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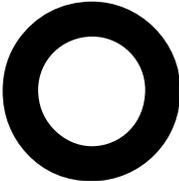
## ARTICLES

# Ordinary Passions and Philosophic Morality: On the Uniqueness of Montesquieu's Commercial Republic

RANDAL R. HENDRICKSON

**Abstract:** Near the outset of *The Spirit of Laws*, Montesquieu introduces what he calls the “laws of morality,” enticingly describes these laws as philosophic and self-regarding, and then lets them go missing at length. How do we account for the early disappearance and late return of Montesquieu’s moral laws? This article makes the attempt by dwelling on their connection to the human being’s natural passions as the *philosophe* presents it. *The Spirit of Laws* is read as an invitation to seek a government that allows humanity’s passionate nature its expression, and it is shown that, alone among the governments studied in Montesquieu’s work, the commercial republic of separate powers provides the venue. When ordinary passions flourish, the “laws of morality” come into play and guide them. Here is philosophic morality as commercial morality.

**Keywords:** commerce, Enlightenment, Montesquieu, morality, republicanism

 One might wonder whether there is anything beyond the occasional detail to contribute to the scholarship that finds *The Spirit of Laws* (1748)<sup>1</sup> to be the work of an author inclined to liberal republicanism.<sup>2</sup> I hope to show that there is, through a consideration of Montesquieu’s treatment of the human passions and their connection to what he calls the “laws of morality.”

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Montesquieu’s moral laws are among the most intriguing and least discussed of any appearing in the mix of his great treatise. He refers to the “laws of morality” in the first book of *The Spirit of Laws*, where he attributes them to philosophers rather than legislators and describes them as self-regarding. But now he turns to other matters and leaves the moral laws untouched for much of the work. This comes as a surprise in light of Montesquieu’s opening concern with overcoming prejudice by self-awareness, an aim whose attainment he has linked to the philosophic elucidation of the very laws that so soon go missing. How do we account for the early disappearance and late return of the laws of morality? To successfully address the question is to land upon the uniqueness of Montesquieu’s commercial republic of separate powers.

I argue that one begins to account for the moral laws’ disappearance by noticing that they are bound to the passions natural to human beings. It is on the basis of this connection that I read *The Spirit of Laws* as an effort to identify a form of government that safely will allow these “ordinary passions” their expression. Such a government appears only later in the work, which is to say that Montesquieu’s moral laws find no lodgment in the forms he first treats. This is because each is a government that forcibly compresses the human being’s multiplicity of “ordinary passions” into a single passion meant to be the order’s motive force. And so in republics, one finds that the sole passion is virtue defined as “self-renunciation” (V.2; IV.5); in monarchies, the leading passion is honor, or the “prejudice of each person and each condition” (III.6); and in despotism, the passion of fear overwhelms all “natural feelings” (III.10).

Montesquieu calls this passionate force the “principle,” a term that he pairs with “nature” as a means to define

governments according to the famous tripartite typology offered in Part One of *The Spirit of Laws*. But that typology allows no space for the later introduction of the new republic. I explain this by suggesting that Montesquieu's typology is the device by which he studies various permutations of self-forgetting, or what he calls "prejudice." Prejudice so understood is overcome only when the "ordinary passions" are free, and it is at this moment that the "laws of morality" that regulate them come into play. And so the commercial republic of separate powers (a form without a "principle," for "all the passions there are free") does not fit Montesquieu's original classification of governments because its success does not depend on a self-forgetting repression of the passions. Indeed, of all the governments studied in *The Spirit of Laws*, it uniquely provides the venue for the flourishing of the "ordinary passions" guided by the "laws of morality."

To substantiate these claims, I track the "ordinary passions" through *The Spirit of Laws*. In the first half of the article, I discuss their appearance (with Montesquieu's presentation of the leading features of human nature) and their repression (as exemplified in the forms of government he first considers). In the second half, I discuss the expression of the passions as it is made possible by the new republic's commercial-friendly institutional arrangement, and I then give an account of the "laws of morality" that operate in such an order.

### FLEXIBILITY, FORGETFULNESS, AND THE LAWS OF MORALITY

I say it, and it seems to me that I have undertaken this work just to prove it: the spirit of moderation ought to be the spirit of the legislator; the political good, like the moral good, always is between two extremes (XXIX.1).

Montesquieu's effort to shape legislators has its beginnings in reflections on how legislators have shaped human beings. His study of human beings, the stated foundation of his study of laws, leads him to find a being less like the rest of nature than his modern forebears described and yet more like the rest of nature than the ancients had it. Cutting a path somewhere between the two, the author of *The Spirit of Laws* finds a "flexible being" (Preface). As flexible beings, we are remarkably open to being shaped from the outside. What we share as human beings beyond or below our flexibility is what we share with animals or even dead matter. But such things as the diverse gods before which we bow are the things that divide us. Human flexibility explains human diversity, the massive variety on which Montesquieu works.<sup>3</sup>

Flexible beings are prejudiced beings, says Montesquieu, but notice from the preface his peculiar meaning: "I call prejudices here not that which makes one ignorant of certain things, but that which makes one ignorant of himself." Prejudice *so understood* is the problem that Montesquieu seeks to address. As he puts it here in his understated way, "[i]t is not indifferent that the people be enlightened." To address prejudice is to enlighten. The problem, then, is self-ignorance, or self-forgetting. The task of popular enlightenment is instruction in self-knowledge, or reminding. Self-knowledge

proves to be knowledge of one's true interests, the basis of Montesquieu's philosophic morality.

Montesquieu takes up its opposite, self-forgetting, in his work's first book, where he describes the human being according to three aspects of his nature: man is a being at once physical, intelligent, and feeling (I.1).<sup>4</sup> As physical matter, the human being is bound by the laws of the material world. But his sentiments and intelligence lead him to violate those laws that are not invariable: the "Laws of God" and laws of the human being's own making. Man "must guide himself," but he will not always do it well, as it is often and natural that he "forgets his creator," "forgets himself," and "forgets others" (I.1). He thus needs a reminder here and there, and this he gets from God, philosophers, or legislators, each a distinct source of distinct laws meant to address human forgetfulness: laws of religion, laws of morality, and political and civil laws.

It is self-forgetting, or prejudice particularly understood, that proves to be a central concern. And so the task that Montesquieu takes for himself in the preface of *The Spirit of Laws* is in its first book given to philosophers and to be met by the "laws of morality," where now a peculiar sort of prejudice meets with a peculiar understanding of morality as *self-regarding*. This is in contrast to the laws of God and the laws of legislators, which remind human beings not of themselves, but of others—of the "creator" and of their fellows, respectively.

Here, now, is part of the drama of *The Spirit of Laws* noticed at this article's opening: while the laws of God and legislators are met immediately and throughout the work, the moral laws of philosophers vanish. One must wait a good while to see what they entail beyond a reminder to ourselves of ourselves. The moral laws are not in play where the ordinary passions are not unleashed, and so one looks in vain to find them in the forms first treated in *The Spirit of Laws*. These are the governments belonging to Montesquieu's novel and well-known typology.<sup>5</sup> It seems that the *philosophe* finds it best for us to explore various forms of self-forgetting before we can appreciate the moral force of his peculiar brand of self-knowledge. Consider, then, the implications of Montesquieu's typology.

### A MULTIPLICITY OF PASSIONS COMPRESSED: SOME IMPLICATIONS OF MONTESQUIEU'S TYPOLOGY

Three basic forms of government are discussed in Part One of *The Spirit of Laws*. They are monarchy, despotism, and republic, and they are defined according to what Montesquieu calls the "nature" and "principle" of each. While the present reading makes more of the latter, Montesquieu's understanding of "nature" plays a key role in the rhetorical movement of *The Spirit of Laws* as I understand it. A government's "nature" is its institutional structure (II.1, III.1), whose purpose might be understood in light of the threat of despotism, the one form of the three that Montesquieu categorically disparages.<sup>6</sup> It is a nightmare arrangement to which all others may tend, a form haunting the whole of *The Spirit of Laws*. The drift into despotism is one tendency that belongs to another: that of human beings to push power, once

had, to its limits (XI.4). The nature of a government, then, might be understood as the institutional dam or dyke that obstructs or redirects these twin tendencies to excess. From this perspective, classical republics prove to be institutionally thin, and this has some bearing on the fate of the passions.

