

THE PRESIDENT'S ENGLISH: MONTESQUIEU IN AMERICA 1976

The Political Theory of Montesquieu. By Melvin Richter. (New York and London: Cambridge University Press, 1976). \$17.95 hardcover, \$6.95 paper.

Montesquieu's Philosophy of Liberalism: A Commentary on THE SPIRIT OF THE LAWS. By Thomas L. Pangle. (Chicago and London: The University of Chicago Press, 1973). Pp. 336. \$10.00.

The title of this essay has been chosen to convey a sense of multiple *entendre*. The *president* in the first instance is Montesquieu himself, and a recent English version of his major works is my initial concern in this review. Attention to Montesquieu's words in English, to their effect when transposed into a different language, is the first order of business. But the President is also of course our own—our executive, whose attributes as quasi-monarch have a good deal in common with the head of state in Montesquieu's idealized version of the English constitution. According to this reading ours is the presidential version of Montesquieu's adored English polity. Overall the sense of the title is that we are, in some enduringly symbolic if not very specific sense, the chosen people of the *Spirit of the Laws*. Our institutions reflect principles sketched out therein, and our politics have been (and still are) debated and justified in terms drawn from that treatise. As Thomas Pangle argues in the other book to be reviewed in this essay, our liberal tenets and approaches are rooted in Montesquieu in a pervasive way. So all these things are supposed to be reflected in the title of the essay, flavored with a dash of *preciosite* in humble imitation of the *Lettres Persanes*.

It has long been commonplace that Montesquieu was regarded as an especially appropriate authority by our forebears. He was sufficiently complex and prolix in argument that he could be cited comfortably by all sides in several crucial disputes over the founding, and his name was sufficiently well-known and dignified that it could be expected to embellish any plea. Paul Spurlin has established through painstaking detective work that Montesquieu was widely read in the colonies, far more so, than Rousseau, for instance.¹

¹ Paul M. Spurlin, *Montesquieu in America 1760-1801* (Baton Rouge: Louisiana State University Press, 1940), esp. ch. II; cf. Spurlin's *Rousseau in America 1760-1809* (University of Alabama Press, 1969).

He was appropriated by Federalists and anti-Federalists alike. Even Jefferson, who was temperamentally disposed to change and to simplicity in government, and had little patience with Montesquieu's idolatry of the English equilibrium, copied out lengthy extracts from the *Spirit of the Laws* in his *Commonplace Book*. Jefferson appears to have been particularly impressed by Montesquieu on popular sovereignty, the federated republics, and the conditions for virtuous government. Montaigne's sardonic comment on the uses and abuses of philosophers provides an apt description of the founders' attitudes towards the *president*:

See how Plato is moved and tossed about. Every man, glorying in applying him to himself, sets him on the side he wants. They trot him out and insert him into all the new opinions that the world accepts; and they make him differ from himself according to the different course of things.²

To use a man in such a way does not, however, prove that anyone was deeply influenced or directly changed by his ideas. Montesquieu fits comfortably with a number of themes to which men were pre-disposed for other reasons. Benjamin F. Wright, Jr. reminded us some years ago that the institutional history of the colonies provided quite a sufficient number of reasons for the "acceptance of the general theory of the separation of power," and doubts that things would have been different if Montesquieu had never written Book XI chapter 6.³ Wright points out that several other seminal thinkers were associated with this same theory, and concludes that Montesquieu "did help to popularize the general theory of separation between the powers, but he could not possibly have contributed anything very important to the interpretation and application of that principle in this country." Bernard Bailyn has established convincingly that those thinkers most responsible for shaping Ameri-

² Donald M. Frame, *The Complete Essays of Montaigne* (Stanford: Stanford Univ. Press, 1958), p. 443: Essay II, 12. For references in the *Federalist Papers* and in the anti-Federalist tracts, consult the indices to Clinton Rossiter's edition of the *Federalist* (New York: New American Library, 1961) and to Cecelia M. Kenyon, *The Antifederalists* (Indianapolis: Bobbs-Merrill, 1966). On Jefferson's reading of the *Spirit of the Laws*, see Spurlin, *Montesquieu in America*, 153-7, an account which relies upon Gilbert Chinard, *The Commonplace Book of Thomas Jefferson* (Baltimore: Johns Hopkins Press, 1926).

³ "The Origins of the Separation of Powers in America," *Economica* XIII (1933), 169-185; reprinted in John P. Roche, *Origins of American Political Thought* (New York: Harper and Row, 1967). For a nicely balanced assessment of this issue, see M.J.C. Vile, *Constitutionalism, and the Separation of Powers* (Oxford: Clarendon Press 1967), ch. 6.

can revolutionary ideology were the radical Whigs, the English opposition publicists—Trenchard, Gordon, Hoadly, Molesworth, along with Milton and Algernon Sidney.⁴ The question of shaping, of intellectual influence, must therefore be kept carefully separate from the frequency of citation, the general tone of admiration for the "celebrated Montesquieu."

Among our major Revolutionary leaders, Montesquieu was not a particularly crucial intellectual lodestar, no matter how many respectful and elegant allusions he inspired. Jefferson was much more deeply indebted to Locke, Madison to Hume, and Hamilton to a variety of thinkers among whom Montesquieu was not especially prominent.⁵ Those thinkers who were most genuinely indebted to Montesquieu, who understood him best, were not the boldest leaders of the Revolution, but those who were more cautious and conservative, both in the Loyalist camp and in the Revolutionary leadership itself. Thus James Chalmers ("Candidus") drew heavily on Montesquieu in his reply to Tom Paine's *Common Sense*, entitled *Plain Truth*. Candidus begins by quoting against Paine's "intemperate zeal" a passage from the "celebrated Montesquieu" which most of his contemporaries managed to ignore, the passage from Book XI of the *Spirit of the Laws* in which liberty is defined as "a right of doing whatever the laws permit." Among the major Founders, it is perhaps in the thought of John Adams that we find clearest evidence of direct indebtedness to Montesquieu, despite Adams' occasional critical remarks about the Frenchman. Certain passages of his *Defense of the Constitutions of the Government of the United States of America* read like paraphrases of the *Spirit of the Laws*; and in his thoughts on several of these subjects Adams opened himself to the contemporary charge that he was a reactionary monarchist, and

* Bernard Bailyn, *Ideological Origins of the American Revolution* (Cambridge: Harvard Univ. Press, 1967).

⁵ On Jefferson, Charles M. Wiltse, *The Jeffersonian Tradition in American Democracy* (New York: Hill and Wang, 1935), esp. chs. 3-4, and Carl Becker, *The Declaration of Independence* (New York: Vintage, 1958); on Hamilton, Gerald Stourzh, *Alexander Hamilton and the Idea of Republican Government* (Stanford: Stanford University Press, 1970); on Madison, Douglass G. Adair, "That Politics May Be Reduced to a Science: David Hume, James Madison and the Tenth *Federalist*," *Huntington Library Quarterly* XX (1957), 343-360, reprinted in Jack P. Greene, *The Reinterpretation of the American Revolution 1763-1789* (New York: Harper & Row, 1968).

⁶ This pamphlet was first published in 1776; it is included in Merrill Jensen's edition of the *Tracts of the American Revolution 1763-1776* (Indianapolis: Bobbs-Merrill, 1967); the quoted passage is from p. 450.

to the charge by a perceptive modern historian that he had "missed the entire intellectual significance of the revolution."⁷

It is not of course surprising that Montesquieu's appeal should have been primarily to the more cautious brethren, since he is not normally numbered among radicals or revolutionary theorists. The interesting thing is rather that he should have proved so congenial to so many revolutionary leaders, as a storehouse of apt quotations and authoritative documentation on a variety of issues. That this should have been the case highlights both the complex nature of the "revolution" and that of Montesquieu's theory itself.⁸ The peculiar denseness and heterogeneity of the *Spirit of the Laws* ensure that the treatise lends itself well to a variety of uses.

My concern in this essay is not so much with the way our forefathers used Montesquieu as with the way we use him now—with Montesquieu in America not in 1776 or 1787, but today. I shall try to show that now as always he presents a protean set of guises, which make it possible to attack or embrace him from a variety of angles. Even if our Founding Fathers were superficial rather than profound in their association with the author of the *Spirit of the Laws*, the same cannot be said of us today. The tone of cautious, pluralistic liberalism which is a central part of Montesquieu's complexity has entered our political culture more durably than his specific constitutional preferences affected our institutions in the original founding debate; and his contributions to modern social science, for better or for worse, are with us yet. Here as elsewhere we cannot hold him

⁷ The *Defense* is included in George A. Peek, Jr., ed., *The Political Writings of John Adams: Representative Selections* (Indianapolis: Bobbs-Merrill, 1954); see esp. 106-7, 133-142. On Adams' political thought and his attitude towards Montesquieu, John R. Howe, *The Changing Political Thought of John Adams* (Princeton University Press 1966) is a useful source. The "perceptive modern historian" cited in the text is Gordon S. Wood, *Creation of the American Republic 1776-1787* (New York: Norton, 1972), 567.

