

This dilemma of the self that Montaigne bequeaths to the liberal theory of the subject leads to an inquiry about a different form of knowledge than previous inquiry. Montaigne is more concerned with understanding opinion than truth for truth cannot, in his view, be disentangled from the circumstances and the ideas of the men who fashion it. "So in the study that I am making of our behavior and motives," Montaigne asserts in the "Power of the Imagination," "fabulous testimonies, provided they are possible, serve like true ones."³⁶ Truth is less relevant to action, to what counts as having meaning for individual human beings, than opinion. Opinion clearly governs more of man's behavior, both for good and ill, than truth: "Opinion is a powerful performer, bold and immoderate."³⁷ In the famous essay, "Apology for Raymond Sebond," Montaigne attacks the erudite knowledge that takes men away from the adequate pursuit of everyday life. It removes them from

all concern for the body, destroying the necessary connection between body and mind³⁸ and severing the connection between theory and practice, moral judgment and action. The scholastics made moral judgments independently of the particular circumstances of action. They set out rules for the value of 'good' and the pure absence of pain without regard for the value they have in actual life situations. Exercising his flare for paradox, Montaigne reverses their judgments: "Evil is in its turn a good to man. Neither is pain always something for him to flee nor pleasure always for him to pursue."³⁹ But Montaigne asserts his principle of the self nowhere more clearly than in the "C"⁴⁰ edition of "That to Philosophize is to Learn to Die": "Life is neither good nor evil in itself: it is the scene of good and evil according as you give them room."⁴¹ Applied to a view of the subject, this position has radical implications.

Unshackled to the bonds of Christian morality the self requires other forms of control. I have already shown that the locus of individual action and moral judgment for Montaigne is the individual self and that consequently true knowledge is not that which yields abstract general principles but that which aids everyday action and judgment. Furthermore, the epistemological

reference point of this knowledge is the internal mind, the generation and movement of ideas within the mind. Just as this opens up a new direction for scientific inquiry into the subject, it demands a new view of moral virtue. Montaigne responds to this need by describing virtue as self-control, as command over the complex motivations and contradictions of the self. This notion of virtue is a combination of the Platonic notion of rational control over the various faculties of the mind, and the Machiavellian notion of virtù as the drive and the ability to overcome fortuna.

Virtue for Montaigne is not then the Christian notion of performing good actions on the basis of a rightly ordered conscience. It is the more active and private pursuit of mastery of the contradictions embedded in the soul. The will must forge consistency of action over time. Pain and evil must be accepted as sometimes necessary but always with temperance and control.⁴² Virtue has become in Montaigne's hands a primarily private act of will, determined by self-reflection and self-judgment. This can be illustrated in Montaigne's view of habit and custom.

Habit and custom, the major formative influences on the person, are most often enemies rather than aids to virtue. "Habituation puts to sleep the eye of our

judgment," Montaigne asserts in "Of Custom, and not Easily Changing an Accepted Law."⁴³ Habit and custom tend to wear down our rationality, and moral training requires training of the heart, of the passions rather than the imbuing of rational or religious principles.

"Children must be carefully taught to hate vices so that they will shun them not only in their actions but above all in their hearts, so that the very thought of them may be odious, whatever mask they wear."⁴⁴ Habit and custom can encourage moral behavior only if carefully controlled by the individual conscience. Virtue consists in the development of conscience, in a self-reflection which can be put into practice as self-control:

"In all things and all places my own eyes are enough to keep me in line; there are none that watch me so carefully, none that I respect more."⁴⁵

Virtue is not merely the intellectual ordering of the soul but must be reflected in the everyday control of practical action. Extending Machiavelli's notion of political virtù into the private sphere Montaigne seems to describe virtue as an overcoming of circumstances. In this respect it directly contradicts the complacency of the classical Platonic model. Rather than the easy-going immediacy of a naturally well adjusted soul, virtue requires struggle. Cunning and reason are the forms

of knowledge necessary for virtue. Virtue never merely comes to men, or is born with them; it is never comfortably seated within a person. Rather, it is constantly mobile, always in need of being reinforced by guiding action. Virtue "demands a rough and thorny road."⁴⁶

Machiavelli's virtù, the political imperative of the Prince to transcend fortuna, is transferred and generalized as the virtue of the self. Christian morality has been replaced as the end of individual action by a stoic sense of worldly struggle.

But we must be careful not to ignore the synthesis between the classical Platonic notion of the well ordered soul and the Machiavellian imperative to overcome fortune. Montaigne considers virtue, as all other characteristics of human action, psychologically complex. Montaigne wants to avoid the danger inherent in the Machiavellian virtù that it too easily justifies cruelty and repression.⁴⁷ Virtue must be instilled in the self so that it not only avoids evil but also produces good. The outward appearance of virtue is often falsely taken as virtue. "Firmness in dangers (if firmness it should be called), contempt for death, endurance in misfortunes, can come to men, and are often formed in them, through not conceiving them as they are."⁴⁸ Virtue requires prudent judgment based upon practical knowledge

of particular circumstances. What seems to be virtuous and manly action on the outside may actually be a reckless cruelty based upon false judgment: ". . . when we judge a particular action we must consider many circumstances and the whole man who performed it, before we give it a name."⁴⁹ The signs of virtue must not be merely accidental and fortuitous, but rather they must represent the inner being of the person. Also, it is not merely 'rational' action. Rather the grandest level of virtue arises from an internalization of self-consciousness--a recognition deep within the soul of the propriety and moderation of judgments and the seemingly natural ability to be in complete control over one's actions. Two models of the virtuous man compete for Montaigne's favor, Cato and Socrates. The latter, most of the time but not always, comes out ahead.

3. Private action and society. What is most important in life is lodged in the self. In the essay "Of Solitude" Montaigne makes clear that mere physical escape does not alleviate burdens and suffering. Public life, whether in politics or commerce, merely creates a facade; the real anxieties and traumas of life occur underneath, in the soul: "Furthermore, by getting rid of the court and the marketplace we do not get rid of

the principle worries of our life . . . ambition, avarice, irresolution, fear, and lust do not leave us when we change our country"⁵⁰ (pp. 175-6). Even the family does not provide release, for "there is scarcely less trouble in governing a family than in governing an entire state . . ."⁵¹ Escape, it would seem is not possible for the origin and carrier of our torment is our self:

Wherefore it is not enough to have gotten away from the crowd, it is not enough to move; we must get away from the gregarious instincts that are inside us, we must sequester ourselves and repossess ourselves.⁵²

Nowhere is the primacy of the self and its opposition to public life stated with such conviction as in this essay. "The soul cannot escape from itself . . . therefore we must bring it back and withdraw it into itself" (p. 176). Only self-control, not in the superficial sense of removal from dependence on the external public world, but as complete dependence purely on ourselves is necessary: ". . . let us win from ourselves the power to live really alone and to live that way at our ease" (p. 177). Along with Rousseau, Montaigne could have been Emile's tutor. Real solitude is best enjoyed in isolation, but it must be no less available "in the midst of cities and the courts of kings." It is a condition of

mind--of self-control. The properly constituted soul is the one which "can keep itself company."

We must be careful not to read Montaigne as arguing for an isolated self, like some later liberal theorists. The self always exists in a society with others.⁵³ Indeed, if the self were not formed in part by its accidental surroundings self-control would not be problematic. Furthermore, society (but not politics) offers the ideal form of action for the self--friendship.

Friendship is a condition separate from all others with a moral priority over them. Montaigne distinguishes friendship from family ties, for those are based upon law and natural obligation. Real friendship rather, must be based upon our free will: "and our free will has no product more properly its own than affection and friendship."⁵⁴ Furthermore, friendship is distinct from love, for love is too impetuous, "a frantic desire for what flees from us."⁵⁵ Friendship rather is an immediate extension of self and merging with another--"a harmony of wills" as Montaigne describes it. Friendship is the only free relationship, completely unconstrained except by mutual affection.

But the union of souls which characterizes ideal friendship applies to one other only. It is the ideal form of social action but it is limited. Most associa-

tions with others are more casual, less intense, but certainly as necessary. Ordinary social action takes place with common people. In his actions in society, Montaigne asserts that he seeks above all comfort. In society one deals most often with "plain people" of "humble and vulgar souls" (although these souls "are often as well-regulated as the subtler ones").⁵⁶

This requires an ability to act in a plurality of ways; to act in a way that we think of as 'social' and that Montesquieu will later describe as characteristic of "l'homme de l'esprit." It is worth quoting Montaigne's description of this plurality of action at some length:

I would admire a soul with different levels, which could both be tense and relax, which would be well off wherever fortune might take it, which could chat with a neighbor about his building, his hunting, and his lawsuit, and keep up an enjoyable conversation with a carpenter and a gardener. I envy those who know how to be familiar with the humblest of their retinue and carry on a conversation with their own servants.⁵⁷

Montaigne follows this with the implication that in society all are equal because they are men.⁵⁸

As much as possible Montaigne wants to purge society of power. Relations among men are best when unconstrained by artificial relations of domination and subjection: "The least strained and most natural ways of

the soul are the most beautiful; the best occupations are the least forced." Although Montaigne's ideal friendship for Etienne de la Boétie is the best possible type of social relationship, what characterizes all valuable social relationships is their non-political character--that they pruge all elements of power. Hence men must be cautious as to the extent they enter society. Except in the case of ideal friendship one must self-consciously distance oneself from others. Isolation and retreat are not possible: "There is nothing to which nature seems to have inclined us more than to society."⁵⁹ Common friendships of a lesser moral quality than the ideal must be entered into "bridle in hand, with prudence and precaution."⁶⁰ Therefore, men should both follow society but reserve themselves from it. They should follow its customs and fashions but "the wise man should withdraw his soul within, out of the crowd, and keep it in freedom and power to judge things freely."⁶¹ There is an 'inside' and an 'outside' to men which must be kept counterposed to one another. This is the essence of the struggle that defines virtue as self-control. The self must at one time live in society, yet be continuously cautious and self-conscious of its actions.

4. The isolation of politics: obedience as the proper action of citizens. The benefits of social interaction can be enjoyed in society but not in politics. In the essay, "Of the Inequality that is Between Us" Montaigne speaks of a 'private citizen' to distinguish ordinary persons from kings.⁶² This private citizen has nothing at all to do with politics, he is comfortable in a society purged of power and has no place in a public realm which self-consciously debates and determines the public good. Indeed, Montaigne is skeptical if this sort of public life can exist. Government is a necessary evil and citizens, insofar as they relate to it at all, do so as obedient subjects, recognizing only the necessity of obedience.

In direct contrast to society, political life is isolated. Those who wield political power have no advantages that "men of moderate fortune" do not have, but they do have many disadvantages. They know no friendship; their subjects generally follow them out of obligation and custom. Even if truly loved by the populace, the elevation of the monarch removes him from the joys of everyday life. Similar to Plato, Montaigne conceives a dilemma--good men will not enter politics. Plato believed that philosophers had to be convinced, as he was, that public service alone was the supreme virtue.

Montaigne no longer had faith that that was so. For Montaigne private life offers too many rewards, and public life too few. Engagement in politics is merely an obligation, never a joy. To reinforce this point Montaigne relates the story of Diocletian. Having retired from public life to pursue the ease and comfort of private existence he was urged by citizens to return to public rule. In response he lamented: "You would not ask this of me if you had seen the beautiful rows of trees that I myself have planted at home, and the fine melons I have sown."⁶³ Ease and contentment of self are the ends of life and politics is powerless to affect them. Politics offers no rewards of its own to make it worthy of pursuit for the self and in fact it tends to negate the supreme value of private life.⁶⁴

This leads Montaigne to conclude that the action which defines the citizen is obedience. Montaigne's defense of La Boétie in "Of Friendship" is rooted in the ideal of the citizen as obedient to the laws (p. 144). He states this maxim in several other places but no more powerfully than in "Our Feelings Reach Out Beyond Us" (I, 3). In this essay Montaigne makes a crucial distinction between private judgment and public justice. "We owe subjection and obedience equally to all kings . . .," but we owe esteem and affection only to virtuous

ones. Our private judgment must express our "true feelings" but that judgment has no implications for our public obedience. We must obey even if we recognize the king as a tyrant.

Let us make this concession to the political order: to suffer them patiently if they are unworthy, to conceal their vices, to abet them by commending their indifferent actions if their authority needs our support. But, our dealings over, it is not right to deny to justice and to our liberty the expression of our true feelings, and especially to deny good subjects the glory of having reverently and faithfully served a master whose imperfections were so well known to them, and thus to deprive posterity of such a useful example.⁶⁵

Citizens provide "useful examples" in two senses. The first is in absolute obedience and the second is by expression of a private judgment which provides posterity, "public judgment," with the sentiments and knowledge to condemn an unjust Prince after his death. History determines the true worth of a king. Men's private judgments, required by the charge to men to seek truth within themselves, has no application to political action.

This leads Montaigne to adopt a thoroughgoing and unflinching conservatism. He uses the metaphor of the "body politic" to assert that laws should rarely if ever be changed:

It is very doubtful whether there can be such

evident profit in changing an accepted law, of whatever sort it be, as there is harm in disturbing it; inasmuch as a government is like a structure of different parts joined together in such a relation that it is impossible to budge one without the whole body feeling it.⁶⁶

This is followed by an invective against innovation in politics.⁶⁷ Politics, unless it serves to preserve tradition, is a poisoned pursuit. The self must recoil from it. The subject, in order to be a good man, must retreat into private life, just as Bodin declared that politics as a public pursuit had no meaning unless counterposed to a private life. For Montaigne, the eminent domain of private life is not the family, as for Bodin, but the internal mind, the soul. The self emerges in the Essays as an end whose grandest moment is its isolation and solitary judgment. As a citizen, the self has no place: "Private reason has only a private jurisdiction."⁶⁸ His obligation is obedience not because of direct benefits but because alternative courses would produce worse results. Political action by private citizens in any form loses its legitimacy. Montaigne does not envision any positive political expression of self as Montesquieu and liberal theorists do.

The only man with the right to act creatively in politics is the brilliant leader, the great man who has

the character and knowledge "not only how to command according to the laws, but how to command the laws themselves."⁶⁹ Political knowledge is an innate genius to understand circumstances and to manipulate men to the public purpose. Montaigne's born leader is not very different from Machiavelli's Prince. What is different is Montaigne's desire to root this transcendent leadership in a theory of self; the felt need to justify the removal of citizens from politics. Later theorists, as we will see, felt the need as even more of an imperative.

Montaigne considers that men act most often from self-interest rather than from public spirit. But he regrets the passing of the republican moment, the moment of public spirit. His conclusion that men should remove themselves from politics is more a result of his belief in their inability to free themselves from their private interests and the penetration of private interests into politics--that princes are really no different from private persons except for the few virtuous leaders. The private self is preeminent to the detriment of politics. Montaigne, unlike later liberals, has little faith in the value of this situation for politics. He does not have a theory of private property rooted in natural right which for seventeenth century English republicans

and for Locke, legitimates the supremacy of private over public action (this is not by any means to argue that he should have). Like his longing to be a part of a meaningful dialogue with classical philosophy, there is a hint of regret in Montaigne, as there will be later in Montesquieu, at the passing of the classical republicanism wherein private and public interests were reconciled in the immediacy of public action. Now, the preeminence of the self and self-interest establishes barriers to the immediate reconciliation of public and private spheres--in the modern state they are in constant opposition, mediated by a civil society which is public but not political. It is the logic of this three tiered notion of action which liberal theory will be concerned to work out through to the end of the eighteenth century. In the end, the loser, as Sheldon Wolin argues, will be the political.

III. Bacon and Hobbes: The Opposition Between the Knowledge of Citizens and Rulers

Bodin's definition of the citizen in terms of the opposition of public and private life and Montaigne's notion of self-knowledge as that knowledge appropriate to individual action establish crucial presuppositions of the liberal theory of citizenship. In the concluding

section of this chapter I will show how the final pre-supposition, the opposition of the knowledge of the citizen and the knowledge of the ruler, develops in the work of Francis Bacon and Thomas Hobbes. I have called their theory the 'absolutist' theory of political knowledge.⁷⁰

1. Bacon: practical knowledge and the control of nature. Although he was not explicitly concerned with political theory it would be impossible to underestimate Francis Bacon's contribution to the early theory of the modern state. He is less important for any specific proposals (although many of these were finally adopted by theorists and governments at various times) than for his being the first to clearly introduce the crucial assumptions and orientation of the most popular attempt to solve the enigma of political knowledge.

Perhaps Bacon's most well known contribution to modern epistemology is his attempt to redraw the boundaries of knowledge and to reorient scientific method. For our purposes the first is of greatest importance. Knowledge for Bacon must be practical; its proper end is the improvement of human life. To seek knowledge for any other purpose only leads to confusion.⁷¹ In the "Preface" to The Great Instauration Bacon states

his purpose clearly:

Lastly, I would address one general admonition to all; that they consider what are the true ends of knowledge, and that they seek it not either for pleasure of the mind, or for profit, or fame, or power, or any of these inferior things; but for the benefit and use of life; and that they perfect and govern it in charity.⁷²

Bacon's work never loses sight of this practical goal, as we see it echoed in the New Atlantis. The guiding purpose of Salomon's House is "the knowledge of causes and secret notions of things; and the enlarging of the bounds of human empire, to the affecting of all things possible."⁷³ The listing of the achievements of Salomon's House which follows makes it clear that Bacon had a clear vision that improvement meant prolonging life, improving health, and making life more comfortable.⁷⁴ The goal of science was to make life pleasant, and no other end would suffice as a guide to knowledge.

Bacon's logic of induction reinforced this practical orientation to knowledge. Previous philosophy was caught in metaphysical webs of its own making.⁷⁵ The deductive logic of syllogism created knowledge about propositions not about things; it represents mere playing with words and discourse about arguments. In this

self-created process philosophy has left truth behind:

For the end which this science of mine proposes is the invention not of arguments but of arts; not of things in accordance with principles, but of principles themselves; not of probable reasons, but of designations and directions for works. And as the intention is different, so accordingly is the effect; the effect of the one being to overcome an opponent in argument, of the other to command nature in action.⁷⁶

The traditional deductive logic of the schools more often confuses than clarifies, creating dilemmas where they do not exist. More important, it presumes a confusion of two types of invention, those inventions of the mind, like language, which establish 'tokens' or 'marks' of things, and those inventions which allow us to utilize and manipulate things.⁷⁷ Logic, meaning deductive logic, is not science. In the Advancement of Learning Bacon draws a crucial distinction between the "Arts and Sciences" and "Speech and Arguments."⁷⁸ Art and Science must draw their meaning from nature. They must start from things and then move, by steady progression, to "those axioms and general truths which will lead to practical invention."⁷⁹ In the beginning we immerse ourselves in nature so that in the end we can manipulate it, "superinducing that nature upon any variety of matter . . ."⁸⁰

Bacon's peculiar religious interpretation of the knowledge of nature is important as the strategy which later liberals could use to counter the Augustinian moral rule that man's presumption in the knowledge of God and his works is the root of evil. Bacon accepts that men cannot have knowledge of the inner workings of nature, for that would be nothing less than knowledge of God himself. In the Advancement of Learning Bacon pronounced one of the limitations of knowledge "that we do not presume by the contemplation of nature to attain to the mysteries of God."⁸¹ But this does not close off nature as a subject of knowledge. God's will and the essence of nature (which Bacon seems to equate) must be accepted by faith, but nature in its positive manifestation must not. Nature as it appears to us and its inner workings are two separate things, with separate implications for human knowledge.

Bacon then draws two important conclusions about our knowledge of nature: that that knowledge is legitimate if pursued correctly and that it is imperative to do so. Bacon roots the first conclusion in the notion of language as a sign. We can know nature through language because through it we have names which distinguish various objects from one another. In fact, God gave us language for this purpose. Language, as God's

gift, implies a further sort of knowledge of nature. It provides a system of names for objects of nature so that men can use them for their own purposes. Our knowledge of nature is legitimate insofar as it derives from the names we give nature's objects and the use we put them to. Language tells us nothing about the 'inside' of those objects; to seek that knowledge is to go beyond man's ability, to cross the line between legitimate knowledge and presumption.

Having established the legitimate boundaries of knowledge, Bacon moved to his more fundamental claim--that since God gave us a language to describe nature, then he also created the imperative to utilize that knowledge which derives from it for our benefit. In the passage from the Advancement of Learning quoted above, Bacon emphasizes two other limitations on knowledge: "that we do not so place our felicity in knowledge, as we forget our mortality . . . that we make application of our knowledge to give ourselves repose and contentment, and not distaste or repining . . ." To correctly follow God's commandments and the moral implications of the fall does not require the restriction of all knowledge of nature, as many contemporaries of Bacon thought. Adam's fall represented human presumption in that he sought to penetrate inside moral truth. To determine

for himself the essence of Good and Evil was Adam's fault, not his desire to utilize nature.

Hence, if man accepts the precepts of good and evil as God commands them nature does not close but opens up to him a vast facility to further the comfort of his life and the earthly good of men. The central paradox of Bacon's view of the relation of man to nature, so central in the development of modern science, follows from the severance of the 'outside' of nature which can be captured in the names we give to objects and the 'inside' of nature which only God knows and which man can never know. In Bacon's phrase: "Nature to be commanded must be obeyed."

Since God gave us a certain sort of knowledge of nature he must have meant for us to use it. Knowledge, as we saw above, must be directed toward action, toward furthering man's well being. Nature then becomes a storehouse of goods for men to use. But unable to know the inner workings of nature, men must seek an external description of the relationships within nature which allow us to make use of it. This knowledge is 'causation.' We can understand what happens in nature in terms of what causes particular events, not their first cause. We can never know 'why' something happens only 'that' it happens and that it recurs in regular patterns

which we can reproduce. We can enter nature, so to speak, in order to control it. We must follow the patterns that we can see established (we cannot never know why or how they are established) and reproduce them directed towards human purposes. Viewed in this context Bacon's paradox makes sense. Only by obeying what we find given in nature--patterns of interactions of objects which can be described in the language of cause and effect--can we manipulate it for our own purposes. But since the tools which men have to command nature were given them by God, by utilizing them as God must have intended (he would not have given them if he did not mean for them to be used) we actually perfect nature. The circle is complete: we obey nature in order to command it, and by commanding it we make nature into what it was intended to be.

2. The conjunction of knowledge and power: politics as public science. Within politics this view of knowledge takes on a peculiar character; its political implications are 'absolutist.' First of all, knowledge must be social and public in character. The image of the contemplative philosopher gives way to the community of scientists endowed with the rights to govern; science becomes arbiter of the public good. This is the ideal

of Salomon's House in which judgment should no longer be based upon the authority of the masters but on the reason of men.⁸² The authority of Plato, Aristotle and other great thinkers must be respected but followed only in so far as current reason and method allow. The boundaries of science must be unlimited; knowledge exists as a complete unity in which all men can partake. "All partitions of knowledge [must] be accepted rather for lines and veins, than for sections and separations; and that the continuance and entireness of knowledge be preserved."⁸³ In this vision of a total science all men, whatever their natural gifts, have a part to play.

The conjunction and ultimate unity of knowledge and power is the most important feature of the absolutist view of political knowledge. As Bacon makes clear in the "Plan" of The Great Instauration the unity of knowledge and power develops directly out of his view of nature:

For man is but the servant and interpreter of nature: what he does and what he knows is only what he has observed of nature's order in fact or in thought; beyond this he knows nothing and can do nothing. For the chain of causes cannot by any force be loosed or broken, nor can nature be commanded except by being obeyed. And so those twin objects, human knowledge and human power, do really meet in one; and it is from ignorance of causes that operation fails.⁸⁴

It follows from this that the best political order is one in which knowledge and power merge. The first book of The Advancement of Learning presents this argument more persuasively than anywhere else in Bacon's works.