The difficulty here comes into view as one notices that the nature of government is to be determined by two basic criteria: whether the people rule and whether there are fixed and established laws. No to both questions, and there is despotism. No to the first, but yes to the second, and there is monarchy. But what of republics? In presenting only two criteria by which the natures of three governments are to be determined, Montesquieu raises a question especially about the republican form, the only one not ruled by “one alone.” He seems to ask whether republics more resemble (or *will* more resemble) monarchy or despotism. Will a republic be ruled through laws, as in monarchy, or lawlessly, as in despotism?

Considering the latter possibility, one expects republics and their citizens to appear rather attractive. One expects the despot to behave badly, and the expectation is satisfied as the despot is shown to be a creature whose “five senses constantly tell him he is everything” (II.5). How, then, is this different from the republican citizen, whose will is sovereign, and who is a monarch “in certain regards” (II.2)? If monarchs in some regard, in another capacity, the people use their wills to choose others to govern them, a sovereign will that the people must choose or accept. And that could be despotism, especially if the people are, like despots, “lazy, ignorant, and voluptuous” (II.5). Despotism remains a possibility as long as a human being can will away his will. That is, when one simply communicates the will that is above him, the will in a sense destroys itself; it sacrifices its sovereignty, as with viziers and vicars alike (II.5, V.2).

What, then, stands in the way of the human will tending to abuse? As to the despot, once established, his will will have its force and effect, even if he is drunk or insane: The despot’s will, “once known, must have its effect as infallibly as one ball thrown against another must have its” (III.10). So how does this differ from a republican arrangement? What in the nature, or institutions, of republics obstructs the slide into despotism? Answer: very little. Unlike monarchies, which have in place certain “intermediary powers” that are meant to obstruct the sovereign’s will, ancient republics by Montesquieu’s presentation have no adequate institutional response to the despotic drift of things.<sup>7</sup> The republican remedy here is not institutional, but educational. One’s will must be educated to virtue.

Virtue is the “principle” of republics. This other determinative factor in Montesquieu’s typology is the single guiding passion, the “spring” that makes a government act. Unlike the self-regarding honor that moves monarchies,<sup>8</sup> while at its best keeping the sovereign’s will in check, and unlike the abject fear that quiets a despotism, virtue is love of the fatherland, love of equality, and later, love of frugality (Author’s Foreword; V.3).<sup>9</sup> Virtue is apparently praiseworthy, but like love, it is blind, and step by step it is shown to be lacking. While the drawbacks of the virtuous republic have been well documented (though illuminating them is not universally acknowledged to be Montesquieu’s intent), I note

certain aspects of Montesquieu’s text relevant to the present study.<sup>10</sup>

Just prior to mentioning the laws meant to remind us of others and ourselves, then, Montesquieu further distinguishes human beings from animals. Animals do not have “our hopes,” but by the same token, they do not have “our fears.” They succumb to death just as we do, but they do not know it. We, of course, do know it, and that complicates things. Somehow in knowing that death awaits us, we preserve ourselves less well than most animals, who “do not make so bad as use of their passions” as we do (I.1) And so one is left for a time to wonder what it could mean for individuals better to preserve themselves and to make better use of their passions. As to the use of the passions, one option, the first that Montesquieu treats, is to address them by denying them their expression. This leads me to the understanding of Montesquieu’s usage of “principle” that informs this article.

Having, then, noted the varieties of forgetting addressed by the laws of God, philosophers, and legislators, notice now what Montesquieu says to be the source of our disarray: We are by nature beset by “a thousand passions” (I.1). With this in mind, consider again the notion of a government’s principle as its *single* guiding passion and a way to read *The Spirit of Laws* presents itself. Montesquieu, that is, emphasizes at first the multiplicity of passions contributing to our forgetting; beginning in Book Three of his masterwork, it is shown that human beings have been and are reminded of others and of God by a compression of this multiplicity into a single guiding passion: the principle. The force of the compression, or the wrenching required to accomplish it, turns out not to be equal in all forms of government. The republican education to virtue is the peak example.

Some reflection on this “principle” will be useful here. It will account for the absence of the laws of morality from the classical republics, on one hand, and bring into relief the uniqueness of the republic without a “principle,” on the other.

#### FLEEING THE MONASTIC BARRACKS: “ORDINARY PASSIONS” IN RETRIEVAL

*Dulce et decorum est pro patria mori*:<sup>11</sup> the Horatian line is as good a republican motto as any. Had Montesquieu outrun the Grim Reaper and made his way to Mussolini’s Italy, he hardly would have been surprised to see that fascists could make use of it, too. Indeed, the *philosophe* means to show that there is something immoderate, unnatural, and inhumane in the education to sentiments so seemingly laudable. One learns early on that the old republicans spoke only of virtue as the one thing that could sustain their republics, while we and “our small souls” are caught up in the economic things (III.3; IV.4). Such remarks seem to do us no favors, but it turns out that the life given to virtue does human nature no favors. Virtue is impressive, yes, but then we learn that it is “painful,” that it forces us to overcome our “natural aversions.” In short, it amounts to continual “self-renunciation,” the essence of the old republics (IV. 5; V.3, 19).<sup>12</sup> As self-renunciation, virtue is embodied well in the monk who loves the very order that oppresses him.<sup>13</sup> And why does he love such a thing? Because it takes from him everything upon which the

“ordinary passions” rest. What is left to the monk suffering Stockholm Syndrome is a single and extraordinary passion, love for the very “order that afflicts him” (V.2). Virtue, in other words, does not come naturally; it must be instilled. And this proves problematic: From Montesquieu’s vantage, the old republican laws deform the human will and end in monkish self-renunciation, perverse self-righteousness, or in glory-seeking destructive of humanity.

In a word, “hardness” (*dureté*)<sup>14</sup> is the consequence of the ancient mismanagement of the human desire for excess (V.3–4; VIII.3–4, 11–12, 16). And so, as with monks and their orders, citizens’ “ordinary passions” could not come into play. They were reduced to the single passion of virtue, the consequence of a violent compression of the natural multiplicity of passions. The movement from natural man (self-ignorant and beset by a multitude of passions) to republican citizen (self-renouncing and steeped in virtue) thus amounts to a radical transformation of the human being’s nature. Indeed, Rousseau’s unforgettable description of the virtuous citizen as a “denatured” being is Montesquieu’s point rendered explicit.<sup>15</sup> Montesquieu is never so loud as Jean-Jacques, but he does finally compel one to ask whether the education to virtue is wrought upon a nature compatible with it or upon one that rejects it, whether virtue mutilates human nature or completes it. The answer, it can be guessed, is that it mutilates. And so: might one rather flee the order that afflicts him?

But to what would he flee? In their flight from despotism, the old republicans fled to no safe-haven, but to monastic barracks, trampling along the way the “hope for the comforts of life,” a hope obtaining especially (and oddly enough) in despotism, the most natural of the forms of government thus far treated in *The Spirit of Laws*. Indeed, while despotism provides for Montesquieu the nightmare standard, it also provides a glimpse of what human beings must have been prior to the establishment of societies. Like savages, they are said to be “timid” and “ignorant,” but by living under a despotism, so are they “downcast” (*abattus*) (I.1, 2; V.14). Fear is despotism’s principle, and Montesquieu often notes it. But then, late in the fifth book, comes a line that complicates matters: “in the despotic state, where there is neither honor nor virtue, one cannot be determined to act but for the hope for the comforts of life” (V.17–18). Until now, fear and only fear is said to be the motivating passion of these governments.<sup>16</sup> What has hope for comforts to do with fear for one’s life?