⁸ Edward Handler, *America and Europe in the Political Thought of John Adams* (Cambridge: Harvard Univ. Press, 1964), 39-40, has a nice comment on this with particular reference to Montesquieu. He points out that in embracing Montesquieu's ideas on intermediary bodies and the separation of powers, Adams was "intruding himself, with monumental innocence," into a bitter dispute in French eighteenth-century politics. "In America Montesquieu's defense of mixed government and separation of powers inspired admiration, because it confirmed existing prejudices against unified sovereignties; in France the liberals viewed the *Esprit des Lois* with misgivings as part of a reactionary trend in their country's politics." On the "conservative" aspects of the American Revolution, see especially Daniel J. Boorstin, *The Genius of American Politics* (Chicago: University of Chicago Press, 1953), ch. 3.

singularly responsible, but we would be unwise to fail to focus on his legacies.

II

In teaching Montesquieu to students (and in reading him ourselves, unless we are particularly conscientious or fluent in our French) we have been accustomed to rely upon a standard 18th-century translation available in a familiar bulky paperback edition of the *Spirit of the Laws*. Montesquieu for most students of politics is the red Hafner Classics version with the appropriate Roman medallion on the front.⁹ It is a bit surprising, when one comes to think of it, that no more modern translation has appeared to take the place of Thomas Nugent's in the last 200 years. In the year of our bicentennial, however, Cambridge Press is bringing out a new translation of major portions of the *Spirit of the Laws*, combined with selections from the *Persian Letters* and the *Considerations on the Romans*, to offer an alternative.

The new edition is by Melvin Richter, who is also responsible for the translations which appear in his *Political Theory of Montesquieu*. Richter made his name in intellectual history with a valuable study of T. H. Green. He has since produced thoughtful essays on several French theorists, and a study of the history of the concept of despotism.¹⁰ Richter has done us a real service by providing a version of Montesquieu which is both scholarly and handy for teaching. The translation is generally sound, often clearer and more readable than the older version. There is a useful introduction, and a helpful and reliable set of notes. By including excerpts from other works Richter ensures that students have an opportunity to see the *Spirit of the Laws* in a wider context. It is probable therefore that Richter's version will now become the standard version for many of us. If this is true—if Richter's Montesquieu becomes the Montesquieu generally familiar to American students of politics—then it is especially important to note the special peculiarities of

⁹ *The Spirit of the Laws*, by Baron de Montesquieu, trans. Thomas Nugent, with an Introduction by Franz Neumann, two vols. in one (New York: Hafner Publishing Co., 1949).

¹⁰ *The Politics of Conscience: T. H. Green and His Age* (Cambridge: Harvard Univ. Press, 1964); "Comparative Political Analysis in Montesquieu and Tocqueville," *Comparative Politics I* (1969), 129-160; *Essays in Theory and History* (Cambridge: Harvard Univ. Press, 1970); "Despotism," *Dictionary of the History of Ideas* (5 vols., N.Y. 1974), II, 1-18.

Richter's Montesquieu, to see what advantages he provides over other Montesquieus, and to remain aware of certain important aspects of this protean theorist that have been diminished in Richter's version. Moving from the specific to the general, I shall deal in this section with the question of translation, then in the next section with that of selection, and with the introduction to *The Political Theory of Montesquieu*.

Several good modern translations of the *Persian Letters* and the *Considerations on the Romans* are now available.¹¹ Richter's translation compares satisfactorily with these. His style is better suited to the Romans than to the Persians; his version of the fable of the Troglodytes has some awkward passages, though the seraglio sequence evokes more mellifluous prose. The edition stands or falls, however, with the translations from the *Spirit of the Laws*, and here Richter for the most part comes off well. Several important passages which Nugent distorted beyond recognition are now rendered faithfully and clearly. I shall mention only a few of these passages, although there are several others where Richter's advantage is equally obvious.

In the middle of Book III, ch. 3, "Du Principe de la ddmocratie," there is a particularly crucial paragraph in which Montesquieu compares the spirit of the classical republican polity with that of contemporary society; the paragraph provides a compact summary of one of Montesquieu's important theses. Nugent, however, destroys the effect of the passage by transforming it into a banal commentary on degeneration among the Greeks. Here is the original passage, from the Pléiade edition of the *Oeuvres complètes*, followed by Nugent's version, and then by Richter's:

Les politiques grecs, qui vivoient dans le gouvernement populaire, ne reconnoissent d'autre force qui put les soutenir que celle de la vertu. Ceux d'aujourd'hui ne nous parlent que de manufactures, de commerce, de finances, de richesses et de luxe même.

The politic Greeks [claims Nugent], who lived under a popular government, knew no other support than virtue. The modern inhabitants of that country are entirely taken up with manufacture, commerce, finance, opulence and luxury.

For *The Persian Letters*, trans. with an introduction by George R. Healy (Indianapolis: Bobbs-Merrill, 1964); *The Persian Letters*, ed., trans. and introduced by J. Robert Loy (New York: Meridian Books, 1961); *Considerations on the Causes of the Greatness of the Romans and their Decline*, trans. with notes and an introduction by David Lowenthal (Glencoe: The Free Press, 1965; reprinted as a Cornell University Press Agora Paperback edition, 1968).

Those Greek statesmen who lived under democratic government [according to Richter's reading] knew of no support for it other than virtue. Today, statesmen can tell us only of manufacturing, finances, wealth, and even luxury.

One might quarrel in a minor way with Richter's rendering of "ne reconnoissent d'autre force qui vett les soutenir," but the important thing is the drastic improvement over Nugent.

In another key passage, at the conclusion of book V ch. 14, the difference between the two translations is more subtle, but the effect of Nugent's reading is to make Montesquieu say something quite different from what he wrote in French. The difference in implication for Montesquieu's ideas about political creativity and development is notable, especially in the context of his favorite argument about moderate governments and despotism. Once again I will provide the passage and then the readings of Nugent and of Richter.

Pour former un gouvernement moderne, il faut combiner les puissances, les regler, les temperer, les faire agir; . . . c'est un chef-d'oeuvre de legislation, que le hasard fait rarement, et que rarement on laisse faire a la prudence.

To form a moderate government, it is necessary to combine the several powers; to regulate, temper, and set them in motion. . . . This is a masterpiece of legislation, rarely produced by hazard, and seldom attained by prudence.

To construct a moderate government requires that powers be combined, regulated, moderated, and set in motion. . . . This can only be done by a masterpiece of legislation which rarely occurs by chance and which prudence *is seldom given the opportunity to* attain. (*italics mine*)

Nugent's reading closes off discussion with a static pronouncement of the low probabilities of success available to anyone who thinks to engage in such an effort of construction, whether one relies on fortune or on virtue. Montesquieu's own statement of the difficulties, however, calls attention to the obstacles in the way of exercising prudence, not to its deficiencies; he makes the careful reader stop to consider what it is that stands in the way of the exercise of prudence, who or what it is that denies the opportunity that prudence could use to good advantage. This way of writing, subtle and quizzical, is characteristic of the *president*; the great advantage of Richter's version is that he recognizes this and takes care to preserve such subtle openings to reflection by the reader. Nugent must always be closing up those fascinating perspectives

onto further complexity, tying up Montesquieu's thoughts in neat ordered passages and thereby robbing him of one of his most singular intellectual charms and denying the reader one of Montesquieu's greatest services. Book XI closes with an important hint from Montesquieu about his way of writing—"Il ne s'agit pas de faire lire, mais de faire penser." ("My business is not to make people read, but to make them think"—Nugent.) The second part of this message (if not the first) must often come as a surprise to readers of Nugent's Montesquieu; this should less often be the case with Richter's.

Richter makes few slips in his translation. There are places where one might fault his choice of words or a decision about interpretation, but he is seldom inaccurate or misleading. There are of course instances where he collapses into paraphrase, departing from his usual care, as in this brief paragraph from Book I, ch. 3:

Il vaut mieux dire que le gouvernement le plus conforme a la nature est celui dont la disposition particuliere se rapporte mieux a la disposition du peuple pour lequel il est etabli.

