

# MONTESQUIEU AND THE EIGHTEENTH CENTURY VISION OF THE STATE\*

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## Introduction

For students of politics, Montesquieu is indeed a rich source. His methodological insights alone, e.g. , his application of the comparative method, his emphasis on the holistic character of civilizations and societies, his anticipation and use of the much debated method of ideal-types, and his concrete and empirical approach are each worthy of critical study and of emulation. In this paper, however, I want to pursue Richter's suggestion that 'Montesquieu is perhaps the first major political philosopher to take into account "the laws, customs, and varied usages of all peoples" ',<sup>1</sup> where I take 'all peoples' to mean not only all those then existing, but all previous peoples as well. Montesquieu's effort in this regard is doubly important because he wrote during a crucial watershed in world history, at a time when the modern state was emerging in the West. From this point of view, then, we can better understand Montesquieu if we consider, however sketchily, the shape of the political world at that time; similarly, we can better understand that world by considering how it looked to Montesquieu.

Accordingly, his classification of 'governments' in *De l' Esprit des Loix* is central. Durkheim was basically correct in contending, against widespread criticism, that 'we shall probably find nothing more truthful or more penetrating in the entire work than this classification'.<sup>2</sup>

I shall argue that the classification is a remarkable effort to reconceptualize the fundamental categories of political theory, that it was extraordinarily insightful, even though, as Montesquieu rightly recognized, China and especially England were anomalous polities. Moreover, because Montesquieu was not omniscient but was a great theorist writing during a period of crucial transition, events at the end of his century will make his book even more influential even as his central classification is made anachronistic.

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<sup>1</sup> Melvin Richter, *The Political Theory of Montesquieu* (London, 1977), p.32.

<sup>2</sup> Emile Durkheim, *Montesquieu and Rousseau, Forerunners of Sociology* (Ann Arbor, 1960), p. 33. This volume is an English translation by Ralph Manheim of the 1953 French edition which included the 1892 essay (here cited in translation) and entitled, *Quid secundatus politicae scientiae instituendae contulerit* .

## I

**The Classification of Governments**

Montesquieu's motivation for abandoning the traditional classification of 'forms of government' is the first problem. What was wrong with the division into rule of one, few or many with the attending division into 'good' or 'perverse' ('true' and 'false') forms of these? Why adopt instead a three-fold division into 'republics', 'monarchies', and 'despotisms'? What, indeed, were these divisions of? And what was the principle or principles of the division?

While Montesquieu speaks of 'governments' (*gouvernements*), Durkheim is surely correct in saying that his 'vision is far wider', that he was not considering only 'political regimes', but that 'as he describes them the three types of society differ not only in the number of rulers and in the administration of public affairs, but in their entire nature'.<sup>3</sup>

The text from Durkheim suggests three observations. First, as Durkheim argues, Montesquieu had a political language inherited from his predecessors and, ultimately, from the ancients. But there is no reason to suppose that this language could be entirely suitable for his eighteenth-century global efforts. Secondly, if we grant that his scheme was not aimed at classifying governments in some narrow sense, there was no standard term to denote what he was classifying. Recognizing this, Durkheim chose 'societies'. But not only was this term undergoing rapid change during the early modern period, but as seems clear, Montesquieu wasn't classifying simply societies, but societies as *politically* organized. We are tempted here to use the word

<sup>3</sup> *Ibid.*, p. 25. This is perhaps as good a place as any to notice that Montesquieu did fulfil his promise to speak of 'the laws of all peoples'. In addition to the classification of all polities as republics, monarchies or despotisms, Montesquieu has a place for what we might call 'pre-state' peoples. He distinguished 'barbarians' and 'savages'. 'Savages' are 'dispersed clans, which for some particular reason cannot be joined in a body'. 'Barbarians', by contrast, are 'commonly small nations, capable of being united' (*The Spirit of Laws*, XVIII, 11). In quoting from *The Spirit of Laws*, I have generally used Nugent's older translation, corrected where it seems necessary from *Oeuvres Complètes de Montesquieu*, ed. by E. Laboulaye, Kraus reprint, 1972. Hereafter, citations will be abbreviated and, if the context makes clear that the text being cited is *The Spirit of Laws*, will include only book and chapter.

