THE THEOLOGICAL BASIS OF Liberal Modernity IN MONTESQUIEU'S SPIRIT OF THE LAWS

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To my wife, Lorraine

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Introduction

"I have laid down the principles, and I have seen the particular cases unfold from them as if by themselves; the histories of all the nations are nothing but the consequences."[1] With this provocative boast, Montesquieu announces the foundational depth, as well as the all-embracing reach, of the new political science elaborated in his treatise. *On the Spirit of the Laws* towers as the most ambitious expression of the Enlightenment political philosophizing that lays the principled basis for our liberal republican civilization. At the deepest level, that basis is theological—and, by the same token, antitheological. For the new order is grounded in "nature's God": the divinity whose guidance humans experience most authoritatively in and by their reasoning on the empirical evidence available to all. Political life is to cease to take its bearings by any of the previously dominant claims for the supremacy of revealed, supernatural, and suprarational or contrarational divine authority and law. This revolution in political understanding finds forceful expression in John Adams's theoretical defense of the new American constitutions:

> It was the general opinion of ancient nations, that the Divinity alone was adequate to the important office of giving laws to men. The Greeks entertained this prejudice throughout all their dispersions; the Romans cultivated the same popular delusion; and modern nations, in the consecration of kings, and in several superstitious chimeras of divine right in princes and nobles, are nearly unanimous in preserving remnants of it. . . . The United States of America have

> exhibited, perhaps, the first example of governments erected on the simple principles of nature; and if men are now sufficiently enlightened to disabuse themselves of artifice, imposture, hypocrisy, and superstition, they will consider this event as an era in their history. . . . It will never be pretended that any persons employed in that service had interviews with the gods, or were in any degree under the inspiration of heaven, more than those at work upon ships or houses, or laboring in merchandise or agriculture; it will forever be acknowledged that these governments were contrived merely by the use of reason and the senses. . . . Neither the people, nor their conventions, committees, or subcommittees, considered legislation in any other light than as ordinary arts and sciences, only more important.[2]

Modern Enlightenment thinking does not totally rule out experiences of revelation, delivering messages whose contents (especially regarding an afterlife) supplement what our natural faculties can directly apprehend and confirm. But the verity of such apparent experiences, and the valid meaning of the messages apparently received, must be judged by their congruity or incongruity with the truths and norms known by "the natural light" of reason. Accordingly, the scriptures must be reinterpreted, or—according to theologians like Thomas Jefferson[3]—severely reedited and redacted, so as to be brought into conformity with the rationalism of nature's God. John Locke demonstrates how the "reasonableness of Christianity, as delivered in the scriptures" is to be vindicated: the New Testament is to be read as teaching that "God out of the infiniteness of his mercy, has dwelt with Man as a compassionate and tender father. He gave him reason, and with it a Law: That could not be otherwise than what Reason should dictate; Unless we should think, that a reasonable Creature, should have an unreasonable Law." This law is "knowable by Reason"—"by the light of nature; i.e., without the help of positive Revelation"; the "difference" introduced by Christ's revelation of the "*Law of Faith*" (that is, faith in Christ) "is only this": "by the Law of Faith, Faith is allowed to supplement the defect of full Obedience; and so the believers are admitted to Life and Immortality as if they were Righteous." The "Rule therefore of Right is the same that ever it was, the Obligation to observe it is also the same."[4]

In our epoch this theological-political basis of liberal republicanism is under heavy assault. Still worse, it has fallen into grave doubt. The manifold global resurgence of militant theocratic political movements, with the attendant horrors of religious warfare, and the re-emergence of "fundamentalism"

as a political force even in the bosom of Western democracy, has compelled us not only to appreciate the fragility, but, what is more, to reckon with the problematic theoretical basis, of the Enlightenment victory. Unwillingly but unavoidably we confront the questions:[5] What noncircular argumentation demonstrates the falsity of purportedly experienced illiberal, theocratic revelations (or claims to divinely inspired re-interpretations of ancient illiberal theocratic revelations)? What demonstrates that the commitment to political rationalism, in the face of the challenges from multitudes of human witnesses claiming supernatural theocratic illuminations, is not merely the expression of a deeply held but parochial historical-cultural prejudice, and a will to impose that prejudice—a Nietzschean will to power?[6]

These questions have become especially perplexing because of what has transpired in the West, spiritually, over the course of the last few generations. Normative rationalism has undergone a crisis of confidence that has been christened the "postmodern condition." This designates, among other things, a haunting suspicion that the materialistic, secular, and universalist individualism at the heart of the "grand narrative" of modern rationalism fails to do justice to—and has even attempted to suppress or to repress—humanity's essential need: for the redemptive elevation and exaltation that has sprung to life from age to age in mankind's diverse great religious communities and traditions. In the words of the moderate Islamic political theorist Abdolkarim Soroush,

> technology and development have run their course, revealing their own nature and assuming higher forms. This has allowed human beings to also experience and advance beyond technological and socioeconomic limitations where they can behold higher horizons and learn new lessons. The advent of postmodernism is a case in point. It evinces all the signs of having been chastened by the tyranny of the arrogant knight of modern rationality. It marks a turning away from this rationality and a desire to rise above it. This implies the search for other sources of knowledge, a search similar to that launched by Romanticism two centuries earlier. This is why André Malraux said that the twenty-first century will be a religious one or nothing at all. (*Reason, Freedom, and Democracy in Islam*, 45)

The theocratic challenge that liberal rationalism confronts, reinforced by its crisis of self-doubt, makes imperative a searching reconsideration of the theologico-political foundations that were laid by the philosophic giants who launched the Enlightenment enterprise. We need to try to

bring back to light exactly what were the reflections, the arguments, the evidence, that gave those titans their rationalist self-confidence; and then we need to judge critically, as best we can, to what extent their confidence was thus justified. Can we recover from the philosophers who laid the foundations of liberal modernity a renewal of firm foundations for rationalism? Or do we uncover in those philosophers the original source, and fathomless depth, of our predicament?

This book is meant to assist in such retrieval and judgment. I elucidate, so as to scrutinize critically, the deepest, theologico-political stratum of the educational project that Montesquieu unfolds in his *Spirit of the Laws*. I aim to show that one of the work's most profound intentions is to justify its opening theological declaration, a pronouncement unprecedented by virtue of its in-your-face boldness, surpassing even what Spinoza had dared: God is identified with "an original [primitive, primordial] reason" (*une raison primitive*) generating the rest of the universe by unvarying "laws" that are "the necessary relations that derive from the nature of things"; "thus the creation, which would appear to be an arbitrary act, presupposes rules as invariable as the fatality of the atheists" (1.1). It becomes ever more manifest, as the rest of the work unfolds, that there is nothing about the "governance" of God so understood—that is, as "the supreme cause," to which "human reasons are always subordinate" (16.2)—that transcends what is apparent to unassisted human reason, in its deductions from observations of the ubiquitous natural order. Implicitly rejected are any and all claims to veridical experiences of purportedly unique, miraculous inspirations and revelations whose imperatives and teachings contradict or go beyond what reason teaches. Such claims, which constitute the lifeblood of traditional religious faiths ("the laws of religion" of which Montesquieu speaks at the end of the first chapter), will have no normative standing in Montesquieu's political science, except as human, all-too-human imaginative expressions—either prescientific or supplementary-rhetorical—of what can be known more clearly and precisely by unaided reasoning on the basis of universal experience.

But on what solid basis does Montesquieu rule out the possible truth of any and all such claims, attested from age to age by widespread and diverse human witnesses? How does he dispose of this massive and persistent contrary testimony? It is patent from Montesquieu's first great work, the *Persian Letters*, even more than from *The Spirit of the Laws*, that this challenge is one that Montesquieu explicitly acknowledges, as emanating not only from Christians, but also from Muslims (Shiite and Sunni), as

well as from Hindus, Parsees, Jews, and others.[7] In the *Persian Letters*, Montesquieu responds by deploying his powers as a comic allegorist to bring to ridiculous light the profound as well as petty absurdities to which he believes suprarational revelation leads.[8] But Montesquieu as a philosopher could not rest satisfied with this kind of confutation. Montesquieu's penetrating satires may be troubling to thoughtful believers, and reassuring to serious free-thinkers; still, to show that the purportedly suprarational must appear laughably absurd to the rational mind does not yet prove that the latter is the canon of truth, or that the former does not exist—and rule over all else that exists.

The Spirit of the Laws, I intend to show, adds something momentous to the inadequate critique of religion contained in the *Persian Letters*: a response to the challenge of revelation such as can be mounted only by a political science of the encompassing scope that this work outlines. All that this involves will be elaborated in the subsequent chapters; for now, I provide only a simplified trailhead map.

Entry into Montesquieu's strategy is provided by the vaunt that I quoted at the start of this introduction. Montesquieu's vast extension of Enlightenment political science claims to show, at least in principle, the strictly natural causes and character of all that has been true and good (as well as bad) in all the diverse historical forms of existence. The first and most obvious theological implication is that suprarational revelation is superfluous as a source of explanatory hypotheses or normative guidance for humanity's earthly existence: "one may say that the subject of this work is immense, because it embraces all the institutions that are found among human beings."[9]

A second and more aggressive theological implication transpires when we see that, and how, Montesquieu's political science means to teach the compelling plausibility of purely mundane or natural political reasons for the widespread beliefs in apparent revelations from supernatural, and specifically biblical, divinity. Such beliefs, Montesquieu contends, can be accounted for by showing how their emergence and hold on the human heart is historically correlated with, and appears as an intelligible if desperate attempt to escape from, specific political pathologies. This thesis gains additional dimension and strength from the marshalling of historical evidence demonstrating, conversely, that where these pathological political conditions have been absent or have been substantially mitigated, there has been a corresponding absence or diminution of beliefs in apparently suprarational revelations.

But beyond all this, there is also, I will argue, yet another, more experimental and dramatic, future-oriented dimension of Montesquieu's strategy for validating his psychological-political hypothesis explaining away the purported experience of revelations that challenge reason.[10] Montesquieu contends that social (and especially religious) existence, past and present, can not only be *explained plausibly* by the new political science; what is more, social life and therefore religious experience can be—and is being, before our eyes—profoundly *changed*, *secularized in fact*, in accordance with and partly under the guidance of the new political science. As the modern rationalist principles spread and take hold, religious faith is being transmuted into an experience or a conception of divine commands as more and more harmonizing with or supportive of the norms of rational political science. No doubt, it must be conceded that, on a worldwide scale, this progressive rationalization of society, and consequently of religious belief, is impeded or limited by enormous natural obstacles; but Montesquieu's political science claims to identify those barriers with precision and, what is more, teaches how those barriers can be to a considerable extent lowered or surmounted. In short, Montesquieu intends to show that, within the limits thus rationally comprehended, there is unfolding a world-historical process that affords a vast additional, experimental confirmation of his hypothesis regarding the political-psychological sources of human belief in suprarational revelation.

But this manifold strategy for grounding rationalism is not made explicit by Montesquieu. In order to understand the most immediate and obvious—though not the most profound—reason for the indirectness with which Montesquieu signals to his readers his deepest theoretical agenda, we need to bear in mind the overwhelming feature of the historical context in which Montesquieu wrote that makes his situation as an author so dramatically different from our own, in today's West. In Montesquieu's time the traditional religious authorities continued to wield frightful powers of censorship and punishment. Montesquieu had been a close witness of what had happened to Voltaire in 1733 on the publication of the *Lettres philosophiques*. Voltaire had to flee Paris to escape an arrest warrant—and remained cloistered in his mistress's chateau in Champagne for the next fifteen years; the Parlement of Paris proscribed his book and caused it to be publicly burnt in the courtyard of the Palais de Justice. Montesquieu at that moment had his second major book (what was to become *Considerations on the Causes of the Greatness of the Romans and Their Decadence*) in page proofs: he reacted by voluntarily submitting a portion of the text

to a censor of his own choice, the Jesuit professor Louis-Bertrand Castel, who had been the tutor of Montesquieu's son. Montesquieu acquiesced to a number of the censor's suggested alterations, and, what is much more, seems to have jettisoned from the publication what were to be major accompanying essays that would have clarified the pointed relevance of the study of ancient Rome to contemporary life. These crucial portions of the book that was aborted reemerged years later, in a new shape and context, in *The Spirit of the Laws*.[11] But in the meantime, the situation had further deteriorated. As Montesquieu's authoritative biographer says, by the time *The Spirit of the Laws* was published (in late 1748),

> the wave of persecution of advanced works, which started with Voltaire's *Lettres philosophiques*, had gained momentum. Duclos had been a victim in 1745 with his *Histoire de Louis XI*, and Diderot in the next year with the *Pensées philosophiques*. Early in 1748 *Les Moeurs* of Toussaint was consigned to the flames. In 1749 Diderot was imprisoned at Vincennes on account of his *Lettre sur les aveugles à l'usage de ceux qui voient*. The crisis provoked by the thesis of the Abbé de Prades at the end of 1751 resulted in the suppression of the *Encyclopédie* for the first time in the following year.[12]

Given "the conditions of censorship in France," *The Spirit of the Laws* had to be published anonymously in Switzerland, from where it could be imported only through elaborate machinations that succeeded in circumventing the otherwise expected seizure by the French customs censors (for details, see Shackleton, *Montesquieu*, chap. 10, sec. 5, "The Publication").

Despite all this, Montesquieu decided that in his old age he could and should go pretty far in pressing the limits of censorship—far enough to get him and his masterpiece into considerable, though not insuperable, trouble.[13] To quote Thomas Paine, Montesquieu "went as far as a writer under a despotic government could well proceed; and being obliged to divide himself between principle and prudence, his mind often appears under a veil, and we ought to give him credit for more than he has expressed" (*Rights of Man*, pt. 1, 68).

As regards the foundational level of his thinking, Montesquieu began (as we have seen) by shouting from the rooftop his theological *position*. He apparently felt that he could get away with such staggering boldness so long as he kept under wraps the *argumentation justifying* his position—the *evidence* providing the *grounds* for his position. For this is what is truly threatening to traditional religion. As brief reflection will indicate,

Montesquieu especially needed to keep veiled the most far-reaching part of his strategy of accumulating evidence—what I have termed the experimental prong. And he did so for a reason that goes well beyond fear of persecution and of censorship for himself and his followers or fellows. To proclaim the theological experiment would be to impede and endanger it by stoking in the hearts of the many traditionally pious people, high and low, even fiercer antagonism and resistance to the Enlightenment.

Montesquieu wrote in such a way that his deepest foundation (in contrast to much of his seductive and wittily free-thinking propaganda) would become fully comprehended by only a few of his most intent and demanding readers. They would be goaded, by his opening theological blast, to wonder what justified so brimming a confidence about the fixed foundation of the universe and the nonexistence of the biblical God. Once aroused, they would be capable of noticing the hints Montesquieu had left them, with which to figure out for themselves his strategy for providing and communicating the sought-for grounds. In the process of reenacting their teacher's train of theologico-political reflection, they would find themselves on a path of instruction that leads eventually to a more intimate familiarity with Montesquieu himself, as philosopher. For I will be suggesting that the highest level of Montesquieu's rhetorical and didactic intention in *The Spirit of the Laws* is gradually to provide, to such readers as are willing and able to follow his clues, an insight into some of the profound aspects of his own, genuinely liberated, philosophic spirituality. As I will try to show, this suggestion as to Montesquieu's supreme didactic intention helps to decipher, and gains some of its plausibility from helping to decipher, important and otherwise baffling features of the work's order and plan.

In the preface, Montesquieu describes his as a project through which he is "seeking to instruct men"—and he indicates that he does not limit the scope of his intended educative effects: "it is not a matter of indifference that the *people* be enlightened"; "it is in seeking to instruct men, that one can practice that general virtue that comprehends the love of *all*" (emphasis added). Montesquieu suggests, then, that he expects or hopes that this book will have a very wide, and popular (if no doubt partly indirect or mediated) influence.[14] At the same time, he says that what he seeks, or what would make him happiest, is enabling men to "*cure themselves* of their prejudices" (emphasis added). Montesquieu's instruction, then, will succeed by inducing in his readers, and in the wider "people" subsequently influenced by his readers, processes of self-transformation. One can surmise that these processes will be very unequal in kind or in quality and

depth, as those influenced range from the mass of ordinary folk up to those rare individuals who, as he puts it, "are happily enough born to be able to penetrate with a stroke of genius the entire constitution of a State."

If we are to partake to the maximum possible degree of the transformative educational process Montesquieu offers us, it will help to keep in mind what Montesquieu stressed in the advice about reading the book that he gave to his friendly critic Grosley (OC 2.1197): "What renders certain articles of the book in question obscure and ambiguous, is that they are often far removed from others which explain them; and the links in the chain, that you have noticed, are very often removed, the one from the other." The most important "context" of a pregnant statement, or chapter, or series of chapters, may be, *not* the *immediate* context, but rather a context that the reader is required to piece together, painstakingly and thoughtfully, by recalling and bringing to bear other related parts of this enormous work. To quote Montesquieu again about his manner of writing: "One must not always exhaust a subject to such an extent that nothing is left for the reader to do. It is not a matter of making one read, but of making one think" (11.20). Montesquieu requires his reader to follow *The Spirit of the Laws* not only in a linear fashion (that is, chapter after chapter and book after book); he requires that one continually circle back on one's trail, so to speak, reconsidering what has preceded—sometimes by hundreds of pages—in the new light shed by Montesquieu's revisitation of the same or an allied topic in another context. By the same token, one must learn to park away initially Delphic remarks or observations in a corner of one's mind from whence they can be retrieved and put together with the later puzzling discussions for which they prove to be missing complements. In particular, the more one is impressed by the extraordinarily controversial character of the theological stance with which Montesquieu begins the work, the more attentive one becomes to every comment Montesquieu makes on the Bible, and on anything relevant to the theological question. One learns to read pencil in hand, making numerous and ever lengthening lists of references and cross-references—over which one has to mull. But one also learns that there are contexts in which "sometimes silence expresses more than all discourses" (12.12). Finally, one may profit from a somewhat malicious but by no means obtuse observation on Montesquieu's manner of writing that Voltaire put into the mouth of one of the interlocutors in the dialogue that he wrote about *The Spirit of the Laws*: "it seems that the author wished always to jest with his reader about the gravest matters."[15] Our Gascon's playfulness is never boisterous, often ironic, and always subtle—and all the more ubiquitous. At the risk of sounding

ponderous we may add that the cultivation of this *esprit*—above all in regard to "the gravest matters"—is not merely ancillary; it is essential to Montesquieu's most serious educational purposes.

In the case of such a work of genius, progress in understanding it requires that we bring to our study a passionately receptive eagerness to learn, combined and balanced with a critical and not merely docile questioning—aimed at eliciting the full strengths, but also the possible limitations or failings, of our master. Our interrogation is sharpened and deepened, our own limits are stretched, if we draw upon the dissenting perspectives of rival teachings of equivalent genius. In what follows I have—especially in my concluding reflections—called into question Montesquieu's project as a whole from the perspective of classical political rationalism, which takes its stand on the basis of a very different kind of response to the challenge posed by claims to divinely inspired suprarational and contrarational civic wisdom. This classical response entails a deep disagreement with the conception of human nature that Montesquieu elaborates and defends. A confrontation between these two philosophic alternatives not only contributes to our grasp of the truly controversial implications of Montesquieu's teaching; it allows our study of Montesquieu to afford a revealing new inlet into classical political philosophy, by way of contrast. In the pages that follow I will do my best to bring to light the strength of Montesquieu's foundational thought; but I will also indicate why I have found that strength insufficient.

This book is a sequel and supplement to my *Montesquieu's Philosophy of Liberalism*. In that earlier book I explicated Montesquieu's political theory, but I did so without plumbing its grounding theological argumentation. In the present work I take the analysis to that foundational level.

CHAPTER ONE

Montesquieu's Point of Departure

In the preface to *The Spirit of the Laws*, Montesquieu expresses both his admiring gratitude to his "great" modern predecessors and his claim to make a major new contribution to their common enterprise.[1] Montesquieu closes his "Defense of *The Spirit of the Laws*" by offering some rules for the criticism of books such as his; among other things he writes (OC 2.1161): "When one criticizes a work, and a great work, one must try to procure for oneself a special understanding of the science which is there treated, and must read well the approved authors who have already written on that science, in order to see if the author has departed from the received and ordinary manner of treating it." We do well to begin, therefore, with a brief synopsis of key relevant elements in the structure of theologico-political theorizing bequeathed to Montesquieu by his chief forerunners.

Those major thinkers who stand at the origins of modern liberal theory—above all, Thomas Hobbes, Baruch Spinoza, and John Locke—disagree considerably over the design of the political system that will most effectively answer humanity's natural needs; but they agree, in large measure, on a radically new conception of those needs, and of the fundamental natural norms the needs entail. Breaking with the previously regnant Aristotelian tradition, these modern theorists contend that we can best understand the permanent, underlying causes of observable human behavior if we jettison the classical supposition that humans are by nature political animals, innately directed to a specific fulfillment attained through

civic community and lawful hierarchy. The omnipresence of fiercely vying quests for power, prestige, and dominion, along with the irresolvable contradictions between the spiritual goals that conflicting regimes struggle to impose, suggest a very different hypothesis. It is much more plausible to infer that all political arrangements are merely conventional products of artificial and historical human contrivance, aimed (without full self-consciousness) at repressing the innate, self-destructive anarchy toward which humanity naturally drifts.

We can best clarify what is simply and truly natural in the human animal if we carry out an illuminating thought experiment. We need to envisage in our mind's eye humans denuded of their historically constructed social bonds and constraints. We can thus imagine what human existence was or would be if the passionate proclivities restrained in civil society were given their full, spontaneous expression. The picture that emerges, the "State of Nature"—"this inference made from the passions," as Hobbes aptly calls it (*Leviathan*, chap. 13, para. 10)—reveals humans to be at their permanent core intensely antagonistic individuals, lacking either fixed or shared fulfilling goals, but desperately seeking to flee the pains of hunger and death in an environment of scarcity—and therefore driven to seek power through striving to dominate and to exploit one another. The result is a mutually life-threatening antisocial sociability. In Locke's mordant words, as he argues against any innate moral ideas: "I deny not, that there are natural tendencies imprinted on the Minds of men": "Principles of Actions indeed there are lodged in Men's Appetites, but these are so far from being innate Moral principles, that if they were left to their full swing, they would carry Men to the overturning of all Morality." Or as Locke puts it in his treatise on education: "I told you before that Children love Liberty; . . . I now tell you, they love something more; and that is *Dominion*; And this is the first Original of most vicious Habits, that are ordinary and natural."[2]

Yet humans also have the natural potential to summon reason to serve their amoral passions—by guiding, and even by modifying, the spontaneous expression of the passions. This natural efficacy of reason, together with humanity's lack of adequate natural instincts as well as natural ends, has rendered the human species malleable. In order to escape or to mitigate the unstructured natural condition, in order to render their rivalry for power no longer so life-threatening, humans have slowly and painfully devised the vast array of different familial and social and political institutions, laws, customs, and rituals that we find characterizing human existence. But, in all these historical contrivances, reason can be seen to have

been misled by ignorance, and deceived by imagination. The latter, fueled by, and flattering, human hopes and fears, and reinforced by the power of custom and example, has concocted dangerous delusions—including anthropomorphic, immortal beings who are believed to control the environment and thereby to promise protection and assistance, in return for all sorts of sacrificial worship and obedience.[3]

In truth, the only god that reason can discover to exist is the divinity which, as Locke says, "speaks" to us through our "Senses and Reason" (TT, 1.86–87). If only we heed divinity thus understood, we can learn—with the help of the philosophers—that the sole steady basis for objective social norms is to be found in the most basic needs that all humans share equally, and whose satisfaction mankind can contrive to pursue through peaceful competition. These most fundamental needs are for what Locke calls "comfortable preservation," and for the liberty to act in ways that maximize such preservation—especially, through the economic liberty to labor and to trade in order to accumulate ceaselessly the power to dispose of useful material possessions. Locke and his philosophic partners teach certain normative rules, implicating a range of specific moral habits, all deduced as what is required to repress human nature enough to make possible stable societies in which individuals will be able to compete economically in the greatest security.

These rules are called, by Hobbes and Locke, the "laws of nature": a traditional terminology handed down from the Stoics, rich with connotations of self-transcending duties and the soul's sublime calling. This terminology Hobbes and Locke usurp, and exploit as somewhat deceptive adornment for their radically lowered, utilitarian, and self-centered moral outlook. In their new scheme, "natural laws" are not—as they had been understood by Thomas Aquinas and his legacy—commandments implanted in the conscience, by nature or by God, conducive to and derivative from mankind's spiritual ends and communal fulfillment. "Natural laws" are instead learned conventional rules, deductively contrived by reason as being essential to the maximization of the security that spontaneous nature by itself renders intolerably precarious. As Hobbes candidly declares, these norms are "dictates of reason" that "men use to call by the names of laws, but improperly; for they are but conclusions, or theorems concerning what conduceth to the conservation and defense of themselves, whereas law, properly speaking, is the word of him that by right hath command over others." Or as Locke stresses, the new natural laws are akin to the more complex theorems of mathematics or geometry, describing the necessary

or unvarying (and in that loose sense "eternal") properties of relational structures constructed by the human mind and will.[4]

Successful habituation in the dispositions that embody these rules constructed by reason constitutes the new version of the rational moral virtues; and a new moral education in these specific, universal virtues thus becomes a major theme of modern political theory and practice. Hobbes blazes the trail, by deducing and specifying with precision a code of nineteen laws of nature, and by then elaborating their political application. He leaves it to prudent government to transform the universities from sinks of reactionary Aristotelianism into fountainheads of popular moral education in this new ethical code. Hobbes does not tire of stressing that such public moral education, in this "true and only moral philosophy," is government's chief domestic policy concern.[5]

Hobbes seems to think that he has accomplished the major theoretical part of the educational task, by laying out "the rules of *just* and *unjust* sufficiently demonstrated, and from principles evident to the meanest capacity" (*Behemoth*, p. 39). Locke takes a different approach, characteristically diverging from what he evidently regards as Hobbes's insufficiently nuanced understanding of human psychology (and hence too shockingly frank, as well as overly authoritarian, teaching). Although not so democratic as Spinoza, Locke shares the latter's doubts as to the efficacy of any political solution or moral education that fails to flatter the natural human pride in liberty and equality. Moreover, as is especially evident from his treatise on education, Locke is even less inclined than are either Spinoza or Hobbes to think that plain reasoning, even from manifestly universal needs and wants, wields adequate influence over the human heart in most people. Locke is more impressed by the power of habit and of custom or tradition, and especially of traditional moral authority. Locke accordingly goes much further than do Hobbes and Spinoza in obfuscating the fundamental difference between the traditional natural law, to which his contemporaries have been long accustomed, and the new natural law. Among other things, Locke is more fervent than are Hobbes and Spinoza in preaching that nature's God is to be understood as sanctioning the rationally constructed natural laws through rewards and punishments in an everlasting afterlife. In his vastly influential *Reasonableness of Christianity* and *Paraphrase and Notes on the Epistles of St. Paul*, Locke assimilates the teaching of Jesus and Paul to the new moral matrix. Locke claims to show that the heart of the Gospel is no more than "Natural Religion"—supplemented, to be sure, with a new clarity and appeal to the masses that was lacking before, or missing from "*pure* natural religion."[6]

The fulcrum of the new code of natural "laws" is the imperative to regard oneself as having entered into the great "Social Compact." This is a solemn agreement, by which each is presumed to have laid down his natural right to provide for his security as he sees fit, in return for a similar promise from his partners. All in unison authorize a representative, sovereign government to employ the united force to sanction peace, and to guarantee security, through the rule of frightening laws equally applicable to all, and which all promise to obey. To ensure that government does not abuse its fearsome police powers, natural law in its Lockean form dictates specific limits on the scope of government, including "no taxation without representation" and structural separation of legislative from executive powers, and thus checks and balances within government. To the extent that any actual government fails to conform to the universal standards set by these rational laws of nature, such government loses its legitimacy and rightly becomes suspect in the eyes of its subjects and the world (see esp. TT, 2.192). The world-revolutionary implications become fully explicit a century later, in famous revolutionary declarations of universal rights and in popular writings such as Thomas Paine's *Rights of Man* (1792).[7]

Montesquieu's New Beginning

In the first book of *The Spirit of the Laws* Montesquieu makes evident his embrace of key portions of the preceding framework, even as he simultaneously delineates crucial respects in which he strikes out on his own. As we emphasized in the introduction, the work opens with a shockingly unprecedented theological declaration—whose impact is heightened by an impudent appeal to pagan theological authority.[8] The first sentences of the first chapter ground everything that follows on the "necessary relationships that derive from the nature of things"—and this nature includes "the divinity," which is ruled by the "Queen" that is lawful necessity. We learn in the fourth paragraph that such necessity governs the divinity not least in its activity as creator: "God has a relationship with the universe as creator and as preserver"; "the laws according to which he has created are those according to which he preserves."[9]

To be sure, Montesquieu stresses that the creator's action in accordance with these laws of necessity is not mechanistically determined, since this action is a consequence of the creator's knowledge—his knowledge of the necessitating laws. Moreover, this knowledge is the privileged knowledge belonging to the one who "made" the laws. But Montesquieu at once

shows that God's "making" of these laws is not biblical "creation"—not an un-necessitated bringing into being, let alone a bringing into being out of nothingness. For God's "making" of the laws follows from "the relationship these laws have to his wisdom and power." This *underlying* necessary relationship, or set of relationships, is *not* made by God—and is prior to, and thus governing of, all his making.[10] This absolutely prior set of unmade necessary relationships would seem to be what Montesquieu spoke of at the outset as the "laws" that "the divinity *has*," in his condition as one of the "beings" characterized by "necessary relationships that derive from the nature of things."

In the eighth paragraph, Montesquieu moves in the direction of a still more radical train of thought. For he indites: "The particular intelligent beings can have laws which they have made; but they also have some that they have not made. *Before* there were intelligent beings [emphasis added], they were possible; they had therefore possible relations, and as a consequence possible laws." This raises the question: have *all* "intelligent beings," *including* "the divinity," as "creator," *emerged* from (mere) potentiality into actuality? Is the Creator included in this paragraph's discussion of "intelligent beings?" An affirmative answer may be suggested by the manner in which Montesquieu proceeds to formulate the most thought-provoking of his examples of "possible relations" that imply "possible laws": "if an intelligent being were to have created an intelligent being, the created ought to remain in the dependence which it had had since its origin."

This much seems certain: wisdom and power, and preeminently divine wisdom and divine power, consist in "an intelligent being's" self-conscious conformity to eternal necessities. As for divine *will*, Montesquieu never mentions it in this context (see Spinoza, TPT, chap. 4, para. 4, and chap. 6, para. 1).

Montesquieu dares to go still further. In the fifth paragraph he concludes that "if one could imagine a world other than this one, it would have constant rules, or it would be destroyed." The reason Montesquieu gives for this conclusion is the following: "we see that the world, formed by the movement of matter, and deprived of intelligence (*privée d'intelligence*),[11] subsists always." "Thus" (Montesquieu continues, in a new paragraph), "the creation, which would appear to be an arbitrary act, presupposes rules as invariable as the fatality of the atheists. It would be absurd to say that the creator, without these rules, could govern the world, since the world would not endure without them."

It is true that Montesquieu seems just before this to rule out the possibility that the world can be understood in such a way that intelligent beings, including the creator of our given articulated world, might have emerged out of "the movement of matter," which "subsists always." For, in the second paragraph Montesquieu emphatically declares that "those who have said that *a blind fatality has produced all the effects that we see in the world*, have uttered a great absurdity" (emphasis in original). "*All* the effects that *we see* in the world": when we consider carefully these words, we see that this formulation is perfectly compatible with the proposition that the coming into being of intelligence itself is the effect of blind fatality. As Montesquieu stresses in "The Defense of *The Spirit of the Laws*" (OC 2.1128–29), this was precisely the doctrine of the Stoics, at least as Montesquieu understands them. Still, Montesquieu insists in the same breath (in the "Defense") that "from the first page" of *The Spirit of the Laws* he has "attacked that fatality of the Stoics." This insistence refers most obviously to the reason that Montesquieu provides, here in the second paragraph of *The Spirit of the Laws*, for rejecting the fatalist (Stoic) position: "For what greater absurdity, than a blind fatality which would have produced intelligent beings?" One is prodded to wonder why Montesquieu here chose the logically weak form of a mere rhetorical question. However this may be, it does seem pretty plausible to contend that beings with intelligence cannot be produced by a fatality that is blind, that is, that *utterly* lacks intelligence; and this plausibility makes Montesquieu's positive conclusion attractive (if cryptically expressed): "There is then an original/primitive reason (*une raison primitive*)."[12]

Montesquieu goes on to say that "the laws are the relationships which are found between it [i.e., the original or primitive reason] and the different beings, and the relationships of these diverse beings among themselves." This formulation suggests that the original reason is *not* one of "the diverse beings," but instead has a distinct ontological status and role. We are prompted to wonder how this coheres with the first paragraph, in which "the divinity" was treated as one of "the beings." Could Montesquieu now be hinting that the "*raison primitive*" is a primordial *ratio* in the sense of a fixed, underlying, generative structure or matrix (the most elemental laws defining the essence of matter in motion)—an all pervasive, Spinozistic "substance," rather than a singular substance distinct from other substances? Instead of satisfying these perplexities that he has thus stimulated, Montesquieu chooses in the next paragraph to introduce, for the first time, the term "god" (*dieu*), as a designation for the "creator

and preserver" of "the universe": the familiar term "God" takes the place, and eclipses the puzzle, of "an original/primitive reason" (much as "God" is identified by Spinoza with "substance").

We see that Montesquieu begins his magnum opus by quietly indicating the fundamental metaphysical conundrum—as to the ontological status of rational consciousness—and by illustrating how tempting it is to dispose of this perplexity through the postulation of God as some sort of eternal mind (it is remarkable that Montesquieu declines, however, to have recourse to the majestic "Active Intellect" of the great Aristotelian tradition, and contents himself with the rather deflating expression "*raison primitive*").

But what Montesquieu makes loudly and even shockingly clear is that nature's divinity as he conceives it is far from being the Creator Who is believed to speak through the Scriptures: He Who is omnipotent in the sense that He can suspend humanly knowable necessity, and Who remains therefore profoundly mysterious in His principles of action; He Who can intervene as He wills, anywhere, in anything, with providential miracles[13]—above all, with the miracles of direct revelations, that disclose and make prevail a justice whose course and outcome is beyond human ken (25.13).[14]

This was what drew the concentrated fire of the Abbé de La Roche, editor of the major Jansenist journal, *Nouvelles ecclésiastiques*. In the fall of 1749 he launched the most sustained, alert, and penetrating of all the attacks that greeted the publication of *The Spirit of the Laws*. It was the Abbé to whom Montesquieu primarily responded, in his "Defense of *The Spirit of the Laws*." Montesquieu took up the challenge with gusto, and penned an essay that brilliantly displays his capacities as a dignified but rapier-witted apologist. In reading the "Defense," one cannot help but recognize that Montesquieu's efforts to engage or to mollify (as opposed to ridiculing and shaming) his critics are half-hearted at best.[15] His chief strategic purpose appears to be rather the rallying of allies in the battle for free inquiry, on behalf of the pursuit of (merely) "human sciences"—as applied not least to the study of religion. With remarkably open and sardonic playfulness, our philosopher took advantage of the call to battle as an opportunity to highlight, in still more thought-provoking tones, the theological radicalism of his great work, and especially its opening. Certainly the "Defense" brightened rather than dimmed the spotlight that the critics had shone on the startling theological commencement of *The Spirit of the Laws*.

Montesquieu's procedure, both at the outset of *The Spirit of the Laws* and in his subsequent published "Defense," makes inevasible, for the demanding reader, the question: Especially given the deep enigma, regarding the roots or sources of rational consciousness, which is so strikingly limned in the opening paragraphs, on what solid basis does Montesquieu, as a man of undogmatic reason, exclude the possibility of a caliginous Creator?

The New Conception of the Laws and the State of Nature

This far-reaching question that Montesquieu incites by the way he commences *The Spirit of the Laws* continues to loom in the second chapter—which further exhibits and develops Montesquieu's simultaneous indebtedness to, and departure from, his great modern predecessors. Following their path, he begins by declaring that "the laws of nature," that "derive uniquely from the constitution of our being," are to be found by "considering a human prior to the establishment of societies," or in "the state of nature." But Montesquieu does not proceed to identify the "laws of nature" with universal norms discovered and devised by reason, as necessary guides to overcoming the mutually destructive anarchy of spontaneous nature. Instead, Montesquieu designates by "the laws of nature" the principles that describe how humans would relate to one another and pursue their basic needs in *that original* condition, *prior* to any contractual or positive law; and such a condition, he insists, would also be prior to the development of the faculty of reasoning or of rational understanding.

What Montesquieu first spotlights is the theological implication of his new conception of the laws of nature. His account begins with the "law of nature" that is *missing*:

> That law which, by imprinting upon us the idea of a creator, moves us toward him, is the first of the natural laws by its importance, and not in the order of these laws. The human, in the state of nature, would have rather the faculty of understanding than actual understanding. It is clear that his first ideas would not at all be speculative ideas: he would think about the preservation of his being, before seeking the origin of his being. (1.2)

By thus speaking at the outset of a natural law that "imprints" the idea of a creator, and thus "moves us toward him," Montesquieu certainly

adorns his account with a prominent echo of the age-old, traditional and orthodox notions of natural law (and he did not hesitate to invoke this echo as evidence of his clinging to some version of orthodoxy, in his defense against the religious censors—"Defense," OC 2.1131, 1133). But it takes only a little reflection to see that, in William Dunning's words, "the inclusion of this idea," of "reverence for a creator," "among the laws of nature," "is wholly illogical and is irreconcilable with his primary conception of either the pre-social man or the laws of nature."[16] By so awkward and intrusive an ornamentation, Montesquieu in fact draws attention to how *far* his conception of "natural laws" stands from the traditional conceptions of natural law. But he does more.

He indicates his view that humans are by nature completely unmoved by any religious experience and are ignorant of, undirected toward, any god, whether natural or revealed. The helps us to recognize the radical implications of Montesquieu's asseveration at the end of the first chapter, that "such a being" as is man "would be capable *at all times* of forgetting his creator" (emphasis added). In other words, as Montesquieu later wrote in his paraphrase of this line in the "Defense," humans in all conditions "easily" forget "natural religion." It is for this reason, Montesquieu suggests—that is, on account of the very weak hold natural religion always has on the human heart—that "God has made man remember by the laws of religion," that is, by the laws of *revealed* religion, as Montesquieu explains and stresses in the "Defense" (see esp. OC 2.1125 and 1132). Montesquieu does not say, however, that these have to be laws of the *Christian* revealed religion—or of any one particular revealed religion rather than another—as the Abbé de La Roche points out ("Examen critique," Laboulaye 6.121). Even more alert and revealing is the Abbé's next observation, bringing out the meaning of the sentences with which Montesquieu ends his first chapter: "Whatever religion it may be, let us note that, according to the author [Montesquieu], it is not at all the business of religion to regulate morals: this is the business of the philosophers. God, by the laws of religion, recalls men to what they owe to him; but the philosophers, by the laws of morality, recall man to what he owes to himself, and the lawgivers to what he owes to others."

Human Nature at Its Core

The "laws" that the philosopher Montesquieu contends would in truth prevail in the natural human state define the primary core of the human

essence and condition as consisting in fearful anxiety, rooted in a dim drive for self-preservation: "at first," Montesquieu writes, "such a human would *feel only* his weakness; his timidity would be *extreme*" (emphasis added). Montesquieu adduces the evidence of savages found in the forest: "everything makes them tremble, everything makes them flee." Trumpeting his disagreement with the disreputable Hobbes,[17] Montesquieu asserts that it follows from this that the primordial natural human relation or "law" would therefore be "peace," caused by humans' anxious avoidance of one another in the natural state.

Nevertheless (Montesquieu immediately adds), the mutual recognition of this avoidance would "soon" embolden humans to approach one another, especially since humans do share, with other species, an animal pleasure in such approach, as well as a natural attraction to the opposite sex. Moreover, "eventually" humans would come to have "knowledge" that went beyond the "feelings" that they shared with other animals; this development would give humans "a bond other animals lack," and "a new motive to unite." Montesquieu concludes this second chapter with the reassuring declaration that "the desire to live in society" is therefore a "law of human nature."

Natural Society as the State of War

The state of nature, in Montesquieu's peculiar presentation, is inherently dialectical and hence unstable or impermanent. The laws of nature first define humans as isolated; but then, out of the very isolation or its motives, the same laws impel humans toward an undefined association sought for motives of pleasure and utility. These laws do not, however, define humans as naturally social animals—in the sense that the nature of humans is aimed at any stable or satisfactory social condition: quite the contrary. This is made clear in the first sentence of the next, or third, chapter: "as soon as humans are in society," Montesquieu declares, "they lose the feeling of their weakness; the equality, which prevailed before among them, ceases," and "the state of war begins." Or in other words, "the individuals, in each society, begin to feel their strength: they seek to turn to their favor the principal advantages of that society—which establishes among them a state of war." In addition, "each individual society comes to feel its strength; which produces a state of war between nations."

So humans are constituted by nature such that permanent association, which is made possible by the natural diminution of their original mutual

fear, increases and intensifies, rather than diminishes, the valid reasons for a human being's natural anxiety about and desire for security from his fellows. It turns out that nothing is so dangerous for man by nature as the association with his fellowman. The naturally mutual attractions of species fellowship, sexual desire, and shared knowledge prove to have a sinister trajectory that brings us into close proximity to the Hobbesian or even the Spinozistic state of nature. The benevolence entailed in humanity's natural affinities is outweighed by the consequent discovery, on the part of individuals, of how unequal they are in strength—from which there inevitably follows, given natural scarcity and a natural but originally latent psychological potentiality, the eruption of the striving to dominate and to exploit one another, either offensively or defensively.[18]

The artificial medicine that human reasoning is impelled to devise in order to overcome humanity's naturally crippling social incapacity is *law*—not natural, but positive, conventional law: the "two sorts of state of war bring about the establishment of laws among men" (1.3). Montesquieu agrees, then, with his modern philosophic predecessors that all lawful political societies are best understood as artificially established, for the sake primarily of securing collective preservation by counteracting the mutually murderous natural outcome of the human passions.

Montesquieu continues to follow his forerunners when he insists that this does not mean, however, that justice is merely conventional, or simply relative to the arbitrary human will of those in power. In his first chapter, Montesquieu had stressed that there are among intelligent or rational beings certain very basic rational principles of social justice or of fairness, analogous to the most basic definitions and postulates of plane geometry—and in this way existing "prior to the positive law that establishes them." Positive laws, if or when they are made, must embody these basic a priori definitional attributes, which are analytically present, so to speak, in the very concept of a lawful society of intelligent individuals.[19] "To say that there is nothing of the just or of the unjust except what the positive laws ordain or prohibit, is to say that before one had traced a circle, all the radii were not equal."[20] In specifying examples of the basic, a priori principles of justice or fairness, Montesquieu begins with the requirement that "supposing there were societies of men, it would be just to conform to their laws." He then adds the most basic principles of reciprocal justice—upon whose enforcement, Aristotle long before had observed, the continued existence of any civil society depends.[21] But unlike Aristotle, who had left it at referring to the goddesses who sanction the law of gratitude or of reciprocity, Montesquieu includes as a third example of "relations of equity prior to

positive law" the principle that "if an intelligent being had created an intelligent being, the created ought to remain in the dependence that he had had since his origin." Montesquieu thus seems to suggest that some conception of obligation to a creator is an essential part of positive law.

Yet if Montesquieu thus veers close to his modern predecessors' notions of "natural laws" as constructs of reason, he maintains his conceptual distance. These definitional "relations of equity prior to the positive law that establishes them" are *not* here given the honorific status or name of "the natural laws." By the same token, Montesquieu does not follow the path of elaborating a teaching about a social compact, providing universally applicable criteria of legitimacy—sanctioned by the god of nature.[22] Locke had begun his account of natural law in the *Second Treatise of Government* (sec. 6) by speaking of the law of nature and of nature's God as equivalent to "Reason, which is that Law." Montesquieu echoes or reminds of this, when he here avows that "the law, in general, is human reason, insofar as it governs all the peoples of the earth; and the political and civil laws of each nation ought to be only the particular cases in which that human reason applies itself." Yet Montesquieu goes on at once to indicate that, unlike Locke, he does not have in mind, as the expression of human reason applied to law, a code of transnational laws: "the laws ought to be so appropriate to the people for which they are made, that it is a great piece of luck if those of one nation can fit another." Again, we hear an echo of Locke, in the latter's elaborate refutation of Sir Robert Filmer in *The Two Treatises of Government*, when Montesquieu here emphatically dismisses (though with much less ado than in Locke) the claim made by some on behalf of *patriarchy* as the government "most in conformity with nature." But in contrast to Locke (in his *Second Treatise*), Montesquieu refuses to nominate a replacement—that is, a different sort or source of governmental authority that would be truly most in accord with nature as understood by reason, and that would thus be held up as the universal standard. "It is better to say," Montesquieu somewhat tantalizingly retorts, "that the government most in conformity with nature is that whose particular disposition is better related to the disposition of the people for which it is established."

Montesquieu's New Political Science

What takes the place of the Hobbesian-Spinozist-Lockean doctrine of the social contract and the laws and rights of nature is a new normative and

empirical political science. Chapter 3 culminates in a summary blueprint of what Montesquieu means by the "spirit of the laws" that is the object of study of his new political science:

> It is necessary (*Il faut*) that the laws relate themselves to the nature and to the principle of the government that is established, or that one wishes to establish—whether they form it, as do the political laws; or whether they maintain it, as do the civil laws.
>
> They ought (*Elles doivent*) to be relative to *the physical character* (*le physique*) of the country; to the climate—freezing, boiling, or temperate; to the quality of the terrain, to its situation, to its greatness; to the manner of livelihood of the peoples—laborers, hunters, or shepherds; they ought to relate themselves to the degree of liberty that the constitution can bear; to the religion of the inhabitants, to their inclinations, to their wealth, to their number, to their commerce, to their morals, to their manners. Finally they have relations among themselves; they have them with their origin, with the object of the lawgiver, with the order of things over which they are established. It is in all these perspectives that they must be considered.
>
> This is what I undertake to do in this work. I will examine all these relationships; they form all together what one calls the SPIRIT OF THE LAWS.

Anticipating Montesquieu's subsequent elaboration of his science, we may summarize his implicit critique and revision of the political theory of his modern predecessors as follows. They have failed to grasp the full implications of their key insights. They have correctly begun from the thesis that the passions manifested in the behavior and the opinions of humans, even as they are mostly found living in stable societies under legal systems, are best understood on the basis of the hypothesis that lawful political society is *not* natural to man, but is instead a product of human artifice, responding to the threatening barrenness of nature. But this thesis entails a much broader and significantly deeper diversity among different types of human being, shaped by different types of lawful social environment, than has hitherto been recognized. Each distinct nation's conventional shaping of its members molds or remolds the ways that individuals within that culture experience their basic needs, as well as the ways in which they attempt to satisfy them: "the human, this flexible being, bends itself, in society, to the thoughts and to the impressions of others" (preface, 230b). Mankind is naturally endowed with an extraordinarily "flexible being" which, in seeking through lawful society to satisfy its basic needs, "bends

itself" into a wide variety of different kinds of political being, no one of which represents the fulfillment, or perfection, or natural culmination, of this plasticity. The acquired, but nonetheless deeply ingrained, national habits, customs, and beliefs endow each people with its own, peculiar and complex, "general spirit" (see the title of bk. 19)—which becomes something like a second nature: "human beings hold prodigiously to their laws and to their customs; these make the happiness of each nation; it is rare that one changes them without great shocks and a great effusion of blood, as the histories of all countries make clear."[23] And there is a certain degree of practical wisdom implicit in the diverse national traditions: "I first examined men, and I believed that, in this infinite diversity of laws and morals, human beings were *not* conducted *solely* by their fantasies" (preface; emphasis added). However big a role delusion and error may have played in each of the diverse legislative constructions, reason was also at work, even if trammeled and befogged. Besides, "there is often something true in errors themselves" (8.21). Montesquieu will show how the various traditional laws and customs serve intelligible, if not always very wise, functions or purposes—related to the specific form of government, related to the specific passions and habits needed to sustain that form of government, and related also to the specific geographical environment, the economic basis, and the nation's inherited historical practices and beliefs—both foolish and sensible.