This is a topic of no small importance; one has the impression that Montesquieu has chosen his words carefully, and Nugent in this instance follows him:

Better it is to say that the government most conformable to nature is that which best agrees with the humor and disposition of the people in whose favor it is established,

whereas Richter offers this:

There is a better way of deciding the extent to which a government is natural, and that is its conformity to the genius of the people for which it was established.

Another instance from Book I, ch. 2, deserves attention as a prime example of the importance of careful translation, because a good deal hinges on an article, a verb tense, and an adjective. Richter has made the wrong choices, with unfortunate effects. The topic is the laws of nature, which Montesquieu regards as deriving from the very constitution of our being; in order to know them, he says, we have to "considerer un homme avant l'etablissement des societes. Les lois de la nature seront celles qu'il recevrait dans un etat pareil." Since the whole subject of the state of nature—whether it ever existed, what difference it makes whether it did or not, what use it could be to imagine it in any case—is such a vexed one in early modern political thought, it behooves the translator of this

passage to take special care to get it right. Neither Nugent nor Richter has succeeded, to my mind, though Nugent is closer to the mark. Here is his reading:

In order to have a perfect knowledge of these laws, we must consider man before the establishment of society: the laws received in such a state would be those of nature.

And Richter:

In order to learn what they are, it is necessary to consider man before the establishment of society. The laws of nature are received in that state.

Richter's version errs by making Montesquieu sound much too confident that there was in fact a pre-social state, and that laws are received by human beings in that state. Montesquieu's case here is much more subtle and more interesting than Richter makes it sound; he says "a man," not "man," which signals the hypothetical nature of the exercise, and this is confirmed by the tense of "recevrait" and the use of the word "pareil." Montesquieu invites us to consider a hypothetical *individual* without social ties, and asserts that the characteristics of behavior and disposition we could plausibly attribute to such a being are the most fundamental traits of our human nature—the laws of nature are those *which would* be hit upon in conditions *like that*. The format of the exercise has much more in common with Rousseau's *Discourse on the Origins of Inequality* than with Hobbes or Locke, though the expected traits are not precisely the same as those discovered by Rousseau. The message at the end of the chapter is also worth noticing—that the laws which would occur to a man in such a state would lead him automatically into society, which means that Montesquieu has no need to think in terms of contracts. He is able to round off his hypothetical device neatly and elegantly by showing that it is self-contradictory; and the passage is quite consonant with these other passages where Montesquieu ridicules the entire notion of a state of nature, as well as those where he once again finds it convenient to use this same device.¹² The delicacy and persuasiveness of the chap-

¹² At the end of ch. 2 Montesquieu names five such tendencies—the recognition of shared fear among members of the same species, the pleasure of finding another animal of the same type, the charm of sexual attraction, and the shared intelligence and development of *connoissances*, which culminate together in "le desir de vivre en societe."

The most striking instance of Montesquieu's ridicule of the notion of a state of nature is in Usbek's speech in Letter XCIV of the *Persian Letters*: "I have

ter come from the use of the conditional tense at the beginning, which Richter has chosen to ignore. Montesquieu in the original sounds more like Rawls than one would have expected, and this is a connection which ought not to be obscured for modern readers.

III

The reference to Rawls brings us to the topic of Richter's principles of selection. For one of the strengths of his edition is that he draws our attention to a fascinating chapter which was left out of the Nugent version altogether, because it was not included in the edition on which he based his translation. This is a paragraph in which Montesquieu foreshadows Rawls in a striking fashion, in Book XV, ch. 9. Montesquieu points out that although arguments are often made about the benefits of slavery, they are 'made only from the standpoint of that small part of the state which is exceptionally well-off, to whom the benefits are obvious. "But let us take another point of view," he says.

I do not believe that anyone of them would submit to a lottery determining which part of the nation would be free, and which slave. Although those in favor of restoring slavery would be most horrified to become slaves, would the most miserable persons in the society feel any differently? . . . In such matters, if there is any question whether individual desires are legitimate, it may be resolved by determining [whether they are compatible with] the desires of everyone else. [brackets Richter's]

In his note to this passage, Richter notes not only the similarities with Rawls' "veil of ignorance," but also the anticipation of Kant.¹³

never heard people discuss public law without beginning by searching carefully for the origin of societies—which strikes me as ridiculous. If men never formed any societies, if they abandoned each other and fled each other's company, we should have to ask the reason for this and search out why they stand off from each other. But they are all mutually bound one to the other. A son is born in his father's proximity, and he stays there. There's your society and your reason for society." (trans. Loy, 179).

There are several places in the *Spirit of the Laws*, however, where Montesquieu himself employs the device in a concrete and non-hypothetical sense, as in book VIII, ch. 3, a passage which Richter translates as follows: "It is indeed true that in the state of nature, men are born equal, but they could not remain so. Society makes them lose this equality, and it can be regained only by resort to the use of the laws."

¹³ The reference to Rawls, for any readers who have spent the last five years in the remotest reaches of some library or jungle and therefore require such elucidation, is to his *Theory of Justice* (Cambridge: Harvard University Press, 1971). The anticipation of Kant's categorical imperative is worth remarking,

This chapter has been included in almost all editions available to other readers, but not to those who read the *president* in English. It shows Montesquieu at his best—the imaginative social theorist, uniting empirical and rational concerns to make a subtle but persuasive point against injustice, suggesting as he does so lines of argument which other men were to mine much more fully and systematically. This is an excellent example of something Richter describes in his introduction, Montesquieu's tendency to "become impatient with his own insights," to express them "in short, under-developed passages that might and sometimes did serve as the organizing conception of another man's treatise or book."

Re-instating this chapter for English-speaking readers is one of Richter's signal services. He has also, in that same book, provided a suitably subtle and ironic reading of ch. 5, an ostensible "defense" of slavery. The irony and subtlety of this chapter were so egregiously lost on Nugent that he hastened to provide a pious footnote for his readers (like Snug apologizing to the ladies for acting the part of the lion in *Midsummer Night's Dream*) in which he carefully dissociates himself from "the prejudice under which even a liberal mind can labor." Bringing back the traces of the Montesquieu of the *Persian Letters* which are often present in the *Spirit of the Laws* (but virtually obscured in Nugent's reading) is one of Richter's strongest suits. He includes most of the key chapters which show Montesquieu indignant at injustice, and captures the nice blend of irony and restraint which make his righteous anger all the more effective.

Richter is also, as one would expect from his own intellectual preoccupations, very good at giving us Montesquieu on despotism. Indeed, it could be argued that he includes too many passages dealing with details of despotic regimes, given the passages that had to be left out to make room for these details. Thus, for instance, he has chosen to include book V, chs. 14-16, which have a long ponderous discussion of several despotisms, and to exclude book IV, chs. 6-7 on the institutions of legislators among the Greeks, as well as book VII, chs. 2 and 4 on equality and inequality in republics and in monarchies. My major criticisms of Richter's selections are in fact that he has given us no real notion of the central role which the figure of the legislator plays in the *Spirit of the Laws* (several key

though Richter forces it a bit by his translation, including his explanatory bracketed interpretation, of this concise and subtle passage: "Dans ces choses, voulez-vous savoir si les desirs de chacun sont légitimes, examinez les desirs de tons."

passages have been left out, including the whole of book XXIX), and that he has altered the balance between republican and monarchical government as models in the *Spirit of the Laws* by cutting several brief but crucial passages where Montesquieu deals with the classical republic and its principle of virtue. The exclusion of IV, 6-7 is particularly puzzling, since these chapters are brief but rich in substantive theorizing and deft classical and modern allusions. For anyone interested in the influence of Montesquieu in American politics at the time of the Founding, another deplorable excision is in book IX; Richter gives us the first paragraph of ch. 3, but cuts out all the passages on the Lycian republic, which figured prominently in several discussions of the new constitution and so exercised the ingenuity of Alexander Hamilton in *Federalist* no. 9.

There are other choices that are equally debatable. We are given virtually the whole of book XIV, which allows us to form our own conclusions about Montesquieu's notorious theory of climate and to have our own reactions to the account of the experiment with the sheep's tongue. But the whole of book XII has been omitted, including the crucial linkages of liberty, security, and law in the first two chapters. This is a particularly distressing omission since it destroys the distinction between constitutional and individual liberty that Montesquieu was so careful to establish in dealing with this central theme. Another similar though more minor instance where Richter has disregarded Montesquieu's own indications of what he thought central to his work is in book VIII, where we are told in ch. 15 that we cannot expect to understand his argument until we have pondered the next four chapters. Richter gives us three of them, but leaves out ch. 18, a discussion of the Spanish monarchy as a special case. There are several reasons why this is an interesting chapter in its own right, and it is very brief; this makes it all the harder to understand why Richter left it out in the face of Montesquieu's deliberate emphasis.