Bacon first argues that the record of history bears out that the best governments are those which have combined knowledge with leadership. He makes two negative arguments; first against those who claim that the pursuit of philosophy leads to military weakness, citing Alexander and Ceasar as primary examples,⁸⁵ and second showing that historically, knowledge prevails over ignorance in 'matter of policy and government.'⁸⁶ He concludes this argument by showing, contrary to received opinion, that learned men are citizens more prone to act for the public good.⁸⁷ His claim that knowledge induces duty towards government better than ignorance is illustrative of his argument in general:

Again, for that other conceit that learning should undermine the reverence of laws and government, it is assuredly a mere depravation and calumny without all shadow of truth. For to say that a blind custom of obedience should be a surer obligation than duty thought and understood, it is to affirm that a blind man may tread surer by a guide than a seeing man can by a light. And it is without all controversy that learning doth make the minds of men gently, generous, maniable, and pliant to government; whereas ignorance makes them churlish, thwart, and mutinous: and the evidence of time doth clear this assertion, considering

that the most barbarous, rude, and unlearned times have been most subject to tumults, seditions, and changes.⁸⁸

That learning produces the best governments is further made clear in the survey of princes and of the political and military virtues of knowledge near the end of Book I.⁸⁹ He argues here on a similar basis as his followers who ground civil society in a social contract. Knowledge and political power must be conjoined because shorn of all political and religious control men are "full of savage and unreclaimed desires, of profit, of lust, of revenge."⁹⁰ The virtuous consequences of knowledge--law, religion and morality--alone can control men's passions. History bears witness to this truth.⁹¹ In this section of the argument Bacon returns to his earlier argument that knowledge is necessary to military success, extending the discussion of Alexander and Caesar. Book I concludes with a discussion of how knowledge is necessary to moral and private virtue.⁹²

3. Hobbes: the knowledge of the citizen and the knowledge of the ruler. Whereas Bacon did not reflect expressly on the knowledge necessary to the citizen,

Hobbes did, making several important contributions to the absolutist theory of political knowledge.

Hobbes's notion of the political subject is illustrative of his theory of the political knowledge of the citizen. Hobbes claims that, "we make a commonwealth by the act of our submission" and there is "no obligation on any man which ariseth not from some act of his own."⁹³ Clearly, men retain a certain power over their lives even in civil society; they can never relinquish their right to self-preservation. Moreover, and perhaps more important, the act of alienation which the contract represents rests upon a crucial presupposition which implies the continuous respect for the autonomous subjectivity of other individuals. For Hobbes, no contract is valid if one of the parties can legitimately assume that the other will not perform the promised action.⁹⁴ The Hobbesian contract, we must always bear in mind, binds individuals to each other not to the sovereign. The implication of this for Hobbes is that, in essence, the knowledge appropriate to citizens has no corollary in the knowledge appropriate to rulers. First, we must examine this act of political creation a bit further.

In the act of alienation, subjectivity remains but in a distorted form, for an individual's subjectivity

is not obliterated but transferred. The individual gives his right to act and create his life freely to the sovereign. The sovereign is in a sense a super-subject, endowed with the subjectivity of the citizens which make it up. Hobbes makes clear in many places that the rules which cement social life are not enforced by a stored system of moral judgments or truth but by the power of the will of the sovereign. Indeed, the rules have no meaning except what the sovereign, by act of creative will, gives them.⁹⁵

Individuals are impelled into society by their will not their reason. Men value civil society "not for its own sake, but that we may receive some honor or profit from it."⁹⁶ To know what society is does not require reason, but the experiencing of the misery of the state of nature. Only when man's will is impressed will he choose to enter the civil society:

Therefore I deny not that men (even nature compelling) desire to come together. But civil societies are not mere meetings, but bonds, to the making whereof faith and compacts are necessary; the virtue whereof to children and fools, and the profit whereof to those who have not yet tasted the miseries which accompany its defects, is altogether unknown.⁹⁷

The knowledge necessary for an individual to act as a good citizen is the knowledge of his own self-interest.

The self consists of appetites (the will is but 'the last appetite in deliberating'),⁹⁸ senses and endeavours.⁹⁹ Reason, insofar as the action of citizens is concerned, is the discovery of the best means to his self-preservation, which remains the sole final purpose of his action even in civil society. All possible ends of the will, according to Hobbes, can be reduced to the drive for power:

The passions that most of all cause the difference of wit, knowledge, and of honor. All which may be reduced to the first, that is, desire of power. For riches, knowledge, and honor, are but several sorts of power.¹⁰⁰

The knowledge necessary to rule, however, is not the calculation of means to satisfy desires but of the means for all other individuals to satisfy those desires that will lead to civil peace. Government is fundamentally the legitimate and necessary manipulation and repression of the will of individuals:

For he that is kept in by punishments laid before him, so as he dares not let loose the reins to his will in all things, is not oppressed by servitude, but is governed and sustained.¹⁰¹

This sort of rule requires a knowledge of individuals as objects. The knowledge of the sovereign must be a political science. Science, for Hobbes, is on a dif-

ferent plane than will; it is dependent not on appetites and desires but on language, the artificial creation which allows men to talk to and about one another.

Hobbes describes science as "a knowledge of all the consequences of names appertaining to the subject in hand."¹⁰² As it was for Bacon it is a knowledge of the causal sequences which allow us any knowledge of nature at all.

Herein lies Hobbes's major contribution to the absolutist theory of political knowledge: the tendency to polarize the knowledge appropriate to the citizen and that appropriate to the ruler. The former is the product of the individual citizen's will and the only form of rationality appropriate to him is the instrumental calculation of his own interest. However, the knowledge of the ruler is political science which requires a broader rationality which can determine what particular ends will best serve the public good. Hobbes asserts that individuals call 'good' and 'evil' those objects which are desirable or hateful. In civil society the determination belongs to the sovereign or a judge who must arbitrate conflicts. Clearly, the creation of a public rule is far more complex than an individual's knowledge of his own desires and requires more than mere calculation of subjective interests.¹⁰³

This characterization of the relation of the political knowledge of the citizen and that of the ruler remains the primary configuration until the last quarter of the eighteenth century.

4. Conclusion: the dilemma of the absolutist theory of political knowledge. The absolutist theory of political knowledge is involved in a fundamental paradox: that the knowledge most fundamental to the well being of political life is not 'political' except in the most narrow sense. For Bacon the problem comes out on an epistemological level. By presupposing that the goal of knowledge is a unified body of practical knowledge and that this body of knowledge alone can produce a secure life for the body politic, then how does he account for the fact that men do not readily accept this and why has so little progress been made toward the goal? Part of Bacon's answer is that the method of previous science has led knowledge astray, and that adoption of the inductive method will hasten the arrival of New Atlantis. Yet there is a deeper reason which he incorporates in his famous doctrine of the 'idols' or fallacies of the sciences. What is important for our purpose in Bacon's doctrine is that the idols are interwoven with human nature. Progress in science is difficult because men

necessarily fall into characteristic errors:

To conclude, therefore, it must be confessed that it is not possible to divorce ourselves from these fallacies and false appearances, because they are inseparable from our nature and condition of life; so yet never the less the causation of them doth extremely import the true conduct of human judgment.¹⁰⁴

But if these are necessary to human nature an interesting paradox arises. The absolute unity of human knowledge is the goal, but human nature renders the goal unattainable.

The paradox takes on political significance when we link it to the Hobbesian polarization of the knowledge of the citizen and the knowledge of rulership. It is natural for men to act according to their passions and appetites, but the only solution to the conflicts which make up politics is for a ruler (be he a king, aristocratic council, or democratic body) to act on the basis of an antithetical form of knowledge which must nullify human nature.

Finally, politics and ethics (that is, the sciences of just and unjust, of equity and inequity) can be demonstrated a priori; because we ourselves make the principles--that is, the causes of justice (namely laws and covenants)--whereby it is known that justice and equity, and their opposites injustice and inequity, are. For before covenants and laws were drawn up, neither justice nor injustice, neither public good nor public evil, was na-

tural among men any more than it was among
beasts.¹⁰⁵

Hobbes does not say, nor do I think he could, how the state of nature could produce a man (moreover a body of men) capable of consistently acting on the basis of a knowledge knowable a priori which negates his own nature.

The absolutist theory of political knowledge is based upon a conception of human nature which leads men to perpetual conflict. Politics, then, would seem to be natural to it. Yet, the knowledge which this theory assigns to rulership allows no conflict. Political discourse is merely demonstration of correct scientific principles and political action their strict application. But this is engineering not politics.

CHAPTER IV

THE POLITICAL EXPRESSION OF SELF: CITIZENSHIP IN THE LETTRES PERSANES

The truth of the independent consciousness is accordingly the servile consciousness of the bondsman. This, it is true, appears at first outside of itself and not as the truth of self-consciousness. But just as lordship showed that its essential nature is the reverse of what it wants to be, so too servitude in its consummation will really turn into the opposite of what it immediately is; as a consciousness forced back into itself, it will withdraw into itself and be transformed into a truly independent consciousness. (Hegel, Phenomenology of Spirit, trans. by A.V. Miller, p. 117, #193)

The Lettres Persanes is a book of questions, a series of experiments to define intellectual horizons. Just as the early eighteenth century French experimented with new forms of bureaucratic organization, the polysnodie, and new economic structures, John Law's System, Montesquieu experimented with new intellectual perspectives on society and the state. The death of Louis XIV and the ensuing Regency created a comfortable climate for experimentation of all sorts. Montesquieu embraced the challenge enthusiastically. In the Lettres Persanes he sought to do for social theory what Montaigne's Essays had done for the theory of the self: to map out the

problems and contours of investigation, and to raise new questions and meaningful critiques, even if they were not followed by answers.

The medium itself had to be experimental, stretching the limits of existing literary forms. Certainly, Montesquieu had models and sources. Fénelon's Télémaque, Chardin's Journals and previous epistolary novels echo throughout the Lettres Persanes. Yet in both form and content the work captured the spirit of the age better than anyone had done previously. Montesquieu voiced criticisms of politics and society that made up a vital part of the eighteenth century French self-interpretation. The work abounds in progressive politics and morals from enlightened views on punishment to deist conceptions of God and the universe. Yet the work is more than isolated reflections. As has often been noted, the epistolary form gave Montesquieu a freedom to criticize without commitment, to criticize established authorities and practices while incurring little government censure and persecution. His Persians could say things with impunity about France, both directly and indirectly, that Frenchmen could not. In this too, Montesquieu excelled his literary predecessors.

But the Lettres Persanes does contain a sustained argument. The story it tells has meaning in itself.

Usbek and the others are not merely mouthpieces, but characters in a novel. They live and act in a fictional world which does not merely represent but explores reality. The reality it explores is that of the self and freedom, and it concludes by declaring their intimate and necessary connection.

I. Posing the Problem of Citizenship

1. Vision. The motif of the work is vision. Usbek and Rica leave Persia in order to broaden their insight, to learn 'the hard way' by experiencing new worlds and seeing from different perspectives.¹ Increased knowledge requires immediacy and completeness of vision. The more the travelers see the easier their acquisition of knowledge becomes. "Every moment," the first eunuch writes to a slave traveling with Usbek, "brings you new things to see. All that you are seeing diverts you and makes you pass the time without feeling it."² In distinction to the openness and vitality of the Western way of life, Persia's deepest cruelty is the covertness of its life. Despotism presides over and enforces the complete enclosure of life. Under despotic rule women must be covered by veils and clothing over their entire bodies, and for others to glance on them, even innocently, is punished with death.³ The seraglio, the symbol

of the despotic way of life, is dark. The first eunuch declares himself caged in, he can see nothing. The realities of Persian life, as the selves of those individuals who participate in it, are repressed. They are hidden from view and can break out into the light only through violence, especially self-destruction.

But for those who have left the seraglio in search of wisdom and knowledge all becomes light. Rica can only marvel at the clarity and transparency of French life:

Dissimulation, that art so practiced and so necessary among us, is unknown here. Everything speaks out; everything is visible; everything is audible. The heart shows itself as clearly as the face. In their customs, in their virtue, even in vice, something akin to naïveté is always visible.⁴

It is not insignificant that Rica discovers the most virtuous and clear-sighted men in a blind man's hostle.⁵ His blind guide leads him through winding streets to the furthest quarter of Paris without the slightest hesitation. Vision is more than merely sensual, it represents the power of the human soul.

Usbek and Rhedi also describe their encounters with Western life in terms of vision. Usbek describes his first visit to a Christian city as 'a grand spectacle.' Like the best theater, this spectacle penetrates deep

into the soul. "For there exists, even in the most insignificant of details, something singular that I feel and cannot express."⁶ Rhedi, Usbek's young nephew who has left Persia to seek knowledge responds similarly to his first visit to the west. By burying himself in observation and study, his eyes are opened and his vision clarified: "In short, I am beginning to come out from behind the clouds that covered my eyes in the land of my birth."⁷

Increased vision perfects the soul; it represents the emergence and growth of the self. Through fiction Montesquieu establishes a central theme of his theory of citizenship: citizenship requires the free political expression of the self. He is less concerned with the formal criteria of citizenship than with the necessity and legitimacy of individual political action. The fictional setting is crucial to Montesquieu's overall conception. In the fictitious despotism, models of authentic action must be culled from beneath the deceptive cover of custom and practice. The dialectic of oppression and freedom, of master and slave, describes political action in a despotism. From the plight of citizens under despotism Montesquieu learns that a theory of citizenship must take account of a series of ineradicable tensions and paradoxes; it must explore the inner

motives of political action.

The Lettres Persanes begins to do this by depicting the various modes of the development of self-consciousness. Usbek and Rica undergo journeys leading to intellectual self-consciousness while Roxane and Zelis journey toward political self-consciousness. Within the seraglio Usbek's wives journey from oppression to freedom. The despotic way of life leaves open only a negative solution to the dilemma of the citizen--political self-expression in a despotism is self-destruction.

The Lettres Persanes prepares for De L'Esprit des Lois by posing questions, leaving to the latter to develop specific answers. But the earlier work already draws the contours of the map. The language of the later theory is set. The inner life of the individual, a central component of the later concept of l'esprit, looms as Montesquieu's central concern. It is not enough for him to accept Aristotle's view of the citizen as one who legitimately participates in meaningful public decisions. He is more centrally concerned with how, why and in what ways political action is possible for individual citizens. In this orientation to citizenship Montesquieu is not alone. The vision of the citizen in the modern state, one dimension of which he begins to develop in the Lettres Persanes, either con-

sciously or subconsciously guided thinking about the citizen in the eighteenth, nineteenth and well into the twentieth century.

2. The myth of the Troglodytes. In Letter X Mirza poses the first question of the theory of citizenship: "whether men were happy through the pleasures and satisfactions of the senses or through the practice of virtue?"⁸ This manner of posing the dilemma seems to have had a long history beginning with Plato and critically reopened by seventeenth century epistemology. But the differences between the ancient and modern formulations were crucial. Whereas the ancients sought a unity of mind, the modern mind was most puzzled by the oppositions. Aristotle and Plato both recognized that virtues and pleasure could not be separated. Book II of Aristotle's Nicomachean Ethics declares that "every study both of virtue and of politics must deal with pleasures and pains, for if a man has the right attitude to them, he will be good; if the wrong attitude, he will be bad."⁹ Aristotle cautions against a utilitarian interpretation of virtue as calculation of amounts or degrees of pleasure or pain. Man must know what he is doing; . . . he must choose to act the way he does, and he must choose it for its own sake; and . . . the act

must spring from a firm and unchangeable character."¹⁰ Aristotle would not have understood the sense of Mirza's question. Mirza's use of 'or' is exclusive rather than inclusive, intended to establish the logical isolation of the two possible solutions. Aristotle's view of the relation between pleasure or appetites and virtue, on the other hand, denies the dichotomy. Virtue, for Aristotle, in the fullest sense of virtuous intention and action represents the greatest pleasure. Men are happy because of the pleasure of being virtuous.¹¹

Reflecting seventeenth century sensationalism, Mirza's question implies a choice between exclusive alternatives--sensual pleasure or virtue. Usbek's myth of the Troglodytes answers by reinterpreting the question. With the Troglodytes, virtue is clearly victorious and man's innate sense of justice counters the utilitarian and hedonistic implications of sensationalist psychology. In Usbek's myth virtue once again includes pleasure, the dichotomy dissolves. However, Montesquieu's solution is not Aristotle's. He wants to recapture the necessary connection between virtue and desire but in a way appropriate to the conditions of the modern state. Montesquieu does this by introducing the idea of what we have come to call 'interests.' The action of the Troglodyte citizen is animated by neither sensual plea-

sure nor virtue exclusively, but by 'interest,' a conceptualization which distills the complex motivations of political action in the modern state to a single set of descriptions.

At first the myth of the Troglodytes follows a trend in seventeenth century political theory towards replacing a contemplation of the proper relations of justice as a grounding principle of political society with a speculative history of natural man. Initially the very mode of argument counters the Aristotelian synthesis. Its purpose is to present a plausible picture of the development of political society out of the material origins of primitive man. Implied by the 'state of nature' as a mode of argument is that virtue can have no origin other than individual sensual pleasure.¹² Indeed, Montesquieu was conscious that the Greek mode of argument had to be replaced:

To carry out what you have required of me, I did not think it proper to use much abstract reasoning. There are certain truths that it is not enough to impress by rational conviction, they must be felt. Such are the verities of ethics. Perhaps this bit of history will touch you more than some subtle philosophy.¹³

'Subtle philosophy' was too abstract to provide adequate explanation of the origin of social life. In the fic-

tional context of the Lettres Persanes Montesquieu gives a speculative account drawn from the accounts of the newly discovered areas of the world in travel journals, a popular literary form in early eighteenth century France. When Montesquieu turns to political philosophy in De L'Esprit des Lois speculative history will give way to scientific history. Yet the use of the 'myth' of the Troglodytes serves a dual purpose, especially when we fully recognize that it is implanted in a work of fiction.

Its first use is to answer Mirza in such a way that the dichotomy between pleasure and virtue dissolves. The myth clearly defends justice and virtue, not by contradicting pleasure but by incorporating it. The Troglodytes are clearly not happy until their 'republican' period when virtue and justice alone give immediate pleasure:

Above all they made them feel that the welfare of the individual is always to be found in the common good, and that to want to stray from it is to seek destruction; they taught them that virtue is not something that should cost us effort, that it is not to be considered a painful exercise; and that justice to others is like charity to ourselves.¹⁴

Although Montesquieu's solution bridges the gap between pleasure and virtue, it is not the solution of Plato and

Aristotle. The bridge is different. The recognition of goodness and the pleasure of virtue is more immediate. It is felt, not thought. The bridge is the same as the innate sensation and joy that Usbek, Rica and even the slave Jaron feel but cannot express at gaining knowledge of new worlds.¹⁵ It is that inner moral sense that in the pre-social natural state differentiates the beastiality of the earlier Troglodytes from the virtuous and happy republican Troglodytes; and throughout the Lettres Persanes that innate nature unites, in itself, pleasure, justice and virtue, constantly struggling for self-conscious expression. In the primitive world without kings, virtue reigns uncontested. The early Troglodytes live by customs not laws. But social complexity and economic expansion put pressure on virtue, jeopardizing the rule of custom. "O Troglodytes," the old man, about to become their unwilling king, proclaims, "Your virtue is beginning to weigh upon you. In the present state of affairs, with no chief, you must be virtuous in spite of yourselves."¹⁶ As for Rousseau later in the century, political society is the negation of natural society, and synthesis can only result from bringing that natural moral feeling, unconscious in the pre-social state, to free, self-conscious expression. The story of the Lettres Persanes, as we shall see, explores this

dialectic, not through philosophy, but through fiction.

While denying that the problem of political action can be adequately set forth by posing a dichotomy between sensual pleasure and virtue, the myth of the Troglodytes neither returns to the classical solution nor adopts the abstract solution of seventeenth century contract theory. Indeed, its second purpose is to expose the real character of the social contract.¹⁷

Here the fictional quality of the Lettres Persanes and the myth of the Troglodytes is crucial to the argument. The very form of the work expresses Montesquieu's argument. The idea of contract, when tied to rationalist foundations in a state of nature, can have no philosophical import--it is a fiction, and fiction can teach, raise questions, and even pose answers in the form of mental experiments, but it cannot make philosophical arguments.¹⁸ Commentators¹⁹ have shown that Montesquieu was conscious of the Lettres Persanes as fiction, indeed as stretching the parameters of literary form. It is certainly at least as plausible to suspect that he was as conscious of the difference between this work and philosophy.

In his later work, as he matured intellectually, the gap continually grew wider. To his mind, the state of nature is most powerful as fiction. The fiction of

the Troglodytes can teach moral truth; it can help to bring natural moral sense to consciousness by presenting a model which stretches the imagination and challenges the preconceptions of the reader, but it cannot establish philosophical truth. Clearly, the historical sense of the Troglodyte myth surpasses previous accounts of the state of nature by Hobbes and Locke; just as Rousseau's Discourse on Inequality will surpass the history of the Troglodytes as a plausible analytic view of the origins of society.²⁰ Yet the natural state of the Troglodytes does not, indeed cannot, establish principles from which the proper conditions of real politics can be deduced. Only a scientific understanding of real history can do that. But that is the subject of another book, a very different type of book. It can never be the purpose of fiction.

3. The idea of 'interest.' There was, then, a real historical importance to the Lettres Persanes's statement of the theory of citizenship. The terms of debate shifted and Montesquieu's formulation, certainly in part due to his influence, won out as the eighteenth century progressed. The work of earlier thought like that of Bodin, Montaigne, Bacon and Hobbes traced in the last chapter, isolated private action from public action,

declaring that a proper notion of political action had to be based upon possible modes of private action. The concept of 'interest' could bridge the gap between private and public action by giving private action a legitimate public face. Political action could now be described in terms of the private interests of individuals. We must examine Montesquieu's view of interests more closely.

To Montesquieu the dichotomy between passion and virtue could not adequately describe the life of the citizen. Political by its nature that life necessarily involves both. The citizen must perform his public duties passionately. His whole individual self, not merely his reason or his passion, must involve itself in collective action directed toward the common good. Neither passion devoid of virtue nor virtue devoid of passion could accomplish this. The language of 'interest' popular in both moral theory and international politics in the seventeenth century gave Montesquieu the new language he needed.

Recent studies have shown that initial formulations of 'interest' in the seventeenth and early eighteenth centuries did not have the narrow economic implications that it took on in later liberal theory.²¹ In fact, broadly interpreted, the concept was particularly well

suited for the synthetic role Montesquieu wanted it to play. As Albert O. Hirshman describes it:

When the term "interest" in the sense of concerns, aspirations, and advantage gained currency in Western Europe during the late sixteenth century, its meaning was by no means limited to the material aspects of a person's welfare; rather, it comprised the totality of human aspirations, but denoted an element of reflection and calculation with respect to the manner in which these aspirations were to be pursued.²²

"Interest" joined in a single term an individual's passions, desires and purposes, together with a calculation of proper and effective means.

But the Montesquieu of the Lettres Persanes was not completely a partisan of 'interest,' although he recognized that it was necessary to accept the legitimacy of the self-interests of particular individuals. In his view it too often remained linked to selfishness. Interest was self-interest as opposed to justice and the common good. "Men are capable of doing injustice because it is to their own interest to do so," he asserts in Letter LXXXIII.²³ He goes on to express one of the central facets of the new concept of interests, that they derive not from mere desire or whim, but from reasoned calculation: "It is always by reference to themselves that they act; no man is evil gratuitously.

There must be some determined reason; that reason is always a selfish one." Society, as Montesquieu sees it is overloaded with particular interests. The more complex a society is, the greater the number of possible identifications become available to citizens. This results in a dynamic that clearly threatens the smooth functioning of the state:

Since they [particular individuals] are living together in society, their interests are so mixed and confused, there are so many different kinds of interests, that a third party is necessary to disentangle what the selfish desires of the interested parties try to obscure.²⁴

But his criticism did not blind him to the utility, in fact, to the necessity of the concept of interest. With this complex social organization (he is particularly but not exclusively concerned with economic complexity) the modern state requires recognition of a plurality of motives behind individual political behavior. He concludes that the purely virtuous man was one of the luxuries which society could not afford, he was too unproductive.²⁵ To Montesquieu, as to many of his contemporaries, it was a fact that man acted according to self-interest, motivated primarily by desires and a technical reason which, in good Hobbesian form, could inform them of the most efficient means to the desired

end. A theory of political action had to accept this; recourse to ideals of virtuous action were at best irrelevant and at worst, and most often, deceptions which served particular selfish purposes.²⁶

The last sections of the myth of the Troglodytes, wherein they choose a king, and the unpublished conclusion where they rise to social prosperity, represent the transformation of the language of citizenship. Montesquieu does not describe the action of the citizen in terms of the public 'good' but in terms of the public 'interest.' The fundamental opposition shifts from being between passions and virtue to being between self-interest and the public interest, the latter containing the same Hobbesian mixture of desire and technical reason as the former. It is in this sphere that 'interest,' for Montesquieu, takes on a more exclusively economic meaning.²⁷

In Letter XIV, the last part of the Troglodyte myth which Montesquieu published as part of the Lettres Persanes, the newly chosen king penetrates the motivation of the Troglodytes for choosing a king:

"You prefer to be subjects of a prince and obey his laws, for they are less restrictive than your customs. You know that from now on, you can satisfy your ambition, acquire riches, and languish in soft luxury, and that so long as you avoid falling into great crimes, you

will have no need of virtue."²⁸

This lament penetrates not only the self-deception of the Troglodytes but the historical necessity of the fall from virtue. The increase in size and wealth of the Troglodyte community necessitates the change from the simple virtuous republic to monarchy. As I have shown above (Chapter 2) the change in the size and scope of governments is a fact of modern European history for Montesquieu. As I will show in the next chapter, his analysis of the cycle of the forms of government in De L'Esprit des Lois demonstrates its theoretical importance.