Montesquieu's new undertaking by no means implies, then, that all national "spirits" are equally good, or even deserving of support. Some "general spirits" allow a more effective and complete satisfaction of the basic, original, and permanent, natural need for security, as that need is experienced in society; other national spirits frustrate the need for security, in varying degrees—often more than necessary in the circumstances. But even such frustration can become an ingrained habit, an addiction, whose psychological strength must not be underestimated and which colors the very meaning of security itself: "Liberty itself has appeared intolerable to those peoples who were not accustomed to enjoying it. It is thus that pure air is sometimes harmful to those who have lived in swampy countries." In such circumstances, the abrupt introduction of greater real liberty or security can be itself a form of tyranny: "there are two sorts of tyranny: one real, which consists in the violence of the government; and one of opinion, which makes itself felt when those who govern set up things that shock the manner of thinking of a nation"; for history shows that each people "has called liberty that government which was in conformity with its customs or

its inclinations" (19.2–3, 11.2—see the context). Montesquieu does eventually describe what he "believes" to have been the origins of "the best species of government that humans have been able to imagine"; but he does so in a context that stresses the remarkable concatenation of evolving historical coincidences, mingling prudence and unintended accident, that was required to prepare the German nation to give birth to this "well-tempered" government (11.8).

Montesquieu's preface calmly, but all the more emphatically, expresses his ambition to guide the reformation of human existence—with a view (we later see more and more clearly) to achieving, in the wide variation of social circumstances, more sensible and effective satisfaction of humanity's natural, universal need for individual security—and for the liberty that protects security. The task of political philosophy, in Montesquieu's hands, is to elaborate a scientific, historical explanation of why the laws and customs have become what they are in the diverse nations; and then to investigate how progressive change can be effected in ways that are least likely to backfire. As his teaching unfolds, Montesquieu introduces, in a gingerly fashion, certain universal principles of rational or "natural," human rights and laws, defining basic constituents of personal and familial liberty or security. But Montesquieu compels his reader to recognize that, while the legalization, in each nation, of these minimal essential rights or protections is a substantial achievement fondly to be wished for, such legality constitutes only a floor or scaffolding, as it were. What is often equally or even more effective in advancing human security is the delicate, complex, and painstaking reform of a particular nation's conventional practices and beliefs so as to allow members of that specific people to cooperate and to compete in ways that are more mutually securing, and less mutually threatening.

It is this cautiously reformist, while globally ambitious, political science, keenly attentive to the deeply rooted manifold political particularity within which reform must take place, and hence skeptical of uniformity in legislation, that Montesquieu intends as the full meaning of the science of "the spirit of the laws." And the "enlightenment," or liberation from "prejudice," that Montesquieu calls for in his preface would be first and foremost a new popular education in prudence that would result from this political science:

> It is not a matter of indifference that the people be enlightened. The prejudices of the magistrates have begun by being the prejudices of the nation. In an age of

> ignorance, one has no doubt, even when one does the greatest evils; in an age of enlightenment, one trembles even when one does the greatest good. One feels the old abuses, one sees their correction; but one sees also the abuses from the correction itself. One leaves the evil alone, if one fears still worse; one lets the good remain, if one is in doubt of the better. One does not consider the parts except in order to judge the whole altogether; one examines all the causes in order to see all the results.

Montesquieu goes on to say that since the human being "bends himself, in society, to the thoughts and to the impressions of others," the consequence is that "he is equally capable of understanding his own nature when it is shown to him, and losing even the feeling for it when one hides it from him." Certain communal prejudices are so powerful that they can erase from humans, on a wide scale, even the feeling for their underlying nature. Montesquieu does not at this point further specify the "prejudices" that have such an amazing power—and are therefore the prejudices that Montesquieu chiefly targets for removal, as much as possible. But we soon begin to see that these are the religious prejudices that emerge out of and reflect existence under despotism.

CHAPTER TWO

The Theological Significance of Despotism

The first and most decisive constituent of the "spirit of the laws" is the form of government. As Montesquieu's analysis of the distinct basic species of government gets underway in book 2, democratic republicanism, in its Greco-Roman exemplars, shines forth, putting in the shade its rivals, aristocratic republicanism (exemplified by Venice) and limited monarchy (exemplified by France). Despotism looms gloomily in the background, as a kind of dark default condition into which humanity is all too prone to lapse when political and legislative reason is aborted or crippled. Despotism is the last of the basic forms of government whose "nature," and then whose "principle," Montesquieu explains; and it is the form of government to which, in part 1, he devotes the least space. But the reader's eye is reluctantly drawn to the account of despotism—with the morbid fascination that attends the realization that this is *the* political pathology. Practically everyone who has ever commented upon *The Spirit of the Laws* has recognized that despotism serves as the grisly negative pole that gives the clearest orientation to the entire work's moral compass.[1] However disputed may be and has been Montesquieu's positive standard or agenda, no one can mistake his abhorrent recoil from despotism, his intention to contribute to preventing its encroachment into Europe—and, wherever possible, his hope to help mitigate its deplorable proclivities in the vast portions of the world where it prevails. As Montesquieu's teaching develops, other normative political distinctions are overshadowed by the dichotomy Montesquieu first introduces in 3.9, between government that is "moder-

ated" or "moderate," and government that is not; and "moderate," in this crucial usage, is equivalent in meaning to "nondespotic."[2]

The Nature and Principle of Despotism

Montesquieu defines despotism as the form of government in which "one alone, without law and without regulation, controls everything by his will and by his caprices" (2.1). The "principle" of such government is "terror," instilling "extreme obedience" (3.9). Despotism is thus a crude and very imperfect response to the most fundamental, original, natural human need—for personal security, for diminution of fear. The "immense power of the prince" (as Montesquieu oftentimes terms the despot) does repress the state of war, and thus does provide a degree of "security," especially for the mass of subjects, whose "protector" the "prince" becomes: "it is necessary that the people be judged by the laws, and the great by the fantasy of the prince; that the head of the lowest subject be secure, and that of the pashas always exposed." This means, however, that the principle of despotism crushes the spirit of anyone who possesses courage, or ambition, or a sense of independent self-worth: "persons capable of much self-esteem would be in a position there to make revolutions. It is necessary then that fear beat down all courage, and extinguish even the least feeling of ambition" (3.9). Education "seeks only to abase the heart in the despotic states. There the heart must be servile. It will be a good thing, even when commanding, to have it in this condition, with no one there being a tyrant without being simultaneously a slave" (4.3). Despotism stifles or distorts the human being's acquired capacity for rational self-understanding: "there, the lot of humans, like that of beasts, is instinct, obedience, punishment" (3.9). In despotism, "human nature is insulted" (8.8). As a consequence, "the principle of despotic government ceaselessly corrupts itself, because it is corrupt by its very nature. The other governments perish, because particular accidents violate their principles: this one perishes by its internal vice, when some accidental causes do not prevent its principle from corrupting" (8.10).

Yet even so—or, in a sense, because of this—despotism preponderates in the world. "It might seem," Montesquieu acknowledges, "that human nature would ceaselessly rise up against despotic government."

> But, despite the love of humans for liberty, despite their hatred for violence, most peoples are subjected to it. That is easy to comprehend. To form a moderate

> government, it is necessary to combine the powers, to regulate them, to temper them, to set them in motion; to give, so to speak, ballast to one, to put it in a position to resist another; this is a masterpiece of legislation, that luck rarely accomplishes, and that prudence is rarely allowed to effect. A despotic government, on the contrary, leaps to the eye, so to speak; it is everywhere uniform: since nothing but passions are required to establish it, everyone is good enough to do it. (5.14 end)

The Strangeness of the Presentation of Despotism

As the work proceeds, Montesquieu makes plain the diverse range of strong if brutal varieties despotism can and does exhibit, in nations as disparate as the Roman Empire, ancient and modern Persia, China, Japan, and modern Russia, Spain, and Portugal. But Montesquieu's initial presentation of "the nature of the despotic state" (2.5) exhibits an arrestingly grotesque singularity, as well as a striking oddness in its examples. Since, Montesquieu writes, "the man who exercises despotic power" is "told ceaselessly by his five senses that he is everything, and the others are nothing," he is as a consequence "naturally lazy, ignorant, and voluptuous." He "therefore abandons the business," and puts all administration in other hands. But the prince cannot, Montesquieu immediately adds, confide the administration to "several," because that would risk "quarrels and intrigues," with all seeking "to become the premier slave"—and this quarreling would sooner or later compel the prince to reassume the reins of power himself. So, "it is simpler that he abandon it to a vizier, who will have immediately the same power as him." Such an "establishment of a vizier," ruling in place of the despot, is, Montesquieu concludes, "in this State, a fundamental law."

A moment's reflection suffices to show that such de facto abdication in favor of a vizier can characterize in fact only a very narrow portion of the spectrum of actual despotisms.[3] And these unusual specimens of despotism will tend to be both weak and temporary. After all, once the vizier has really taken over, he will often find himself in the situation Montesquieu elsewhere describes, of being able to eliminate his feckless master and take his place altogether.[4]

Yet Montesquieu perversely insists on making as his model the unusual case where one or more viziers completely dominate a despot who "cannot leave the abode of pleasure" or who is "an old prince, who becomes

more senile every day," and is kept sequestered as "the first prisoner of the palace": "such a prince has so many defects that one must be afraid to expose his natural stupidity to broad daylight. He is hidden, and the condition in which he finds himself is unknown. Happily, humans are such in that country that they need no more than a name to govern them" (5.14).

Montesquieu's explicit evidence or source for this bizarre characterization of the "nature" of despotism is given in a breezily vague footnote: "the kings of the Orient always have viziers, says M. Chardin." When one looks up what Chardin actually says, however, one discovers how misleadingly Montesquieu is presenting Chardin's testimony. Although Chardin does speak of viziers, he does not describe them as regularly becoming the stand-ins for their self-absenting masters.

Apart from everything else that is fantastic[5] about Montesquieu's initial presentation (in 2.5) of *the* "fundamental law" defining the very "nature" of despotism, there is the fact that this blatantly contradicts what Montesquieu has remarked only a few lines previously. At the close of the preceding chapter (2.4), which contrasted monarchy with despotism, Montesquieu emphatically asserted that "in despotic States" there "are no fundamental laws at all" (a judgment that he will repeat, in so many words, in 5.14). He then went on to explain that it is on account of this total absence of fundamental laws or fixed institutions that, in despotisms—in contrast to limited monarchies—"religion ordinarily has so much strength": for religion "forms a kind of depository of permanence"—"and, if it isn't religion, it is the customs that one venerates, instead of laws."

Now this implies that it is the strength of *religion*, or alternatively of some deep-rooted, quasi-religious custom, providing a partial, stabilizing substitute for *missing* fundamental laws and institutions, that necessarily characterizes the "nature" of despotism—*rather* than "a fundamental law" dictating the appointment of a vizier, to compensate for the lazy self-abdication of the despot. Montesquieu thus gives, within the space of a few lines, two very different accounts of the "nature" of despotism: the explicit account, spotlighting the institution of the "vizier," standing in for a self-secluded prince, takes the place that was first, and more plausibly, assigned to religion, or to quasi-religious custom. Montesquieu thus provokes his perplexed readers to wonder: Could he mean that these two—the vizierate, substituting for a prince *absconditus*; and religion's role in despotism—are somehow interchangeable?

Our bemused wonder grows when Montesquieu goes on to give the sole specific historical example of the model "vizier" system: the papacy!—or,

rather, a nameless individual pope. Montesquieu does not have the temerity to adduce explicitly the anonymous pope as the example of a vizier, let alone the papacy as *the* exemplary vizierate. He leaves it at describing the pope in the following terms: "penetrated by an awareness of his own incapacity," after causing "infinite difficulties" on account of his unwillingness to assume the responsibilities of actually managing affairs, the pope hit upon the scheme of turning the entire administration over to his nephew (whom he did not, of course, actually call his "vizier"). The self-consciously incapable pope exclaimed: "I would never have believed that that would have been so easy!" In other words, this pope's inspired solution to the problem of his incompetence as a ruler proved to be perfectly suitable to the nature of the power that governs the Christian church, and by which the Church governs souls. The pope evidently found that in Christendom, "happily, humans are such" that "they need no more than a name to govern them." Immediately after quoting the anonymous pope, Montesquieu continues: "It is the same with the oriental princes: when one takes them out of that prison, where the eunuchs have enfeebled their heart and spirit, and often have left them ignorant even of their condition, and places them on the throne, they are at first astonished"—until, that is, they have appointed their vizier, which allows them to return to the delights of their harem. "The more the empire is extended, the more the harem grows, and the more, as a consequence, the prince is intoxicated with pleasures. Thus, in these States, the more peoples the prince has to govern, the less he thinks about government."

This of course only intensifies the conundrum Montesquieu poses to the reader: how can the papacy, and what it stands for, be understood—even playfully—to be the exemplar of a despotic system whose sensually besotted "prince" is educated in and preoccupied with a *harem*, run by *eunuchs*?

As the editor Brethe de la Gressaye remarks (1.250, n. 43), we are suddenly reminded of the outrageously blasphemous allegory that pervades *The Persian Letters*—the work that established Montesquieu's fame as a satiric, philosophic novelist.[6] But now Montesquieu evokes his earlier satirical allegory as part of his very odd introduction to his analysis, as a political scientist, of the nature of despotism.

The tongue-in-cheek character of Montesquieu's initial account of the "vizierate" nature of despotism becomes still more evident when we arrive at the analysis of the principle of despotism in the next book (3.9; see also 3.3 beg.). For in this latter discussion Montesquieu gives a serious or real-

istic depiction of what is required in an actual, functioning, political despotism. He stresses the energetically active role that must be played by the human despot himself, especially in his relation to his highest subordinates. While "the immense power of the prince there passes entirely to those to whom he confides it," the terror that is the "spring" of despotism needs to be a fear, Montesquieu says, of the prince's *own* arms; it needs to be a terror felt most acutely by each and every high subordinate, and especially the highest: "when, in the despotic government, the prince ceases for a moment to keep his arm raised; when he cannot instantaneously annihilate those who hold the first places, everything is lost." Montesquieu now does not so much as mention the institution of "vizier" (and, when he does treat the vizierate subsequently, he characterizes it in a more sensible and accurate[7] fashion: "in the despotic government, the power passes entirely into the hands of him to whom one confides it. The vizier is the despot himself; *and every individual officer is the vizier*"—5. 16, emphasis added). Now Montesquieu adduces as his leading example of despotism the "military aristocracy" that is observable in the Ottoman Empire, and which was in antiquity exemplified especially by the "horrible cruelties" of the Roman emperor Domitian. In these governments "it happens frequently" that the despot "annihilates instantaneously those who hold the first places." The harem is now not even mentioned; we are no longer evoking the luridly suggestive fantasy world of *The Persian Letters*; and accordingly, even the picture of the Persian despot becomes rather more realistic: "the sophi of Persia, dethroned in our days by Miriveis, saw his government perish along with the conquest of it, because he had not spilled enough blood." Eventually Montesquieu does describe a tendency for the sensuality of palace life to corrupt utterly the *fourth* or *fifth* generation of each despotic dynasty; but what results as a consequence, he shows, is a cycle of revolution that brings to the throne a new dynasty whose head reinvigorates brutally effective personal rule (7.7).

Montesquieu asks us to view despotism through a bewildering bifocal perspective: he insists on elaborating his serious analysis of despotism, in its cycle of violence, only after he has initially painted a grotesque caricature, which serves to gesture back at his notorious allegorical suggestion that the Christian Church exemplifies or mirrors the spirit of oriental despotism in some of its most unmanly and spiritually castrated aspects. Montesquieu thus forces his reflective readers to wonder: What is the serious point of this jocosity, in this context? What is he hinting is the real connection between Christianity and oriental despotism?

Despotism and Revealed Monotheistic Law

If, as we read on, we remain unsettled by these questions, and stay alert, we find that important additional clues are provided by chapter 10 of book 3. This chapter continues the account of the "principle" that animates despotism, by focusing on the character of the "extreme obedience" that "the will of the prince" demands, in contrast to the obedience required in "moderate governments." It is at this moment that Montesquieu refers, for the first time in *The Spirit of the Laws*, to "natural right" (*droit naturel*). He declares that natural right (which here seems to mean primarily the principles that express "the natural feelings" that become strong through the experience of family life—such as "the respect due a father, his tenderness for his children and his wives") cannot operate to check the ruler in a despotism, cannot be appealed to as justification for disobeying, or for limiting the scope, of his commandments. The reason is that "the prince is supposed to be no longer a human." Montesquieu makes this observation while recurring to, and bringing out more vividly, the constructive and even essential role religion can play as a countervailing force in despotism. He adduces especially the protection that can be provided by a religion that is centered on what is believed to be revealed, suprarational, divine law:

> There is, nevertheless, one thing that one can sometimes oppose to the will of the prince: this is religion. One will abandon one's father, one will even kill him, if the prince commands it: but one will not drink any wine, even if he wills it and commands it. The laws of religion are of a superior precept, because they are given on the head of the prince, as on that of his subjects. But as for natural right, it is not the same; the prince is supposed to be no longer a human. (3.10)

To humans who live as the subjects of despotism, the will of God comes to sight as a kind of higher despotic will, superimposed on the human despot, and thus constraining—even while, and precisely by, reflecting—the nature and the principle of the regime. "In these states," Montesquieu will say a bit later, "religion has more influence than in any other; it is a fear added to the fear" (5.14). He prompts us to see that religion is also an angry vengeance added to the angry vengeance: "such a prince" is "ordinarily conducted by anger or by vengeance" (5.14); he "carries out his justice and exercises his cruelties" with "despotic anger" (24.3). The second paragraph of chapter 13 of book 6, entitled "Weakness of the Japanese Laws," reads: "In Japan almost all crimes are punished with death, because the disobe-

dience to so great an emperor as that of Japan is an enormous crime. It is not a question of correcting the guilty, but of avenging the prince. These ideas are drawn from slavery"; as Brethe de la Gressaye notes (1.296), this passage is to be found in Montesquieu's *Spicilège* #524 (p. 484; OC 2.1357) and again in his *Pensées*, #1947 (OC 1.1472), but with a significant addition that Montesquieu prudently removed for publication: "They reason in the same way as regards their emperor as we do in regard to God: the crime is infinite, that offends an infinite being. The Japanese do not punish to correct the guilty, but to avenge their emperor. All these ideas are the ideas of slavery."

Between the will of the human "prince" and the will believed to be that of the divine prince above, there is, however, this crucial difference: the desperate human need of the subjects, especially among the higher classes, to impose some kind of check on the human despot prompts the subjects to foster and to cling to the belief that the divinity's will may well be believed to express itself in *fixed* laws, to a much greater degree than the human despot's will. The laws believed to be revealed from on high provide an additional motive for awed obedience to the human despot; but at the same time, these religious laws—especially when they are written down in sacred scriptures—can provide the sole clear legal restriction, compatible with the principle of the regime, on the human despot's otherwise unlimited authority:

> [I]t can happen that the prince regards the religion as identical to his laws, and as the effects of his will. To prevent this inconvenience, it is necessary that there be monuments of the religion; for example, sacred books that make it fixed and established. The king of Persia is the head of the religion, but the Al-Qur'an regulates the religion; the emperor of China is the sovereign pontiff, but there are books, which are in the hands of everyone, to which he must himself conform. In vain would an emperor want to abolish them, for they would triumph over the tyranny (25.8; see also 12.29).[8]

The congruence between monotheistic religious belief and the nature as well as the principle of despotism is strengthened when we observe that, while fear of vengeful anger is the chief and primary passion that animates despotic government, it transpires that trembling belief in or longing for the ruler's severe *fatherly love* can also play a considerable role.[9] As Montesquieu subsequently remarks, "such is the prejudice of the Asiatics that they regard an affront committed by the prince as the effect of a

paternal goodness" (12.28). Well before this, Montesquieu emphasizes that, in despotisms, the rule of husbands or fathers in homes, and of the despot in his palace, mirror one another: "each home is a separate empire," a despotism writ small, where the education of the young is aimed at "putting fear in the heart, and giving to the mind the understanding of some very simple principles of religion"; "most moral actions," in despotism, "are only the wills of the father, of the husband, of the master" (4.3, 6.1). Given the despotic authority invested in fathers, it follows, "from despotic ideas," that fathers should undergo actual punishment (and not merely suffer shame) for the faults of their sons (6.20); still, it is a fanatic extension of this, it is "the despotic rage (*la fureur despotique*)" that "has established that the disgrace of the father should entail that of the children and of the wives" (12.30).

We eventually learn that the human despot's role as a father figure has reached its fullest expression in Chinese despotism. There Montesquieu finds that the reverence for the emperor as "representing the father" crowns a pervasive paternal cult that "wise" ancient lawgivers instituted as part of their largely successful project to make China a relatively tranquil and secure despotism pervaded by "civility." So successful were those lawgivers, in creating a despotism that actually gives its subjects substantial security, that Chinese "religion" is practically identical with an effective if slavish worldly morality: "the precepts embodied in their religious rites have nothing spiritual, but are simply the rules of a communal practice." Given this character of Chinese religiosity, there "follows also from this a very sad thing: this is, that it is almost impossible for the Christian religion to establish itself in China."[10] Later, in the course of his thematic treatment of religion (24.19), Montesquieu speaks with more precision of the mundane character of Chinese religion: "the religion of Confucius denies the immortality of the soul"; now "who would suppose it?" (ejaculates Montesquieu), but "they have drawn from their wicked principles consequences that, while not correct, are admirable for society."[11]

Montesquieu's remarkable account of the singular character of Chinese despotism and its religion, when contrasted with his more general teaching on the role of religion in despotism, incites the following thought. Where the human despot actually does treat his subjects with something like fatherly attention, and where, as a result of an effective religious code of civility and efficient policing, the preeminent as well as the lowest subjects are rather secure, even or precisely in and through their fear of the human despot, then the subjects (despite their servile condition) do *not* experi-

ence any need for, and apparent demand for obedience from, a consoling and demanding *heavenly* father. The secular human despot and his law render a higher, divine despot and law superfluous. The evidence provided by China suggests that what the human heart most deeply yearns for in its religiosity, as born in despotism, is not otherworldly immortal consolation, but worldly, mortal security.

Further such evidence is provided by a fact that is at first amazing: the attraction that Christian missionaries feel to the moral ethos of Chinese despotism (despite the imperviousness of that ethos to Christian conversion). At the end of his elaboration of the forms of government (8.21), Montesquieu brings to center stage a profound "objection" to his entire theory, or to "everything that I have said up until now": the objection is one Montesquieu finds implicit in the authoritative reports of "our missionaries" who have lived in and reported extensively about China. For Montesquieu has treated China as a despotism, whose principle is terror—from which it follows, he has claimed, that "there is no honor whatsoever among the Chinese" (6.20). More generally, Montesquieu's theoretical framework stresses the mutual exclusivity of despotism rooted in fear and a regime that permits any honor, or that is based on virtue (3.9 beg., 4.3; but see 6.9 n. and 7.7). The Christian missionaries, however, "tell us," Montesquieu notes, "of the vast empire of China, as of an admirable government, which mingles together fear, honor, and virtue. So then I have laid down an empty distinction, when I have established the principles of the three governments." Montesquieu retorts as follows: in the first place, the very epistles of one of the leading missionaries (whom he cites) describe a palace policy that "shows us a plan of tyranny that is followed constantly, and that includes injuries to human nature on a regular basis, that is to say, in cold blood." Besides, Montesquieu points out, what another leading priestly reporter on China describes as "honor" is in fact a code that humiliates humans. But most revealing is how Montesquieu proceeds to explain this obvious contradiction between the priests' praise, on the one hand, and the grotesque or gruesome facts they simultaneously and naively report, on the other. This will cease to appear "amazing," Montesquieu mordantly suggests, when one asks, "May they not have been struck by that continual exercise of the will of a single ruler, by which they themselves are governed, and which they so love to find?"

The missionaries are pleased to presume, Montesquieu continues, that in China, as in India, they can introduce their hoped-for "great changes" by "convincing the princes that they can do anything," without having to

bother to "persuade the peoples that they can suffer everything." This reminds us of an earlier striking characterization by Montesquieu, in passing, of the spirit exemplified in the Jesuit order: it "regards the pleasure of commanding as the sole good in life"; this, Montesquieu added, was a source of the Jesuits' "zeal for a religion that humiliates much more those who listen to it than those who preach it" (4.6).[12]

The Hypothesized Origin of Biblical Religion

We have now assembled the pieces that allow us to put together Montesquieu's implicit teaching on how exactly he thinks his political science intelligibly explains the genesis of the imagined experience of a legislating and demanding God such as we find in the Bible. In the very same chapter (3.10) in which, as we have seen, Montesquieu first mentions natural right, indicating its relative impotence in despotism, and the corresponding superhuman status assigned the despot, whose power finds a salutary check only in religion and especially revealed religious law, Montesquieu makes his first—and thus his most conspicuous—explicit reference to the Bible. He invokes specifically the Book of Esther.[13] That book teaches, Montesquieu reminds us, that the Jews, as deported and landless slaves of the Persian despot, of his vizier, and of the eunuchs guarding his harem and palace, lived under the threat of literal and total extermination as a people—and have forever since celebrated, in the festival of Purim, the wish-fulfilling claim or dream that one of themselves came to the peak position in the harem, and another to the viziership, from which they led a terror-inspiring massacre of their enemies and persecutors.[14] Montesquieu further prompts in us the recollection that the Jewish sages who, the Bible tells us, originated the canonical scripture as we have it (*Spicilège* #365 and 370), were the religious leaders of this politically demolished people who had become subject to the terror of alien, oriental (pre-Islamic) despotism in a nigh uniquely extreme degree.[15]

Although this is the first and the most pregnant, it is by no means the last of Montesquieu's explicit references to the spirit of the laws and of the nation that gave the Bible and its purported revelations to the world. When we follow attentively the subsequent interspersed unfolding of Montesquieu's discussion of the spirit of the Mosaic law, we are confronted with the puzzling complexity of Montesquieu's implied hypothesis as to the layered political "sources" of the Bible and its record of human experiences of God.

The second explicit reference to, and the first direct quotation from, the Bible comes in a curious footnote to a chapter (5.5) that explains how lawgivers establish equality in democratic republics through economic and familial regulations that prevent excessive growth or diminution of each citizen's real estate. One such law, Montesquieu notes, whose "spirit I do not know if anyone has comprehended," is that found in Athens permitting marriage with one's sister of the same father but not of the same mother. "This usage takes its origin from republics, whose spirit was to not place on the same head two portions of land and consequently two inheritances." In the footnote Montesquieu remarks, "This usage was from the first ages. Thus Abraham says about Sarah [Gen. 20:12]: 'She is my sister, daughter of my father, and not of my mother.' The *identical reasons* have made an *identical* law established among different peoples" (emphasis added). In the immediately preceding paragraph of the chapter to which this very peculiar footnote is appended, Montesquieu remarks that "the law that ordains that the closest relative marries the inheritor" was "given among the Jews" *after* "an equal distribution of the lands and the portions given to each citizen"—a "good law for democracy." Montesquieu bewilders us by speaking as if the marriage practice of Abraham—who is of course presented in the Bible as an emphatically landless, nomadic, Chaldean shepherd, living long before the establishment of the Jewish people as owners of the promised land, and long before the delivery of the Mosaic law—somehow expresses the spirit of the laws of a settled, egalitarian, republican society of agricultural landowners. By committing so gross a blunder, in his first explicit attempt to interpret what may be considered the most important legal document and legal spirit with which he has to deal, Montesquieu ensures that his reader will at least be brought up short.[16] By now we are familiar enough with our teacher's ways to know that he deploys his puzzles to arouse our thinking. As we ponder this particular puzzle, we are drawn—especially in light of subsequent references to the Bible that we shall discuss momentarily—to the following train of thought. Montesquieu is certainly not reading the Bible on its own terms. He is ferreting out from the scriptures evidence of the customary practices and assumptions of the people who wrote, or among whom originated, the sagas and the accounts contained therein. He is seeing through the stories, so to speak, to what he presumes rational political science can detect to be the "spirit of the laws," which is their sociopolitical "source." In this leading instance, Montesquieu in effect makes the controversial suggestion that if one reads the story of Abraham with archaeological eyes—doing so in the light of the rest of the Bible, read in the same spirit, and with the

help of other documents, such as Josephus—then one can see how a striking detail in this story reveals that the story is being told or retold from the perspective of an agricultural[17] and somewhat democratic legal spirit or mentality. But when we consider this suggestion in light of what was suggested in the previous explicit reference to the Bible—to the book of Esther and its portrait of a desperately enslaved nation—we are confronted with another and still bigger puzzle. For the two discussions of the Bible evoke two or three radically different or even opposed types of society. What is Montesquieu implying about the spirit of the laws that spawned the Bible and biblical religion?

The next explicit reference to the Bible comes in part 2, and it reinforces the surprising suggestion in the reference to Abraham, to the effect that the early Hebrews were somehow republican. Montesquieu remarks that "the Canaanites were destroyed" by the Hebrews because the former were "petty monarchies"—and the "nature" of such governments "is not to confederate" (9.2). The silent contrast is obvious: the tribal confederacy of the victorious Hebrew conquerors was not (yet) monarchic; it was republican or quasi republican. But we are also reminded—as we were by the example of Abraham—that prior to the conquest of Canaan, the Hebrews had no land of their own. The early Hebrews who conquered Canaan may have been proto republican and in some sense egalitarian, but they were not (yet) agricultural or apt to be concerned with laws governing the inheritance of land within a republic.

A later explicit reference to the Bible, which adds significantly to the picture of the society that spawned the Judaic laws, begins: "The law of Moses was very crude (*bien rude*)" (15.17). The context is the discussion of laws that can and should introduce some "humanity" into the treatment of slaves in republics. Quoting the inhumane Mosaic law that allows a master to beat to death his own slave, so long as the latter survives a day or two (Exodus 21:20–21), and contrasting this with certain more humane Greco-Roman republican laws, Montesquieu exclaims: "What a people this was, for whom it was necessary that the civil law fall away from the natural law!" (15.17). In the next chapter, however, Montesquieu quotes other verses of the very same chapter in Exodus with approval, because those verses show that the Mosaic law limited the term of slavery for a Hebrew to six years—a good "way to introduce new citizens insensibly into the republic," Montesquieu explains (15.18). The next biblical reference is once again to this same chapter of Exodus, noting that the law of Moses ordained some reasonable equality of treatment among the plural wives of the polygamous citizenry (16.7). Three books later we find Montesquieu drawing a

close parallel between the law of Moses, who is "singular" as a lawgiver inasmuch as he "made the same code for the laws and the religion," and the law of the "first Romans," who likewise "confounded the ancient customs with the laws" (19.16; cf. 19.21). We have earlier been told that the original laws of Rome, while monarchic, were given their peculiar character by the fact that they were "made for a people composed of fugitives, of slaves and of robbers"—and that explains why they "were very severe" (6.15).

Early in the second of the paired books on religion (25.3), we get another parallel between the spirit of Mosaic and the spirit of Greco-Roman laws. The passage begins with the words, "The laws of Moses were very wise." Montesquieu here praises the provision, in Numbers 35, of a place of asylum for involuntary murderers, and the refusal of such asylum for "great criminals"—in contrast to the more indiscriminate granting of temple asylum in Greco-Roman law. In this connection, Montesquieu notes that, although "they were supposed to have a temple later," at the time of the law of Moses, "the Jews had only a portable tabernacle, which continually changed place; that excluded the idea of it being an asylum." Shortly before, in the same chapter, Montesquieu declares that "the peoples who do not have temples have little attachment to their religion"—giving as examples the nomadic Tartars and the barbarians who conquered the Roman Empire. In the next chapter, on "the ministers of religion" (25.4), Montesquieu claims that originally, religion involved only a "simple cult," for which "each could be pontiff in his own family"; but

> the natural desire to please the divinity multiplied the ceremonies: this made it so that the people, occupied in agriculture, became incapable of executing them all, and fulfilling all their details. Special places were consecrated to divinities; it was necessary that there be ministers to take care of them. . . . The ones who were consecrated to the divinity ought to be honored, especially among the peoples who formed for themselves a certain idea of corporal purity, depending on certain practices and necessary for approaching the places most agreeable to the gods. Since the cult of the gods demanded a continual attention, most peoples were led to make of the clergy a separate body. Thus, among the Egyptians, the Jews, and the Persians, there were consecrated to the divinity certain families, who perpetuated themselves and carried out the service.[18]

Yet the evolving spirit of the laws of the Hebrews as it emerges from these passages that we have been considering—portraying a proto-republican, if rudely harsh, regime that developed out of a tribal confederacy of nomadic fugitives that settled on conquered land—stands in

contradiction to the very different picture that emerges from another set of references to the Judaic laws. This other portrait begins with what we have highlighted as the first, and most prominent, reference to the Bible, with its evocation of the book of Esther. Later, in the book on liberty as the best end for laws, Montesquieu remarks that "religion" was the "particular end" that distinguished the "Judaic laws" from all others (11.5). In the following book, on the liberty of the citizen, in the sole chapter of *The Spirit of the Laws* that has the word "revelation" in its title (12.17), Montesquieu quotes the law of Deuteronomy that demands that one denounce, and then lead in the stoning to death, of one's nearest and dearest family relation, "who is like one's own soul," if in secrecy (i.e., without any witnesses) he or she says: "Let us go to other gods." Montesquieu comments in such a way as to make it clear that he regards this law as an irrational abomination that is an extreme manifestation of the spirit of despotism in its disregard for familial privacy and security.[19] In a general remark on all of the books of histories written in Asia that he knows of, Montesquieu indites (17.6): "there reigns in Asia a spirit of servitude that has never left it; and in all the histories of this region, it is not possible to find a single trait that marks a free soul: one never sees in them anything but the heroism of servitude." In the seventh chapter of book 26, whose theme is the relation between different orders of laws, Montesquieu contends that "precepts of religion" ought not to guide matters governed by precepts "of the natural law," and illustrates with the "stupidity" of the Sabbath law "ordained to the Jews" that "forbade that nation to defend itself, when its enemies chose that day to attack it." "Who doesn't see," Montesquieu expostulates, "that natural defense is of an order superior to all precepts?"[20]

As we struggle to excogitate the underlying spirit that might be understood to animate a legal system that thus mixes, in so contradictory a fashion, a raw and even quasi-Roman proto-republicanism overlaid by an extreme and irrationally God-centered despotism, one sooner or later focuses on Montesquieu's favorable comment upon his sole quotation from the biblical God Himself: "when divine wisdom said to the Jewish people—'I have given you precepts that are not good' [Ezekiel 20:25], that signified that they had only *a relative goodness*; *this is the sponge of all the difficulties that one can make about the laws of Moses*" (19.21, emphasis added). Montesquieu thus invites us to figure out how to use this "sponge" to erase "all the difficulties" we encounter in trying to make sense of his contradictory characterizations of the Judaic laws.

The biblical laws, like the stories recorded in the Bible, are to be read as "making sense," as being "good," *relative to* or on the basis of the political society for which the laws were made, and of which they should be viewed as the intelligible expression. But the biblical laws, in Montesquieu's presentation, express a fundamental conflict, between an original spirit of crude freedom and a later spirit of abject and religiously fanatical servitude. The Bible as we have it would then be the record of a society and legal system that evolved so as to constitute the tortured spirit expressed in biblical faith. When, guided by this hermeneutic suggestion, we return to the first two pregnant references to the Bible, in 3.10 and 5.5, we recognize, in retrospect, the cornerstone of the following implicit suggestion: there occurred a terrible crippling, in the wake of the Assyrian captivity, of the spirit of the laws of a people who had originally been independent, and even in some degree and fashion republican (within the limits of eastern climes). The biblical text as we have it is to be viewed as a kind of sedimentary record of this national disfigurement. The Hebrews began as a rather wild and free nomad people, who originated (like the Romans) out of a unification of tribal bands of fugitive slaves and brigands. After a conquest of Canaan, this tribal confederacy for a considerable time dwelled in an egalitarian agricultural society. But this society was eventually conquered by, and subsequently broken on the wheel of, Assyrian and then Babylonian-Persian despotism; the subjugated nation managed to survive as a people by following their priesthood in embracing an imaginative religion of extreme devotion to a deity who demanded "a heroism of servitude," and promised in return a consoling ultimate vindication (of which the book of Esther reveals the underlying wish fulfillment—see again *Persian Letters* #119).

This blasphemous hypothesis, implicitly developed in *The Spirit of the Laws*, finds more explicit testimony in the unpublished essay (which Shackleton terms "a storehouse of ideas" for *The Spirit of the Laws*) that was written during some of the years Montesquieu was at work on his masterpiece:[21]

> Moral causes form the general character of a nation and decide the quality of its spirit more than do physical causes. One can find a great proof of this in the Jews, who, dispersed over all the earth, raised in all ages, and born in all countries, have had numerous authors, of whom one can scarcely cite two who have had common sense. . . . [A]mong this crowd of rabbis who have written, there is not one who hasn't had a petty genius. The reason for this is a natural one: the

> Jews who came back from Assyria were almost like those captives delivered from Algeria, that one paraded in the streets; but they were more crude, because they were born, and because their fathers were born, in slavery. Although they had an infinite respect for their sacred books, they had little understanding of them; they hardly understood the language in which they were written; they had only the traditions of the great miracles that God had carried out in favor of their fathers. Ignorance, which is the mother of traditions, that is to say of the popular miraculous, created new traditions; but these were born with the character of the spirit which produced them, and took again the tincture of all the spirits through which they had passed. The savants, that is to say the people whose heads were filled with these crude traditions, collected them, and, since the first writers of all nations, bad and good, always have an infinite reputation, on account of the fact that they have always been, for a while, superior to those who read them, it happened that these first and miserable works were regarded by the Jews as perfect models, on which they formed and have ever since always formed their taste and their genius.

Montesquieu's implicit claim is to have provided through scientific political psychology an adequate explanation of the causes of the origin of the imagined human experience of the biblical God. But this claim rests on a severely reductive interpretation of the Hebrew Bible and all that it conveys. Montesquieu's political science is unmoved by, and deaf to, the thirst for redemptive spiritual purification through divinely inspired righteousness and love that finds expression in the psalms and drama of David, or in the imploring chastisements and promises of the prophets, or in Christ's Sermon on the Mount. Montesquieu will not take seriously the possibility that it is in such passages of scripture, and in the yearnings they voice and to which they respond, that one finds the decisive key to the human heart and its directedness to the divine.

The Hypothesis Applied to Islam

It is mostly in the later books of *The Spirit of the Laws* that we find the interpretative observations on the history of Islam that allow us to put together Montesquieu's explanation of the origin of Christianity's great rival. We are urged to searching inspection of Islam only after we have been given food for thought as regards the Hebrew origins of biblical religiosity (in 3.10 above all). Overall, one may say that Montesquieu discovers in

Islam a reshaping of the god and the divine laws invented by the desperately enslaved Jewish imagination, into a form that first caught fire because it enflamed the imagination of an originally peaceful and even commercial people who had been compelled, against their grain, to serve powerful imperialist neighbors while learning those masters' arts of war.

In his most important single pronouncement on the accomplishment of Mohammed, Montesquieu observes that the testimony of the Roman historians shows that they found the "peoples of Arabia" to be "idle, peaceful, unwarlike"—and thus ripe for subjugation. The Roman attempt at conquest under Aelius Gallus failed, despite the pathetic military weakness of the Arabs, on account of various accidents that overtook the campaign. But the Arabs were eventually compelled, under the pressure of the warlike Parthians as well as the Romans, to submit to becoming auxiliaries of the one and the other. It was from this humiliating legacy that they responded, with a thrill of revenge, to the new type of despotism to which they were called by Mohammed:

> Nature had destined the Arabs for commerce; she had not destined them for war; but when these tranquil peoples found themselves on the borders of the Parthians and the Romans, they became auxiliaries of the one and the other. Aelius Gallus found them a commercial people: Mohammed found them warriors; he gave them enthusiasm—and behold, conquerors! (21.16)

Although "it is an unhappiness for human nature, when the religion is given by a conqueror," although "the Mohammedan religion, which speaks only by the sword, continues to act on humans with that destructive spirit which founded it" (24.4), Islam attracts to it the very people it conquers, by offering them a share, as subordinates, in a dominating despotic spirit:

> [W]hen an intellectual religion gives us in addition the idea of a choice made by the divinity, and of a distinction of those who profess it from those who do not profess it, that attaches us very much to the religion. The Muslims would not be such good Muslims, if they did not have, on the one hand, idolatrous peoples who make them think that they are the avengers of the unity of god, and, on the other hand, the Christians, in order to make them think that they are the object of his preferences. (25.2)

But the attraction of Islam is only partly explained by the fact that Islamic law comprises rules that to a considerable extent suit, and enable its

believers to share in dominating within, the despotic, erotically charged, and voluptuous Near East (see esp. 13.16; 14.10; 16.2, 7, 12; 24.3, 17). Still more important in defining the spirit of Islam, in Montesquieu's understanding, is the fact that this religion at its core remains, like Judaism and Christianity, a religion that reacts to, by offering consolation for, the otherwise hopeless misery that so much of the time haunts existence under despotism. In the chapter entitled "temples" (25.3), Montesquieu underlines the attachment of Muslims for their mosques, and the importance of their pilgrimage to Mecca as to a most holy place—in the context of the following general reflection: "In fact, nothing is more consoling to human beings, than a place where they find the divinity more present, and where all together they can give voice to their weakness and their misery. . . . [T]he divinity is the refuge of the unhappy." In the previous chapter, Montesquieu remarks:

> [A] religion that is charged with many practices attaches people to it more than another that is less so: one holds very much to things with which one is continually occupied; witness the tenacious obstinacy of the Mohammedans and of the Jews. . . . The riches of temples and of the clergy move us very much. Thus the misery itself of peoples is a motive that attaches them to that religion which has served as a pretext for those who caused their misery.

Islam brings its uniquely powerful consolation through offering the perverse and politically destructive hope of a salvation won through laborious, sacrificial transcendence of the requirements of worldly prosperity and ambition:

> The Mohammedans become speculative by habit; they pray five times a day, and each time it is required that they engage in an activity by which they throw behind their back everything that pertains to this world: that forms them for speculation. Add to that, the indifference for all things, which the dogma of a rigid destiny gives.
>
> If, in addition, other causes concur to inspire in them detachment, such as if the harshness of the government, and if the laws concerning proprietorship of the lands, make the spirit precarious: everything is lost.[22]

The Hypothesis Elaborated as Regards Christianity

It is when he gives thematic treatment to Christianity in all its forms, both Protestant and Catholic, that Montesquieu finally dares to make somewhat

more explicit his general hypothesis: "when a religion is born and forms itself within a State, it ordinarily follows the plan of government where it was established: because the men who receive it, and those who make it received, scarcely have any other ideas of regulation except those of the State in which they were born" (24.5). As we reflect on the implications of this for original Christianity, we understand the religious significance of the fact that the first individual historical example Montesquieu gave of a despot (recall 3.9) was the emperor Domitian. For as is well known, Domitian became notorious for his persecutions of Christians as well as Jews, from whom he exacted, "with a peculiar lack of mercy," an oppressive special taxation.[23] Montesquieu quietly reminds us that Christianity began as a cult, within a people, who experienced with special intensity the terrifying status of being victims of Roman despotism.

But the victimhood of Jews and Christians differed only in degree from the long political sufferings of all mankind under the Roman heel. First came the Roman republic, whose "hard and tyrannic government" erected an extreme "despotism" over the entire world outside the Roman citizenry: "in the Roman world, as in Sparta, those who were free were extremely free; and those who were slaves were extremely enslaved" (12.19, 21.14; see also 10.3). "The feebleness of the peoples of Europe, of Asia, and of Africa, and the tyranny of the people commanding, is what unified this immense body" (21.15). So debasing was this enslavement under the Roman republic that the miserably downtrodden, formerly free subjects of the empire actually welcomed, as a kind of relative release, the advent of the emperors, and their enslavement of the Roman citizenry: "the provinces regarded the loss of the liberty of Rome as the epoch of the establishment of their own liberty" (12.19).

This was the world, of universal servility and civic degradation, in which Christianity took hold, Montesquieu stresses (Schaub, *Erotic Liberalism*, 63). Christianity won the hearts of ordinary people by offering a spiritual escape from, and consolation for, their debased political and social condition.[24] The upper classes too were captivated, not least because Christianity carried further the resigned spirit of world denial that had already become widespread in the demoralized elites through the influence of the Greco-Roman philosophic sects. By the time of Constantine,

> sects of philosophy had already introduced into the empire a spirit of withdrawal from affairs, that would never have advanced to this point in the time of the republic, when everyone was occupied with the arts of war and of peace. From this came an idea of perfection attached to everything that led to a

> contemplative life; and from this, withdrawal from the cares and the burden of a family. The Christian religion, coming after philosophy, fixed, so to speak, the ideas that the former had only prepared. (23.21, p. 705)

Under Constantine, of course, Christianity finally became the official religious arm of the despotism—and the Church took on the typical role of religion in despotism: supporting, but simultaneously limiting, the sway of the emperors. Henceforth, "Christianity gave its character to the jurisprudence; for the empire had always a relationship with the clergy. One can see this in the Theodosian code, which is nothing but a compilation of the ordinances of the Christian emperors" (23.21). The official establishment of Christianity went hand in hand with the increasing—though never total or unqualified—predominance of the customs of oriental despotism: after Theodosius, Montesquieu observes, "the mores had changed" as regards the treatment of women as "free persons"; "the usages of the Orient had taken the place of those of Europe. The empress, the second wife of Justinian, was threatened by her first eunuch, history tells, with the punishment that one gives to children in schools" (19.26).

Montesquieu spotlights the tradition of monastic charity that has played so great a role in the history of the Church: "the monks—a nation lazy in itself, and that instilled laziness in others, because, through their practice of hospitality, an infinity of idle folk, both gentlemen and bourgeois, spent their lives running from one convent to another" (23.29). Monasticism, Montesquieu contends,

> is born in the hot countries of the Orient, where one is less given to action than to contemplation. In Asia, the number of dervishes, or monks, seems to increase with the heat of the climate; the Indies, where the heat is excessive, are full of them: this same difference is found in Europe.
>
> To conquer the laziness of the climate, the laws ought to have sought to take away all the means of living without work; but in the south of Europe they have done exactly the contrary: they give to those who wish to be idle places suitable for the contemplative life, and attach to them immense riches. These persons, who live in an abundance that is a burden to them, with reason give their superfluity to the lowly people: the latter have lost the ownership of the land, so they make it up to them by the idleness that they make them enjoy; and the people come to love their own misery. (14.7; see also 7.6)

Montesquieu sees the materially impoverishing consequences of the otherworldly Christian commandment of charity further exemplified and

compounded by the Church's condemnation of interest-bearing loans as entailing the sin of uncharitable "usury." This is a form of religious legislation, Montesquieu notes, that Christianity has shared with Islam, and that has worked to cripple commerce and the commercial spirit in Europe as well as in Asia.[25]

In book 23, on population growth (which serves as a transition to part 6, on religion), Montesquieu focuses especially on what he understands to be the Church's disastrously otherworldly and life-denying teachings on the family. "The Church Fathers, who censured" the older Roman laws aimed at promoting childbearing, "no doubt" did so "with a laudable zeal for the things of the other life, but with very little understanding of the affairs of this one." Montesquieu quotes, as an example of the Christian spirit in this regard, the ecclesiastical historian Sozomen's criticism of the earlier imperial laws that had sought to strengthen paternal responsibility and family ties: "these laws were laid down," the pious historian complains, "as if the multiplication of the human species could be an effect of our cares; instead of recognizing that the number waxes and wanes according to the order of Providence." Montesquieu comments: "the principles of religion have had an extreme influence on the propagation of the human species: sometimes they have encouraged it, as among the Jews, the Mohammedans, the Zoroastrians, the Chinese; sometimes they have shocked it, as they did among the Romans who became Christians" (23.21). Whereas the "pagan Romans had accorded privileges and honors to marriages and to the number of children," the Christians "ceaselessly preached continence—that is to say, a virtue that is the more perfect because, by its nature, it should be practiced by very few people." More generally, Montesquieu judges that "where celibacy has the preeminence, there can no longer be honor for marriage" (23.21). Subsequently Montesquieu protests, on similar grounds, and with numerous examples, that "when the Christian religion was born, the new laws that were made"—regarding marital roles, legal separation of spouses, divorce and dissolution of marriage, adultery, and other such crimes—"had less relation to the general good of morals than to the holiness of marriage; the union of the two sexes was regarded less in its civil state than in a spiritual state" (26.9; see also 26.8 and 16.15).[26]

Montesquieu's account of the distortions of humanity that were entailed in the Christianizing of the Roman despotism points us back to the much less perverse, pre-Christian, Greco-Roman republics—and also forward, to the postdespotic and tempered but still Christian monarchies that came into being out of the desuetude of the Holy Roman Empire. We are thus prodded to reflect on the very different status and character of religiosity

in those nondespotic types of civil society. It is time for us to take up this reflection, and to see how Montesquieu further strengthens the evidence for his theological hypothesis by his account of the status and character of religiosity in the psychology of humans shaped by life under nondespotic forms of government.