Most of the rest of Richter's choices make sense, although each reader who knows the whole treatise will have his or her own regrets about the particular decisions. It is good to have almost the whole of book XIX, but I am sorry to have none of book XVIII, with its trenchant passages on the connection between the way a people makes its living and its political system and its laws. Some of Montesquieu's anthropological insights in this book are worth pondering, and the connections back to Aristotle and forward to Marx

argue for inclusion. Given the importance of Montesquieu's statements about commerce in modern politics, which forms a central part of Pangle's argument, for instance, it is too bad that book XX is left out entirely. Few of us would expect the final chapters about feudal France to appear among selections from the *Spirit of the Laws*, but we might have lobbied for several chapters of book XXVI, which shows Montesquieu reflecting back upon the issues raised in Book I and provides an important element of unity in the treatise.

Richter's Montesquieu, then, is strong in certain ways and weak in others. The hatred of despotism and the careful analysis of its conditions and consequences come out clearly in this book. Not only are we given ample material on this theme from the *Spirit of the Laws*, but also the seraglio sequence from the *Persian Letters*. We are given evidence of Montesquieu's subtlety in language, his irony, and his deftness in attacking injustice. Much of what he has to say about religion is included, as well as the important passages for understanding his methodology and his social science. So are the passages about monarchy in the modern world, and most of those relevant to understanding Montesquieu's attitude towards England in particular. But some of the central passages about liberty and law, which show Montesquieu reflecting upon what he took to be his essential theme, have been left out, and the figure of the legislator, along with much of the luminosity of the classical republic, are dimmed in Richter's version. Montesquieu as historian is well represented from the *Romans*, but his reflections on economics and anthropology have been slighted.

When we turn back to Richter's introduction, it is possible to see how he arrived at his decisions to present these facets of Montesquieu and ignore or shortchange other important aspects. He begins by noting that "the general reader" nowadays suffers from two misconceptions about Montesquieu—the belief that he was "a crude determinist who held climate to be the unique and unmediated cause of human action and institutions," and the view that his "theory of politics was mechanical and narrowly legal," without reference to the way government actually operates in the social setting. It is reasonable to suppose that, having this view of the misconceptions that his version ought to help dispel, Richter concentrated first of all upon showing that Montesquieu was neither a crude determinist nor a narrow legalist. Thus he gives us ample evidence upon which to form an opinion about Montesquieu's

sophisticated and complex notion of causation, and he includes much material on religion and on *moeurs* to counter the notion of excessive reliance upon law. But he does not appear to have felt it necessary to ensure that we hear Montesquieu in dialogue with his predecessors in the great tradition of political thought; in his introduction, which is useful in so many ways, this aspect is given only a few paragraphs. We hear a good deal about Montesquieu's influence on future social theory, and are given valuable information about his life and the context of his works, as well as about his immediate intellectual antecedents. This is information for which we should be properly grateful, since it situates Montesquieu in the major disputes and dilemmas of his own time. But there is little sense of Montesquieu's continuity with the past tradition, either in the introduction or in the selections themselves. Anyone who teaches Richter's Montesquieu might therefore want to keep this in mind.

Richter also informs us in his introduction that Montesquieu "comes off badly . . . in terms of internal consistency" and in "his capacity to design a coherent organization" for his treatise; this is a large part of the reason why, in Richter's eyes, "he is perhaps more open to well-founded criticism than anyone else with a legitimate claim to being considered first-rate" in the history of political thought. Montesquieu's rambling treatise is an easy target for this charge, but it may be that Richter was too easily convinced of inconsistency and incoherence, and that this explains why he did not take always the trouble to follow closely those few hints which Montesquieu himself gives us about the order and patterns of importance in his book.

The central intent of Richter's introduction is to explore a set of questions about Montesquieu's method and approach, questions that center around his conception of natural law, his attitude about evaluation of the systems he described, and his liberalism or lack thereof. This brings to the attention of the reader a number of the more important controversies about Montesquieu—about his complex notion of "law," his "relativism," and his stance on "fact and value." More than two-thirds of the long introduction is given over to a fairly detailed exegesis of Montesquieu's writings, with these questions primarily in mind. There are some very useful things in this exegesis, although occasionally the reader will probably feel that we could do with a bit less of Richter's analysis and a few more selections from Montesquieu himself. However, for students particu-

larly, this introduction will give useful background and guidance through unfamiliar territory.

When Richter discusses the intellectual background of the fable of the Troglodytes, he gives due prominence to Fenelon but not enough to other late seventeenth-century precursors of Montesquieu. Mandeville is mentioned several times as the source of ideas about vice and virtue, whereas it is probable that Montesquieu was depending here much more upon French theorists such as Montaigne and Charron, Pascal and Nicole, who formulated these ideas long before Mandeville gave them memorable form in his *Fable of the Bees*. Even to have these issues raised in the introduction, however, is a service in itself. Richter also provides a valuable discussion of natural law theories as a background for book I, and of the several theories of the mixed constitution and the separation of powers as a background for book XI, ch. 6.

My major quarrel with Richter's introduction is with his discussion of Book I of the *Spirit of the Laws*, a book which obviously irritated him a good deal. We are informed that almost all knowledgeable readers past and present "take a dim view" of this introductory book, and that Montesquieu was lucky to survive as well as he did the disadvantage of "what even his admirers concede to have been a disappointing beginning." According to Richter, Montesquieu survived because of his very inconsistency here; if he had stuck with his initial definitions and allowed them to shape his treatise, few people would bother to read him today.

Richter provides two possible extenuating circumstances which may help us understand Montesquieu's deplorable performance at the start. First, he was simply "summarizing a consensus of philosophical thinkers" on the subject of natural law—touching all the bases, so to speak, before he got on with what really interested him. Secondly, he was interested in laying a groundwork for the subsequent demolition of absolutism; thus, "Book I must be seen as an attempt to destroy the philosophical foundations of absolutism in all forms known to Montesquieu." Both these "explanations" of Montesquieu's intentions are, in my view, highly dubious.

Adherence to the first explanation excuses Richter of any need to make a serious search for principles that might order this book and connect it with the rest of the treatise; but in fact, engaging in such a search proves to be a rewarding enterprise. As another recent student of Montesquieu has shown, "The feature of this opening

book which must first be underlined is its closely knit argument"; we must become aware of "Montesquieu's determination to forge strong links between his analysis of positive laws and his first, essentially a *priori* principles."¹⁴ An essentially similar interpretation is provided by Shackleton in his excellent biographical study of Montesquieu; he shows how Montesquieu carefully and subtly shifted the grounds of natural law argument in the course of this book in order to provide an empirical basis for his analysis in the rest of his treatise.¹⁵ This attempt to provide links between the rational world of supernal ordered relations and the world of human law among intelligent members of societies endowed with the double-edged faculty of free choice is one of the most interesting things about Montesquieu's entire *oeuvre*. Each reader has to form his own opinion about whether Montesquieu managed to succeed in his endeavor, but Richter's casual dismissal is surely unwarranted. Fortunately, he has provided a clear and accessible translation of the book itself so that his readers can make up their own minds, if they avoid adopting in advance the negative stance recommended in the introduction.

The argument that Montesquieu's primary purpose in this book was to demolish absolutist theory is equally untenable, for two reasons. In the first place, it makes sense only if the traditional natural law theory provided the foundation for absolutist theory, which meant that Montesquieu had to adapt that theory to his own position and in so doing transform it; but there is no reason to suppose that "the natural law school" was primarily identified with "absolutism," and several reasons to suppose the opposite. Locke and Pufendorf were hardly absolutist theorists, and in France the most visible and vigorous proponents of natural-law theories had been the Huguenot opponents of absolutist monarchy. In the second place, this assertion fails to make a crucial distinction between "absolutism" and "arbitrariness," a distinction which had long been central in French theory. Thus Bodin, for instance, could support a power which he thought to be "absolu" and yet in consonance with natural laws and in harmony with the other estates and powers of the French society. In fact Montesquieu did wish to combat "absolutism" as well as "arbitrariness" in the *Spirit of the Laws*, and

¹⁴ Sheila Mary Mason, *Montesquieu's Idea of Justice* (The Hague: Martinus Nijhoff, 1975), 196.