But as J. Robert Loy has shown Montesquieu was not content with this pessimistic conclusion in the published version of the history of the Troglodytes,²⁹ just as he was not content with the plight of modern European history as caught by necessity in a monarchical form of government. In both cases he sought a way out and in both cases economic interests provided hope. Economic expansion can lead either to prosperity and a virtuous society or to moral depravity.

After several generations of rulers the Troglodytes convened the nation and decided "to establish commerce and the arts."³⁰ The newly chosen king raises the

first objection, restating the original king's lament: "Would you now prefer riches to your virtue?" The answer given by one of the Troglodytes foreshadows the theory of De L'Esprit des Lois, proclaiming that through proper education, led by the virtuous action of the king, riches will not be dangerous:

"My lord . . . we are happy. We work on excellent soil. May I dare say it? It is you alone who will decide whether riches will be dangerous for your people or not . . ."

The new king's reply synthesizes passion and virtue in terms of the merging of private interest (now given an economic meaning) with the public interest:

"We have two things to do: to deflate and bring to naught avarice, and equally, prodigality. Every man must be accountable to the state for the administration of his possessions. And may the coward who will lower himself to the point of robbing himself of an honest subsistence³¹ be punished no less severely than the man who runs through the patrimony of his children. Each citizen must be a fair dispenser of his own wealth, just as he would be of the wealth of another." [my emphasis]

A new language has been drawn in which the dilemma of the citizen can be described and debated. The primary tension is between private interests and the public interest. Private interest must be made compatible with the public interest; the motivations of particular in-

dividuals must yield benefits to all. Virtue and passion, combined in the different interests of individuals and of the collectivity, together draw the map of tensions which describes the life of the citizen:

If you seek to distinguish yourselves only by your wealth (which is nothing in itself) I shall have to distinguish myself by the same methods in order not to remain in a poverty you would scorn. Thus I should have to overwhelm you with taxes, and you would use a great part of your subsistence in keeping up the pomp and glitter that would serve to make me respectable. At present I find all my wealth within myself, but then, you would have to wear yourself out to make me rich, and these riches, of which you make so much, would give you no pleasure for they would all flow into my treasury. O Troglodytes! we can be united by a lovely tie: if you are virtuous, I shall be; if I am virtuous, you will be.

II. Paris and Persia: The Quest for Knowledge

1. Rica and Usbek: the modern 'savant.' In different ways Rica and Usbek demonstrate the role of reason in the development of self-consciousness. Both set out to increase the range and depth of their knowledge. Curiosity, observation and reflection guide their discovery. Their quest becomes a passion, determining and consuming their lives. Usbek, the older and more reserved, speaks for both of them:

Those who like to learn are never idle. Al-

though I am occupied with no important affair, I am nonetheless continually busy. I spend my life examining. In the evening, I write what I have noticed, seen, or heard during the day. Everything interests me; everything astonishes me. I am like a child whose still sensitive organs are keenly struck by the most insignificant objects.³²

Indeed, they are children in a storm of stimulation, guided by a somewhat naïve faith that truth will issue in the end. Persistent reflection and freedom from prejudice are alone necessary.

Yet the naïveté takes its toll. Rica, at once more daring and free, remains somewhat superficial. He is puzzled but offers few solutions. He enters French life more fully than does Usbek, adopting its dress and some of its manners. But his criticisms, when not mere wonder and amazement, are more impetuous than carefully reasoned. He is, indeed, the 'free spirit' that Usbek considers him.³³ A "lively wit and natural gaiety" make him more apt to be comfortable in Parisian society,³⁴ wherein the 'free spirit' is the prototype of the successful man.

Usbek is, on the other hand, more stern and reflective. Carefully reasoned questions and arguments, along with moral declarations, make up the bulk of his letters. He is the demanding theoretician and stern moralist. In short, Usbek and Rica represent two sides of

the modern "savant"--the philosophe--the intellectual ideal of the age of enlightenment. But for Montesquieu something is still missing. Even Usbek's sophisticated theorizing remains naïve. He has a tragic flaw, a contradiction deep in his character. No matter how sophisticated his reason his sentiments destroy him. His enlightened views crumble in the face of his traditional way of life. Despotism is incompatible with enlightenment. His enlightened views isolate him from Persian life and the life of the seraglio, which he cannot leave, holds him there.

2. Usbek: the master in search of the world. Usbek's drive for knowledge is genuine although the initial motives for his departure from Persia were political rather than intellectual. At the Persian court Usbek had represented virtue to the king, making enemies, including the king, rather than admirers. Virtue and despotism are incompatible. At first Usbek used study as a pretext for isolating himself from his enemies, and only in this process of learning did he develop the drive for knowledge: "I pretended to possess a great devotion to learning and by dint of pretense, such devotion actually came to me."³⁵ After threats from his enemies the philosopher's cloak provided a pretext

for exile. Throughout all of his travels, however, Usbek remains part of the Persian way of life; there are important ways in which he never leaves it. The tension between the genuine search for knowledge and exile from a beloved and preferred way of life constantly tears away at Usbek.

His concerns are aristocratic. Most of his reflective letters deal with religion, court politics, aristocratic political morals and abstract political theory. Early in his travels, Usbek is reluctant to question and even an intellectual break from his traditional way of life is difficult. Indeed, his questioning begins with the desperate desire to reaffirm the most traditional aspect of his social life--religion:

I cannot, divine mullah, calm my impatience.
I could not possibly await thy reply. I have doubts. I must trace them down. I feel that my reason is straying; guide it back into the straight path. Come and enlighten me, spring of light. With the divine pen, blast, as with thunder, the problems I am about to propose to thee. Make me ashamed of myself, cause me to blush at the question I shall put to thee.³⁶

Usbek's reason has indeed begun to wander. Letters XVI through XVIII, spurred by Usbek's religious doubts, set up the tensions of his initial intellectual consciousness. Why, he asks the mullah, does God prohibit eating certain meats? Are not the dietary laws really reflec-

tions of our own sensual likes and dislikes? Do not these religious precepts really derive from the senses? Usbek wants a convincing answer not wanting to believe the heathen, worldly philosophy. Yet, his pleas are desperate; his doubts are real. His nature is beginning to break through. The more he questions, the more he allows his doubts about past and present to become conscious, the more his reason is perfected.

Living in Paris Usbek's developing views begin to isolate him from his intellectual tradition. He begins to reflect on events in Paris and on theoretical issues raised by Western traditions of thought. Several letters demonstrate that these observations are leading him to break from his traditional life, to question and arrive at truth through his own reasoning, not through the traditions of his past. Again, religion holds his attention first; religious toleration is his first enlightened position. Christians should not be counted 'infidels' and they warrant tolerance rather than repression. They do not actively deny the Moslem faith but rather they are merely ignorant of it. "They are more like those unfortunate people," Usbek declares, "who lived within the shadow of idolatry before the divine light came to illumine the face of our great Prophet."³⁷ Christians are actually like Mohammedans,

without the prophet. Usbek goes on to remark that the truths reflected in their doctrines, however, parallel those of the Koran. Indeed, this is only the beginning. His statements supporting religious toleration grow even bolder as his experience of Paris widens.³⁸

Later, Usbek's reflections turn towards politics and criticisms directed at Persia and despotism become harsher. His previous hesitant posing of questions pitting Western ways against those of Persia give way to open criticism. Usbek applies the condemnation of amoral Machiavellian power politics to the despotism of the sultans:

The unlimited power of our sublime sultans, which knows no other law than its own, produces no greater number of monsters than that unworthy sort which hopes to bend to its will justice, rigidly inflexible though it may be.³⁹

In Letter CII the criticism explodes his surface acceptance of Persian politics. In order to describe the proper monarchy in Europe, Usbek counters the despotism of Persia. The Persian monarch's power is too great and too arbitrary. He takes the lives of subjects at his whim. Nothing is left for the citizen but rebellion.⁴⁰ Foreshadowing Usbek's own future, this is more than casual irony!

3. Usbek: the bonds of despotism. Usbek has left Persia physically but not emotionally. Even as he gains knowledge, learning to question on a broader and more sophisticated basis, he remains perpetually anxious. He is unable to break from the despotic way of life. He cannot accept the absence of his wives and his assertion of power over them. He confesses that he is jealous of his wives but does not love them: "It is not so much that I love them, . . . I anticipated love and destroyed it by loving."⁴¹ Fear and jealousy keep him tied to the seraglio, no matter how far away he is either physically or emotionally. Through his selfless agents, the eunuchs, he rules as a paternalistic tyrant, at the same time that he develops a philosophy at once more tolerant, humane, and more appropriate to a free, moderate government. A contradiction between reason and passion, enlightenment and despotism, remains the determinant of Usbek's character throughout his journey. He is caught between the two poles of Troglo-dyte society. On the one hand, he is the virtuous citizen who exposes corruption at home and who praises friendship as the finest form of human felicity. On the other, he remains the cruel master who threatens to destroy life for the slightest disobedience to his rule. Throughout the book his life remains a contradiction--

one which recurs and animates the entire book. Usbek is both master and slave. His mind and his reason unleash an unfettered spirit and capacity for reflection; but his passion and his power enslave him.

Friendship offers the only consolation for the struggle in Usbek's soul. The torment over his wives leaves him totally isolated; despotic power both isolates and destroys. As a form of human relation it is incomplete. Usbek's only consolation is to confide in his friends. To have company in open dialogue and intellectual exploration--to know he has comrades--comforts Usbek. In contrast, the closed society of the East with the isolation of its members is a perversion:

This Asiatic sobriety derives from the dearth of intercourse between people. They see each other only when forced to do so by ceremony. Friendship, that sweet bond of hearts which creates a gentleness of existence here, is practically unknown to them. They withdraw to their houses where they always find a social company awaiting them, so that each family group lives, so to speak, in isolation.⁴²

Usbek's isolation is broken by the intercourse with strangers in Paris and by the letters he exchanges with friends. Ibben's concern for Usbek's well being and declaration of friendship as a basis of universal citizenship in Letter LXVIII must be a great comfort. The positive, open side of Usbek's life leads to reflection

and intellectual progress. Yet, his subconscious emotional life remains closed and individual. By the end of the book it overtakes him.

The real victor in the Lettres Persanes is despotism. In one way or another it destroys those who make it, or have made it, a way of life. The only solution is to leave it, as Rica does. But Rica is young, a new generation free to experiment with different ways of life (as is Usbek's nephew who decides he must leave Persia in order to travel). He immerses himself in French life, adopts its clothing and its ideals (often a radical version of them) and, late in the book, resists Usbek's pleas to return to Persia. The combination of youth and freedom provides some hope of choosing one's own way of life.

But Usbek is already tied to a way of life. Its bond is tradition--Usbek cannot imagine breaking from it. As the Troglodyte myth implies, and Montesquieu will canonize in De L'Esprit des Lois, the self becomes fixed within a particular way of life. To accept a role in a particular society, to legitimate a form of rule through the practice of it, is to lock the self into a tradition. There is still freedom. Usbek goes quite far towards questioning and rejecting despotism as a legitimate form of government. Yet his reason cannot

undo his earlier emotional development. His past grasps him in ways he cannot master. He can understand and even in principle control his present environment, but he cannot reform his sentiments. And in the end his emotional past, the spirit of despotism, wins. The working out of the dialectic of despotism in the seraglio finally destroys him; it obliterates the self. Preoccupied with the final chaos of the seraglio, Usbek writes:

I am living in a barbarous climate, in the company of everything that vexes me, far removed from everything that interests me. A somber sadness seizes on me; I am falling into a frightful oppression. It seems to me that I am destroying myself and no longer find my own personality except when a dark jealousy ignites within and gives birth in my soul to fear, suspicion, hate, and regret.⁴³

III. Citizenship Under Despotism: The Dialectic of Master and Slave

1. The descent into the seraglio. The dialectic of master and slave grows more complex as its focus moves from the aristocracy of Usbek to the underworld of eunuchs and wives. Their struggle for self-expression, to wrest power over their own lives away from their master, is more difficult, more violent and more destructive.

The dialectic is fully at work in the seraglio.

All is distorted there. Concealed power confronts concealed power. Only a heightened self-awareness and transparency of vision offers any hope of warding off the destructive consequences of the contradictions. But this solution is not available to the characters. Despotism only allows one solution--rebellion and death together with destruction and chaos. Repression must give way to freedom. If the self is distorted by power relations it must nevertheless somehow express its freedom. Political expression of this freedom can go only in one direction. Roxane's rebellion and suicide are the only possible outlets for the utterly constrained self. It is as if the psychic energy bound up in the self is intensified as it is repressed. When unleashed, it is with furor. As Rica's depiction of French manners makes clear, the free self is felicitous and tranquil; as Zelis's descriptions and Roxane's actions make clear, its repression leads to destruction and death. The only authentic expression of self in this extreme oppression is self-destruction. Roxane's suicide, although the culmination of deceit, is noble and virtuous. She, indeed, represents the most virtuous member of the seraglio; but her virtue is not what Usbek praises. It is not her willing submission to the manners and moeurs of despotic rule but her rebellion. Her taking a lover,

seducing the eunuchs, and committing suicide are modes of her self-expression. Her rebellion against despotic rule expresses a natural human virtue. Given the way of life in which she is caught, virtue requires her own self-destruction. The repression of the self in the seraglio is not only cruel it is inhuman. The cruelty of the evil Troglodytes echoes throughout the seraglio: you have no right to live, for your cruelty is inhuman. The eunuch most clearly represents this inhumanity; he is the symbol of humanity made inhuman by man--the essence of despotism.

2. The eunuchs: slaves as masters. The dialectic involves the entire cast of characters of the Lettres Persanes. All are both masters and slaves; all are motivated and eventually destroyed by the contradictions. Usbek, political master over his wives, remains their emotional slave. As his enlightenment renders him more master of himself, his wives become more masters of his passions. The black eunuchs represent the dialectic more clearly yet in a more complex form than Usbek. Unlike their master, they have been raised from the lowest of slaves to the most despotic of masters. Indeed, the cruelty grows as their consciousness of their position grows. They are truly caught in the center between

Usbek and his wives. Their only possible response is absolute obedience to the former and absolute mastery over the latter. Vis-a-vis Usbek, they resent their position at the same time that they relish its power. Their relation to Usbek's wives is similar. They are slaves destined to serve the women's needs and whims. Yet, they are the enforcers of tyranny over them. Their self-interpretation is wracked by contradictions: they are men but they are not; they are slaves but with the power to oppress their masters. They can only express love through cruelty.

The eunuchs are pure functionaries denatured both physically and morally. They have no self. Conscious that their position requires power and cruelty, Usbek's chief black eunuch's teacher can describe himself with the utmost clarity: "I am a slave," he would say to the women under his guard, "but I am slave to a man who is your master and mine, and I make use of the power he has granted me over you." He continues by legitimizing his rule and in the process denies his own selfhood: "It is he (the master) who punishes you and not I, for I am only the arm of the master."⁴⁴ His nature has not actually been removed from him but it has been distorted. His passions still exist, indeed they are intensified because they cannot be satisfied. Describing his

initial thoughts after the fateful operation, the first eunuch describes his torment:

I hoped to be delivered from the seizure of love by my impotence to satisfy it. Alas for me! The effect of passion was snuffed out in me without extinguishing the cause, and far from being comforted, I found myself surrounded by objects that provoked my passion without cease . . . The same women whom I was tempted to behold with such tender eyes, I could look at only with severity.⁴⁵

The eunuch's self definition is plagued by contradictions as are all those who live under despotic regimes.

But the eunuch is compensated for his impotence. The passion of love intensified by the conditions of slavery expresses itself as the power of command and punishment. "I remember always that I was born to command them, and it seems to me that I become a man again when I can still do so." Now that the chief eunuch has become old he consoles himself by exercising power, recapturing his sense of manhood by punishing. Yet his sense of justice and moderation, which Montesquieu considers natural to virtuous action, is gone. The chief eunuch wants, indeed needs, to oppress his subjects. He must somehow express his inner nature, but he cannot do it in natural harmony with others but only through oppression--by making someone else his slave. The only consolation he can give to Jaron upon the latter's cas-

tration is that the satisfactions of nature now denied him can be recaptured through command: "I thought of you as having a second birth and taking leave of a servitude in which you always had to obey, to enter another kind of servitude, where you were to command."⁴⁶ The education of a eunuch must parallel the education of a despot. The description given by the chief black eunuch of his teacher and his education in Letter LXIV illustrates the development of the eunuch's self-interpretation:

It was under that great teacher that I learned the difficult art of commanding, under him that I learned to conform to the maxims of inflexible government. Under him I studied the hearts of women; he taught me to take advantage of their weakness and never to be surprised at their haughtiness.

The art of commanding which becomes the sole joy of the eunuchs is the art of manipulating women as objects. Such objectivity and manipulation bring joy and satisfaction. While overt sensual pleasure has been denied to the eunuchs, its loss found compensation in the psychological pleasure of forcing women to regard themselves as objects for manipulation. Furthermore, the eunuchs are aware of this aspect of their position. They justify their cruelty by regarding themselves as the center of human relations; as above both men and

women, as their real superiors. Jaron, the young eunuch about to return to the seraglio to reinforce the guard, knows well what he must do:

It seems nature placed women in a state of dependence and then withdrew them from it. Disorder arose between the sexes because their rights were reciprocal. We (eunuchs) have entered upon the plane of a new harmony. We have put between women and ourselves, hate: and between men and women, love.

Like the chief black eunuch and his teacher, Jaron feels 'a species of triumph' at the manipulation and oppression of the women.⁴⁷ It is the eunuch's true self-interpretation.

The condition of the self in the seraglio, particularly in the eunuch's position, resembles a psychoanalytic situation. Deprived of the possibility of sexual fulfillment by the paternalistic master, Usbek, the eunuchs must seek other forms of sensual pleasure. Usbek's repression of the eunuchs is complete. "For what are all of you," he declares to the first white eunuch, "if not base tools that I can break at my fancy--you, who exist only for as long as you know how to obey; you, who exist in this world only to live under my laws or to die so soon as I shall order."⁴⁸ He considers them as objects, but as objects which threaten his exclusive right to his sexual property. For despite the disclaim-

ers by all, including the eunuchs themselves, that the eunuchs are not men, they must in some way express their nature. Their feelings and passions remain, although they cannot be satisfied in normal ways. The first black eunuch hints that his severity towards the women is related to his hatred of his master:

As the crowning stroke to my misery, I had ever before my eyes a happy man. During these troubled times, I never led a woman to my master's bed, I never undressed her without returning to my room with rage in my heart and horrible desolation in my soul . . . The same women whom I was tempted to behold with such tender eyes, I could only look at with severity.⁴⁹

Those feelings that naturally would have been love turned to hatred. Could the joy which the eunuchs feel at oppressing Usbek's wives be displaced hatred for the master who has deprived them of humanity?

We must be cautious not to take this interpretation too far; we must not add our own preoccupation to the Lettres Persanes. The language of psychoanalysis serves as a useful metaphor to describe the complex interactions among the characters of the seraglio. Yet Montesquieu clearly saw that no matter how deep the repression of the self, some form of self-expression was necessary. Citizenship must harness the power of individual self-expression. Different forms of government

and ways of life require certain forms of behavior. But the stable polity requires that the behavior be the authentic expression of the self. As Montesquieu shows in De L'Esprit des Lois self-expression is not the same in all forms of government; human nature manifests itself according to various social forms and customs. There is no discontinuity in this respect between the Lettres Persanes and De L'Esprit des Lois. The former states the problem by exploring the most extreme form of repressive rule--despotism. Here the dialectic is clearest. Social life requires certain types of personalities, all authentic expressions of individual selves.

Montesquieu's view differs from Plato's (although clearly inspired by it) because the self, the 'spirit,' for Montesquieu, involves self-interpretation and intersubjectivity. Individuals express themselves in particular ways primarily because of their perceptions of their relations with others, constituted by the cultural traditions which they share. Montesquieu is more concerned than Plato with the possibilities for existence of particular types of personalities, rather than with fully describing and defining the abstract personality type. The self of Montesquieu's psychology requires an engagement with historical circumstance and laws that

Plato's democratic, timocratic and oligarchic men do not. Plato's men act out of trained habit, Montesquieu's out of interpretations of their interests. Montesquieu recognizes more fully than Plato the impossibility of escaping the social forms of self-expression. Hence, he considers action more at the heart of the human condition than contemplation. The development of the dialectic of master and slave in the Lettres Persanes demonstrates a fundamental assumption of Montesquieu's theory of the citizen: the natural drive for freedom and self-expression, necessarily repressed by social structures, cannot be destroyed but must be 'sublimated,' reappearing in different forms of action.

3. Masters and slaves: the reversal of roles. The relation between the eunuchs and Usbek's wives demonstrates most clearly the dialectic of master and slave. Depending upon the particular situation, each can either be master or slave. Even Usbek, so blind to so much else in the seraglio, recognizes the complex, dual relation:

You (eunuchs) command and you obey them (his wives); you carry out blindly all their desires, and in the same way, you make them carry out the laws of the harem. You find your glory in rendering them the lowliest service; you yield with fear and respect to their legitimate commands; you serve them

like a slave of their slaves. But, by an exchange of authority, you command as master like myself, whenever you fear a weakening of the laws of decency and modesty.⁵⁰

The relation is one of jockeying for position. Both must manipulate circumstances and each other to their own advantage. "There exists between us something like an ebb and flow of dominion and submission," says the first eunuch.⁵¹ The eunuchs continually exhort Usbek for greater power to punish his wives, while the women manipulate their husband's passions in order to exact revenge on the eunuchs. To Usbek's wives, the 'frightful eunuchs . . . are not men at all.'⁵² As we have seen, the eunuchs hate the women just as much. "I have detested them ever since the moment I was able to consider them objectively," says the first eunuch.⁵³ He can oppress them with zeal and a 'secret joy.' Yet there are costs. Just as the women become masters over Usbek, they become masters over their eunuchs. Each views the other as an object. Both use their slavery to assert their mastery.

But the wives' assertion of self is not so tightly bound to their domain over the eunuchs. Their master-ship over them is primarily a defensive game against the brutality of Usbek's functionaries. There is another form of self-expression possible for them--active re-

bellion against their real master. Intellectually, Zelis penetrates the master-slave relation. But as is characteristic of the social relations in the Lettres Persanes, the real rebellion must come from the opposite of rebellion, the one least likely to rebel; from Roxane, Usbek's most virtuous wife. She is exactly opposite from what her master believes her to be. These two women represent the element of self-expression which is missing from Usbek and Rica: the authentic expression of passion. The most pervasive theme of the Lettres Persanes is that freedom is incomplete without the freedom to love, and that the freedom to love requires free, moderate government. This is the central theme of the second important myth that Montesquieu includes in Letter LXVII--"the History of Aphérïde and Astarté." Their love moves in and out of slavery, continually struggling against the confines of despotism. Eventually, their sincerity convinces their final master that their love makes them worthy of freedom. Without the passionate expression of self, unsuppressed by artificial political power, human beings are incomplete.

Usbek justifies the oppression of his wives on the basis of custom and nature. The seraglio protects the women from their own nature. Usbek's wives are faithful not because of their nature but because of the force of

the seraglio. Zachi's test of will by seducing a white eunuch⁵⁴ is written off by Usbek as an aberration.