Hope, as they say, implies despair. And the inverse apparently holds. Here, in referring to hope for comforts, Montesquieu looks to the other side of the despotic principle and in so doing returns in this brief reflection on the government that so far belongs most to nature to the first book’s description of self-preservation as a natural right (I.3). The other side of fear is hope for “commodious living,” to borrow the Hobbesian expression.<sup>17</sup> And so Montesquieu suggests in this way that the natural desire for preservation naturally develops into a desire for comfortable self-preservation. In limiting fear as a leading passion to the despotic form, Montesquieu will show how fear is a passion that is difficult and harmful to keep present and active in the minds of individuals. Beginning from a concern for individuals’ security, then,

Montesquieu suggests that by a reasonable policy a government ought to be oriented not to fear but to its flipside. Such a government will deal with terror, but not with a counterterror (e.g., XII.4). Such a government will play not on natural fear but on the natural hope for comforts called for by the ordinary passions. Such is not the old (*denatured*) republic.<sup>18</sup>

But a return to what is natural need not mean a turn to despotism. The new republic is somehow natural, too. It manages “hope for the comforts of life” better than the old republics did. And like despotism, it is peopled by beings resembling those in a natural state. But there are key differences here that tell the tale. Subjects of despotism recall the prepolitical status of human beings and are additionally “downcast,” so for them “not many laws are needed” (V.14). Despotism is legally simplistic. Captured by a simplification, this chapter of two sentences titled “Idea of Despotism”: “When the savages of Louisiana want to have fruit, they cut the tree to the ground and gather the fruit. This is despotic government” (V.13).<sup>19</sup> The citizens of the new republic, however, live under a *complex* set of laws and institutions. These citizens, living under a system of sylvan origins, are differently natural (XI.6, XVIII.23; XXVIII.15; XXX.18–19). Not best described as “timid, ignorant and downcast,” they are rather more informed and agitated, moved by a fear that is not despotic because it has no “certain object” (XIX.27).<sup>20</sup> They rather resemble individuals of the prepolitical state in so far as they are isolated. They are a people better described as “confederates rather than fellow citizens” (XIX.27). They prosper under an institutional arrangement that plays upon, and is sustained by, their self-interested motivations. And so the theoretical construction of this republic might be read as an act of retrieval, an artificial return to nature that plays upon the “hope for the comforts of life” without arriving at despotism. It is a republic without a “principle.”

#### A DIFFERENT SORT OF PRINCIPLE: THE NEW REPUBLIC’S INSTITUTIONAL FORM AND ITS PASSIONS

Perhaps it can be gathered by now how Montesquieu at last can say: “Who would say it! Even virtue has need of limits” (XI.4). Virtue is finally abandoned in favor of a constitution that is a “disposition of things,” whereby power—understood according to “sorts” relegated to distinct “bodies”—can check power (XI.6).<sup>21</sup> Montesquieu calls this government a republic.<sup>22</sup> But this is a new republic, large and commercial, understood according to our “modern times,” and the first to be true to the “true spirit of the republic,” which is “peace and moderation” (IX.2; X.3). It is ordered by a constitution that has its basis not in political speech whereby diverse actors advance their claims to rule, *à la Aristotle*, but in a different sort of speech, in everyone’s speech as it would unfold at the level of society, as it would reflect the universal concern for security. Not a will to virtue, then, but a more moderate thing, the will to security, informs Montesquieu’s arrangement that begins from an abandonment of virtue. The will to security finds its fulfillment in the “political liberty” that the constitution supplies.

Political liberty is the “tranquility of mind (*esprit*) that comes from the opinion that each has of his security” (XI.6).

Here is a liberty not rooted in the glory and aggrandizement of one's state but in one's own sense of safety. It is political because it is achieved politically, by an institutional arrangement. And it arises when "government is such that one citizen cannot fear another citizen." Political liberty is the "direct object" of Montesquieu's constitution of separate powers, and it is not defined until he announces what seems to be the essential separation, new with him, that of the power of judging from the executive. At the highest level, one citizen will not fear another when the executive may no longer execute individuals.<sup>23</sup> This "terrible power" must be removed from sight as far as it is possible. And it is in such an atmosphere that the "ordinary passions" now begin to fire quite freely, as Montesquieu makes clear in the rather more neglected complement to his much-studied formal description of the constitution devoted to liberty as the security of individuals. It is here especially that he shows that the institutional form will have an informal, or behavioral, effect (XIX.27, 26). How, then, do people behave, how do their passions find expression, when they feel secure?

"All the passions there are free," says Montesquieu of the form he had described eight books earlier (XIX.27). He speaks of the "customs of a free people," which are crucial, because they are "part of its liberty." The new republican constitution affects them, and they sustain it in turn, doing the work in a way of the old republican principle, but painlessly, imperceptibly, and without the cost.

Ordinary individuals are removed from governing by the necessity of the large size of this state, and so the state is representative rather than participatory, which Montesquieu presents as a "great advantage" over the republics of old (XIX.27).<sup>24</sup> But individuals are not perfectly depoliticized; they will express their passions as partisans, and it is in this context that the reader gets a first glimpse of "ordinary passions" in play.

As "each citizen there will have a will," the passions play out in parties that will form around the two visible powers (XIX.27). Partisans will be moved by such passions as hatred, envy, jealousy, and ardor for riches and honor.<sup>25</sup> So the order that is the model of political liberty might now seem less than attractive. But like Wagner's music, it's better than it sounds. Partisan hatred would always exist, but so would it be "always impotent." Montesquieu's confidence is striking, because what emerges in his discussion of the actions of parties seems somehow as mechanistic as the interplay of powers described in the eleventh book. If one power goes too far, Montesquieu suggests that some among its partisans will turn to the weaker party. This he calls an "effect of liberty": when one power is threatened by the designs of the other, citizens spring into action; "as hands that secure the body," citizens would come to the relief of the weaker power. Political liberty is thus sustained by its effects, the passions. The "effect of liberty" is an example of the universal concern for security at work, the concern described above as the foundation of the form. As Pierre Manent has explained its basis, before citizens are partisans, they are members of society.<sup>26</sup> They abandon their own party, despite its gaining force, because they feel threatened in their more fundamental capacity as members of society. Just as the constitution addresses the

subpolitical concerns of citizens, then, it is a subpolitical interest here that determines the beneficent functioning of things. Members of society, though they seek advantages from one or the other power, want no power to gain too much force unhindered. Their feeling of security depends on there being no power that can crush society underfoot. Partisanship is the extraconstitutional feature keeping the free constitution in motion and its citizens safe.<sup>27</sup>

The partisan passions (whose nearly mechanical functioning foreshadows that of the moral laws to be discussed below) are important to notice, because they reflect the social passions more generally. One finds that the institutional arrangement calls forth a passionate dynamism stabilizing enough that policies will emerge to protect and even foster it. Here is another improvement on the ancient republics, which others have mistakenly called free. This is largely because observers of the old republics have confused liberty with independence. Beginning from this distinction, Montesquieu finds in them not models of liberty but exemplars of the tendency of independence to bleed into the "spirit of extreme equality," where each wants to rule and none wants to obey (XI.3; VIII.2). These were "not free states by their nature" and ought not to serve as models of liberty (XI.4). But the new republic is different. Indeed, it is a model in which liberty and independence, first opposed, are at last reconciled, as the order devoted to political liberty allows quite a lot to its citizens. A noteworthy example is freedom of expression.

These free people would be constantly agitated; they "would believe they are in danger even in the most secure moments" (XIX.27). They would speak their minds frankly, with more force than grace. Liberty depends on their passions being freely expressed: "a citizen in this state would say and would write all that the laws do not expressly forbid him from saying or writing" (XIX.27; XII.12–13). And it is difficult to see what would not be allowed them on this score, as others, David Hume among them, noted well.<sup>28</sup>

Here is a feature of the new republic absent from the old, as comes to light when Montesquieu earlier touches on the Roman republic's institution of the Decemvirs (VI.15). He turns to the Decemvirs presumably to correct Livy's judgment that while Rome had once forgotten the "laws of humanity" (*legum humanarum*) it could now glory in the fact that in no other nation have milder criminal punishments found a home.<sup>29</sup> But Livy "is mistaken," for he fails to consider the great inhumanity of the Decemvirs. The authors of the Twelve Tables produced something "full of very cruel provisions." But rather than citing this or that most remarkably "very cruel" provision (e.g., the penalty of being burned alive for having burned not a neighbor but a neighbor's heap of corn), Montesquieu chooses to dwell on that which best exemplifies "the design" of the Decemvirs, who aspired to tyranny. And that design seems best revealed in their policy of executing libelous authors, for "those who wanted to overturn liberty feared writings which could call the spirit back to liberty" (VI.15). Republican liberty depends on a certain freedom of expression, and although perhaps not the best example of extraordinary cruelty, such a provision as this belongs to Roman inhumanity more generally. Roman inhumanity is reflected at home and abroad, at war and in

such institutions as this that, in keeping with the old republican principle, deny the passions their expression. Rome is not true to the “true spirit” of republicanism on either count. But the new republic is different.<sup>30</sup>

By its constitution there is a citizenry made to feel secure and moderated by institutional separation and by representation, respectively. Not being directly involved in governing, human beings will turn to a space now opened up, a social space enlivened by the “ordinary passions” traditionally squashed. This is the commercial sphere, contained by a constitutional republic that is a commercial republic. Montesquieu nods to this aspect of the new republic as he closes his discussion of its constitution, where what was until now a static description comes to hint at the arrangement’s dynamic and informal effects, some of which we have just seen. He draws on Herodotus to knock on James Harrington, who sought wrongly the limits of liberty in a constitution.<sup>31</sup> The English republican had “built Chalcedon with the shores of Byzantium before his eyes” (XI.6). Montesquieu, who opposes (among other things) the agrarian laws envisioned by Harrington and enacted by his ancient predecessors, turned his gaze across the Bosphorus and saw the fruitful territory, the Golden Horn (a natural port), and thus the commercial potential, of Byzantium when he saw his constitution.