<sup>4</sup> For discussion, see J.G.A. Pocock, 'The History of Political Thought: A Methodological Inquiry' (1962), in *Philosophy, Politics and Society*, eds. P. Laslett and W.G. Runciman, Second Series (Oxford, 1962), pp. 183-202.

<sup>5</sup> See Michael Oakeshott, *On Human Conduct* (Oxford, 1975), esp. p. 199 f.

'states'; but, and this is crucial, this term had not yet quite received his modern sense, even if it was not long before it did so. Indeed, as was suggested, this is one of the reasons why Montesquieu's analysis is so important. Perhaps the best term that *we* can use to denote the referents of Montesquieu's classification is the neutral 'political body' or 'polity'. This term could then include a wide variety of entities which then existed or had existed, entities for which Montesquieu did have names. Thus, for him there were 'republics', 'kingdoms' (Machiavelli's *principates*) and 'empires'.

Finally, as Durkheim says, Montesquieu was interested in discriminating polities in terms of their 'entire nature' and, as he forcefully asks, '. . .can anyone doubt that the ancient city-states, the oriental kingdoms, and the modern European states [polities?] represent three totally distinct types of society'.<sup>7</sup> But perhaps Durkheim goes too fast here?

First, is it the case that the republics that Montesquieu had in mind were the *ancient* republics? Second, if the modern state did not yet quite exist--then isn't the proper contrast in Montesquieu's mind between the oriental kingdom and the European *kingdom*? And what of 'empire' here?

As regards the first question, it would be simplest to follow Althusser and to argue, with him, that Montesquieu believed that the 'age of republics was past'.<sup>8</sup> The idea of a republic would then refer properly to the historical *poleis* of the ancient world, and, if one were generous, to the increasingly precarious existence of the few tiny republics yet remaining in the eighteenth century. The *politeia* (*res publica*, republic) is as Aristotle had said, the generic form of the *polis*. All forms of constitution--rule by one, few or many, had reference to but *that* world. There is much to recommend this view.

Montesquieu asserts in several crucial places that republics last only in *small* territories<sup>9</sup> and that conversely, it is 'natural that small states be

<sup>6</sup> For discussion, see J .H. Hexter, *The Vision of Politics On the Eve of the Reformation* (New York, 1973), pp. 152-72. The word 'state' (French *l'état*, etc.) is, of course, part of the vocabulary of most writers at the beginning of the eighteenth century. But this does not mean that it was then a *clear* idea (it still is not!) or that it had the same meaning or meanings which we give to it. I hope that my discussion of Montesquieu's analysis sheds some light on the many questions involved.

<sup>7</sup> Durkheim, *Montesquieu and Rousseau*, p. 26.

<sup>8</sup> Louis Althusser, *Politics and History, Montesquieu, Rousseau, Hegel and Marx*, trans. Ben Brewster (London, 1972), p. 61.

<sup>9</sup> *The Spirit*, VIII, 16; XXIII, 17.

governed as republics'.<sup>10</sup> Secondly, he is emphatic that 'virtue', which is the 'spring' of republican government, requires both equality and frugality. Yet, as he makes very clear, luxury, ambition and inequality are the rule of the modern age. Third, his classification of all republics as either aristocracies or democracies, a division which has bothered many commentators, would make perfectly good sense if he thought of aristocracies and democracies as historically restricted to the ancient *polis*. On his formal definition of republican government as 'that in which the body or only a part of the body is possessed of supreme power'<sup>11</sup>, ancient *poleis* are either aristocracies or democracies in precisely Montesquieu's sense. Their only difference was quantitative: in none of them were all the people rulers; in all of them, some *part* was. As Aristotle had said, the citizen participated in judicial functions and ruling.<sup>12</sup> Thus the crucial question for republics, for Montesquieu as for Aristotle, was, who should be citizen in the *Greek* sense? Montesquieu wrote, exactly following the Stagirite, 'the laws...which establish the right of suffrage, are fundamental to this government'.<sup>13</sup> And this was precisely why 'virtue' was the 'principle' of republican governments.