In Usbek's mind most of his wives consider the seraglio a "happy shelter against the attacks of vice, a sacred temple where your sex loses its weakness and becomes invincible despite all the disadvantages of its nature." Later on, Usbek consistently defends the Persian treatment of women against the "brutish impudence" of the Parisian women.⁵⁵

Yet the rebellion is more widespread than Usbek suspects. The first expression of self by the women in the seraglio is the disorder described by the chief black eunuch in Letter LXIV. Here, the women are caught in narcissistic assertions of power. The wives all demand preference because of their own individual qualities; one more beautiful, one richer, one more loved by the master. Their first general expression of hostility is against themselves, not their masters. Characteristically, the only solution envisioned by the eunuch is punishment, to tighten the web of repression; and Usbek is only too willing to concede. Despotism must be continuous. The self must be caged so that even partial and momentary escape is not possible. Any sign of self-expression must be crushed; any infraction of the rules must be severely punished. Only fear, the

psychological principle of despotic power, succeeds in controlling.

Rica, not Usbek, recognizes this and foreshadows the disaster about to overtake the seraglio. In doing so he echoes the major themes of the work. The repression of nature in the Persian treatment of women distorts them and their relations with men. Self-expression is necessary to them, but it is only available to them under despotism through fear:

With us their (women) characters are all the same because they are forced into a mold. We don't see people as they really are but as they are forced to be. In that servitude of heart and mind there is talk only of fear, which has but one language, and no talk of nature which expresses itself in such varied ways and appears under so many forms.⁵⁶ [my emphasis]

Parisian life has shown him another model where women are free. In all ways the veils are lifted. Only by leaving Persian life altogether and entering Parisian life can Rica recognize the true natural equality of men and women.⁵⁷ But Usbek cannot leave the seraglio and he cannot understand Rica's enlightened view of women. The letters immediately following Rica's describe the confusion in the seraglio and Usbek's exhortation to his wives to beware that their insolence must be punished.

But inside the harem Usbek's wives continually become more daring. In Letter CXLVII the grand eunuch informs Usbek that anarchy and open rebellion reign. Zelis on a journey to a mosque let down her veil in sight of a crowd, and Zachy was caught in bed with one of her women slaves. Men are caught in the seraglio, and even many eunuchs and other slaves have been won over. Usbek's only response is to order greater punishment.

The punishment is destined only to drive the women to further action. Earlier, Zelis had foreshadowed the end. As early as Letter CXII she began to penetrate her master's rule:

Nature, industriously bent on the welfare of men, has not limited herself to giving desires to them. She wanted us to have our own and chose that we should be the living instruments of men's felicity . . . . And yet, Usbek, you must not imagine that your lot is happier than mine. I have enjoyed here a thousand pleasures unknown to you. My imagination has worked untiringly to make me appreciate them properly. I have lived, and you have only languished.

Even in this very prison where you hold me, I am freer than you. You could not possibly redouble your concern for guarding me without my drawing pleasure from your worry. Your suspicions, your jealousy, and your heartaches are all so many proofs of your dependency.

Later, her final letter penetrates her relation to Usbek

even further. The cruelty inflicted on her cannot take away her joy at having asserted her independence and in the process her master's destruction:

From a thousand leagues distance, you judge me guilty. From a thousand leagues distance, you are punishing me . . . It is the tyrant who offends me, not the man carrying out his tyranny.

You can, at your fancy, double your cruel treatment. My heart has found calm since it is no longer able to love you. Your soul has brought its own debasement on itself, and you are becoming cruel. Be assured that you are not happy.

Zelis, not Usbek, has won--the slave has freed herself, and the punishment inflicted on the master is greater than the cruelty he caused to be inflicted on his slaves.

Yet Zelis' reaction lacks something fundamental. While accepting her triumph she accepts the relation with Usbek. Her pleasure comes from her power to manipulate her husband to her own advantage. Having learned to be content with the mutually destructive relationship she has no wish to change it.

Roxane's reaction, however, goes further. Her actions have a quality which those of other characters lack--reflexivity. As is the case with the other wives and eunuchs she can only recognize herself through her master, reflecting a central tenet of Montesquieu's

theory of man, that men (and women) can only recognize themselves through others. Moderation, which Montesquieu establishes as the general moral rule, demands that judgments be made by relating the self to others. The dialectic of master and slave in the seraglio demonstrates the disorder and destruction which occurs when moderation is lacking. Rather than recognizing their common humanity in others, the characters in the seraglio recognize others as either impediments to their actions and desires or as tools to satisfy them. Within the despotic way of life social relationships are in essence technocratic--one's relationship with another is determined solely by how that other can be useful to your own ends; one remains both master and slave. Zelis can penetrate the unnaturalness of this utilitarian perspective on social intercourse but remains in it. She remains content that the contradiction in her character between her submission to and domination of her master is mutual. She does not act against it. Only Roxane rises above it, recognizing the contradiction as part of her social situation, leaving her free to assert her natural self. She has indeed abjured Usbek's (and despotism's) laws and asserted the law of nature.

Zelis's self-assertation is less dramatic than Roxane's. In Usbek's own eyes his most faithful and

virtuous wife, Roxane is in fact the most assertive. She manipulates the master-slave relation in order to assert her freedom and independence. Her rebellion and suicide are indeed virtuous, the only truly virtuous acts in the seraglio. She has led the rebellion and even more than Zelis has turned the psychology of despotism back on her master. All along she sought a way to natural self-expression. So long as the veils seemed to cover the situation, so long as her virtue seemed to be that prescribed by the customs of despotism, she was able to manipulate Usbek's jealousy to her own advantage. But this alone does not satisfy her. Along with her suicide her final letter declares her freedom and the struggle of all the women for free self-expression:

How could you have thought that I was naïve enough to imagine that I was put in the world only to adore your whims? That while you pampered yourself with everything, you should have the right to mortify all my desires? No! I might have lived in servitude, but I have always been free. I have rewritten your laws after the laws of nature, and my spirit has ever sustained itself in independence . . . .

My language, no doubt, seems new to you. Could it be that after having overwhelmed you with sorrow, I should even yet force you to admire my courage? But it is finished. The poison consumes me. My strength is leaving me, the pen falls from my hands. I feel even my hatred weaken. I am dying.

With these lines the Lettres Persanes ends. Cer-

tainly, Usbek would not have understood her new language. She has given new meaning to the seraglio; one closer to a human nature which reflects the natural aspiration for freedom. But having raised her virtue to self-consciousness, she must die, for her action has destroyed her master, but not the form of repression. Despotism is the real victor. In it the only self-conscious assertion of nature is death. We can guess that once Usbek receives Roxane's letter he no longer thinks of going back to Persia. There is nothing to go back to. Despotism can only end in self-destruction for both master and slave.

In terms of the ideals of public action which Montesquieu develops in De L'Esprit des Lois, which we shall discuss in the next chapter, the despotic regime could have no citizens. All Montesquieu's work is animated by the fear that the spirit of despotism will invade government. Indeed, careful and complex institutions, often too complex, are necessary to prevent its intrusion. The citizen is caught in a dilemma: to assert oneself in such a way as to support political stability and the public good, while recognizing the validity of self interest as free according to its own nature. The classical categories are not helpful for

the self can no longer be understood as a simple function of one's place in society. The choice cannot be simply between the private good or the public good. The modern citizen must be both self-interested and public spirited. Both of these categories are new with the rise of the modern state. Both public and private action are expressions of the self, and it is the combination of this expression of self which classical philosophy did not know. In De L'Esprit des Lois the concepts of 'l'esprit' and the principle of a form of government will forge new ground in a theory of citizenship. The contours of legitimate public action must be the expression of self within a particular social and political setting.

C H A P T E R   V

CITIZENSHIP IN MODERATE GOVERNMENTS: THE UNIVERSAL POLITICS OF DE L'ESPRIT DES LOIS

The Lettres Persanes begins to probe the nature of the internal rationality of subjectivity, attempting to show that the self strives for freedom and that subjective action is a product of the dialectical confrontation of the individual self with the outside world of social and political institutions. The "Considérations Sur Les Causes de la Grandeur des Romains et de leur Décadence," takes on a different dimension of the problem, arguing that human history itself, while seeming to be purely subjective and accidental, likewise has a rationality to it which can be described in terms of general laws and causes. However, De L'Esprit des Lois seeks a universal description of the rationality of the social world. But the fictional mode of the Lettres Persanes which approaches a psychoanalytic perspective on the rationality of the subject, and the history of the decline of Rome which explains a method of capturing the internal dialectic of historical development, uses specific concrete details to demonstrate that rationality. De L'Esprit des Lois goes further.

The subjective dimension of individuality requires freedom, as the Lettres Persanes demonstrates. Likewise, De L'Esprit des Lois does not ignore this dimension. Liberty remains the supreme value of political and social life. But Montesquieu's concept of l'esprit général is complex: indeed too complex, for it is plagued by a fundamental contradiction. The dialectical rationality of subjectivity described both in Montesquieu's moral theory as well as in the Lettres Persanes tends to give way in De L'Esprit des Lois but its various components are not reconciled. The concept of l'esprit recognizes that subjective action is crucial to social life; this is the essential notion of the 'principle' of a government. But l'esprit also contains a more formal view of political institutions.¹ These two aspects of l'esprit are incompatible and lead to contradictory implications for the theory of citizenship.

The concept of l'esprit général describes what might be called a 'universal politics.'² It unifies under a single term all of the particular elements of social life. Not only a nation's past--its customs, traditions and laws--but also its present--its economic structure, current constitution, and class structure--come together into a single system of relations. They are all 'laws' in the sense that their connections are

regular patterns that can be understood by an observer. In view of a theory of citizenship, l'esprit général contains two crucial dimensions, the requisites of political action and the institutionalization of a constitution and political organization. Montesquieu defines the first in terms of a political education necessary to encourage appropriate behavior in citizens, both in their public and private lives, and in terms of the concept of the 'principle' of a form of government. The institutional dimension is described by a complex system of interconnected relations of particulars, including both moral and physical causes, as well as constitutional balance among class interests. The purpose of this chapter is to trace these two dimensions of l'esprit général, to demonstrate how Montesquieu utilizes the ideology of the ancient constitution and the conservative idea of tradition to unify them, and finally to draw the implications for the theory of citizenship. The conclusion of the dissertation will continue the discussion of Montesquieu's theory of citizenship in general and will draw some conclusions for a contemporary theory of citizenship.

I. L'Esprit as Political Action

1. The 'principle' of a form of government. Chapter

Two of Book I of De L'Esprit des Loix seems to affirm the Hobbesian method of arguing from a state of nature governed by natural laws which "derive uniquely from the constitution of our being" (p. 235). His picture of this state of nature seems like the reverse of Hobbes. Men have no positive laws to hold their ambition in check, as in Hobbes's state of perpetual war; but the result of this, according to Montesquieu, is mutual perception of weakness. But Montesquieu's critique of Hobbes is deeper; indeed, it is another version of his critique of rationalist contract theory, similar to the critique he articulated in the myth of the Troglodytes. Montesquieu's model of the transition to civil society appeals to a model of growth based upon the needs and 'sentiments' of men. Speculative ideas must come to men after considerable social and historical development. Each law of nature develops as a plausible consequence of man's nature. There is no rigorous deductive logic, but rather, the inquiry seems guided by a notion of temporal experience. It is more akin to a notion of political anthropology than to an abstract rationalist foundation of society.

Montesquieu's view of the psychology of the citizen is embodied in his theory of the principle of a government. The fundamental purpose of the principle of a

government is to establish the basis on which individuals can participate in a public life which derives its meaning and legitimacy from the context of their freedom to pursue their private interest.

Each government has a principle which activates it--which sets it in motion. This principle represents the psychological orientation which individuals must have in order for their personal self-understandings to be consistent with the public interest. Within each government this principle unites action in civil society with action in the state. Virtue in a republic, or honor in a monarchy, makes demands on the political and social structure which unit them into a general system. Commerce provides a clear example.

In Book V, Chapter 9 Montesquieu asserts that "it is necessary that the laws favor commerce to the utmost extent that the government can." Yet it must be forbidden to the nobility and reserved to the non-noble population. If necessary it must be forced on them. The court life of the privileged noble, necessary to monarchy and based upon the principle of honor, requires that the nobility remain free from the obligation to work in order to pursue the rewards of court life.³ The commerce which the common people engage in must be controlled with the purpose of creating a surplus in order to

support the non-productive noble class. As Montesquieu puts it, the purpose of commerce in a monarchy must be directed "to the end that the subjects may be able, without perishing, to satisfy the continually growing needs of the prince and his court."⁴ In order to further this purpose taxes must be kept moderate. The laws must balance the needs of the king and the court without being so heavy that they discourage the spirit of work, either by allowing too great affluence among commoners or too severe poverty.

In a republic, on the other hand, commerce has a more complex effect. The spirit of commerce tends toward economic expansion and the production of luxuries which undermines the simple manners required of republican virtue. Yet when guided by the proper spirit of moderation and work commerce can be beneficial to a republic. Montesquieu repeats here the praise of the commerce of economy which his political economy of the state system had led him to in earlier essays. "The spirit of commerce," he asserts, "encourages the spirit of frugality, of economy, of moderation, of work, of wisdom, of tranquility, of order and of rule." Wealth has no evil effects in a republic so long as it is directed towards commerce. Unlike monarchies wherein commerce is a means to the sustenance of an unproductive

class, in republics commerce is the supreme end of the political economy, and all laws should be directed to sustain it. Evil results, in Montesquieu's view, not from riches themselves but only "when the excess of riches destroys this spirit of commerce."⁵ If any semblance of republican virtue is to remain in modern republics, the pure principle of republics, what Montesquieu calls 'political virtue' must be commingled with the commercial spirit. At times he even seems to speak as if the spirit of commerce must replace the spirit of self-sacrifice for the public good which he calls political virtue:

In order to maintain the spirit of commerce, it is necessary that the principal citizens do it themselves; that this spirit alone rules, and may not be crossed (croisé) by any other; that all the laws favor it; that these same laws, by their provisions, divide fortunes in the same measure that commerce promotes them, thus giving each poor citizen enough (grande aisance) so that he will be able to work as the others, while keeping each rich citizen at a level of such mediocrity that he must work in order to conserve or to acquire.

What the principles of both monarchies and republics share is a certain form: each must reflect, and be reflected in, the manners of civil society. It must describe the citizen's action in society far more than in politics. But a peculiar situation results for the

principle of a government, as I will show later in this chapter. While showing that the action of the citizen constitutes politics, Montesquieu tends to argue that this action (paradoxically) takes place in a sphere which is public but not political. This renders the actual relation between society and the political sphere problematic.⁶

. In Montesquieu's eyes the most important implication of the principle of a government is that it allows for discussion about the liberty of the citizen in a way that does not undermine the security of the state. The principle allows Montesquieu to describe how states retain a coherent identity and stability over time by guiding an explanation of how citizens constitute the government. Machiavelli had argued that the orientation of citizens towards the rule of the Prince was crucial to the stability of the state. But he described their mutual relation purely in terms of antagonism and power. The citizens checked the ambitions of the Prince as the Prince sought to manipulate the beliefs of citizens. Social coherence over time would result from the widespread acceptance of a civil religion. Indeed, civil religion provided the sphere within which Machiavelli argued citizens could recapture a spirit of republican virtue. Within a civil religion a common identity

shared by both the citizens and ruler could emerge. In this sense the 'principle' of a form of government describes a kind of civil religion, except giving much greater emphasis to its origins within the historical context of particular nations. The concept of the principle of a government allowed Montesquieu to retain Machiavelli's insight that the self-interpretation of citizens had to constitute political rule while explaining more fully the roots of social cohesion. In short, the principle demonstrates why legitimacy is crucial to providing for both stability and social cohesion.

2. The role of political education. In general, the principle can be specified for each form of government. In a particular government the principle derives from the general nature of the government and is related intimately to the general spirit described by the moeurs and manières peculiar to that particular society. Education, the major purpose of which Montesquieu describes as to prepare men to be good citizens,⁷ must consistently reproduce the principle in the citizens. This education is conceived experientially since citizens receive it by acting and observing the world. By education of the citizen according to a principle of government Montesquieu clearly means not merely narrowly

political or intellectual education but emotional and moral education as well. Our orientation to others distinguishes different types of education, producing different *moeurs* and *manières* within different types of governments.

The *moeurs* and *manières* which derive from education according to the principle of monarchy exhibit a complexity that those of republics and despotisms do not. Honor derives from our orientation towards others as perceived always through ourselves. All actions are reflected through our own self-esteem, our own *amour-propre*. All components of honor--nobility in virtues, 'franchise' in *moeurs* and politeness in manners--derive from turning the self back on itself; from self-absorption, not direct concern for others.

The virtues that one shows (*montre*) to us there are always less that which one owes to others, than that which one owes to oneself: they are not so much those that call us towards our fellow citizens, as those which distinguish us from them.⁸

Education in a monarchy is a social education in which the person learns to identify self as always in competition with other similar selves for favors and recognition granted by the crown. It is not, indeed cannot, be political; it is an education for a non-political

public. The nobility is the recipient of honors, not their creators. Montesquieu describes its chief concern as the training of the heart, the grooming of the passions.⁹ Education in a monarchy takes place in society itself, for only there can the citizens learn how to distinguish themselves from others.

Education in general is defined by Montesquieu as "consisting principally in living with others."¹⁰ Hence, education has a crucial social function for a monarchy, but it must have little or no role in a despotism. Fear, the principle of despotic states, requires isolation not amity. As the Lettres Persanes continually made clear, despotisms run most smoothly when people are completely isolated from one another. Despotic regimes fear the mutual felicity which characterizes moderate regimes. As the discussion in the last chapter demonstrates the orientation of selves to others in a despotism is purely technical, as objects to be manipulated for one's own purposes. In a despotism citizens, if the participants can actually be called citizens, do not learn to live with others, but are forced, through the principle of fear, to live against others.

Education is most important in a republic whose principle is political virtue. Action which produces republican virtue is exclusively other-directed, it is

self-renunciation in favor of the public interest. Citizens must love the state and thereby each other.¹¹ For example, unlike its place in a monarchy the family has a major rôle in republican education. It must teach children those moral rules which will lead them to identify their private interest with the public interest. On the death of a comrade in war, the Troglodyte republicans fought with fury to avenge simultaneously the death of the beloved friend or relative and the attack on the state.¹² In peace, sons and neighbors would rise early in the day in order to complete a neighbor's work before he awoke. In the minds of citizens, public and private duties are thus in principle indistinguishable.

The importance of Book IV of De L'Esprit des Lois on education cannot be overestimated for Montesquieu's theory of citizenship. Education based upon the principle of the government produces the subjective spirit of the society. By l'esprit Montesquieu means the ethical and moral orientation of action. (The second half of this chapter will show that he also uses it in a contradictory sense.) It represents the way people must act in order to be virtuous in a particular society, all societies having their own particular spirit. This spirit governs a society by establishing rules of sev-

eral types: rules which guide the making of laws--all laws must be appropriate (convenable) to the spirit; and rules which guide social action in civil and political society--e.g., commercial and moral relationships among individuals in everyday life. In addition, l'esprit, as a conceptualization of these relationships, makes the meaning of social institutions and practices objectively available. In other words, it provides the basis on which institutions in a particular society are to be judged both useful and legitimate. It establishes the grounding principles--the universe of moral discourse--which must be subjectively incorporated by each and every citizen in order for it to be possible to determine the proper direction of state power and the adequacy of particular laws in a particular society.

3. Liberty and Montesquieu's analysis of power. The subjective dimension of social life which Montesquieu uses the concept of the principle to describe culminates in his notion of liberty. More than any other notion, the concept of liberty unifies the principle with the form of government. Liberty is necessary in order to preserve the autonomous interests and aspirations of individual citizens while providing for the security of the state as a whole.

We can now appreciate fully Montesquieu's idea of liberty 'for the citizen' ('dans le citoyen')¹³ as a consequence of the principle of a government. The concept of the principle implies that citizens are autonomous individuals making their own judgments on the basis of perceptions of their particular interests and desires. For Montesquieu, this autonomy must have a social side--these personal judgments must be based upon a socially constituted self-interpretation. Citizens' actions must conform to certain norms and practices which grow out of their nation's history and culture. The root of Montesquieu's notion of liberty is the recognition that the government must respect this intersubjective cultural and social realm. One of Montesquieu's central principles, which he holds to as firmly as any of the philosophes, is that the mind should not be coerced by the laws.¹⁴ Neither should the collectivity infringe on the citizen's physical well being or on the integrity of his individual person without public justification. Hence, in Montesquieu's eyes the greatest threat to the liberty of the citizen is that of unfair or irrational punishment. It represents a deceit on the part of rulers which undermines the intersubjective bases on which the legitimacy and the stability of the polity rest. Criminal punishments then must be careful-

ly constructed in order to protect individual integrity, both physical and intellectual. The overall interpretive principle of clarity and fairness in punishment which guides Montesquieu here has become the foundation of theories of punishment in the modern state:

It is the triumph of liberty, when the criminal laws derive each punishment from the peculiar nature of the crime. All arbitrariness is eradicated; punishment does not in the least derive from the caprice of the legislature, but from its own nature; and this is not the man who does violence to man.¹⁵

More generally the liberty of the citizen consists in certain rules of right: religious toleration; moderation and care in the accusation of crimes; strict specificity of the crime of *lèse-majesté*; and freedom of thought. But Montesquieu is careful always to stress the point of view of the citizen. Hence, his notion of liberty also contains a less formal dimension. Liberty, he insists, is as much a matter of perception as of fact: "It consists in security, or in the opinion that one has of his security."¹⁶ Mere formal liberty embodied in the constitutional separation of powers is insufficient to create and describe liberty. "It can happen," declares Montesquieu, "that the constitution will be free, and the citizen not--the citizen can be free, and the constitution not."¹⁷ The citizen and

the constitution must be free both 'in right and in fact.' In other words, liberty depends on adequate institutional and constitutional protections, as well as on the recognition by citizens that they are in fact free. If either condition is lacking, liberty dissolves. Liberty requires both what Montesquieu calls 'philosophic liberty' and 'political liberty:'

Philosophic liberty consists in the exercise of his [citizen's] will, or at least (if it is necessary to speak of all systems) in the opinion that the citizen has that he is actually exercising his will. Political liberty consists in the security, or at least in the opinion that a citizen has of his security.¹⁸

Liberty is a central element of a universal theory in which right and interest are carefully enmeshed, each in the other. The theory of the citizen requires both a formal theory of citizenship as a theory of rights and obligations, and a theory of political action that reflects the subjective elements of the person qua person.

One of Montesquieu's central and most famous arguments is that liberty, one of the ends of the constitution, belongs to moderate governments. Since power necessarily has limits and it corrupts those who have it, the constitutional device necessary to protect liberty is that 'le pouvoir arrête le pouvoir.'¹⁹

Political liberty is found only in moderate governments. But it is not always such in moderate states: it is there only when power is not abused; but it is an eternal experience that each man who has acquired power is driven to abuse it; he uses it until he meets its limits. Indeed, even virtue has need of limits.²⁰

We must not confuse Montesquieu's argument with Hobbes's argument that men are by nature driven by an insatiable thirst for power. It is crucial to understand how they are different.

Montesquieu is not arguing that men by nature seek power, but that power tends to corrupt those who have it. This is radically different from Hobbes's argument that the natural drive for power requires an absolute sovereign to hold it in check. Hobbes's absolutist conclusions follow from the natural psychology of men--that their innate aggressiveness and the necessary struggle for social survival requires the formation of a political power sufficient to repress the drive to assert power over others. He defines power in purely instrumental terms as the successful manipulation of objects, saying nothing about its internal dynamic. Since all men act on the same power drive, men must address each other as objects to be manipulated. The argument is self-fulfilling. If one accepts Hobbes's assumption about human nature, there is no choice but to act ac-

cording to it. Presuming others will act the same way, a fundamental point of Hobbes's theory, anyone denying it would be at a severe, indeed fatal, disadvantage. The subject has no choice but to act according to the principles of pure power. Social relations, then, considered by either individuals or the sovereign, must be objects of manipulation. In the Lettres Persanes, Montesquieu argued that this instrumental view of citizens was characteristic of despotism; but as this chapter will show, this is not true of free governments. Hobbes's nominalism is the consistent and necessary outcome of his view of the psychology of power.