¹⁵ Robert Shackleton, *Montesquieu: a Critical Biography* (Oxford: Oxford University Press, 1961), 260-261.

his outspokenness in doing so was one of his major contributions to French political thought; but although Book I is compatible with this purpose it is not accomplished in that book, and taking that book by itself, we have so far no reason to suppose that Montesquieu intends to move away from the position of Bodin or of Domat.¹⁶

Despite these specific reservations about Richter's introduction, I am glad that he included it and look forward to using it in teaching. By providing concise summaries of some of the material he left out in translation Richter partially makes up for some of his omissions. He deals specifically though briefly with the importance of the legislator in the founding enterprise, and with the argument of Book XII on the liberty of the citizen. He also discusses books XXVIII—XXXI and shows how Montesquieu's argument in those books fits into contemporary French discussion about the *these nobiliaire* and the *these royale*. By the time the reader finishes the introduction, he has been given a good overview of Montesquieu's ideas in the context of 18th-century French life and thought.

IV

Richter's primary intention in *The Political Theory of Montesquieu* is to combat what he regards as misconceptions of or ignorance about his author. By providing an accessible and clear translation of major arguments, by carefully warning the reader in the Introduction against familiar pitfalls in understanding, and by placing Montesquieu firmly in his own century and his own world, Richter hopes to give each reader a chance to discover Montesquieu for himself. He explains why major passages have excited controversy or puzzlement, in his treatment of Book I and of Montesquieu's professed intention to provide each citizen with new reasons for loving his regime in the Preface to the *Spirit of the Laws*. By offering several perspectives on these arguments before deciding on his own, Richter presumably hopes to give the reader a chance to form his own opinions.

Whether or not Richter intended it, however, one overriding impression that emerges from his Montesquieu is of a muddled man, a seminal but sloppy thinker who held a variety of not always compatible values, unable or unwilling to impose discipline upon

¹⁶ On Montesquieu's relation to his precursors in the natural law tradition, see Shackleton, *op. cit.*, 244-264, and Mark H. Waddicor, *Montesquieu and the Philosophy of Natural Law* (The Hague: Martinus Nijhoff, 1970).

his thoughts. A fertile intellect, but not a profound or ordered one; a man who saw excellence in several different social guises and found no need to decide upon priorities, except in his hatred of tyranny and persecution—this is the Montesquieu that Richter gives us. He is not an unfamiliar figure; it is probable that the majority of readers, even careful readers, over the centuries have reached much the same conclusion. In an essay written in 1792 for the *National Gazette*, for instance, James Madison might well have been offering a capsule summary of Richter's Montesquieu; describing the argument about the three "operative principles of government," he noted that

the portion of truth blended with the ingenuity of this system sufficiently justifies the admiration bestowed on its author. Its accuracy, however, can never be defended against the criticisms which it has encountered. Montesquieu was in politics not a Newton or a Locke, who established immortal systems—the one in matter, the other in mind. He was in his particular science what Bacon was in universal science. He lifted the veil from the venerable errors which enslaved opinion, and pointed the way to those luminous truths of which he had but a glimpse himself.¹⁷

It is important to remember, however, that this is not the only Montesquieu whom careful readers have discovered. A recent book by Thomas Pangle serves the useful function of reminding us that there is another Montesquieu who deserves attention—not a sloppy intellect, but one of overmastering and amazing subtlety, whose apparent disorder was part of an intricately studied plan to lead readers to draw the right conclusions from his mammoth treatise. This Montesquieu knows exactly what he wants us to believe; and if he provides only a glimpse (as Madison charged) of "luminous truths," it is not because he understood them imperfectly himself, but because he had concluded that this is the best way to ensure that his readers will be tantalized by these truths, pursue them assiduously and thereby be predisposed to adopt them as their own. This Montesquieu, moreover, is at the fountainhead of modern liberal beliefs, responsible more than any other single thinker for charting out the course which has become the mainstream in our own era, and not by accident, but by design.

As witnesses in support of an ordered reading of the *Spirit of the*

¹⁷ "Spirit of Governments," *National Gazette*, February 20, 1792; reprinted in Marvin Meyers, ed., *The Mind of the Founder* (Indianapolis: Bobbs-Merrill, 1973), 239-240.

Laws, Pangle has two formidable allies—d'Alembert, and Montesquieu himself. He quotes from d'Alembert the view that Montesquieu's "disorder is merely apparent," a studied disorder intended to stimulate his readers "to supply the connecting ideas." Underneath, on this reading, there is fundamental order in the work, which "reigns no less in the details," a fact which reveals itself only as one "penetrates the work." And further, concludes d'Alembert:

voluntary obscurity is not obscurity; Montesquieu, having to present sometimes important truths whose absolute and direct enunciation might wound without bearing any fruit, has had the prudence to envelop them, and by this innocent artifice, has veiled them from those to whom they would be harmful, without letting them be lost for the wise.¹⁸

From Montesquieu himself, Pangle takes the claim about the "plan of the work" and the linked chain of ideas from the Preface to the *Spirit of the Laws*, and even more persuasively, quotes a long passage from the *Pensées* in which the *president* compares his treatise to a great machine, full of bewildering intricate movements which at first sight appear to contradict each other. But since all these are parts of a great system, the machine "keeps going; these pieces, which seem at first to destroy one another unite together for the proposed object."¹⁹

These passages ought at the very least to lead the reader to keep probing for this systematic order, to keep working, with connecting links, and not become too easily discouraged. However, Pangle makes further claims about having discovered Montesquieu's "proposed object," and d'Alembert's "important truths." In his reading, the *Spirit of the Laws* not only has systematic coherence but also a thematic unity of a definite kind. Montesquieu, according to Pangle, was one of "the handful of thinkers who truly stand at the origins of the liberal tradition," and the one among them distinguished by his care in subjecting the principles of political philosophy to a careful empirical analysis, which enabled him to provide "a new and much broader presentation of the liberal principles" by which our world today is for the most part organized.²⁰

¹⁸ From d'Alembert, *Oeuvres complètes*, 5 vols., (Paris 1821), III, 450-51; quoted in Pangle, *Montesquieu's Philosophy of Liberalism*, 11-12.

¹⁹ From Montesquieu, *Oeuvres complètes*, 2 vols., ed. Roger Caillois (Pleaide, Gallimard, Paris, 1949-1951), vol I, 1228, *Pensée* 833; quoted in Pangle, 13.

²⁰ Pangle, 4; the other thinkers named in this context are Hobbes, Spinoza, and Locke.

It would be difficult indeed to deny part of this claim—the part which holds that principles broadly similar to those endorsed by Montesquieu, principles which he helped enunciate and popularize, which differ in important respects from those which characterized the classical or medieval world, are the guiding principles of Western political culture today. "Liberalism" is a word with many meanings, but it makes sense to claim that the moderate, tempered, cautious approach to political power, the notion of society ordered around the individual's pursuit of happiness, with a central emphasis on freedom and pluralism common to almost all uses of the term, fits comfortably with the tenor of the *Spirit of the Laws*. As Pangle points out in his Introduction, we face a "growing crisis in the theoretical foundations of our political principles," and in order to understand where we are and how we got here, as well as what our alternatives might be, one important course of action among others is the re-reading of the sources of modern liberalism. Pangle urges us to read the *president* not so much to understand him as to understand ourselves, and this is a message well worth pondering.

There are other parts of Pangle's message that are more dubious, however. In his eyes, Montesquieu's treatise accomplished its purposes only by acts of significant destruction and denial. These acts cleared the ground for the setting up of new ethical principles, shocking in their time but commonplace in ours. There are two different elements to this claim. I think they are both mistaken, but mistaken in interesting ways; in the remainder of this section I will try to show how this is so.

The first part of Pangle's claim is that Montesquieu's truths were novel and shocking to his contemporaries, which is why they had to be veiled or sugar-coated to be acceptable. On this reading, the *president* subverted familiar morality and introduced a set of new truths which would have been unpalatable in pure form to his contemporaries but have become commonplace today. That the unpalatable has become commonplace is, in Pangle's eyes, the measure of Montesquieu's success. The second part of Pangle's claim is that Montesquieu was engaged in an active denial of the value of alternative ways of looking at ethics and at politics which had been commonplace in his time, but which he helped render obsolete in the eyes of his contemporaries, and our own.