CHAPTER THREE

The Theological Significance of Republics and Monarchies

Even as the analysis of despotism and its principle discloses how humanity undergoes religious pathology, so we discover how humanity can achieve religious health when we consider the analysis of moderate government and its principles—first and foremost the awesome virtue that animates democracy. But what precisely does Montesquieu mean by "virtue?" On the very first page of the book, in his "Admonition of the Author," Montesquieu warns his readers that if they are to follow him in his analysis of virtue they will have to leave behind their inherited notions—of virtue as linked to "a moral virtue" or to "a Christian virtue": "I have had new ideas" (Montesquieu announces); "it was very necessary to find new words, or to give to the old new meanings."

But Montesquieu leads his readers to his "new ideas" through a challenging obstacle course. It is remarkable how long Montesquieu delays in laying out what he means by virtue—and then, how multivalent the concept proves to be.[1] In the chapter explicitly devoted to introducing the "principle of democracy" (3.3), Montesquieu contrives to avoid explaining or defining what he means by "virtue," even while he lavishes on virtue many laudatory words, accompanied by casting blame on the vices, or the vicious pursuits, that are virtue's opposites—"ambition," "the spirit of faction," "manufacturing, commerce, finances, riches, and luxury," "avarice" or "the desire to possess," "pillaging the public treasury," "license," "slavishness," "disarmament," "pleasures" (3.3). Montesquieu thus begins by

seducing careless readers into thinking that there may not be so great a difference, or so important a distinction, after all, between his conception of classical virtue and the traditional understanding. But he thereby lays a puzzle before his demanding readers. He compels them to wonder what it is, precisely, that then makes Montesquieu so sure that his understanding of the spirit of classical republicanism is new; and why he wishes or needs to obscure, after having shouted out, his innovativeness. What is the daring or shocking dimension and implication of his new interpretation that is in need of being (tantalizingly) veiled? Montesquieu impels readers who become captivated by these questions to compare his account of the classical republic and its virtue with the account found in the texts of the classical (Socratic) theorists. Only when one meditates on this comparison and the deep contrasts that emerge does one begin to recognize the full ambit, and in particular the theological significance, of Montesquieu's dramatic (and disputable) reinterpretation of the classical world.

Montesquieu departs from classical political theory most obviously by conceiving of the classical republic, at its best, in fundamentally democratic, nonaristocratic, or even antiaristocratic terms. In *The Spirit of the Laws*, "aristocracy" comes to sight as an inferior and even defective form of republic. The "nature" of aristocracy is based on "establishing the most afflicting distinctions" (2.3); the "principle" of aristocracy consists in "a lesser virtue, which is a certain moderation" on the part of the "nobles, who there form a body, that, by its prerogative and for its own interest, represses the people" (3.4; see also 4.5). Montesquieu refuses to recognize as valid the qualitative distinction between oligarchy and aristocracy that Aristotle and the classical theorists regarded as basic. He has little to say about the great practical project of classical political philosophy, the quest for a compromise "mixed regime" combining democracy with crucial elements of oligarchy and aristocracy—or the regime that Aristotle calls "polity" (though see 11.11 end). Montesquieu in effect contends, against the classical theorists, that the actual political life of republics at their best is properly understood in terms of a persistent aspiration to and drive toward democracy and civic equality among the citizens.

This does not at all mean, however, that democracy as Montesquieu celebrates it is not tempered by crucial admixtures of what the classics would call, and what he himself sometimes calls, "aristocracy." In fact, what Montesquieu describes as a sound democracy looks in detail (2.2) very much like what Aristotle holds up as a well-mixed regime. But this makes all the more striking the fact that the model is not conceived by Montesquieu as

"well-mixed": most important, the sound republic's principle, virtue, is not understood to involve a counterbalancing of the democratic principle, of dedication to equality in freedom, with another, higher, and independent principle. That higher principle expresses dedication to inegalitarian and ultimately transpolitical individual merit. Such dedication is incarnate in the "gentleman," the prideful *kaloskagathos*, who exhibits the noble or *kalon*, moral virtue, as incorporating but transcending public service to the citizenry's equality in freedom. For Montesquieu, in contrast,

> the love of equality, in a republic, limits ambition to the sole desire, to the sole happiness, of rendering to the fatherland greater services than the other citizens. They cannot all render it equal services; but they ought all equally to render it service. At birth, one contracts an immense debt to the fatherland of which one can never acquit oneself.
>
> Thus the distinctions in a republic are born from the principle of equality, even when equality appears removed by happy services, or by superior talents. (5.3)

It is true that an upper class, defined by greater "sufficiency" and political experience as well as talent, inevitably forms in a democracy. But this "body" needs to "repress itself" by "a great virtue, which makes it so that the nobles regard themselves as in some way equal to their people—which can form a great republic" (3.4).

To put the key point of contrast another way: Montesquieu no longer views the virtue of the classical republic from the perspective of the high classical standard—of "the best regime simply," in the light of whose flourishing life of the mind even the mixed regime and its "virtue" appear severely inadequate as responses to the deepest longings of the human as the rational animal. The human nature by whose canon Montesquieu evaluates republicanism is subpolitical and subintellectual rather than supra-political and intellectual: the standard nature sets is the equality and freedom of the anxiously individualistic, security seeking, quasi-animalistic state of nature. As our next chapter will make thematic, this standard ultimately calls into question the classical city and its virtue. For now what needs stressing is that Montesquieu's innovative teaching on virtue entails the momentous and contestable contention that classical political life and its virtue can best be understood as not pointing toward or requiring any transcivic completion—either by the philosophic contemplative life or by a piety such as the biblical.

In the fourth book, in the chapter on education in republics (4.5), Montesquieu finally offers a candidate for the definition of virtue. "One can define this virtue," he says, as "the love of the laws and of the fatherland." He adds that this is a "love that demands a continual preference of the public interest to one's own." Yet this "love of the democracy" remains rooted in a strong sense of participation in a collective proprietorship. Virtue is a political love of one's own property that is akin, Montesquieu indicates, to the love a king feels for his kingdom (as his own)—and (more shockingly) to the love a despot feels for his despotism; the reason why "this love" of the laws and fatherland "is singularly powerful in democracies" is that "no one ever heard it said that kings don't love the monarchy, or that despots hate the despotism." The primary sense in which virtue is "love of equality" (5.3) is that virtue is love of the sense of equal sharing in the ownership of the government. Although one supposes that the love of equality in ownership of the government must to some extent expand or metamorphose into a passionate attachment to one's fellow citizens, as a communal body if not as individuals, Montesquieu does not in fact say this; in contrast to Rousseau, he does not make "fraternity," or the love of fellow citizens, a major theme in his account of the virtue and life of the citizens of a democracy.

Still, the virtue of the classical republic emphatically does demand "self-renunciation." What this means more specifically becomes clearer when we see that the individual's passionate identification of his chief goal with the good of the whole citizenry, as a band of fellow owners, presupposes and requires a lawfully enforced economic equality rooted in "love of frugality" without acquisitiveness—and hence in "simple and austere ways of life." The equal political partnership further requires a cultural homogeneity, rooted in strong customs expressing spiritual and emotional conformity: "each ought to have the same happiness and the same advantages, taste there the same pleasures, and form the same hopes."

Virtue so conceived thrives among citizens whose individual talents and understanding are as "mediocre" as their fortunes: "the good sense and the happiness of individuals consists very much in the mediocrity of their talents and their fortunes. A republic where the laws will have formed many mediocre people, composed of sensible folk, will govern itself sensibly; composed of happy people, it will be very happy." Accordingly, "ambition is pernicious in a republic"; it is "when virtue ends" that "ambition enters into the hearts that can receive it" (3.3, 7; 4.5; 5.2–4, 6, 7).

Virtue is emphatically not, then, a product of calculation or of self-conscious reflection: "virtue, in a republic, is a very simple thing: it is love of the republic; this is a feeling, and not the result of understanding; the lowest man in the State, like the first, can have this feeling."[2] Montesquieu thus recognizes that the republican "fatherland" inevitably assumes, in the imaginations of its citizens, the status of a being whose good is elevated above the sum of the goods of the individual citizens: it as such that the "fatherland" demands what one is tempted to term a quasi-religious devotion. Eventually, Montesquieu goes so far as to declare that in a republic "a citizen is not supposed to live, to act, or to think except for the sake of the fatherland"; "virtue demands that one make to the State a continual sacrifice of oneself and of one's own repugnancies" (5.19). But Montesquieu does not speak, as does Pericles in Thucydides, of the citizen's erotic hope to partake of immortality as a consequence of his devotion to the glory of his never-to-be-forgotten Athens. Montesquieu rejects the Aristotelian insistence, made famous in the *Politics* and the *Nicomachean Ethics*, on interpreting "civic virtue" as immanently directed beyond itself—to an aristocratic "moral virtue," centered on justice as lawful righteousness dedicated to caring for the spiritual well-being of fellow citizens, and culminating in a magnificent and magnanimous self-admiration, that is still only an adumbration of the philosopher's self-sufficient intellectual virtue conceived as reflecting and in some measure partaking of divinity and thus of eternity. Montesquieu in effect contends that the virtue exhibited in the classical city, properly understood, aimed at nothing that transcended the worldly security, freedom, and temporal glory of a citizenry united in devotion to their collectively owned fatherland. Rejecting what the classical political philosophers teach, Montesquieu insists that actual classical republican life can be understood to provide convincing testimony that human nature, when released from distorting oppression, is not in need of and does not experience longings for ultramundane or transcivic consolations.

Republican Religiosity

No wonder then that as one reads Montesquieu's initial presentation of republican virtue, the religion that attends such virtue remains barely visible in the background—even though Montesquieu refers more than once to Plato's *Laws*.[3] Montesquieu remarks, incidentally and offhandedly, that

religious ceremonies provide the occasion for the communal displays of "magnificence" that are the antistrophe to the individual citizen's frugality.[4] In 6.5, Montesquieu notes that "the lawgivers of Rome," in order to protect "the security of individuals," (i.e., not out of any pious motive) "wanted to have the property of persons who were condemned made sacred, so that the people would not enjoy the confiscation." A few pages later (6.12), Plutarch is quoted as follows: "the Argives having put to death fifteen hundred of their citizens, the Athenians made sacrifices of expiation, in order that it would please the gods to turn the heart of the Athenians away from so cruel a thought." The most emphatic comment on the religiosity of the classical republics is purely negative—stressing the distance separating ancient virtue from Christian religiosity, especially as regards sexual mores (7.9).

Republican religion finally comes more to the fore only when Montesquieu treats, in book 8, "the corruption of the three principles of government," and in particular the corruption of the virtue that is the principle of republics. We thus see that, for Montesquieu, in republican life the significance of religion lies almost entirely in its being a bulwark against, or a brake upon, the corruption of civic virtue. Montesquieu foreshadowed this purely civic, and negative or restraining, role of republican religion when he characterized the moral influence of the Senate in a sound republic: "if one establishes a permanent body which is to be by itself the regulator of mores—a senate in which age, virtue, gravity, services, are the qualifications for entrance—then the senators, exposed to the view of the people like the images of the gods, will inspire feelings that will be carried into the breast of all families" (5.7: note how Montesquieu makes it sound as if in a healthy republic the senators have greater moral impact on the people than do the images of the gods). In the book on corruption Montesquieu appeals to the authority of Livy for the contention that (8.13) "there is no people whatsoever for whom dissolution introduced itself so late, and for whom moderation and poverty were for so long honored, as the Romans"—adding immediately, "the religious oath had so much force among this people, that nothing attached them more to the laws. For the sake of observing their religious oath, this people on many occasions did things that they would never have done either for glory or for the fatherland." Montesquieu reminds readers of a famous example of how Rome's military leaders were able to use the religious oath to induce the people to act even contrary to their own institutionalized partisan leaders, the tribunes; and then Montesquieu adds this far-reaching comment: "the

people were more religious than those who troubled themselves to lead them." As Montesquieu later stresses, in republican Rome it was not the priests, but the patricians, who "were the masters of the auguries."[5] Montesquieu concludes with the following lapidary words: the people's "fear of violating their sacred oath overcame all other fear. Rome was a ship held by two anchors in a storm: the religion and the mores."[6]

In Montesquieu's interpretation of the classical experience, so long as the republican principle prevailed, the people in healthy republics heard from the gods—whom they feared, and whom they needed to fear—only commandments that were conducive to the republic's collective, worldly security.[7] To borrow an expression from Montesquieu's successor Rousseau: ancient republican religion was purely "civil religion." In Montesquieu's semi-Machiavellian interpretation, the classical republican world teaches us that when the people or a large portion of them, as well as their leaders, are given political freedom and security and dignity, and are thus removed far from the debasing terror that belongs or is akin to despotism, the clergy may as a consequence lack almost all independent influence, and (what is much more) the consequence may be that practically no one who is respected or heeded will ever claim to have undergone any religious experiences or inclinations that lead away from, or that do not obviously reinforce, the worldly civic concerns. Where vestiges of "superstition" do persist, those purported "mysteries" may be circumscribed and rendered impotent by sensible legislative fences.[8]

This then is the great contribution that, according to Montesquieu, the study of classical republicanism makes to our understanding of the true character of religious experience. Religion and religious experience can become—in classical republicanism we have historical evidence that they did once become, and remained for centuries—entirely in accord with or subordinate to prudent secular human legislation; and the citizenry was admirable, vigorous, sensible, and self-sufficient as a consequence.[9] This theologico-political lesson is, I submit, the deepest reason for Montesquieu's (and perhaps also Rousseau's[10]) celebration of classical democracy and its virtue.

But Montesquieu (and after him, Rousseau) extract this momentous lesson while, or by, putting in the shade the other face of Greco-Roman religiosity: the call to sacrificial defiance of civic prudence for the sake of pious obedience to mysteriously terrifying, but also exalting, divine law; and the concomitant insistence on the sinful hubris of statesmen who become infatuated with overconfidence in their own human, all-too-human,

practical wisdom. This aspect of the Greco-Roman religious experience is visible in the writings of the classical historians,[11] and even—as a grave challenge—in the works of the classical philosophers; the great tragedians make this their theme (it suffices to mention the greatest heroine and the greatest hero of Greek tragedy, Antigone and Oedipus).

Monarchy and Its Religiosity

Montesquieu's initial presentation of despotism places it in sharpest contrast with monarchy, the distinctive "nature" of whose rule is "constituted" by the "intermediate, subordinate, <and dependent>[12] powers." First and foremost is the hereditary fief-holding nobility, "the nobility of the sword." Beneath them are ranked the landed gentry (*les seigneurs*), as well as the clergy, the locally self-governing cities, and, last but by no means least, "the nobility of the robe," who have acquired, often by purchase, judicial titles and have thus become the custodians of the laws. Although Montesquieu is willing to write that "the prince is the source of all political and civil power,"[13] the fact is that these intermediaries—whose powers are not bestowed by the will of the monarch but instead rest on independent, traditional, legal, and customary foundations—hem in the sovereign, compelling him to channel his rule through the "fixed and established laws" (2.1).

The "principle" that animates monarchy is "honor": the arrantly selfish, proud "prejudice" that moves individuals to demand public "distinction" and "preference," in strict accordance with the conventional "ranks" of "each person and of each condition." In every honorable rank in the hierarchy, "one is required to have in one's virtues a certain nobility, in one's morals a certain frankness, in one's manners a certain politeness." A "principal rule" of honor is "that when we have once been placed in a rank, we must do nothing and suffer nothing that makes it appear that we hold ourselves inferior to that rank." In "the world" of honor, "the actions of men are judged, not by their goodness, but by their beauty; not by their justice, but by their greatness; not by their reasonableness, but by their being extraordinary." Accordingly, war "is in fact the distinguished profession, because its risks, its successes, and even its miseries conduce to grandeur." Honor is inseparable from courageous self-assertion and a spirited defiance in the face of threats (3.6–7, 4.2, 5.12).

The principle of monarchy is thus psychologically at the opposite pole from the principle of despotism. Montesquieu introduces the principle of

despotism in a chapter entitled "That Honor is in No Way the Principle of Despotic States" (3.8). Whereas "virtue is not at all necessary in a despotic government, honor would be dangerous there."[14] "How could honor be tolerated in a despotism?—it finds glory in contempt for one's own life"; "how could honor tolerate the despot?—it has rules to follow and caprices to maintain." "Honor has its laws and its rules, and does not know how to bend"; honor "depends on its own caprice, and not on that of anyone else" (3.8–9). And this means that despite the "bizarre" shape taken by its conventional demands, monarchic honor (contrary to republican virtue) "is favored by the passions, and favors them in turn" (4.5). In the monarchic world of honor we see fully revealed the superb splendor of magnificent if morally dubious competitive human individuality, preening itself even or especially on its fantastic eccentricities.[15] An education in honor teaches "virtues that are always less what one owes to others than what one owes to oneself: they are not so much what draws us toward our fellow citizens, as what distinguishes us from them" (4.2).

The religious consequence of the principle of monarchy is that piety—especially of the sort that demands humble self-abnegation—becomes a subject of mockery. The same crucial chapter that (as we have seen) explains the importance of the laws of religion in despotism, and indicates the deep affinity between despotism and biblical religion in particular, sharply contrasts the very different relation between the laws of (especially biblical) religion and the principle of monarchy: "[I]n States that are monarchic and moderated, the power is limited by that which is its spring; I mean honor, which reigns, like a monarch, over the prince and over the people. One will not at all call upon the laws of religion; a courtier would suppose one was poking fun at him" (3.10).[16] By the same token, honor immunizes against Christian persecutorial fanaticism: the most shining example that Montesquieu presents of the "grand and generous courage" generated by honor is the story of the Viscount d'Orte's eloquent refusal, as commander of Bayonne, to obey the orders of Charles IX, who "had written to all the governors to have the Huguenots massacred," in the wake of St. Bartholomew's Day (4.2). As Montesquieu concisely expresses it, in his discussion of education in monarchies: "this bizarre honor makes it so that the virtues are only what it wishes, and as it wishes: on its own authority, it gives the rules for everything that is prescribed to us; in accordance with its fantasy, it extends, or it limits, our duties—whether they have their source in religion, in politics, or in morality" (4.2).

Montesquieu's presentation of the incompatibility between Christianity and the antidespotic principle of prideful monarchy was a major cause of the censorship of Montesquieu's book by the faculty of the Sorbonne, who went so far as to label *The Spirit of the Laws* a manifestation of "hatred for monarchy" on account of the book's anti-Christian presentation of the principle of monarchy (OC 2.1180–83). The Abbé de La Roche protested that it followed from Montesquieu's analysis of the principle of monarchy that Christianity—given its pious castigation of proud vanity and its insistence on humble virtue—should be banished from all monarchies.[17]

But this last animadversion highlights the major puzzle in Montesquieu's analysis of the principle of monarchy, in its relation to religion—a puzzle that grows in significance as we recognize the role played by the analysis of monarchy and its principle in bolstering Montesquieu's basic theological hypothesis. If the principle of monarchy, which is in accord with the natural human passions, is so deeply antithetical to the despotic principle that is hypothesized to be at the heart and root of Christianity, why does the Church play so great a role in European monarchy? For in Europe the Christian clergy of course stands alongside and even intermingles with the nobility, as one of the distinct and influential intermediate powers that "constitute" the "nature" of monarchy. Moreover, as Montesquieu soon stresses (4.4), the clergy controls most of the formal educational institutions, especially for the upper class youth. How does Montesquieu account for this massive feature of European monarchy, which appears so contradictory in light of his analysis of monarchy's anti-Christian principle?

Montesquieu leaves little doubt that he finds the role of the Church in European monarchy to be deeply problematic. Given monarchy's principle, the actual role of the Church is not reasonable, not natural—even "evil." "The subordinate[18] intermediate power that is the most *natural*," Montesquieu stresses, "is that of the nobility. It enters in some sense into the essence of monarchy"; in contrast, he avows, "I am not at all infatuated with the privileges of the ecclesiastics." "But," Montesquieu continues (in an ambivalent vein),

> I would wish that their jurisdiction were fixed, once and for all. What is at issue is not at all knowing whether it was *reasonable* to establish that jurisdiction; the issue is rather, whether it has been established; whether it does make up a part of the laws of the country, and whether it exists everywhere in relation to those laws; whether, between two powers that one recognizes as independent, there

> should not be reciprocal conditions; and whether it is not equally the part of a good subject to defend the prince's just prerogative—or the limits that that prerogative has at all times prescribed for itself.

Montesquieu does admit that the clergy serve as a dike in those monarchies where the tide of despotism gathers strength:

> As dangerous as the power of the clergy is in a republic, so much is it convenient in a monarchy, especially in those that are tending toward despotism. Where would Spain and Portugal be, since the loss of their laws, without this power that alone stops arbitrary power? This is a barrier that is always good, *when there is no other at all*: because, since despotism causes horrible harm to human nature, even the *evil* that limits it is a good. (2.4, emphasis added; see also 11.8)

Yet the specific examples he thus points to (Spain and Portugal) are monarchies whose historical spirit, we later learn (from Montesquieu's analysis of the spirit of the laws of the Visigoths), has always been intertwined with the spirit of Christianity and its clergy. The barrier the clergy places before despotism in European monarchy is thus deeply ambiguous: the clergy limits the tendency toward despotism; but one can suspect that the tendency, thus limited, draws some of its inspiration from the very religion and clergy that does the limiting. Montesquieu indicates repeatedly that one of the gravest threats of despotism that haunts France is the inclination among the elites to become mesmerized by the example and the teachings of that great cardinal or Prince of the Church, Richelieu: "when that man didn't have despotism in his heart, he had it in his head."[19] And lest one think that Richelieu's politics had nothing to do with his Christian education, Montesquieu brings out the following Christian-Aristotelian aspect of Richelieu's at first very Machiavellian-seeming political teaching (in his famous *Testament*):

> The Cardinal Richelieu, thinking perhaps that he had gone too far in abasing the orders of the State, has recourse, in order to sustain the state, to the virtues of the prince and of his ministers; and he demands from them so many things, that in truth, only an angel could possess so much attention, so much intelligence, such firmness, so much knowledge; and one can barely flatter oneself into thinking that from now until the dissolution of monarchies, there could ever be here such a prince and such ministers. (5.11)

Richelieu's Christian-Aristotelian education left him far too trusting in the virtues of rulers, while incapable of appreciating what Montesquieu's political science shows, on the basis of its knowledge of man's original nature, to be the fundamental fact of monarchy: "As the peoples who live under good policing are more happy than those who, without regulation and without chiefs, wander in the forests; so the monarchs who live under fundamental laws of their State are more happy than the despotic princes, who have nothing that can regulate the hearts of their peoples, nor their own."[20]

All these considerations make only more pressing the need for a solution to the massive conundrum: if the principles of Christianity and of nondespotic monarchy are so mutually opposed, how is it that the two have become intertwined in European monarchy—and what are the spiritual consequences? Having aroused his readers' acute wonder at how he proposes to explain, or to explain away, what is unquestionably the very imposing and influential (and, a pious scholar might contend, miraculous or divinely appointed) presence of the Christian Church in the very heart of proud monarchy, Montesquieu only gradually (and even tantalizingly) distributes to us the pieces of historical evidence that allow us to see how he solves the mystery.

Why Christianity Is So Powerful in Monarchic Europe

In book 11, after we have learned that, contrary to the impression we were originally given, monarchy reaches its perfection not in France, but in England's constitution (which depends almost as little on the principle of honor as it does on Christianity), we learn from our ever-jocose instructor that this "beautiful system" originated . . . "in the woods!" That is to say, it originated among the "very free" but very unsophisticated pagan Germans who conquered the Roman Empire (11.6 end, 11.8). These Germans were of course "barbarians"; but, Montesquieu explains somewhat later (in a chapter entitled "Of the Authority of the Clergy in the First Race"): "among barbarian peoples, the priests usually have power, because they have both the authority that they ought to have from religion, and the power that, among such peoples, superstition gives." Among the Germans in particular (as we learn, Montesquieu notes, from Tacitus's *On the Mores of the Germans)*, it was the *armed* priesthood who were charged with enforcing order in the assemblies, by striking and binding those free peers

who got out of control at the meetings; this policing the priests carried out "as if by an inspiration from the divinity, always present to those who make war" (18.31; see also 24.17). But since (as we have already had occasion to note) "peoples who don't have any temples have little attachment for their religion," these same "barbarian peoples for that reason did not hesitate a moment to embrace Christianity" (25.3)—whose *un*armed priests had already become powerfully entrenched throughout the Roman Empire as a consequence of the innovative policies of Constantine.[21] The ignorant and unimaginative German conquerors had no idea what they were "embracing," when they jettisoned their traditional, hard-hitting, nondespotic pagan gods and priesthood, and substituted the pacific Christian clergy. "In the time of the Romans, the peoples of the north of Europe lived without arts, without education, almost without laws"; and "nevertheless, solely by the good sense attached to the gross fibers belonging in such climes, they maintained themselves with an admirable wisdom against the Roman power, *up until* the moment when they came out of their forests to destroy it" (14.3; emphasis added). "Our fathers, the ancient Germans, dwelled in a climate where the passions were very calm. Their laws found, in things, solely what could be seen, and they imagined nothing more" (14.14). Only gradually did the Germanic rulers realize how much they would have to struggle to "bring under control the clergy, which was a body that took on its own form, so to speak, under the conquerors, and which established its prerogatives" (28.9 and context).

This explains the accidental *origins* of the power of the Christian clergy in European monarchy. But in order to understand fully what grew from those origins and why, we must pay attention to other factors, and in the first place to what Montesquieu indicates about the rather unhappy history of the lower classes—for whom life under a monarchy, especially feudal monarchy, may be as insecure, or even more insecure, than life would be under despotism. Early on, when he is discussing the relation between the principles of the various regimes and their penal codes, Montesquieu suddenly inserts a very brief chapter entitled "On the Old French Laws" (by which he means, as his footnotes make clear, the late medieval laws). This chapter (6.10), in its entirety, reads: "It is especially in the old French laws that one can find the spirit of the monarchy. In the cases involving monetary penalties, the nonnobles are punished less than the nobles. Exactly the contrary holds in the case of crimes; the noble loses his honor and the right to reply in court, while the villein, *who has no honor whatsoever*, is punished corporally" (emphasis added). It is true that, as Montesquieu

says a few pages later, *originally* "our fathers, the Germans, admitted almost none but monetary penalties. These warrior and free men judged that their blood ought not to be shed except when they had their arms in their hands" (6.18; see also 28.36 and 30.19). But these free nomadic tribes did possess serfs; and, after they had subjugated the inhabitants of the Roman Empire, they adopted from Roman law the comparatively mild but still oppressive slave system that is serfdom (11.8; 13.3, 5; 15.10, 15; 30.10). Montesquieu surmises that serfdom spread and became predominant on account of the civil wars and consequent prisoner-taking during the Merovingian and Carolingian dynasties; and he finds in the historical record that the sole great institution concerned to relieve the suffering of the masses, thus enslaved, was the Church:

> I could cite authorities without number. And since, in these miseries, the heart of charity was moved; since several holy bishops, seeing the captives shackled two by two, used the money of the churches, and even sold the sacred vessels, to enfranchise as many as they could; since the holy monks thus employed themselves; it is in the life of the saints that is to be found the greatest clarification of this matter. Although one can reproach the authors of these lives for having been sometimes a bit too credulous concerning the things that God would certainly have done if they had been in the order of his designs, one may nevertheless draw from them great illumination concerning the morals and the usages of those times. (30.11)

Yet while the Church thus conspicuously and with some success strove to alleviate the serfs' sufferings, and while it officially came to oppose slavery (15.7–8), it in fact played, according to Montesquieu's researches, a very ambiguous role in the transition from classical slavery to feudal serfdom. The same Christian spirit that was sympathetic to suffering slaves and serfs was weak in defending the proud warrior liberties of the mass of German freemen. The Church spoke out as the greatest advocate of the Roman law, which was decisively less free in spirit than the Germanic—although the latter included serfdom as part of its traditions (15.10; see also 11.8, 15.15). Among most of the Frankish people (in contrast to the Visigoths who took over the Iberian Peninsula), "Roman law lost out, on account of the great advantages that there were to being Frankish, barbarian, or a man living under the Salic law"; the Roman law "was retained solely by the ecclesiastics, because they had no interest in changing" it: the Roman law, with its contribution to the law of serfdom, "was the work of the Christian emperors" (28.2 and 4; see also 28.9). What is more, the Church itself became

a great landholder and owner of serfs, because of the compliant docility and lack of fighting spirit among the bishops: "Charlemagne and his first successors feared, lest those that they set up in places far away might be inclined to revolt; they believed that they would find more docility in the ecclesiastics: so they erected in Germany a great number of bishoprics, and joined to them great fiefs"; "such a vassal, far from using against them [the kings] the subjected peoples, would, on the contrary, have need of help to maintain himself against his subject people" (31.19). More generally, after "an infinity of lands that free men had made valuable became changed into lands dependent on a lord," and regions found themselves "without the free men who had inhabited them," it became "usual that the owners of the lands gave them to the churches, to hold them and to take the taxes from the serfs—the owners believing that they participated, by their servitude, in the holiness of the churches" (30.11 end and 15). Thus the clergy became at one and the same time major members of the feudal ruling class and the sole consistent protectors of the ruled class.

Montesquieu's researches convince him that, in France at least, serfdom gradually disappeared during the "third" or Capetian dynasty (28.45; 30.11, 30.15). Yet while he celebrates the resultant "civil liberty of the people" (11.8), he also acknowledges their continuing and all-too-typical "suffering" under monarchy, even in his own time: "the prerogatives attached to the fiefs give a power that is a great burden on those who are under it."[22] The unfortunate fact is that the nobility "regard sharing power with the people as the peak of infamy" (8.9; see also *Pensées* #631, OC 1.1152). The traditional nobleman's attitude toward the people finds a rather extreme expression in the writing of Montesquieu's older contemporary and acquaintance the Marquis de Boulainvilliers, against whose excessive, and even oppressive, aristocratic interpretation of French constitutional history Montesquieu in part directs his own voluminous historical study in the closing books of *The Spirit of the Laws* (30.10). Indeed, one may conclude that a major political-rhetorical purpose of Montesquieu's book as a whole, and especially of its last, lengthy, historical portion, is to try to teach some prudent sense of humanity and responsibility to that crucial "nobility of the sword" that continually risks inadvertently undermining the monarchic regime (and strengthening the role of the clergy) by the arrogance with which it tends to treat the common people. Montesquieu teaches that in monarchy it is a great matter of policy to give to the people the impression, or to encourage their opinion, as much as possible, that their government respects them and treats them gently. In the chapter entitled, "On the Way to Govern in Monarchy" (12.25), Montesquieu writes:

"In our monarchies, all felicity consists in the opinion that the people have of the softness of the government."

It is then easy to see why the commoners in a monarchy readily form a constituency that feels keenly the need for a despotic heavenly protector—whose laws and whose clergy run contrary to, and thus chasten, the nobles and their spirit of honor. A key part of the significance of the lengthy historical analysis of feudalism with which Montesquieu concludes *The Spirit of the Laws* is to allow the reader to experience vicariously the fearfulness of the social world and culture that gave Christianity so powerful a foothold, especially among the commoners, in European monarchy:

> The history of Gregory of Tours and the other historical records reveal to our view, on the one hand, a nation that was ferocious and barbarous; and, on the other hand, kings who were no less so. These princes were murderers, unjust and cruel, because the entire nation was such. If Christianity seemed sometimes to soften them, this was solely by means of terrors that Christianity instilled in the guilty. The churches defended themselves against them by the miracles and the prodigies of their saints.[23]

Montesquieu affixes to book 28 an epigraph that is the opening sentence of Ovid's *Metamorphoses*: "The mind is led to tell of forms changing into new bodies"—followed by an ellipse. In Ovid, what follows is of course no ellipse, but instead an invocation of the divine power and wisdom that brought about the changes that are to be told of: "You gods—for it was you who brought about the changes—favor my efforts." By conspicuously dropping Ovid's second sentence, Montesquieu not only shows that he, unlike the poet, eschews divine assistance; Montesquieu heralds an historical analysis that shows that there is no need whatsoever to attribute any causal role or significance to divine agency in medieval European history, including the history of the source of the social and political power of Christianity in modern monarchy. Montesquieu's historical political science thus claims to dissolve the mystery of Christianity's powerful position within the essentially alien monarchical regime.

Montesquieu's Educational Strategy

But Montesquieu does not thereby entirely dispose of the problem that haunts his analysis of the religious entailments of the principle that ani-

mates monarchy. For he is compelled to admit that in the psychology of the European upper classes "the modification of the soul" that is honor wrestles with a strong Christian rival. Not only the ubiquity of Christianity, but especially the clergy's hold on most educational institutions, exerts a spiritual influence that subverts honor: "honor is a prejudice, that religion labors sometimes to destroy, sometimes to regulate" (4.3 n.). In what is his most revealing pronouncement on the spirit of his own contemporary society, Montesquieu laments the resulting massive "contradiction" in the education of the young. The crucial chapter (4.4) is entitled, "Difference in the Effects of Education among the Ancients and among Us," and reads as follows:

> Most of the ancient peoples lived in governments that had virtue as their principle; and, when it was in full force, things were done that we no longer see today, and that astonish our petty souls.
>
> Their education had another advantage over ours; it was never contradicted. Epaminondas, the last year of his life, spoke, heard, saw, did the same things as he did when he was of the age when he had begun to be instructed.
>
> Today, we receive three educations that are different or contradictory: that by our fathers, that by our teachers, and that by the world. What is said to us in the last upsets all the ideas of the first two. That comes, in some degree, from the contrast that there is among us between the engagements of religion and those of the world; a thing that the ancients did not know of.

The modern European monarchic soul, in sharp contrast to the ancient republican soul, is trammeled by the fact that what chiefly shapes it—the principle of honor, the education by "the world"—contradicts, and is thereby in varying degrees drawn into question and impeded or debilitated by, the previous, childhood teachings received from (religious) schools or teachers and parents or household.[24] From the latter the young hear different versions of the morality of biblical religion, with its demand for humble abnegation of self and transcendence of worldly ambitions and worldly satisfactions.

Montesquieu of course refuses to countenance the possibility that this betrays a natural resistance of the human heart to self-indulgent pride, and a natural inclination toward the call of the Christian conscience. He insists that the evidence requires interpreting Christianity and its educational effect as an alien, accidental, or historically generated intrusion into what would otherwise be a more integral and strong monarchic personality.

And Montesquieu finds himself, as a teacher, compelled to try, through his book, to help diminish the power of the alien intruder—to help his young readers find their way to surmount the contradiction that rends their hearts.

To understand Montesquieu's educative rhetorical strategy we must bear in mind this basic psychological dimension of the historical context—as he understands it—that *The Spirit of the Laws* initially had to address.[25] The overcoming or the lessening of the effect of the contradiction, the integrating and strengthening of the somewhat conflicted souls of some of the most promising youth in monarchy, is a primary pedagogic intention of *The Spirit of the Laws*—a practical intention intertwined with the theoretical intention to meet the challenge posed to rationalism by revealed religion. And we are now at the appropriate place to point out how the order of Montesquieu's presentation of monarchy is to be explained partly in terms of the stages he designs for reeducating the best among his young monarchic readers.

One can recognize the starting point for this process of spiritual transformation and liberation or integration when one notes how Montesquieu begins his account of the honor that animates monarchy by conceding to, and even encouraging further, the moral uneasiness a young person may well feel about this principle of "the world." The chapter that introduces the principle of monarchy bears the censorious title "That Virtue is in No Way the Principle of Monarchic Government" (3.5). So severe are the animadversions that this chapter contains, on the "wretched character of courtiers," that Montesquieu has to pause in the midst of the chapter to offer an apology to his (monarchic) reader: "I beg that one not be offended at what I am saying; I speak following all the histories." Thus, at first Montesquieu (uncharacteristically) presents himself as merely following what everyone else has always written. He adopts and makes (temporarily) his own the outlook that one finds if "one reads what the historians of all ages have said about the court of monarchs."

The next chapter opens with Montesquieu dropping his Cato's mask just enough to permit himself to express the fear that some readers (at whom he glances with, so to speak, a twinkle in the eye) may suspect him of writing a "satire on monarchy." "Non!" (he solemnly protests), and launches his impressive salute to the ambiguous moral magnificence of monarchy and its principle of honor (3.6). Thus Montesquieu begins by entering into, and presents himself as sharing, his young monarchic reader's moral ambivalence.

But Montesquieu situates this ambivalence in a framework quite unlike that which the reader has heard or learned from parents and teachers. Montesquieu makes it clear that he is not really following "*all* the histories": he shows that the judgmental moral standpoint from which he reprehends the mores of monarchy is not at all a traditional Christian standpoint. As he emphasizes in a footnote: "I am speaking here of political virtue, which is moral virtue in the sense that it directs itself to the general good; I am speaking very little of individual moral virtues, and *not at all of that virtue which has a relation to revealed truths*" (3.5n, emphasis added). What Montesquieu fears might offend his monarchic readers is his observation that in monarchy "the State exists independently of the love for the *fatherland*, of the desire for *true glory*, of the renunciation of oneself, of the sacrifice of one's dearest interests, and of all those *heroic* virtues that we find in the *ancients*, and of which we have only heard talk" (emphasis added). Montesquieu looks, and directs his reader to look, for purity and elevation, not in the direction of the Church and the Bible, but instead to republican Rome and Greece.[26] It is in pagan antiquity that we can find self-renouncing but glorious, public-spirited objects of admiration and aspiration that sweep us up beyond the moral horizon of proud, magnanimous, and self-promoting monarchy. Montesquieu brings monarchy and its principle to sight in the afterglow of the shining introduction of ancient republicanism, which casts upon monarchy, and indeed upon the whole of modern life—as upon "the dregs and corruption of our modern times"(4.6)—a very unflattering light:[27]

> The Greek men of politics, who lived in governments by the people, knew of no other force that could sustain them except that of virtue. Today's men of politics talk to us only of manufacturing, of commerce, of finance, of riches, and even of luxury. When that virtue ends, ambition enters into the hearts that can receive it, and avarice enters into all hearts. (3.3; see also *Pensées* #598—OC 1.1127)

The monarchic reader who initially responds to *The Spirit of the Laws* as Montesquieu evidently hopes—the reader whose somewhat perplexed heart is inspired to wonder whether it might not find its standards, its inspiration, and its solace in Montesquieu's portrait of ancient republicanism—is a reader who is drinking in Doctor Montesquieu's antidote to Christian or biblical moralism with its pious censure of monarchic honor.[28] In Montesquieu's and Rousseau's hands, as in Machiavelli's, the classical republic together with the admiration that it arouses becomes

a most effective device for weaning modern Western readers away from what these philosophers regard as mankind's centuries-old, most debilitating, and addictive moral and political misunderstanding, intensified by Christianity, but begun by the "sects" of ancient philosophy and political philosophy. As we soon begin to see, however, this turns out to mean that admiration for the virtuous classical republic is not so much the goal as it is a stepping-stone of the education that Montesquieu seeks to provide.

CHAPTER FOUR

From Classical Civil Religion to Modern Liberal Religion

Becoming enamored of virtuous democracy, and impressed with the purely civil character of its religiosity, is the first major stage in the educational evolution that a candid reader—primarily, a monarchist reader—is meant to undergo. But soon Montesquieu provokes such a reader to more troubled reflection, and an uneasy rereading, intensified after the book's grand puzzle is encountered: the emergence of a great rival to classical republicanism in the form of the free but morally lax English constitution and consequent commercial way of life. The intended eventual outcome is that the reader experience a sobering disenchantment, accompanying a somewhat reluctant and never entirely whole-hearted transference of allegiance, from virtuous to commercial republicanism, or from republicanism to monarchy—conceived in new and multivalent terms.

The massive doubt concerning the virtuous republic that gradually takes shape, and forces its way ever more insistently to the fore, is this: Are the genuinely magnificent achievements of republican virtue—collective security and liberty, probity, strength of soul, dignity or glory, and religious liberation—purchased at the price of an unnatural distortion of the souls of the citizens? What initially attracts the reader, in the shape of patriotic dedication, begins increasingly to repel, as virtue is seen to entail repression of the self-expressive and humane passions that are natural and that are basic to the happiness of humankind living in society. As Montesquieu eventually says (bk. 27, sole chapter, p. 786), in republics

> it is a misfortune (*un malheur*) of the human condition that lawgivers should be obliged to make laws that combat the natural feelings themselves; . . . This is because lawgivers legislate more for the society than for the citizen, and more for the citizen than for the human being. The law sacrifices both the citizen and the human being, and thinks solely of the Republic.

In the context, Montesquieu is referring primarily or specifically to the republican laws regulating the behavior and the life of women, and perforce of men's relations with women. Earlier, Montesquieu pointed out that the Roman republican law "intimidated the women, it intimidated also those who were supposed to keep a watch on the women" (5.7); "in republics, women are free by the laws and prisoners by the mores" (7.9; see the context, 7.8–12).

It is not only the women, it is the male citizens as well, who live always under censorial eyes. Strict sumptuary laws and the prohibition of luxuries, the suppression of ambition and pride, the cultivation of "mediocrity" (even through the practice of ostracism of superior men, we eventually learn in 26.17 and 29.7), all must be enforced through ceaseless mutual surveillance. Morals must be policed by a "senate" or council of elders elected for lifelong terms, who in their turn are watched by one or more other, distinct boards of higher moral guardians—in Rome, "The Censors," "who kept their eyes on the people and on the senate"; in Athens, "The Guardians of the Laws" and also "The Guardians of the Morals." "It was necessary" that these bodies "reestablish in the republic everything that had been corrupted, that they take note of tepidity, judge instances of negligence, correct faults" (5.7). "It is not only crimes that destroy virtue, but also instances of neglect, faults, a certain tepidity in the love of the fatherland, dangerous examples, seeds of corruption; what does not shock the laws, but eludes them; what does not destroy them, but weakens them: all that must be corrected by the censors" (5.19). And the burdensomeness of life under the censors introduces a precariousness into the constitution: the citizenry has a tendency to wish to strip the censoring Senate of its power. This danger is limned by the illustrations given in book 8's fourteenth chapter, entitled "How the Tiniest Change in the Constitution Brings about the Ruin of the Principles": the title makes us expect that Montesquieu will discuss examples that show how tiny changes can bring ruin in the case of each of the various principles—republican, monarchic, and despotic; in fact, he speaks solely of the loss of virtue in republics, as a consequence of the loss of authority by the Senate that is responsible for the censorship.

The need for so intense, harsh, ceaseless, and in fact fragile a moral policing prompts the question whether what is called "corruption" may not be more natural than what is called virtue. In the midst of some of his most enthusiastic encomia to republican virtue, after stressing that "in order to love frugality, it is necessary to enjoy it," Montesquieu adds the unsettling remark that if frugality were "natural," then "Alcibiades would not have been the object of *universal* admiration" (5.4, emphasis added). Most arresting is what is found in the chapter entitled "What it is, That is Virtue in the Political State" (5.2). Here Montesquieu exposes, if only for a startling moment, an affinity between the virtue of republics and the asceticism of monasticism:

> The love of the fatherland conduces to the goodness of the mores, and the goodness of the mores leads to the love of the fatherland. The less we can satisfy our personal passions, the more we give ourselves over to general passions. Why do monks love their order so much? On account of precisely that which makes it intolerable to them. Their regulations deprive them of all the things upon which ordinary passions depend: what is left, then, is that passion for the regulation that afflicts them. The more austere it is, that is to say, the more it cuts off their inclinations, the more force it gives to those that it leaves them.

But of course, Montesquieu does not for a moment suggest here that the pagan republicans experienced an unsatisfied natural longing for otherworldly consolations. In fact, he here implies that even monks are not truly animated by such a longing!

In the two books following his account of republican censorship, Montesquieu raises and pursues the questions of how, in the different forms of government, "the property and the life of the citizens might be assured and fixed," of how much care is taken of "the honor, the fortune, the life, and the liberty of the citizens"—meaning to say, "the liberty and security of the citizens" as *individuals*, and in their private family life (6.1–2). By juxtaposing the way virtuous democracy answers these questions with the way they are answered by honorable monarchy, Montesquieu allows us to see that monarchies, in comparison with republics, are less extreme in their demands upon, yet at least equally concerned for the well-being of, individual citizens (the minority of inhabitants, that is, who participate in "honor").

And as we have already observed, Montesquieu impresses upon us the fact that honor, in contrast to virtue, is a principle much more in accord

with—and thus strongly supported by—the naturally self-assertive energy of the human spirit. When Montesquieu introduces the principle of monarchy by juxtaposing it with the principle of republics, he compares honor in its political effect to "the most beautiful machines," in which "art employs as few movements, forces, and wheels as possible": in monarchy, "the law takes the place of all those virtues, of which there is no need whatsoever" (3.5). Ambition, which is so dangerous to republics, "has good effects in a monarchy; it gives the life to this government." Honor "makes all the parts of the body politic move; it joins them by its very action; and what happens is that each goes toward the common good, believing that he goes after his individual interests." Montesquieu archly adds: "And isn't this quite something: to oblige people to do all the difficult actions, demanding strength, without any other recompense except the noise of these actions?" (3.7). In monarchy, all the onerous republican demands and risks are unnecessary, and even contrary, to "that spirit of liberty that is almost the sole spirit that is tolerated" in a royal court that spreads its influence throughout society (7.9; see also 4.2 and 11.7).

When we are introduced in book 8 to "The Corruption of the Principles of the Three Governments," we are soon prompted to wonder whether much of the "corruption" that threatens democracy is not a signal that, even or especially for the energetically committed republican citizen, what remains strongest (and what is in fact most admired) are the more naturally self-regarding aims that are somewhat obscurely embedded in the prevailing republican political passions. In pursuing virtue, do not republican citizens hunger for liberty, in the form of each individual's own personal political power and preeminence as well as security? Certainly we now learn that the only thing that can prevent a virtuous republic—in contrast to an honor-loving monarchy—from being corrupted is the constant threat and hence restraining pressure of external enemies:

> As a certain confidence forms the glory and the security of a monarchy, it is necessary, on the contrary, that a republic be in dread of something. The fear of the Persians maintained the laws among the Greeks. Carthage and Rome intimidated one another, and strengthened one another. What a strange thing!—the more these States have security, the more, like water that is too quiet, they are subject to self-corruption. (8.5)

Hard-won victory over enemies unleashes in the citizenry overweening political ambition:

> [T]he grand successes, above all those to which the people have contributed a great deal, give to it such an arrogance, that it is no longer possible to lead it. Jealous of the magistrates, it becomes itself the magistracy; enemy of those who govern, it soon becomes enemy of the constitution. It was thus that the victory of Salamis over the Persians corrupted the republic of Athens; it was thus that the defeat of the Athenians destroyed the republic of Syracuse. (8.4)

It is with this danger from political ambition in view that Montesquieu concludes, a few chapters later, that "it is of the nature of a republic that it have but a small territory; without that, it can scarcely survive." The external dangers threatening a small republic pale in comparison with the dangers threatening a great republic from the passion for rule of its own individual citizens. Or as Montesquieu says:

> [I]n a great republic, there are great fortunes, and consequently little moderation in the spirits: there are things too great to be deposited into the hands of a citizen; the interests become individual; a man feels, to begin with, that he can become happy, great, glorious, without his fatherland; and soon, that he could be great by himself, on the ruins of his fatherland. (8.16; see also 10.6)

Montesquieu forces one to wonder whether the historical evidence does not suggest that at bottom, the energetic citizen experiences a longing for personal distinction not altogether different in kind from the passion that moves the heart of the monarchic man of honor. This would not be to deny that virtue remains, in comparison with honor, more capable of concerted action, as well as less vain and effeminate; but the initially decisive apparent *moral* superiority of virtue over honor is drawn into question.