Montesquieu's argument about the checking of power in the state, however, is of a very different sort. His argument that once men attain power it corrupts them describes the dynamic of power, not the psychology of the men who hold it. Further, it implies a central distinction that Hobbes's theory denies between power and authority. If power can be corrupt, there must be limits which define its legitimate use. Indeed, for Montesquieu, power and authority, coupled in the concept of law, are the defining concepts of the state. The internal dynamic of power, which is that it is self-perpetuating, tending towards a pattern of continual and unlimited expansion, leads to conflicts with authority,

the state's principle of legitimacy. Liberty must then consist in preserving the balance between power and authority, defining and protecting the sphere of legitimate public action from tyranny. Public space, then, must incorporate a balance between interest and right.

By collapsing power and authority in the absolute sovereign, Hobbes is caught in a fatal solipsism. His conception of politics dissolves right into interests, leaving no room for public discourse about the public interest. In Hobbes' Leviathan the public interest can be defined only in terms of the private interest of the sovereign. The sovereign even creates the language of debate out of his own will; public meaning is what the sovereign chooses. Men cannot talk to one another without being dependent on the sovereign's will. Hobbes's argument moves from the completely private (natural man) to the completely public (leviathan), in the process depriving both categories of meaning. As Bodin recognized more than half a century before Hobbes, public space has no meaning if not counterposed to private space, an insight which Montesquieu revives.²¹ There is no public interest if there is not private interest and vice-versa. Where there is no distinction between public and private, the modern state becomes a tyranny, or in Montesquieu's typology a despotism. Montesquieu's

theory of liberty as dependent upon state power, then, rejects rather than confirms Hobbes' assumptions.²²

He is concerned with the internal dynamic of power and its institutionalization. Power does not include the whole dynamic of human psychology. Thus, Montesquieu's doctrine of the checking of powers in the constitution (unlike that of the American founders) rejects the Hobbesian characterization as descriptive of human psychology.²³

In order to unify politics from the point of view of the citizen and from the point of view of the state, the concept of *l'esprit général* must describe how individual action can have public meaning. Montesquieu's notion of liberty tries to do this by demarcating the private life of the citizen in which he acts legitimately according to his own perception of his interest within publically prescribed and clearly articulated limits, from the public life of politics. *L'Esprit général* must somehow unify this private sphere with the public sphere of politics. Next I will develop Montesquieu's notion of political space which constitutes the second dimension of *l'esprit*--the institutional framework out of which laws emerge.

II. L'Esprit as Political Space

1. Liberty and the notion of l'esprit général. L'esprit général is a nexus of all relations both physical and moral: "Several things govern men: climate; religion; laws; maxims of government; examples of past events; mœurs; manières; l'esprit général results from these."²⁴ This spirit characterizes the particular society, the 'nation,' each distinct from all others because of a different configuration of such causes. Oriental nations are governed more by their physical causes in general and strict political laws; their moral laws tend to atrophy and their societies remain unchanged in basic structure for long periods of time. England, on the other hand, combines felicitous physical circumstances (on the water, temperate climate) with judicious legal and intellectual traditions producing a greater level of freedom than any other nation. France combines a wide ranging climate (and hence diverse economic possibilities) with an abundant population and a solid constitutional tradition which allows for the emergence of the best of monarchies. This relativism of possible regimes based upon different configurations of the same basic range (or 'types' in more modern language) of causes is one of Montesquieu's most important

arguments, for it alone establishes the grounding on which particular polities can be understood.

To the extent that any one of these causes acquires greater force in a nation, the other causes are weakened. Nature and climate virtually dominate savages, *manières* govern the Chinese, laws are the tyrants in Japan, *moeurs* once set the tone of life in Sparta, as did their maxims of government and ancient *moeurs* for the Romans.²⁵

Certainly there is an implied hierarchy among various causes. Although each society is to be accepted on its own terms, those in which moral rather than physical causes predominate are closer to Montesquieu's ideal of good government, i.e., moderate government. But general classification on moral terms is fruitless and misleading. Moral judgments must be made on the level of particular societies, determining how closely they approximate moderate governments and what physical and moral factors are involved in each regime.

Liberty is a yardstick for measuring the extent to which the circumstances allow the citizens to be free. "I would want to discover," Montesquieu says in conclusion to Book XI on liberty in the constitution, "within all moderate governments that we are acquainted with, what is the distribution of the three powers, and to calculate by it the degrees of liberty that each of them

may enjoy."²⁶ Liberty of the constitution, institutionalized in the separation and systematic balance of powers, is a precondition of moderate governments which establishes a basis of judgment of them.

In keeping with his general distinction in viewing liberty from the point of view of the citizen and the point of view of government, it is important that we keep in mind his distinction between this form of liberty and the liberty of the citizen. The liberty of the citizen, as I suggested above, requires the spirit of moderation above all with regard to punishment. This distinction derives from the dual nature of the modern political subject--as simultaneously actor and ruled. Inappropriately severe punishments will delegitimize rule, possibly precipitating revolution and certainly causing the government to degenerate into a despotism. Liberty, then, consists in both a formal constitutional balance of the various powers that make up the state as well as a spirit of moderation emanating from the legislation; both are constitutive of Montesquieu's notion of liberty.²⁷ In short, liberty defines the moral contours of the modern political space.

2. The forms of government. The language of theory has changed in order to retain the empirical force of the

forms of government while finding a new way of describing the moral content of government.²⁸ Forms of government no longer describe the central moral predicament of politics as they once did. Having indicated a necessary relativisation of argument about the forms of government, Montesquieu must rewrite the moral language of politics in terms which take into account the historical development of particular polities.

Chapter Six of Book XI, the famous chapter on the constitution of England, marks a decisive shift in the language of modern political theory. Whether the description of the English constitution is correct or not, the importance of the formulation of the argument is clear. Having simplified the typology of governments from those of classical through Renaissance theory, Montesquieu has hinted that the very mode of argument must be replaced. The very nature of the modern state has come to limit the moral descriptiveness of the previous forms of government.

The primary function of the forms of government in Montesquieu's new typology is to organize the institutions of society into a coherent framework. In short, they provide a general description of the political space of particular societies. Political space, in this sense, is not merely the physical forum of Greek democ-

racy, but a more ontological dimension of politics which combines the psychological, physical, legal and moral orientations of legitimate political actors. In a republic, that space must be opened to all citizens--all must have access, at least formally, to state power. A monarchy organizes the state around a single person according to fixed rules (laws); its political space is clearly delimited by the rule of laws which are simply stated and clearly presented. They must not confuse citizens. Legitimacy in a monarchy is determined by the clarity of this space, that the monarch acts according to publically known rules. Political space is least bounded, finally, in a despotism. Its limits, or lack of limits, are set by the power and the will of the despot. In a sense public space has no meaning at all in a despotism, for the distinction between public and private life, without which public space would have no meaning, may be dissolved at any moment by despotic action. The citizens (if indeed there are any) can never be sure of the limits of public action and hence can never be secure in private. The seraglio of the Lettres Persanes, Montesquieu's fictional picture of the despotic way of life is thoroughly politicized. Even when Usbek's wives stand before him in the "simplicity of nature"²⁹ they do so because of Usbek's power over

them, not because of their own choice. Echoing Montesquieu's ideal of justice, public space must be defined by the public limits on power. Absolutist monarchy is more akin to Montesquieu's description of despotism than of monarchy, for in the end it knows only private limits.³⁰ Although both Bodin's and Hobbes' sovereigns are technically limited by natural law, political prudence, and, in Bodin's case by the fundamental laws of the kingdom, there is no public means of debate, no clear binding rules for the limitation of power which can be known by citizens. Constraints on the monarch's power ought to be obeyed by the monarch (for Hobbes as well as Bodin) but he also must be free to ignore them. In a despotism, power is free but citizens not. In both republics and monarchies, citizens are free only when power is not.

In Montesquieu's view the central moral distinction between different governments is between despotic and moderate regimes not between the particular forms of government per se. In this sense only despotic regimes have a 'moral,' or more correctly 'immoral,' nature which is specific to it. Both monarchies and republics as forms of government have several legitimate variations. The crucial determinants of the legitimacy of rule are not intrinsic to these forms of government

themselves, as they were, for example, for Plato.

Rather, the moral content of governments is described by two principles which transcend the particular forms of government--liberty and moderate rule.

The general end of all states is security over time.³¹ To this end the form of the government is crucial. The principles of action must be in accord with the constitution. Each form has a variant which serves the purpose well--the federative republic and the pure monarchy based upon the privileges of intermediary powers (nobility). But both of these have a common characteristic which to Montesquieu is most important--both variants survive because they preserve moderation. Indeed even these variants will have to be modified according to the particular circumstances of a nation: climate, geography, demography, etc. . . . Hence the chapter on the English constitution is descriptive of a remarkable hybrid ("a republic under the cloak of a monarchy")³² which has had great success over time. But it also has another point as well: to describe an example of the internal mechanisms of government, the separation of powers, which are necessary for stability and liberty in the modern state, regardless of the form of government. Again we can understand Montesquieu's argument more fully by tracing how it is similar and differ-

ent from the classical Greek theory.

Montesquieu's use of the language of the forms of government has a dual purpose: to simultaneously answer Machiavelli's use of the forms of government as merely a descriptive formulation of the rules necessary for the preservation of the state, as well as Bossuet's that the proper form of government, absolute monarchy, derives from God's will and is his earthly agent. Plato's formulation certainly provides an alternative, including within each government its moral opposite.³³ Democracy, aristocracy and monarchy, for Plato, have no meaning unless counterposed to their corrupt forms; the failure to attain the end of security is necessarily linked to moral depravity. Montesquieu's view is similar. The failure to achieve security has necessary moral as well as political implications. Corruption of a government, he argues, is always precipitated by the corruption of its principle (Book VIII), just as for Plato the form of government becomes corrupt following the corruption of the psychology of the citizen. The depravity of government must be explained by its own internal dynamic, as Montesquieu explained the fall of Rome. Yet the moral consequences for Montesquieu are different than they are for Plato. So long as the government remains moderate it can freely shift from republic to monarchy

or to some combination (such as England) whereby the legislator corrects for the changes in the general spirit. The language of the forms of government cannot describe adequately the moral shift, as it could for Plato. For that, Montesquieu requires the more general ends of government, liberty and moderation,³⁴ which although not absent from ancient republics, are more appropriate to the modern state.

Political theory must adopt a new focus in order to describe the moral content of the modern state. The moral shift consequent of the decay of governments is from a moderate government to a despotism. "Democracy and aristocracy are not free states by their nature," Montesquieu insists. Rather, "political liberty is found only within moderate governments."³⁵ Plato's transcendentalism could explain neither the subtlety of the moral implications of bureaucratic organization nor the implications of the complexity of public life in the modern state. Neither could Machiavelli nor Bossuet. Given the nature of the modern political subject, liberty must become an irrepressible concept in the modern theory of the state. In Montesquieu's account even monarchy, in which liberty has not been traditionally accepted as necessary, must rely on the spirit of liberty, although developing it only indirectly:

The monarchies that we know do not have liberty as their object directly, as those of which we have just spoken; they tend only to the glory of the citizens, the state and the Prince. But from this glory results a spirit of liberty which, in these states, is able to do as great things, and perhaps to contribute as much to goodness as liberty itself.

The three powers are not there distributed and founded on the constitutional model of which we just spoke (England). They have each a particular distribution according to which they more or less approach political liberty; and if they do not approach it, the monarchy will degenerate into despotism.³⁶

The overwhelming moral importance of moderation is reflected also in the beginning of Book XXIX, the book which concludes the theoretical discussion of De L'Esprit des Lois and which many commentators believe is the true end of the book.³⁷ Here, Montesquieu declares that the intent of his major book, his life's work, was to prove that "the spirit of moderation ought to be that of the legislator; the political good, as the moral good, can always be found between two limits."³⁸ The moral spirit of moderation must permeate the esprit général of any nation regardless of its particular form of government.

L'Esprit général is the central discovery and organizing principle of De L'Esprit des Lois. In so far as it sets forth a conception of political space it describes an interlocking set of institutions and insti-

tutional relations, physical, social and political, unified into a single system according to the particular circumstances of each particular state. This general attempt to explain social and political life from a single unified perspective is held together by the two fundamental moral concepts, liberty and moderation. Can Montesquieu devise a new language to describe these ideas? It is to his attempts at this definition to which we now turn.

3. Citizenship in moderate governments. At the beginning of Chapter Six of Book XI, "Of the Constitution of England," Montesquieu defines political liberty 'for the citizen' as:

. . . this tranquility of spirit which derives from the opinion that each has of his security; and in order that one have this liberty, it is necessary that the government be such that a citizen does not fear another citizen.³⁹

The state must secure the citizen's person and property so that he is free to act without fear. Just as fear governs despotisms, the opposite principle governs moderate states. The private life of the citizen must be free from arbitrary political repression. Liberty does not necessarily manifest itself as participation in political decisions but as the freedom to utilize one's

property, including one's body and mind, according to one's own interests. The purpose of law in the broadest sense of the constitution or fundamental law is to construct an institutional context in which the subject can be secure. But Montesquieu's view here is not one of absolute freedom, for any institutional context itself requires constraints on the citizen's action. By defining freedom in terms of security, as freedom from fear, Montesquieu has reconciled liberty with political constraints, so long as those constraints are clearly publicized as laws. Liberty, then, is not absolute, but only the freedom to do what the law permits.⁴⁰ This still leaves Montesquieu with the need to describe how citizens can legitimately act in public, for they are not merely private people.

Indeed, the pure privatization of life is another characteristic of despotism which Montesquieu establishes in contrast to free moderate governments. Montesquieu must develop a notion of political action which describes how citizens can act in the public space established by the system of interlocking institutions and laws. He must answer his own criticism of the concept of interests; the theorist must somehow explain how self-interest does not represent the private, selfish concerns of an individual, but can be compatible with

and reinforce the public interest.⁴¹

Montesquieu's answer rests upon the crucial assumption that politics is only a part of l'esprit général. That spirit describes the whole of a particular social life in terms of an interrelationship of parts, not as an aggregate of them. It does not merely describe a functional interrelationship, as some critics who want to assimilate Montesquieu into the modern sociological tradition assume.⁴² There is a fundamental moral purpose to l'esprit, the protection of the free subject, that goes beyond the mere stability of a stratified society. It strives to establish the context in which citizens can pursue their own interests while not contradicting the public good. L'Esprit général does this by describing a public sphere in which the citizen acts which is not political: the world of mœurs and manières. This social world must develop independently of politics. Mœurs and manières cannot be changed by the laws but through mœurs and manières themselves. The use of law would 'seem too tyrannical.'⁴³

The self develops in society not in politics. The free autonomous subject that Montesquieu's moral theory describes is more comfortable in society wherein he can express himself, pursue his own interests and impress himself on others. Action in society derives from in-

dividual amour-propre. This is why Montesquieu feels that in general monarchy is more appropriate to contemporary life than republics. Modern republicans fail to realize that political action which supports the public good becomes a burden as individuals pursue their own character and interests, as Montesquieu illustrated in the development of Troglodyte society. Given the complexity and extent of the modern state, there is no way to convert private interests directly into the public interest--this must be done indirectly.

For Montesquieu two solutions are adequate: the commercial republic based upon the work ethic in a capitalist economy, and a monarchy based upon the principle of honor. In both cases private interests are transformed into the public interest through society. In capitalist society individuals are driven by work. Work life channels energy into production and accumulation which leads to the circulation of money and production of a surplus for the operations of the state. As we have seen in Chapter Two above developments in modern technology allow for increased production and commerce as well as more rapid and secure circulation of money through credit and currency stabilization. These create greater wealth for the state while giving all the citizens a stake in pursuing the public interest. So

long as the state acts only to reinforce the spirit of moderation, which serves to ward off excess wealth, which cuts into the work ethic, individuals can pursue their self-interest while producing the public good.⁴⁴

It is illustrative to see how women play an important role in Montesquieu's political economy. They are the guardians and primary determinants of the contours of society (in the sense of public but non-political action). The difference between *moeurs* and *manières* is that the former 'concerns more interior conduct,' while the latter concerns 'exterior' conduct.⁴⁵ Because they do not respect moderation women tend to deprave *moeurs*, but they also determine *manières*, in the process increasing the demand so necessary to commerce:

The company of women depraves *moeurs*, and forms taste: the desire to please more than others establishes elegance of dress; and the desire to please more than oneself establishes fashions. These fashions are important: by the force of giving oneself over to this frivolous spirit, one augments without ceasing all the branches of its commerce.⁴⁶

Montesquieu most often seems to speak as if this were the nature of women regardless of their particular government. In pure republics women are dangerous because their nature inclines them to freedom and in their freedom they are governed by their passions. The luxury

which develops must be banned because it undermines the political virtue necessary to the stability and justice of the state. It is important for my argument to note that in a pure republic there is no intermediary between private interest and public interest, the former must directly be sacrificed to the latter.⁴⁷ Hence, in Montesquieu's view, the action that comes naturally to women is more appropriate to monarchies where society can more successfully absorb luxury.⁴⁸ Free women are not rational enough to partake in the direct public consciousness necessary to republics (how different this is from the model Roxane depicts in the Lettres Persanes):

Women exercise little restraint in monarchies, because, the distinction of ranks calling them to the court, they go there in order to partake of the spirit of liberty which is almost the only one that is tolerated there. Each is served there by their charms and by their passions in order to advance her fortune; and as their weakness does not allow them dignity, but the vanity, luxury always rules them there.⁴⁹

It seems clear, then, that through this non-political public society, individuals, men and women in their own ways, act on their own interests and characters to produce the public good.

In pure monarchies based upon the principle of honor the relationship is as clear as it is in commer-

cial republics based upon the work ethic. Individuals act according to their own ambitions; they are purely concerned with impressing others, all of the action is refracted through themselves, through their amour-propre.⁵⁰ Montesquieu clearly recognizes that this results in a society based upon deception: ". . . it is a false honor which leads all the parties of the state; but this false honor is as useful to the public, as the truth would be to the individuals capable of attaining it."⁵¹ It is in this context that Montesquieu uses his famous description that amounts to an 'invisible hand' as operative in monarchical society:

Honor motivates all the parties of the body politic; it ties them by its own action: and it is found that each furthers the common good, believing that he is furthering his own individual interests.⁵²

Montesquieu has gone to great lengths to distinguish this public society from politics, and he insists on the distinction in clear language:

Moeurs and manières are usages that the laws have not established, were not able to establish and did not want to establish.

There is this difference between laws and moeurs, that the laws rule more the action of the citizen and the moeurs rule more the actions of men.⁵³

Montesquieu's political economy of luxury demon-

strates most clearly the importance of this non-political public sphere. Luxury represents the excess riches above what is necessary for physical subsistence, and it is developed out of the surplus generated by labor.⁵⁴ The primary social function of luxury is to divide citizens into classes based upon wealth. In states where there is complete equality in the 'fortunes' of citizens (it is important that Montesquieu has come to use fortune here primarily in an economic sense) the calculus of luxury is equal to zero.⁵⁵ The political function of luxury, related to the social function,⁵⁶ consists in increasing the wealth of the state. These two functions come together in the growth of modern cities. With Paris clearly in mind, Montesquieu writes:

Luxury is still in proportion with the grandeur of cities, and above all of the capital; in such a way that it is by reason composed of the riches of the state, of the inequality of fortunes of individuals and of the number of men that are assembled in a certain place.⁵⁷

Indeed, the city represents a new type of market, one based upon unlimited accumulation and the continual need for growth. The more people there are together in one place the greater the possibility for self-aggrandizement, the greater the chance that individuals can re-

flect their amour-propre in such a way as to distinguish themselves from others. Luxury provides the outward means of expression of this social distinction.⁵⁸

Luxury inclines people to act according to self-interest, not the public interest. Because of this republics must ban luxury in order to preserve the equality of fortunes necessary to reinforce virtue.⁵⁹ But in a nation wherein the society, not politics, predominates, luxury can have its full effects; the most important of which is to create a new type of market based upon the distinction between 'needs' and 'means.' This distinction will become crucial to the nineteenth century political economy of the market, especially Marxist theory, in the form of a distinction between use-value and exchange value. This distinction creates a new type of market which nineteenth century political economy will call a capitalist market:

There results from all that a general inconvenience. Those who excel in a profession charge for their art the price that they want; even the smallest talents follow this example; there is no longer a harmony between needs and means. When I am forced to plead my case in court, it is necessary that I can pay a lawyer; when I am ill, it is necessary that I can pay a doctor.⁶⁰

Rather than diminishing commerce, Montesquieu continues, this new type of market greatly augments it: ". . .

people have more desires, more needs and more fantasies when they are together." Luxury, and the market it produces, requires an economy based upon continual growth, and the distinction between a productive and an unproductive class. Furthermore, it does this independently from politics, and the actors who participate in this market are not political.

The discussion of women, honor in monarchies and the political economy of luxury together represent Montesquieu's argument that citizens act primarily in a public sphere which is non-political. In it they can act according to their own self-interest and still produce the public interest. It remains for me to show that not only do citizens not act directly to produce the public good, but that they are essentially frozen out of it. The political action appropriate to the citizen does not take place within political space. The action and knowledge required by a political space defined in terms of institutions interacting according to their own rationality is an objective knowledge of that system and of the tools necessary to ensure its proper operation. That tool which embodies the abstract rationality of the institutional system of *l'esprit général* is law.

III. Law: The Unity of Political Action and Political Space

1. The universality of law and l'esprit général.

Montesquieu, following Gravina, distinguishes between civil laws which govern the relations of individuals to one another and political laws which govern the relation of the citizens to the state. Together they comprise the two elements of positive law. That law is meant as a unity is clear from the description of both as a 'union' (réunion) of particulars. The political state is "the union of all particular forces" and the civil state is "the union of wills."⁶¹ We have just seen the important consequences which Montesquieu draws from the distinction between civil and political spheres of action; but the principle of their unity is just as important--both are fundamentally systems of law, and law is always an expression of reason. Law as abstract reason retains a static quality in Montesquieu's notion of politics. In Book I, Chapter Three, where he draws the distinction between the civil and the political, he declares the universality of law as human reason:

Law, in general, is human reason, in such that it governs all peoples of the earth; and the political and civil laws of each nation ought to be only individual cases where human reason is applied.

This universality of law in human reason is likewise united to the universality of *l'esprit général*, for *l'esprit* is the system of relations which establishes the parameters of law. Indeed, the object of De L'Esprit des Lois is to describe the spirit of the laws, not the laws themselves. And to comprehend that spirit, in order to make laws correctly, one must understand the spirit which grows out of all relations, physical and moral, which impinge on the life of the state. Positive laws must follow *l'esprit général*:

They (the laws) ought to be relative to the physical character of the country; to the cold, hot or temperate climate, to the quality of the earth, to its location, to its extent; to the genius of the life of its people: farmers, hunters, or shepherds; they should be relative to the degree of liberty that the constitution is able to admit; to the religion of the inhabitants, to their inclinations, riches, number, commerce, moeurs, and manières. Finally, they have relations among themselves; with their origin, the object of the legislator, and the order of things on which they are established. It is necessary to consider them from all these perspectives.⁶²

This universality of the spirit of the laws parallels the definition of *l'esprit général* in Book XIX, Chapter Four (p. 558):

Several things govern men: climate, religion, the laws, the maxims of the government, the examples of passed events, moeurs, manières;

the general spirit results from all of these.

Thus linked to l'esprit général the web of relations which constitutes law has a rationality of its own, independent of the subjects who obey them. That rationality is one of balance and equilibrium; political institutions are related to one another as a physical system of interlocking parts:

This relation of the laws with the principle, stretches all the relations of the government; and this principle receives from it in its turn, a new force. It is thus that as within physical movements, action is always followed by a reaction.⁶³

Laws, we must remember, are 'necessary relations deriving from the nature of things' and if they are truly to be laws they must be invariable. The forms of government work best when subjects do not interfere, when the laws remain unchanged. From the point of view of the government, l'esprit général provides an objective guide to lawmaking. The imperatives of the system must be followed if stability is to be guaranteed. For example, this notion of an objective rationality embodied in the general spirit leads Montesquieu to describe the best monarchy as a machine wherein all of the parts interact according to plan and in which the future is predictable:

Within monarchies, politics produces great things with the least virtue possible; as within the most beautiful machines, the art of rule employs as little movement, as few forces and wheels as is possible.⁶⁴

The ideal of monarchy requires little input from ordinary citizens. Political knowledge and action must be restricted to those with a rational knowledge of *l'esprit général*. Since modern monarchies are more complex than the simple model would imply, the actual system of laws would likewise be complex and even in cases contradictory. But the general model of the objectively rational system must still hold in the eyes of the monarch and his advisors. Montesquieu's rationalism here leads him to a conservative philosophy of law and social change as the one which can guarantee the smooth, largely uninterrupted movement of the body politic.