Finally, as a direct consequence of the foregoing, republics were characterized by 'peace and moderation'<sup>14</sup> and had as their direct object, 'liberty'. Rome, the most remarkable exception proved, as we shall see, that its *imperial* behaviour was inconsistent with its 'internal perfection'. Thus there was the dilemma: 'If a republic is small, it is destroyed by a foreign force; if it be large, it is ruined by an internal imperfection'. In an age of Greatness, such as for Montesquieu his century surely was, what is the hope for the small republic?

Monarchies and Despotisms, by contrast, are not limited by any of the preconditions of the *polis*. For Montesquieu, their 'natures', territorially and structurally, their 'principles' and their 'spirits' are perfectly consistent with the Modern Age. On this view, then, the real alternatives are monarchy and despotism and the practical question is how does one avoid despotism?

<sup>10</sup> *Ibid.*, VIII, 20.

<sup>11</sup> *Ibid.*, II, 1

<sup>12</sup> Aristotle, *Politics*, 1275a t? met??e?? ???se?? ?a? ??????.

<sup>13</sup> *The Spirit*, II, 2. 14 *Ibid.*, XI, 2.

<sup>15</sup> *Ibid.*, IX, 1.

The foregoing is, I believe, *close* to being the whole story, yet it is not quite right. There are two problems and trying to answer them will, I hope, give us a clearer grasp of Montesquieu's rich thought, and perhaps also, of the political world of the eighteenth century. The two problems are England and China. Was England really a monarchy as Montesquieu understood that term, or was it, as he says, 'a republic disguised in the form of a monarchy'?<sup>10</sup> More generally, then, was there any hope of *reconstituting* the republic in the modern world. The odd way in which he treated this question haunts political theory still today. The other question, more easily discussed, was the question of China's 'nature'. Was China really a despotism? To deal with this question, which I discuss next, we must get a firm grasp on the distinction between monarchy and despotism as Montesquieu saw it.

### Monarchy and Despotism

Everybody sees that for Montesquieu, despotism is not simply monarchy 'misliked', for despotisms and monarchies differ structurally. But it is usually overlooked that whenever he is speaking about a despotism, he identifies it as an empire. Indeed, in the eighteenth century, everyone referred to Turkey, Persia, Russia, China, India and Japan as empires, a fact reflected still in our maps.<sup>17</sup> To be sure, since the modern state had not yet quite emerged, a distinction between a kingdom and an empire was not crystal clear. This is reflected in many ways, e.g., in the ease with which Montesquieu, like his contemporaries, could inter-change the vocabulary of *tax* and *tribute*;<sup>18</sup> or in the ambiguity in the word 'province' (an ambiguity replicated in the word 'state' as used in 'The United States of America'). Moreover, from a modern point of view, eighteenth-century France, like (continued)

<sup>16</sup> *ibid.*, V. 19.

<sup>17</sup> The history and use of the term 'empire' has not been fully explored; but see Richard Kroeber, *Empire* (Cambridge, England, 1961). Our word derives from the Latin *imperium*, which in turn originates with Greek *arche*, to rule or command. Thucydides uses it in reference to Athens' 'empire' in which Athens collected 'tribute' from members of the Oelian League. As Thucydides makes clear, even 'tribute' (*phoron*) was originally neutral, meaning 'contribution'. By the time of the Peloponnesian War, 'empire' came to mean rule *by force* and tribute was an *involuntary* contribution. The Roman republic became an empire by establishing *tributaries* in the *provinces*. Here the relation was clearly that of conquered to conqueror, a sense which has carried to the modern period. The term was confused when Caesar took the title *emperor*, literally the person with supreme power and head of the empire. Emperor was not identified with King (Greek, *basileus*) since crucially, a king could be head only of a *kingdom*. 'King' is related etymologically to 'kin' and kings were thought of as head of a 'nation' in the sense of a 'people'. The original religious connotations of 'king' disappeared quite early on.

<sup>18</sup> e.g. Montesquieu, *The Spirit*, XIII, 15.

China, was in reality a mixture of an empire *and* a kingdom.<sup>19</sup> But if so, then all the more important to grasp clearly how Montesquieu conceived the difference between 'despotisms' and 'monarchies'.