Montesquieu’s republic is a commercial republic, which makes it a peaceful republic and thus true to the “true spirit” of the thing. For it is a “natural effect” of commerce to render nations “reciprocally dependent” and thus to “incline toward peace” (XX.2). And as commercial, it will be moved not by self-forgetting virtue but by a summation of apparently ugly passions (those first seen with the partisans) that prove to be beneficent as they are checked by a self-interested morality that Montesquieu eulogizes in a commercial context (XXI.20). Altogether, this multiplicity of passions amounts to a certain “uneasiness” (*inquietude*), “impatience,” or vigilance, which Paul Rahe, in an otherwise excellent account of this disposition and its upshot, recently has mistaken for the principle of Montesquieu’s new republic. But vigilance—a summation rather than a compression of the passions—is not a principle in Montesquieu’s sense. Rahe errs with others in believing Montesquieu’s neglect to identify an animating principle of the new republic to be an invitation to find it.<sup>32</sup> But if one attends to the definition of principle as the single guiding passion of the form, one sees that Montesquieu’s republic is a republic *without* a principle.

It is understandable how one might find vigilance, or some similar disposition, to be the new republican principle. It is, after all, a passionate force that sustains the political form. But I think that this is precisely Montesquieu’s point. When one notices a force that does the work of a “principle” while at the same time granting the passions their freedom (in distinct contrast to Montesquieu’s usage of “principle”), one sees that a republic can be sustained without forever calling its citizens back to the fatherland by a self-renouncing virtue. Montesquieu’s study of the fate of humanity’s ordinary passions thus shows that self-regard can do the work of self-forgetting, but without the cost to humanity. It begins with institutional arrangement aimed at liberty. And successful liberty depends on a very different sort of principle, the

separation of powers, which allows scope to the very passions that a “principle” by Montesquieu’s definition represses.

While it may not be a “principle,” then, vigilance certainly is a quality well-suited to the new republic that institutionally affects it. It is a social disposition with good political effects. Indeed, Leo Strauss’s felicitous description of the Lockean human being’s fate to be a “joyless quest for joy” captures quite well the fate of Montesquieu’s new republican.<sup>33</sup> What Locke found in human beings simply, that is, Montesquieu finds particularly at play in the citizens of a new Rome—more moderate, more humane. This is progress, for the Romans were a people “accustomed to playing with human nature” and thus unable to “comprehend that virtue we call humanity.”<sup>34</sup> Livy’s *legum humanarum* are not our own. But what sort of humanity is our own? What sort of humanity is to be expected from a people vigilant and rough around the edges? And where is the restraint? These questions are best answered in Montesquieu’s reflections on commerce, where *The Spirit of Laws* reaches a moral peak.

Commerce is a force that proves to shape nearly all states, but its spirit is managed most fluently by the new republic envisioned by Montesquieu, where the passionate effects of commerce reflect those of the institutional arrangement. And so it is in the new republic, the commercial republic, that we at last find the “laws of morality” at work. Here laws, institutions, commerce, and philosophy (according to the task Montesquieu had assigned it in the first book) work together in favor of ordinary acquisitive individuals and their pursuits. I turn now to Montesquieu’s philosophic morality, which he holds up, warts and all, for its humanity.

#### ORDINARY PASSIONS REGULATED: COMMERCE, ENLIGHTENED INTERESTS, AND THE “LAWS OF MORALITY”

As it happens, humanity can be met by the least requirements, because it “demands” only the “smallest things” (XX.2). This Montesquieu implies as he is occupied with two extremes: peoples who have been totally deprived of commerce (this includes despotisms whose “poverty is part of their servitude” and old republics whose “poverty is part of their liberty”) and people who are moved by nothing but commerce (Holland is the exemplar here) (XX.2, 3). Residing in the oddly moderate middle is a commercial people who love liberty, and love it “prodigiously” because “it is true” (XIX.27).<sup>35</sup> While the old republicanism produced “hardness” (*duret *), an odd sort of “gentleness” (*douceur*) is characteristic of a people who live under a government *apparently* freely chosen (V.15).<sup>36</sup> It is a quality of a commercial people, a republican people less ferocious than its forebears. And it should not be surprising, says Montesquieu, that we are now less harsh: This is the effect of commerce, a sort of historical spirit moving through space and time, softening individuals and polities along the way. “Commerce corrupts pure mores; this was the subject of Plato’s complaints.”<sup>37</sup> But so does it soften “barbarous” mores.<sup>38</sup> Indeed, these pure mores and barbarous mores prove by Montesquieu’s rhetorical finesse to be one and the same. Not moved by Plato’s lament, Montesquieu calls upon our common sense, upon what “we see

every day” and suggests we take heart in the moral progress away from barbarism (XX.1).<sup>39</sup>

Classical republicans, well-exemplified by ascetic monks, showed that a citizen’s self-love was synonymous with self-renunciation. The question of the intersection of private and public interests was raised by that striking metaphor, and it is solved here, where we at last find Montesquieu’s philosophic morality at work.

So far, I have followed Montesquieu in referring to the passions born of the new republican order. Here in the books on commerce, Montesquieu will speak of “interests” in opposition to passions (XXI.20). The passions earlier shown to be beneficent are to be guided by interests. Interests direct the passions that work for us against those that lead astray, as ordinary passions are brought into line (again gently, imperceptibly, painlessly) with the interests.<sup>40</sup> It is in the interplay of passions and interests, then, that we find the “laws of morality” at work. Rather than naming this morality, though, Montesquieu now elucidates it, but he does so according to that original usage that drew on the language of physical laws. The morality he now describes has all of the features to be gathered from his opening reference to the moral laws.

Montesquieu’s philosophic morality is most evidently at play where institutions have freed the acquisitive passions associated with the commercial spirit. But, as noted, commerce affects nearly all states, including those not marked by the institutional order that Montesquieu envisions. Commerce is credited for having “penetrated barbarism in Europe” (recall that Plato’s “pure mores” are “barbarous”) and for having allowed it to be “cured of Machiavellism” (XXI.20). The remedy is prepared institutionally by the order that departs from Machiavelli on the question of judging, highlighted above with the power whose removal from sight allows for political liberty (VI.15, XI.6). The cure of Machiavellism in its fulness thus proceeds along two lines: one institutional, one moral-economic, and both related. In the new republic, the moral side of the cure is reflected in the wholesome flourishing of the interests first set free by the institutional arrangement that can be understood as a correction of orders not separating the powers. Because the institutional side cannot everywhere be taken for granted, one finds in the books on commerce how it is in the interest even of princes to bend to the force of commerce. And it is in learning of this that one learns what is in one’s interest to know. Montesquieu’s discussion here, in other words, is an example of the philosophic education to morality as that education is newly conceived in *The Spirit of Laws*.