The essentially self-corrupting culmination of virtue had been the unqualified thesis of Montesquieu's *Considerations on the Causes of the Greatness of the Romans and Their Decadence*, and especially of its ninth chapter (to which chapter, Montesquieu refers us repeatedly in footnotes—2.2, 2.3, 6.15). In that ninth chapter of the *Considerations*, we find the following paradoxical conclusion:

> [T]his is a thing that has been seen *always*: that good laws, which have made a little republic become great, become a burden to it when it has increased in size; because they were such, that their *natural* effect was to make a great people, and not to govern it. There is a big difference between good laws and convenient laws—those that make a people master of others, and those that maintain its power when that has been acquired. (emphasis added)

Republican Slavery

Republicanism eventually becomes questionable also on grounds of humanity. Montesquieu's initial celebration of Greco-Roman republicanism in part 1 is for the most part bashfully silent about the slaves that were the economic basis for that republicanism: though the term "slavery" is used repeatedly in part 1, it is used in reference, almost always, to the subjection of subjects to political despots or tyrants.[1] Montesquieu does remark that Sparta mixed "the most harsh slavery with extreme liberty, the most atrocious feelings with the greatest moderation" (4.6; see also 4.8, 8.2). And in the chapter on torture in judicial proceedings (6.17), he writes: "I was going to say that the slaves among the Greeks and among the Romans . . . But I hear the voice of nature which cries out against me" (ellipses in original).

When Montesquieu takes up thematically, much later, the subject of human chattel slavery, he solemnly pronounces at the outset what may be called his "official" doctrine: "in democracy, where everyone is equal, and in aristocracy, where the laws ought to make every effort to make everyone as equal as the nature of the government can permit, slaves are against the spirit of the constitution; they serve only to give to the citizens a power and a luxury that they ought not to have" (15.1). Yet Montesquieu conspicuously does *not* say, as he does in the immediately preceding sentence concerning slavery in *monarchy*, that "it is *essential* that there be no slavery at all" (emphasis added); nor does he say of the spirit of republics what he says of the spirit of monarchies—the principle of honor (not virtue) dictates that "it is of sovereign importance that human nature not be repressed or debased."

Twelve chapters later in the same book on slavery, Montesquieu takes a big step back from his "official" doctrine on republics, by saying that "in moderate states, it is very important that there not be *too many* slaves"—since "such people are the natural enemies of the society." That is why, Montesquieu goes on to say (in ever more surprising fashion), that "one shouldn't be astonished that, in moderate governments, the State has been *so troubled* by slave revolts" (emphasis added, 15.13). Two chapters later Montesquieu adds: "in *most* republics it has *always* been the goal to beat down the courage of the slaves" (emphasis added, 15.15). It is in these terms that Montesquieu analyses the feelings of the slave in a republic: "He sees a happy society of which he is not even a part; he finds security established for the others, and not for him; he feels that his master has a soul that can enlarge itself, and that his own is constrained to abase itself

ceaselessly. Nothing puts one closer to the condition of the beasts than to see always free men, and not to be one" (15.13).

Thus, in the book on chattel slavery, the underbelly of the life of classical republican virtue comes to sight—in unflattering contrast with the greater humanity dictated by the monarchic principle of honor. At the same time, the hitherto apparently clear difference between democratic and aristocratic republics becomes somewhat blurred—once daylight shines on the ugly fact of the large number of noncitizens in classical democracies. We now hear that in democracies great care must be taken to give legal protection to the numerous free noncitizens, while simultaneously keeping them from any share "in the political State": in a republican "government, by the people, the power must not be allowed to fall into the hands of the lower classes." Montesquieu's last word about the class structure of the citizenry in a "democracy" is that "thus, in the government by many, it is often useful to make the condition of the enfranchised slaves only a bit beneath that of the free born, and to have the laws labor to remove from the former their disgust at their condition" (15.19). We are compelled to recognize how deliberately incomplete was Montesquieu's original portrait of "democracy" as "rule by the people."

Still, Montesquieu does here insist that "the humanity that one will have for slaves will be able to prevent, in a moderate state, the dangers that could be feared from their too great number" (15.16). Montesquieu adduces the Athenians, who "treated their slaves with a great softness: one never saw that they troubled the State in Athens, as they plagued that of Sparta." The reason is that "simple nations, and those that are preoccupied with work, usually have more softness toward their slaves than those that have renounced work." And as regards the grave problem of what to do about the mass of noncitizens in a republic caused by the presence of slaves and enfranchised former slaves, Montesquieu adds this radical but hopeful remark: "one can even cure the evil at the root: for, since the great number of slaves is linked to the diverse employments that one uses them for, to transfer to the free born a part of these employments, for example commerce or navigation, is to diminish the number of slaves" (15.18).

The Commercial Republic and Its Religiosity

This last striking observation, on a major humane consequence of the encouragement of commercialism and seafaring, links up with a number of others that have constituted a sort of crosscurrent, roiling what may be

called the "Spartan" mainstream of Montesquieu's presentation of virtuous classical republicanism (see again 4.6–8 and 12.30n). This crosscurrent is first encountered in book 5. After having repeatedly stressed the antagonism between commerce and virtue (3.3, 4.6), Montesquieu suddenly perplexes us with the following announcement—in the midst of his account of the austere frugality that appears to be so essential to the virtue of the classical republic (5.6):

> It is true that, when the democracy is founded on commerce, it can very well turn out that individuals there have great riches, and that the mores are not corrupted. This is because the spirit of commerce brings with it that of frugality, economy, moderation, work, prudence, tranquility, order, and regulation. Thus, so long as this spirit continues, the riches that it produces have no bad effect.

Montesquieu does not here characterize these moral qualities, which are brought by the spirit of commerce, as "virtues." Still, we are true to the goal of Montesquieu's thought if we employ the moral language of Alexis de Tocqueville, the most soberly capacious of his students, and speak of these qualities as the virtues of "self-interest rightly understood."[2] But how are we to understand the relation of these virtues to the civic virtue that we have been admiring heretofore? Montesquieu heightens the conundrum when he goes on to say of the "spirit of commerce" that,

> in order that this spirit be maintained, it is necessary that the principal citizens carry it on themselves; that this spirit reign *alone, and not be crossed by another*; that *all* the laws favor it; that these very laws, by their dispositions, divide up the fortunes in proportion as the commerce grows, making each citizen poor in a great enough comfort, so that he can work like the others; and each citizen rich in such a mediocrity that he has need of his work to preserve or to acquire.
>
> It is a very good law, in a commercial republic, that gives to all children an equal share in the inheritance of their fathers. In this way, whatever fortune is made by the father, his children, always less rich than he, are led to avoid luxury, and to work like he did. (emphasis added)

"I am speaking," Montesquieu sententiously adds, "only of commercial republics; because, as regards the others which are not so, the lawgiver has quite different regulations to make." But he then broadens the implications, for our understanding of the classical world, of his sphinxlike remarks on the favorable qualities of commercial republics:

> [T]here were in Greece two sorts of republics: one was military, like Sparta; the other was commercial, like Athens. In the former one wanted the citizens to be idle; in the latter one sought to instill love for work. Solon made idleness a crime, and wished that each citizen render an account of the manner in which he earned his livelihood. In fact, in a good democracy where one ought not to spend except on what is necessary, each ought to possess what is necessary; because from whom could one receive it?[3]

Earlier, when Montesquieu gave the impression of taking his bearings by classical civic virtue, and thus by the Spartan paradigm, Montesquieu characterized Greece very differently:

> [I]t is then necessary to regard the Greeks as a society of athletes and warriors. Now, these exercises that are so suited to make people harsh and savage were in need of being tempered by others that could soften the mores. Music, which reaches the spirit by the organs of the body, was very well suited to that. . . . In fact, the exercises of the Greeks excited in them only one sort of passion; rudeness, anger, cruelty. Music excited all the passions in them, and could make their soul feel softness, pity, tenderness, soft pleasure. (4.8)

As the light of virtuous republicanism begins to dim, at first ever so slightly, but then more and more, the star of commercial republicanism makes its unexpected appearance—and then slowly but surely glows ever brighter. Athens was doubtless commercial to some considerable degree, but the Athens that was corrupted by her victory at Salamis was hardly a republic in which "the spirit of commerce" was allowed to "reign alone," without "being crossed by" a rival spirit.[4] It transpires that there is another, unheralded, ancient republic that deserves to be regarded as the paragon: ancient Marseilles.

Montesquieu introduces Marseilles rather late in his discussion of the forms of government, and most unobtrusively. In a footnote near the end of book 7, he remarks, without further explanation or characterization, that Marseilles "was the most wise of the republics of its time" (7.15n). In the next book, analyzing the reasons for the "corruption" of the various principles of government, and in the chapter (that we have already cited) pointing out that "great successes" are the downfall of the populaces and hence of the great republics—most notably, Athens—Montesquieu suddenly interjects: "the republic of Marseilles never experienced these great transformations from abasement to grandeur: thus she governed herself

always with wisdom; thus she conserved her principles" (8.4). We can at first easily suppose that the "principles" of Marseilles were the same as "the principle" of other (virtuous) republics; it is only several books later, as he pauses to introduce the greatness of the government of commercial England, that Montesquieu discloses that Marseilles is *the* paradigm of the classical republic devoted (single-mindedly) to commerce, as well as to self-preservation (11.5). Much later, at the beginning of the book on commerce, Montesquieu adduces the testimony of Julius Caesar to show that Marseilles is the preeminent example of the overwhelmingly insidious power a commercial society has to "soften" and thus to "corrupt" the warrior virtues of its neighbors (20.1n.). In the fifth chapter of the same book, Marseilles is praised for its shrewd virtues of "hard work," "justice" toward its neighbors as trading partners, "moderation" for the sake of "tranquility," and "frugal mores," practiced "so that it could live forever from a commerce that would be more surely preserved if it were less profitable."[5] In this context, Marseilles is associated with the greatest commercial republics in history—Tyre, Carthage, Florence, modern Venice, and the modern cities of Holland.[6]

In the succeeding book, on the history of commerce, in the chapter entitled "Of the Commerce of the Greeks" (21.7), we learn of the function played by civil religion in the *commercial* Greek republics, most notably Corinth:

> In no city were the works of art carried so far. The religion completed the corruption of whatever its opulence had left standing of its mores. A temple was erected to Venus, where more than one thousand courtesans were consecrated. It was from this seminary that there came most of those famous beauties whose history Athenaeus has dared to write. . . .
>
> What causes of prosperity for Greece, were the games that she gave, so to speak, for the universe; the temples, to which all the kings sent offerings; the religious festivals, where people assembled from all over; the oracles, which totally captured human curiosity; in short, taste and the arts carried to a point, that to believe them surpassed will always be not to know them!

In the commercial republic, piety loses its moral moorings in traditional virtue and becomes entirely conducive to refined, luxurious (not to say sybaritic) commercialism and luxury. Traditional religious worship and its foci are transmogrified into occasions for exquisite entertainment.

In the book on the history of commerce we further learn, as regards the paragon Marseilles in particular, that while in an early period of her

history she did engage in wars (over fishing) with her powerful rival Carthage, once she became fully commercial in spirit she found her moderate glory through becoming "the emporium" for the Roman Empire: "the ruin of Carthage and of Corinth augmented the glory of Marseilles, and, were it not for the Civil Wars, when she was compelled to close her eyes and chose a side, she would have been happy under the protection of the Romans, who had no jealousy of her commerce" (21.11 end, 14 beg.).

This comparatively easy-going commercial republican patriotism exemplified in Marseilles takes on added significance when we see that such tepidity may conduce, better than does a more passionate—and therefore more exclusive—love of fatherland, to membership in a republican confederacy governed by representative government. For at the start of part 2 of *The Spirit of the Laws*, Montesquieu suddenly unveils the institutional structure of representative confederation as the sole solution to the lethal foreign policy impasse that haunts every independent republic: "if a republic is small, it is destroyed by a foreign force; if it is big, it destroys itself by an interior vice." Commercial Holland dominates Montesquieu's examples of successful representative confederacies (9.1–3; see also 10.6–8 and 11.6, paras. 26 and 28).

Liberal Constitutionalism and Its Religiosity

The reader who becomes aware of his author-teacher's liberating educative plan sooner or later steps back to survey and to grasp the development of this project in part 1. Then one recognizes that enthusiasm for the ancient virtuous republic and its conception of liberty has been aroused in order to help one think one's way through and beyond that enthusiasm. But one sees, at the same time, that the goal is not to bring one back simply to an embrace of monarchic honor. What gradually emerges in part 1 as a (if not the) most reasonable goal and criterion of sound political life, is liberty—but understood not, principally, as participation in republican self-government, nor as monarchic dignity, but rather as individual security for all, from all, within society. Liberty so understood is the answer to the fundamental human problem as pictured in the hypothetical "state of nature"; this is "liberty" in what we may proleptically term "the modern liberal" sense.[7]

In part 2 this "modern" meaning of liberty is made explicit, and repeatedly so: "political liberty for a citizen is that tranquility of spirit that comes from the opinion that each has of his own security; and in order that one

have that liberty, what is necessary is that the government be such that a citizen is not able to be afraid of another citizen" (11.6, para. 3; 12.1 and 2). Liberty in this sense was indeed pursued by both republics and monarchies—but with a blurred understanding, clouded and distorted by the overriding concerns for virtue and honor.

The two books (9 and 10) that open the "Second Part" of *The Spirit of the Laws*, devoted as they are to the study of the relation of laws to defensive and offensive force in international affairs, explicitly return us to the original (and in the interim largely submerged) theoretical conception of the presocial "state of nature," and consequent social state of war among individuals and nations, as the proper ground and framework for understanding what is most basic to and most basically needed by human nature in its quest for social well-being (10.2–3). Each and every nation, to the extent that it becomes more enlightened about its fundamental situation, seeks above all to maximize security for its existence in the society of nations—a society of nations that are all, in essence, similarly needy and anxious and ambitious, and hence mutually threatening. This quest for security is driven by the same natural impulses and reasoning that drive each individual to seek to maximize his own security within civil society.

In drawing us back to the idea of the state of nature, Montesquieu returns us to a standpoint from which we survey the contrasting principles of republic and monarchy with a certain distancing impartiality. We do not view these principles in the manner in which the loyal citizens or subjects of those governments are primarily inclined to view them—as the most important things in life; instead, we view them with a critical eye, as the less-than-wholly-adequate means for the realization of the ultimate "natural" or rational end of all government, individual security or liberty. Montesquieu thereby prepares us to welcome his thematic treatment of such liberty, and then his introduction of what he calls the "one nation in the world that has for the direct object of its constitution political liberty" (11.5). That nation is of course England, which originally (in part 1) made a very poor impression when viewed in the context of traditional republics and monarchies (2.4, 3.3).

In England we find a *new kind* of monarchy, in which decisive constitutional power has been given to the people, acting (however) through the sobering filter of a house of representatives. We find in fact, Montesquieu has earlier remarked, "a nation where the republic hides itself under the form of the monarchy" (5.19; by the time we get to 12.19 it is taken for granted that England is a leading example of a republic). Yet England

instantiates a kind of republic whose spirit partakes even less of virtue, the traditional republican principle, than it does of monarchic honor (as we saw so sharply from the outset—2.4 and 3.3).[8] The liberty achieved by and under the English constitutional mechanisms is an individual liberty that highlights, by way of contrast, the precariousness of individual liberty or security in republics animated by that "modification of the soul" that is virtue. As he prepares to elaborate the nature and significance of the English constitution, Montesquieu now comes out and says plainly:

> [S]ince in democracies the people appears to do pretty much what it wants, liberty has been associated with those sorts of governments; and the power of the people has been confounded with the liberty of the people. (11.2; see also the reference to "an unfree republic' in 11.6, para. 46)

> Democracy and aristocracy are not at all free States by their nature. Political liberty is found only in moderate governments. But it is not always found in moderate States; it exists in the latter only when power is not abused; but it is an eternal experience that every human being who has any power is led to abuse it: he keeps going until he finds the limits. Who would say it! Virtue itself has need of limits. In order that power cannot be abused, it is necessary that, by the disposition of things, power checks power. (11.4)

Individual liberty or security requires a much stronger insurance than virtue can ever provide that power will not be abused. The English constitution affords the best guarantee, through a system of checks and balances among king, nobles, and populace, each embodied or represented in separate institutions that are defined by distinct if overlapping governmental functions—including notably a jury-based judicial institutional apparatus as the linchpin of the protection of individuals. Not once in the very long chapter (11.6) elaborating the English institutional mechanism, and comparing it with others, does Montesquieu ever so much as refer to virtue. This silence is especially stunning in the numerous paragraphs that treat what we have been taught previously to regard as republics animated by virtue.[9] Those republics are now viewed in an altogether different perspective. Montesquieu does speak of "vice" and of the "vicious"—but always in terms of improperly arranged *institutions* (paras. 28, 43; see also 6.12 beg.). And in the subsequent chapters, Montesquieu speaks of "virtue" only when criticizing Aristotle for regarding it as important (11.9). This, despite the fact that, after he has completed his exposition of the English system, Montesquieu returns to the Roman republic as to a paradigm—of

rugged or rough, even romantic, grandeur: "one can never be done with the Romans—just as, still today, in their capital, one leaves the new palaces in order to go look through the ruins: thus it is that the eye, which had rested upon the flower-bedecked meadows, likes to see rocks and mountains" (11.13).

Montesquieu proceeds to a detailed study of the evolution of Roman republicanism (11.12–19). His cynosure is no longer Roman virtue,[10] but instead "the principles of the State," and their "corruption," preservation, or "change without corruption" (11.13)—all understood in terms of the complicated question of the extent to which the Roman constitution manifested a separation, checking, and balancing of institutional powers that channeled and tempered the conflicts among rather selfish classes and individuals.[11] Taking the place, so to speak, of his former praise of virtue, as a quality of soul and as the "spring" of republican government, we find Montesquieu praising—in what one is tempted to call a Machiavellian or even proto-Nietzschean passage—the high competition that emerges sometimes when a state is embroiled in profound civil transformation "from one constitution to another": "then it is that all the springs of government are stretched; that all the citizens make claims of merit; that one either attacks or caresses; and there is a noble emulation between those who defend the constitution that is declining, and those who advance the one that is prevailing" (11.13). Whereas in the previous books we were taught to think of virtue as "the principle" of the Roman "republican form of government," now we are told that "Servius Tullius's division by classes was, so to speak, the fundamental principle of the constitution" (11.19).

Roman republicanism must now be judged according to the standard set by, and the conception of political life embodied in, English constitutionalism as portrayed by Montesquieu. And what is most amazing, or amazingly "idealized," in that portrait, is the total absence from the English constitution, as Montesquieu describes it, of any religious establishment. Even or precisely when he explains the House of Lords, Montesquieu is conspicuously silent about the presence in it of "The Lords Spiritual," or of any clergy from any established religion. "Thus," Montesquieu declares in his new vision of what England stands for or promises, "the legislative power will be confided both to a body of nobles, and to a body which will be chosen in order to represent the people"; and "the body of nobles ought to be hereditary." The Church of England as a pillar of the English constitution has evaporated without a trace.[12] We are left temporarily wondering what place Montesquieu understands religion to have in the way of life of

the people governed by such a regime. Certainly the English constitution as Montesquieu describes it is unlike any previous constitution in the history of mankind in its total lack of any religious component whatsoever (in the succeeding chapters, 11.11 beg. and 12, Montesquieu gently reminds us of the civil role of religion in the Roman constitution).

The full implications of the initial silence on the established Church of England become evident only much later, in the lengthy final chapter of book 19—where Montesquieu concludes part 3 with an elaborate portrait of the way of life brought into being by the English constitution. Throughout this chapter, Montesquieu speaks, as he did in the earlier long chapter on the English constitution, in the conditional tense. Just as he presented in book 11 a slightly but significantly idealized English constitution, or a portrait of that full potential, not (yet) entirely realized, that he discerned in the contemporary English form of government (11.6 end, para. 69), so now at the end of book 19 Montesquieu extrapolates from the way of life that he has himself observed and experienced in England in the direction of the way of life that may be reasonably expected to be the historical maturation of such a regime.

To begin with, Montesquieu insists that what might at first appear—especially to one bred on the classics—to be the feverishness of English materialistic and individualistic competition bespeaks, instead, the healthy spontaneity and naturalness of human society in England: "With all the passions being liberated there, hatred, envy, jealousy, the ardor to enrich oneself and to distinguish oneself, would appear in their full extent: and if it were otherwise, the State would be like a man struck with illness, who doesn't have any passions because he doesn't have any strength" (19.27, para. 6). Accordingly, "that nation, which peace and liberty would render comfortable, liberated from destructive prejudices, would be led to become commercial" (19.27, para. 29). As Montesquieu will say in the next book, "other nations have made their commercial interests give way to their political interests; this one has always made its political interests give way to its commercial interests" (20.7). In such a nation, where "the opulence would be extreme," but "the taxes excessive," one "would scarcely be able to survive on a limited fortune without working." "Since one would be always occupied with one's interests, no one would have that politeness that is founded on idleness; and really, one would not have the time." At a more profound level, "the people, in that nation, would be confederates rather than fellow citizens" (19.27, paras. 31, 58, 62).

Montesquieu devotes as much space to describing the remarkable religious character of the liberated English way of life as he does to describing its commercial character. As he will soon stress, England's exemplary and unique liberty and commercialism goes hand in hand with its exemplary and unique religiosity: the English are "the people who, more than any other in the world, have known how to make the most, for their own advantage, of these three great things: religion, commerce, and liberty" (20.7).[13] England's religiosity is in large part an intelligible effect of its thoroughly liberated and commercial way of life. But as the words quoted in the previous paragraph indicate, in England a certain crucial degree of "liberation from destructive prejudices" preceded, and was a precondition for, the full liberation of the commercial spirit. As we eventually learn, an essential trigger for English commercialism was a brutal act of secular sovereignty, verging on the tyrannical, that gutted the established and centuries-old Christian religion: "Henry VIII, wishing to reform the Church of England,[14] destroyed the monks"; "Henry VIII did away also with the poorhouses where the lowest class found their sustenance, just like the gentlemen found theirs in the monasteries. It is after these changes that commerce and industry established themselves in England."[15]

And what is the character of England's exemplary religiosity, as it is now visibly maturing under the shaping influence of liberty and commerce?

> In regard to religion, since in this State every citizen would have his own will, and would as a consequence be conducted by his own lights, or his fantasies, it would turn out that either each would have a great deal of indifference for all types of religion no matter what kind they might be—as a consequence of which, everyone would be inclined to embrace the dominant religion; or that there would be a zeal for religion, in general—as a consequence of which the sects would multiply.

Montesquieu sheds more light on how he understands this sectarian diversity, which would flow from generic zeal, when he describes what would be the status and consequent behavior of the clergy in a society such as that of the English:

> It might come to pass that in a thousand ways the clergy would have so little credit that all other citizens would be superior. As a consequence, instead of separating themselves, the clergy would prefer to bear the same burdens as the laity, and in that regard become one with them: but, since they would be always

> trying to get the people to respect them, they would distinguish themselves by a retired life, a more reserved conduct, and purer mores.

Yet the disrespect for clergymen would go so far that "people would wish that the clergy not be permitted even to correct its own abuses; and, in a delirium of liberty, it would be the people's wish that reform be left imperfect, rather than permit the clergy to do the reforming." In these straits, "since this clergy would be unable to protect religion, or to be protected by religion, lacking strength to constrain, it would try to persuade: one would see published from its pens some very good works, aimed at giving proofs of the revelation and of the providence of the great Being."

The clergy, compelled to make their case as theologians striving to convince and thus to win the respect of a laity that looked down upon them, would find themselves required to enter the public debate on the grounds that the philosopher regards as alone solid: the grounds of reason and of rational proof, addressed to an audience whose commercial sensibilities scorn any mere submission to clerical authority. Religious discourse, even or especially on the part of the clergy, would proceed on the grounds of *natural* religion—the religion of *reason* or of the "great Being." "It would not be impossible," Montesquieu archly remarks, "that there would be in this nation people who had no religion whatsoever." They "nevertheless would not tolerate anyone obliging them to change the one that they would have, if they should have one." The detachment from religion would go hand in hand with a powerful attachment to the maximum freedom of thought and hence of religious belief—not so much for its own sake, as because of the perceived close affinity of freedom of thought to the protection of security and property: the free-thinking civil libertarians "would feel at once that life and property are no more theirs than their manner of thinking; and that whoever can take away the latter could more readily take away the former."[16]

The Application of the Standard Found in England

In "the principles" of the English constitution, Montesquieu proclaims, "liberty appears as in a mirror" (11.5). Yet while the English constitution is in some sense "the model" (11.7), Montesquieu's political science conveys the chastening lesson that the specific English institutions can and ought rarely be applied, and then only with substantial modifications, to

other nations (see 11.6, penultimate para.). Even in Europe—where liberty appears to be in some sense indigenous—what should be encouraged and sought out are at most roughly analogous institutional mechanisms and practices, rooted in and thus suited to each nation's peculiar historical spirit. Montesquieu's ever-recurring reflections on the historical development of France, and thus on the peculiar sources of and threats to freedom within his own nation, culminating in the elaborate studies of part 6 (with which the entire work concludes), establish the standard for the painstaking research required in each particular nation.[17]

Yet this model of meticulous scientific inquiry into the deeply embedded roots, and hence the "nature," of the unique historical development that has constituted one's own nation's "general spirit" is an expression of what is at the same time the first purely rationalist political theory inspirited with planetary ambitions. Prior to *The Spirit of the Laws*, such ambition had been a characteristic, not of political philosophy, but rather of political theology guided by or (in the case of Ibn Khaldun) bowing to revelation. The classic expression was St. Augustine's *City of God Against the Pagans*, and the great modern echo was Bossuet's *Discourse on Universal History* (1681).[18] To properly appreciate all that is implied in the ambition that breathes through *The Spirit of the Laws* we need to recognize these rivals that it is meant to triumph over and to supersede. *The Spirit of the Laws* is the first strictly rationalist attempt to compete on this plane, by providing at least the blueprint and the scaffolding for a genuinely world-historical systematic political science.[19] What is more, this first global political science is in the service of a globalizing, and thus unprecedented, aspiration to enlightenment or reform: "it is not a matter of indifference that the people be enlightened" (preface). If we bear in mind this far-reaching ambition that constitutes the broader framing context, we will be better prepared to follow Montesquieu's gradual and complex unfolding of the cosmopolitan import of the English form of government.

What is clear almost at once, as regards the application to other nations of the teaching on the separation of powers, is that the institutional cornerstone of political liberty is an independent judiciary—in the best cases, based on some sort of well-regulated juries chosen from the peers of the accused. But equally important is a criminal and civil code, and a set of judicial procedures, that are keenly attentive to the security of individuals and of their property. This latter is visibly in the process of being developed in most of the monarchies (though not so clearly in the republics) of contemporary Europe (11.6, paras. 7–9 and 13, 47–51; 11.11). Book 12, the

second book on liberty, limns and clarifies the significance of this contemporary progress:

> The kinds of knowledge that have been acquired in certain countries, and that will be acquired in others, concerning the most sure rules that one can maintain in judgments of criminality, interest humankind more than any other thing that there is in the world. It is only on the basis of the practical application of these kinds of knowledge that liberty can be grounded. (12.2)

Book 12 begins by laying down a distinction between "political liberty in its relation to the constitution" and "political liberty in the relation that it has to the citizen": once one understands that "liberty consists in security, or in the opinion that one has of one's security," then one sees that "it will be possible that the constitution will be free" (in the sense that it embodies a sound system of checks and balances), but that "the citizen will not at all be free"—because the spirit of the legal system, especially as regards criminal law, is nonetheless careless of individual protections. Conversely, however (if still more paradoxically), it follows that there are countries in which "the citizen will be able to be free, and the constitution not so." "In these cases," Montesquieu adds, "the citizen will be free in fact, and not as a matter of right": "it is solely the disposition of the laws, and even the fundamental laws, that forms liberty in its relation to the constitution. But, in its relation to the citizen, liberty can be born from the mores, from the manners, from leading examples; and also from certain civil laws that favor it—as we are going to see in the present Book" (12.1).

Individual liberty or security does not, then, depend entirely on institutional protections. Liberty can see the light of day even in apparently very unfavorable constitutional systems, if or insofar as the "mores and the manners" provide protection. Law remains key, however—though not necessarily constitutional law. Almost the first examples Montesquieu discusses at length in book 12 are softened penal laws in the matter of charges of various sorts of impiety. Speaking synoptically, he stresses the need to maintain clear distinctions among the punishments assigned the "four types of crime": "those of the first species shock the religion, those of the second, the mores, those of the third, the tranquility, and those of the fourth, the security of the citizens"; "it is the triumph of liberty, when the criminal laws draw each penalty from the particular nature of the crime." First and foremost, where the crime consists simply in sacrilege, the penalty ought simply "to consist in the privation of all the advantages that

religion affords—expulsion from the temple, removal from the society of the faithful," and so forth (12.4; see also 12.5–6 and 11–12, 17). Where penalties for impiety are thus kept separate from penalties for violation of moral probity, or public peace, or individual security, a great step toward liberty has been taken—regardless of the constitution. As Bartlett says (*Idea of Enlightenment*, 30), "in a few masterful paragraphs, in fact, Montesquieu sketches nothing less than the [liberal] separation of Church and State." It is in this context that Montesquieu gives some of his most gruesome illustrations of the judicial atrocities that have been carried out, even in living memory, and even or especially in Europe, in the name of Christian zeal to avenge God.

More broadly, Montesquieu proceeds in book 12 to outline suggestions for pitfalls to be avoided, and for modest reforms, that illustrate how criminal law's procedures and penalties can be made at once more humane and more effective, in bringing peace and security and prosperity to both rulers and subjects. The principles that he thus illustrates are applicable in many nations—including nations lacking "moderate" government, and lacking even an independent judiciary. While holding up numerous historical examples of despotisms that engaged in "excesses of idiocy" (12. 5) in law enforcement, as object lessons for what monarchies need to avoid, Montesquieu at the same time points hopefully to despots who have been capable, out of prudent self-concern, of learning to be much less stupidly inhumane. Montesquieu here addresses himself to those who "wish to moderate despotism" (12.12).[20] He points out that some despots can become aware that "despotism is so terrible that it turns itself even against those who exercise it" (12.10; see also 12.28). Suddenly, a bridge seems to be thrown across the gulf separating despotism from "moderate" government. A few chapters later, Montesquieu speaks of China as of a monarchy, comparable to "our monarchies" (12.25). Book 12 concludes with two chapters devoted to "Civil Laws Suitable for Instilling a Little Liberty into Despotic Government"—and with yet another reference to the possibility of "moderating" despotism.

This cautiously reformist spirit intensifies in the last of the books devoted thematically to liberty, Book 13 ("On the Relations that the Levying of Tributes and the Grandeur of the Public Revenues Have with Liberty"). Here Montesquieu demonstrates the benefits, in terms of material prosperity, that flow to rulers as well as to the ruled, in all sorts of government, when the nature of "public revenues" is understood to be "a portion that each citizen gives of his property in order to have security of the rest"

(13.1). The first specific examples treat slave societies and despotisms: Montesquieu shows how the taxes that can be levied on the profits of landowners must increase when legal measures are instituted to protect the economic interests, decisive even if meager, of the serfs (13.3–6). More broadly, Montesquieu claims to demonstrate why "taxes ought to be very light in despotic government. Otherwise, who is going to wish to take the trouble to cultivate the lands? Besides, how can heavy taxes be paid, under a government that does nothing to replace what the subject has given?" (13.10). So this turns out to be, not merely a matter of "ought," but of "must," of unvarying necessity:

> General Rule: one can levy bigger taxes in proportion to the liberty of the subjects; and one is compelled to moderate them in proportion to the augmentation of servitude. This has always been so, and will be so always. This is a rule drawn from nature, which does not in any way vary; it will be found in all the countries, in England, in Holland, and in all the States where liberty is going to degrade, right down to Turkey. (13.12; see also 13.13–15)

In this context, Montesquieu refers to some of the Asiatic despots as "the *monarchs* of Asia" (13.15).[21] One might ascribe this unprecedented terminology to the fact that the passage in question is taken almost word for word from the last section (25) of Montesquieu's unpublished short essay of 1734, "Reflections on Universal Monarchy in Europe"; but in fact, the passage as it appears in the earlier essay does not use this precise terminology.[22] No, there is a substantive reason provided for this new terminology by the present context in *The Spirit of the Laws*: the edicts of these "monarchic" despots prove that they recognize themselves to be compelled, by the laws of economics, to devise taxation policies that preserve their subjects' property as well or even better than do the taxation policies of their nondespotic counterparts, the limited European monarchs. The relative legal freedom and security of the European prince's subjects allows taxation policy to become, paradoxically, more careless of the subjects' property and hence of the general economic welfare (13.15; see also 16). Montesquieu laments in particular "the new illness that is spreading throughout Europe": the ever growing competition among monarchs to see who can build up the largest possible peacetime military forces, through the expenditure of funds accumulated from ever-increasing taxes. No such immoderation is afoot in the Orient (13.17). Montesquieu goes so far as to suggest that in this and in other respects European monarchs

have something to learn from the more shrewd taxation policies of some among the oriental despots: "the maxim of the great empires of the Orient, to remit taxes to provinces that have suffered, ought certainly to be transported into monarchic States" (13.18).

A distinct superiority of certain despotisms appears yet again when one asks, "Which is More to the Advantage of the Prince and of the People, Tax-farming or Direct Taxation?" (the title of chapter 19): for, "in the despotic States, where direct taxation is established, the peoples are infinitely more happy; witness Persia and China"—while "the history of monarchies is full of the evils done by tax-farmers" (13.19). In despotisms, taxes have to be not only relatively light, but clear and fixed; otherwise, the depredations of the governmental tax collectors bankrupt the productive subjects—and thereby, eventually, the despot himself.

Moreover, as regards commerce, "it is good, in despotic government, that the merchants have a personal guarantee of safety, and that the customs make it respected; otherwise, they would be too weak in the discussions that they might have with the prince's agents" (13.10). As a matter of fact, Montesquieu observes, the need to protect commerce has already compelled some major contemporary Asiatic despots to make the penalties for customs violations much less than the same penalties are in European monarchies—with the consequence that cross-border trade is actually much freer in several large oriental despotisms than it is in Europe:

> In Europe, merchandise is confiscated, including sometimes even the ships and the carts; in Asia, neither is done. This is because in Europe the merchant has judges who can guarantee him against oppression; in Asia, the judges themselves would be the oppressors. What could a merchant do against a Bacha [local official] who had decided to confiscate his merchandise?
>
> It is a case where harassment overcomes itself, and finds itself constrained to a certain softness. In Turkey, there is levied only a single entry fee; after which, the entire country is open to the merchants. False customs declarations entail neither confiscation, nor augmentation of the duties. In China, the luggage of people who are not merchants is never opened. The Mogul of India punishes fraud not by confiscation, but by a doubling of the duty. The Tartar princes, inhabiting Asian cities, levy almost nothing on merchandise that passes through.[23]

We thus become acquainted with the "constraining" power of public finance and of the "rules" of commerce. These "rules" compel some sub-

stantial degree of protection of private property, and hence of individual security or liberty, even or especially in despotism—if, that is, despotism is not to impoverish itself. To be sure, as we saw so vividly in part 1, Montesquieu is keenly aware that the natural tendency or drift of despotism is toward stupid impoverishment and recurring chaotic self-destruction (recall, above all, 5.13). But Montesquieu now suggests that there is hopeful evidence that some major despots are learning to listen to the voice of the reasoning required by economic self-interest rightly understood. The worldwide publication of the discoveries of the new science of economics therefore becomes a mainsail of Montesquieu's project of bringing some degree of enlightenment to humanity everywhere.

CHAPTER FIVE

Commerce and the Great Theological Experiment

The trajectory of Montesquieu's teaching in book 13 at first appears to be aborted in part 3. From the gratifying if not exhilarating contemplation of mankind's slow but definite progress in individual liberty and security, achieved in large part through submission to the constraints of commerce, we are wrenched away, to be plunged into the evidence that gives powerful grounds for doubt as to whether the prospects for human liberation are not bleak, outside of Europe and North America.

In part 3 Montesquieu lays out in disheartening detail his famous teaching on the ways in which the climates and physical geographies of the world, and then the complex (and largely despotic) social systems that humans have developed over the ages in response, diversify malleable mankind into the many nations, each with its own unique and deeply embedded "general spirit." In the process he leaves us discouraged by the evidence of how widely and deeply rooted is slavery—not only "political" slavery, or despotism, and "civil" or chattel slavery, but what Montesquieu calls "domestic" slavery, or the servitude of women within the home and family. This last kind of slavery has the clearest natural basis, if not justification (16.2, 4, 8, 9, 10 end, 11, 13). In many environments there is also a natural basis, sometimes a requirement, for despotism; and in a few environments there is a natural basis, if not a necessity, even for "cruel" civil or chattel slavery (15.7–8 and 19 end; see also 14.2 end, 21.3 end).

Almost from the outset, we are forced to confront the specific distorting effect on the human "soul" of hot climates. This is "The Cause of the

Immutability of the *Religion*, the Morals, the Manners, the Laws in the Countries of the Orient" (emphasis added): thus reads the title of chapter 4 of book 14 (see also 21.1 end); curiously and significantly, however, in the body of the chapter so entitled, Montesquieu is conspicuously silent on religion. Somewhat later on in part 3, we hear explained the specific effects of Asiatic geography on intercourse among nations, effects that "make it so that in Asia it never happens that liberty increases" (17.3; see also 6 end). Thereafter we are instructed as to the topographical reasons why "power must always be despotic in Asia" (17.6).[1]

In these very same pages, however, our ears catch the notes of a counterpoint. Montesquieu repeatedly insists that it is the task of the "wise lawgiver" to work within each nation to oppose and in some substantial measure to overcome the enslaving proclivities of climate, and even to change or to rationalize the consequent human traditions and cultures. Almost at the start of part 3, Montesquieu declares that

> just as a good education is more necessary for children than it is for those whose spirit is in its maturity, so the peoples of these climates have more need for a wise legislator than the peoples of our climate. The more one is easily and powerfully impressionable, the more important it is to be impressed in a suitable manner, not to receive prejudices, and to be guided by reason. (14.3)

Immediately after the next chapter, whose title, as we have noted, strongly suggests that the "religion, mores, manners, and laws of the Orient" are "immutable" (14.4), Montesquieu has a chapter entitled "That the Bad Lawgivers Are Those Who Have Favored the Vices of the Climate and the Good Ones Are Those Who Opposed Those Vices" (14.5). In the body of this chapter, Montesquieu focuses on the model set by the despotism of China, in sharp and instructive contrast to the despotism of India. In India, Buddha's religious teaching suits the passivity induced by the climate so well that "this system of metaphysics would appear natural"; but, precisely for that reason, Buddha's "doctrine, born of the laziness of the climate, and favoring that in turn, has caused a thousand ills." In contrast, "the lawgivers of China were more sensible": "considering human beings not in the quiescent state that they will be in someday, but in that activity that is appropriate to make them fulfill the duties of life, they made their *religion*, their *philosophy*, and their laws all practical" (emphasis added). Montesquieu then draws a momentous conclusion: "the more the physical causes carry human beings toward repose, the more the moral causes ought to draw them away from it" (14.5; see also 24.11).

In the following chapters, Montesquieu continues this insistence: since "the cultivation of lands is the most important work of humans," "the more the climate inclines them to avoid this work, the more the *religion* and the laws ought to incite to it" (emphasis added). "Therefore the laws of India," because they "take from individuals the spirit of private ownership"—and also because they encourage monasticism—are in these respects deplorable (and, Montesquieu adds, "one finds in Europe the same thing," purveyed through the influence of the Church: 14.6–7). Just as the "good custom of China" corrects the evil seen in India, so pre-Islamic Persia stands in healthy contrast to present-day Islamic Persia (14.8; we recall that pre-Islamic Persia was "the most industrious nation in the world, whose people worked the land as a principle of their religion"—10.13). It is in this context that Montesquieu remarks that "the doctrine of a rigid destiny that rules everything makes of the magistrate a tranquil spectator," rather than a reliever, of human misery: the consequence of such doctrines is that the ruler tends to "think that God has already done everything, and that he has nothing to do." (14.11; see also 24.14). At one point (16.12) Montesquieu goes so far as to say that "when the physical force of certain climates violates the natural law of the two sexes as well as that of intelligent beings, it is up to the lawgiver to make civil laws that *force* the nature of the climate (*lois civiles qui forcent la nature du climat*) so as to reestablish the original laws (*les lois primitives*)."

But Montesquieu will not let us forget the terrible risks that attend any such action by even a "wise lawgiver." Near the end of part 3 he writes (19.12):

> It is a capital maxim, that the mores and the manners ought never to be changed in the despotic State; nothing would be more promptly followed by a revolution. This is because, in these States, there are no laws at all, so to speak; there are only the mores and the manners; and, if you overthrow that, you overthrow everything.
>
> The laws are established, the mores are inspired; the latter are more linked to the general spirit, the former to a particular institution: so, it is as dangerous, or more so, to overthrow the general spirit as it is to change a particular institution.

But while this primarily sounds an admonition, it also indicates a possible gamble. And from this admonition Montesquieu proceeds to draw a surprisingly qualified, provokingly inconsequent, conclusion: "it follows that in a despotism a prince or a lawgiver should shock *less* the mores and

the manners than in any other country in the world" (emphasis added): "shocks" of a certain degree, administered by a wise lawgiver to despotic mores, are by no means ruled out.[2] What might this mean more specifically? The answer begins to transpire when we see that Montesquieu puts the spotlight again on the confinement of women as the decisive linchpin securing the immutability of despotic mores, in contrast to the continual mutation—or indeed "corruption"—of mores in nondespotic countries:

> Women in despotism are usually shut in, and do not at all provide the tone. In other countries, where they live with the men, their desire to please, and the desire to please them, has the effect that the manners are continually changing. The two sexes corrupt one another, each loses its distinctive and essential qualities; what was absolute becomes arbitrary, and the manners change every day.

Ten lines later, in a chapter entitled "What are the Natural Ways of Changing the Morals and the Manners of a Nation," we find Montesquieu illustrating a major case where a ruthless enlightened despot, after failing to bring about liberalizing reform in his nation's mores through "tyrannical" legislation and personal "violence," stumbled upon the method that, because of its "softness," succeeds in bringing about a sudden and shattering transformation (corruption) of despotic Asiatic mores, leading to the introduction of more moderate, more monarchic, European mores. In Czar Peter's Russia, "the women were shut in, and in some sense slaves; he summoned them to court, made them dress in the German style, and sent them fabrics. The sex got at once a taste for a way of living that flattered so powerfully its taste, its vanity, and its passions, and made the men acquire the taste for it" (19.14). The full significance of the change becomes evident when we recall what we learned in the earlier chapters of book 19, especially in Montesquieu's elegant salute to the splendid vivacity of his own nation (19.8):

> The society of women corrupts the morals, and forms the taste; the desire to be more pleasing than others establishes ornamentations; and the desire to be more pleasing than oneself establishes fashions. Fashions are an important matter: through rendering the spirit frivolous, the branches of its commerce are augmented ceaselessly (see [Mandeville's] *Fable of the Bees*).

Now it is true that the revolution effected by Peter the Great's liberation of the upper-class Muscovy women was made "more easy," Montesquieu

emphasizes, because "the existing mores were alien to the climate, and had been brought there by the mixing of nations and by conquests. Peter the First, since he was giving the mores and the manners of Europe to a nation of Europe, found things easier than he himself had expected. The empire of climate is the first of all empires" (19.14). It remains then a grave question whether any such feminine liberation and consequent commercial as well as humane transformation is possible in truly Asiatic despotisms. Yet we subsequently learn that in Persia at least, the Zoroastrian religion "in an earlier time made the realm of Persia flourish; it corrected the bad effects of despotism" (24.11); as Montesquieu stressed in *The Persian Letters* (#67, 85), Zoroastrianism did so in part by requiring monogamy and equality between the sexes—as well as by promoting industriousness, though not commerce.

That the power of the climate over human affairs is not as absolute as at first may seem is indicated by a lapidary general remark Montesquieu makes in the midst of his initial account of the enormous shaping power of the natural environment. "Politics," he declares, "is a dull file, that grinds away and slowly arrives at its goal" (14.13).[3] In close proximity to this intriguing image (which calls to mind a prisoner doggedly breaking the power of his chains) Montesquieu refers to the "atrocious character" of the Japanese spirit (14.15), thus prompting us to recall an early striking remark Montesquieu made about Japan and the horrible brutality of its laws (as reported by the sources upon which Montesquieu relies):

> It is true that the astonishing character of this opinionated, capricious, willful, bizarre people, who brave all perils and all miseries, seems, at first sight, to absolve their lawgivers of the atrocity of their laws. But, . . . a wise lawgiver would have sought to guide their spirits by a just tempering of punishments and of rewards; by the maxims of philosophy, of morality, and of religion, suitably harmonized with their character; by the just application of the rules of honor; by the pain of shame; by the enjoyment of a constant happiness and a soft tranquility; and, if he had been afraid that the spirits, accustomed to be restrained only by cruel pain, could no longer be restrained by a more soft pain, he would have acted in a quiet and unfelt manner. (6.13)

As we proceed through part 3, we are more and more perplexed by the alternation between, or the intermingling of, these two seemingly conflicting lines of thought: on the one hand, Montesquieu lays out the confounding, even apparently insuperable, impediments to liberalizing reform in

Asiatic despotism; on the other hand, he exhorts and points the way to cautious and limited but yet substantial mitigation of Asiatic despotism. The recurrent theme of "the lawgiver"—highlighted precisely in the midst of otherwise discouraging observations on humanity's enslavement to hostile natural environments—evokes the ever-present possibility of successful rational initiative, reacting against and in some measure overcoming the power of nonhuman nature. But here is the great question: What tools, what levers, does the wise lawgiver have at his disposal?

The perplexity begins to find its resolution when we reach the end of part 3. There, we are suddenly returned to England—to its way of life and "spirit," including its religious spirit; and then, we are made witnesses of the Muse-inspired unveiling of "the spirit of commerce" at the beginning of part 4 (bk. 20). At this point we begin to realize how artfully we have been prepared, through the building up of unsettling perplexity, to look with measured but strong hopes and longings to the potentially global consequences of the spirit of commerce, working in tandem with the advance of "the present day's reason" and "today's religion," which is decisively influence or shaped by "our philosophy" (10.3). It turns out that what England has to contribute to humanity's worldwide betterment is not only, or even chiefly, her marvelous constitution, so much as the commercial and religious spirit to which that legal system has given unprecedented scope and encouragement.[4]

Commerce as Engine of Religious Liberation

In the books that follow, constituting part 4, we learn in detail that the supple "spirit of commerce" in some measure permeates into all sorts of natural environments and regimes, including at least some despotisms—as Montesquieu began to show back in book 13 and makes still clearer now in the part 4. With commerce comes some substantial degree of the liberty or security, humanity, and overcoming of "destructive prejudices" that we see fully unfolding in England. Insofar as commerce or commercialism can take root and grow in a nation, it brings to all those whom it touches an enhanced experience of—and hence thirst for—earthly comfort, as well as increased individual power and choices. A most important consequence is a tendency to population growth: this, in a world where the human species, unlike all the other animals, faces "a thousand ways" in which its "propagation is troubled" (23.1).