The key difference, as is clear enough, is the presence or absence of 'intermediate, subordinate, and dependent power'.<sup>20</sup> In both monarchies and despotisms, the prince is the source of all power, but only in monarchies are there 'intermediate channels through which the power flows', channels which-self-evidently for Montesquieu-are 'established' and 'acknowledged', fixed, immovable, long-standing. Moreover, 'the most natural, intermediate and subordinate power is that of the nobility... no monarch, no nobility; no nobility, no monarch; there can be but a despot'.<sup>21</sup> Finally, 'it is not enough to have intermediate powers in a monarchy, there must also be a depositary of the laws. This depositary can only be the judges of the supreme courts of justice, [i.e., *The Parlements*] who promulgate the new laws, and revive the obsolete'.<sup>22</sup> As this is the 'nature' of monarchy, its 'principle'--what makes it work, function and live--is 'honor'. Thus, 'the laws should support the nobility, in respect to whom honor may be, so to speak, both the child and parent... They must make the nobility hereditary ...and the land of the nobility ought to have privileges as well as their persons'.<sup>13</sup>

<sup>19</sup> The most recent comparative discussions, Frances V. Moulder's *Japan, China, and the Modern World Economy* (Cambridge, England, 1977), and Theda Skocpol's excellent *States and Social Revolutions* (Cambridge, England, 1979) both employ the concept of an 'imperial state'. This is a considerable improvement precisely because it allows us to recognize terminologically the transitional character of eighteenth century and premodern polities. Skocpol defines imperial states as differentiated, centrally coordinated administrative and military hierarchies functioning under the aegis of the absolute monarchies (p. 47). She argues that pre-revolutionary France, Russia and China were imperial states and that the first task of the post-revolutionary regimes was to create a *modern* state. This is surely an important observation. One might object here, however, that she does not give sufficient attention to the complexity and variation which was historically possible, and in particular to a more careful delineation of the tasks, institutions and limitations of 'governments' in premodern polities. Indeed, the differences between France, Russia and China as regards their properties as *empires* is crucial to understanding them. For a current treatment with affinities to Montesquieu's, see Perry Anderson's very important study, *Lineages of the Absolutist State* (London, 1975), esp. pp. 215-20, Part II, chapter 6 for discussion of Russia and chapter 7 for discussion of the Ottoman State. For Anderson, as for Montesquieu, there is a sharp difference between European absolutisms and the eastern empires.

<sup>20</sup> *The Spirit*, 11, 4.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, V, 9.

Briefly, then, as Hulliung argues, Montesquieu saw that 'monarchy, nobility, clergy, *parlements* and all the rest of the eighteenth century present were the ageing descendants of feudal ancestors.<sup>24</sup> Indeed, the Monarchic body politic, for him, was what we misleadingly call the absolutist state, a decisive step towards a territorially integrated and administratively centralized supersession of European medieval society. But we must not go too fast here, for the degree of administrative centralization was still very modest indeed. The pyramidal and layered structure of rule remained intact. As Skocpol says of France under Louis XIV:

although the authority of the absolutist administration was supreme, its distinctive structures-royal councils and the intendancies-did not actually supplant such decentralized medieval institutions as seigneurial domains and courts, municipal corporations, and the provincial estates...located in outlying provinces called *pays d'etat*. Nor did the absolutist structures completely replace earlier monarchical administrative arrangements such as the *parlements* ...previously important offices and jurisdictions, and the practice...of selling positions...<sup>25</sup>

With Bodin, *sovereignty* rested with the King even if *power*, understood as the effective means of realizing one's ends, was in the monarchic state diffuse and dispersed.

For Montesquieu, the contrast with despotisms was stark. With despotism (strictly speaking), there are *no* intermediate dependent powers, and no depositary of law.<sup>26</sup> The prince is judge as well as executive and legislator,<sup>27</sup> and 'when the prince momentarily relaxes his threatened use of force, when he momentarily is deprived of the capacity to wipe out all those who hold (continued)

<sup>24</sup> Mark Hulliung, *Montesquieu and the Old Regime* (Berkeley, 1976), p. 6. Hulliung rightly emphasizes Montesquieu's extensive attention to feudalism, but argues, mistakenly, that 'he was a foremost detractor of the old regime and the proponent of a radical alternative' (p. ix). Hulliung is surely correct in arguing that Montesquieu saw that England was a novelty that had to be analyzed separately and that its institutions were laudable. But this does not, of course, make Montesquieu into either a radical or a democrat. Indeed, as Richter notes, 'Montesquieu's friends, such as Bolingbroke, Chesterfield, and Hume never suspected such tendencies' (Review of *Montesquieu and the Old Regime*, in *Political Theory*, Vol. 7, No.3 (1979), p. 438).