“Great strokes of authority”—periodic renewals encouraged by Machiavelli to remind individuals of their dependence on the state—are increasingly only ham-fisted imprudences (XXI.20). Examples of such “strokes” in *The Spirit of Laws* have abounded, but always in the form of spectacular punishments. Montesquieu’s example of such “strokes” now is princely money-meddling, a thing rendered obsolete by an invention: Jews invented bills of exchange, making money movable and invisible, more difficult for an authority to grasp (XXI.20; compare XXII.1–2; XXII.19, 22; *Penseés*, no. 77). The cure is furthered and solidified by the pres-

ence of the exchange (XXII.10). In the chapter devoted to it, a text surprisingly neglected by scholars, Montesquieu explains how the “exchange fixes the present and momentary value of monies.” The value of money is fluid and not to be fixed by a prince; rather, “it varies constantly and depends on a thousand circumstances.” Montesquieu continues at length, burying in a drab assessment of things the profound essence of his account.<sup>41</sup> “Let us simplify the ideas,” he says. And he does: There is a piece of money in Holland called a florin, worth twenty sous, forty half-sous, or a groschen. Because Holland has the most silver, it holds the exchange, and the value of a country’s currency is determined relative to the value of the groschen, and on he goes to show how this might work in determining the value of French currency, whose denominations he officiously names. Montesquieu’s lengthy remarks are amusing if one recalls the first comparison between the ancients and moderns: one speaking only of virtue and the other of the economic things. Nineteen books later is our author, speaking only of money and giving himself as an example one of our *politiques* who seemed at the outset to embody a regretful turn (III.3). But the simple explanation of the workings of the exchange takes on real significance. It is this thing, the exchange, Montesquieu tells everyone, that brought about a profound political change. This is crucial: its workings are visible to everyone. Montesquieu explains it in a manner (“let us simplify the ideas”) that can be understood by individuals for whom such knowledge is good. Everyone can know where he stands. The cure of Machiavellism is owed largely to the exchange: monarchs depend on it, but it is beyond their control. Exchange is a power beyond the reach of Machiavellian “strokes.” It communicates a necessity that replaces the Machiavellian variety. This necessity—more a reflection of stingy nature than of princes making judicious use of violence—is one to which individuals may more easily and safely adjust. Even so, the cure of Machiavellism has its source in the ill; it is a cure that retains some aspects of the ill. Necessity remains the mother of morality (XX.5).<sup>42</sup>

There is good reason, then, to see a touch of Machiavellian realism in Montesquieu, but it is precisely Machiavelli whom Montesquieu confronts both on questions of individual security and of morality. A comparison between these two, which I have made elsewhere,<sup>43</sup> is beyond the scope of the present article, but a few words go some way to clarifying Montesquieu’s understanding of morality.<sup>44</sup>

Like Machiavelli, Montesquieu begins by taking human beings “as they are.” And like that “great man,” it is his way to “go directly to the effectual truth of the thing” (VI.15).<sup>45</sup> But Montesquieu takes the Machiavellian turn to its conclusion, using against Machiavelli the Machiavellism that is the *verità effettuale* of the latter’s thought. Well before Montesquieu, Machiavelli had already decided that the human being’s leading feature is his flexibility: A lion will be a lion, a fox a fox, but a man can be either.<sup>46</sup> And so in Machiavelli there is the self-consciously flexible prince who plays upon the unconsciously flexible multitude. Machiavelli, despite his clarion call that seems to be a great lowering of the horizon, is still taken with glory; the great glory-seekers are among his captains. And though he insists that it is a very “natural and ordinary thing to desire to acquire,” he is occupied

always with that ordinary desire as it moves extraordinary conquerors.<sup>47</sup> And so the two soon part ways. Montesquieu begins not from the glory-seeker, but from the ordinary individual. His emphasis remains on the security (and increasing comfort) of that individual.

Human beings do not need such reminders as those recommended by Machiavelli, just as they were not benefited by the old republican variety. But they do need reminders, and they need philosophers to provide them. Philosophers elucidate the “laws of morality” that remind us of ourselves (I.1). Here is Montesquieu taking on the philosopher’s task.

Happy it is for men to be in a situation where, though their passions inspire in them the thought of being wicked, they have an interest in not being so (XXI.20).

To the new situation belongs this morality rooted in one’s interests, a morality that looks first to oneself but that makes for the good of the others who are not one’s first concern.<sup>48</sup> Though they do not require a repressive or extraordinary education, the interests do need training.<sup>49</sup> This is the popular enlightenment that Montesquieu thought it “not indifferent” to pursue at the outset. It is to “simplify the ideas,” to make people able to see things from the point of view of reasonable self-interest. Interests will work somehow systematically, even predictably, moving according to the “laws of morality.”<sup>50</sup> Ordinary individuals will not be attending seminars run by philosophers, of course; rather, they will be shaped by legislators who at best will listen to the legislators, *par excellence*, and learn the “spirit of moderation,” a spirit that belongs with peace to republicanism newly understood (XXIX.1, 19).<sup>51</sup>

Montesquieu’s philosophic morality, then, is a commercial morality, and its workings are most visible in the new republic, which is a peaceful republic for its being a commercial one. But “if the spirit of commerce unites nations, it does not in the same way unite individuals” (XX.2). This reflects what was seen in the manners of the new republicans, the passionate partisans who are “confederates rather than fellow-citizens” (XIX.27). But commerce does produce in individuals certain virtues not called virtues. One is “exact justice,” a certain mean between extremes born of the “total privation of commerce”: banditry and a moral virtue that leads one to forget his interests for others. So commerce doesn’t make one simply good (XX.2, 5). Morality takes on some of the selfishness of banditry and some of the good effects of a virtue that in its pure form is too self-sacrificial. Commerce “cures” prejudice, says Montesquieu, and thus it reminds you of yourself. The new institutional arrangement and the commercial spirit are harmonized in the new republic—all to the good of individuals.

The spirit of commerce reflects and satisfies the natural expansion of human desires. “One commerce leads to another: the small to the middling, the middling to the great; and he who had a desire to gain little finds himself in a situation where he wants no less to gain more” (XX.4). The desire to acquire is natural; the possibilities for acquiring are nearly endless; and the possibilities excite: Montesquieu likens engaging in commerce to playing the lottery, an enticement to which even the “wise” are susceptible, as is natural (XX.6). It

is in everyone’s interest to have (as it is in everyone’s nature to want) more. If Montesquieu abandons the Hobbesian state of nature, he maintains something of the description of the human pursuit for “power after power” that the Malmesbury philosopher located in the prepolitical state and identified as an ingredient of its “war of all against all.”<sup>52</sup> But here in the republic that works best with the commercial spirit, self-interested behavior is restrained in the service of self-regard. Adam Smith later captured the spirit of it: “It is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own interest.”<sup>53</sup>

While I have called this a moral peak in *The Spirit of Laws*, it will appear from another perspective to be rather low. Montesquieu recognizes as much and is clear that certain high things will be left behind. Indeed, there is a touch of regret as he speaks of French gallantry and *politesse*, whose natural place is monarchy. Citizens of commercial orders will have to let go of expectations of a society of high taste and courtly refinements of manner. They cannot expect acts of *noblesse oblige* or hospitality, a quality also found among those deprived of commerce: “Hospitality, so rare in commercial countries, is found admirably among bandit peoples” (XX.2). Montesquieu’s morality, the substitute for repressive and self-forgetting virtue, also replaces the less extreme sort of self-forgetting at play in such *noblesse oblige*, where it is noble to deny one’s lower interests. The aristocratic rejection of base self-interest is undermined in favor of the self-interested morality of commerce, its opposite. Self-interest is *ignoble* for its view to the basics and to the expansion of the basics. It is ignoble, too, for its unimpressive risks. The risks of self-interest can be calculated, and they are. It aims low, so it risks little. It is frugal when frugality is understood to be contrary to hospitality. Frugality, by a development in Montesquieu’s work, comes to be compatible with acquisitiveness. In the old republic, frugality (identified with monkish virtue) told a citizen what he did not need; in the new republic it tells him that nothing is free, that he has to work. Hospitality runs against the grain, because it encourages one not to work for the expectation of getting something for free.<sup>54</sup>

Such things are abandoned of necessity. They make little sense and cannot be sustained beneath the force of a commercial spirit that emancipates the steady pursuit of self-interest, which Montesquieu ultimately accepts and describes.<sup>55</sup> Such a pursuit belongs to the new republic “by its nature” (XX.4). Commercial activity comes naturally to the new republic, where the “ordinary passions” for the “comforts of life” are unleashed by an institutional arrangement and regulated by a morality that functions where it has the opportunity.