Commerce not only heightens awareness of, and preoccupation with, the most basic human needs of the individual and of the species; commerce impresses upon men and women the fact that they share these needs with the inhabitants of other nations, regardless of their conflicting beliefs and customs. On this solid, because natural, basis, peoples can begin to cooperate commercially, while, and precisely because, they peacefully compete with one another. The sympathy that is natural to the human species can emerge and supplant the contempt peoples have come to conceive for one another on account of their different manners and morals. Commerce is frustrated by, and therefore tends to oppose, warfare; commerce brings nations into a mutual dependence that generates a shared need and desire for peace (20.2, 8; see also 15.3).

Moreover, insofar as government comes to depend on revenue from commerce, it is impelled to protect that commerce, and hence the property associated with it. Government thus finds itself obliged to encourage and to secure the fruits of labor; to maintain safe travel and transport, as well as free exchange and competition in the marketplace; to insure the judicial enforcement of contracts. And while the most intense kind of commerce (which Montesquieu terms "the commerce of economy") tends to be carried on in frugal, acquisitive republics such as the Dutch or the English, there is also a "commerce of luxury" that thrives on and promotes the desires aroused by vanity—which, in despotisms as well as in monarchies, is a stimulus to increased commerce, greater productivity, and the redistribution of wealth from the idle upper to the working and mercantile classes.[5] Of course, all this means that the spirit of commerce is fundamentally opposed, not only to insecurity, but also to both the austere civic virtue of republican antiquity and to religious self-transcendence or otherworldliness. Commerce inculcates its own species of self-discipline—as we have seen Montesquieu stress in his initial discussion of the commercial republic (5.6).[6] In sum, the effect of the commercial spirit, insofar as it penetrates a society, is to free mankind for energetic, disciplined attention to its truly fundamental needs—along with the natural proclivities of its worldly fantasies of self-esteem.

Montesquieu adumbrates all these manifold effects of commerce in the first chapter of book 20, entitled simply "On Commerce":

> The matters that follow would demand to be treated at greater length; but the nature of this work does not permit it. I would like to glide on a tranquil stream; I am carried away by a torrent.

> Commerce cures destructive prejudices; and it is almost a general rule, that wherever there are soft mores, there is commerce; and wherever there is commerce, there are soft mores.
>
> Let no one be surprised at all then if our mores are less ferocious than they were in the past. Commerce has made it so that the knowledge of the mores of all the nations has penetrated everywhere: they have been compared one to the other, from that has resulted great good.
>
> One can say that the laws of commerce perfect the mores, in the same proportion as these very laws destroy the mores. Commerce corrupts pure mores: that was the subject of Plato's complaints against it; commerce polishes and softens barbarian mores, as we are seeing happen every day. (20.1)

The "softening" effect of commerce, the "curing of destructive prejudices,"[7] is not, then—at least by Montesquieu's time—a matter of mere intelligent speculation and shrewd prognostication; the process is already powerfully actual and visible before Montesquieu's and the reader's eyes. This is empirical-historical fact, not hope.

The full theological significance of this fact emerges only when we reach, in part 5, the concluding and culminating theme of *The Spirit of the Laws*: "Laws in the Relation That They Have with Religion."[8] We have already seen how instructive these two books are in helping us to decipher the theological implications of the teaching on despotism that runs throughout *The Spirit of the Laws*. Now we are fully prepared to appreciate the further, more revolutionary message of these books. The most important "destructive prejudice" that commerce can be seen to be curing, the most important kind of "ferocity" and "barbarian morals" that commerce can be seen to be softening, are the destructive religious prejudices, and the ferocious, barbarian, or despotic religious morals (recall 18.18: "the prejudices of superstition are superior to all the other prejudices").

Although the first book on religion (bk. 24) is concerned, as the title states, with the practices and characteristics of the religions *already* "*established* in each country," the title of the second book (bk. 25) informs us that it will deal with the more radical question of "the *establishment* of the religion of each country, and its regulation *from the outside*": in other words, book 25 treats the founding of a new religion, and the replacement or alteration, the "change," by "the lawgiver," of a country's religion. A principal question from the start of this book is: What human passions attract and tie men to, and, conversely, what passions repel and detach them from, the various religions of the world?

Montesquieu's general teaching on the policies that ought to be followed in the matter of religious innovation appears at first sight very conservative (though not very pious):

> Since there are scarcely any but intolerant religions that have a great zeal to establish themselves elsewhere, and because a religion that is able to tolerate the others scarcely thinks about its own propagation, it will be a very good civil law, that when the State is satisfied with the religion already established,[9] it will not at all allow the establishment of another.
>
> Here then is the fundamental principle of political laws as regards religion. When one is in control of whether a new religion is to be received in a State or whether it is not to be received, it is essential not to establish it there; when it is established, it is essential to tolerate it. (25.10).

The succeeding chapter, entitled "On Change in Religion," begins with the grave warning: "A prince who undertakes in his State to destroy or to change the dominant religion leaves himself very much exposed." Yet this warning proves to be in need of further clarification or precision. As Montesquieu explains in the next chapter, any attempt to change religious beliefs through the coercive intimidation of penal law is apt to fail: penal laws "impress with fear, it is true; but since religion has its own penal laws that also inspire fear, the former is effaced by the latter" (25.12). This, however, is *not* the only sort of "change in religion" that can be effected "from the outside" or by political prudence. In perhaps the most important single passage on religion in the entire *Spirit of the Laws*, Montesquieu goes on to say:

> Religion has such enormous threats, it has such enormous promises, that when they are present to our spirit, no matter what the magistrate can do to compel us to quit the religion, it seems as though nothing is left when it is taken away from us, and that nothing has been taken away when that is left.
>
> So it is not by filling the soul with this great object, it is not in bringing the soul closer to the moment when religion ought to be of greater importance, that one succeeds in detaching the soul from it: a *more sure way to attack a religion* is by favor, by the commodities of life, by the hope of wealth; not by what reminds one of religion, but by what makes one forget it; not by what brings indignation, but by what makes men lukewarm, when the other passions act on our souls, and those which religion inspires *fall silent.* (25.12, emphasis added)

As the "commodities of life" become secure, Montesquieu confidently asserts, God's voice gradually ceases to be heard by human beings.

The Rational Redemption of Christianity

Commerce thus contributes mightily to the transformation of Christianity that Montesquieu observes occurring under the aegis of modern philosophy and politics. Montesquieu's judgment on the political dimensions of Christianity, especially in his own time, is not by any means simply negative. He celebrates those features of Christian belief that can be brought into harmony with the norms of his political science (Schaub, "Of Believers and Barbarians"). He points out that the Christian insistence on monogamy, the Christian admission of women to the monastic life and to intimate communication with priests, the concomitant spiritual respect for women, the association of all classes in public religious services that draw people out of their private homes, the "softness" of the Christian teaching—notably in its official or apparent turning against slavery, at least among Europeans—all mark Christianity as opposed in spirit to oriental despotism, and more suited to life under freer or "moderate government" in temperate climes. And of course, when Montesquieu was later battling to defend his work against the Christian religious censors he highlighted the passages in which he expresses these more favorable sentiments.[10] But as Montesquieu puts it in his major statement in book 24, chapter 3, what all this means is that "the Christian religion is removed from *pure* despotism" (emphasis added[11]): "that is, since softness is so recommended in the Gospel, it opposes itself to the despotic anger with which the prince makes his justice and exercises his cruelties." Since "this religion prohibits the plurality of wives, princes are less shut away, less separated from their subjects, and as a consequence more human"; they are "less timid, and as a consequence less cruel." "An amazing thing!" (Montesquieu exclaims) "the Christian religion, which seems to have no aim except the felicity of the other life, also makes for our happiness in this one." All the passages we have just quoted imply, not that there is incompatibility between Christianity and despotism, but rather that Christianity (like other religions, but better than many) restrains or mitigates despotism (and thus works to benefit and prolong despotism).[12]

Perhaps the greatest praise of the political effects of Christian "softness" comes when Montesquieu declares that, if we consider "the continual

massacres by the Greek and Roman kings and leaders," as well as those carried out by Timor, and Genghis Khan, then "we will see that we owe to Christianity, in government a certain political justice, and in war a certain right of nations, for which human nature will never be sufficiently grateful." "It is this right of nations," Montesquieu continues, "that has brought it about that, among us, victory leaves to the vanquished peoples these great things: life, liberty, laws, property, and, always, religion—so long as one does not blind oneself." Montesquieu seems momentarily to have forgotten what he elsewhere reminds readers of: the centuries-old Christian persecutions of heretics and "magicians" and homosexuals (12.5–6), the half century of religious war in France that left two to four million dead out of a population of nineteen million, including the Saint Bartholomew's Day massacre and the subsequent slaughters ordered by Charles IX (4.2), the crusades (not least the Albigensian, in southern France), the persecutions of Jansenists that Montesquieu himself witnessed and reacted to[13] as a consequence of the papal bull *Unigenitus* in 1713, the mass enslavements and exterminations of American natives in the name of Christian conversion (10.4; 15.3–4), and, most remarkably perhaps, the French and Spanish and Portuguese inquisitions—against whose bloody continuation in his own time Montesquieu will so eloquently protest a few pages later.[14] There, he will take on the voice of "a Jew" moved to write a "very humble remonstrance to the inquisitors of Spain and of Portugal," occasioned by "the burning of a Jewess of eighteen years, at Lisbon in the latest auto-da-fé":

> [I]f you do not wish to be Christians, be at least human beings: treat us as you would, if, having only these feeble glimmers of justice that nature gives us, you had no religion at all to guide you, no revelation to enlighten you. . . .
>
> You live in a century in which the natural light of reason is more alive than it has ever been, in which philosophy has enlightened the spirits, in which the morality of your Gospels has been better understood, in which the respective rights of man, one in relation to another, the empire that one conscience has over another, are better established. If then you do not come back out of your old prejudices—which, if you do not take care, are your passions—it will have to be acknowledged that you are incorrigible, incapable of all enlightenment and instruction; and a nation is truly unhappy, that gives authority to men such as you! (25.13; see also 12.4, 21.20; 28.7).

Much later, Montesquieu discloses that in his researches he has discovered that "today's Inquisition"—and the fundamental, invidious difference it represents as between the spirits of the French and the Spanish legal

systems—is rooted directly in the earliest and most persistent massive Christian influence on European law:

> The kings of the first [French Merovingian] dynasty certainly removed from the Salic and Ripuarian laws whatever could absolutely not accord with Christianity; but they left the entire [pre-Christian, "free and independent"] foundation. This can not be said of the laws of the Visigoths [in Spain]. . . .
>
> The bishops had an immense authority at the court of the Visigoth kings; the most important matters were decided in their councils. We owe to the code of the Visigoths all the maxims, all the principles, and all the views of today's Inquisition; and the monks had only to copy, against the Jews, the laws made long ago by the bishops. (28.1; see also 28.2, 7)

When Montesquieu first spoke in celebratory terms of his contemporary Europe's unprecedented humane right of nations (10.3), he put the matter very differently from the way he speaks in the book on religion, where he praises so highly the contribution made by the Christian tradition (24.3): back in book 10 (in accord with the words we have quoted from the speech he puts in the mouth of the remonstrating Jew), he wrote: "one must render homage here to *our modern* times, to the *present* day's *reason*, to *today's* religion, to *our philosophy*, to *our* mores" (10.3; emphasis added). In other words: Montesquieu suggests that in his epoch, as he understands it, the European world is undergoing a vast, humanely progressive rationalist revolution in public moral culture, including not least its Christian moral culture, and in the accepted understanding of the moral meaning of the Gospels.

Christianity has always represented, according to Montesquieu, the infection of monarchic and republican Europe by a religious spirit that emerged out of and is decisively shaped by oriental despotism. But this contamination was able to succeed so well because Christianity embodied from the outset considerable mitigations of the oriental despotic spirit, adaptations required by the European clime and spirit—as is most evident in Christianity's rejection of polygamy, and its concomitant unoriental, relatively respectful, attitude toward women.[15] Montesquieu descries, already in the original alterations that Christianity had to effect in its oriental heritage, a potential for further humanization and even rationalization. In his own time, Montesquieu sees the beginning of the realization of this potential—under the influence of "today's religion," shaped by "the present day's reason," by "our philosophy," and "our mores." Montesquieu seeks to contribute to this process of the liberalizing and humanizing modern-day evolution of Christianity.

But what then about the zeal for spiritual perfection, with a view to the life to come, and the sacrificial devotion to monasticism, celibacy, and strict rules of charity, that Montesquieu has shown, and will soon show again at greater length, to be so deleterious for political life? All this, Montesquieu boldly contends in the late books on religion, is based on a deep misapprehension of "the spirit of one's own religion," or of the intentions of the "lawgiver" of Christianity—which spirit Montesquieu presents himself as having better discerned than have the church fathers and traditional authorities. Montesquieu insists that "the lawgiver" of Christianity, if he is properly understood, delivered almost no "laws" (commandments). He intended to leave the realm of law or commandment to "human laws, that are made to speak to the spirit," and thereby aim to call men to good citizenship. Practically everything he taught was merely in the way of "advice," intended not for the spirit, but instead "for the heart"—and thus meant to be acted on only in one's personal life, or private capacity, and not to be introduced into the realm of civil or even Church legislation. In fact, the Christian "lawgiver" saw that if one were to misunderstand his advice, and treat it as precept (law or commandment), that would be "contrary to the spirit of his laws"—since it would interfere with the civic morals needed for sound politics and worldly welfare.[16] In this new light, Montesquieu drastically reinterprets what he regards as the very momentous call to celibacy. In accordance with the original intentions of the "lawgiver," celibacy must be reconceived, he insists, not as a commandment—for anyone—but only "a counsel."

Montesquieu sets the tone for his modernizing reinterpretation of Christianity as he opens his thematic treatment of religion in general: "I will therefore not examine the diverse religions of the world except in regard to the good that one can get from them in the civil state—whether I speak of that which has its root in heaven, or rather of those that have theirs on the earth" (24.1). He soon takes a further step: "as regards the character of the Christian religion and that of the Mohammedan, one ought, without further examination, to embrace the former and to reject the latter: for it is much more evident to us that a religion ought to soften the mores of human beings, than that one religion might be true"(24.4).[17] Shortly thereafter he goes so far as to say that "religion, even when false, is the best guarantee that humans may have of the probity of humans"; he then enlarges on this as follows:

> The principal points in the religion of the peoples of Pegu are: not to kill, not to steal, to avoid shamelessness, to do nothing displeasing to one's neighbor, to do

> him, on the contrary, all the good that one can. With that, they believe that one will save oneself in whatever religion there may be; which makes these peoples, although proud and poor, possess softness and compassion for those who are unhappy. (24.8)

But in order to bring Christian "softness" into alignment with the "softness" belonging to the "humanity," and hence to the religion, that reason dictates, Montesquieu must undertake a considerable, not to say heroic, stretch. For orthodox Christianity, like orthodox Islam and orthodox Judaism, views its own social utility (as judged by reason) to be infinitely less important than the truth of, and human fidelity to, its dogmas concerning divinity. As Montesquieu reminds us, recent as well as past persecutions show that Christian zeal tends to become, or to merge with, a thirst to avenge the deity whose rule appears insulted by humans who refuse to recognize that rule (12.4–5, 25.2). Orthodox Christianity, in his own time as well as in the past, exhibits a proselytizing passion that is yet another powerful obstacle to the "softness" that Montesquieu seeks to advance in the world. "It is almost only intolerant religions that have a great zeal for establishing themselves elsewhere"; "a religion that can tolerate the others hardly thinks of its own propagation" (25.10).

> Religion gives to those who profess it a right to reduce to slavery those who do not profess it, in order to work more effectively for its propagation.
>
> This was the way of thinking that encouraged the destroyers of America in their crimes. It was on this thinking that they based the right to reduce so many peoples to slavery; because these brigands, who wished, quite simply, to be brigands and Christians, were very devout.
>
> Louis XIII was deeply troubled by the law that enslaved the blacks in his colonies; but when he was fully convinced that this was the surest way to convert them, he consented to it. (15.4; see also 15.3)

> What good the Spaniards might have done to the Mexicans! They had it in their power to give them a soft religion; they brought to them a mad superstition. They could have freed the slaves; and they made free men slaves. They could have enlightened them concerning the abuse of human sacrifice; instead of that, they exterminated them. (10.4)

The "softness" that Montesquieu praises and hopes to help spread is concerned with enhancing mankind's material well-being and its "soft pleasures" (4.8), its peaceful coexistence, universal compassion, and

spiritual sense of worldly security and dignity (5.15).[18] In the orthodox, traditional understanding, Christian compassion, forgiveness, meekness, and pacifism are all compatible with—and even defined by—demands for severe devotional discipline and subordination of worldly concerns, sanctioned by the threat or fear of punishment for sinful failure to strive to meet these standards (consider 5.2, 6.9). Montesquieu's hoped-for reform, or reformist assimilation, of Christianity is based on the claim that he stands for "knowledge," based on "reason," over and against "prejudice": "Knowledge renders men soft; reason leads to humanity; it is only prejudices that cause humanity to be renounced" (15.3). The "knowledge" to which Montesquieu refers is primarily the knowledge that the basic natural needs, obvious to unassisted reason, that are shared by all men in every condition are more important, and call for more mutual concern, than any differences of customs or of beliefs that divide peoples.

But we again confront the fundamental question: What is the firm ground of this claim to knowledge, in the face of the claim to revelation? What makes the political-psychological explanation of biblical revelation, which we now see Montesquieu to be providing, more than (at best) a plausible hypothesis? How, a thoughtful believer may well ask (and therefore, a fortiori, a philosopher must ask himself), is this more than a hypothesis?

As *The Spirit of the Laws* unfolds, the work gradually but ever more insistently prompts its rationalist readers to recognize the following proposed answer. The conditions of human life are in the process of being so purged of the worst features of despotic terror, are being made so basically secure—primarily among the Europeans, but perhaps to some extent in other parts of the world, even under certain forms of despotic rule—as to make the belief in and experience of supra- and contrarational divine consolations and commandments steadily evaporate. A new epoch is emerging, in which the inanition of irrational religious belief is becoming obvious, except in those parts of the world where human nature is evidently either irretrievably or temporarily subjected to the rule of terror, or suffers other terrible privations. This historical process provides the crucial empirical evidence for the truth of the Montesquieuian hypothesis, and thereby for the correctness of Montesquieu's conception of the true God.

Commerce and Despotism

A far-reaching question thus becomes ever clearer in its theoretical (theological) as well as its practical (humane) import: To what extent can com-

merce, carrying with it a substantial degree of modern enlightenment, be expected to infiltrate, or to intrude upon, and thus to humanize, oriental despotism? The more we feel the force of this question, the more alive we become to the world-historical struggle that Montesquieu shows to be under way. Nature's God, one is tempted to say, helps mankind insofar, but only insofar, as he makes available to human beings the "gifts"—of reasoning, of enterprise, of resoluteness—with which humanity can enter into a terrible battle with nature, human as well as nonhuman.

A chilling opening note is struck when Montesquieu first treats thematically the relation of commerce to the various forms of government. For he seemingly repeats—and certainly reminds us strongly of—his gloomy earlier assessment of the immutable stupidity, the "laziness of the spirit," and the absence of initiative characterizing despotism (recall 14.4, as well as 6.1 end). Indeed, the prospects sound nigh hopeless: "As for the despotic state, it is pointless to speak of it. General rule: in a nation which is in servitude, one works more to preserve than to acquire. In a free nation, one works more to acquire than to preserve" (20.4). Yet this very pronouncement points to and may remind us of the fact, repeatedly stated by Montesquieu, that in despotisms—in contrast to traditional republics and monarchies—"where there is neither honor nor virtue, it is solely the hope for the commodities of life that can determine one to act" (5.17, 18). Here in the book on commerce, Montesquieu will eventually show that if "the prince" himself carries on any commerce whatsoever, even one boatload—let alone if he is so stupid as to try to monopolize some commerce—the financial losses he suffers will be so many "proofs certain" of his impending "misery" (20.19; see also the sequel, 20.20 and 22.2, 14, 19). Once commerce becomes a despot's source of income, he discovers that tyranny no longer pays; he is compelled to liberalize.

Moreover, the book on commerce soon reminds us of a massive, if perhaps unique, example of an intensely commercial despotism: the vast Chinese empire (20.9). We recall that we learned near the end of part 1 that in China, "the spirit of work and of economy is as requisite as in any republic there is" (7.6). But this proved to be an understatement: as we eventually learned, the Chinese despotism has been so ordered by its "lawgivers" that the people "have a prodigious activity, and a desire for gain so excessive, that no commercial nation can take pride of place from them" (19.10). Montesquieu now compares the Chinese despotism favorably, in its commercial policy, with Holland (recall also 18.6)—and juxtaposes to China the numbskullery of the Japanese despotism, which exemplifies the

universal "necessity" of a nation's being "cheated" when it fails to obey the laws of commercial competition that in fact establish "the just price" of every commodity:

> The Japanese engage in commerce with only two nations, the Chinese and the Dutch. The Chinese make a thousand percent profit on sugar, and sometimes as much on the merchandise they return with. The Dutch make profits close to this. Every nation that conducts itself on the maxims of the Japanese will of necessity be cheated. It is competition that puts a just price on merchandise, and which establishes the true relative values of merchandise.

In these circumstances—of a severe, despotically imposed restraint on competition—the Chinese have a distinct advantage over other commercial peoples because "necessity" has endowed the Chinese with "an inconceivable avidity for gain," which "the laws haven't dreamed of stifling" (19.20). The "necessity" shaping China is rooted in, but is by no means the same as, "the nature of the climate," which Montesquieu speaks of as only being "perhaps" a contributing cause of the Chinese passion for gain. The "necessity" in question is a necessity of legislative *reasoning*: given the fact that "by the nature of the climate and the terrain, China has a precarious life," it becomes a *rational* "necessity" that the lawgivers *make* life in China "secure" by means of "industry and of work." To such an extreme has legislative reasoning in these circumstances "necessarily" gone, that it has strongly encouraged fraud as a regular mode of business:

> Everything has been forbidden, whenever it has been a question of acquisition through violence; everything is permitted, when what is involved is acquisition through artifice or industry. Let's not compare then the morals of the Chinese with those of Europe. Each person, in China, has to be attentive to what is useful for him; if the cheater has looked after his own interests, the cheated ought to have thought about his.

As a result, the Chinese are "the most dishonest people on earth. That appears above all in their commerce, which has never been able to inspire in them the good faith that is natural to it" (19.20); "this infidelity has preserved for them the commerce of Japan," since their complete untrustworthiness in money matters makes it so that "no European merchant has dared to undertake commerce in their name" (19.10).[19]

Taking a bird's-eye view, we see that Montesquieu's evaluation of modern China has undergone a considerable amelioration as *The Spirit of the Laws* has unfolded, and as individual security, closely linked to commercialization, has emerged as the chief desideratum of politics. Originally, in the light of his initial threefold typology of the forms of government, and especially in his polemical response to the reports brought back by Christian clerics (8.21; see also 6.20), Montesquieu stressed the utter absence in China of genuine honor or virtue, and the society's fundamental dependence on humiliating fear—though he did indicate from very early on that China is a special case, with some affinity to monarchies and even to republics.[20] Near the end of part 1 we learned that China's singularity consists in its rulers being often prudent enough to recognize that the climate and terrain compel them to prohibit luxury and to encourage the frugal industry of their subjects (7.6–7; see also 8.21—"such is the nature of the thing, that bad government there is punished right away"). But Montesquieu insisted that present-day China is probably inferior to the original system established by "the first dynasties" (8.21 end). Soon thereafter we learned that the original Tartar conquerors of China exhibited unusual political wisdom (10.15). Then we heard that the goal of "the laws of China" is "public tranquility," which, Montesquieu strikingly added, is "the *natural* goal of a State that has no external enemies at all, or that believes that it has stopped them by barriers": the case of China makes most evident the "natural" aim of all government (11.5; see also 29.18). As is made very clear soon after, in 12.7 and 12.29, the "public tranquility" exemplified in the laws of China is akin to, but falls short of, the individual "security" that is "political liberty." The laws of China with their "natural goal" were presented in pointed contrast to "the Judaic laws," whose goal was "religion"; this prepared us for the fact that, as we later learn, the religion of China is purely civil, worldly, and utterly lacking in spirituality or in any impulse to transcendence of worldly welfare (19.16–21; 25.8). In parts 2 and 3, which treat first liberty and then slavery, China stands out as a mild or reasonable despotism.[21] This continues, as we are now seeing, in part 4 on commerce and its effects—including in the book on population, even or precisely because China routinizes practices of cheating that European Christians judge to be morally objectionable (23.5 and 16). All in all, Montesquieu's elaborate and evolving treatment of the spirit of the laws of China allows us to see that a very important portion of what Montesquieu defines as "liberty" can sometimes be achieved even in despotism, insofar as despotism becomes commercially and economically

reasonable; and China proves that commerce can flourish even in a society where climate demands polygamy and the confinement of women (see esp. 16.11; Montesquieu does note that, for this reason, Islam is making great progress in China—16.2).

Still, China is (as Montesquieu repeatedly stresses) an exception; in China the "necessity" of legislative reason is idiosyncratically shaped by the peculiar exigencies of its climate and terrain—to which exigencies, granted, its ancient and modern lawgivers have responded very well. Does not China's near neighbor and commercial dupe, Japan, represent better the ignorant and hopeless condition of oriental despotisms, as we have been led to regard them in most of Montesquieu's great book? Perhaps so; but Montesquieu closes his book on commerce with a remarkable prediction of Japan's future commercial advance (recall 6.13):

> Let's consider now Japan. The excessive quantity of what it can import, produces the excessive quantity of what it can export: things will be in equilibrium just as if the importation and the export were moderate; and besides, this kind of inflation will produce a thousand advantages for the State: there will be more consumption, more things on which the arts can exercise themselves, more men employed, more ways of acquiring power: there can come to pass cases where emergency aid is needed—which a State that is so well supplied can give sooner than any other. It does create difficulties when a country has superfluities; but it is the nature of commerce to render superfluous things useful, and the useful necessary. So, the State will be able to give the necessary things to a greater number of its subjects. (20.23)

Someday, Montesquieu in effect predicts, the eventually unmistakable imperatives of commerce will awaken Japan from its present purblind submission to being exploited by the Chinese. (And by so openly and honestly insulting the Japanese, Montesquieu does all he can to provoke their arousal.)

But what are the mechanisms by which despotisms other than the Chinese can be penetrated by commerce? To repeat: Montesquieu begins from what seems to be a reassertion of hopelessness: "as for the despotic State, it is useless to talk about it" (20.4). Yet in the very next chapter (20.5), Montesquieu spotlights the fact that the most successful commercial centers have been established by "refugees" from local "violence and vexation," who fled to "the marshes, islands, shoals of the sea, and even its very reefs." The example on which Montesquieu dwells is Marseilles, but

then he adds: "[T]hat's how Tyre, Venice, and the cities of Holland were founded; the fugitives found their safety there. They had to survive; they took their livelihood from the entire universe." In the previous chapter, Tyre was the very first example of a society that carried on what Montesquieu christens, in this chapter, "the commerce of economy"—or the most marginally efficient and effective kind of commercialism. In fact, it is Tyre, rather than England or Holland or Marseilles, that happens to be the first example of a commercial society to be mentioned in the body of the text of the book on commerce (Marseilles is mentioned previously, but in a footnote). Why does Tyre now come to the fore so conspicuously? Tyre was a preeminent commercial and colonizing city that flourished (even though it was once destroyed by Nebuchadnezzar[22]—21.9) on the edge of, or under the shadow of, and through extensive trade in and with, the greatest Levantine despotisms of its time. At the same time, Tyre is singled out in the Bible for special and famous curses by the biblical prophets;[23] Tyre is *the* biblical example of the sinfulness that attends commerce; it is Tyre that Ezekiel apostrophizes in the words: "through your far-flung commerce, violent wrongdoing filled your midst and you sinned!"—Ezekiel 28:16.[24] Tyre, we may say, is for Montesquieu *the* leading historical example of the insidious power that "the spirit of commerce" has to penetrate and to ameliorate despotism from the outside; at the same time, Tyre is *the* embodiment of the alternative to the biblical response to despotism. Confronted with the oppression of despotism, desperate humans can respond in two diametrically opposed ways, according to Montesquieu: they can let themselves be drawn, imaginatively and self-delusively, into an ascetic denial of and escape from reality; or they can dedicate their energies to a risky, even precarious, but by no means hopeless, commercial gamble.

The theme now broached—of plucky and shrewd, if morally dubious, humans using commerce and commercialism to elude, and even to compel the reversal of, the stupid repressive efforts of imperial despots—recurs emphatically in the next book, on the history of commerce or of "the revolutions that it has had in the world." The most paradoxical, as well as a most suggestive, example is the commercial achievement of the Jews in medieval Europe (21.20). As Montesquieu retells (and artistically refurbishes[25]) the story, Christian-Aristotelian scholasticism, through its moral condemnation of all lending of money at interest on the part at least of Christians, drove commerce underground, and hence into the hands of "a nation at that time covered with infamy," who proceeded to practice "the most awful usury," as well as many other sorts of ruthlessly exploitative

devices (obviously, whether they acknowledged it or not, the Jews were thus defying the very core of their divine law). "The Jews, enriched by their exactions, were pillaged by the princes with the same tyranny: something that consoled the people, but did not relieve them." "Nevertheless, one saw commerce arise out of the heart of vexation and despair": the hideously tormented Jews "invented letters of credit, and, by this device, commerce could elude violence, and maintain itself everywhere—the richest trader having only invisible goods, which could be sent anywhere, and never leave any trace." A system of banking came into being among the Jews, with its own intrinsic imperatives of trust and commitment, animated by fearful and greedy acquisitiveness. The eventual consequence was that "the theologians were obliged to restrain their principles; and commerce, which had been violently linked to bad faith, returned, so to speak, into the breast of probity."

What has arisen, directly out of and as a consequence of the most anti-commercial tyranny, is a system of finance that—using selfish greed—has tied the hands of that very tyranny that oppressed it:

> Since that time, princes have been compelled to govern themselves with more wisdom than they would themselves have ever supposed; because, in the event, the great blows of authority have proven so maladroit that everyone knows now that only good government brings prosperity.
>
> Machiavellianism has begun to be cured, and will be cured more and more every day. More moderation is required in councils. What one used to call coups d'Etat would today, apart from the horror, be nothing but imprudences.
>
> And it is a happy thing for human beings to be placed in a situation where, while their passions inspire them with the thought of being wicked, it is nevertheless in their interest not to be. (21.20; see also 22.10, 13, 15)

In chapter 19 of the next book, on finance (bk. 22), Montesquieu stresses that "the law of Mohammed confounds usury with loans at interest"—very much like what happened in medieval Christendom; is there any possibility of a similar subversion, within Islam, of the reigning theological prohibition on loans at interest? We may recall that in chapter sixteen of book 21 we learned that the Roman records of the Arab nation prior to Islam show that the Arabs were "commercial," and indeed "destined by nature for commerce." What, if anything, is left of this pre-Islamic spirit of the Arab laws? Here in the book on finance, Montesquieu notes that the practical effect of the Islamic law's prohibition on loans at interest is a

rampant, if illegal, usury. Two chapters later we learn that the practical result of anything like the ancient Roman despots' attempts to suppress high interest rates is that usury thus "becomes naturalized": "it became necessary to pay for the loan of the money and in addition for the danger of the legal penalties" (22.21). The history of Rome in this regard shows that "it was with this law as with all those in which the lawgiver takes things to an extreme: a way is found to elude the law" (22.22). In the contemporary European world, monetary exchange has rendered impossible even the attempt at the free-wheeling manipulation of currency and hence of public financial policy that the Roman despots attempted. "One feels that these violent operations would have no place in our times; a prince would deceive himself, without deceiving anyone else." "Exchange, as I have said in the previous book, has taken away the great strokes of authority, or at least the success of the great strokes of authority" (22.13 end). Somewhat later in the same book, in a chapter entitled "How Exchange Troubles Despotic States" (22.14), Montesquieu draws our attention to a profound tension or struggle unfolding prominently in his own time in Russia or Muscovy (this in the period after the great reforms of Peter the Great to which our attention was drawn earlier in book 19):

> The establishment of commerce demands that of exchange; and the operations of exchange contradict all its laws. In 1745, the Czarina made an ordinance to drive out the Jews, because they had sent into foreign lands the money of those exiled to Siberia. . . . Exchange, which gives them means to transport money from one country to another, is thus contradictory to the laws of Muscovy.

"Commerce itself contradicts those laws," Montesquieu continues, since commerce demands a free working and merchant class, while in Russia "the people is composed only of slaves attached to the lands, and slaves that are called ecclesiastics or gentlemen, because they are the owners of the other slaves." The great unanswered implicit question, obviously, is: How long will the "laws of despotism" in Russia be able to hold out against what Montesquieu terms the "desire for descent from despotism" visible in Russia, caused by the relentless imperatives of the "laws of commerce" and the attendant principles of finance and exchange?

Another highly relevant consideration comes to sight when we see Montesquieu reinforcing what we have found to be his previous indications (in book 13, on taxation) that the merchant, in his commercial activities, may actually be in important respects freer under shrewd despots than he is in

undespotic societies. For liberal commercial legislation dictates a considerable restriction of individual choice, even or especially on the part of merchants as they engage in commerce. In the twelfth chapter of book 20, entitled "Of the Liberty of Commerce," Montesquieu delivers the lesson that the "liberty of commerce" is something quite different from the "liberty of the merchant," let alone "a capacity given to merchants to do what they wish." Paradoxically, "it is in the countries of liberty that the merchant finds contradictions without number; and he is never less impeded by the laws than in the countries of servitude." Now of course, the commercial regulations of commercial societies are reasonable impositions, which constitute "the liberty of commerce" itself: England "hampers the merchant, but this is in favor of commerce." But there is a constant danger of going too far; Montesquieu reiterates here his earlier animadversions—on the tension between commercial growth and tariffs, on the unwise monarchic or republican institution of customs-farmers, as well as tax-farmers, and on the ill-advised practice of confiscations of merchandise: all of which are found to be syndromes of moderate governments, with the exception of England, which is in this regard "singular" (20.13–14). Montesquieu concludes his chapters on "the liberty of commerce" with the following principle: "in the conventions that derive from commerce, the law ought to be more concerned with the public comfort than with the liberty of a citizen—which does not prevent there being restrictions and limitations that are demanded by humanity and good law enforcement" (20.15; see also 16–17). In short, if and when commerce does begin to secure a foothold in despotisms, its expansion may be more rapid than one might suppose, since commerce is often allowed a freer hand than it is allowed in moderate governments (even or especially those devoted to commerce).

The general principle that Montesquieu means to show emerging out of his study of the history of commerce he states as follows: "commerce, sometimes destroyed by conquerors, sometimes harassed by monarchs, traverses the earth, fleeing from where it is oppressed, finding respite wherever one lets it breathe: it reigns today where one once saw only deserts, seas, and rocks; where it once reigned, there are nothing but deserts" (21.5).

What these words bring to the fore, even more than commerce's ability to elude or counteract oppression, is commerce's power to transform "deserts," or what might appear to be the immutable, naturally fixed, barrenness of diverse geographies. At the same time, however, we are also not allowed to forget nature's power to reassert itself whenever human industry and wit falters.

Book 21 opens, in fact, with still more discouraging reflections on the seemingly unalterable power of the natural barriers with which commerce must contend: "although commerce is subject to great revolutions, it can happen that certain physical causes—the quality of the terrain or the climate—fix forever its nature." Montesquieu adduces the massive example of "the Indies," in such a way as to suggest that nothing there can be changed:

> Our luxury cannot be theirs, nor our needs their needs. Their climate does not require of them nor permit them practically anything of what comes from us. They go about largely nude; the clothes that they have are suitably furnished by the country; and their religion, which has such an empire over them, gives them a repugnance for the things that serve as food for us. So they have need only of our metals, which are signs of value, and for which they give merchandise which their frugality and the nature of their country procures for them in great abundance. The ancient authors who have told us about the Indies depict them such as they are today, as regards the law enforcement, and the manners and morals. The Indies have been, the Indies will be, what they are at present; and, in all ages, those who trade with the Indies will carry money there, and bring none back. (21.1)

Montesquieu seems to continue in this pessimistic vein, as he recurs to the nature of the warm climate of the south, even or especially in Europe, to point out that, to the "nations of the south," "nature has given much, and they require from nature only a little," which explains "the laziness that nature has given to the nations of the south," in contrast to "the industry and activity that she has given to those of the north." The sad consequence is that "servitude is naturalized among the peoples of the south: since they can easily do without riches, they can even more easily do without liberty." So true is this, Montesquieu writes in a stunning conclusion, that "almost all the peoples of the south are, in some fashion, in a violent state, if they are not slaves" (21.3). Now what makes this statement, and indeed the entire chapter to which it is the conclusion, so astonishing, is that this chapter is focused on explaining the changing commerce in *Europe*, among Europeans; in other words, we suddenly discover that "southern" Europe—Italy, Greece—is not as different from the Orient, in the effects of its natural environment on human freedom, as we have previously been led to believe. Southern Europe, the home of the classical republics, is "by nature" despotic. Only by a kind of legislative "violence" was it made into

a home for human freedom—for classical republicanism, and for today's republics and monarchies in places such as Italy and Sicily and Spain and southern France! At the cost of some exaggeration, Montesquieu thus impels us to wonder whether the freedom that human ingenuity and energy were able to wrest from the inherently inhospitable Mediterranean world might not be achievable also in other "southern" climes.

This line of thought is intensified in the next chapter (21.4), where Montesquieu contrasts today's European commerce, which is largely "from north to south," with the commerce of Greco-Roman antiquity, which was "almost entirely in the south"—and was therefore considerably less extensive. Yet ancient commerce was by no means paltry, as we know from examples such as Marseilles and Tyre. Later, in the eleventh chapter, Montesquieu argues that the remains of the writings of the great Carthaginian navigator Hanno show that a flourishing series of commercial outposts, with a population of more than thirty thousand Carthaginian colonists, was set up along the Atlantic coast of Africa: thus,

> the Carthaginians were on the path of riches: if they had gotten to the fourth degree of latitude and the fifteenth of longitude, they would have discovered the Gold Coast and the neighboring coasts. They would have carried on a commerce of another order of importance from what is being carried on there today, when America seems to have debased the riches of all other countries.

So: if tropical Africa has been shown to be available for commercial infiltration, is there anything in the natural environment that prevents considerable growth in other southern climes—for example, in the commerce of the Indies, which we have just heard is forever "fixed?" A few chapters earlier we learn that in truth there has been, in Montesquieu's own time, a revolution in the commerce of the Indies; at the end of his account of the history of Greco-Roman commerce with the Indies, Montesquieu writes: "So the commerce of the Greeks and the Romans with the Indies was far from being as extensive as ours—we, who are familiar with immense countries about which they did not know; we, who carry on our commerce with all the Indian nations, and who even carry on their commerce for them and do their navigation for them" (21.9 end). The mere fact that what Europe imports from the Indies is chiefly precious metals does not, it turns out, "fix forever" the "nature" of that commerce. Book 21 ends with Montesquieu suggesting the advantages to the European nations, in particular Spain, of opening up to all nations a free and competitive trade with the Indies (21.22–23).

The possibility of surmounting the barriers placed before commercial expansion by climate and by despotic government in Asia is brought home more vividly in the sixth chapter of book 21. There Montesquieu presents the evidence showing that, in ancient times, despite (as he stresses) the lack of compasses and of the knowledge of how to construct locks to effect upstream navigation, "there was a great commerce in luxuries in the empires of Asia." Regions of Persia itself, the evidence shows, were once "full of flourishing cities" carrying on commerce. In particular, "the merchandise of the Indies was able to traverse the Caspian," and from there made it across the Black Sea, finally to reach even "the most remote parts of the Occident as well as the Orient." Nay, more: the evidence suggests, Montesquieu reports, that the prevailing commerce was not only of luxury items and with a view to luxury (the type of commerce that is characteristic in and among despotisms); for Tyre carried on a "commerce of economy"—a commerce by no means limited to luxuries. And it was not only "the people of Tyre who carried on a commerce of economy over the entire earth"; "the little knowledge that most peoples had of those who dwelled far away from them, favored the nations that carried on the commerce of economy": the latter "took all the advantages that intelligent nations take of ignorant peoples." In particular, the Tyrians carried on sea trade for the agricultural Jews, who, Josephus tells us, "had little knowledge of the sea, being concerned only with agriculture." Even the powerful empire of Egypt was "so little jealous of foreign trade, that they left that of the Red Sea to all the little nations which had some port facilities there." The Phoenicians thus "made themselves necessary to all the nations of the world." All "this communication exists no more" (Montesquieu notes in a melancholy tone): but obviously, he has driven home the point that there is no necessity in nature, not even in the nature of despotism, throughout the Near East and the Indies, that prevents this communication from being reborn.

As for the grave obstructions to such a rebirth, we note that Montesquieu concludes his book on change in religion (25.15) by a set of remarks that one is tempted to apply not only to Christian but to commercial innovation (which, we now know, is simultaneously a form of "religious" innovation): "in the great despotic empires,"

> strangers are at first tolerated, because no attention is paid to what doesn't appear to hurt the power of the prince; the ignorance there of everything is extreme. A European can make himself agreeable by certain kinds of knowledge that he brings: so the beginning is good. But, as soon as one has some success,

> as soon as some dispute arises, as soon as the people who can have some interest are alerted; since this state, by its nature, demands above all tranquility, and since the least trouble can overthrow it, the new religion is proscribed right away along with those who proclaim it.

How and to what extent might European commercialism overcome this official opposition that would seem inevitably to arise precisely after, and because, commerce has secured a troublesome foothold in despotisms?

Montesquieu's most important answer to this question is delivered with all appropriate caution and discretion, for it is an answer inevitably attended with grave practical dangers arising from misunderstanding and misapplication. Yet Montesquieu apparently believes that the stakes are worth the risks. We are afforded our first clear view of the matter when Montesquieu turns, in his book on the history of commerce, to focus on the "great revolution in commerce" brought about by the conquests of Alexander the Great (21.8). Here, in book 21, on the "revolutions of commerce," we finally discern an explanation of what is perhaps the strangest feature of the earlier book 10, entitled "On Laws in the Relation They Have with Offensive Force." For that book, though it began with chapters that laid down normative principles of international relations that seemed to outlaw conquest, except in cases of strict necessity for national survival (10.2–3), went on to devote a surprising amount of the remaining chapters to showing the possible advantages of conquest, for the conquered—culminating in a remarkable (but, in the context of the teaching at the start of book 10, seemingly malapropos) salute to the benefits brought to the subjects of oriental despotism through their being conquered by the Greeks of Alexander the Great. The dramatic reappearance of the figure of Alexander in the book on the history and revolutions of commerce impels us back to reconsider those striking and unforgettable earlier pages.

After arguing against contemporaneous European theorists of international law, who assign to conquerors the right of destroying, and hence of exterminating or enslaving, conquered inhabitants, Montesquieu launches into the following protest (10.4):

> Instead of drawing from the right of conquest such fatal consequences, the political writers would have done better to speak of the advantages that this right can sometimes bring to the vanquished people. They would have felt those advantages better, if our right of nations were followed exactly, *and if it were established over the entire earth*.

> States that are conquered are not ordinarily in the vigor of their constitution. . . . [T]he government has become the oppressor. Who can doubt that such a state does not profit and gain some advantages from being conquered, if the conquest is not destructive? . . . A conqueror who enters amongst a people where . . . the unfortunate individual trembles, as he sees what he believes to be abuses becoming laws; and is under oppression, while believing he is in the wrong to feel so; a conqueror, I say, can change the course of everything, and harsh tyranny is the first thing that suffers violence. . . .
>
> A conquest can destroy harmful prejudices, and can place—if I dare to speak in this way—a nation under a better genius.
>
> What good might not the Spaniards have done for the Mexicans? They could have given them a soft religion; instead, they brought to them a mad superstition. They could have liberated the slaves; instead, they made the free men slaves. (emphasis added)

There follows, in the next chapter, the first great compliment to Alexander the Great as conqueror—or more precisely, to him inasmuch as he used his conquest to compel fundamental religious reformation in the name of humanity. Alexander shares this glory with Gelon of Syracuse: the latter required the vanquished Carthaginians to cease sacrificing their children to their gods. In so doing, Gelon "exacted a condition that was useful only to the conquered, or, rather, he stipulated for humankind." Similarly, "the Bactrians gave their old fathers to great dogs to eat; Alexander prohibited this; and that was a triumph that he achieved over superstition."

In striking contrast, when Montesquieu goes on to discuss the case of a monarchy conquering another monarchy, he insists—in what one is inclined to call more typically "Montesquieuian" fashion—that "in these conquests, it does not suffice to leave to the vanquished nation its laws; it is perhaps even more necessary to leave to it its customs, because a people always knows, loves, and defends its customs more than its laws" (10.11). But then Montesquieu returns to the figure of Alexander (with whom he compares most unfavorably the contemporary European paragon of conquest, Charles XII of Sweden and his campaigns against Russia—10.13–14). Alexander strides onto the Montesquieuian stage as the tragically short-lived incarnation of impassioned, cosmopolitan, and humane imperialism[26]: "the project of Alexander succeeded only because it was sensible"; "not only was the project wise, but it was wisely executed." "In the rapidity of his actions, in the fire even of his passions," Alexander

"had, if I dare make use of the term, a burst of reason (*une saillie de raison*) that conducted him."

The basis of Alexander's admirable "project" was his "having overwhelmed the Greeks" and their republican "jealousy." In the subsequent, early stages of his Asian enterprise, "that is to say, in a time when a check could overthrow him," he "hazarded very little"—until he was master of events, when "temerity was sometimes one of his tools." Since "Tyre was, in principle, attached to the Persians, *who could not do without its commerce* and its navy, Alexander destroyed Tyre" (emphasis added). But despite this necessary act of destruction, the manner in which he constructively conserved what he had conquered is exemplary:

> He resisted those who wished him to treat the Greeks as masters, and the Persians as slaves (this was the advice of Aristotle); he thought only of uniting the two peoples, and of making disappear the distinctions between the conquering people and the vanquished people. He abandoned, after the conquest, all the prejudices which had been of use to him in carrying it out. He took on the customs of the Persians, so as not to make them unhappy as he made them take on the customs of the Greeks. . . . He not only left to the vanquished peoples their customs, he left them also their civil laws, and often even the kings and governors that he had found. He put the Macedonians in charge of the army, and the locals in charge of the government. . . . He respected the ancient traditions and all the monuments to the glory or vanity of the peoples. . . . [T]here were very few nations who submitted to him, upon whose altars he did not make sacrifices. . . . The Romans conquered in order to destroy everything; he wished to conquer everything in order to conserve; and, whatever country he crossed, his first ideas, his first designs, were always to do something that could augment there the prosperity and the power.

This is the picture of Alexander with which we were left, back in book 10. Now, in the book on the historical revolutions of commerce, in the chapters on "Alexander's Conquest" (esp. 21.8–9), we see disclosed the full significance of the arresting but very puzzling apotheosis of the paradigmatic European conqueror—who transformed oriental despotism through conquest, by sagely weaving together an apparent respect for local customs with an effectual revolution in those customs. It turns out that what inspired Alexander was "the design of uniting the Indies with the West by a maritime commerce, even as he had united east and west by the colonies that he had established on the lands." The widespread Grecian

colonization that Alexander undertook throughout Asia was aimed not merely, or even chiefly, at holding down the country, but rather at spreading commerce, especially on river routes.[27] It was Greek and Western colonists who were to carry on this commerce to begin with, since the Persian religion of that time, though it made its believers industrious laborers on the land, "took from them every idea of maritime commerce"; and a similar effect was produced by "the superstitions of the land" of the Egyptians, reinforced when the Persians conquered Egypt, and then "brought there the same spirit that they had at home." "So as not to sully the elements, they did not navigate on rivers"; and "still today" (Montesquieu adds) "they have no maritime commerce, and they regard those who go by sea as atheists." Alexander succeeded, if only for a sadly short few years, in reversing this superstitious nonsense:

> He had a fleet constructed on the Hydaspes, descended this river, entered the Indus, and navigated to its mouth. He left his army and his fleet at Patala, went himself with some boats to reconnoiter the sea, marked out the places where he wanted ports, harbors, and arsenals constructed. . . . Scarcely had he arrived in the Indies, when he had new fleets constructed, and navigated on the Euleus, the Tigris, the Euphrates, and the sea; . . . [s]ince he had constructed at Babylon a port for one thousand ships, as well as arsenals; since he sent five hundred talents in money to Phoenicia and Syria, to hire sailors that he wanted to put in colonies that he was expanding on the coasts; since, finally, he made enormous works on the Euphrates and the other rivers of Assyria—there is no doubt that his plan was to bring into being the commerce of the Indies through Babylon and the Persian Gulf.