The goal of legislation in a monarchy is the security and the '*propriété*' of the life of a citizen.⁶⁵ This requires many tribunals to make laws on all of the various aspects of the society. These tribunals must be guided by a conservative spirit, their decisions "ought to be appraised in order that one judges there today as one did yesterday . . ." Since it must preserve "not only the life and property of the citizens,"

but also honor, laws must be made according to "des recherches scrupuleuses." The complexity of the interaction of all relevant factors requires a particularly intense sort of reason:

It is not necessary to be astonished to find within the laws of these states so many rules, restrictions, and extensions which multiply the particular cases, and seem to make an art of reason itself.

Reason here requires as strict an application of a fixed body of laws as is possible, and the goal of legal judgment is to leave the spirit and tradition intact. This strict application of law is reflected in even more mechanical terms in republics and governments that resemble republics, where judgments must be made only according to the letter of the laws.⁶⁶

Laws, then, must carefully follow l'esprit général. They must only reinforce those relations which people have come to accept as natural parts of their social routines, just as they must follow the principle of the government. The legislator must "follow the spirit of the nation whenever it is not contrary to the principles of the government," because "we do nothing better than that which we do freely, and while following our natural genius (génie)."⁶⁷ By following the principle of government, the legislator secures the state and by follow-

ing 'l'esprit de la nation' he ensures that particular interests will mesh with the public interest. But this is often difficult. Indeed, political life often seems to require two contradictory courses of action, both of which are nevertheless necessary. The paragraph which immediately precedes the above quote demonstrates this dilemma with reference to women:

One may be able to contain women, to make laws in order to correct their moeurs, and to limit their luxury; but who knows if by doing this one would not lose a certain taste which would be the source of the riches of the nation, and a politeness of manners which attracts foreigners to it.

It is crucial that the legislator, not the participants themselves, must reconcile these contradictory courses of action. Since direct order would be too destabilizing, too tyrannical, the legislator must address the contradictions indirectly. By manipulating moeurs and manners he must subtly, and as far as citizens are concerned almost subconsciously, coerce the citizens to act in ways which foster the public interest. In other words he must create an ideology, a belief system through which the individual will recognize his own interest in such a way that it fosters the public good.

Montesquieu compliments this notion of the orientation necessary to the legislator with a utilitarian

notion of lawmaking. The most appropriate laws are those which are necessary. Montesquieu means this in a deterministic sense. The legislator must make laws based upon a calculation of their effects. Laws are viewed here as causes of behavior and their influence should remain as pure as possible:

Just as useless laws weaken the necessary laws, those that can be eluded weaken legislation. A law ought to have its effect, and it cannot be allowed to depart from it because of a particular convention.⁶⁸

Laws are means which have natural effects intrinsic to them which induce certain types of behavior. The knowledge necessary to the legislator is that knowledge of the effects laws have on citizens. Citizens here are objects, the laws, tools with which to manipulate their behavior: "It is necessary to be on guard that the laws be conceived in a manner that they do not choke the nature of things."⁶⁹ And the paragraph which this sentence introduces makes clear that by 'the nature of things' Montesquieu means the principle and spirit of the government.⁷⁰ The principle and spirit here are independent of the laws; the laws are the means to make sure that citizens conform to them. In republics, "nothing gives more force to the laws, than the extreme subordination of the citizens to the magistrates."⁷¹

Montesquieu follows this by claiming that, "paternal authority is still very useful in order to maintain moeurs." Laws must be capable of manipulating men, turning the evil of man's nature into good:

A certain candor is necessary in the laws. Made in order to punish the evil of men, they ought themselves to have the greatest innocence.⁷²

This rationalist theory of law seems to contradict Montesquieu's appreciation of the more subjective dimension of l'esprit général which he embodied in the notion of the principle of a form of government. His argument, then, would seem incomplete without some attempt to unify these. His engagement with the debate about the ancient constitution of the French Monarchy and the underlying theory of history together with a conservative ideology seem to accomplish this unity.

2. The conjunction of politics and history. Montesquieu's conservative and objectivist theory of law and human reason has prepared the way for his adoption of a particular ideology based upon the historical tradition of the fundamental laws. Within this ideology citizens will recognize legitimate social change as that based on the conservative principle of redressing the imbalances in the fundamental laws produced by the changes

in circumstance. Furthermore, the abstract rationality of law, linked as it is to l'esprit général, allows Montesquieu to give credibility to a particular interpretation of a particular nation's history. In other words, the historical method based upon the development of l'esprit as a general system of causes provides a method for substantiating a particular ideology so long as it is based upon a correct understanding of a nation's traditions. When discussing monarchy as a form of government he must claim that the ancient French laws embody most clearly the principle of monarchy.⁷³

Hence, it is important not only for Montesquieu to enjoin the debate with du Bos' thèse royale over the historical development of the French monarchy, but also to demonstrate that du Bos' view is based upon prejudice rather than true historical principles. The spirit of French law must be vindicated as based upon an understanding of French history.⁷⁴

Montesquieu realizes that he has based political theory on different grounds than previous theory. Methodological and epistemological problems have been propelled into the forefront rather than remaining in the background of theory. In the Lettres Persanes, particularly in the myth of the Troglodytes, Montesquieu has exposed contract theory as based upon a myth.⁷⁵ Its

view of the past reflected a projection of values and perceptions of the present, it remained a creation of the prejudices of its creator. Yet, Montesquieu believed that his scientific understanding of history was different. In the "Preface" to De L'Esprit des Lois he writes:

I would believe myself the most happy of mortals, if I were able to make men free themselves from their prejudices. By prejudices here I mean, not what causes men to ignore certain things, but that which causes them to ignore themselves.

The ideology embodied in the thèse nobiliare was 'true' in that it could be shown to have a firm basis in historical fact.

This shifts the major focus of debate in political theory away from abstract formulations of political right and obligations to debate about the historical accuracy and theoretical coherence of particular ideologies. To Montesquieu, rival accounts of actual history, such as du Bos', were more formidable and more important rivals than either contract theory or rationalist natural law theory. He did not hesitate to use the latter, as I have shown; they were in fact important to his theoretical formulation. However, the most important opponents were those who held a different

interpretation of history. For Montesquieu, as for other conservative theorists such as Burke and nineteenth century political theory in general, politics had to be "historicized." Historical method became a central point in political debate, just as political thought (and philosophy itself) had to focus more sharply on history.

Yet Montesquieu was not unaware of the epistemological Pandora's box he had opened. Just before launching into the discussion of the French feudal laws, he ends Book XXIX with a chapter, "Of Legislators," which raises the crucial epistemological question of his new formulation, along with the ambiguity implied in basing a particular political position on historical 'fact:'

Aristotle wanted sometimes to satisfy his jealousy against Plato, sometimes his passion for Alexander. Plato was indignant with the tyranny of the people of Athens. Machiavelli was completely absorbed with his idol, the Duke of Valentia. Thomas More, who spoke rather from what he had read than from what he had thought, wanted to govern all states with the simplicity of a Greek city. Harrington saw only the republic of England, while a throng of writers discovered disorder wherever they did not see a crown. The laws always encounter the passions and the prejudices of the legislator. Sometimes they pass through, and are untainted by them, sometimes they remain there, incorporating them.⁷⁶

De L'Esprit des Loix is a self-conscious attempt to

raise historical interpretation to the level of reason. The universal rationality described by the total description of the philosophical and historical principles of *l'esprit* can provide a solid, unprejudiced account of the modern state. Montesquieu was correct to claim that his enterprise was novel. No one before had correctly perceived that the construction of the state required a universal account of both political and historical principles, except perhaps Vico--that they were indeed unified by a single overarching principle of rationality, *l'esprit général*. Without his philosophy of history, Montesquieu's political theory could claim no more relation to truth than those theories he sought to expose as myth; but equally important, without his political theory, Montesquieu's philosophy of history would have no point.

3. Law, tradition and ideology. Montesquieu's conservatism is cemented by the rule of law. Despite the 'sociological' orientation of method, it is to politics in a more traditional sense that Montesquieu returns in order to unite law in the sense of rationalist deductive principles with law as representing the shared life of individual subjects. These can only be reconciled through politics--through the constitution of publically

available meaning existing in everyday life. Law in the sense of rational principles which guide the statesman's action must be legitimized by an interpretation of tradition. The power of Montesquieu's conservatism is his ability to utilize tradition to legitimize and bolster Reason. His dual conception of law as historical principles governed by causation, and hence determinant of principles of action, and as an organic growth of political norms out of everyday life, allows him to fuse together in a traditional ideology what later theory would say were irreconcilable.

In this sense we can see how crucial it is to Montesquieu's argument that historical facts fit his methodological principles. The legitimacy of political norms rests upon a proper understanding of tradition. If tradition is to bolster a politics based upon reason, then it too must be subjected to reason. History must be the medium in which reason and tradition meet in the proper principles of historical insight. In the concrete history of a particular nation the two notions of law meet and form a unity. The '*esprit général*' is comprised of both the laws of history and the laws as norms of behavior. The best laws of the future grow out of those of the past which we can recognize as successful in history because of identifiable causes. If l'*esprit*

général can become relatively fixed (Montesquieu's ideal of law as unchanging) then the ideal accomodation has been reached between the past and the future, between man and his world. In order for this to happen l'esprit général must be knowable, but that knowledge must not be a prelude to political creativity. Political creativity is in the past and the point of the knowledge of tradition and history is not to change it, but to reinforce it and make it work properly; to forestall its demise as a society as its spirit confronts changing circumstances.

The desire to reconcile these two sorts of laws requires two sorts of political obligation. Consent must be historically conditioned. One demonstrates consent not by participation in rights, especially property rights as for Locke, but by living within a culture, as Usbek remains within a despotic way of life although he has physically left it. A citizen owes obedience so long as the tradition is upheld. But since change must be evolutionary, not revolutionary, and must result from a rational understanding of l'esprit général if it is to have any hope of success, there is no real right of resistance. Political action directed at social change can only take on a posture of moderate reform directed at reestablishing the traditional 'esprit.' This change

requires the same sort of knowledge as does proper rule. Indeed, if the ruler acts upon proper principles no political action is necessary (or legitimate) on the part of citizens. Montesquieu is clearly more concerned with political obedience than with citizens' participation.

Citizens, then, obey; when things go right, they do not act politically at all. And when they do they must do so on the basis of a highly rational political knowledge. The knowledge of rule is rational knowledge of the historian-philosopher, making sure that the pieces (systems of relations) of an elaborate jigsaw puzzle continue to fit in their proper places. Conditions change, but the task of the ruler is to ensure that the overall scene that the puzzle constructs remains as clear to external view as possible. In a different way, Montesquieu accepts the fundamental assumptions of the dualistic theory of political knowledge of Bacon and Hobbes which I discussed in Chapter Three. The internal cohesion of the polity has a single proper form for any particular polity at any particular historical moment. History is a fluid set of laws and causes, yet political knowledge requires that it must be frozen at a particular point.

IV. Conclusion: The Modern Ideal of the Citizen

The citizen realizes himself in his social life not in politics. He creates his social identity out of economic and social interaction rather than in political action. Montesquieu's ideal of politics as a rational science of history leaves little room for the confrontation of the competing interests and self-interpretations of citizens. Individual self-interpretations vary as the systems of relations they confront vary. Merchants must act according to the spirit of commerce, soldiers according to the spirit of war, women according to the spirit of luxury. Likewise, individual action varies as does the form of government: republican merchants act according to different principles than monarchical merchants. Likewise, the various forms of government set the particular requirements for state control: for example, women must be more controlled in republics for monarchies can more successfully absorb luxury, the spirit of women.

Individual self-interpretation, then, derives from one's activity in society. The goals and purposes one sets for life and how one relates to fellow human beings is determined by the particular context of an individual's position in civil society. What is peculiarly im-

portant for Montesquieu's conservative political theory is that although the citizen's self-interpretation results from his recognition of his own particular condition he has little if any control over it. Capitalist merchants recognize that their interests are best served by the economic rationality of moderate accumulation and act accordingly, just as noblemen in a monarchic court recognize the need to define themselves in terms of their distinguishability from others. However, they are powerless to change the political relationships inherent in their condition. Self-conscious reflection on their condition can tell them nothing that mere recognition of their objective circumstances does not already tell them. Court life is false, the *moeurs* and *manières* it produces deceive and manipulate--but they are necessary if a monarchy is to survive. More subtly perhaps, Montesquieu's theory of political action in De L'Esprit des Lois extends the more pessimistic implications of Roxane's suicide. Injustice, illegitimate power relations, and unnaturalness abound in everyday politics. The citizen may recognize them, but he must accept them, he is powerless to change them. His attempts can only end in the equivalent of suicide--which in political terms is the fall from moderate government to despotism. As did earlier thinkers like Montaigne, Montesquieu had

little faith that attempts to change an unjust polity by citizens would result in anything other than a fall into tyranny.

What Montesquieu feared, and what all liberal theorists feared, was that a citizen's private interest unleashed and made legitimate by the structure of life in the early modern state would penetrate and command the public good. In general, their solution, one variation of which Montesquieu's theory represents, was to locate the primary sphere of action for the citizen outside of politics, in a 'civil society.' This is reflected in a dual notion of political knowledge. Political knowledge from the point of view of the ruler is the application of reason in order to obtain the objective goods of the state--liberty and security. From the point of view of the citizen, everyday life was guided by passion and the knowledge of self-interest. In Montesquieu's constitutionalism formal guarantees of citizenship take precedence over the requirements of self-conscious everyday political activity.

But by doing this politics loses its 'life.' It becomes more dull and technical, less concerned with determining the public good according to collective purposes and needs, than with procedures for 'distributing' goods. For Montesquieu the best positive laws require

little interpretation. Even justice becomes a 'good.' In republics justice represents the formal ethic of contracts, of self-interest versus self-interest; in monarchies it represents the proper assignment of honors according to 'just deserts.' Yet the signs no longer merely represent justice, they are justice. The moral goodness that once permeated political relationships has somehow leaked out. The signs and symbols remain, the substance has been transferred to other parts of the social body. The contrast with Plato is illustrative. Justice for the latter was defined in terms of action. Even the third class of citizens who had nothing to do with rule were governed by a justice which determined that they do what best suited them, that they perform the occupations most appropriate to their nature. The content of justice, the fact that they could perform actions they themselves regarded as just, was most important, not the fact of distribution. For Montesquieu and modern liberal theory, distribution becomes the main determinant of justice. Justice is fairness: it is moderation in punishments, the equal enforcement of laws and contracts and most important, the impartial application of rules. Citizens must recognize rules of justice in their everyday private action but they can take no part in determining it. The role of politics under this

notion of justice is formal and minimal. Its role is to ensure that the conflicts of competing claims do not erupt into major social conflicts. Political justice mediates claims--it is a form of conflict resolution, not a collective determinant of the public good.

Political virtue is the only principle of action in Montesquieu's scheme which allows citizens to participate in politics. But the idea of civic virtue, drawn from the model of classical republics is too extreme to be applicable in the modern world. The self-sacrifice of it has a hollow ring in a society which assumes that individuals act according to their self-interest. Political virtue in modern republics must be arrived at indirectly, through a commercial capitalist ethic wherein private interest is kept within certain limits and thereby fosters the public interest.

Yet Montesquieu's theory retains, as does much liberal theory, a longing for the ideal of civic virtue drawn from classical philosophy. Something about the idea of citizenship still implies that individuals as citizens have a right and obligation to determine and direct the public good in collective participation with others. This last ideal haunts liberal theory as something it knows it must aspire to, but which it knows it

has lost. We can recognize Roxane's rebellion as noble, as embodying higher ideals of freedom than the merely formal procedural freedom implied by the modern ideal of citizenship than we think is possible for modern citizens to realize.

Clearly, the originality of Montesquieu's theory of citizenship is his identification of the public but non-political realm of *moeurs* and *manières* as the primary sphere of action for the citizen. Completing a trend in early modern theory, which I discussed in Chapter Three, Montesquieu constructs an ideal of citizenship whereby all who contribute to the maintenance of the society through producing wealth or safeguarding private virtues which minimize conflict are as good citizens (often better citizens) than those who act in the political realm. His argument is a more general form of a widely accepted view of women and the family in the eighteenth century that has its greatest exponent in Rousseau. Women are the guardians of virtue in the family, which is important as the sphere in which social norms are communicated to children. The continuity of a way of life is located not in the public forum of classical Greek society but in the private intimacy of personal family relations. Montesquieu's conservatism seems to extend this model of the virtues of women and

the family to the life of citizens more generally. The primary function of individuals in their capacities as citizens is not to rationally determine the collective good, but rather to transmit a particular tradition, to follow and safeguard moeurs and manières while providing for their own happiness and through 'society' the happiness of others. The politics which compliments this in the best of times is the passive adjudication of private conflicts, and at worst of times a redirection of the social order, forcibly if necessary, to put the nation back on the track established by the ancient constitution. This ideal of the citizen has a long history in liberal theory in the modern state; in the conclusion to the dissertation I want to trace its implications for a modern theory of citizenship.

CHAPTER VI

CONCLUSION: MONTESQUIEU AND THE LIBERAL THEORY OF CITIZENSHIP

I. Montesquieu and Liberal Theory

We can describe the dualism of Montesquieu's theory of citizenship as actually embodying two different senses of the citizen, both of which inform the self-interpretations of citizens in liberal polities. I have tried to show that he recognized both senses and attempted to unify them in a universal theory of politics in De L'Esprit des Lois which relied on a constitutionalism rooted in the fundamental laws of the kingdom linked to the possibility of a scientific understanding of the history of a political/legal tradition. Within this theory of citizenship Montesquieu sought to incorporate a notion of political virtue on the part of individual citizens into the structure of modern social life and the state.

Montesquieu accepted the legitimacy of individual self-interest, which was characteristic of both seventeenth century French moral theory and English political theory. He likewise concluded, as most of his predecessors did, that individual actors who would act to further

their own interests implied the need for a 'society' to absorb them in such a way as to mitigate conflict. He was unhappy with the solution posed by contract theory which in his eyes misunderstood the dynamic relation of citizens and state power--political action could not be reduced to consent without jeopardizing the political identity of individual citizens. The particulars of the interrelation of citizens and the state were different for different forms of government: monarchy required a society based upon rank and privilege to absorb the private ambitions of the nobility and republics required the market and a capitalistic ethic of appropriation and profit in order to absorb the individual self-interests of merchants. The structure of Montesquieu's argument for the stability of both monarchies and republics is, in general outline, the same. Individuals ought to balance their particular ambitions and the objects of their world in order to produce harmony in individual and social life. By drawing attention towards the person of the king and providing a sphere of action for the nobility in the parliaments, monarchies create a harmony among classes. In Montesquieu's view, if monarchy is to survive,¹ it must retain privilege on the part of a noble class. This privilege, along with the principle of honor, will channel their ambitions toward achieving

social recognition. The king ought to be the arbiter of rewards and privileges. In republics, the market takes the place of the society of social recognition. So long as private individual action is channeled into commerce the private ambition of merchants, the dominant class in republics, can be transformed into public benefits. Chapter Two above has demonstrated how, according to Montesquieu, modern republics require the dominance of a commercial class acting upon capitalistic motivations. Hence, I have tried to argue that for Montesquieu both monarchies and republics require a primarily non-political but public social sphere to absorb the self-interests of the nobility and the merchant class respectively in order to produce a stable and just polity. Counterposed to the moderate form of government, despotism as a form of government fails precisely because it cannot successfully insulate the state from private self-interest.

In the introduction I explained the sense in which I assert that Montesquieu's theory of citizenship is 'liberal.' This requires a bit further discussion here. Montesquieu is a liberal theorist in that he accepts certain philosophical assumptions which underlie the liberal theory of state and society. He accepts that the authority of the state must be rooted in the auton-

omous individual who acts primarily on the basis of passion rather than reason and whose action is necessarily based upon the pursuit of self-interest. In the Lettres Persanes he presents individuals whose personal identities are bound up with their political identities. Politics must somehow provide a space in which individuals can give form to their natural drive for self-expression and freedom. The despotic way of life in which the characters find themselves does not allow a positive expression of this sort and hence the only solution is tragic self-destruction for the main antagonists, Roxane and Usbek. In De L'Esprit des Lois Montesquieu attempts to establish a constitutional framework and a theory of social and political life which can accomodate both the demands of the state (security) and the need of individual citizens for political self-expression. I argue that his universal notion of l'esprit général, by unifying the institutionalization of political practices within particular governments and the spirit with which citizens act, attempts, unsuccessfully, to provide a conservative theory of the modern state which merges the dual senses of the citizen as a subject of authority and as a politically creative actor.

Although he accepts the two senses of citizenship which liberal theory embodies, it is misleading to view

Montesquieu as a liberal in the Lockean sense. It is deceptive to characterize Montesquieu's theory of the state as akin to a Lockean 'minimal' state as Thomas Pangle does.² The state for Montesquieu does not merely secure liberty in the sense of protecting property (although this is one of its functions) but it also provides a forum in which individuals identify themselves as men and women. *L'Esprit* unifies public life, political and social, with private life into a whole in ways in which the theory of the minimal state could never accept.

The central point of Montesquieu's theory of the modern state is that the state is an institutionalization of laws. In the conclusion to Chapter Five I explain the complex notion of law which Montesquieu's state embodies. The 'spirit of the laws' describes above all the common meanings which citizens share which make the system of laws more than a mere set of functional rules³ and which provides simultaneously for a stable and just political order. People follow the laws because they love the laws. In other words even the action in civil society which cannot be overtly political is impregnated with political virtue. The public norms of civil society are constituted by the political needs of the state and vice-versa. According to Montes-

quieu, men must act in certain ways if the state is to survive and be just at the same time that they are free to act according to their will and passions. His notion of political virtue which he distinguishes from virtue in general at the beginning of De L'Esprit des Lois describes the mediation of the political and the social, of public and private.

The major mistake of those who wish to assimilate Montesquieu's theory to the Lockean theory of the state or to a more modern functionalist model of the state is to misunderstand the importance of tradition in Montesquieu's thought. He draws on liberal assumptions about the subject and tends to accept the dualism in political knowledge between citizen and ruler which is at the root of the early liberal theory of political knowledge (see Chapter Three), yet he presents a deeply conservative political theory, adhering to a stronger notion of custom and tradition than Lockean liberal theory could sustain. He believes, as both liberal psychologists following Locke and post-Kantian liberals could not, that tradition and custom would encourage citizens to act virtuously. His rejection of the abstract associationism of Locke's Essay on Human Understanding paved the way for a theory in which tradition cemented the social and political bonds of citizenship. The Lockean idea of the

individual as well as the later Kantian notion of the self-reflexive individual subject jeopardizes the central position which Montesquieu assigns to tradition. There is for Montesquieu a certain level at which authority cannot be questioned without jeopardizing the possibility that self-interested action can at the same time be politically virtuous. Only tradition, according to Montesquieu, can provide the social space in which this reconciliation is possible. Hegel's response to Kantian radicalism is in some ways similar to Montesquieu's response to the abstractness of Hobbesian and Lockean contract theory. Although we must be careful not to overstate the similarities, the comparison is useful because they both attempted similar things in their theories and their solutions meet in interesting ways.⁴ They both sought to instill in social and political life a sense of virtue which was (and still is) fundamentally challenged by the theorists, absolutist or liberal, who defined the intellectual milieu and practice of the modern state.

Locke's theory of the social contract and the natural justification of private property legitimated the pursuit of private interest. Man's natural entitlement to the fruits of his labor gave his private interests a moral priority over virtuous action in the state;

the state had its justification not in the laws of nature, but in the limits of the laws of nature. The state arises for Locke in order to adjudicate and enforce competing claims and to secure property in ways which the state of nature could not. Political obligation rests on consent, tacit and explicit, which in turn rests on a narrow conception of rationality as a "faculty of means."⁵ This implies a meager role for tradition in the legitimation of social and political practices.