The difficulty with the first part of Pangle's claim is that the truths he calls novel and shocking were actually quite familiar to

Montesquieu's readers, having become commonplace themselves by 1748. There was therefore no reason to conceal them, and no evidence that Montesquieu attempted to; I think, in other words, that Pangle has provided a mistaken set of referents for d'Alembert's "important truths." The difficulty with the second part of -the claim is that the "commonplace" moral truths which Montesquieu was supposedly subverting and replacing were actually much rarer in his era than Pangle would have us think. Montesquieu's real business here was to draw attention to classical truths which had fallen into disuse in his own time, and which tend to do so regularly in human ethics, and therefore need to be recaptured. His passage on ancient freedom and classical virtue can serve this function in our own times as they did in his. Montesquieu was not subverting or replacing these truths but recalling them to the attention of his worldly readers and attempting to fit them into a balanced assessment of human values and possibilities.

What were these supposedly shocking truths that Montesquieu presented in veiled form for his contemporaries? According to Pangle, "Montesquieu's understanding of man as a selfish or egoistic being is shocking to generally held views of morality and religion, the views which formed the legitimating principles of most regimes in his time, if not in ours."²¹ By 1748, however, a long and impressive train of authors had presented just such a view, in terms clear and unmistakable—Machiavelli, Montaigne, Hobbes, Locke, to name only the most familiar. Such views had also been put forward in uncompromising terms not only by a whole host of lesser writers whom modern historians group loosely under the label "liber tin," but also by austere Jansenists such as Pascal, Nicole, and Domat.²² It was received truth in 1748 that men were selfish and egoistic beings, and the notion that this message was sufficiently novel or shocking to be hidden from all but the wise would have been incomprehensible to Montesquieu's contemporaries.

What, then, were the "important truths" to which d'Alembert referred, which might wound rather than bear fruit if expressed

²¹ *Op. cit.*, 15.

²² Among numerous possible references on these subjects, consult A. J. Krailsheimer, *Studies in Self-Interest from Descartes to La Bruyere* (Oxford, 1962); Paul Benichou, *Morales du grand siècle* (Paris, 1948); F.E. Sutcliffe, *Guez de Balzac et son temps* (Paris, 1959); J. S. Spink, *French Free-Thought from Gassendi to Voltaire* (London, 1960); N. Keohane, "Non-Conformist Absolutism in Louis XIV's France," *Journal of the History of Ideas* XXXV: 4 (Oct:Dec. 1974), 579-596; and Lionel Rothkrug, *Opposition to Louis XIV* (Princeton, 1965).

directly, if these were not among them? If we remember the intellectual climate of the times, it is reasonable to suppose that d'Alembert had in mind here above all the "important truth" that absolute monarchy is very close to despotism and is perpetually endangered by the threat of transformation into this horrendous form. The publicists of the Bourbon regime had taken great pains to deny this connection, but Montesquieu was convinced of it, and it provided him his central theme from the "innocent artifice" of the *Persian Letters* to that of the *Spirit of the Laws*. Prudence required veiling such unpleasant truths, if only from the censor; and if the wise were to be convinced, without the harm of unsettlement and subversion of the whole regime through the alarming of the ignorant, then delicacy and artifice were required.

So Montesquieu was very careful to point to this connection in ways which are rarely deliberate and bold, but which are cumulatively unmistakable. His stress on the importance of intermediate powers in the state was not inflammatory in itself—it had provided the substance of several, dull historical treatises by Boulainvilliers and others; but when he coupled it with such open praise for the mixed regime of the English, Montesquieu was moving French thought in a direction—that of principled explicit constitutionalism—which was largely novel in the early 18th century.

The second part of Pangle's claim is more difficult to explicate, partly because he is much less clear about what it was that Montesquieu wished to change and to replace than he is about what he wanted to replace it with. We are told (p. 15) that Montesquieu "wished to change the basis of political life and that he was willing to go very far in weakening morality and religion," but left to draw our own conclusions about what the old basis, the old morality and religion were, in Pangle's view. We must assume, I think, that he has in mind on the one hand standard Christian ethics with a stress upon selflessness and austerity, and on the other hand the relevant remnants of classical ethics in 18th century France—the stress upon nobility and beauty, on classical conceptions of virtue as glorious and excellent, the province of the few in service of their truth. Since, as I have argued, such ethics had already been crowded out by the "new morality" of self-centered man, it is not surprising that Pangle must resort to vague allusions to make his statements about contemporary morality. What there is of his argument on this subject must rest upon his substantive claims about Montesquieu's veiled

attacks upon such a morality, and here the argument is weak. The question of Montesquieu's attitude towards classical ethics will occupy most of the final section of this essay, but before I turn to that topic, I want to deal briefly with the matter of religion.

If the assertion that Montesquieu wanted to undercut familiar Christian ethics is to be documented, then Pangle must convince us that Montesquieu's references to religion (or lack thereof) have a subversive smell about them. But his chapter on religion is extremely brief, and not convincing. Pangle rests his case on a few weak reeds. In the first place, the treatment of religion is left to last, which indicates, in Pangle's eyes (p. 249), that it is not very important "to an understanding of what the good political life requires" for Montesquieu. But of course such arguments can just as plausibly (or implausibly) be turned around—it was *because* he thought it so important, etc., that he saved it till the last. In any case the initial inference turns out to be mistaken, since Montesquieu does think it important after all, because he shows that he understands it in terms of its "beneficial political function." And given the kind of regime he wishes to institute, according to Pangle, the *president* must neutralize the strong attachments religion can invoke, and make men neither pious nor atheistic, but indifferent. He must re-define the Christian attitude towards life to make it compatible with a single-minded pursuit of commodities, so that men can continue to think themselves Christians but construct a social life which is based on "devotion to commerce-and comfort." (p. 257)

The references given in support of this reading are very scarce, and turn out for the most part to be ambiguous at best, except for one long paragraph produced by Pangle to show how Montesquieu expects the transformation to occur. At first glance this seems good evidence—Montesquieu asserts that "a more sure way to attack a religion is by favor, by the commodities of life, by the hope of wealth [*la fortune*]; not by what drives away, but by what makes one forget , .. *l'Ugle generale*: with regard to change in religion, invitations are stronger than penalties." ²³ But it is clear that this is one of those "important truths" that d'Alembert referred to, the

²³ *Spirit of the Laws* Book XXV, ch. 12; this is Pangle's own translation, which is overall superior to either Richter's or Nugent's in this case; Nugent inflates and distorts the passage beyond recognition, and Richter amplifies "en fait de changement de religion" into "when changing the state's established religion," which is an unwarranted interpolation. The reading of "*la fortune*" as "wealth," however, is problematical at best.

kind of truth which needed to be taught but could not easily be taught openly in 18th-century France. This is a subtle but powerful allusion to a whole set of contemporary malpractices that Montesquieu wished to call to the minds of his readers—the overly enthusiastic attempts by Christian missionaries to bring heathens in the fold, which is signalled by several references to Japan in adjacent paragraphs; the attitude of fanatical Christians towards the Jews, which is taken up directly in the next chapter where Montesquieu reproduces a reflection on the death of a young Jewess in the last *auto-da-fe* at Lisbon; and last but surely not least, the policy of the Bourbon regime against the Huguenots, a policy of exile and extermination which Montesquieu joined Vauban and other thoughtful Frenchmen in deploring, but which it was not easy to attack in open terms. All these effects of religious passion misdirected into persecution are among Montesquieu's targets in this powerful treatise on toleration, where his own passion against such inhumanities is beautifully channeled in his prose. To draw from this the general inference that Montesquieu wishes to subordinate religious belief to the pursuit of creature comforts is to distort him in a paltry fashion. The importance of translation is once again indicated here; for Pangle has chosen to translate "l'esperance de la fortune" by "the hope of wealth," which is a possible translation but not at all the obvious one—"the hope of prosperity" or "good fortune" would be equally plausible; by choosing the bald and narrow "wealth" Pangle pushes the passage in his own direction.

In fact, Montesquieu has many interesting things to say about religion, in addition to his arguments for toleration. They were for the most part not very pious or orthodox things, but they were offered within the context of a general understanding of the factors that provide strength and flavor in a polity. To force them into a narrow role within one over-riding evangelistic purpose in the *Spirit of the Laws* is to miss the rich variety of their importance.