Alexander's death spelled the end of this magnificent project, but not of all its salutary consequences. The Greeks continued for a long time in control of Egypt, where "they were no longer hindered by the old superstitions of the country; Egypt had become the center of the universe" (21.9). The Greeks remained the kings of Syria as well, and as such "maintained that commerce, of which we have spoken in chapter 6, which was carried on by land and by rivers, and had received new facilities by the establishment of Macedonian colonies; as a consequence Europe communicated with the Indies both through Egypt and through Syria" (21.16). Even much later, under Islam, Egypt as transformed by Alexander remained highly commercial (21.19).

As he gives his account of the commerce of the Greeks and the Romans after the death of Alexander (21.9–14), Montesquieu continually draws

our attention to the immensely greater knowledge, sailing capacity, commercial energy, and naval power of *modern* Europeans:

> Europe has arrived at so high a degree of power, that history has nothing to compare it with on that score, if one considers the immensity of the expenditures, the greatness of the commitments, the number of the troops, and the continuity of their maintenance, even when they are the most useless and are possessed only for ostentation. (21.21 end; see also 21.13)

At the same time, the nature of commercial wealth is in Montesquieu's time more and more visibly uniting the world into a single society, dominated by a few nations that are vastly more wealthy than the rest. Montesquieu inserts in the final chapter of the first of his books on commerce the following reflection:

> [M]ovable effects—like money, notes, letters of exchange, shares in companies, ships, all merchandise—belong to the entire world, which, in this relationship, constitutes but a single State, of which all the societies are the members: the people who possess the most of these movable effects that are of the whole world, are the people who are the richest. Several States have of these an immense quantity; they each acquire them by their commodities, by the labor of their workers, by their industry, by their discoveries, even by luck. The avarice of these nations quarrels over the movables of the entire universe.[28]

Montesquieu does not envisage, or even hope for, a new Alexander; what he conjures up instead is a dramatically different, and more lasting, version of the Alexandrian dream of a commercial union of East and West, now dominated by a liberal and liberalizing Europe—most obviously distinguished morally from even the enlightened Alexander by the struggle to limit or abolish slavery.[29] Much of the new or emerging global commercial configuration is a result of the discovery of America, "which has linked Europe to Asia and Africa." Although the Spanish and the Portuguese at first treated lands they discovered as "objects" of traditional "conquest,"

> peoples more refined than them found that the newly discovered lands were the objects of commerce, and in this spirit directed their attention to them. Several peoples have conducted themselves with so much wisdom, that they have granted empire to companies of traders who, governing these faraway states

> solely for trade, have formed a great accessory power, without troubling the principal state.
>
> The colonies that have been formed are in a type of dependence of which one finds few examples in the ancient colonies. . . .
>
> The object of these colonies is to carry on commerce on better terms than one has with neighbors, with whom all the advantages are reciprocal.
>
> It has been established that the mother country alone would be able to carry on trade in the colony; and that, with great reason, because the goal of the establishment of colonies has been the extension of commerce, not the foundation of a city or of a new empire.
>
> The disadvantage for the colonies, which lose the liberty of commerce, is obviously compensated by the protection of the mother country. (21.21)[30]

It is not surprising, it is altogether fitting, and highly instructive, to find that in the years soon after its publication *The Spirit of the Laws* became an authority to which all sides appealed in the quarrels over the nature of the British Empire that ought to be established in India.[31] Governor George Johnstone's 1771 plan of government, *Thoughts on our Acquisitions in the East Indies*, draws heavily on Montesquieu's treatise. The subsequent bitter contest over Warren Hastings's leadership of the East India Company's regime in India began in earnest in 1777 when Edmund Burke's friend Philip Francis, the sole surviving member of the Supreme Council of India appointed by Lord North, addressed to the latter a public remonstrance (*Letter from Mr. Francis to Lord North*) deeply rooted in the text and the teaching of *The Spirit of the Laws*. Francis's Montesquieuian vision of empire was given far more eloquent echo by Burke himself, especially in his speech of 1 December 1783, arguing for "Mr. Fox's East-India Bill"—the defeat of which brought down the Whig government more or less permanently. This grave defeat did not discourage Burke from a long campaign leading to the impeachment, but then the eventual acquittal, of Hastings.

Against Burke and his allies, the defenders of Hastings themselves appealed, all along, to the authority of Montesquieu. The supporters of Hastings, and more generally of the commercial imperialism that he had helped to impose with some force on a decadent Mogul Empire in India, stressed that Montesquieu had taught the essentially despotic nature of Indian, as of all oriental government and religion—thus justifying a rational British despotic counterweight, aimed especially at breaking the hold of perniciously foolish and cruel native religious beliefs as well as political

authorities. Specifically, at trial Warren Hastings's counsel introduced as authoritative the following very relevant and highly telling, impassioned Montesquieuian text (17.5):

> The Goth Jornandès [sixth century bishop of Ravenna and author of a history of the Goths] has named the north of Europe the factory where humankind is forged, *humani genris officinam*. For my part, I would name it rather the factory where are forged those instruments that break the chains forged in the south. It is there that are formed those valiant nations, who leave their lands to destroy tyrants and their slaves, and to teach to human beings that, nature having made them equal, reason can not have rendered them dependent except for the sake of their happiness.

We may add that the counsel might have done well to couple with this the key passage that we have already once quoted from 14.3.[32] Burke and his allies appealed, on the contrary, to Montesquieu's teaching on the need to respect local customs, manners, and morals; they invoked Montesquieu's diagnosis of the peculiar "tyranny" that results from the violent imposition of alien ways—even if they are liberal and humane (19.2–3).

From our retrospect, at a considerable distance in time from the immediate fray, it is hard to avoid the judgment that neither side, in this struggle over the proper meaning of modern, rational, commercial imperialism, claimed with full right to be the unqualified voice of Montesquieuian wisdom. No doubt, the depths and the reach of Burke's humanity invoked the shade of Montesquieu in his corner of the ring. Burke insisted that his own argument for the prescriptive authority of indigenous law, custom, and religion was aimed at upholding, against the tyranny of the East-India Company ("one of the most corrupt and destructive tyrannies that probably ever existed in the world"), the rights of reason: "the natural rights of mankind at large," "the natural equality of mankind at large"—as instantiated in India no less than in England: "this bill, and those connected with it, are intended to form the Magna Charta of Hindostan." Burke was convinced that his Herculean effort to repudiate the Hastings version of commercial empire in the name of what he understood to be a genuinely Montesquieuian imperialism was nothing less than "the rescue of the greatest number of the human race that ever were so grievously oppressed, from the greatest tyranny that was ever exercised."[33] As John Morley put it in his life of Burke (196–97): "[T]hat Hastings was acquitted was immaterial. The lesson of his impeachment had been taught with sufficiently impres-

sive force—the great lesson that Asiatics have rights and that Europeans have obligations; that a superior race is bound to observe the highest current morality of the time in all its dealings with the subject race." But we cannot avoid observing that Burke, in the zeal of his endorsement of the nobly prescriptive character of Indian as well as all other traditions ("the most established rights, and the most ancient and most revered institutions, of ages and nations"—"Speech on Mr. Fox's India Bill," *Works*, 2.222), and in the consequent harshness of his opposition to the radical if perhaps somewhat ruthless reform that Hastings stood for, was led in crucial respects rather far from his great philosophic teacher. For one thing, Burke obscures Montesquieu's explicit endorsement of the policy of committing limited imperial rule to trading companies (21.21). But of greatest significance is Burke's emphatic rejection of his master's teachings on the essentially despotic character of traditional Indian (and, more generally, Asiatic) government, and on the political and economic evil of Indian (and, more generally, Asiatic) religion.[34] In reply to the explicit invocation of the authority of Montesquieu by Hastings's advocate, Burke declaims:

> I mean to prove the direct contrary of every thing that has been said on this subject by the prisoner's counsel, or by himself. I mean to prove, that the people of India have laws, rights, and immunities, that they have property, moveable and immoveable, descendible as well as occasional; that they have property held for life, and that they have it as well secured to them by the laws of their Country, as any property is secured in this country: that they feel for honour, not only as much as your Lordships can feel, but with a more exquisite and poignant sense than any people on earth; and that when punishments are inflicted, it is not the lash they feel, but the disgrace: in short, I mean to prove, that every word which Montesquieu has taken from idle and inconsiderate travelers is absolutely false.[35]

What makes this fiery, and historically significant, if now all but forgotten, quarrel of interest to us as interpreters of *The Spirit of the Laws* is the fact that each of the opposing sides brought out an important dimension of Montesquieu's complex teaching on the spread of European liberal principles through commercial empire—while neglecting (and thereby circumscribing) the countervailing or balancing Montesquieuian dimension that was invoked by their opponents. Together, the two antagonistic parties make vivid the full complexity of what we may term Montesquieu's humane imperial hopes.

Montesquieu's "Prophetic Vision"

Paraphrasing a 1759 essay on *The Spirit of the Laws* by Oliver Goldsmith, Fletcher has written of Montesquieu that "he is an admirable example of that aspect of human genius" of which "the real value lies not in what it reveals about the past, but in the peculiar color and direction it gives to the future"; such a genius's "function" (in the words of Goldsmith) "is not historical but prophetic" (*Montesquieu and English Politics*, 29). A similar judgment was pronounced in the oft quoted words of Emile Faguet: "A book of prophetic criticism, that is *The Spirit of the Laws*" (*Dix-huitième siècle*, 165). Montesquieu himself, at the end of his preface, identifies *The Spirit of the Laws* with the prophetic writings of the Cumaean Sibyl in Virgil's *Aeneid*. Burke went still farther, in his famous panegyric on Montesquieu, as "a man, like the universal patriarch in Milton," who "had drawn up before him in his prophetic vision the whole series of the generations which were to issue from his loins" (*Appeal From the New to the Old Whigs*, end). But if we may agree that Montesquieu spoke as a kind of prophet, it was as a prophet of the religion of reason. And the religion of reason permits only rather general prophecies. Nature's God exercises only general, not particular, providence. Montesquieu does not, then, seek to trace with precision the order of things to come. He means only to paint the contours of a reasonably hoped for future. The degree of success with which the religion of reason can be expected to spread slowly over the earth, in the wake of various degrees of commercial humanization of societies, remains unclear. Hindrances loom of such a dimension that Montesquieu certainly leaves open the possibility that societies rooted in what are believed to be experiences of supra- and contrarational revelation will never disappear entirely from the earth, especially in "the south," or in Asia. But Montesquieu does intend, and implicitly claims to have achieved, the elaboration of the framework of a universal political science that shows the reasonable likelihood of the ever increasing, undeniably manifest, historical dominance of the planet by the religion of reason, which will include perfectly transparent and intelligible explanations of where and why it once was the case—and in some regions remains and will remain the case—that stubborn resistance to the religion of reason is encountered. Montesquieuian rationalism promises that universal human history will henceforth be an open book, and as such, the book in which the reliable ground upon which rationalism rests is readable by all. Montesquieu gives one pithy explicit indication of the theoretical import of his grand strategy, in a couple of

crucial sentences in the chapter with which he opens the culminating part 5 of *The Spirit of the Laws*, the part thematically devoted to religion (24.1). He at first seems to make an arresting disavowal of any claim to stand on the foundation of truth, and even goes so far as to imply that he has not given "consideration" to the question: "Since in this work I am not at all a theologian, but a political writer, there could be things in it that would not be entirely true except in a human way of thinking, having not been considered in the relation with truths that are more sublime." But in the next sentence (protected, so to speak by this modest disavowal that precedes it), Montesquieu reclaims his credentials as a genuine philosopher: "In regard to the true religion,[36] there is needed only a little bit of fairness to see that I have never claimed to make its interests give way to political interests, but only to unite the two: now, however, in order to be able to unite them, it *must* be the case that one has *knowledge* of them [*or, pour les unir, il faut les connoître*]." My suggestion is that Montesquieu means to indicate that the claim to knowledge—knowledge of the true interests of all religion, or the interests of the true religion—is to be vindicated by the success of the political project. This kind of evidentiary vindication can be secured through the effects of "political writing" and "a human way of thinking," without "theology" in the strict or traditional sense—without entering into any *direct* questioning of "truths that are more sublime."[37]

Concluding Critical Reflections

At the outset of *The Spirit of the Laws*, Montesquieu requests that his book be "judged" only after the most searching reflection on "the design of the work," as the expression of the "design of the author." By the scope of the claims that he then proceeds to advance, he makes it clear that he wishes to be judged by the highest standards:

> I have not taken my principles from my prejudices, but from the nature of things.
>
> Here, many truths will not make themselves felt until after one will have seen the chain that links them to others. The more one will reflect on the details, the more one will feel the certainty of the principles.

If we are to respond as he evidently intends or hopes, then we must—employing the critical faculties that he has done so much to help us develop, and despite our abashed awareness of his immense intellectual superiority—attempt to assess critically his work, and not least at its foundational level. Besides, we are compelled to do so, by our need to understand and to judge our own existential situation: we find ourselves primarily the creatures, and thus, inevitably, the defenders or the reformers, of the liberal modernity that Montesquieu did so much to shape. This means to say that in passing judgment on the global reach and the world-historical ambition of the political science elaborated in *The Spirit of the Laws*, we do so from our vantage point in the morn of the twenty-first century.[1]

The political project of the Enlightenment philosophers, to which Montesquieu so signally contributed, has obviously succeeded—inasmuch as it has inspired or set in motion a vast and probably long-lasting (even in some respects permanent) transformation of the human condition. But has this staggering alteration unambiguously accomplished the most significant change for which the philosophers hoped? Has the success of liberal modernity been complete enough to confirm the philosophers' foundational assumption or hypothesis concerning the status of revelation and revealed religion? Doubt, with its attendant manifold questions, looms up out of our historical experience of the succession of grand but increasingly desperate subsequent philosophic attempts to supplement, more and more drastically, the manifest spiritual deficit of Enlightenment rationalism. In the wake of these magnificent failures, we have been driven back to a long and searching study of the great premodern alternatives to modern rationalism: on the one hand, biblical faith and theology (including political theology); and, on the other hand, classical rationalism, rooted in Socratic political philosophy. As a consequence, our reservations have attained an otherwise unavailable sharpness of focus.

Has the human spirit truly become—is it plausible to think that it can ever truly become—basically satisfied by the security, prosperity, engrossing activity, and mutual "self-esteem" brought about through liberal constitutionalism and "commerce" (or its post-Montesquieuian hypertrophy by way of an ever expanding explosion of technology)? Has humanity truly disencumbered itself of the passionate will and hope to rise above a life driven and consumed by our earth-bound, human-all-too-human, collective but largely self-regarding economic needs? Has our nature really fallen deaf to the call of radically self-transcending righteousness—the call of conscience that is experienced as reaching each of us, personally, from somewhere in eternity? Or has this compelling voice only been suppressed or stifled (in varying degrees)? And what spiritual price have we been required to pay for this awesome but dubious experiment in "liberation"—or is it "alienation?"

The cost makes itself felt not only in the slow but mighty undertow that steadily drags democratic citizenries toward ever greater civic apathy and passivity. The cost appears also and most vividly in the recurring modern and postmodern explosions of unprecedented political evil—in "ideological" and religious perversions of the frustrated human longing for an elevated public calling and for high and demanding civic action. Montesquieu's dark but rather grotesque portrait of the monstrosity of which despotism is capable does not begin to prepare his readers for even the possibility of

the demonic horrors of the distinctly modern, moralistic though atheistic, totalitarian mass movements of recent generations. Nor does anything he says anticipate the distinctly postmodern religious politics promulgated by figures such as Hassan al-Banna, Sayyid Qutb, and their frightening disciples. Montesquieu's political science assures us that despotism at its worst belongs to epochs and to regions in which societies are in the grip of sclerotic traditions, blinded by superstition and hostile to modern philosophy and science. According to Montesquieu's analysis, despots are personally evil in the shallow sense that they wallow in voluptuous self-indulgence, and indulge in stupid cruelties void of any moral meaning except vengeance; what makes despots so destructive, according to Montesquieu's political science, is the absence of a well-devised system of institutional checks on their authority. Nothing in Montesquieu prefigures the type of a Lenin or a Stalin or a Mao or even a Robespierre; nothing hints at the moral and intellectual hold such leaders of "people's democracy" exercise over millions of the best educated souls, abroad as well as at home, through highly sophisticated rationalist ideology and propaganda. In Montesquieu's scheme of things, it is simply not supposed to be possible that despots are inspired to unprecedented atrocities by responding to the moral call of great philosophers of modernity. Rationalist philosophy is supposed to preclude inhuman political fanaticism. By the same token, it is practically inconceivable, within the Montesquieuian framework, that philosophic thinkers of the first rank should turn against reason and against political rationalism; hence an alliance or synthesis of ultramodern philosophy and premodern religious fanaticism is out of the question. Nowhere in Montesquieu's purportedly comprehensive science of human nature and human society are we prepared for *modern* Persia and her postmodern thinkers: for a successful politico-religious mesmerizer of the late twentieth century who will self-consciously echo that "great man Nietzsche," and proclaim that the "ideal man," "the vicegerent of God," is one who "holds the sword of Caesar in his hand and has the heart of Jesus in his breast," who "thinks with the brain of Socrates and loves God with the heart of Hallaj," who "is a man of jihad and ijtihad, of poetry and the sword, of solitude and commitment, of emotion and genius, of strength and love, of faith and knowledge," who "through the negation of self becomes everlasting."[2]

Montesquieu's teaching promises that with the spread of commerce and science, the virtue of humanity does and will slowly, yet almost inevitably, take the place of harsh inhumanity (which is entirely attributable to benighted "prejudice"). The awakening of human beings to the low

but solid truth about their nature and its genuine but prosaic needs is supposed to ensure the pacification of humans, the strengthening of their natural family bonds,[3] and the steady diminution of man's suffering at the hands of his fellowman. "Commerce cures destructive prejudices; and it is almost a general rule, that everywhere that there are soft morals, there is commerce; and everywhere that there is commerce, there are soft morals" (20.1). "Knowledge renders humans soft; reason conduces to humanity; it is only prejudices that make it renounced" (15.3; see also 10.3 and 25.13). Where despotism or the tendency to despotism does persist in modern conditions, it will find, Montesquieu promises, its hands tied by the force of the laws of finance and trade, as well as rational global public opinion or the interest-based "law of nations": "we are being cured of Machiavellianism, and will continue to be cured more and more every day"; what "used to be called *coups d'Etat*, would nowadays, apart from the horror, be nothing but mistakes" (21.20). "Monetary exchange, as I said in the preceding book, has removed great strokes of authority, or at least the success of great strokes of authority" (22.13). "Humans are at bottom reasonable" (28.23); "reason has a natural empire; she has even a tyrannical empire: one resists her, but that resistance is her triumph; a little more time, and one will be forced to come back to her" (28.38).[4]

The classical political philosophers, and most unmistakably Plato, elaborate a radically different conception of reason's place in the economy of the human spirit. On this psychological basis, they elaborate a very different political science. The Socratics understand both pious faith and genuine philosophy or science as presupposing and responding (in the case of philosophy, critically) to a universal, natural human yearning—*eros*. This engine of the soul manifests itself everywhere in political life and, for Aristotle (*Politics* 1278b17–30), defines "the human as the political animal" insofar as *eros*, together with its volatile ally *thumos*, finds expression as a yearning to achieve a moral dignity and beauty (the *kalon*) that elevates us above, and allows us to hope to surmount, the limits of mortal existence. The ancient and medieval Socratic rationalists find that an "erotic" thirst for the everlasting—a devotional longing that finds most powerful expression in love and in the aspiration to the self-overcoming virtue of righteousness (*dikaiosune*)—permanently expresses what primarily makes us "human" (varying in unequal degrees of intensity from individual to individual). The Socratic political philosophers take as their vocation the painstaking purification, through severe interrogation, of this fundamental, apparently divine, but often devilishly perverted, "erotic" impulse.

Montesquieu does not appear to have appreciated the meaning of this original, Socratic meaning of political philosophy. Montesquieu judges that the classical self-understanding, on account of its kinship to, if not embrace of, the religious outlook, doomed itself to servitude: "the diverse sects of philosophy among the ancients," declares Montesquieu in his brief thematic treatment of philosophy, "can be considered as sorts of religion" (24.10). In Montesquieu's eyes, although the greatest classical philosophers doubtless aspired to true science, or to a grounded, independent rationalism, they were in fact compelled, on the level of practice, to serve non- or antirational theocracy in one form or another, and, on the theoretical level, were incapable of escaping ultimate reliance on some sort of mere, ungrounded faith—in a false or pseudo-rationalist metaphysics.[5] As he pronounced himself in his last published work:

> It is the different pleasures of our soul that form the objects of taste, such as the beautiful, the good, the agreeable, the naive, the delicate, the tender, the gracious, the *je ne sais quoi*, the noble, the great, the sublime, the majestic, etc. . . . The ancients had not unraveled this well: they regarded as positive qualities all the qualities that are relative to our soul; this is what makes those dialogues where Plato has Socrates reasoning, those dialogues so admired by the ancients, insupportable today, because they are grounded on a false philosophy; since all those reasonings drawn from the good, the beautiful, the perfect, the wise, the foolish, the hard, the soft, the dry, the wet, treated as positive things, no longer signify anything.[6]

Montesquieu is sure that there has been opened a new, the true, path to freedom from philosophy's servitude as handmaiden to revealed theology. In order to make plausible his grand scheme to liberate the life of reason, by liberating humanity at large, Montesquieu must try convincingly to explain human nature as capable of becoming reconciled to—even as finding its natural home within—a life without aspiration to transcendence of mortal limits and of mundane concerns and preoccupations. Montesquieu's political philosophy strives to contribute to transforming social existence so as to make it mirror, and thus vindicate, this astounding anthropology. "Men being made," Montesquieu says (in his thematic treatment of human religiosity), "to preserve themselves, to feed themselves, to clothe themselves, and to do all the actions of society, religion ought not to give them too contemplative a life" (24.11).

At the heart of humanity's most truly natural concerns, Montesquieu finds the individual's desire for preservation and security, as achievable

within the walls of this mortal world. Montesquieu reckons with, and declares, the sobering truth that "all the human things have an end";[7] yet he does not discourage the contemporary European view that "regards Holland, Germany, and the Swiss confederacies as eternal republics" (9.1). He of course knows the momentous meaning of the word "eternity," but he countenances and even encourages a loose, not to say casual, employment of the term.[8] Montesquieu notes (25.2) that since human beings "are extremely inclined to hope and to fear," it is the case that "a religion that had neither Hell nor Paradise would have trouble pleasing them"; but in the same breath he reminds us that he has pointed out in the Far East as well as in Europe religions that, without being at all "pleasing," in this way, teach what is not only "just" but even "admirable for society" (recall 24.19). For, as he now asserts (25.2), "we are scarcely inclined to spiritual ideas." Indeed, the appearance in a people of such an "inclination to spiritual ideas" is understood as a vivid symptom of social illness (14.5). There is no reason why the idea of "salvation" in religion need have any connotation of continuance after death on this earth—as is shown by the admirably moral and radically unspiritual "religion of Pegu" (24.8).[9]

Nothing is more revealing of Montesquieu's understanding of the natural human concern with "perpetuation"—which Montesquieu sharply distinguishes from "preservation"—than his treatment of the natural basis of sexual love. One ought not to underestimate the significance of Montesquieu's invoking Lucretius's hymn to Venus as the introduction to the book that in some measure treats love thematically. Human erotic love, as Montesquieu tries to understand it, has no inherent directedness toward immortality or eternity, or even toward reproduction, or perpetuation through offspring:

> Our relationship to women is founded on the happiness attached to sensual pleasure, on the charm of loving and being loved, and, in addition, on the desire to please them, because they are very enlightened judges as regards a part of the things that constitute personal merit. This general desire to please produces gallantry, which is not at all love, but is the delicate, the light, the perpetual lie of love. According to the different circumstances in each nation and in each century, love carries itself more toward one of these three things than toward the two others.[10]

By nature, in humans, "perpetuation" (as opposed to "preservation") is nothing more than a kind of unconscious or unnoticed accompaniment

of "our relationship to women."[11] It is not nature that "inspires in each family the desire to extend its duration" (nature as such does not even "give to humans the idea of a thing that seems as though it ought not to perish": 23.4). After all, marriage and the fixed human family is not by nature[12]—though of course, once the family has been contrived, in its widely varying conventional forms, nature, modified by these contrivances, expresses itself in (though also often against) the family (see esp. 26.4 end, on Racine's *Phèdre*).

In the Montesquieuian framework, in deep contrast with all ancient and medieval thinking (including, in this respect, the Epicurean), humankind's natural reaction to its mortal exposedness is to be interpreted in terms of what mankind can in society take care of, or can decisively mitigate, by its own cooperative, reasonable efforts in the course of cumulative historical time. Life given over to such busy-ness (*negotium*) is presented as an undeformed human existence. The human individual's anguished question about his personal fate within the whole, and thereby the human mind's distinctive avenue of openness to the whole, is to be deliberately dulled or distracted (and this requires a liberation from the influence of classical philosophy: consider *Persian Letters* #33). Mortality and immortality are not themes of Montesquieu's political science or of his science of human nature.[13] According to this new science, as humanity is more and more freed from the unnecessary worries to which it has been addicted by an imposed, unnatural biblical and classical tradition, death ought no longer to shatter the soul's armor, stabbing into it the authentic recognition of the ultimate futility, the shallowness and the narrowness, the evasiveness or lostness, of "keeping busy." Nothing in Montesquieu corresponds to Lucretius's diagnosis of the sickness of ordinary life spent in restless, evasive, flight from the question of the character of eternity (*On the Nature of Things*, bk. 3 end). Within the new civilizational horizon that Montesquieu sees emerging and means to help complete, the unplanned and uncanny encounter with mortality does not awaken the soul to its deepest unease and most powerful yearning—impelling it toward a life of dedication to something elevated above, or high within, itself (and arousing, in some, the most relentless quest for clarity as to the truth of hopeful meaning). We do find in Montesquieu's lesser finished writings occasional expressions of his own grim awareness of the thought of mortality as a haunting visitor; but Montesquieu speaks of that specter as one that even or precisely the strong soul naturally expels, by throwing itself into one or another suitably engrossing, enlivening, self-expanding activity:

> The love of study is in us almost the sole eternal passion; all the others leave us, as this miserable machine which gives them to us approaches its ruin. . . . If in this time we do not give to our soul any of the occupations that are suitable to it, that soul, made to be occupied, but not being so at all, falls into a terrible ennui that leads us to the annihilation. ("Discourse on the Motives That Ought to Encourage Us in the Sciences," OC 1.55)[14]

> The soul, independently of the pleasures that come to it from the senses, has some that it experiences independently of them and that are proper to it: such are those that give to it curiosity, the ideas of its grandeur, of its perfections, the idea of its existence, opposing the feeling of the nothingness. ("Essay on Taste," OC 2.1241)

Just as mortality and immortality have ceased to be themes for Montesquieu's political science, so the deeply kindred voice of the conscience (or its classical equivalent) is not a theme of his science.[15] Montesquieu does not treat the inner call of virtue or of honor as a call from on high, even from a higher self or demon. He thus closes off a key aspect of the natural human experience. In a similar fashion, although he recognizes on one prominent occasion that (25.4) "by the nature of the human understanding, we love in matters of religion everything that supposes an effort, just as, in moral matters, we love speculatively everything that carries the character of severity" (and thus, for example, "celibacy has been more agreeable to the peoples to whom it seemed to be the least suitable, and for whom it could have the most vexatious consequences"), he does not explain how this observation fits with his otherwise nigh-ubiquitous attempts to account for religious and moral rules in terms of some apparent social benefits they must have brought, in the circumstances in which they were devised. He refuses to see in this observation on mankind's love of effort and severity a decisive clue to the human heart's inescapable desire to understand itself in un- or even antiutilitarian, transpolitical, terms. This constriction of the phenomena is what allows Montesquieu to insist so blithely that religion, like morality, ought to be conceived as chiefly in the service of satisfying the needs of politics: "religion and the civil laws ought to tend principally to render human beings good citizens".[16] And this "good citizenship," in the emerging commercial republics and monarchies and enlightened despotisms that Montesquieu seeks to help spread, is understood mainly in terms of self-interest rightly understood.

Montesquieu is keenly aware that humans have a strong reluctance to view themselves or their societies solely in terms of naked self-interest: as

he says on the very first page of *The Spirit of the Laws*, "in all the countries of the world, morality is wished for." But he later makes it almost outrageously evident, in the books on religion, that he interprets this "wish" as a manifestation of risible hypocrisy:

> If a religion is going to attach, it is necessary that it have a pure morality. Human beings, while swindlers as individuals, are when in company with others very honest folk; then they love morality; and if I were not treating a subject so grave, I might remark that this is admirably on view at the theaters; one is sure to please the people by sentiments that morality avows, and one is sure to shock the people by those of which morality disapproves. (25.2; see similarly *Pensées* #939, OC 1.1253)

Montesquieu not only acknowledges, he participates in, and even encourages, the age-old admiration for *heroic* virtues—as civic virtues of "democracy." But he does so in the service of a project that promotes the (supposedly natural) waning and eventual withering of such admiration. In his unpublished *Pensées* (#1227–28, OC 1.1306–7), Montesquieu writes:

> That spirit of glory and of valor is being lost little by little among us. Philosophy has carried the day. The ancient ideas of heroism and the newer ideas of chivalry have been lost. Civilian office is held by those who have money, and the military, discredited, by the people who have none. Last but not least, it is everywhere pretty much a matter of indifference as regards happiness whether one has this or that master—whereas in former times a defeat or the capture of a city implied destruction: it was a matter of being sold as a slave, losing one's city, one's gods, one's wife and one's children. . . .
>
> Philosophy and I daresay even a certain good sense have gained too much ground in this century to allow heroism henceforth to be very important; and, once vain glory becomes a bit ridiculous, the conquerors, since they consult only their interests, will never go very far. . . . [I]t is the spirit of commerce that dominates today. This spirit of commerce makes it so that everything is a matter of calculation. But glory, when it is by itself, enters into the calculation only for fools.

To be sure, this *Pensée* closes with the following apologetic and somewhat reassuring words:

> I am speaking here only of vain glory, not of that glory which is founded on the principles of duty, of virtue, of zeal for the prince, of love for the Fatherland—in

> a word, I am speaking of the glory of Alexander, not that of Epaminondas. This latter, as something real, is or ought to be present in all nations and in all times; the former, as something chimerical, has the same revolutions as do prejudices.

But to what extent is this added in order to assuage potential readers' lingering if disappearing traditional prejudices, and to what extent does this express Montesquieu's candid bow to the rare civic dedication that may spring up in certain individuals in every age and in every place? The uplifting initial account of classical republicanism in *The Spirit of the Laws* testifies to Montesquieu's lively recognition that there are indeed some—those for whom, one suspects, he feels a special kinship—who are so constituted as to be drawn, by a thirst for self-exaltation and self-expansion, toward high worldly objects of emulation and even dedication, or "generous sacrifice of one's life in favor of one's glory."[17] Montesquieu certainly evinces a strong sympathy for those readers who recoil from the vulgarity, the lovelessness, and the atomizingly individualistic character of the prosaic English commercial way of life.[18] And there is no reason to think that he supposes that his best readers will be satisfied with the supplement provided by the modern French spirit. Montesquieu does indeed seem to believe or hope that upper-class French sociability—with its tasteful, feminine-inspired competitions of vanity, with its gaiety, vivacity, versatility, flirtatious gallantry, and "commerce of luxury"—offers a "joy in life" that can serve as a counterpoise to English bourgeois drabness, in the emerging European commercial culture (see esp. 19.5–9). Still, while Montesquieu does all that he can to keep alive or to resuscitate as much as possible of the more manly political spirit of the French nobility of the sword, as well as of the nobility of the robe, he makes no bones about the "frivolous" and effeminate nature of the emerging modern culture led by France or the French *esprit*—constituted, as it is, by a feeble and decadent echo of chivalry.[19]

Montesquieu seems to demand and expect that most of his high-minded readers will swallow their disappointment and acquiesce in the progression of thought through which vainglorious monarchies and soft, avaricious, commercial republics come to eclipse the old, austere republics and chivalrous monarchies. But what of those *hommes d'esprit*, such as Uzbek describes, whose souls rebel against the confinement of so effete and servile a horizon? What of those young who cannot rest satisfied with Rica's light-hearted satires of high civility: What of those who demand a more manly, a more challenging, purposefulness? To such readers Montesquieu

offers in the first place a kind of spiritual refuge in the contemplation of what one is tempted to call proto-Romantic vistas: the medieval, feudal, and semibarbaric Franco-German aristocracy of "our fathers," and, more impressively, the lost grandeur of the virtuous classical republics. Since that classic grandeur seems, however, truly lost, the longing for it partakes of something like nostalgia—an enchanted yearning or taste for a bygone, youthful hope and faith. In fragments left behind of material not included in the final version of his last work written for publication, the "Essay on Taste," Montesquieu writes: "I confess my taste for the ancients. That antiquity enchants me, and I am always led to say with Pliny: 'It is to Athens that you are going. Respect their Gods.'" "I have studied my taste," he adds, uneasily, "and examined it to see if it is not one of these sick tastes on which nothing should be founded. But, the more I have examined it, the more I have found that I had reason to think as I have felt." But:

> One must not enter with the Ancients into a degree of detail that they can no longer sustain: and this is even more true of the poets, who describe the morals and the customs; and whose beauties—even the most refined—depend, for the most part, on circumstances that are forgotten, or that can no longer touch us. They are like the ancient palaces of which the marbles are under the grass, but which still allow one to see all the grandeur and the magnificence of the design. (*Pensées* #444, 455, and 465—OC 1.1018, 1022, and 1024)

Besides, the classical virtue that Montesquieu proffers for our admiring nostalgic contemplation is an excellence that is mostly limited to the realm of political accomplishment and worldly glory or magnificence.[20] As we have earlier remarked, the portrait that Montesquieu gives of the ancient republic paints out of the canvas that very large, "tragic" dimension of Greek piety that does not harmonize with, that claims to transcend—that sometimes puts to naught—"civic religion." Nor, as we have shown at some length, can one say that Montesquieu's is the philosophic, as opposed to the poetic, perspective on the ancient city. This becomes vivid when one sets Montesquieu's account alongside that found in Aristotle. Montesquieu practically identifies virtue with republican patriotism—whereas patriotism plays almost no role in Aristotle's elaboration of the virtues.[21] For Aristotle, "civic virtue" (see esp. *Ethics* 1116a16–29) and context reveals itself to be an incomplete or even a defective form of "moral virtue." Moral virtue culminates not only in the richest kind of justice, or "virtue towards others," but also in virtue "towards oneself"—reaching its speak

in a "greatness of soul" that Aristotle defines as the self-knowledge possessed by individuals of rare and fully self-conscious superiority who, in their proud self-esteem, look down even upon glory and civic office. Moral virtue thus understood can more legitimately claim to be the end of civic life, on the grounds that it is the truer and more complete fulfillment of the individual human soul engaged in civic leadership. Yet moral virtue itself proves, on close critical scrutiny, to be surpassed in solidity and coherence by the divine, contemplative, and transmoral virtue of the philosopher—for whom political philosophy is the foundation of a life devoted to a nonutilitarian unraveling of the secrets of nature, God, and being.

In the moral framework of *The Spirit of the Laws*, civic virtue is so far from being presented as leading beyond itself, to a higher virtue possessed by the greatest souls, that "virtue" is said to be best suited to those who are "mediocre" in their "talents." Virtue as Montesquieu presents it is readily available to "the least man in the State" (5.2–3). A virtuous republic rests on an egalitarian, middling homogeneity. Granted, the republic does at times need great leaders, and can then give a suitable field of action to the magnanimous vigor and acumen of figures of the stature of Epaminondas. But classical republican virtue as Montesquieu tries to conceive it does not take its bearings by such outstanding exemplars. On the contrary: the spirit of a sound republic includes, we eventually learn, the routine practice of ostracism, aimed at removing from the scene precisely such superior men; according to Montesquieu, such institutionalized ostracism of superior individuals is an "admirable" feature of a republican code of laws (26.17, 29.7). In support of this judgment, Montesquieu dares to invoke Aristotle's *Politics*: the specific text Montesquieu cites is taken from the passage in which Aristotle takes up the subject of ostracism as his introduction to a severely critical reflection on the flawed limitations of all republican virtue and hence of republicanism itself, in the name of virtuous monarchy. This same passage in Aristotle's *Politics* is one that Montesquieu has previously excoriated, as the proof of Aristotle's radical overestimation of the importance of personal virtue in a king (contrast 11.9 with *Politics* 1284a2–88a31).

Yet in focusing so sharply on the comparatively low ceiling that Montesquieu constructs for his new edifice of republican virtue, and in thus insisting on the chastening manner in which Montesquieu eventually responds to the high aspirations of his nobler readers, I have not yet done justice to a less obtrusive but perhaps all the more significant feature of Montesquieu's evocation of ancient virtue. For *The Spirit of the Laws* does

contain, precisely in the midst of the first of the culminating books on religion, a praise of another, superior version of classical virtue—a praise that is rivaled only by the earlier praise of the virtue of Alexander the Great, of which we are here reminded. In the chapter that immediately precedes his critical chapter "On Contemplation," Montesquieu celebrates the Stoics, as preeminent among all "the diverse sects of philosophy among the ancients"—the "sects which may be considered as species of religion" (24.10). "There has never been another one [Montesquieu leaves ambiguous whether the sentence means, another religion, or another philosophic sect] whose principles were more worthy of man, and more suited to forming good people [*gens de bien*] than that of the Stoics." The Stoic sect, "alone" among the philosophic sects, "knew how to make citizens." But more: "it alone knew how to make great men; it alone made the great emperors." The example Montesquieu highlights here as a nonpareil is Julian the Apostate, perhaps the greatest ancient enemy of Christianity: "Julian even, Julian—a vote thus forced from me will not render me an accomplice in his apostasy—no, there was never again after him a prince more worthy of governing human beings."[22] The Stoic public virtue was akin to republican virtue, but of a different order. The public spirit of the Stoics was, Montesquieu stresses, not restricted to, nor even necessarily focused upon, participation in an egalitarian republican community. Stoic virtue was the virtue of self-consciously superior and independent men, and it was not confined to patriotism. Stoic virtue was cosmopolitan, imperial, and even cosmic or divine: "it would seem that they regarded that sacred spirit that they believed to be in themselves, as a kind of favorable providence that watched over the human species." Here, with all appropriate reserve and graceful avoidance of prolixity, Montesquieu's natural religion or natural theology suddenly dominates the stage. Here Montesquieu evokes that experience of the divine that can be understood to emanate from the god of Reason. This god—nature's God, "the author of nature" (14.2)—can be understood to exercise providence not least through those humans whose rare natures make them eligible to embrace with whole hearts the spirit that was exemplified in the Stoic "sect." The description of what the Stoics understood to be moving them may be taken as expounding or as adorning Montesquieu's pithy and indirect self-portrait in the preface: "it is in seeking to instruct men, that one can practice that general virtue which comprehends the love of all."[23] The religious experience of the Stoics is echoed in the experience Montesquieu testifies to in his prose hymn to the Muses, those divinities whose inspirational presence

is felt with and through reason. Montesquieu does admit, then, a distinctive religious experience that may be undergone by those who have the potential to join him in the life of the mind as he conceives that life. And we may surmise that the sublime self-esteem that appropriately attends a soul experiencing itself as thus animated by universally benevolent divinity partakes of or is akin to the philosophically genuine honor by whose standard Montesquieu judges the honor animating monarchy to be "philosophically speaking, a false honor" (3.7).

Montesquieu thus unobtrusively opens up, in his own way, though by no means altogether independently of the classics, the path to a superior virtue, and even to a high and pure religious experience. This is a trail that he blazes especially for those readers with whom he evidently feels the deepest kinship. And we discover here a higher didactic function of the theme of classical republicanism in *The Spirit of the Laws*—as well as a hidden but decisive spring of the entire work. The reader who aspires to a life of proud or self-enhancing dedication is among those most likely to be captivated by Montesquieu's account of republican virtue. Such a reader (one cannot help thinking of Rousseau) will be the most resistant to his teacher's critique of republican virtue; and it is in the apotheosis of the Stoic sect that such a reader may finally see, with relief, Montesquieu opening up a way to the goal for which his soul yearns. I say a *way*: because one is permitted seriously to doubt whether Montesquieu thinks that the path terminates at the point that it reaches explicitly in *The Spirit of the Laws*.[24] A hint of the ultimate goal is afforded in chapter 12 of book 5—the first of many chapters to which Montesquieu gives the enigmatic title "Continuation of the Same Subject." This chapter continues the discussion of "the excellence of Monarchic Government" (the title of the preceding chapter), but with a sharp focus on the place monarchy provides for "greatness of soul"—which, Montesquieu stresses, one ought not even to look for in despotisms, because "the prince there could not bestow a grandeur that he does not have himself; with him, there is no glory." But when one looks for greatness of soul in monarchies, to what extent or in what form does one find it? Montesquieu answers that, in monarchies, each subject, "holding, so to speak, a larger space, can exercise those virtues that give to the soul, not independence, but grandeur." We may surmise that the grandeur of which the soul of monarchic man is capable, adumbrates, so to speak, the genuine and fuller expansion of self that constitutes what is, "philosophically speaking, true honor." Montesquieu thus allows us to glimpse, from time to time, his understanding of the spiritual greatness for which strong

and healthy souls yearn. He indicates, as in the preceding quotation, that in his view it is a mistake to interpret this as a longing to transcend mortal existence. What is sought by the most vigorous human specimens is not so much *lasting* existence; what is sought is better understood as the self-consciously expansive wisdom that allows one to become the masterful and generous source of well-being for the widest possible circle of one's fellow humans.[25]

But this only makes clearer the fundamental gulf that remains between Montesquieu's understanding and that of the Socratics (and for that matter, Spinoza). Montesquieu does not seem to see in the rare specimens who share in his "stoic" virtue the decisive clue to human nature as such. Human nature, in its directionless "flexibility," is revealed through the retrospective model of the subhuman "state of nature." Montesquieu, one is inclined to say, views specimens like himself as happy accidents, rather than as the revealing fulfillment of a true potentiality and directedness that is dimly but certainly discernible in every member of our species.

Another dimension of the gulf between Montesquieu and the classics is perhaps more readily bridgeable. The Stoics, at least as Montesquieu presents them (that is, as a "sect" that "may be considered a species of religion"), "while they regarded riches and human grandeurs and pains and sorrows and pleasures as vanities, were occupied with nothing but working for society, and exercising the duties of society": "born for society, they all believed that their destiny was to work for society" (24.10). Montesquieu's salute to the Stoics is ringingly silent on what one suspects was, for the genuine Stoic philosophers (who may have been very few in number, even among those who became famous as Stoic "philosophers"), truly most important: their life given over to relentless inquiry into and discovery of nature, not least human nature. In his youthful "Discourse on the Motives Which Ought to Encourage Us in the Sciences," Montesquieu wrote that, apart from the great utility of the sciences, among the other motives that ought to engage us to apply ourselves to the sciences, the primary is

> the interior satisfaction that one experiences when one sees the increase in the excellence of one's being, and when one renders more intelligent an intelligent being. The second motive is, a certain curiosity that all human beings have, and that has never been so reasonable as in the present century. . . . We know that the human spirit has gone very far: will we not see where it has been, the path that it has made, the path that remains for it to make, the kinds of knowledge upon which it flatters itself, those for which it has an ambition, those that it despairs of ever acquiring?

> A third motive that ought to encourage us in the sciences, is the well-founded hope of succeeding in them. What renders the discoveries of this century so admirable, is not the simple truths that have been discovered, but the methods used for discovering them; this is not the stone for the edifice, but the instruments and the machinery for building it completely. . . .
>
> A fourth motive, is our own happiness. (OC 1.54–55)

From an early point in his life, Montesquieu was alive to the deep satisfactions and austere charms of the life given over to the pursuit of knowledge of nature, including knowledge of the limits of nature or of the limits of our knowledge of the roots of being. But he places first and foremost among the motives for science its utility—to the (largely nonthinking) rest of the human race. In Montesquieu, as in other great moderns, philosophy becomes in its most visible sense public service, and, as political philosophy, the highest and most comprehensive form of that service. The philosophers take responsibility for the fate of humanity, for guiding the course of world history. So they are of course obliged to express most emphatically their public-spirited motives for doing so. In his most serious statement of his goal and intention in *The Spirit of the Laws*, Montesquieu says that he has written the work in order to teach the virtue of "moderation" that ought to be "the spirit of the lawgiver" (29.1). Montesquieu then concludes his study of lawgiving by identifying the lawgivers in the fullest sense with political philosophers or political theorists. But he does so in a very strange chapter (29.19) that characterizes the legislative motives of the greatest political philosophers in so grotesquely vulgar a way that the serious reader cannot help but be brought up short. I am inclined to judge that Montesquieu's intention in this bizarre chapter is to make clear his recognition of the absurd inadequacy of his identification of political philosophers and lawgivers. For just a moment Montesquieu lets one see his awareness of the comic figure he knows he would cut before an Aristotle, a Plato, a More, or even a Machiavelli—and before those who appreciate what these men really were and were about. The chapter in question is of a piece with Montesquieu's early declaration that the pure and politically transcendent "sciences of speculation"—which Plato and the genuine Stoic philosophers sought to foster and to defend before the city, and in the name of which Plato offered his depiction of his utopian best regime—"render men savage" (4.8). What drives Montesquieu to these obvious rhetorical extremes? In his fullest statement on the effect of the classical rationalists' open, public insistence on the primacy of the

theoretical or speculative over the political or practical virtues, Montesquieu makes it clear that he sees in that insistence a slippery slope leading toward religious asceticism and in particular Christianity, with its preaching of withdrawal from business and politics and even family, and its concomitant subversion of human dignity, as Montesquieu understands that dignity. He appeals in this context, very emphatically, to the authority of Cicero.[26] Could Montesquieu have been of the opinion that the wisest of the Socratics would have agreed that, especially given the radically altered historical circumstances, the drastic modern corrective was reasonable or even necessary? In order to do what he thought he had to do to liberate the life of the mind, Montesquieu found himself impelled to obfuscate profoundly the true meaning of the life of the mind. Having guided his best readers as far as he considers it prudent to lead them by his writings, Montesquieu requires that they find their own way to the final peak, to the full meaning and meaningfulness of the philosophic way of life.

Notes

Introduction

1. *On the Spirit of the Laws*, preface: reference will usually be by book and chapter (i. e., "1.1" signifies book 1, chapter 1), and occasionally with specific page citations to the most readily available edition—the Pléiade, *Oeuvres complètes de Montesquieu*, 2 vols. Reference to other works of Montesquieu will be to the same edition (cited as "OC"), except where otherwise indicated; all translations are my own.

2. *Defense of the Constitutions of the United States* [1787], preface, in *Works* 4.292–93. A similar characterization of the strictly human source of American republicanism is found in the twice-printed statement of the anonymous Federalist "Elihu" (1788), replying to "an objection against the Constitution, urged in the late Convention, that the being of God was not explicitly acknowledged in it": "the most shining part, the most brilliant circumstance in honour of the framers of the constitution," is that the framers "propose to our understanding a system of government, as the invention of mere human wisdom; no deity comes down to dictate it, not even a god appears in a dream to propose any part of it. A knowledge of human nature, the aid of philosophy, and the experience of ages are seen in the very face of it; whilst it stands forth like a magnificent STATUE of gold." Noah Webster had the same theological point in view when, writing as "A Citizen of America," in his "Examination into the Leading Principles of the Federal Constitution" (1787), he declared that the "peculiar circumstances" by which "the origin of the AMERICAN REPUBLIC is distinguished," and rendered "important beyond conception," such that "posterity will number" it with the "promulgation of the Jewish laws at Mt. Sinai," is the fact that "it is *an empire of reason*" (emphasis in original).—Sheehan and McDowell, eds., *Friends of the Constitution*, 373, 477–79. See also Jefferson's famous retrospective estimation of the meaning for human history of the Declaration of Independence (Letter to Weightman, 24 June 1826).