But for Montesquieu the relation between the citizen and the state is fundamentally different. For Montesquieu, unlike Locke, political life is essential to an individual's personal identity. He cannot be the person he is outside of a particular political framework. (Witness how Usbek struggles to leave despotism behind but is caught in ways he does not realize until it is too late--see Chapter Four.) His personality and character involve him in the stability and moral fabric of the state, both through the capacity of the state to protect liberty and property and in the fact that the private personality must be one with the moral necessities of the state. Montesquieu couples a modern version of the classical argument that the state is only as good as its citizens with the modern demands of private prop-

erty to create a public sphere freed from collective control. It is crucial that for Montesquieu neither of these is a claim against the state, the individual does not make claims as if a contract has been violated. Injustice must be redressed by action, political when possible, personal when no political recourse can be effective. (Roxane demonstrates the predicament of the individual when politics allows no recourse.) The best polity, and the only really stable one, is the one in which injustice is redressed by the recapturing of the lost tradition. Hence, Montesquieu fills out the content of citizenship with tradition, not with formal relationships. The citizen for Montesquieu relates to the state in a far more intimate and immediate way than for Locke. Both political life and private life have their legitimate needs and requirements and national *l'esprit* and tradition must unify these. In essence, Montesquieu's theory of citizenship is an attempt to institutionalize the tensions between an individual's private life and its public expression.

Tradition in Montesquieu's view bears considerable philosophical and political weight. To carry its load, tradition is linked to a scientific understanding of laws and causes (see Chapter One) which attempts to ensure that a particular interpretation of the tradition

and the *esprit général* of a particular nation will have objective merit. Helvetius' criticism of the very terms of the debate between the *thèse royale* and the *thèse nobiliare* is devastating to Montesquieu's scheme.⁶ Helvetius wonders what relevance the fundamental laws have to the contemporary moral dilemmas of political creativity; he poses a question Montesquieu could never answer: why can we not create a stable polity on a new basis, just as ancient lawgivers did? Changes in technology and social relations demand deeper changes in politics than Montesquieu's conservative theory was willing to accept. The central question for late eighteenth and nineteenth century France was whether it was morally and politically possible to transform France into a republic. Montesquieu clearly did not think so. His notion of tradition was not altogether wrong (it supplies a dimension missing in much early liberal theory) but it was too strictly conceived. While recognizing a self-reflective capability on the part of citizens Montesquieu refuses to allow its consequences for social change. His strict notion of tradition as a body of fundamental laws moving almost unchanged through history contradicts the developmental history which he argues states undergo (see Chapter One). On another level Montesquieu proclaims and then retreats from the crea-

tive possibilities of the liberal political subject. The citizen must be free to create his own life and Montesquieu more than other early liberal theorists recognizes that this must involve a strong political dimension, but his theory of political space as the institutionalization of formal causal relations does not provide sufficient space for the political action he claims is necessary to citizens.

The relevance of Montesquieu's theory is that it highlights the fundamental structure of the liberal theory of the citizen. That theory contains two different senses of citizenship; the relation between them is problematic, continually producing tensions within the polity. On the one hand the citizen is an active self-creating being who can be fulfilled only through meaningful political action. He strives somehow to participate in establishing the meaning and value of collective life. On the other hand the citizen is a passive recipient of protection, related to the state only through the formal logic of contractual obligation. The modern dilemma of the citizen, to which we now turn, is rooted in the coexistence of these two notions of citizenship.

II. Toward a Critical Theory of Citizenship

Any attempt to draw conclusions about the contemporary dilemma of citizenship from a study of the early modern state must proceed with caution. Certainly some contemporary theorists still accept the notion of the non-political citizen. They accept the central argument of early liberal theory that capitalist civil society can successfully absorb men's passions (they are, as the eighteenth century theorists were, less certain about women) so as to render everyday political action on the part of individuals unnecessary and to some degree dangerous.⁷ The primary political activity, periodic voting, becomes less and less a creative activity and is reduced to ensuring, however imperfectly, the 'accountability' of decision-makers. According to this view, in the context of modern corporate capitalism in an age of high technology, even this already minimal activity must be minimized further if modern democracies under complex advanced capitalist economies are to successfully manage social and economic life.⁸ This view shares certain assumptions with the eighteenth century argument in its conclusions and general orientation. Advocates of it accept the individualist theory of man and the primacy of economic action and economic ration-

ality.⁹ Likewise, they share the faith of the Lockean tradition and of classical political economists that the formal notion of citizenship, necessary to free individuals to pursue their self-interest in the market, can adequately ensure the compatibility of capitalism and democracy. Yet we must be careful to recognize the altered context--the modern corporate capitalism guided by the managerial state is vastly different from the vision of entrepreneurial commercial capitalism linked to a constitutional state which guided most early liberal theorists. There are points of contact and the modern theory has roots in the early theories, but they are not the same theory.

The importance of the separation of the ruler and ruled by a non-political public civil society which is at the heart of early liberal theory of citizenship is that it initiates a change in the contours of the concept of citizenship. We now use the word citizenship in two senses without investigating the connection between them. In the first sense citizenship refers to a formal set of criteria for participation in the polity and the nation. It delineates essential criteria of nationality (native born or nationalized) which distinguishes a citizen of one state from that of another. It also initiates individuals into certain procedural

protections and rights guaranteed by the courts and the institution of voting. The formal notion of citizenship purges the life of the individual of any authentic political action. Politics tends to become a rational field of policy-making, the province of technical decision-making which relies on an abstract characterization of ends--"happiness of the greatest number," "the public interest,"--which legitimizes the isolation of means as a separate study, thereby vitiating the possibilities for rational participation in decisions by citizens.

According to this formal notion, the primary action of citizens is obedience to authority, unrestrained pursuit of private interests in the economy, and complacent participation in the moral norms and customs of culture and society. Political creativity is not a legitimate category of action. With reference to politics, this is reflected clearly in the attitude toward public officials as experts who merely process the 'inputs' presented to them. Politics tends to become the realm of 'public policy' which processes given 'objective' social facts defined within a political language drawn from social science; it is not the realm in which collective decisions about the direction and worth of public life are made. What are to count as relevant social facts are presented to the public by the private, politics,

then, only processes them.

An active notion of citizenship would seem to have no place in the rigid objective notion of the political wherein public decisions consist in the most efficient means to affect privately determined ends. The spontaneous action and rational reflexivity of civic virtue can never be objectified in such a way that public policy decisions can be purely scientific matters. Yet it is unfair and distorting to characterize our modern notion of politics and citizenship as purely a formal affair. While we hold to a paradigm of politics as formal decision-making based upon a knowledge which the majority of the population is never privy to, our political practice does embody a certain more active citizenship,¹⁰ both within the formal structure and outside of it. Our practice of voting does embody a legitimate sphere of creativity for ordinary citizens, especially on the local level, although the increasing manipulative uses of the media by candidates jeopardizes this, especially at the national level. We tend to reject or at least hold at a certain moral distance those political machines that deny any input to ordinary citizens. In addition to staging theatrical events, a relatively new phenomenon, political parties do allow for certain active participation in real decisions for individual citizens.

Politics as the adjudication and struggle between competing visions of the public good does not take place in the formal governmental structure but does, at least to some degree, in political parties at the local level and occasionally at the national level. Outside the formal system, the embodiment of an active conception of citizenship is the legitimacy of civil disobedience. Indeed, we often accord a certain nobility to those whom we recognize as jeopardizing their private safety and interest in order to force into political discourse a sincerely felt vision of the public good. Our most revered political heroes are those who took an initiative in projecting a public spirit into a public discourse that had atrophied in its purely formal character. We revere public spirit and political creativity when it appears as genuine and sincere, but we are leary of embodying this in everyday politics. To the extent that we legitimize active citizenship it is extraordinary. Participation in political campaigns is voluntary and occurs at widely spaced intervals. For most participants and for other 'party regulars' it is a way of spending leisure time, a pursuit separated from the private world of labor. The extra-ordinary character of civil disobedience is even more clear. Our prevailing conceptions of citizenship embody these two notions

of active and formal citizenship but they remain separate. Government remains a formal realm which eschews any notion of political creativity and the realm of legitimate political creativity is carefully circumscribed so as to insulate everyday politics from it.

In contemporary theories of the citizen the two senses of citizenship are often recognized. Robert Pranger distinguishes a political culture of power wherein citizens are generally passive from a political culture of participation in which citizenship is more active.¹¹ A similar distinction is developed by Joseph Tussman's Obligation and the Body Politic where he distinguishes between 'members' who are citizens with obligations and duties and 'agents' who are leaders and concerned with the responsibilities of power. More recently, George Armstrong Kelly¹² has distinguished between 'civic' and 'civil' notions of citizenship, the former an active sphere of participation and the latter a more passive sphere of rights and protections.

In both Pranger's and Tussman's work the contradiction between these two is laid bare. Pranger's solution is to eschew the world of power for the world of participation. This solution is inadequate for it fails to understand that the dichotomy as Pranger poses it is false. Participation contains power and vice-versa.

The crisis of the citizens is not that they are too much involved in the culture of power or too little involved in the culture of participation, but rather that they are simultaneously pulled in both directions. They understand themselves both as creative actors in politics, as well as passive partners in formal power relations over which they have no control.

Likewise Tussman seeks a solution to the dilemma of the modern citizen by replacing the stale privatized politics of the market, the haven of the passive citizen, with a political education towards public roles. Tussman's view is more compelling than Pranger's for it is less abstract and more sensitive to the nuances of civic virtue. Yet his solution remains too idealistic. Recognizing the dual nature of the modern political subject, as creative member of the sovereignty and as the subject of authority, Tussman exhorts us to eschew our private interests for the public good, to place our public self above our private self. We must, in his words, "revitalize the public tribunal." In short, Tussman asks for a return of republican virtue, of self-sacrifice for the public good. But like Pranger, Tussman implies too great a dichotomy between the two senses of the liberal citizen. He fails to realize that systems of obligation and legitimation are rooted in systems of

power, in structures of domination and subjection.

Tussman relies on an idealized notion of the forum in which political discourse takes place. The idealism of Tussman's solution becomes clear as soon as we recognize that political education in modern liberal democracies is permeated by the power relations that sustain (and are sustained by) the market. Tussman realizes this but yet sees no way out but to pit the forum against the market in hand to hand combat as if they were, at least in principle, equal. Tussman is correct to lament the fact that the market has already won.

Both Pranger and Tussman misconceive the nature of the dilemma of the citizen. Both seem to see the contradictory nature of the citizen as imposed upon him, that his life presents him with a clear choice to be a passive or active citizen. This misconceives the crisis in democratic citizenship. It fails to realize that the range of self-interpretations available to citizens is more fluid. The practice of citizenship does not involve exclusively passivity or creative action, but rather making practical judgments in everyday life in a complex and contradictory set of meanings.

Hence, a contemporary critical theory of citizenship which seeks in some sense to 'solve' the crisis in democratic citizenship must involve several dimensions

which are often either missing or undervalued in the contemporary literature. It must first recognize that the crisis of the modern democratic citizen requires a fuller understanding of the dual nature of liberal citizenship. The dichotomy between participation and passive/formal citizenship is inadequate as a description of how citizens understand their public role. This leads theorists to pose the dilemma in terms of a series of other dichotomies which in actual social relations are mixed: participation, power; the market, the forum; private interest, public interest. The range of concepts in which the debate has taken place is inadequate. Citizens in modern democracies are not faced with the types of choices this language implies. The liberal citizen is involved in a cluster of possible self-interpretations which are involved in institutions and practices which embody contradictory notions of the proper role of the citizen.

My argument about the two senses of citizenship is that they are both part of the language of the practice of citizenship in liberal democracies and that they make available to people a field of contradictory or at least competing legitimations of citizenship. In an extreme form our political language distinguishes two types of self-interpretations regarding political action--that

political action on the part of citizens is only legitimate periodically, and then only within prescribed institutional practices (such as voting). A competing interpretation however is also available in the belief that citizenship requires a merging of individual and social identity in everyday action. The former leads to periodic participation according to strict institutional norms and a corresponding patriotism which urges that the citizen's primary self-interpretation is as follower; whereas the latter leads to more active forms of participation either through established institutional practices--i.e., campaigning for office, lobbying, etc. . . .--or in more 'grass roots' organizing in communities and in the workplace. Citizens in modern liberal democracies must be described as involved in a cluster of meanings drawn from both of these. Given the complex and open ended nature of possible points of contact between these two senses an interpretive dimension is necessary to any modern theory of citizenship in order to give a coherent, even if not 'consistent',¹³ account of the meaning of citizenship for the participants.

An adequate theory of citizenship must be embedded in a theory of the state. The life of the citizen can only be understood in the context of the relations of

domination and subjection institutionalized in the state and their forms of legitimation. Citizenship will take on different meanings at different points in the life of the state. At moments of crisis, the uncertainties of public authority and the meanings associated with it tend to lead the citizen in competing and contradictory directions--toward a further dulling of the sense of active participation (except in the blind sense of obedience characteristic of modern patriotism) and hence toward greater repression by the state, or to a heightened awareness of the participatory implications of citizenship and the rise of challenges to the state from outside. In other words in periods of crisis the balance between the two senses of citizenship which accords liberal political society with a certain degree of stability and cohesion breaks down and citizenship tends to veer off towards either extreme. The actual particular movement can only be discussed with reference to particular crises at particular moments.¹⁴

The main thrust of a critical theory of citizenship must be to probe the emancipatory capability of the current crisis of citizenship. As I have posed the contradictory nature of the liberal theory of the citizen a possibility emerges in the attempt to revive and reinterpret civic virtue as a crucial dimension of citizen-

ship. What possibilities does the contemporary situation allow for not merely participation on the part of citizens but for active involvement in the creation of public norms and values as part of everyday life? This is not a question of reviving older notions of participation (an anachronism and historical impossibility) or of merely increases in participation for its own sake, without questioning the structure and rules of that participation. What is at stake is the possibility of modern citizens to recapture control over the directions of their collective existence which the tendencies of advanced capitalism have vitiated and the liberal theory of citizenship is powerless to affect. The purpose of this dissertation has been to look into liberal theory at its early stages in order to discover the roots of the current crisis as well as the possibilities for the future.

FOOTNOTES

INTRODUCTION

¹ For the notion of a 'total' theory see Roberto Mangabeira Unger, Knowledge and Politics (New York: The Free Press, 1975). This is similar to arguments by Stuart Hampshire that a political theory requires a philosophy of mind. See Thought and Action (London: Chatto and Windus, 1970) and Freedom of Mind and Other Essays (Princeton: Princeton University Press, 1971).

² I am using 'liberalism' to describe the development of a tradition of thought which arises before the coining of the term in Spain in the 1820s. For an excellent introduction to the notion of liberalism as a tradition of thought see the "Forward" and "Introduction" to E.K. Bramsted and K.J. Melhuish, Western Liberalism: A History In Documents From Locke to Croce (New York: Longman Inc., 1978) pp. xvii-xxii and pp. 1-90. I am using 'capitalism' in a similar fashion to refer to a particular orientation toward economic activity. For the sense in which the term applies to pre-nineteenth century Europe see Fernand Braudel, Capitalism and Material Life, 1400-1800, trans. Miriam Kochan (New York: Harper and Row, 1973) especially the "Introduction."

³ My use of the term 'conservative-liberal' describes what Sheldon Wolin describes as Montesquieu's position in the development of modern social science. See Politics and Vision (Boston: Little Brown and Company, 1960), pp. 357-9.

⁴ J. Robert Loy, Montesquieu (New York: Twayne, 1968) pp. 48-55; Marshall Berman, The Politics of Authenticity (New York: Atheneum, 1972).

CHAPTER I: Man and History

¹ Thomas Hobbes, Leviathan, Parts I and II, ed. Herbert W. Schneider (Indianapolis: Bobbs-Merrill, Inc., 1958), p. 23.

² Ibid., p. 24.

³ Ibid.

⁴ See the "Essai Sur les Causes Qui Peuvent Affecter les Esprits et les Caractères" in M. André Masson, ed., Oeuvres Complètes de Montesquieu, 3 vols. (Paris: Les Editions Nagel, 1951-5) 3: 416-417. (Hereafter cited as Masson by volume and page.) Since it is the best available translation I have used Melvin Richter's translation of De L'Esprit des Lois in his edited volume, The Political Philosophy of Montesquieu (Cambridge: Cambridge University Press, 1977) whenever possible. In the cases of passages not in Richter's selection, the translations are my own. The edition I have most often used is the Pléiade edition of Montesquieu's Oeuvres Complètes (Paris: Gallimard, 1949-51) edited by Roger Callois. I have also used the critical edition of De L'Esprit des Lois by Jean Brethe de la Gressaye, 4 vols. (Paris, 1950-61) and I have checked all quotations against the original in the Masson edition of Montesquieu's works.

⁵ The Spirit of the Laws (hereafter Spirit) in Richter (1977), p. 170.

⁶ On the use of 'prejudice' in the enlightenment see H.B. Acton, "Prejudice," Revue Internationale de Philosophie 4 (1952): 323ff.

⁷ For the influence of Arbuthnot see Joseph Dedieu, Montesquieu et la Tradition Politique Anglaise en France (Paris: Gabalda, 1909). For the summation of the debate about the sources of the physiological background of Montesquieu's view of climate see Lawrence M. Levin, The Political Doctrine of Montesquieu's De L'Esprit des Lois: Its Classical Background (New York: Institute of French Studies, 1936).

⁸ "Essai Sur les Causes," p. 42. All references to the "Essai" will be to the Pléiade edition and all translations are my own.

⁹ Ibid., p. 41, note c.

¹⁰ Ibid., p. 53.

¹¹ Ibid., p. 60.

- 12 For the development of sensationalist psychology in France in the eighteenth century see Ernst Cassirer, The Philosophy of the Enlightenment, trans. Fritz C.A. Koelln and James P. Pettegrove (Princeton: Princeton University Press, 1951).
- 13 "Essai Sur les Causes," p. 54.
- 14 Ibid.
- 15 The Persian Letters, ed. and trans. J. Robert Loy (New York: Meridian Books, 1961). All references are to the Loy translation unless otherwise noted.
- 16 See the Nicomachean Ethics, Book II, Sec. 4, trans. Martin Ostwald (Indianapolis: Bobbs-Merrill, Inc., 1962) pp. 38-40.
- 17 Ibid., p. 1.
- 18 It is interesting to note that Montesquieu felt ambivalent towards Parisian society, loving it almost as an addiction while recognizing its decadence and the need to flee from it in order to think, write and enjoy the calm tradition of the life of the landed nobility. See his critique of city life which I discuss in Chapter Five below.
- 19 "Essai Sur les Causes," p. 57.
- 20 Ibid.
- 21 Ibid., p. 58.
- 22 Ibid., pp. 57-8.
- 23 Spirit, Richter, pp. 171-2.
- 24 "Essai Sur les Causes," pp. 62-3.
- 25 Considérations sur les Causes de la Grandeur des Romains, Pléiade, fn p. 1489. References to the Considérations are either to the Pléiade edition of Montesquieu's works, in which case the translations are my own, or to David Lowenthal's translation (Ithaca, New York: Cornell University Press, 1965).
- 26 Persian Letters, Loy, pp. 156-7. Also see the discussion in Berman (1972), pp. 34ff.

27 Montesquieu's theory here has roots in Montaigne's notion of virtue as self-control. See Chapter Three below.

28 Spirit, Richter, p. 174. Also see Berman (1972) pp. 72-3.

29 John Plamenatz, Man and Society, 2 vols. (London: Longman's, 1963) 1: 274.

30 Spirit, Richter, p. 174. Also see the note (5) on page 321 where Richter explains that Montesquieu's use of the state of nature was an analytic concept not a temporal one. It is in no way meant to imply an acceptance of the language of contract theory.

31 Montesquieu's 'organic' theory of society is a forerunner of the Romantic conception of Herder and German idealism yet the two should not be confused. Although there are affinities Montesquieu probably would not have endorsed the latter.

32 Persian Letters, Loy, XCIV, p. 179.

33 Ibid., XXIV, p. 79.

34 Ibid., pp. 91-2.

35 The dialectic of freedom and repression can be traced throughout the Persian Letters. See Berman (1972) pp. 15-44.

36 Persian Letters, Loy, p. 279.

37 Spirit, Richter, p. 170.

38 See Friedrich Meinecke, Historism, trans. J.E. Anderson (London: Routledge and Kegan Paul, 1972) pp. 132ff.

39 De L'Esprit des Lois, Masson, XXX, 10, p. 302.

40 L'Esprit, Pléiade, p. 902.

41 Ibid., p. 884.

42 See Chapter Three of Meinecke (1972).

43 See Chapter Five below.

- 44 Ibid., XXX, 19.
- 45 Ibid., XXI, pp. 601-649.
- 46 Ibid., p. 611.
- 47 Hugo Grotius, The Law of War and Peace, trans. Francis W. Kelsey (Indianapolis: Bobbs-Merrill, Inc., 1925) p. 13.
- 48 Spirit, Richter, p. 173.
- 49 Ibid., p. 202.
- 50 Ibid., p. 172.
- 51 "Essai Sur les Causes," p. 39.
- 52 Ibid., pp. 53-4.
- 53 Spirit, Richter, p. 260.
- 54 Ibid., p. 261. This view is similar to Machiavelli's notion of virtù as the overcoming of fortuna. See the Prince, Chapter XXV.
- 55 L'Esprit, Masson, XII, 1, p. 250.
- 56 Spirit, Richter, p. 179.
- 57 Romans, Lowenthal, p. 93.
- 58 Ibid., p. 95.
- 59 Ibid., p. 94.
- 60 Spirit, Richter, p. 179.
- 61 For example see Richter (1977), "Introduction," pp. 20ff and Robert Shackleton, Montesquieu: A Critical Biography (London: Oxford University Press, 1961), Chapter XI.
- 62 A similar warning is made in the review of Richter's book by Thomas Pangle in Political Theory 6: 4 (1978) pp. 567-9.
- 63 Spirit, Richter, p. 174.

64 Ibid., p. 63.

65 Ibid.

66 See Berman (1973) p. 31.

67 De L'Esprit des Lois, Masson, IV, 8, pp. 50-3.

CHAPTER II: Commerce and the European State System: The Context of Citizenship in the Modern World

¹ In this chapter all references to the Lettres Persanes are to the Pléiade edition of Montesquieu's works unless otherwise noted, as are all references to De L'Esprit des Lois which are cited by book, chapter and page. See Lettres Persanes, LXVII.

² See my note #2 to the "Introduction" for the sense in which I use 'capitalism.'

³ XXI, 14 and 15, pp. 632-3.

⁴ XXI, 17, p. 637.

⁵ "Considérations Sur les Richesses de l'Espagne," Pléiade, p. 10. (Hereafter cited as "Richesses.")

⁶ XXI, 21, 641.

⁷ XXI, 21, 642.

⁸ XXI, 21, 643.

⁹ Montesquieu argues that the Spanish were caught in an inflationary cycle, that the profits from the mines were necessarily reduced by the proportion of the augmentation of the amount of gold and silver extracted from the mines and brought to Europe. Had the colonies been able to provide commodities which the Spanish could trade for (or were inclined to trade for) then their wealth would be increased. The Spanish failed to realize that the more silver and gold they mined in surplus to the expenses of extracting it and shipping it to Europe, the less effective the metals became as mediums of exchange. See XXI, 22-3; and "Richesses."

10 XX, 7, 590.

11 The 'positive' value of money consists of four elements: (1) a proportion between a quantity of metal and the same quantity of money; (2) the proportion between the various metals (silver, gold, copper) to be used as money; (3) the weight and standard of every piece of money; (4) the 'ideal' value--i.e., the level of debasement of coinage. XXII, 10.

12 XXII, 10, 659.

13 XXII, 2, 651.

14 XXII, 2, 651. See Joseph Schumpeter, History of Economic Analysis, ed. Elizabeth Boody Schumpeter (New York: Oxford University Press, 1954, especially pp. 235-7; and, N.E. Deuletoglou, "Montesquieu and the Wealth of Nations," The Canadian Journal of Economic and Political Science XXIX: 1 (Feb. 1963).

15 The paradoxical and tragic character of the Spanish situation is mentioned at the beginning of Chapter 22 of Book XXI (p. 645) and emphasized more powerfully in the early essay "Sur les Richesses de l'Espagne."

16 "Richesses," p. 15.

17 Ibid., p. 10.

18 XX, 4, 587-8.

19 In Chapter Five below I will show how central the commerce of luxury is to the coherence and stability of monarchy.

20 Montesquieu's strongest denunciation of Law's system is in Book II, Chapter 4, p. 248, where he says that the System threatened to plunge the French monarchy into despotism. In Book XXII, Chapter 10 he also criticizes it for creating severe imbalances in trade, threatening the value of French money (p. 666).