## CONCLUSION

It is without much fanfare, then, that one finally finds in the commercial republic the “laws of morality” at work. Like the morality dropped as it was mentioned in the first book of *The Spirit of Laws*, it is self-regarding; it is synonymous with a cure from prejudice as prejudice is understood by Montesquieu. Self-knowledge, the opposite of prejudice, is made

easier to attain: to have it is to know that you are a creature seeking comfort and security; self-knowledge is knowledge of one's interests. Unlike old republics, institutionally thin and violently calling citizens back to their fellows and their order, human beings in the new republic will be left to think above all of themselves. They will not think first of their fellows, but neither will they have an interest in lording it over them. Much will be allowed to them, but they will be safe. They will live under a government that adapts best to the historical movements of commerce, and being so situated, their morality, like Benjamin Franklin's honesty, will take on the aspect of a policy decision. Nothing too high, it is dependable, attainable, and quite in keeping with humanity's passionate nature.

It is for these reasons, then, that Montesquieu's commercial republic is unique among all forms appearing in *The Spirit of Laws*. No government until now has provided at the institutional level for the security of ordinary individuals and thus so freed their passions. None has given rein to passions so consistent with those born of the commercial spirit washing over the world that Montesquieu describes. Nowhere but here has a government so functioned at the social level according to the laws of morality, because none but the commercial republic has provided the venue.

#### NOTES

1. Citations of *The Spirit of Laws* are parenthetical and refer to book and chapter, Roman and Arabic numerals separated by a period. For all works but the *Pensées*, for which I have used Montesquieu, *Pensées, le Spicelège*, ed. Louis Desgraves (Paris: Bouquins, 1991), I have used *Oeuvres complètes de Montesquieu*, 2 vols. (Paris: Edition de la Pléiade, 1949–51).

2. The most detailed examples of this reading are Thomas L. Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on the Spirit of the Laws* (Chicago: The University of Chicago Press, 1973) and Paul A. Rahe, *Montesquieu and the Logic of Liberty* (New Haven: Yale University Press, 2009). Consult the latter, 280–1n40, for a thorough sampling of the various republican readings of Montesquieu, some which assign the *philosophe* to the classics and some to the moderns.

3. On the implications of human flexibility, see Krause "History and the Human Soul in Montesquieu," *History of Political Thought* XXIV (Summer 2003): 242–52.

4. *The Spirit of the Laws*, replete with this-worldly particulars, begins in Book One from the heights of abstraction, and the book's place in the work has long been controversial. John Plamenatz, *Man and Society: Political and Social Theories from Machiavelli to Marx* (London: Longman, 1992), 11, suggests that the book has no bearing on the whole, and so he skips it altogether. Others have found more to consider, see, for instance, Simone Goyard-Fabre, *Montesquieu: la nature, les lois, la liberté* (Paris: Presses Universitaires de France, 1993); Krause "Laws, Passion, and the Attractions of Right Action in Montesquieu," *Philosophy & Social Criticism* 32 (March 2006); Lowenthal, "Book I"; Sara MacDonald, "Problems with Principles: Montesquieu's Theory of Natural Justice," *History of Political Thought* 24 (2003); Ana J. Samuel, "The Design of Montesquieu's *The Spirit of the Laws*: The Triumph of Freedom over Determinism," *American Political Science Review* 103 (May 2009). For works that address Book I in an effort to locate Montesquieu within the natural law tradition, see Mark Waddicor, *Montesquieu and the Philosophy of Natural Law* (The Hague: Nijhoff, 1970). Beyond Waddicor's work and survey of the relevant literature, see more recently C. P. Courtney, "Natural Law" in *Montesquieu's Science of Politics: Essays on the Spirit of Laws*, eds. Michael A. Mosher, David W. Carrithers, and Paul A. Rahe (Lanham, MD: Rowman & Littlefield, 2001). Pangle, *Montesquieu's Philosophy* and Michael Zuckert, "Natural Law, Natural Rights, and Classical Liberalism: On Montesquieu's Critique of Hobbes" in *Natural Law and Modern Moral Philosophy*, eds. Ellen Frankel Paul, Fred D. Miller, and Jeffrey Paul (Cambridge: Cambridge University Press, 2001) see Hobbes where others are more apt to see Grotius. Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1953), 164, finds a telling contrast with Thomas Aquinas

on the theme. For an intriguing discussion that suggests that Montesquieu "blends natural right and natural law," see Carrese, "Montesquieu's Complex Natural Right."

5. On Montesquieu's typology, see Catherine Larrère, "Les typologies des gouvernements chez Montesquieu" in *Études sur le XVIIIe siècle*, ed. Jean Ehrard (Clermont-Ferrand: Association des publications de la Faculté des Lettres, 1979); Pangle, *Montesquieu's Philosophy*, 50ff.; Paul A. Rahe, "Forms of Government: Structure, Principle, Object, and Aim," in *Montesquieu's Science of Politics*; Robert Shackleton, *Montesquieu: A Critical Biography* (Oxford: Oxford University Press, 1961), 266–8.

6. Krause, "Despotism in *The Spirit of Laws*" in *Montesquieu's Science of Politics*, 231. On Montesquieu's use of the term "despotism," see Schaub, *Erotic Liberalism*, 19–23.

7. On the nature of republics, see David W. Carrithers, "Democratic and Aristocratic Republics: Ancient and Modern," in *Montesquieu's Science of Politics*, 114–5. As to the nature of monarchy, Montesquieu includes among its "distinctive properties" the drift into despotism (VIII.17).

8. Honor is a complex passion that moves one not to submit and yet brings one nonetheless into the orbit of the sovereign's will. For a fine treatment of honor in Montesquieu, see Krause, *Liberalism with Honor* (Cambridge: Harvard University Press, 2002). Emphasizing its benefits, though, Krause does not find or at least dwell on the critical thrust of Montesquieu's treatment of the monarchic principle. Mark Hulliung, *Montesquieu and the Old Regime* (Berkeley: University of California Press 1976), 31–2, errs on the other side, as he seems too keen on showing that honor is "sham, conceit, and pretense" to see its benefits. Rahe, *Logic*, 199–201, offers something of a middle way.

9. Montesquieu defines virtue in the Author's Foreword (first published in 1757) and insists that to understand the first four books of his work one must notice that virtue is political and not moral or Christian. His meaning here has long been a matter of debate. Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge: Cambridge University Press, 2004), 166–70, finds in Montesquieu's treatment of virtue an extension of the moral relations briefly discussed in Book One. Others emphasize the distinctions that Montesquieu raises in the foreword and suggest that there is no connection between the moral relations of the first book and republican virtue; see, for instance, Nannerl O. Keohane, *Philosophy and the State in France: The Renaissance to the Enlightenment* (Princeton: Princeton University Press, 1980), 415–9; Pangle, *Montesquieu's Philosophy*, 54–65; and Rahe, "Forms." The last three are cited in Nelson, *Greek Tradition*, 166–7nn48–9. To them ought to be added works of Pierre Manent, *The City of Man* (Princeton: Princeton University Press, 1998), Mansfield, *Taming*, and Elena Russo, "The Youth of Moral Life: The Virtue of the Ancients From Montesquieu to Nietzsche" in *Montesquieu and His Legacy*, ed. Rebecca Kingston (Albany: SUNY, 2009). None to my knowledge has noticed the qualification attending the distinction raised in the foreword that this applies to the understanding of the first four books and that Montesquieu thus leaves one to wonder whether from Book Five all bets are off. See note 13, below.

10. See the reference to Rahe, in note 2, above.

11. "It is sweet and fitting to die for the fatherland"; see Horace, *Odes* (III.2.3).

12. Montesquieu suggests that self-renunciation is of the essence of republics by choosing as a model virtuous republic the regime developed by Plato in his *Republic* (IV.6), at first blush an odd choice, given that the institutional order, or nature, of the philosopher's imaginary republic is rule by kings. And yet the choice becomes clear if one notices not the nature, but the principle of Plato's regime. If virtue is self-renunciation, and Montesquieu clearly says as much, then Plato's republic, with its extreme communism, for instance, is a model quite well chosen. For a view contrary to mine, which finds Montesquieu's treatment of Plato to be an endorsement, see Nelson, *Greek Tradition*, 170–2, along with references at 170–1n68.

13. Here in Book Five the distinction between political and Christian virtue emphasized in the foreword, a distinction said to be necessary to grasp for understanding the first four books, is exploded.