V

Pangle's Montesquieu, unlike Richter's, is driven by a strong intention in the *Spirit of the Laws*. He wants to shape society, to give men new motives and new moralities; new ways of thinking about freedom and about virtue. This Montesquieu is as far removed as possible from one conventional Montesquieu with whom Richter's Montesquieu has much in common—the social scientist

intrigued by the heterogeneity of human living, loath to pass judgment except in cases of obvious injustice and inhumanity, more interested in explaining than in justifying and not at all given to exhortation. I cannot in the end accept Pangle's idea that all this masks one energetic moral purpose; but I do find the reading an intriguing one, and think it incumbent on anyone who wants to see all possible facets of Montesquieu to become familiar with Pangle's Montesquieu as well as Richter's. For Pangle draws his lines sharply for the most part, and forces the careful reader to come to terms with his contentions; in so doing, one is much more likely to gain a rounded understanding of the man than if one simply accepts the Montesquieu provided by Richter or any other reading in the same vein. In this final section of the essay I will summarize what I take to be Pangle's central contention, show how he supports it in his book, and sketch out my objections to his Montesquieu.

According to Pangle (p. 5), "The *Spirit of the Laws* is a massive demonstration of the irreconcilable tension between virtue and freedom." Montesquieu, on this reading, gave "credit to the virtuous republic's claim to greatness," but regarded it as a fundamentally contradictory way of life, incompatible with human nature. In place of the classical ideal of virtuous politics, as well as the traditional conception of monarchy, Montesquieu wished to substitute a regime based on the English model and organized to make freedom possible—freedom in the sense of security and opportunity for the pursuit of a comfortable life. Such a regime rests heavily on legal forms, competitive balance among institutions, and the self-interested energies of all its citizens serving their own private ends.

Pangle provides a good description of Montesquieu's English model and shows how the *president* took it to be peculiarly suitable to the dominant values of modern Europe. His choice of a label for this model is both significant and open to dispute. Montesquieu himself, as Pangle points out, avoided classifying England according to his own typology in the *Spirit of the Laws*. Pangle chooses the term "liberal republicanism," to indicate that Montesquieu regarded his new system as the modern substitute for the ancient republic, designed to satisfy our sense that republics are admirable regimes while deflecting our attention from the earlier stress upon virtue as central to republics. In fact, however, it is more plausible to see this regime as a variant of the "Gothic" mixed monarchy of feudal Europe. Pangle's choice of a name is of a piece with his whole

argument, however, and draws attention to three bold claims he makes in this connection.

In the first place, Pangle asserts that Montesquieu not only developed a new model of liberal republicanism, he also deliberately and skillfully subverted and discarded the ancient vision of the virtuous republic, presenting it as empty and self—contradictory despite its initial attractions. Next, Pangle draws a sharp distinction not only between Montesquieu's "liberal republican" regime and the classical republic, but also between Montesquieu's model based on the English system and the traditional monarchy depending upon noble energies. Finally, Pangle claims that the entire unwieldy treatise should be read as a piece of propaganda with a central focus: to convince us to think well of the self—interested pursuit of happiness, of commerce and ambition, and to think less well than we have done before of alternative ethical ideals. Not only does Montesquieu provide a new political model, in other words; his whole purpose in writing is to advocate the attractiveness and utility of this model over all contenders and shape future societies according to its lineaments.

One of the virtues of Pangle's book is that it is well—ordered around his central argument. Whatever one may decide in the end about the argument itself, it is good to have it presented cogently. Each section of the *Spirit of the Laws* is interpreted in the light of Pangle's claim, and he attempts to show how his proffered chain links everything together. Thus, in his discussion of Book I he shows how (in his view) Montesquieu lays the groundwork for his own ideas by making important choices among the natural—law arguments of the past. In discussing books II—VIII, Pangle draws our attention to those passages which show Montesquieu's criticism of the classical ideal. Then he provides an interesting reading of the rest of the treatise that usually defies ordering, by connecting it to the liberal republic of book XI and showing how each chapter amplifies the opportunities or obstacles facing those who might attempt to use the model in political activity. In this review, I will deal only with a few aspects of this well—ordered argument that strike me as central to Pangle's three bold claims.

In order to make his case about the attractiveness of the liberal republic and the unnaturalness of ancient virtue, Pangle moves Montesquieu much closer to Hobbes than he has ordinarily been placed. This happens at the start, in the discussion of book I, and

the groundwork laid in that discussion is crucial to the rest of Pangle's argument. Most students, including Richter, take at face value Montesquieu's contention that his purpose in Book I is to attack "the terrible system" of Hobbes.²⁴ But Pangle is temperamentally indisposed to take things at face value, and he warns us against being seduced by these polemics into overlooking Montesquieu's fundamental similarity to Hobbes. He asserts that Montesquieu indulged in the polemics in order to differentiate himself from Hobbes on grounds of prudence, and also because he felt that Hobbes, like Spinoza and Bayle, had been "recklessly bold in revealing the low and unsightly first principles of human nature." According to Pangle, the fundamental similarity between Hobbes and Montesquieu is in their assumption about the connection between civil society and the fear of death, the desire for security, and a more commodious life. For Montesquieu as for Hobbes, says Pangle, man endeavors in civil society "to gain a *secure* self-preservation, a lasting peace and a protection for material goods that will insure lasting satisfaction of the body's needs." (pp. 34-35).

This is, I think, the nucleus of Pangle's claim, and it therefore warrants close attention. If he is right in this Hobbesian reading of Montesquieu, then most of the rest of his argument follows fairly tightly; but if he is wrong, it suffers from some major flaws. For Pangle reads a central but ambiguous phrase in the *Spirit of the Laws*—"the end of government"—in light of this contention, to make his case.²⁵ If Montesquieu thought "the end of government" was the avoidance of violent death and the securing of a more commodious life for individuals, and therefore sided fully with Hobbes in rejecting any Aristotelian notions about the satisfactions to be found in community as such, then the ancient virtuous republic has no positive attractions of its own for him, and must be judged on the grounds of Hobbesian utility—how good a job do such republics do in satisfying human needs for physical security and material commodities? If it can be shown that judged by such a cri-

²⁴ In his Introduction, Richter quotes from Montesquieu's "Defense de l'*Esprit des lois*," the response to the first objection (*Oeuvres complètes* ed. Caillois, vol. II, 1123), where Montesquieu emphatically underscores the claim in the book itself that Hobbes is his major adversary.

²⁵ Montesquieu several times refers to "le but du gouvernement" without defining it, as in Book III, ch. 6; according to Pangle (p. 49), "For Montesquieu, the purpose or nature of government in general is the creation of security, or freedom, for its citizens—freedom from domination and from threat of death or attack by other men."

talon, the classical republics performed poorly compared with the new modern one, then Pangle's case is all but made.

It is of course quite easy for Pangle to show that, judged on grounds of Hobbesian utility, ancient republics come off badly compared with regimes of the English type. Virtuous republics, do not pretend to make their citizens wealthy or provide a full range of material commodities; instead, they focus on frugality and austerity, on public wealth and private self-denial. They tend to be less stable than many other forms of government, more vulnerable to outside aggression, and therefore rank low on these kinds of security. In order to dispute Pangle's claim, therefore, one must take issue with his initial assumption that grounds of Hobbesian utility were the only ones used by Montesquieu to evaluate societies, that Montesquieu agreed with Hobbes about what society was for.

In his discussion of book I (p. 36), Pangle notices that Montesquieu differs from Hobbes in that he argues that "the selfish desire for security" is "tempered by weak social desires" which play their role in determining "the natural standards for political life." But he finds Montesquieu's attempts to build this dimension of sociability into his argument weak and unconvincing, and therefore decides that Montesquieu's understanding of the purpose of government at bottom equals Hobbes, and assumes this to be true for the rest of his book. In fact, however, if one goes back and reads what Montesquieu actually says in Book I, it is Pangle's argument which is weak and unconvincing on this score; for Montesquieu takes great pains to differentiate himself from Hobbes on precisely these points.

Montesquieu argues that men are naturally peaceful beings, whose inclinations converge to form societies; only in society do ideas of aggression and domination begin to emerge, and only then does the problem of controlling or preventing aggression arise. We do not enter society to escape aggression, says Montesquieu, explicitly contradicting Hobbes; we enter society naturally, and once there, we begin to act aggressively and must devise ways to regulate ourselves. Government is necessary to provide a regular and ordered framework and prevent aggression, yes; but it is government within a society formed by beings who have complex and multiple desires and hopes, who naturally associate with one another and express their hopes and fears in social ways. It oversimplifies Montesquieu quite unacceptably to say that this is basically a Hobbesian account. The difference is that Hobbes' account is fundamentally individualistic, and Montesquieu's is not. Montesquieu, unlike Hobbes,

shows us man as a social being from the very start, and shows us how fascinating and exciting are the ways men in societies have organized themselves.