21 XII, 2, 459-60.

22 XII, 2, 459.

23 XX, 4, p. 588.

24 Montesquieu had little to say about the working classes or the peasants. He seemed to have tremendous personal respect and liking for the latter and he makes some favorable remarks about craftsmen but he still accepted traditional arguments that their failure to rise in status was due to their unworthiness of character. With regard to workers, although he said little about them, and nothing about them as a 'class' he did develop some perceptive critiques of the capitalist market. See Chapter Five, below.

25 For an insightful discussion of the development of the importance of contract law for the rise of the merchant class see Michael E. Tigar and Madeleine R. Levy, Law and the Rise of Capitalism (New York: Monthly Review Press, 1977).

26 XX, 2, 585.

27 XXI, 5, 604.

28 See especially Albert O. Hirschman, The Passions and the Interests (Princeton: Princeton University Press, 1977).

29 XIII, 17, 470.

30 "Réflexions Sur Monarchie Universelle," Pléiade, p. 19. (Hereafter "Monarchie Universelle.")

31 Ibid.

32 IX, 2, 371.

33 IX, 1, 370.

34 IX, 1, 369.

35 IX, 3, 371-2.

36 X, 5, 382.

37 See Chapter One above.

38 Montesquieu cites Spain and France as the optimum size. IX, 6, 374.

39 IX, 6, 374.

40 X, 9, 384.

41 See Chapter Five below, especially the discussion of the political economy of luxury.

42 X, 9, 385.

43 "Monarchie Universelle," p. 20.

44 Ibid.

45 X, 1, 377.

46 See Grotius, The Law of War and Peace (Book II, Chapter I, sections 16-18) where he argues that the right to self-defense for sovereign states must be interpreted more broadly than the right of self-defense of individuals.

47 X, 2, 377.

48 This is the same fundamental insight that Rousseau develops in his maxim that governments, not people, make war. Important modern laws of warfare, such as the immunity of non-combatants (already enunciated in Grotius) derive from this principle.

49 See Chapter One above.

50 This was also true for the Romans. Montesquieu argues that their political decline in the colonies was related to their moral decline. Their failure to continue to follow the policy of respecting the autonomy of conquered societies led them to commit atrocities which were reflected in increasing conflicts at home. See Romans, Chapter VI, p. 108.

51 X, 2, 378.

52 Ibid.

53 There are four laws which govern conquests: (1) natural law (the preservation of the species); (2) the law of natural enlightenment (lumi  re) which is generally that we should treat others as we would want them to treat us; (3) the laws of formation of political society; (4) the law of the nature of conquest itself--that the natural spirit is that of conservation not of aggrandizement or destruction. X, 3, 378.

54 X, 4, 380.

55 X, 11, 385.

56 X, 4, 381.

57 Again, the practice of slavery in this case must carefully follow the laws and spirit of the international community. It must be undertaken only when the alternative is anarchy, and then only for a limited duration until the population has been brought to order. Montesquieu gives the not very convincing example of the barbarian treatment of the Romans in the provinces after the collapse of the western empire as a justifiable instance. X, 3, 380.

58 Thomas Pangle, Montesquieu's Philosophy of Liberalism (Chicago: Chicago University Press, 1973); Hirschman, The Passions and the Interests (1977).

59 Albert Sorel, Europe Under the Old Regime (New York: Harper and Row, 1947).

60 Lettres Persanes, p. 195.

61 Ibid., p. 196.

62 Ibid., p. 197.

63 Ibid., p. 199.

CHAPTER III: Political Knowledge and Citizenship: The Roots of Liberal Theory

¹ Thomas Hobbes, De Cive, in Man and Citizen, ed. Bernard Gert (Garden City, New York: Doubleday, 1972).

² Sheldon Wolin, Politics and Vision (Boston: Little, Brown & Company, 1960) p. 54.

³ Just as some contract theorists did not intend the contract in a temporal sense but as a phenomenological foundation of the polity, the psychology of which must be continually reinforced, I mean this single act as a single type of act, not as a single act of creativity which happened long ago and then is no longer applicable. I take Hobbes, though not Locke, as the

paradigmatic case here. On Hobbes see Leo Strauss, The Political Philosophy of Hobbes and on Locke's idea of consent which differs from that of Hobbes see John Dunn, The Political Thought of John Locke (Cambridge: Cambridge University Press, 1969) and "Consent in the Political Theory of John Locke," The Historical Journal 10 (1967) pp. 153-182.

⁴ My view here owes much to Jürgen Habermas, "The Classical Doctrine of Politics in Relation to Social Philosophy," in Theory and Practice, trans. John Viertel (Boston: The Beacon Press, 1973) and Wolin (1960).

⁵ All references to Aristotle's Politics are to the translation by Ernest Barker (Oxford: Oxford University Press, 1946) and are cited by the book, section and page. I, i, p. 1.

⁶ Politics, I ii, 12-13.

⁷ I, ii, 13.

⁸ The position of the slave is ambiguous. In the ethical sense of the state as "an association of equals and only of equals" the object of which is "the best and highest life possible" the slave has no place. Yet in a functional sense he is an integral part of the whole, the state. See VII, viii, 4-9.

⁹ VII, vii, 4-5.

¹⁰ VII, viii, 6-9.

¹¹ I, v, 6.

¹² I, xii, 2.

¹³ I, xiii, 7.

¹⁴ See Barker's notes on p. 38 of the Politics.

¹⁵ VII, ix, 3-4.

¹⁶ I, ii, 13.

¹⁷ III, i, 12.

¹⁸ I, ii, 8.

19 III, iv.

20 III, iv, 3.

21 III, iv, 5.

22 See the discussion in Nannerl O. Keohane, Philosophy and the State in France (Princeton: Princeton University Press, 1980).

23 All references to Bodin are to The Six Books of the Commonwealth, ed. Kenneth McRae (Cambridge, Massachusetts: Harvard University Press, 1962) unless otherwise noted. They are listed by book, chapter and page. I, ii, p. 8.

24 I, iv, 14.

25 I, vi, 18.

26 I, viii, 25.

27 I, i, 2.

28 I, i, 5.

29 I, vi, 20-1.

30 In a later essay, "A Custom of the Island of Cea," Montaigne justifies the suicide chosen by an old woman who believed that the only point to continued life would be a more painful death. II, 3, pp. 261-2. All references to Montaigne are to The Complete Essays of Montaigne, trans. Donald Frame (Stanford: Stanford University Press, 1965). References are to book, essay and page.

31 Essays; I, 25, 101.

32 I, 25, 103.

33 I, 14, 39.

34 II, 1, 243.

35 For a study of the development of skepticism from Montaigne to Descartes see Richard H. Popkin, The History of Skepticism from Erasmus to Descartes, 2nd edition (New York: Harper and Row, 1968).

36 I, 21, 75.

37 I, 14, 42.

38 See Erich Auerbach, "The Human Condition," in Mimesis: The Representation of Reality in Western Literature, trans. Willard R. Trask (Princeton: Princeton University Press, 1957).

39 II, 12, 364.

40 "C" in the text refers to material published after 1588.

41 I, 20, 65.

42 See the opening essay of Book II, "Of the Useful and the Honorable."

43 I, 23, 80.

44 I, 23, 79.

45 Ibid.

46 II, 11, 308.

47 Montaigne fears this implication of legitimizing cruelty in both the private and public spheres. In the essay, "Of the Useful and the Honorable," (III, 1) he argues at length that while we must at times accept evil and injustice in the affairs of state we must do so only rarely and with caution. In essence, even the necessary evils of state action require the virtue of self-control.

48 II, 11, 310.

49 II, 11, 311.

50 I, 39, 175-6.

51 Ibid., 175.

52 Ibid., 176.

53 See Auerbach (1957).

54 I, 28, 137. This essay describes Montaigne's

celebrated relationship with Etienne de La Boétie. It is an attempt to defend La Boétie against charges of having written a revolutionary tract at an early age.

55 Ibid.

56 III, 3, 623.

57 Ibid.

58 I, 13, 33.

59 I, 28, 136.

60 I, 28, 140.

61 I, 23, 86.

62 I, 42, 193.

63 I, 42, 196.

64 Montaigne asserts the priority of private over public life even more strongly in the "Apology for Raymond Sebond" where he asserts the similarity of the motivations and passions of princes and private men (p. 350). Later in the "Apology" he asserts the virtue of the apolitical nature (almost anti-political) of societies in the new world to show the powerlessness of political knowledge (and knowledge in general) to produce goodness (p. 367).

65 I, 3, 9.

66 Montesquieu's notion of *l'esprit général* in its institutional dimension (see Chapter Five below) is similar although it borrows the language of physical science. Rather than merely a series of parts, Montesquieu describes the body politic as a system of relations; to change one is to unbalance the entire system. As I show in Chapter Five he uses this transformation in language to present a modern version of a conservative theory of social change.

67 That Montaigne's fear of change is rooted in a traditional religious and cosmological vision is evidenced at the conclusion of the essay, "Of Sumptuary Laws" (I, 43, 198).

68 I, 23, 88.

69 I, 23, 90.

70 I have called this theory 'absolutist' in part because it is developed initially by secular theorists of the absolutist state, as well as in part because it postulates an absolute separation between the knowledge of citizenship and the knowledge of rule.

71 See Francis Bacon, Works, ed. Ellis and Spedding, 14 vols. (New York: Garret Press, 1968) III: 294. All references to Bacon are to this edition and are cited by the volume and page.

72 Works, IV, 20-1.

73 III, 156.

74 Also see the second of the three limitations to knowledge set out in "The Advancement of Learning," Works, III, 266.

75 Bacon himself uses the image in the "Advancement of Learning," Works, III, 266.

76 Works, IV, 24 and III, Aphorism XIII, p. 49.

77 IV, 24-6.

78 III, 389-90.

79 III, 385.

80 III, 357.

81 III, 387 and III, 357.

82 III, 209.

83 III, 366.

84 IV, 32; and see Aphorism III, p. 47.

85 III, 268-70.

86 III, 270-3.

87 III, 272-4.

88 III, 273. He makes a similar argument when discussing the faults of learned men (pp. 278-9).

89 III, 302-314.

90 III, 302.

91 Ibid.

92 III, 314-19.

93 Thomas Hobbes, Leviathan, ed. Michael Oakeshott (New York: Collier, 1962) p. 111. All references to Leviathan are to this edition.

94 See the discussion in Chapter 8, "Language," of J.W.N. Watkins, Hobbes's System of Ideas (London: Hutchinson & Co., Ltd., 1973), 109-118.

95 Leviathan, p. 113.

96 De Cive, p. 111.

97 De Cive, p. 110 fn.

98 Leviathan, p. 54.

99 See Watkins (1973).

100 Leviathan, p. 62.

101 De Cive, p. 217.

102 Leviathan, p. 45.

103 I don't believe that Hobbes' theory of the self can accomodate a view of reason that will allow men to make such judgments. Hence, he can never account for the legitimacy of public decisions except to say that they are legitimate because the sovereign made them. In Hobbes' society there can be no discourse about the public good, for there is no way to determine whether a law is in the public interest or merely the particular interest of the sovereign. See Leviathan, p. 41.

104 Bacon, Works, IV, 27-9.

105 Hobbes, De Homine, in Man and Citizen (1972).

CHAPTER IV: The Political Expression of Self: Citizenship in the Persian Letters.

¹ I, p. 47. All references are by letter and page from the translation by J. Robert Loy (New York: Meridian, 1963) unless otherwise noted. I have occasionally referred to an entire letter in which case I have not cited a page reference. My discussion of the importance of vision in Montesquieu's work is indebted to Jean Starobinski, Montesquieu par Lui-même (Paris: Editions du Seuil, 1953).

² IX, 55.

³ XLVII.

⁴ LXIII, 134.

⁵ XXXII, 89-90.

⁶ XXIII, 76.

⁷ XXXI, 89.

⁸ X, 58.

⁹ Nicomachean Ethics, II, 3, 1105a.

¹⁰ Ethics, II, 3, 1105a, lines 32-4.

¹¹ We must also keep in mind that for Aristotle the greatest virtue is in political action (see Ethics, I, 2).

¹² See the discussion of amour-propre in Nannerl Keohane, Philosophy and the State in France (1980), especially Chapters 9 and 10, which shows how widespread this view was in different forms in seventeenth century political and moral theory.

¹³ Letter X, p. 26. This is undoubtedly an attack on the rationalist natural law tradition. This paragraph is fascinating if we recognize that the thrust of the argument of the Troglodytes upholds, in a new depth and complexity, the view of both Grotius and Pufendorf. Montesquieu is, in one sense, completing the political reinterpretation of natural law as internal moral sense (which Shaftesbury had done for ethics) presented in more rationalistic form by Grotius and

Pufendorf.

14 XII, p. 62.

15 See above, p. 140, and XXIII, 76.

16 XIV, 66.

17 See Alessandro Crisafulli, "Montesquieu's Story of the Troglodytes: Its Background, Meaning and Significance," PMLA LVIII (1943): 372-392, where he argues that the Troglodyte myth is a direct response to Hobbes, I agree. For a counter interpretation see Thomas Pangle, Montesquieu's Philosophy of Liberalism (Chicago: Chicago University Press, 1973), especially Chapter Three.

18 XCIV, 179.

19 See J. Robert Loy, Montesquieu (New York: Twayne, 1968).

20 Again see Crisafulli (1943).

21 See Albert O. Hirschman, The Passions and the Interests, especially pp. 31-55, and Keohane (1980), especially Part II, pp. 119-240.

22 Hirschman, p. 32.

23 LXXXIII, 165-6.

24 XCV, 180.

25 Mandeville's "Fable of the Bees," which Montesquieu often refers to, makes a similar point.

26 Pascal's Pensées had clearly developed the view of the failure of virtue as a form of action in the modern world.

27 See Hirschman's discussion of Montesquieu (pp. 70-80 and 117-127), which I find interesting but too schematic. As my argument implies, Hirschman assumes that Montesquieu was more favorable to the concept of interest than he actually was.

28 XIV, 66.

29 See Loy's "Preface" to his translation of the Persian Letters (1963).

30 The unpublished completion of the story is in Loy's translation, p. 284. (Also in Mes Pensées, Pléiade, I, p. 1616.)

31 An interesting view of the disadvantaged, particularly in light of Montesquieu's liberal economics.

32 XLVIII, 108.

33 XXXV, 92-3.

34 XLVIII, 108.

35 VIII, 54.

36 XVII, 68.

37 XXXV, 93.

38 See XLVI (civic morality as a basis of true religion), LX (Jews), LXXXV (the proposed expulsion of Armenians from Persia--perhaps the most overt statement of religious toleration in the Lettres Persanes), and XCVII (European physical science produces truth without religion--Montesquieu even tells the dervish that "thow must soon change thy thinking." (p. 184)).

39 XCIV, 179.

40 This is certainly meant by Montesquieu as a general warning to European monarchs not to overstep legitimate power. The rest of this letter, along with the following one, argues for a moderate monarchy.

41 VI, 51. Also see LXII where Zelis declares that Usbek is really the slave of his wives (p. 133).

42 XXXIV, 91-2.

43 CLV, 274.

44 LXIV, 135.

45 IX, 55-6.

- 46 XV, 67.
- 47 LXIV, 136.
- 48 XXI, 74-5.
- 49 IX, 55-6.
- 50 II, 47-8.
- 51 IX, 57.
- 52 VII, 52.
- 53 IX, 56.
- 54 XX, 73.
- 55 XXVI, 81; XLVIII; and LVI.
- 56 LXIII, 134.
- 57 XXXVIII.

CHAPTER V: Citizenship in Moderate Governments: The Universal Politics of De L'Esprit des Lois

¹ In a recent study, Montesquieu and Social Theory (New York: Pergamon Press, 1979), John Baum claims that Montesquieu's view approaches Parsonian functionalism. Later in the chapter I will argue that this is an incorrect and ahistorical reading of Montesquieu.

² For the term 'universal politics' I am indebted to a paper by Michael A. Mosher, "The Particulars of a Universal Politics: The Case of Montesquieu and Hegel," presented at the 1980 Annual Meeting of the American Political Science Association, Washington D.C., August 28-31, 1980.

³ V, 9, p. 298, note (a). All references to De L'Esprit des Lois are to the Pléiade edition unless otherwise noted and are cited by book, chapter and page.

⁴ V, 9, 289.

⁵ V, 6, 280.

⁶ Marx, for example, will argue that the distinction between society and the state is really mere ideology. Politics permeates civil society. Civil society, as much as the state, is a reflection of power relations. If Montesquieu considered this possible alternative formulation he did not incorporate it into L'Esprit, although the Lettres Persanes does present it very clearly, at least for the case of despotic regimes. In fact, the conjunction of the social and the political, together with the public and private, defines despotism as a form of government.

⁷ IV, 1, 261.

⁸ IV, 2, 262.

⁹ IV, 2, 262-3.

¹⁰ IV, 3, 265.

¹¹ IV, 6, 266-7.

¹² See Lettres Persanes, Letters XII and XIII.

¹³ I am following Melvin Richter's translation of this phrase.

¹⁴ XII, 11, 441.

¹⁵ XII, 4, 433.

¹⁶ XII, 1, 430.

¹⁷ Ibid.

¹⁸ XII, 2, 431.

¹⁹ XI, 4, 395.

²⁰ Ibid.

²¹ Jean Bodin, Six Books of the Commonwealth, ed. M.J. Tooley (Oxford: Basil Blackwell, nd) Book I, Chapter 2, p. 8.

²² For a different view, see Thomas Pangle, Montesquieu's Philosophy of Liberalism (Chicago: University of Chicago Press, 1973). The arguments of the founding fathers, especially Hamilton's, are much

closer to Hobbes than to Montesquieu.

23 See my discussion of Montesquieu's moral psychology in Chapter One above.

24 XIX, 4, 558.

25 Ibid.

26 XI, 20, 430.

27 This interpretation of Montesquieu's concept of liberty distinguishes it from the more negative conception that Pangle (1973) attributes to him. It serves to argue, as other elements of my argument imply, that locating Montesquieu's version of liberalism in the Lockean tradition is inadequate and distorting to Montesquieu's thought.

28 See Roger Callois's note to Book II, Chapter I in *Pléiade* II: 1498.

29 Lettres Persanes, Letter Three.

30 Mark Hulliung is correct to argue that the general orientation of Montesquieu's work from his earliest essays to his final Défense de L'Esprit des Lois is to criticize the absolutist monarchy of Louis XIV by associating it with despotism rather than monarchy. This is clearly one ideological purpose of the simplification of the forms of government. However, Hulliung goes too far when he argues, as is the purpose of his book, Montesquieu and the Old Regime (Berkeley: University of California Press, 1976), that Montesquieu wants to replace the French monarchy with a republic.

31 XI, 5, 396.

32 V, 19, 304.

33 See the Republic, trans. Francis M. Cornford (London: Oxford University Press, 1941) sections 543A-576b, pp. 265-300.

34 In addition to the general end of government as security each government has a purpose which is unique to its own character and spirit. My argument is that although Montesquieu does not explicitly state that moderation and liberty are general ends of government,

he treats them as if they are. A universal politics results from the necessary interrelation of the general ends of security, liberty and moderation.

35 XI, 4, 395.

36 XI, 7, 408.

37 For a discussion of the problem of the order and coherence of De L'Esprit des Lois as a text see Neumann (1949). For a recent attempt to argue that the entire book is coherent, I think an unsuccessful one, see Pangle (1973) pp. 279ff.

38 XXIX, 1, 865.

39 XI, 6, 397.

40 XI, 3, 395.

41 See Chapter Four above.

42 See note #1 above. Also see Raymond Aron, Main Currents in Sociological Thought, Volume 1 (Harmondsworth: Penguin Books, Ltd., 1965).

43 XIX, 14, 564.

44 See above, p. 7.

45 XIX, 16, 566.

46 XIX, 8, 560.

47 There is, as I have said, a hybrid form of republic, the commercial republic, wherein virtue is produced not by direct self-renunciation but through the renunciation necessary to the work ethic, which generates a replacement for political virtue out of civil society.

48 VII, 4, 336.

49 VII, 9, 341.

50 See my discussion in Chapter One.

51 III, 7, 257.

52 Ibid.

53 XIX, 17, 566.

54 VII, 1, 332-3.

55 VII, 7, 333.

56 Montesquieu develops a principle of class division here which is 'Marxian' in its general character. The principle is that classes are differentiated by their place in the system of production. Hence, there are workers who produce commodities through their own labor, and an unproductive class which lives off the surplus of the workers.

57 VII, 1, 335.

58 Montesquieu cites Mandeville's Fable of the Bees as a source of this argument. VII, 1, p. 333, note 6.

59 VII, 2, 335.

60 VII, 1, 334.

61 I, 3, 237.

62 I, 3, 238.

63 V, 1, 273.

64 III, 5, 255.

65 VI, 1, 307.

66 VI, 3, 311.

67 XIX, 5, 559.

68 XXIX, 16, 880.

69 Ibid.

70 See the remainder of the paragraph (XXIX, 17, 880).

71 V, 7, 283.

72 XXIX, 16, 881.

73 VI, 10, 319.

74 There are many adequate descriptions of this debate. See Elie Carcassonne's classic account in Montesquieu et le Problème de la Constitution Française au XVIIIe Siècle (Paris, 1927) and Franz Neumann's brilliant summary in his introduction to the Hafner edition of Neugent's translation of The Spirit of the Laws (1949). Also see the recent work of J.Q.C. Mackrell, The Attack on 'Feudalism' in Eighteenth-Century France (London: Routledge & Kegan Paul, 1973) for the context of the debate and Mark Hulliung's fresh and novel account (1976).

75 See Chapter Four, above.

76 XXIX, 19, 882-3.

CHAPTER VI: Montesquieu and the Liberal Theory of Citizenship

¹ It is misleading to call Montesquieu's use of the forms of government 'descriptive' as opposed to 'normative' as some recent commentators do, such as Richter (1979), Baum (1979), and Werner Stark, Montesquieu, Pioneer of the Sociology of Knowledge (London: Routledge and Paul, 1960). The argument is too often couched in terms of whether Montesquieu preferred a monarchy or a republic. (See Hulliung (1976) for an attempt to argue that Montesquieu is really a republican. Also see Chapters 4 and 5 of Pangle (1973).) This is really a non-issue, for under different conditions Montesquieu would support either a monarchy or a republic.

² See Chapter Three of Pangle (1973).

³ For this interpretation see especially Baum (1979).

⁴ I am indebted here to Michael Mosher's essay, "The Particulars of a Universal Politics" (1980).

⁵ John Locke, An Essay Concerning Human Understanding, 2 vols. (New York: Dover Publications, 1959) 2: 385ff.

⁶ See Helvetius' two letters, one to Montesquieu and one to A.M. Saurin, reprinted in Destutt de Tracy's A Commentary and Review of Montesquieu's Spirit of the Laws (New York: Burt Franklin, 1969, original, 1811).

⁷ For a more classical liberal approach characteristic of modern conservatives see George Stigler, The Citizen and the State (Chicago: Chicago University Press, 1975).

⁸ See especially the Tri-lateral Commission report, The Crisis of Democracy (New York: New York University Press, 1975).

⁹ See the "Introduction" to Stigler (1975). For a brilliant critique of these individualist theorists see the series of essays in Part II of C.B. Macpherson's Democratic Theory: Essays in Retrieval (London: Oxford University Press, 1973).

¹⁰ The best recent argument for the coexistence of two competing senses of citizenship is George Armstrong Kelly, "Who Needs a Theory of Citizenship," Daedalus 108: 4 (1979) 21-36. Also see the several essays on citizenship in Michael Walzer, Obligations: Essays on Disobedience, War and Citizenship (New York: Simon and Schuster, 1970).

¹¹ Robert Pranger, The Eclipse of Citizenship (New York: Holt, Rinehart and Winston, Inc., 1968).

¹² Kelly (1979).

¹³ The distinction is from Charles Taylor, "Interpretation and the Sciences of Man," Review of Metaphysics XXV: 1 (1971) pp. 3-51.

¹⁴ See Part III, "On the Logic of Legitimation Problems," Jürgen Habermas, Legitimation Crisis (Boston: Beacon Press, 1973).

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