<sup>25</sup> Skocpol, *States and Social Revolutions*, p. 52 f.

<sup>26</sup> *The Spirit*, II, 4.

<sup>27</sup> *ibid.*, XI, 6.

positions of leadership, all is over; for as fear, the spring of this government no longer subsists, the people are left without a protector'.<sup>21</sup>

In despotisms, the prince's lieutenants are just that. Fear and the 'hope of the conveniences of life', derived from rewards of money from the prince<sup>29</sup> motivate subordinates. In despotic polities, 'power is communicated entire to the person entrusted with it'.<sup>30</sup> Thus, it is impossible to maintain the principle, characteristic of monarchies, of keeping 'governors of towns' dependent on 'the governor of the province' *and* still more on the prince; of keeping 'private officers and military bodies' dependent on their generals *and* still more on the prince.<sup>31</sup>

The military basis and structure of despotisms is also clear: 'Since strength does not lie in the state, but in the army that founded it, in order to defend the state the army must be preserved, how formidable soever to the prince. How, then, can we reconcile the security of the government to that of the prince's person?'<sup>32</sup> Hence also the need, in despotisms, for a special guard for the prince, independent of the regular militia.<sup>33</sup>

Finally, since the people are 'timid, ignorant, and fainthearted', since there are not the great differences in rank, birth and condition established in monarchies, and since accordingly, there need be no courts of judicature, 'despotisms have no occasion for a great number of laws'.<sup>34</sup>

No doubt Montesquieu oversimplifies as he overstates his case. Nonetheless, if we think of the paradigm empire as a heterogeneous collection of nations, estates and cities, comprised largely by relatively unsophisticated peoples and cultures, and bound together as an entity only by means of an imperial army, an army which functions largely to collect taxes (tribute) and to guarantee the absolute hegemony of the emperor, then Montesquieu's picture is not at all farfetched.

<sup>28</sup> *Ibid.* III, 9,

<sup>29</sup> *Ibid.* V, 18.

<sup>30</sup> *Ibid.*, V, 16.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*, V, 14.

<sup>33</sup> *Ibid.*, IX, 16.

<sup>34</sup> *Ibid.*, V, 14; VI

No doubt Montesquieu thought of empires as vast, enormous by European standards. Indeed, he thought that 'in Asia they have always had great empires', while 'In Europe these could never subsist'. On his view, geography was the decisive fact. 'Asia has larger plains...the mountains are less covered with snow; and the rivers being not so large form more contracted barriers'.<sup>35</sup> He concluded, 'power in Asia ought, then, to be always despotic'. Monarchies, by contrast, should be of 'moderate extent'.<sup>36</sup> If they extend themselves and *become* empires, the monarchy cannot long last: 'Charlemagne had scarcely founded his empire when he was obliged to divide....After the decease of Alexander his empire was divided....Attila's empire was dissolved soon after his death'. Nor does the example of Spain disprove the case: 'To preserve America she did what even despotic power itself does not attempt: she destroyed the inhabitants'.<sup>37</sup>

Yet is China then a despotism?

Just before ending his important Book VIII, summarized with the conclusion that 'large empires' are 'swayed by a despotic prince'.<sup>38</sup> Montesquieu responds to a possible objection, an objection which if true would seem to undermine his scheme. He observes: 'our missionaries inform us that the government of the vast Empire of China is admirable, and that it is actuated by a principle that combines fear, honor, and virtue'.<sup>39</sup> Consequently', he writes, 'I must have given an idle distinction in establishing the principles of the three governments'.<sup>40</sup>

Now in fact there are in his *Spirit*, a number of observations and comments which make China somewhat anomalous. In China, 'industry and economy' are, he says, 'as requisite as in any republic';<sup>41</sup> the rulers of China have displayed 'virtue, attention, and vigilance' which are, he says, 'necessary in China'.<sup>42</sup> To be sure, these qualities have not been (continued)

<sup>35</sup> *Ibid.*, XVII, 6.