3. See Jefferson's unpublished works, "The Philosophy of Jesus" and "The Life and Morals of Jesus," as well as letters to Benjamin Rush of 23 Sept. 1800 and of 21 April 1803, to Miles King of 26 Sept. 1814, to William Short of 13 April and of 4 Aug. 1820, to John Adams of 15 Aug. 1820, to Timothy Pickering of 27 Feb. 1821, and to James Smith of 8 Dec. 1822—all conveniently assembled in *Jefferson's Extracts from the Gospels*.

4. *The Reasonableness of Christianity* (henceforth RC), chap. 3, pp. 18–19, chap. 14, p. 154, and chap. 15, p. 169; see also chap. 14, p. 140–41, and *Questions Concerning the Law of Nature*, n. 2. Locke follows both Hobbes (*Leviathan*, chap. 31, paras. 2–5 and chap. 43, para. 5) and Spinoza's articulation of "the dogmas of the universal faith, or the fundamental intentions of the whole Scripture"—*Theologico-Political Treatise* (henceforth TPT), chap. 14.

5. For an elaboration of the challenge as the looming agenda of liberal political theory in our epoch, see Owen, "The Task of Liberal Theory."

6. One of America's most respected and influential academic moral "philosophers," Richard Rorty, teaches that our articulation and defense of liberal-democratic principles are what may properly be called by the Wittgensteinian term "language games"; and "the only available answer" to the question why we adopt and play any specific "language game" is "the one Nietzsche gave: It increases our power": *Contingency, Irony, and Solidarity*, 115. See similarly the exposés by the leading American postmodernist Stanley Fish, "Liberalism Doesn't Exist" (in *There's No Such Thing as Free Speech*) and *The Trouble with Principle*.

7. See letters #16–18, 24, 35, 39, 75 end, 76, 77, 114, 119, 125, 143.

8. See Schaub, *Erotic Liberalism*, esp. 103–4. I believe that letter #69 provides a key to the work's most pervasive satirical critique—conveyed through the allegorical portrait of the wildly incoherent attributes of the character Uzbek: a thoughtful, independence-loving, and universally benevolent being, pursuing the life of the mind, who is simultaneously consumed with desperate, punitive, jealous passion for a harem, guarded by eunuchs, from all of whose inmates he, as absent ruler, demands unqualified and undivided love and obedience. Montesquieu thus advances what may be characterized as the exact reverse of the famous "ontological argument" for the existence of the biblical God.

9. "Defense of *The Spirit of the Laws*," OC 2.1137; cf. Starobinski, *Montesquieu*, 56: "Montesquieu will prove that history can be explained without recurring for a single moment to the God of the Christians as a principle of interpretation" (see also Kingston, "Montesquieu on Religion," 380). In the purity of Montesquieu's naturalism there is a striking contrast with the theorist whom Joseph von Hammer-Purgstall christened, not altogether inaptly, the "Arab Montesquieu"—Ibn Khaldun: see *The Muqaddimah*, "Invocation," and 1.79, 92–93, 184–245. Consider also the contrast with Pascal to which Rahe draws our attention (*Soft Despotism*, 11).

10. For discussion of pre-Montesquieuian manifestations of this strategy among the modern political philosophers, see Strauss, *Philosophie und Gesetz*, introduc-

tion, para. 11, in *Gesammelte Schriften*, 2.20–21; *Natural Right and History*, chap. 5A, pp. 175–77; *Thoughts on Machiavelli*, 297.

11. For a full account, see Rahe, "The Book That Never Was"; also *Soft Despotism*, preface; and *Montesquieu and the Logic of Liberty*, pt. 1.

12. Shackleton, *Montesquieu*, 389; see also 153–55, 357, 363, and "Censure and Censorship," in *Essays on Montesquieu*, 405–20; also Cranston, *Jean-Jacques*, 218, 220, 226, 231, 247 (but contrast 272–73); *Noble Savage*, 1–2, 6–7, 11, 53, 115, 120, 133–39, 151, 193, 211, 241, 243, 252, 259, 263, 266–69, 299–300, 316, 322, 330, 334–39, 341, 346, 350, 352; Furet, "La *Librairie* du royaume de France au 18e siècle"; Grosclaude, *Malsherbes*, 63–186; Hanley, "The Policing of Thought"; Krause, "Despotism in *The Spirit of Laws*," 269 n. 92, and *Liberalism with Honor*, 201–2.

13. For a useful account of the battles, see Shackleton, *Montesquieu*, chap. 17 ("The Quarrel of *L'Esprit des Lois*").

14. The book was, in fact, "a publishing phenomenon," as well as being "the political Bible of learned men and would-be statesmen everywhere in Europe, and beyond" (in the words of Rahe, who summarizes the printing history—*Soft Despotism*, 63–64); see Courtney, "*L'Esprit des lois* dans la perspective de l'histoire du livre (1748–1800)"; Felice, *Poteri, democrazia, virtù*, and the same author's *Montesquieu e i suoi interpreti*; Levy, "Montesquieu's Constitutional Legacies"; Lutz, "The Relative Influence of European Writers on Late Eighteenth Century American Political Thought"; Mason, "Les Héritiers écossais de Montesquieu"; Moore, "Montesquieu and the Scottish Enlightenment"; Stewart, "Montesquieu vu par les Anglais."

15. "Dialogue between A, B, and C on Grotius, Hobbes and Montesquieu," in *Oeuvres complètes*, 6.672. Compare Montesquieu's "Discourse on the Motives That Ought to Encourage Us in the Sciences" (OC 1.57): "souvent on a dit en badinant des vérités très sérieuses." See also Warner, "Montesquieu's Prelude," 162–63, and the passage from Alexis de Tocqueville's notes on Montesquieu that Warner quotes.

Chapter One

1. "When I have looked upon what so many great men, in France, in England, and in Germany, have written before me, I have been seized with admiration; but I have not at all lost courage: 'I too am a painter' (*Ed io anche son pittore*), have I declared, with Corregio."

2. *Essay Concerning Human Understanding* (henceforth ECHU), 1.3.3, 13; *Some Thoughts Concerning Education* (henceforth STCE), sec. 103: see also the subsequent sections 104–5 (all italics and capitalization in quotations are Locke's own). See also Spinoza, *Ethics,* pt. 4, proposition 37; TPT, chap. 16; *Political Treatise,* chaps. 1–2 and chap. 3, sec. 12.

3. See esp. Locke, *Two Treatises of Government* (henceforth TT), 1.58, and the context: 1.56–59; also Spinoza, *Ethics*, pt. 1, appendix.

4. Hobbes, *Leviathan*, chap. 15 end; Locke, ECHU, 1.3.1, 5–13, 2.28 entire, 3.11.16, 4.3.18–20, 4.4.7, 4.12.7–8.

5. *Leviathan*, chaps. 15 and 18 (paras. 9, 16 end, 20 end), 19 (paras. 3 end, 9), chap. 30 (paras. 2, 4, 6, 10–14), and "A Review and Conclusion"; *Behemoth*, pp. 16, 39–40, 56, 64, 71, 144, 159–61.

6. RC, chap. 1, p. 5, chap. 14, pp. 147–50 (on "natural religion"; see the editor's note 2 to p. 148 and the cross reference to ECHU, 3.9.23).

7. "Government founded on a moral theory, on a system of universal peace, on the indefeasible, hereditary rights of man, is now revolving from west to east by a stronger impulse than the government of the sword revolved from east to west" (*The Rights of Man*, pt. 1, introduction, 148).

8. Montesquieu appends to his first use of the word "divinity" a footnote invoking the authority of Plutarch, quoting the Plutarchian formulation to the effect that the law is the "Queen" who rules over "everyone," "immortals" as well as "mortals." And Montesquieu quotes in French the theologically suggestive title of Plutarch's short treatise: *That It Is Required That a Prince Be Wise*. The Abbé de La Roche protests ("Examen critique," in Laboulaye 6.118), "Is it from a pagan that we ought to learn what is suitable to God? Plutarch recognizes a law, that imposes on gods the necessity to follow it: the law of destiny. For our part, we know that God can have no other law than that which he imposes on himself."

9. Oudin, *Spinozisme de Montesquieu*, 137–47, analyzes carefully the contradictions between the propositions concerning the act of creation in the *Spirit of the Laws* and the apologetic characterization of those same propositions or their entailments in "The Defense of *The Spirit of the Laws*." The Abbé La Roche blew the whistle on these contradictions in his "Response" (Laboulaye 6.214–15). Oudin recognizes—with unusually fine attention to the historical context—the defensive rhetorical character of Montesquieu's protestations of his distance from the decried Spinoza (whom Montesquieu identifies as an atheist). One can only fault Oudin for failing to grasp (or at least for obscuring) the gravity of the issue at stake (creationism vs. naturalism): "Mais qu'importe au fond! Il y a un fait d'expérience, c'est que, autant que les hommes ont pu le constater, le monde se conserve et continue" (*Spinozisme de Montesquieu*, 143–44).

10. La Roche expostulates ("Examen critique," in Laboulaye 6.119): "if the creation appears to be an arbitrary act, and is not; if God is necessitated to create; if all the beings have relations with him that are so necessary, that he cannot dispense with creating them, and creating them as they are—then here is the world necessitated, as is God Himself." See similarly Althusser, *Montesquieu, la politique et l'histoire*, 31. In a letter of 6 May 1754, replying to Charles Bonnet, a Genevan scientist (later a supporter of burning Rousseau's books), Montesquieu wrote: "With regard to the first definition that I give of laws, . . . I stand by my expression because it seems to me that the laws of the universality of the beings *are not the consequence of anything*, but produce consequences without number" (emphasis

added). This statement fully ratifies the charges advanced against Montesquieu by La Roche, in his "Examen critique" (Laboulaye 6.417–19) and "Réponse" (Laboulaye 6.214–15).

11. See Spinoza, *Ethics*, pt. 1, proposition 31.

12. Derathé claims that "*raison primitive*" is "an expression of Stoic inspiration," and gives as his only evidence a translated quotation from Cicero's *Laws* (2.4.10 end), which he says is a "text noted by Montesquieu in one of his *Pensées*, #185." But as Derathé's own translation shows, there is no reference whatsoever in this passage to "original/primitive reason," nor is there any such reference in Montesquieu's own translation, in the pensée to which Derathé refers. As Warner ("Montesquieu's Prelude," 169–70 and 188 n. 29) has pointed out, the phrase is used by Bossuet in 1704 in the course of an argument that in some ways foreshadows Montesquieu's.

13. See Montesquieu's reply to the seventeenth censure (on particular providence and hence miracles) of the faculty of the Sorbonne, in "Responses and Explications Given to the Faculty of Theology" (OC 2.1193–95). Montesquieu concedes that the account of creation in the Bible describes actions of God that are "miracles" in the "direct" sense, that is, without "the employment of intermediary causes." But Montesquieu insists that in order for the censors to prove that he does not believe in such miraculous providence, "his book would have to contain things that prove very clearly that he did not believe in any way in providence; but one finds the formal contrary, if only in the first chapter: 'God acts both as creator and as preserver' " (note that this is a significantly altered misquotation). What is more, Montesquieu claims, "it would be required that it was manifest that he did not believe in the particular interventions of God; but one finds the formal contrary, as at Bk. 30, chap. 11, where, after a great number of citations from *The Lives of the Saints*, he says: 'Although one can reproach the authors of these *Lives* for having sometimes been a bit too credulous about things that God certainly would have done if they had been in the order of his designs, that doesn't stop one from drawing major illumination, etc.' "

14. See *Persian Letters* #69 end, as well as *Pensées* #673 (OC 1.1177): "One must then admire the admirable conduct of him who names himself, in the Scripture, 'the hidden God; *Deus absconditus*.' He has contented himself, during so many centuries, with persuading humans of his existence; he has then instructed them by the faith, which is one of his gifts, but whose light warms the heart without enlightening the spirit; which produces ignorance of everything learned, and which seems to have been given to us so that we might admire rather than understand—in order to make us submit, and not to instruct us." Contrast Bossuet, *Discourse on Universal History*, pt. 2, chap. 1, pp. 195–96: "Our God is one, infinite, perfect, alone worthy of avenging crimes and crowning virtue, because he alone is holiness itself. He is infinitely above that first cause and that prime mover that the philosophers have known, without always adoring. . . . [T]his powerful architect, for whom things are

so easy, wished to do them in several steps, in order to show that he does not act through necessity, or by a blind impetuosity, as several philosophers have imagined it for themselves. . . . [I]n making the world in several steps, he makes visible the fact that he is the master of his matter, of his action, of his entire enterprise, and that he acts with no other rule except his will that is always right by itself." See also La Roche, "Réponse," Laboulaye 6.216: "Would that the author might learn that it is not the case with God as it is with humans; humans employ means in order to arrive at an end, because these means are necessary for them; but God has no need of means to execute his wills. When he does establish laws in order to produce certain effects, this is because he wills that these effects should be produced by such and such laws. He does not will the means as a cause that is necessary for him, but rather he wills that they serve as means to produce such and such effects. Saint Thomas has said it in a couple of words: *Vult hoc esse propter hoc; sed non propter hoc, vult hoc* [He wills that this is to be, on account of that; but not on account of that, does He will this to be]." See also ibid., 218.

15. Montesquieu did not answer La Roche's subsequent reply ("Réponse," Laboulaye 6.209–37), in which the Abbé rebutted Montesquieu's defensive arguments very effectively, in terms of rigor of argumentation and accuracy of textual citations—though not in terms of derisive rhetorical power and appeal, as the Abbé ruefully admitted: La Roche justly complained (ibid., 6.219), "the pose of the author, in order to refute us, is to throw ridicule on what we say whenever he can, while reporting only those parts of our text that fit his design, and suppressing everything that troubles it"; La Roche accurately listed over a dozen major criticisms, with textual evidence in support, that he had made in his critique and that Montesquieu had failed so much as to acknowledge in his "Defense." The tactic of substituting ridicule for reasoned argumentation is pushed even farther in Voltaire's response to La Roche, on behalf on Montesquieu—"Remerciement Sincère à un Homme Charitable," Laboulaye 6.239–43. Even the guileless Shackleton has to admit (*Montesquieu*, 363) that La Roche's response was "a reasoned reiteration of the charge of Spinozism, with direct reference to the text of Spinoza; and here he [the Abbé] succeeds in some measure in making his point."

16. Dunning, *History of Political Theories from Luther to Montesquieu*, 397 n.; see also Bartlett, *The Idea of Enlightenment*, 36–37.

17. In his polemics against his religious critics, Montesquieu was of course able to stress repeatedly that his work was explicitly directed against the hideous Hobbes. Indeed, in his "Defense," Montesquieu went so far as to claim that the "aim" of the opening sentences about God "was to attack the system of Hobbes, a terrible system." (1122–23). La Roche was not taken in by this protestation ("Réponse," Laboulaye 6.218): "the author vaunts to us his zeal against Hobbes. Hobbes would have a good laugh at such an adversary." For an instructive analysis of the precise relation between the Montesquieuian and the Hobbesian teachings on natural justice, see Zuckert, "Natural Law, Natural Rights, and Classical Liberalism: On Montesquieu's Critique of Hobbes."

18. See D'Alembert's "Analyse de *L'Esprit des Loix*," xxxiv–xxxv, and especially this felicitous summation: "Voilà donc les hommes, réunis & armés tout-à-la-fois, s'embrassant d'un coté, si on peut parler ainsi; & cherchant, de l'autre, à se blesser mutuellement." See similarly Oudin, *Le Spinozisme de Montesquieu*, 69–72 and esp. 71. Eventually, Montesquieu will go so far as simply to identify the "state of nature" with the "state of war"—30.19; see also 18.12–13 and 18.16.

19. For a thought-provokingly different interpretation of the "relations of equity prior to the positive law that establishes them," see Bartlett, *The Idea of Enlightenment*, 32–37.

20. Montesquieu is referring to Euclid's fifteenth definition: "A circle is a plane figure circumscribed by one line such that all the straight lines falling upon it from one point among those lying within the figure are equal to one another"; the necessity or even the possibility of the *existence* of such a figure and such relations is of course not asserted by this definition: the possible existence, through *construction*, of the circle is subsequently postulated, by Euclid's third postulate: "A circle can be drawn with any center and size."

21. *Nicomachean Ethics*, 1132b33–33a3: "For it is through analogous reciprocity that the city remains in existence. For either they seek to return evil, and if they cannot, it seems to be a form of slavery—if they cannot retaliate; or they seek to return good, and if they cannot, exchange does not take place: but they maintain themselves in existence by exchange. That is why they make a conspicuous shrine to the Graces—so that there will be reciprocity."

22. See Rahe, *Soft Despotism*, 101 and context; Ehrard, *L'Esprit des mots*, 147–60; Larrère, "Montesquieu: L'Eclipse de la souveraineté"; Vaughan, "The Eclipse of Contract: Montesquieu," in *Studies*, 253–302.

23. 26.23: for a powerful expression of the outlook Montesquieu is contesting—the French philosophes' subversive contempt for national "prejudices," involving "ridiculous opinions" and "turbid structures"—see pp. 462–63 of Diderot's article entitled "Encyclopedia" (for the *Encyclopédie*).

Chapter Two

1. See Krause, "Despotism in *The Spirit of Laws*," 231–32 (and the literature there cited), as well as 257–58; Schaub, *Erotic Liberalism*, chap. 2. The terms "despotism" and "despotic government" first enter the discourse of political philosophy through *The Spirit of the Laws*; see Koebner's "Despot and Despotism; Vicissitudes of a Political Term." For the most part, Montesquieu reserves the terms "tyrant" and "tyranny" for the sense that he specifies in 14.13 n: "I take this word here for the design to overthrow the established power, especially in democracy. That is the signification which was given it by the Greeks and Romans." But Montesquieu is not strict or pedantic: he does from time to time apply the term "tyranny" to despotism.

2. See especially 5.14 end, 7.17 end, 8.8, 13.12, and 24.3. For other important uses of the term "moderate" in this sense, see 5.15, 16; 6.1, 2, 9, 16 end, 19; 11.4 (here Montesquieu seems to introduce a subtle but important distinction between a moderate *State* and a [more truly free] moderate *government*), 11.6 (para. 7), 20; 13.8, 13, 14; 15.13, 16; 18.2, 6, 30; 19.18; 22.2. See also *Considerations on the Causes of the Greatness of the Romans and Their Decadence*, chap. 9: "Asiatic despotism, that is to say, every government that is not moderate."

3. See Derathé's editorial note (1.433 n. 42): "Montesquieu here applies to despotic government in general what is in fact valid only for the empires of the Orient." One would have to add that even in those empires, a vizierate of this character is more the exception than the rule: see Goitein, "Origin of the Vizierate," and Ibn Khaldun, *Muqaddimah*, 1.334–37, 2.4–11, 13, 22, 89–90, 102.

4. *Considerations on the Causes of the Greatness of the Romans and Their Decadence*, chap. 17: in the epoch prior to the first Christian emperor Constantine, "the praetorian prefects" were, "in power and functions, pretty much like the great viziers of the time, and had the emperors massacred as they pleased in order to put themselves in their place." See also Ibn Khaldun, *Muqaddimah*, 1.334–37.

5. In his bewilderment, the editor Derathé earnestly warns the reader in a footnote (1.433 n. 41) that "this very short and, all in all, deceptive chapter must be completed by the fourteenth chapter of Book 5, which is much more substantial and more significant."

6. In *The Persian Letters* we hear both from Uzbek, in his persona as the "violently jealous" "Lord," and from Zelis, the most intelligent of the wives enslaved to his absurd tyranny of love, that the very peculiar harem depicted in the novel (what is most remarkable about the harem depicted in *The Persian Letters* is that the wives show little sign of being Muslim) is a "sacred place," and even a "sacred temple," guarded by eunuchs who describe themselves as "born again" when they are castrated and enter the master's "ministry." Through the writings (scriptures) addressed to them by their absent "Lord," the eunuchs hear the "thunder" of the threat of terrible punishments if they should fail to enforce "laws" that provide "a holy education within the sacred walls where modesty dwells." The eunuchs enforce the "duties" of an "unfree virtue," consisting of "fidelity" in "love" and "holy respect" for the "jealous," even if absent, "Lord" and his "sacred will." The harem is supposed to be a place of "happy incapacity to fall," and those who dwell in it, under the tutelage of the eunuchs, are supposed to live "as in the abode of innocence, inaccessible to all human crimes"; but their "Lord" tells them in his writings to them that he suspects them of having in their hearts "impure desires" that have "on a thousand occasions taken away the merit and the reward of that fidelity" (Letters #15, 20–22, 26, 62. Details of the allegory have been alertly deciphered by Schaub, *Erotic Liberalism*, chap. 5; see also Krause, "Despotism in *The Spirit of Laws*," 252–53). Again according to Uzbek—but speaking now in his alternate persona, as enlightened foreign traveler and observer, and on the basis of his expe-

rience gained after having lived seven years in Europe—there is "a great number of eunuchs among the Christians": "I am speaking of the priests and dervishes, of both sexes, who make a vow of eternal chastity (*continence*): this is, among the Christians, the virtue par excellence" (Letter #117; see also Rica in #82, and compare Matthew 19:12). The massive difficulty with Uzbek's harem as allegory for the kingdom or city of God is the absence of anything within the law of the harem that echoes or seems to symbolize the commandment to "love thy neighbor" or to "love one another"; but one may suggest that Montesquieu abstracts from this second pillar of biblical faith in order to indicate his view that this second commandment is in essence incompatible with the "first and great commandment," "to love the Lord your God with all your heart and with all your soul, and with all your mind"—because this latter, more fundamental commandment necessarily entails, given human nature or psychology, terrible jealousies, schisms, and hatreds among the pious "lovers" of "the Lord" (see Letter #123 and *Spirit of the Laws* 12.4).

7. See Goitein, "Origin of the Vizierate," and Lewis, *Political Language of Islam*, 120–21; *Middle East*, 77–78, 84, 91, 98–99, 151–52.

8. When Montesquieu later rebuts Pierre Bayle's argument that "it is less dangerous to have no religion at all than to have a bad one," he focuses almost exclusively on the positive value of religion as a check on despotism. "Even if it were of no utility that the subjects have a religion, it would not be so as regards the princes having it, and that they whiten with foam the sole bridle that those who do not at all fear human laws can have. A prince who loves religion and who fears it, is a lion who cedes to the hand that flatters him, or to the voice that mollifies him; one who fears religion and hates it, is like the savage beasts who bite the chain that prevents them from hurling themselves on passersby; one who has no religion, is that terrible animal who only feels his liberty when he tears and devours" (24.2; see also 26.2).

9. Both Brethe de la Gressaye (3.333–34 n. 39 bis) and Derathé (1.527 n. 23) express a somewhat naive bafflement at what they regard as Montesquieu's "contradictory" thought that love could play a major role in a regime ruled fundamentally by fear. For the classic analysis of rule based on the despotic symbiosis of love, fear, and justice, see Xenophon's *Education of Cyrus* 3.1.23–29.

10. 19.16–21; see also *Geographica*, 328 (in Masson ed., 2.961); "what makes China not subject to conversion is that there, the government and the religion are exactly the same thing, they are founded on the same principles, and are the same in practice."

11. In a footnote to this passage, Montesquieu writes: "A Chinese philosopher argues thus against the doctrine of Buddha: 'It is said, in a book of that sect, that our body is our house, and the soul the immortal hostess who lodges there; but if the body of our parents is only a lodging, it is natural to regard it with the same contempt which one has for a pile of mud and earth. Is this not to want to rip from the heart the love of one's parents? Similarly, this carries one to neglect the care of the body, and to refuse it the compassion and the affection that are so necessary

for its preservation: thus the disciples of Buddha are killing themselves by the thousands.'—Work of a Chinese philosopher, in the collection of Father Halde, vol. 3, p. 52."

12. See also *Pensées* #1317 (OC 1.1319). Montesquieu's most frank and full statement, in *The Spirit of the Laws*, of his understanding of the psychological spirit of Christianity comes in the chapter entitled "On Inexpiable Crimes" (24.13): "Pagan religion, which prohibited only a few gross crimes, and which arrested the hand but left the heart alone, could have some inexpiable crimes; but a religion that encompasses all the passions; that guards actions no more jealously than it does desires and thoughts; that holds us not by certain chains, but by an uncountable number of threads; that leaves behind it all human justice, and commences another justice; that is such as to lead ceaselessly from repentance to love, and from love to repentance; that puts between the judge and the criminal a great mediator, between the just man and the mediator a great judge: such a religion ought not to have inexpiable crimes. But, although it gives fears and hopes to all, it makes it felt that, if there is no crime whatsoever that by its nature is inexpiable, an entire life may be; that it would be very dangerous to torment ceaselessly [the source of] pity by new crimes and new expiations; that, anxious about old debts, never discharged in relation to the Lord, we must fear to contract new ones, to complete the tally, so as to go to the endpoint where paternal goodness is finished." Cf. Matthew 12:31–32 and Mark 3:28–29.

13. Montesquieu could almost seem to have extrapolated his initial, grotesque portrait of oriental despotism from the biblical book of Esther: see esp. 1:19–21, 2:21–23, 3:1–11, 7:9–8:1, 8:7–8, 9:12–18.

14. God is never mentioned or directly referred to in the canonical Hebrew version of the book of Esther (though He is pointed to at 4:14; consider also 6:13)—a fact that caused deep unease among Hellenistic Jewish sages, as is evidenced by the six major pious interpolations introduced into the later Greek (Septuagint) version; in the Vulgate, Jerome removes these additions and places them at the end. In the words of a contemporary biblical scholar, "the difference between the Hebrew and Greek texts underscores once more the problematic nature of the book of Esther. As a biblical book it needs a religious purpose, yet in the Hebrew such a purpose is not immediately obvious" (Van der Ploeg, "The Writings," 285). On the basis of his observations about the religion of China, it is not difficult to imagine what might be Montesquieu's subversive interpretation of what is betrayed by this silence about or absence of God, in the singular book that portrays the ascent of the Jews to becoming the elite within the Persian despotism and their consequent military triumph over and extermination of their persecutors: to the extent that humans—even or precisely the "chosen people"—under despotism achieve security and power, they look less to a paternal God; by nature, the human is "such a being as is capable, at all moments, of forgetting its creator" (recall 1.1 end and 1.2 beg.). And it is not going too far to suspect that Montesquieu saw in the book of Esther

the unintended key to, or revelation of, the human spirit underlying the Bible as a whole. Montesquieu discloses his understanding of the fundamental passion that has animated and kept alive diaspora Judaism when, in *The Persian Letters* #119, Montesquieu has Uzbek declare that "the Jews, always exterminated, and always reborn, have repaired their losses and their continual destructions, *solely* through that hope that all families among them have, that they will see born to them a powerful king, who will be the master of the earth."

15. Jean Racine's great tragedy *Esther* (1689) paints the horror of despotism in colors that foreshadow some aspects of Montesquieu's portrait (see esp. lines 196–202, 397–98, 469–75, 518–20, 625–31); among other things, Racine's text contains a remarkable suggestion of an assimilation of the rule of God to that of the Persian despot—in the speech of Esther at 645–53; see also Mardochée's speech at 224–28 in its context, and Esther's speech at 1107–8: "Fut-il jamais au joug esclaves plus soumis?/ Adorant dans leurs fers le Dieu qui les chatie." Montesquieu was deeply impressed with this play: he called it, together with *Athalie*, "the glory of Racine" (*Pensées* #900, OC 1.1247). The play was originally intended, as the author's preface indicates, to be the suitable vehicle for a performance by the students at a Christian school for girls sponsored by the pious king Louis XIV; Racine accordingly removed all hints of eunuchs and harems, and, in most striking contrast to both the Bible and Montesquieu, has the despot's order of extermination countermanded instead of having the despot empower the Jews to slaughter their enemies. Racine also outdoes even the Septuagint in ascribing the salvation of the Jews to divine providence.

16. The editor Brethe de la Gressaye somewhat ponderously informs the reader (1.267–68) that Montesquieu has "obviously" committed a big error here.

17. In the book on the history of commerce, Montesquieu takes note of the sea commerce carried on by the Jews for a short period under the kings Solomon and Jehoshaphat; this exception only confirms, Montesquieu concludes, Josephus's report of the noncommercial, agricultural basis of the original Jewish nation (21.6). See also *Pensées* #215 (OC 2.1043) on the constitutional structure of the "Hebrew Republic."

18. In the next chapter, entitled "On the Limits that the Laws Ought to Impose on the Riches of the Clergy" (25.5), Montesquieu laments the fact that in Christian Europe "we have retained the dispositions of Leviticus as regards the property of the clergy, except for those regarding the limits of this property; in effect, among us what is always ignored are the limits after which it is no longer permitted that a religious community may acquire."

19. How extreme such a law is, even in despotism, becomes evident when Montesquieu later (25.15) observes that "all the peoples of the Orient, except the Mohammedans, believe the differences among all the religions to be insignificant. They fear the establishment of another religion only inasmuch as [it means] a change in the government."

20. Later in the same book, however, in his last important reference to Judaic law (26.14), Montesquieu "explains" the lines drawn by the laws of Moses regarding permissible marriage between in-laws by showing how the Mosaic laws reasonably express the "invariability" of the "laws of nature" that regulate incest.

21. "Essay on the Causes Which Can Affect the Spirits and the Characters," OC 2.60–61; (see Shackleton, *Montesquieu*, 314–15, who adds that "this short work" is "of cardinal importance in his thought"). After the words I quote, Montesquieu goes on immediately to make the following prudently defensive if somewhat vague addition: "I do not speak of the holy Books written since the captivity; the taste of these is very different from those of the rabbis. They are divinely inspired, and even if they were not, in works that are purely historical the author would scarcely have been able to insert anything of his own." Compare Rousseau's interpretation of the evolution of the Jews and of their conception of divinity in the chapter on "civil religion" in *The Social Contract*, 4.8.

22. 24.11; see also *Persian Letters* #119, and *Pensées* #2186 (OC 1.1568): "The Mohammedans have before their eyes every day examples of events so unexpected, of facts so extraordinary, of consequences of arbitrary power, that they must naturally be inclined to believe the doctrine of a rigid destiny, that conducts everything."

23. Montesquieu refers to Suetonius, *Lives of the Twelve Caesars*, "Domitian": see secs. 12–13; St. Augustine judges Domitian "the most cruel" of the Roman emperors who persecuted Christians (*City of God* 5.21; see also 18.52). In this context, it is noteworthy that Domitian was also singular in the extremes to which he took the deification of the emperor: in the words of Suetonius, " 'The Lord God' became his regular title both in writing and in conversation."

24. *Pensées* #307 (OC 2.1072): "Enfranchised slaves. A multitude of new paupers who were not there previously. This was the revolution that made Christianity."

25. 21.20, 22.19–22; in his "Defense," 2.1151–60, Montesquieu was compelled to defend at some length what the censors saw as his attempt to thus relax the Christian prohibitions on lending at interest.

26. As is clear from *The Persian Letters* (esp. #112, 114, 117), Montesquieu is of the opinion that Europe in his own time suffers from a grave and longstanding trend toward depopulation, due not least to Christian strictures on divorce and favoring of celibacy ("This profession of continence has annihilated more humans than the plagues and the bloodiest wars have ever done."—letter #117; for a fuller discussion, see Schaub, *Erotic Liberalism*, chap. 4). In *The Spirit of the Laws*, Montesquieu speaks more cautiously and hence vaguely, tracing the crisis of depopulation to the fact that Europe is "separated from the rest of the world by the religion" that promotes "the excessive advantages of the clergy over the laity," especially as regards ownership of the land: this situation, he suggests, calls for an imitation of ancient Roman laws promoting procreation, in part by radical land redistribution away from the clergy (23.25–28; see also *Pensées* #2053–59, OC 1.1529–35). Montesquieu originally wrote three additional chapters on the crisis of depopulation,

entitled "That the Destructions of Peoples Were in Other Ages More Rare"; "Destructions of Peoples On Account of Religion"; "How the Zeal for Christianity and Mohammedanism have Been Destructive"; but he prudently withdrew these from the final draft of *The Spirit of the Laws*: for the text, see Masson ed., 3.618–19.

Chapter Three

1. "It must be recognized," says the editor Brethe de la Gressaye (1.4–5), that "his notion of political virtue is obscure, redefined in several places in different terms, and, even if he denies the charge, sometimes confounded with moral virtue." There does, concedes the editor, "emerge here a new idea." But Montesquieu only "develops it slowly by fragments, it does not leap to the eye."

2. 5.2; see also *Considerations on the Causes of the Greatness of the Romans and Their Decadence*, chap. 4: "there is nothing so powerful as a republic where the laws are observed, not through fear, nor through reason, but through passion, as were Rome and Sparta."

3. In the very ambiguous chapter 6 of book 4, Montesquieu discusses the "singular institutions" that were created, in order to "inspire virtue," by some "ancient Greeks"—including Plato, whose "laws were the correction of " those of Lycurgus. "Those who would wish to make similar institutions," Montesquieu says, "would establish the community of property of the Republic of Plato," and "that respect that *he* demanded for the gods" (emphasis added).

4. 5.3; see also 7.4. For other brief allusions, later in the work, to the piety that reinforced the civic virtue of the ancients, see 9.1 n., 10.14, 12.3 end, 15.18 end, 21.9 and 12 beg., 23.19 and 21, 24.2 end, and 15, 18, 24, 25.3, 7.

5. 11.14; also 11.12, and recall 2.4: "as dangerous as the power of the clergy is in a republic, so convenient is it in a monarchy, especially in those that are on the way to despotism." See also *Considerations on the Causes of the Greatness of the Romans and Their Decadence*, chap. 8: in the class struggles between the people and the senate, "the senate defended itself by its wisdom, its justice, and the love that it inspired for the fatherland; by its benefits and a wise dispensation of the republic's treasures; by the respect that the people had for the glory of the principal families and the virtue of great persons; by religion itself, its ancient institutions, and the suppression of days of popular assembly, under the pretext that the auspices had not been favorable." Montesquieu was much more direct and uncircumspect in his early (one is tempted to say, youthfully Machiavellian) "Dissertation on the Policy of the Romans in Religion" (Montesquieu never published this essay, which he presented, when he was twenty-seven years old, to the Academy of Bordeaux): "[I]f the worship had been more reasonable, intelligent people would have been as much the dupes as the populace, and thereby one would have lost all the advantage that one could expect from it; so what was required was ceremonies that could

sustain the superstition of the populace, and enter into the strategy of the others; that is what was found in the divinations. The commandments of heaven were put into the mouths of the principal senators, who were enlightened people, and who understood equally the ridiculousness and the utility of the divinations." It is to be noted, however, that Montesquieu is far from identifying "enlightenment" in religion with atheism: "although the magistrates did not fall into the religion of the people, one must not believe that they had no religion at all. M. Cudworth has demonstrated that those who were enlightened among the pagans worshipped a supreme divinity, of which the divinities of the people were only partial reflections" (OC 1.83, 87; see 88–90, for the "toleration" and "softness" characterizing Roman religion as opposed to biblical religion).

6. 8.13; see also *Considerations on the Causes of the Greatness of the Romans and Their Decadence*, chap. 9: Rome declined when "it was no longer the case that people had the same magistrates, the same [city] walls, the same gods, the same temples, the same sepulchers, one no longer looked at Rome with the same eyes, one no longer had the same love for the fatherland, and the Roman feelings no longer existed." And chap. 10: "apart from the fact that religion is always the best guarantee that one can have of the mores of human beings, there was this that was especially true of the Romans, that they mixed a certain religious feeling with the love that they had for the fatherland." (Compare *Spirit of the Laws* 24.8: "religion, even when false, is the best guarantee that humans can have of the probity of humans." Still, Montesquieu does not accept everything the ancient historians claim about the fabled piety of the Roman republican citizenry: see his discussion of the divorce law in 16.16).

7. 19.4 makes it clear that in both Sparta and Rome religion was subordinate to political virtue. See also especially 24.2 end, 15, 18, 24 end; 25.7; for an exception, see 25.3. In *Pensées* #588 (OC 1.1080), Montesquieu laments: "The World no longer has that smiling air that it had in the time of the Greeks and the Romans. The Religion then was soft and *always* in accord with *Nature*" (emphasis added).

8. See, e. g., 24.15: "The respect for ancient things, simplicity or superstition, have sometimes established mysteries whose ceremonies may shock modesty; and of that the examples have not been rare in the world. Aristotle says that, in this case, the law permits the fathers of the family to go to the temple to celebrate these mysteries on behalf of their wives and their children. An admirable civil law, which preserves the mores against the religion! Augustus forbade young people of either sex from attending any nocturnal ceremony, if they were not accompanied by an older relative; and when he reestablished the Lupercalian festivals, he did not want the young people running nude."

9. This was true even despite, or indeed because of, the fact that "the more a thing was contrary to human reason, the more it appeared to the people to be divine" ("Dissertation on the Policy of the Romans in Religion," OC 1.83). The ordinary Roman citizens were by no means simply rational; but their proclivity to

irrationality, or superstition, was not seriously tempted by apparent religious experiences that contradicted their civic virtue: even their superstition or irrationality directed them to behavior and beliefs of which secular reason can approve.

10. In a letter to Rousseau of 9 December 1764, his friend Jean Vincent Capperonnier de Gauffecourt added the following postscript: "Monsieur the President Montesquieu said to me many times that there was no one but you capable of working on (*capable de travailler sur*) *L'Esprit des lois*" (Rousseau's *Correspondance complète* 22.204, no. 3728).—*Se non è vero, è bene trovato*: see Rahe, "The Enlightenment Indicted" and *Soft Despotism*, 96–100 and 136–40 (esp. n. 51); Launay, *Jean-Jacques Rousseau et son temps*, 93–103, and *Jean-Jacques Rousseau: Ecrivain politique*, 158–62.

11. Consider Plutarch's characterization of the religious spirit of the laws of the Roman republic in its heyday, at the time of the Second Punic War; in the midst of a series of concrete examples of both war and peace, he writes: "Thus all the practical affairs for the Romans were referred to the god, and they would not accept, even for the sake of the greatest well-being in practical matters, neglect of the prophecies and the ancestral rites, since they held that for the sake of the salvation of the city it was a greater thing that the rulers showed awe for the divine things than that they overcome the enemies." See *Life of Marcellus* 4 and the context.

12. The words "and dependent" were added in two places by Montesquieu to the first edition at the last minute, after the type had been originally set—and thus leaving in the printed version a mark of alteration (which was once supposed by scholars to be a sign of the intervention of the state censors). This is one of several places where Montesquieu slightly muted his statements about monarchy in order to avoid political censorship.

13. This is another phrase that Montesquieu added at the last minute to fend off the censors.

14. See also Krause, "Politics of Distinction and Disobedience."

15. See also *Pensées* #69 (OC 1.993), written to Montesquieu's own son on the latter's prospects as a lesser nobleman in the French monarchy: "[A] noble ambition is a feeling that is useful to society, when it is well directed. As the physical world subsists only because each part of matter tends to distance itself from the center, so the political world sustains itself by this interior and uneasy desire that each has, to rise above the station where he has been placed. It is in vain that an austere morality wishes to efface what the greatest of all workers has placed in our souls."

16. See also Montesquieu's *Pensées* #219 (OC 2.1044): in monarchy, "duty is a thing of reflection, and cold; but honor is a lively passion, that is spontaneously animated and that is linked, moreover, to all the others. Tell the subjects that they ought to obey their prince, because Religion and the laws command it, and you will find people who are cold. Tell them that they ought to be faithful to him, because they have promised it to him, and you will see them animate themselves."

17. "Examen critique," Laboulaye 6.122): "Who would have believed it, that in order to render monarchic government perfect, it was necessary that the members of the State be destitute of virtue, and filled with vanity? On this basis one ought to banish from all monarchies the Christian religion. It detests vain men; and the great spring of monarchies, we are told, is vanity and false honor."

18. The word "subordinate" was added to the first printed edition at the last minute; see note 11 above.

19. 3.5, 5.10; see also 29.16, and *Persian Letters* #37. For a helpful introduction to the rise and decline, during the century preceding the publication of *The Spirit of the Laws*, of French absolutist political thought (mostly rooted in Christian political theology), see Keohane's *Philosophy and the State in France*, pt. 3, together with pp. 401–3 (situating Montesquieu in this context).

20. 5.11; see Montesquieu's later dismissal (11.9) of Aristotle's stress on virtue as a defining characteristic of monarchy as opposed to tyranny: "Aristotle's ineptness is unmistakable when he comes to treat of monarchy (*Politics*, bk. 3, chap. 14). He establishes five species: he does not distinguish them by the form of the constitution, but by accidental things, like the virtues or the vices of the prince; or by extrinsic things, such as the usurpation of the tyranny, or the succession to the tyranny."

21. See 23.21: "It is certain that Constantine's changes were made, either on the basis of ideas related to the establishment of Christianity, or on the basis of ideas taken from its perfection. From this first aim came those laws that gave so much authority to the bishops, and that became the basis of ecclesiastical jurisdiction."

22. 5.9; see also 12.13: it is characteristic of monarchy to prohibit writings that satirize those in power but not to criminalize them, for they serve useful functions, not the least of which is "to give to the people the patience to suffer, and to make it laugh at its sufferings."

23. 31.2; speaking of the psychological root of the "marvelous system of chivalry," with its enchantments of all sorts, arising in the midst of "the monstrous usage of trial by combat" (28.22–23), Montesquieu writes: "it was fear, that is said to have invented so many things, that made these sorts of prestige imagined."

24. For descriptions of the effects of this contradiction, see *Persian Letters* #61, esp. the second paragraph, and #75 ("Thus they are no more firm in their disbelief than in their faith; they live in a flux and reflux that carries them ceaselessly from one to the other"); in #107, Rica writes to Uzbek: "[I]t is said that one can never know the character of the occidental kings until they have passed two great tests—that of their mistress, and that of their confessor. One soon sees the one and the other struggle to capture the spirit of the king: for that, great battles." See also *Pensées* #607, 643, and 1905 (OC 1.1131, 1155–56, 1458), and Pierre Bayle, *Various Thoughts on the Occasion of a Comet*, sec. 172. For a vivid portrait of an extreme example of spiritual confusion, see Saint-Simon's remarks (*Memoirs 1707–1710*, 225, 315, 814–20) on his friend the young Duke of Burgundy, oldest son of the Grand Dauphin, presumed heir to the throne of Louis XIV, and the

beloved student of the great Quietist theorist of Christian education, François Fénelon (who wrote his famous *Telemachus* for this young duke). See also J. H. M. Salmon's assessment of the atmosphere in the household of the great *frondeur* the Cardinal de Retz—who is one the most impressive historical embodiments of what Montesquieu means by the monarchic principle of honor (see *Pensées* #897, OC 1.1246): "The libertine attitudes current in Retz's household were often brittle and superficial. . . . There was in general a curious vacillation between sin and devotion." Characterizing the cardinal's famous penitential public conversion in his old age, Salmon writes thus of the spirit of the French monarchy: "The generation of Retz, Saint-Evremond, and La Rochefoucauld was confronted with a choice between Corneille's superhuman egoism of the paramount will and the Jansenist doctrine of the omnipotence of grace and the weakness of human nature degraded by sin. . . . It is not surprising that those who accepted the first should have been fascinated by the second, nor that there was an uneasy alternation between the two" (*Cardinal de Retz*, 72–73, 361–62, 364; see also 134; see also Manent, *La Cité de l'homme*, 38, 41). Upper-class French women were characteristically handed over to convents for their education—concerning which Fénelon writes, in his "Advice to a Lady of Quality concerning the Education of Her Daughter": "If a convent is not well ordered she . . . will hear the world spoken of as a kind of enchanted place, and nothing makes a more pernicious impression than this false idea of the world which is regarded from afar with admiration, and the pleasures of which are exaggerated without showing its disappointments and sorrows. . . . . If on the other hand a convent is full of religious zeal and keeps the rules of its order faithfully, . . . if this girl leaves the convent and at a certain age goes back to her father's house where the world confronts her, nothing is more to be feared than the resulting surprise and shock to a vivid imagination." See Barnard, *Fénelon on Education*, 98.

25. Montesquieu himself had direct experience of the contradiction. His mother, the forceful Marie-Françoise de Pesnel (whom the young Montesquieu lost, in a fatal childbirth, when he was seven years old) was renowned for her ascetic piety: at her death, her more worldly husband discovered that she had frequently scourged herself, and that she regularly wore an iron girdle. Three of Montesquieu's four aunts, and both of his sisters who survived infancy, became nuns, and four of his uncles as well as his only brother were in the Church. Montesquieu was educated at home until the age of eleven, when he was sent (soon joined by his brother) to the famous Catholic school of Juilly near Paris. From Bernard Lamy's authoritative *Entretiens sur les sciences* (1683), it appears that for the Oratorians who controlled this school, piety and the cult of religion were the main objects of education, though the Oratorians were relatively progressive and balanced in their methods and subjects of instruction. Still, Montesquieu is reported to have complained in his later days about the quality of the education he received at Juilly (Shackleton, *Montesquieu*, 3–7; Schaub, *Erotic Liberalism*, chap. 4 n. 1).

26. One may say that Montesquieu takes full advantage of the fact—exhibited most vividly in Bossuet's *Discourse on Universal History*—that the religious-educational authorities teach simultaneously, and even almost in the same breath, the mutually exclusive glories of scriptural and of Greco-Roman history. See also Keohane, *Philosophy and the State in France*, 12.

27. Not least upon modern England, which once makes a prominent appearance here, as having presented a ridiculous spectacle (3.3): "That was a rather fine spectacle, in the past century, to see the impotent efforts of the English to establish a democracy among themselves. Since those who took part in affairs had no virtue whatsoever, since their ambition was irritated by the success of the one who had been most daring [Cromwell], since the spirit of one faction was repressed only by the spirit of another, the government ceaselessly changed; the people in their astonishment sought for democracy and found it nowhere. Finally, after many commotions, and many shocks and shakings, it was necessary to find rest in the very government that had been proscribed."

28. See M's note to himself in *Spicilège* #509 (p. 469; OC 2.1351–52): "A proof that Christianity has not corrected us a great deal is that we still admire the words and the pronouncements of the Ancients when they portray the vices. It must be then that this portrait is true, since we feel it. We have not then changed, but it is only certain individuals whom Christianity has changed and not the mass."

Chapter Four

1. 2.3, 4, 5; 3.3, 8; 4.3; see also 5.14; 6.1; 7.4, 9, 15; 8.12; only in a jarring footnote did Montesquieu disclose that when Athens was at its virtuous (and precommercial) peak, during the Persian Wars, "there were found in the city 21,000 citizens, 10,000 foreigners, and 400,000 slaves" (3.3n).

2. See Tocqueville's fascinating discussion of how the deeper intention of Montesquieu's teaching on republican virtue is to be extended and applied to the Americans' self-interest well understood, in the fragment published by J.-P. Mayer and quoted by Derathé, 1.546–47.

3. This rather ironic question accords with the fact that at this early point in the work, Montesquieu is still largely ignoring the ugly truth that virtuous republics require large numbers of slaves.

4. See 21.7: "Athens, full of projects of glory, Athens, that increased its jealousy instead of its influence; more attentive to extending its maritime empire than to enjoying it; with such a political government, that the lower class people distributed among themselves the public revenues, while the rich were oppressed—Athens never achieved that great commerce that was promised it by the work of its mines, the multitude of its slaves, the number of its seafarers, its authority over the Greek cities, and, more than all that, the beautiful institutions of Solon."