For Montesquieu, "the end of government" is the provision of legal order and regularity within society, to make it possible for men's energies and ambitions to be channeled into socially productive acts instead of into behavior that destroys society. Such legal order and regularity can be provided in a variety of ways, and Montesquieu teaches us the intimate connections between the development of a particular society and the development of its political institutions and values. Montesquieu criticizes despotism on grounds quite consistent with this notion, since despotism does a deplorably poor job at providing legal order, depending rather on the arbitrary whim of a capricious autocrat. But within the broad spectrum of moderate governments, a wide variety of republics and monarchies achieve "the end of government" in different ways, depending on the values, habits, and dispositions of the citizens of those societies. Montesquieu tries to provide a balanced assessment of the different kinds of advantages offered by the different kinds of governments, as well as of their prerequisite cultural conditions; he gives us no reason to suppose that he has judged them according to a single, narrow standard of self-preservation and material success.²⁶

When Pangle takes up the question of Montesquieu's attitude towards classical republics, he argues that since the goal of the classical republic is singularly self-contained, it must therefore be pointless and self-defeating. Since the motivating spring of the ancient republic is virtue, which in Montesquieu's account is love of the *patrie* and of equality, denial of the self for the community, Pangle argues that the goal of republican government is simply preservation of the community, self-renunciation for the sake of self-renunciation. "Like a monastery," says Pangle, Montesquieu's "republic represents a way of life which is to a great extent a pointless, or fanatical, asceticism."²⁷ Since he has denied any credence to Montesquieu's vision of man as fundamentally a social being, he ignores the obvious possibility that Montesquieu assumed that participation in a richly integrated community would be satisfying in

²⁶ For a fuller explication of this viewpoint, see N. Keohane, "Virtuous Republics and Glorious Monarchies: Two Models in Montesquieu's Political Thought," *Political Studies* XX (1972), 383-396.

²⁷ Pangle, 83; the reference is to Montesquieu's comparison between republics and monasteries in Book V, ch. 2.

itself, however difficult it might be for men to attain and maintain it. Montesquieu's republicans would vociferously protest the notion that their self-denial for the sake of the community was "pointless," and so would his monks. By forcing Montesquieu initially into a narrowly Hobbesian mold, Pangle has managed to make the early chapters of the *Spirit of the Laws* incomprehensible.

The central claim of *Montesquieu's Philosophy of Liberalism*—that the *president* regarded virtue and freedom as irreconcilable—is thus gravely weakened because Pangle has given us an unrecognizable account of Montesquieu's attitude towards "virtue," and his definition of "freedom." Virtue on his reading becomes pointless self-denial, and freedom becomes the protected individual pursuit of selfish happiness.²⁸ But this is not how Montesquieu defined freedom. He offered several clear and extraordinarily interesting definitions in book XI and book XII, none of which can plausibly be reduced to this. All of the definitions connect liberty closely with law, and with protection against the abuse of power; liberty for Montesquieu is behavior in society according to law, protected by institutional arrangements which ensure that government will not violate or abuse the legal order. This gives rise to security, in the sense of "cette tranquillite d'esprit qui provient de l'opinion que chacun a de sa sitreite." (XI, 6). But such security or tranquillity is not at all the same as the pursuit of selfish happiness; it is quite compatible with the virtuous republic described in the *Spirit of the Laws*, which is a moderate government ordered by law quite as much as is the new modern monarchy. In Montesquieu's account there is no reason to suppose that citizens of the virtuous republic would feel threatened by abuse of power, or illegal activities on the part of their governors; whatever passions might characterize such men, anxiety for their safety at the hands of their rulers or fellow-citizens is not among them.

Pangle's book is more helpful when he turns to consider modern regimes. He makes too much of the difference between the English model and the traditional monarchy motivated by honor, since Montesquieu goes to some trouble to associate the two in the most important respect, that of essential balance and competition of ambitions.²⁹ But the argument is interesting nonetheless, and becomes even more so when Pangle draws our attention to Montesquieu's executive. He points out that this central figure is much more im-

²⁸ This connection is made by Pangle at pp. 142-3, which force upon Montesquieu's argument about liberty and security a purely Hobbesian interpretation.

²⁹ Montesquieu's description of the "Gothic government" of feudalism is in

portant in Montesquieu's model than were the magistrates in the ancient division of functions in the state, and that the main difficulty with his division between legislative and executive action is "not so much the sacrifice of vigor as the sacrifice of deliberation and thought." He therefore lays the groundwork for Alexander Hamilton's "energetic" government, and for the stress on "leadership" in the modern state.³⁰

In the last part of his book, Pangle deals with Montesquieu's ideas about commerce and its connections with modern freedom. There are some very interesting reflections about commerce in *The Spirit of the Laws*, and Pangle is right to call our attention to them. But he distorts the argument beyond recognition because of his insistence upon fitting it into Montesquieu's supposed evangelistic fervor on behalf of a novel and shocking ethic. "Especially in the books on commerce," asserts Pangle (p. 202), "Montesquieu intends his philosophy to be propagandistic." And since "the commitment to commerce is at odds with traditional morality," Montesquieu must "distract the reader's attention from traditional moral restraints" by a variety of tricks. Of all the problems with this argument, the most profound and perverse are the ones already noted—that Montesquieu was *not* teaching anything novel or shocking here at all; that his remarks on vice and virtue were ethical commonplaces; and that far from indicating his veiled approbation of such ethics, Montesquieu makes quite clear that he is at best ambivalent about them, and has a considerable degree of nostalgia for the ethics of the past. Pangle quotes the crucial paragraph on this, the one which I used as my first example of the importance of translation in this essay. Here is Pangle's version:

The Greek political thinkers, who lived under popular government, knew of no force which could sustain it except virtue. Today's political thinkers talk to us only of manufacture, of commerce, of finance, of riches, and even of luxury.³¹

Book XI, ch. 8, where he praises this mixed and tempered form as "la meilleure espece de gouvernement que les hommes aient pu imaginer." This chapter and the famous chapter 6 on England form part of a general discussion of liberty and monarchy. In chapter 7 Montesquieu speaks explicitly of England as a monarchy, whereas in book V, ch. 19, he apparently has it in mind when he refers to "une nation oil la republique se cache sous la forme de la monarchies"

³⁰ Pangle's discussion of the executive in the English system is on pp. 128-137; the reference to "energetic" government is a keynote of Hamilton's *Federalist* papers.

³¹ From *The Spirit of the Laws*, Book III, ch. 3; Pangle quotes it on p. 208. It is interesting to notice that Pangle translates "les politiques grecs" by "Greek political thinkers," whereas Richter chooses "statesmen."

Pangle recognizes that this passage looks to be at odds with his argument about where Montesquieu's real sympathies lie, and deals with the problem by contending that Montesquieu here only "*seemed to voice his own complaint*" whereas in fact "with the deepest possible awareness of the issue and all of that was at stake, Montesquieu sided unmistakably and intransigently with the moderns." But Pangle fails to recognize that even if we accept his complete inversion of the passage, we will still be left with an equally important contradiction of his argument about novelty and shock. Montesquieu was well aware that the ethic of commerce and luxury was nothing new to his contemporaries, and says so quite clearly in this passage. In this if not in every instance, it makes more sense to take him at his word.

What does all this mean, then, for America in 1976? Even if, as I have argued, Pangle cannot support his bolder claims about Montesquieu's intricate intentions to shape the modern world, it remains true that his ideas have contributed in great measure to shape the world we live in, sometimes in ways he could never have foreseen. His new model of "liberal republicanism" proved exceedingly attractive to our own Founders, providing a fairly good working draft for our constitution, even though (or perhaps because) it bore only faint resemblance to contemporary England. It is worth remembering that Montesquieu did not invent the model out of whole cloth—that other theorists, including Locke, Bolingbroke, and Hume as well as many lesser lights, had already begun the work we associate with him. But the spirit of the *Spirit of the Laws* is in a special sense the spirit of our own constitutional childhood, and it has left profound marks on us today. As Pangle points out (p. 127),

like the American Founding Fathers, Montesquieu seems to have exaggerated the extent to which the institutional system, in transforming the factional struggle and in allowing individuals to devote themselves to private pursuits, would bring about the disappearance of politics in the sense of broad and permanent contests over principles.

Yet it is equally important to remember that this was not Montesquieu's only message. While contemporary statesmen and political thinkers today as in 1748 "talk to us only of manufacture, of commerce, of finance, of riches, and even of luxury," Montesquieu today as then reminds his readers of an alternative ideal, an ideal of com-

munity, frugality, equality, self-government, and moderation. He reminds us also of the ancient truth that those who have had the good fortune to live under a regime which deserves the name "republic" have known "of no force which could sustain it except virtue."

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