14. Here is a word used again in a similar way, where hardness is a consequence of the failure to "follow nature" (VI.12). "Extremely happy men and extremely unhappy men are equally inclined to hardness (*dureté*): witness monks and conquerors" (VI.9). We have heard about the monks, but are we to conclude by the design of the passage that conquerors are "extremely unhappy"? Surely someone will believe the conqueror to be the happier of the two, but this might mean that the monks are "extremely unhappy." Yet Montesquieu wishes to dampen one's enthusiasm for the conqueror's exploits, too (e.g., IX–X; XIX.27). In confusing the question of who enjoys extreme happiness or unhappiness, Montesquieu emphasizes the common enemy, harshness, and invites one to reconsider the tendency to love an oppressive order.

15. Jean-Jacques Rousseau, *Emile, or on Education*, trans. Allan Bloom (New York: Basic Books), 40.

16. For a survey of the various readings of Montesquieu's treatment of fear, see Corey Robin, "Reflections on Fear: Montesquieu in Retrieval," *American Political Science Review* 94 (June 2000).

17. Thomas Hobbes, *Leviathan*, ch. 13.

18. In a less spectacular way, monarchy denies ordinary individuals the comforts of life, as can be seen especially with regard to punishments for those without honor (VI.10) and as is later clear with regard to commerce in monarchic states, discussed below.

19. Despotism, needing "only passions to establish it" is easy to find (V.14). It is to be contrasted to the "masterpiece of legislation" that is difficult to find (XI.11). This "masterpiece" is not established by passions, but it is sustained by the passions it frees, as I show below.

20. Krause, "The Spirit of Separate Powers in Montesquieu," *The Review of Politics* 62 (Spring 2000), 250–1, rightly suggests that "fear and self-interest are two faces of the same motive" and that "the narrow pursuit of self-interest is perfectly compatible with despotism." But I depart from her in so far as she believes this to indicate structural fragility. I believe that Krause misses the significance of the fear at work in Montesquieu's new order having "no certain object." See the discussion of uneasiness, impatience, and vigilance, below.

21. A treatment of the functioning of the separation of powers is beyond the scope of this article. Scholarly views of the arrangement are numerous and varied. For suggestions that Montesquieu here presents his ideal state, see F. T. H. Fletcher, *Montesquieu and English Politics* (London: Edward Arnold and Co., 1939), 107; Peter Gay, *The Enlightenment: An Interpretation*, vol. 2 (New York: Knopf, 1969), 470; Courtney Ilbert, *Montesquieu* (Oxford: Clarendon Press, 1904), 32; Andrew Lynch, "Montesquieu and the Ecclesiastical Critics of *L'Esprit des Lois*," *Journal of the History of Ideas* 38 (1977), 487–500; Pangle, *Montesquieu's Philosophy*, 160, 163, 228; and Jean Starobinski, *Montesquieu* (Paris: Editions du Seuil, 1953), 67. For readings that emphasize what is claimed to be Montesquieu's ambivalence toward the arrangement, see Keith Michael Baker, *Inventing the French Revolution* (Cambridge: Cambridge University Press, 1990), 173–9; Robert Boesche "Fearing Monarchs and Merchants: Montesquieu's Two Theories of Despotism," *Western Political Science Quarterly* 43 (December 1990), 741–2; Anne M. Cohler, *Montesquieu's Comparative Politics and the Spirit of American Constitutionalism* (Lawrence: University Press of Kansas, 1988), 180ff; Henry J. Merry, *Montesquieu's System of Natural Government* (West Lafayette, IN: Purdue University Studies, 1970), 313, 339; Krause, "Spirit of Separate Powers." For those who note Montesquieu's historical inaccuracy, see Isaiah Berlin, "Montesquieu" in *Against the Current: Essays in the History of Ideas*, ed. Henry Hardy (Princeton: Princeton University Press, 2001), 131; Laurence Claus, "Montesquieu's Mistakes and the True Meaning of Separation," *Oxford Journal of Legal Studies* 25 (2005); C. P. Courtney "Montesquieu and English Liberty," in *Montesquieu's Science of Politics*, 279–80; Joseph Dedieu, *Montesquieu et la tradition politique anglaise en France: les sources Anglaises de L'Esprit des lois* (Paris: Gabalda, 1909), 228; Muriel Dodds, *Les recits de voyages, sources de L'Esprit des lois le Montesquieu* (Paris: Presses Modernes, 1929), 31; Merry, *Natural Government*, 341–5; Plamenatz, *Man and Society*, 285–94. And for the fewer who suggest or imply that historical accuracy is beside the point, see Pierre Manent, *An Intellectual History of Liberalism* (Princeton: Princeton University Press, 1994); Mansfield, *Taming*, 213–46; Pangle, *Montesquieu's Philosophy*.

22. Montesquieu calls this government a republic hiding behind a monarchy (V.19). David Carrithers, "Not So Virtuous Republics: Montesquieu, Venice, and the Theory of Aristocratic Republicanism," *Journal of the History of Ideas* 52 (June 1991), 252n21, finds England (the actual state from which Montesquieu derives his government of separate powers) better described as a "mixed monarchy," taking his cue from Montesquieu's *Pensées*, no. 238, where it is so called. But England is not, as far as I know, called a "mixed monarchy" in *The Spirit of Laws*, where it is later referred to as a republic (XII.19, first paragraph with chapter title; XXIX.19) and earlier left for the reader to determine whether it is a popular state or a despotism (II.4). As to the *Pensées*, Montesquieu says that one ought to be mindful of relying too much on his notebooks. Yet, should one consult them nonetheless, one would have to attend in this case to *Pensées*, no. 1667, where Montesquieu refers to "the Republic of England."

23. See Mansfield, *Taming*, 234–5.

24. On participatory regimes, see Pangle, *Montesquieu's Philosophy*, 48–106.

25. Honor has been previously and quietly democratized, as it is said to belong to the "lowest citizen." This honor, along with life and property, needs protecting (VI.2).

26. Manent, *Intellectual History*, 58–64.

27. Representative government, moved largely by partisan passions, thus is paradoxically the answer to the Polybian problem. While for Polybius, that is, the mixed regime answers the partisanship plaguing purer forms. See Polybius, *Histories*, VI.10.

28. David Hume, *Essays Moral, Political, and Literary*, I.2. On the freedom of the press in England during this period, see James Van Horn Melton, *The Rise of the Public in Enlightenment Europe* (Cambridge: Cambridge University Press, 2001), 19–20, 27–33.

29. Livy, *Ab Urbe Condita*, I.28

30. Strauss, *Natural Right*, 50, and Judith Shklar, "Montesquieu and the New Republicanism," in *Machiavelli and Republicanism*, eds. Gisela Bok, Quentin Skinner, and Maurizio Viroli (Cambridge: Cambridge University Press, 1990), 268–9.

31. See Herodotus, *Histories* 4.144.2.

32. Rahe, *Logic*, 117, 142. See also Krause, "The Uncertain Inevitability of Decline in Montesquieu," *Political Theory* 30 (October 2002), 716–7; Shklar, *Montesquieu* (Oxford: Oxford University Press, 1987), 87. Carrese, "Montesquieu's Complex Natural Right," 234, is an exception, as he finds that the abandonment of the analysis of governments according to "nature," and "principle" to be called for by the very spirit of Montesquieu's constitutionalism, for which the crucial distinction is that between moderate and despotic governments.

33. Strauss, *Natural Right*, 251.

34. *Considerations on the Greatness of the Romans and Their Decline*, ch. 15.

35. Krause, "Spirit of Separate Powers," 241, argues that to love "prodigiously" implies something "monstrous" and prone to "delirium" and thus that such people are en route to despotism. I believe that it suggests quite the opposite, that this prodigious love of liberty belongs to the new republicans' neo-Roman resoluteness. Rahe, "Forms," 94–7, has addressed Krause's argument here by making use of Montesquieu's Letter to Domville, preserved as a fragment in the *Pensées* (no. 1960). See also Courtney, "English Liberty," 285–7. The most extended discussion of the letter to Domville is in Lando Landi, *L'Inghilterra e il pensiero politico di Montesquieu* (Padua: CEDAM, 1981), 244–369.

36. On the development of the meaning of moderation in Montesquieu's work, see especially Carrese, "Montesquieu's Complex Natural Right" and Andrea Radasanu, "Montesquieu on Moderation, Monarchy, and Reform," *History of Political Thought XXXI* (Summer 2010). See also Pangle, *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke* (Chicago: University of Chicago Press, 1988), 89–91; *Montesquieu's Philosophy*, 271–4; Cohler, *Comparative Politics*, ch. 4.