5. 20.5; frugal and hard-working Marseilles avoided the syndrome of sybaritic corruption to which Corinth fell prey (due to its more superficially successful commerce: 21.7). Commerce based on luxury is more suitable to monarchies than to republics (5.7, 7.4, 20.4–5, 21.16).

6. Montesquieu's treatment of Carthage is most instructively curious; in 8.14, Carthage at the time of Hannibal is presented as the preeminent case of a formerly "very well regulated republic" (Montesquieu invokes the testimony of Aristotle) that had become corrupted and thus ruined because its senate had lost its censoring authority, and because the magistrates and principal citizens had started to "pervert to their profit the public revenues and to abuse their power." In 10.6, however, the Carthaginian senate is said to have been, at the very same epoch (the time of Hannibal) "wise," "even as Aristotle tells us"; but the sign of wisdom is that "the prosperity of that republic proves it to us so well," and the senate, led by the "jealous" Hanno, was completely untrusting of its victorious general Hannibal's virtue, refusing him the support he would have needed to conquer Rome. The shrewd senate saw clearly, Montesquieu comments, "in what danger the republic of Carthage would have been, if Hannibal had taken Rome." Virtue itself has need of limits—the limits imposed by shrewd competing self-interest.

7. The first writer to speak of a "liberal republic" in this modern sense seems to be John Adams, in a passage of his *Defense of the Constitutions of the United States* (*Works* 4.309) where he attacks the republic of San Marino inasmuch as it embodies the now-outmoded traditional notion of what a republic must be—a notion of republicanism that gave, Adams insists, altogether inadequate permissiveness to individual human liberty. The *Oxford English Dictionary* has as its second noted usage in the English language of the word "liberalism" the following quotation (1829): "Religion is the very name of obligation, and liberalism is the very name for the want of obligation."

8. Honor and birth are indeed given representation in the English House of Lords—but only alongside money (11.6, paras. 30, 34). In his travel notes on England, Montesquieu remarks: "[M]oney is here given sovereign esteem; honor and virtue little. . . . It seems to me that there are many extraordinary actions done in England; but they are all done in order to possess money. There is not only no honor or virtue here; there isn't even a conception; in France, extraordinary actions are done so as to spend money, while here, it is to acquire it. I do not judge England by such men; but I do judge England by the approbation she gives them." (OC 1.878, 880). In *The Spirit of the Laws* (19.27, para. 55), Montesquieu speaks of the same phenomena in terms that are more in accord with the outlook and spirit of the English themselves: "there, one scarcely judges men for frivolous talents or attributes, but for real qualities; and of this sort there are only two: riches and personal merit." This is not to deny that the English exhibit an egalitarian, individualistic sense of dignity along with a passionately anxious love of and willingness to fight for their individual liberty and security: (19.27, paras. 8–23, 62). In his draft of his reply to

William Domville, written in the year after publication of *The Spirit of the Laws* (*Pensées* #1883, OC 1.1447–50; letters from William Domville of June 4 and to the same of July 22, 1749, in Masson's ed., 3.1235–37 and 1244–45—for a helpful discussion, see Rahe, "Forms of Government," 94–97), Montesquieu said of England that "the People have more of virtue than those who represent them"; more specifically, he noted that "the People," and especially "the middle class (*l'état moyen*)," whose wealth is founded on "commerce and industry," "loves its laws and its liberty": as for Parliament, "it can well lack probity, but it does not lack enlightenment"; "there is scarcely a crook who doesn't wish with all his heart to be a crook, and to pass, nonetheless, for a good man."

9. 11.6, paras. 8–12 and 21 (on the aristocratic "republics of Italy"); and (on ancient republics) paras. 24, 28, 43, 44, 51, 54, 58, 61, and esp. 68.

10. Virtue is referred to only once—when Montesquieu speaks of the naïveté of Mucius Scaevola in seeking "to restore the ancient mores" as a way of dealing with a gravely mistaken change Tiberius Graccus made in the distribution of judicial power (11.18).

11. In Montesquieu's *Penseés*, #1798 (OC 1.1430), we find an illuminating image that conveys an important aspect of the difference between the ancient and the modern notions of civil liberty: "An ancient has compared the laws to those spiders' webs that have only enough strength to stop flies, and are broken by birds. For my part, I would compare good laws to those vast nets in which the fish are held, but believe themselves to be free; and the bad laws to those nets in which the fish are so constrained that from the outset they feel themselves caught."

12. 11.6, paras. 31 and 33; see also 19.27, paras. 50–53; contrast the accounts of the House of Lords, including the "Lords Spiritual," given by Montesquieu's leading English constitutional disciples, William Blackstone, *Commentaries on the Laws of England* (publ. 1765–69), 1.2, pp. 151–52; Jean Louis De Lolme, *The Constitution of England* (publ. 1781), 1.4, pp. 55–56; and Edmund Burke, *Reflections on the Revolution in France* (publ. 1790), in *Works* 2.363–4 (Burke introduces this passage by invoking in favor of the established Church's constitutional power the authority of Cicero's *Laws* 1.2); see also Burke's "Letter to the Sheriffs of Bristol" (publ. 1777), in *Works* 2.27–28, as well as "Speech on the Second Reading of a Bill for the Relief of Protestant Dissenters" (1773), in *Works* 6.112–13.

13. See also *Pensées* #1903 (OC 1.1458): the "English nation" has "only an enlightened respect for Religion"; and #818 (OC 1.1224): "the epic poem of Milton, founded on the Christian Religion, did not begin to be admired in England until the Religion was there considered a fiction"; as well as #23 (OC 1.982): "This is what it is to be moderate in one's principles! In France I am considered to have little religion, and in England to have too much."

14. I believe that this is Montesquieu's sole significant reference, in the entire *Spirit of the Laws*, to the Church of England.

15. 23.29; Montesquieu elliptically foreshadows this later, revealing passage, in the paragraph immediately preceding his account of English religion (19.27,

para. 45): *"It could be that this nation, having been at another time subjected to an arbitrary power, would have preserved the style, as regards certain occasions—in such a fashion that, on the foundation of a free government, one would often see the form of an absolute government."

16. 19.27, paras. 46–47, 50–52; in a passage of the penultimate draft of the manuscript of 25.11 ("On Changing Religion") that Montesquieu decided to withdraw from the final draft, he wrote (OC 2.1000): "I even assume that the elite of the nation would have no religion whatsoever. But if there existed among them some spirit of liberty, they would not tolerate someone wanting to take away the religion that they would have were they to have any, because they would feel that the Prince who was able to take away the religion, could even more easily take away from them life and property."

17. Shedding helpful light on Montesquieu's intention in these books are *Pensées* #398–99 (OC 2.1102–3) and the passage no. VII from the dossier of materials for *The Spirit of the Laws* found in OC 2.1029.

18. The keynote of Bossuet's great work is struck by the title of part 3, chap. 3: "The Revolutions of Empires are Regulated by Providence, and Serve to Humiliate Princes."

19. See the discussion by Althusser, *Montesquieu, la politique et l'histoire*, chap. 1, beg., where Montesquieu's universalist ambition is aptly contrasted with Bossuet's—whose history "certainly wishes itself to be universal: but all its universality consists in saying that the Bible has said it all, all of history being in it, as an oak is in its acorn" (14).

20. Montesquieu spoke previously of the possibility of "moderating despotism" when praising the "admirable practice" of the Tartars who conquered, and who still ruled, China: 10.15. See subsequently 13.12n and 21.20 end; and above all 18.6, where Montesquieu will go so far as to characterize "the two beautiful provinces of Kiang-nan and Tche-kiang in China" as exhibiting "moderate government."

21. In 10.17, Montesquieu had spoken pejoratively of "the despotic monarch" in referring to a monarch who, or inasmuch as he, conquers other states. In 8.6 and again in 10.15 Montesquieu implicitly treated the early Chinese dynasties as monarchies rather than despotisms. In a note to 6.9, Montesquieu had said that he would later show that in regard to the severity of its legal punishments, China "is in the category of a republic or a monarchy." Most important and portentous of all, Montesquieu will later contrast the (legitimate) Persian emperor Darius, whose religious prejudices prevented him from sponsoring commerce, and led him merely into the "ignorance" and "fantasy of a prince who wishes to show his power," with "the well-regulated project of a *monarch*" exemplified in Alexander the Great, when, after a ruthless conquest of Persia, he initiated the "design" of a vast "revolution in commerce" that sought to unite the West with the Indies (21.8).

22. See OC 2.37–38: instead of the terminology "monarchs of Asia," Montesquieu in the early essay speaks of "monarchs of the Orient" and "kings of the Orient" (substituting "Asia" for "Orient" may go with the elaboration, in *The Spirit of*

the Laws, of the theory of the effects of climate on laws); and there are other, more significant changes in the wording—showing that at the least Montesquieu did not mechanically transcribe and insert the passage from the earlier unpublished essay.

23. 13.11; paradoxically, it will transpire that the English, "the people who, more than any other in the world, has known how to make the most, for their own advantage, of commerce," for that very reason seem to get carried away with competitive jealousy: they "scarcely have any regular tariffs with the other nations; their tariffs change at every parliament, so to speak"; "sovereignly jealous of the commerce that is carried on domestically," England "ties itself very little by treaties, and depends only on its own laws" (20.7). While tyranny is pressured by the laws of commerce to soften or to liberalize itself somewhat, the freest and most purely commercial nation suffers the sanctions of the laws of commerce when or so long as it fails to resist its proclivity to fall prey to certain irrational or passionate excesses incident to the regime of maximum individual freedom.

Chapter Five

1. But contrast 16.9: "popular government has always been *difficult* to establish in the Orient" (emphasis added); and recall what we earlier discovered to be Montesquieu's estimate of the original, proto-republican spirit of the laws of Moses.

2. D'Alembert explains ("Analyse de *L'Esprit des Loix,*" xlvi): "The laws are a bad means for changing the manners and the usages; it is by rewards and example that it is necessary to accomplish that. It is nevertheless true, at the same time, that the laws of a people, when one does not try to thereby shock grossly and directly its mores, ought to influence insensibly the mores, either to support them or to change them."

3. In the dossier of drafts Montesquieu assembled for his treatment of commerce in *The Spirit of the Laws* is found the following formulation (OC 2.1021): "I have already said it once: prudent administration rarely proceeds to its goal by routes that everyone can see or imagine. Most of the good effects of nature and of politics produce themselves without noise, and even the eyes of those who feel the effects are not witnesses to them."

4. This helps us to understand better the at first surprising summary of his teaching on the power of climate that Montesquieu enunciated in his response to the censure by the Sorbonne faculty (OC 2.1173): "One may say that the book *The Spirit of the Laws* forms a perpetual triumph of the moral over the climate, or rather, in general, over physical causes. One has only to look at what it says about the force of causes on the spirit of the Spartans, the Greeks, and the Romans. That is why the author has protested so much against the [attack published in the journal] *Nouvelles ecclésiastiques*, which, taking two or three books for the whole work, which has thirty-one books, argued against him as if he had denied the influence of

moral causes, of political causes, and of civil causes; although the entire work has almost no other purpose than to establish those causes."

5. 20.4, 9, 18–22; see also 5.14 and 18.8, and *Persian Letters* #106; in monarchic France, Uzbek observes, "That ardor for work, that passion to enrich oneself, spreads through the classes, from the artisans to the great. No one likes to be poorer than whomever he comes to see immediately above him. You see, in Paris, a fellow who has enough to live on until the Day of Judgment, who works ceaselessly, and runs the risk of shortening his life, in order to amass what he calls his livelihood. The same spirit takes over the nation; one sees there nothing but work and industry."

6. See also Krause, "Despotism in *The Spirit of Laws*," 243: "commerce engenders daring and ambition, which animate the public and counteract the deadening effect of fear and passivity of a populace that could be ruled by a despot's boot." One may add that the commercial spirit thus affords to the natural elite, broadly conceived, an avenue and outlet for independent ambition that would otherwise be stifled—and whose frustration provides the essential fuel for imaginative, passionate, otherworldly escapism. As we have noted, it is not so much the masses as it is the disoriented and crippled elites that are the sources of inspiration for and renewal of biblical religion.

7. In his early "Discourse on the Motives That Ought to Encourage Us in the Sciences" (1725), Montesquieu dwells on the efficacy Cartesian science has in "curing the destructive prejudices" that conduce to the belief in "a power invisible," and that are grounded in the failure to understand the "principle of philosophy," which teaches that "human beings, composed as they are, are incapable of being immortal; the springs of their machine wear themselves away, as do the springs of all machines; the effects of nature are nothing but a consequence of the laws and of the communications of motion" (OC 1.53–54; the same discussion is found in a slightly different form in one of the fragments intended for the treatise on duties—*Pensées* #614, OC 1.1134–35).

8. This is the first part of the titles of both books 24 and 25; book 26 appropriately continues and concludes part 5 by delivering Montesquieu's teaching on the supreme political question of the proper relation between positive and higher (including especially divine) law. As Oudin puts it (*Le Spinozisme de Montesquieu*, 36), "one sees in Book XXVI the distinction that must be made, above all, between the divine laws and the human laws, then the distinction that must be established between the principles of the civil law and those of the natural law or the law of religion." Contrast the bewilderment Derathé expresses (2.525 n. 1): "the fifth part is artificially composed of two books on religion, which do form a whole, and of a third, of a purely technical juridical character, without relation to the preceding." Brethe de la Gressaye expresses in his commentary a similar bewilderment, not untypical in the conventional scholarly literature, at the fact that "after having treated in the Fourth Part the economic and demographic factors," Montesquieu "returns,

with these two books, relative to the relations of the laws to religion, forming the essence of Part Five, to the moral factors that have already been studied in Book Nineteen" (3.227). "It becomes difficult," this editor complains in his introductory essay, "to justify the order followed by Montesquieu, who passes from economic, that is to say, material factors, to factors simultaneously physical and moral (population), so as to finish with religion" (1.cxv)—only when one discerns the supreme importance of the religious question throughout *The Spirit of the Laws*, does the "secret chain" tying it all together become clearly visible. One may add that the final book of part 4, the book on population (and thus on marriage, celibacy, and so forth), effectively serves as the segue from the theme of commerce into the theme of religion—as is signaled at the outset by the long quotation in chapter 1 from the opening of the poem that is the greatest document in the history of the critique of religion (Lucretius's *On the Nature of Things*). As is especially evident if one bears in mind *Persian Letters* #114–18, the book on population is the fitting transition from the theme of commerce to the theme of religion because, even as commerce is the great engine of population growth, so the Christian and Muslim religions are the great stiflers of the same.

9. As Montesquieu remarked in the "Defense" (OC 2.1146), "there was an enormous outcry against this chapter"; and in his response to the Sorbonne faculty (OC 2.1174), which had severely condemned this chapter, Montesquieu felt compelled to promise that in subsequent editions he would add a footnote—which he inserted at this point and which reads: "I am not speaking at all in this entire chapter about the Christian religion, because, as I have said elsewhere, the Christian religion is the first good. See the end of chapter 1 of the preceding book, and the *Defense of the Spirit of the Laws*, second part." We must observe that in fact, Montesquieu did not say at the end of chapter 1 of the previous (or twenty-fourth) book that the Christian religion was the first good; instead, he dared to say: "The Christian religion, which orders humans to love themselves, wishes without a doubt that each people have the best political laws and the best civil laws, because they are, after it, the greatest good that *humans* can give and receive" (emphasis added). Even in the midst of his greatest flattery of Christianity, Montesquieu cannot resist a sly but unambiguous indication that this religion's propagation and reception, and its consequent benefits, are, just like the rest of human legislation, due to human agency. (This is of course not his view of the greatest goods given to humans by *nature's* God.)

10. See esp. 15.7–8, 19.18, 24.3–4; Montesquieu added a paragraph to the end of 19.18 after the first edition, so as to further intensify the flattering remarks about Christianity. (If one examines more closely Montesquieu's remark that seems to trace the diminution of slavery to Christianity [15.7 end], one notes a very grave and decisive qualification, which is fully explained by his subsequent discussion of the Christian influence on slavery at 15.4—as well as 15.3 and 10.4.)

11. The enormous importance that Montesquieu assigned to his easily overlooked qualifying adjectives is stressed by him in his reply to the Sorbonne fac-

ulty, who had censured his statement in 16.8, "there are climates such that physical causes have such force that moral causes have almost none"; Montesquieu retorts (OC 2.1173–74): "The proposition is modified by this word *almost*. If moral causes have almost no force in such circumstances, then in such circumstances they can accomplish something—and in fact, the author has demonstrated in chapter 10 of Book Sixteen that they can accomplish infinitely much, when aided by certain usages established by moral causality." So "almost" can mean, for Montesquieu, an "*infinite*" qualification! It is up to the reader to note and to mull over Montesquieu's every qualifying adjective.

12. Consider the ambiguous case of Christianity's effects on Ethiopia: cf. 24.3 with 26.7 beg.

13. See *Persian Letters*, #24 and 101; "Memoire on the Constitution" (OC 2.1217–21).

14. In a dossier of materials he assembled for a possible "dissertation on the various destructions seen on the earth," Montesquieu designated a chapter with the title "How the Zeal for Christianity and Mohammedanism has been Destructive," and wrote a single opening sentence as follows: "Only a pen dipped in blood or tears could describe the terrible effects of this zeal." He preceded this with notes for a chapter on the destruction caused by religion in general, writing: "the destruction of peoples by Religion, the wars civil and foreign that have been born from religion, are a kind of evil that we owe to modern times, and of which the ancient men of politics do not speak to us." (OC 2.1019; see also *Pensées* #2181, OC 1.1567).

15. See esp. 16.2, and also 16.8–11, 19.26; Montesquieu makes it clear that he does not think that European monogamy is due to Christianity so much as it is a consequence of the climate.

16. The Abbé de La Roche declares, of Montesquieu's position as expressed in his critique of Bayle (24.6), "at first one might have believed that the author is far removed from the principles of Bayle; but . . . he only reproaches Bayle for not having understood that one could, by a less objectionable route than the latter took, disencumber oneself of the trouble religion gives to those who love to live under its yoke. And that route is, to reduce to simple advice the precepts of the religion. In regarding the precepts of religion as elevating men to a perfection that is merely advised, one keeps for oneself the liberty of occasionally speaking of religion in an advantageous manner, which is much more acceptable than announcing one's profession of impiety" ("Examen critique," Laboulaye 6.131; compare Schaub, "Of Believers and Barbarians," 236).

17. In a footnote to this same chapter, Montesquieu delivers through an anecdote from Diodorus Siculus his practical advice on how one ought reasonably to respond to the experience of a revealed commandment, should one ever receive such a revelation: "The history of Sabaco, one of the pastoral kings, is admirable. The god of Thebes appeared to him in a dream, and ordered him to put to death all the priests of Egypt. He judged that the gods were no longer pleased with his reigning, since they ordered him to do things so contrary to their ordinary will; and he retired, into Ethiopia."

18. So far as I have been able to see, in the entire *Spirit of the Laws*, where Montesquieu mentions "softness" over thirty times, he only ascribes it to Christianity twice explicitly, in this and the succeeding chapter—24.3–4; I believe that Montesquieu never, in *The Spirit of the Laws*, ascribes to Christianity the virtue of "humanity" or of the "humane." (Montesquieu's mentions of "humanity" and the "humane" are at 6.15; 10.5; 15.3, 16; 18.20; 20.2, 15; 21.18; 26.17.) Jean Ehrard asks ("La 'Superstition,'" chap. 2 of *L'Esprit des mots*, p. 48), "Dans la réalité historique qu'en est-il de la *douceur* de principe que l'idéal du philosophe prête à la religion chrétienne?" For the other important instances of Montesquieu's use of the term "softness," or its antonym, "hardness," always in non-Christian contexts, see 6.13, 15; 7.4; 8.17; 10.3, 9; 11.6 (p. 398); 12.4 n., 6, 25, 30; 13.11; 14.15; 15.1, 6–7, 16; 16.9; 18.20; 19.14, 16, 27 (p. 578); 20.1; 23.6; 26.17; 28.16.

19. See also 8.21, para. 4, and the footnote: the passage from Laurent Lange to which Montesquieu here refers, evoking vividly the ruthless exploitation of merchants by the authorities in China, is reproduced in Derathé's note 17 to book 8 (1.463): unless this is understood to be limited to the exploitation of foreign merchants, this report would seem to undercut somewhat Montesquieu's picture of China as promoting a flourishing commerce.

20. 5.19 end, 6.9, 16; see also *Pensées* #268 (OC 2.1057–58) and Derathé 1.461–62 (note 14 to book 8).

21. 13.11, 19; 14.5–8; 15.19; 16.8; 18.6; see also 26.6 and 29.18.

22. This is the claim of Ezekiel in his prophecy (Ezekiel 26:7–21); but according to Josephus (*Against Apion*, 1.21), it would appear that, after a siege of thirteen years, the city surrendered to Nebuchadnezzar on terms of submitting to a puppet ruler, Baal II. The only historically certain destruction of Tyre is the one executed later by Alexander the Great (to which Montesquieu refers at 21.8 beg., as well as 10.14), when Tyre made the terrible mistake of refusing to submit to him—see Diodorus Siculus 17.40–46. But Tyre did not stay "destroyed" very long: within a couple of generations the city reestablished itself and its commerce under the Diadochi.

23. Although in the time of David and Solomon there had been a close alliance: 2 Samuel 5:11; 1 Kings 5:15–20, 7:13–15, 9:10–18.

24. The biblical God Himself proclaims: "Say to the prince of Tyre: 'Thus says the God Yahweh: Because your heart is proud and you have said, "I am a god enthroned among the gods; I sit enthroned in the heart of the seas," whereas you are but a man and no god, though you deem yourself as wise as the heart of a god—behold, you are wiser than Daniel; every secret is not hidden from you. By your wisdom and your understanding you have gained riches for yourself, and have amassed gold and silver in your treasuries. By your great wisdom in commerce you have increased your wealth, and you have grown haughty because of your wealth—therefore, thus says the God Yahweh, because you consider yourself equal to the heart of a god, behold, therefore I will bring upon you strangers who are the most terrible of the gentiles, and they shall draw their swords against the beauty

of your wisdom and defile your splendor. . . . !' " (Ezekiel 28:2–7—see the context, chaps 26–28, and esp. also 27:2–15; for further curses of Tyre, see also Isaiah 23; Amos 1; and Jeremiah 25.22).

25. The commentators, characteristically unalive to the philosophic argument Montesquieu is pursuing between the lines of his "history" of commerce, and mistaking the philosopher's for the historian's task, are "surprised that the author has given so partial an idea of medieval commerce": "to read this chapter, one could believe that in the Middle Ages all commerce was in the hands of the Jews" (Derathé 2.510, n. 34). See similarly Brethe de la Gressaye 3.373–74: "strange chapter," "as if Christians had no role in international commerce"; "not a hint of the great fairs of Champagne, the commerce of Venice and of Genoa with the Orient, the vigor of Bruges and of Ghent, and of the Hanseatic League." Montesquieu, our learned but plodding editor assures us, "must have had to cut things in his haste."

26. "One is thus witness to a veritable subversion of the myth of conquest, that overturns habitual references: here, from the foundations of antiquity, arises an exemplary figure of modernity"—Larrère, "Montesquieu et l'histoire du commerce," 324. That Alexander remains a kind of standard throughout the rest of *The Spirit of the Laws* is suggested by the emphatic reference to him in the later celebration of Charlemagne: 31.20. Yet it is to be noted that Montesquieu's late, brief work "Lysimachus" makes vividly clear his awareness that "the vices of Alexander were extreme like his virtues; he was terrible in his anger; it rendered him cruel" (OC 2.1237).

27. Larrère, "Montesquieu et l'histoire du commerce," 324: "This turning around of the traditional image displaces Alexander from the domain of the heroic and warrior virtues, toward those of commerce." In a discussion of colonization policy found in his personal dossier on *The Spirit of the Laws* (OC 2.1008–9), Montesquieu observes that Alexander, in contrast to the more cautious Romans, ran grave risks by his policy of rapid and far-flung colonization: on the one hand, he drastically weakened Greece by depleting it of inhabitants; on the other hand, the colonies were so scattered that, after Alexander's death, "they were soon subjugated and were unable either to defend or to be defended. The plan of the Romans was much better." There follows an addition in the hand of a later amanuensis: "What I am saying here about colonies" (Montesquieu concedes to himself) "seems to contradict what I have said about colonies in my second book on Commerce." Yet Montesquieu goes on to defend stubbornly Alexander's policy, insofar as it was intended to advance commerce, and in that sense was more successful than the Roman policy. See similarly *Pensées* #1498 (OC 1.1361).

28. 20.23 (see similarly the unpublished "Considerations on the Riches of Spain," article 1, end, and "Reflections on Universal Monarchy," secs. 2 and 18: OC 2.10, 20, 34). Larrère, "Montesquieu et l'histoire du commerce," 330, very justly observes: "Book 21 begins with the captivating, moving image of a commerce that is a wanderer, timid, pursued (21.5). At the end of the book, the situation is completely

inverted. Now, it is governments that have no hold on a commerce that is perpetually mobile, to such an extent that, so far from submitting to their will, they are obliged to moderate their passions, and to conduct themselves, in regard to commercial activities, in a way that conforms to their interests (21.20). . . . One finds here a guiding thread for the books on commerce that make up the fourth part of the *Spirit of the Laws*."

29. See especially 15.5–8, 11–12, 17 for Montesquieu's impassioned but controlled arguments showing the irrationality or economic stupidity as well as the inhumanity of much contemporary slavery, most notably the enslavement of black Africans by Europeans, even or especially outside of Europe—that is to say, even in climates that conduce to such slavery. In these pages, "Montesquieu was the first man, in the front rank of reputation," Vaughan notes (*Studies*, 2.283), "to open the struggle which was not carried to final triumph until more than a century after his death." At the time Montesquieu wrote, Jameson finds (*Montesquieu et l'esclavage*, 55), "there had never been an institution more generally approved, more solidly rooted in the morals of a people, more difficult to attack on account of the great material interests which were attached to it, more apparently unshakeable, than the slavery of the blacks in the French colonies." "One cannot truly speak," notes Derathé (1.505), "of an anti-slavery literature or current before Montesquieu." The influence of Montesquieu's attack on slavery in *The Spirit of the Laws* is manifest in the articles "Slavery" and "Trade in Negroes" (by Louis de Jaucourt) in Diderot's *Encyclopedia*. For Montesquieu's influence on the French antislavery movement more generally, see Seeber, *Anti-Slavery Opinion in France*. For an account of the role played by the direct influence of *The Spirit of the Laws* on the great English abolitionists (Wallace, Wilberforce, Dickson, Beattie, Sharp, Ferguson, Burke, Geddes, and, less zealous but perhaps more telling, Blackstone), see chap. 13 of Fletcher's *Montesquieu and English Politics*.

30. Larrère, "Montesquieu et l'histoire du commerce," 332: "Now, the condemnation without appeal that Montesquieu places on the policies of territorial conquest, like that of Rome, does not apply to Athens, nor to its modern replica, England." See also Larrère's "Montesquieu on Economics and Commerce," 357–58, and Barrera, "Montesquieu et la mer." In *The Persian Letters* #19 end, Uzbek describes the commercial dominance of Europeans within the Ottoman Empire and concludes that "within two centuries this empire will be the scene of the triumphs of some conqueror."

31. For helpful orienting discussions, see Fletcher, *Montesquieu and English Politics*, chap. 12, and Courtney, *Montesquieu and Burke*, chap. 7.

32. "Just as a good education is more necessary for children than it is for those whose spirit is in its maturity, so the peoples of these climates have more need for a wise legislator than the peoples of our climate. The more one is easily and powerfully impressionable, the more important it is to be impressed in a suitable manner, not to receive prejudices, and to be guided by reason."

33. "Speech on Mr. Fox's India Bill," *Works* 2.176–79, 238, 246.

34. Montesquieu's judgment on India is of course not entirely negative. The "people of India," Montesquieu notes, despite the ills caused by their religious laws discouraging work on and private ownership of land, are "soft, tender, compassionate; thus its lawgivers have had a great confidence in it. They have established few punishments, and those are not very severe." The people "easily grant liberty to their slaves; they intermarry with them; they treat them like their own children; happy climate, which gives birth to candor of mores, and produces softness of legislation!" (14.15).

35. "Speech at Trial of Warren Hastings, First Day of Reply," *Works* 7.491; see also "Speech on Mr. Fox's India Bill," *Works* 2.181–82, 184, 193–94, 202, 206, 217–18, and esp. 220–21 ("Bengal, and the provinces that are united to it, are larger than the kingdom of France; and once contained, as France does contain, a great and independent landed interest, composed of princes, of great lords, of a numerous nobility and gentry, of freeholders, of lower tenants, of religious communities, and public foundations. So early as 1769, the Company's servants perceived the decay into which these provinces had fallen under English administration."). When Courtney asserts that "Burke's ideas on the duty of the legislator are the same as those of Montesquieu," he overlooks Montesquieu's more strictly rationalist radicalism, above all in regard to (Asiatic) religion (*Montesquieu and Burke*, 135, 138). Commenting on Burke's demand that, faced with alien and apparently irrational traditions, we must "venerate where we are presently unable to comprehend," Kingsley Martin bitingly but justly responds (*The Rise of French Liberal Thought*, 168): "These were not the conclusions of Montesquieu, who was attempting to form a science of politics and was not in search of a mystical justification for existing abuses." We may add that "veneration" is a significant Burkean term that (for better or for worse) appears rarely in Montesquieu.

36. Montesquieu left instructions to have the words "in regard to the true religion" added to editions that were to be published after his death; in the editions published while he was alive, the printed text read: "there is needed only a little bit of fairness to see that I have never claimed to make the interests of religion give way to political interests, etc."

37. On the historical refutation of revelation, see John Stuart Mill, "Theism," part 1, introduction; Friedrich Nietzsche, *Daybreak: Thoughts on the Prejudices of Morality*, bk. 1, aphorisms 95 ("Historical Refutation as the Decisive Refutation)" together with 96 ("*In hoc signo vinces*").

Concluding Critical Reflections

1. My critical reflections are of a different character from those of Pierre Manent, because, while I question the *adequacy* of the Montesquieuian Enlightenment's

rational conception of human nature, I do not, as does Manent, contend that Montesquieu, as the peak of Enlightenment thought, embodies a *forfeiture* of reason and of nature as norm, through an abandonment to "faith" in "the present epoch" or the "modern" (see *La Cité de l'homme*, 24–26, as well as 39, 50–53, 68, 94, 107, 113, 115).

2. Shari'ati, "The Ideal Man—the Viceregent of God," in *On the Sociology of Islam*, 121–22. See also "The Ideal Society—the *Umma*," in ibid., 119–20.

3. Montesquieu promises that in progressive societies, homosexuality will die out (12.6), along with abortion (23.11), while the greater ease of divorce (16.15; see also *Persian Letters* #106) will strengthen (even while, or because, it softens) family ties, leading to a sharp increase in the number of children per couple—as "one suddenly sees nature, either defend her rights, or take them back. Soft, loveable, charming, she has spread her pleasures with a liberal hand; and, in heaping pleasures upon us, she prepares us, by the children that we make, to be reborn, so to speak, to satisfactions still greater than these pleasures themselves."

4. In *The Persian Letters*, #106, Uzbek refutes the worries Rhédi has expressed in the preceding letter about the potential evils of technological progress: "No: if a fatal invention were to be discovered, it would soon be prohibited by the law of nations, and the unanimous consent of the nations would bury that invention. It is not at all in the interest of princes to make conquests by such means." See similarly "Reflections on Universal Monarchy in Europe," secs. 1 and 7, and Montesquieu's "Dossier of [materials not included in] the *Considerations on the Greatness of the Romans*," #180 (OC 2.223–24). In his *Pensées* #2159 (OC 1.1561) Montesquieu assures himself: "The Jews are now saved: the superstition will come back no more, and there will be no more exterminations of them on account of a principle of conscience."

5. See *Pensées* #585 (OC 1.1079): "But what great difference was there, between the philosophers, who animated all of nature, and the theologians, who entirely divinized it?" as well as #673 (OC 1.1173)—"It is only through the study of philosophy that one can free oneself from deception. (I speak of the modern: for the ancient simply serves to fortify the prejudices.)"

6. "Essay on Taste, in the Things of Nature and of Art" (the text as published in the *Encyclopedia*—OC 2.1556); see similarly *Pensées* #2062, 2093 (OC 1.1537 and 1546); "Essay on the Causes That Can Affect the Spirits and the Characters," OC 2.62–63; but consider also *Pensées* #2097 (OC 1.1546–47)—"so the doctrine of an intelligent being was only invented by Plato as a means of preservation and a defensive arm against the calumnies of zealous pagans."

7. 11.6 end; see also the more radical statement put into the mouth of Uzbek in *Persian Letters* #113: "The world, my dear Rhédi, is not at all incorruptible; the heavens themselves are not. . . . Humans, in a habitation so subject to changes, are in as uncertain a state: one hundred thousand causes can act, capable of destroying them."

8. Montesquieu uses the word "eternal" in its proper sense when speaking of the Christian view of marriage (16.15) and of the Christian view of the clergy (25.5); the three other occasions when he employs the term in *The Spirit of the Laws*, he uses it very loosely: 10.3, 13; 24.17.

9. See also 19.19, on the religion of China; *Persian Letters* #75 (on the status of the belief in immortality of the soul among educated Frenchmen); "Essay on the Causes That Can Affect the Spirits and the Characters," OC 2.62; and the series of *Pensées* #2082–91 on "the immortality of the soul" (OC 1.1543–45), together with the ambiguous and even ironic *Pensées* #615 (and 616), in which Montesquieu makes the experiment of "ripping from our heart the idea of God": "let us throw off for a moment this yoke that error and prejudice have placed on human nature; let's put ourselves firmly in the thought that we are no longer in this dependence. Let's see what will be our success!"; Montesquieu proceeds to try to spell out exactly what is dire in this suggestion, and then sketches in response his own theology—culminating in his doctrine of the radically individualistic state of nature, which Montesquieu contrasts sharply with the comparatively more social, and (according to Montesquieu) on that ground more dubious, doctrine of Hobbes (OC 1.1137–42).

10. 28.22; Montesquieu proceeds to interpret the chivalrous origins of gallantry without reference to Christianity or to any devotional longing for the divine or for the everlasting. The fulfillment of the first two (i. e., the genuine) of the three dimensions of human love is depicted in *The Persian Letters,* in letters #141 and #67 respectively; the latter locates reciprocal love in the family—but as incestuous; and it is through incest that love and family are linked to natural religion.

11. See 16.12: "All the nations have equally accorded contempt to the lack of chastity [*l'incontinence*] of women: this is because nature has spoken to all the nations. She has established the defense, she has established the attack; and, having put the desires on the two sides, she has placed in one temerity, and in the other shame. She has given to individuals long stretches of time to preserve themselves, and has given them, to perpetuate themselves, only moments." See also 23.4 and 7; 26.8; and similarly Locke, *Two Treatises of Government* 1.54; contrast Plato's *Laws* 721b-c, 773e-774a. In a passage of the dossier of materials that he assembled for *The Spirit of the Laws*, Montesquieu, in the context of a discussion of laws of adoption, speaks of "that desire that human beings have to see the eternity of their family"; he never speak of a *natural* desire for such a thing (OC 2.1014). In *The Persian Letters*, Rica remarks in his very important last letter (#143), in the context of a quasi-Spinozistic dismissal of miracles: "everybody knows, and everybody feels, that humans, *like all the creatures that tend to preserve their being*, love life passionately" (emphasis added—there is no love of life that sets humans radically apart from subhumans).

12. 23.2–4, 7; the most Montesquieu says is that "nature inclines to marriage *sufficiently*" (emphasis added—*La nature y porte assez*: 23.10); but he qualifies even

this, or makes it more precise, when he says that it is (only) "the girls" who are "adequately inclined to marriage: the boys have to be encouraged" (23.9). See also 18.13 and recall 1.2.

13. See especially 14.12–13; contrast Plato *Laws* 632c, 661b-c, 718a, 719d-e, 721b-c, 865d-e, 870d-e, 872e-73a, 881a-b, 904c-e, 922c-23c, 927a-b, 947, 958c-60b; *Republic* 328e-31b, 372d, 386–88, 399a, 406b-e, 414a, 427b, 468e-69b, 486b, 496e, 498c, 503a, 540b, 585c, 603e, 608c-end. With rare exceptions, Montesquieu does not treat the love of glory as a longing for perpetuity, or as "the shadow of immortality" (*Pensées* #484, OC 1.1033); in *Persian Letters* #89, he has Uzbek go so far as to write, "the desire for glory is not in any way different from that instinct that all the creatures have for their preservation." In the fragments or sketches that Montesquieu left behind of a work "On Happiness" (*Pensées* #551, 989–1032, OC 1.1062–66, 1266–73), we find what may be characterized as a softened version of the peculiarly modern, restlessly and even distractedly superficial, pervasively unerotic, hedonism of Locke and Hobbes: for example, "the peak of felicity is always to be forming new desires and satisfying them in step with their formation . . . which prevents falling into that languor that depresses us and seems to predict for us our annihilation"; "happiness does not at all consist in pleasure, but rather in an easy capacity to receive pleasure, in a well-founded hope of finding pleasure whenever one will wish."; "but, if you have to put your happiness in another, at least ask, in whom? And is it not the case that it is the love of yourself that directs you to choose well? It is very rarely true that the heart is made only for one other, that one is destined by fate for one, and that a little reasoning can't destine you for a different one." Still, to fully understand what is left unsaid in these fragments, or what was to be omitted or only hinted at in this projected work, one must give due weight to Montesquieu's comment: "I am not speaking at all in the perspectives of religion: there would be nothing to deliberate upon. I am speaking in the perspectives of this life. . . . In treating of happiness, I believed that I ought to take up the common ideas, and to convey into the soul of others the peace of my soul. *It does not take much philosophy at all to be happy: one need only take up ideas that are a little bit sane*" (emphasis added).

14. See also *Spicilège* #451 (pp. 407–8; OC 2.1330) and *Pensées* #551 and 997 (OC 1.1062 and 1268). Contrast *Pensées* #615 (OC 1.1137)—a fragment from the lost essay "On Duties," in which Montesquieu apparently made an effort to present himself to the Academy of Bordeaux as an acolyte of Cicero.

15. Montesquieu refers once to "those who direct the conscience or the councils of princes" (10.2), and once to the "public conscience" of the Romans (27, unique chap., p. 786); unless I am mistaken, there are only three other important occasions in *The Spirit of the Laws* when Montesquieu uses the term "conscience"—all when describing the self-understanding of the pious: 12.4 (the "conscience" that those engaged in religious persecution believe themselves to be following), 25.13 (in a speech attributed to a Jew appealing against religious persecution), 25.15 (referring to the faith of the Kalmucks, who make toleration "an affair of conscience").

The radical deemphasis on the conscience in *The Spirit of the Laws* is especially striking given the very important—if somewhat desperate—role the conscience plays in Uzbek's tentative natural theology: *Persian Letters* #83; see also #57, 85, 94, and 129 (there is of course no mention whatsoever of the conscience among the Troglodytes).

16. 24.14 beg.; contrast Plato *Laws* 803c-804c; Aristotle *Politics* 1325a16-b32. Montesquieu is well aware that traditional biblical religion in its "purity" cannot be reduced to what serves "human interests": *Persian Letters* #75 end; see also #77.

17. "Discourse on Cicero," OC 1.95: Montesquieu penned this brief eulogy in his early twenties, and it would seem to provide us with a glimpse of his youthful spirit. "Cicero is, of all the ancients" (the young Montesquieu begins) "the one whom I would prefer to resemble; there is no other who had more noble or more grand traits of character, who loved glory more, who achieved for himself a more solid glory, and by less well beaten paths. The reading of his works elevates the heart no less than the mind. . . . Whether he recounts his own actions or reports those of the great men who fought for the republic, he intoxicates himself with his own glory and with theirs. . . . I feel that he draws me into his transports and raises me up into his passions. . . . He merits the title of philosopher no less than that of orator. One may even say that he was more distinguished in the school than at the tribune: he is original in his books of philosophy, but he had some rivals in eloquence. He was the first, among the Romans, to take philosophy out of the hands of the savants. . . . I cannot admire enough the profundity of his reasonings in an age when the sages distinguished themselves only by the bizarre character of their clothing. I would wish only that he had come in a more enlightened century, and that he had been able to employ in discovering truths those happy talents that he used only to destroy errors. . . . What a pleasure to watch him, in his book *On the Nature of the Gods*, pass in review all the sects, confound all the philosophers, and demolish each prejudice! . . . With what satisfaction does one not behold him, in his book *On Divination*, liberating the spirit of the Romans from the ridiculous yoke of the auspices and the rules of that art. . . . One remarks, in his writings on morality, an air of gaiety and a certain contentment of spirit that mediocre philosophers have no knowledge of at all" (OC 1.93–94).

18. 19.27 end. In his early (perhaps 1717) essay "In Praise of Sincerity," Montesquieu had concluded that "the private life" is such that in it "the languishing virtues sense the mediocrity of their condition"; for in private life "they are ordinarily without strength, because they are almost without action," and, "through lack of practice, they extinguish themselves like a fire that lacks nourishment" (OC 1.104).

19. See, in addition to 3.3–4, 4.2, 7.9, and 8.8, Montesquieu's scathing remark about his contemporaries among the nobility of both robe and sword at 28.45 end. See also *Persian Letters* #63, 74, 82, 86, 99, 107, 110; *Pensées* #605, 621, 622, 869 (OC 1.1131, 1146–47, 1234); and the proto-Rousseauian portrait of the moral character

of his age in "In Praise of Sincerity": "[A]s if all merit consists in servitude, what is paraded is a base complaisance. This is the virtue of our century; this is the entire concern nowadays. Those who still have some nobility of the heart are doing everything that they can to lose it. They take on the soul of a vile courtesan so as not to be taken for idiosyncratic individuals, who are not just like other men. The truth lives enshrouded under the maxims of a false politeness. The art of living with baseness is called knowing how to live. There is no difference between knowing the world and knowing how to deceive it; and ceremony, which ought to be entirely limited to the exterior, insinuates itself even into the mores." (OC 1.101).

20. In his "Essay on Taste," Montesquieu fails to discuss (even though he explicitly mentions) the taste for "the sublime"—as transcending the taste for the noble. The significance of this omission becomes clearer when we discover, in the *Pensées*, a passage originally written for the "Essay on Taste" that does discuss the sublime. This *Pensée* (#446; OC 1.1018–19; see also 26.9 beg.) links the experience of the sublime to inspirational belief in divinities (pagan as well as biblical), while indicating Montesquieu's conviction that the taste for the sublime, so understood, does not express a necessary or abiding human proclivity: "There is, in the system of the Jews, a great aptitude for the sublime, because they had the custom of attributing all their thoughts and all their actions to particular inspirations of the Divinity: something that gave to them a very grand agent. And yet," Montesquieu adds with a coolly critical eye, "although God does appear there as a corporeal being, just as in the pagan system, still, he appears as moved only by certain passions—which takes away not only the gracious, but still more the variety of the sublime. Besides, a unique agent can't give variety: he leaves an enormous void in the imagination, instead of that fullness provided by the innumerable quantity of the pagan Divinities." It is, Montesquieu explains, "our new philosophy that has brought it about that among us the sublime has been lost": it is this philosophy that "prevents us from striking as or being struck with the sublime"—for this new philosophy "speaks only of general laws and takes away from our spirit every particular thought of Divinity. Reducing everything to the communication of motions, this new philosophy speaks only of pure understanding, of clear ideas, of reason, of principles, of consequences." For (as Montesquieu remarks in a closely related statement—*Pensées* #443, OC 1.1018) "whatever religion it may be, all have had their mysteries, and it appears that, without that, there would be no religion whatsoever." (Montesquieu's aesthetic of light-hearted and lucid classicism, verging on hedonism, was of course not congenial to the taste of the late nineteenth century; see Dargan's caustic comment, in *The Aesthetic Doctrine of Montesquieu* [publ. 1907], 162: Montesquieu "could easily have added a little more loftiness to his conception of Art"; see also 42–43.)

21. In the fragmentary remains of a homiletic essay "On Duties," modeled on Cicero's *De Officiis*, which Montesquieu presented to the Academy of Bordeaux four years after the publication of *The Persian Letters* (and which was perhaps

intended to redeem Montesquieu's reputation as a sober moralist), we find an isolated echo of the authentic classical conception of virtue: see esp. *Pensées* #607—but in a context in which political or civic virtue, centered on patriotism, predominates (contrast #597–98, 604, and 613—OC 1.1126–27, 1130, 1134). See also the surviving summary of this work: OC 1. 109.

22. Reacting to this praise of Julian, the leading twentieth century editor, Brethe de la Gressaye (3.426 n. 29), shares the shock and disapproval of Montesquieu's contemporaries: "this praise of Julian the Apostate is inappropriate and impertinent." Brethe de la Gressaye goes on to note that this passage was censured by the Sorbonne faculty, and that in his response Montesquieu solemnly promised that he would excise the passage from all future editions (OC 2.1175). As Brethe de la Gressaye sourly remarks, "he did nothing of the kind." Contrast the study of Julian by Alexandre Kojève, who finds in the emperor's esoteric art of writing a tantalizing, distant anticipation of a post-Christian, rationalist (Hegelian) world-order: "The Emperor Julian and His Art of Writing."

23. In the dossier that Montesquieu left of materials that were not finally incorporated in *The Spirit of the Laws*, there is what appears to be the fragment of a draft for a preface (which, let us never forget, is the most public or exposed part of any work), which reads as follows:

> I had conceived the design of giving more scope and more depth to several places in this work; I have become incapable of doing so. My readings have weakened my eyes, and it seems to me that there is left to me only the light of the dawn of the day when they will close forever.
>
> I almost touch the moment when I must begin and end, the moment that unveils and unclothes everything, the moment mixed of bitterness and joy, the moment when I will lose even my weaknesses.
>
> Why would I occupy myself anymore with some frivolous writings? I seek immortality, and it is in myself. My soul, enlarge yourself! Throw yourself into the immensity! Return into the great Being!
>
> In the deplorable condition in which I find myself, it has become no longer possible for me to put the final touches to this work, and I would have burned it a thousand times, if I had not thought that it was noble to render oneself useful to men, even until one's last breath.
>
> Immortal God! The human Species is your most worthy work. To love it, is to love you, and, in finishing my life, I consecrate to you this love. OC 2.1041

The relation between the cosmic divinity inspiring Stoic virtue and the biblical God is indicated in a fragment entitled "On the Government of England" that Montesquieu notes was intended for his "project of the *Treatise on the Duties*": "Let us suppose, for a moment, that a cruel and destructive government was found established in the entire Universe, and that it was sustained, not by the force of

tyrants, but by a certain credulity and popular superstition. If someone came to disabuse humans of that superstition and to teach them the invariable and fundamental laws, would he not be the real benefactor of the Human Race? And what hero would with a more just title deserve shrines?" (OC 1.1129).

24. One cannot disregard what we earlier saw to be Montesquieu's characterization of the Stoic theology in the "Defense of *The Spirit of the Laws*" (recall OC 2.1128–29).

25. "One loves a noble pride that comes from that interior satisfaction that virtue leaves: this pride suits the Great; it adorns the dignities. A great soul does not know how to prevent itself from manifesting itself as a whole: it feels the dignity of its being. And how could it ignore its superiority over so many others who are degraded in nature? These proud men are the least arrogant."—*Pensées* #607; see also 609 (OC 1.1131–33); cf. Manent, *La Cité de l'homme*, 286.

26. 23.21: "The sects of philosophy had already introduced into the empire a spirit of withdrawal from affairs, which would never have been able to make such progress in the time of the republic (see the *Offices* of Cicero, his ideas on this spirit of speculation), when everyone was preoccupied with the arts of war and of peace. From there, an idea of perfection attached to everything that led to a speculative life; from there, the withdrawal from the cares and the trouble of a family. The Christian religion, coming after philosophy, fixed, so to speak, the ideas that the former had only prepared." Recall the "Discourse on Cicero," as quoted in note 17 above.

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All translations from primary sources not written in English are my own unless otherwise noted. Citations from primary sources are by standard pagination, or standard section numeration, where such exists. Specific editions of primary sources are listed below only for cases where my references have made peculiarities or page numbers of the specific editions significant.

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