37. It is because of the necessity of engaging in commerce that a number of ancients spoke of the moral disadvantages of cities by the sea (e.g., Plato, *Republic*, 421d–3c; *Laws*, 704b–5e; Aristotle, *Politics*, 1327a13–40; Cicero, *On the Republic*, II 3–5). Montesquieu chooses to highlight not the moral, but the natural disadvantages of such locations, and then he begins to hint at the morality and commerce born of scarcity (XX.5).

38. Some have preferred to emphasize Montesquieu's various remarks on the ill effects of commerce (e.g., *Pensées*, nos. 552, 592; *Notes sur l'Angleterre*; and *Voyage de Gratz à La Haye*). Read in light of the rhetorical movement of Montesquieu's his masterwork, however, such remarks prove to be provisional and thus not decisive. See, for instance, Céline Spector, "Montesquieu et la question du 'doux commerce' dans *L'Esprit des lois*" in *Actes du colloque international, tenu à Bordeaux, du 3 au 6 décembre* (Bordeaux: Académie de Bordeaux, 1998), who gives undue weight to Montesquieu's impressions of the moral effects of commerce recorded in his notebooks over the subtler, friendlier, and richer analysis as it emerges in *The Spirit of Laws*.

39. I am not persuaded, then, by Larrère, "Montesquieu on Economics and Commerce," in *Montesquieu's Science of Politics*, 282–3, that the treatment of commerce makes it "very difficult to inscribe in Montesquieu an opposition between the ancients and the moderns." Joining Larrère in finding continuity rather than disjunction between antiquity and modernity are Bernard Manin, "Montesquieu, la république et le commerce," *Archives européennes de sociologie* 42 (2001) and Spector, *Montesquieu: pouvoirs, richesses et sociétés* (Paris: Presses Universitaires de France, 2004). Pangle, against whom these others argue, makes the opposite case in *Montesquieu's Philosophy* and has been followed recently by Rahe, *Logic*, who brings a wealth of evidence to bear.

40. The classic study of self-interest is Albert O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph* (Princeton: Princeton University Press, 1977); see, more recently, Pierre Force, *Self-Interest before Adam Smith: A Genealogy of Economic Science* (Cambridge: Cambridge University Press, 2003).

41. Montesquieu might be read here in light of what Pocock has called an "ideological defence" of the exchange; see J. G. A. Pocock, *Virtue, Commerce, and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century* (Cambridge: Cambridge University Press, 1985), 110; 48–9; 67–9.

42. Niccolò Machiavelli, *Discourses on Livy*, I.1.12.

43. Randal R. Hendrickson, "Montesquieu's (Anti-) Machiavellianism: Ordinary Acquisitiveness in *The Spirit of Laws*." *The Journal of Politics* 75(2013), 385–96.

44. Commentators often have noticed (usually in passing) Montesquieu's familiarity and (sometimes) kinship with Machiavelli. Yet to be surpassed in the area influence scholarship is Ettore Levi-Malvano, *Montesquieu e Machiavelli* (Paris: Librairie Ancienne, 1912). Shackleton, "Montesquieu and Machiavelli: A Reappraisal," *Comparative Literature Studies* 1 (1964) built upon the latter by examining Montesquieu's library holdings and found there further links between Frenchman and Florentine. Carrese, "The Machiavellian Spirit of Montesquieu's Liberal Republic," in *Machiavelli's Liberal Republican Legacy*, ed. Paul A. Rahe (Cambridge: Cambridge University Press) argues that Montesquieu's theory of separate powers is a "moderated Machiavellism" derived from Machiavelli's favorable analysis of conflict. Lowenthal, "Introduction," in *Considerations on the Causes of the Greatness of the Romans and Their Decline* (Indianapolis, IN: Hackett), 19, finds an "inner kinship" between Machiavelli's and Montesquieu's republicanism, distinguished primarily by the latter's more "prudent" presentation. Pocock, *Virtue, Commerce, and History*, 113, describes Montesquieu as a "Machiavellian," not a "moralist" in economic matters. Serge Audier, *Machiavel, conflit et liberté* (Paris: J. Vrin), 130, suggests that Raymond Aron, *Main Currents in Sociological Thought* (New York: Anchor Books, 1968) seems to take for granted Montesquieu's Machiavellianism. Janet Dougherty, "Montesquieu's Political Science: A Cure for Machiavellism?" in *The Arts of Rule: Essays in Honor of Harvey C. Mansfield*, eds. Sharon R. Krause and Mary Ann McGrail (Lanham, MD: Lexington Books, 2009) finds Montesquieu's political science to be a "cure of Machiavellianism" without believing that that science points to any particular form of government. For Hulliung, *Old Regime*, Montesquieu's is a sort of inverted Machiavellianism that he uses to undermine the old regime. Maurice Joly, *Dialogue aux enfers entre Machiavel et Montesquieu: ou, la politique de Machiavel au XIXe siècle* (Brussels: A. Mertens, 1864) enlisted Montesquieu's liberalism against Machiavellian politics, only to have his thesis later twisted into a proto-fascist and anti-Semitic tract. Rahe, *Logic*, distinguishes Machiavelli's expansionist policies from Montesquieu's intention, arguing that "Montesquieu's aim is Machiavelli's defeat." Vickie Sullivan, "Against the Despotism of a Republic: Montesquieu's Correction of Machiavelli in the Name of the Security of the Individual," *History of Political Thought* XXVII (2006), finds Montesquieu's anti-Machiavellianism on display as he overcomes the despotism of old republics in favor of the security of individuals.

45. Machiavelli, *The Prince*, ch. 15.

46. *Ibid.*, ch. 18.

47. *Ibid.*, ch. 3.

48. Hirschman, *Passions*, 74, 78, reads this in too limited a way, assuming that Montesquieu simply refers to the rulers' passions that tend to wickedness. It is clear that Montesquieu has in mind human beings simply, whose wickedness he does not doubt (e.g., V.17).

49. I have emphasized the repressive education of the old republicans, but the monarchic education has its drawbacks, too. Though this is not the place to dwell on the matter, the difficulty comes to sight in the monarchic education's preference for the "beautiful," "great," and "extraordinary" over the "good," "just," and "reasonable" (IV.2). In addition to excluding ordinary individuals, a society of individuals at the top trained according to the precepts of honor will not be open to the type of commerce that Montesquieu is describing.

50. Montesquieu seems to anticipate Adam Smith's "system of natural liberty," as we find in commerce an economic complement to the constitution that provides political liberty. See Adam Smith, *Wealth of Nations*, II.iv.9; consider Roger B. Sher, "From Troglodytes to Americans: Montesquieu and the Scottish Enlightenment on Liberty, Virtue, and Commerce," in *Republican Liberty and Commercial Society*, ed. David Wootton, ed. (Stanford: Stanford University Press, 1994).

51. The chapter, titled "On Legislators," is peopled entirely by philosophers (XXIX.19).

52. See Larrère, "Economics and Commerce," 337–40, who errs, I think, in finding that in commercial republics "the general pattern remains that of classical republicanism." Similarly, Nelson, *Greek Tradition*, 155–64, 171–6, treats the problem of wealth and property, as *the* problem for virtue in Montesquieu. He presents a Montesquieu with a "Greek scale of values" and can do so because he does not take into account Montesquieu's ultimately very non-Greek understanding of property and acquisitiveness. On the ancients' understandings of economy and property, see Rahe, *Republics Ancient and Modern: The Ancien Régime in Classical Greece*, 66–90, especially; see also M. I. Finley, *The Ancient Economy* (Berkeley: University of California Press) and *Economy and Society in Ancient Greece* (New York: Viking Press, 1982).

53. Smith, *Wealth of Nations*, I.2.

54. See Harvey C. Mansfield, "Self-interest Rightly Understood," *Political Theory* 23 (February 1995): 61.

55. Only accidentally and rarely does it find its way into monarchies, where it cannot long be maintained (XX.4). When monarchy is being itself, it is more taken with a commerce of luxury, less beneficial to the whole and given to all that inflames the arrogance of the sovereign. See Hulliung, *Old Regime*, 32–6.