<sup>36</sup> *Ibid.*, VIII, 17.

<sup>37</sup> *Ibid.*, VIII, 17, 18.

<sup>38</sup> *Ibid.*, VIII, 20.

<sup>39</sup> *Ibid.*, VIII, II

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.* VII. 6.

continuously present, since in the several thousand years of continuous existence of China as an entity, there have been, he says, 'twenty-two successive dynasties'; nevertheless, some of them 'lasted a long time'.<sup>43</sup>

Finally, Montesquieu credits the Chinese rulers for having practised 'a method equally proper for moderating despotic power, and for preserving conquest'. This is the device of assuring that 'every military corps in the provinces' and every 'court of judicature' is comprised of half Chinese and half Tartar. Montesquieu believes that this keeps them both 'within bounds' and has other 'good effects', e.g., 'they both preserve the civil and military power, and the one is not destroyed by the other'.<sup>45</sup>

Montesquieu solved his problem, as we know, by simply 'rejecting the testimony of the Jesuit missionaries'.<sup>46</sup> But he need not have demanded so much of his classification. In fact, China was not his only problem, for in the eighteenth century, the better picture of Europe and Asia is one in which there is almost continuous gradation from monarchies as Montesquieu understood them, to despotisms. The Ottoman empire was Montesquieu's best case of despotism with, perhaps, Russia not far behind. By the time of Peter, the Russian nobility compared very unfavourably with, for example, that of France. It had practically no independent base or solidary ties to local estates and provinces, and was much more a military organization under the Czar and dependent upon him through his imperial resources--resources which, as Montesquieu knew, were always a greater problem for despotisms.<sup>47</sup>

And perhaps Japan was an even more transitional case than China. As a unitary feudal system combining the rule by the *Bakufu*--the centralized complex directly under the Shogun--with the *han*--baronial houses, responsible within their own domains--it was perhaps more a proto-state on the western model.

For Montesquieu, the analytic question here as elsewhere was the *relative balance* and *relation* between the prince and his lieutenants--the centralized

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*, IX, 15.

<sup>45</sup> *Ibid.*

<sup>46</sup> For discussion, see Walter Watson, 'Montesquieu and Voltaire on China', *Comparative Civilizations Review*, No.2 (Spring, 1979), pp. 38-51.

<sup>47</sup> See *The Spirit*, XIII, 10, 13, 14.

state machinery--and the 'intermediate, subordinate powers'. European feudalism gave a perfectly 'natural' solution to this problem and Montesquieu grasped its essence. But has there ever been an empire which altogether *eliminated* local and intermediate power centres? Accordingly, while the difference between the European feudal absolutist state and 'empires' was crucial, nevertheless, we must allow for a range of borderline, more or less transitional, cases.

In these terms, Montesquieu's analysis of England is even more interesting. As Montesquieu saw and said early in his book, 'the English, to favor their liberty, have abolished all the intermediate powers of which their monarchy was composed'.<sup>48</sup> Evidently, England was not a despotism. But if not, what could it mean to say that England was a republic *disguised* as a monarchy? As I shall argue, Montesquieu saw exactly that she was *unique* and quite precisely *why*. Yet his categories and language made England an anomaly. Let us see why.

## II

### England as Anomaly

There are three related questions. The first is the problem of power. As we noted, Montesquieu argued that the English abolished their 'intermediate powers', yet in his crucial book on 'liberty',<sup>49</sup> he provides an extensive examination of 'the constitution of England'.<sup>50</sup> He argues that England is free and is so by means of the much argued (and variously identified) doctrine of 'checks and balances'. But it is absolutely crucial to see that this doctrine is developed in regard to *England* and that in the chapter which follows it, he explicitly says that 'the monarchies we are acquainted with have not, like that we have been speaking of [i.e. England], liberty for their direct view' ; moreover, 'the three powers are not distributed and founded on the model of constitution above mentioned'.<sup>51</sup> That this crucial point has been so often overlooked is surprising, if not shocking. Indeed, it can be shown, I think, that Montesquieu thinks that England arrived at a *unique* solution to the problem of power, unlike that of both the ancient republic and the feudal monarchy. Put in *our* political terms, England arrived at the *modern state*, a polity with a *national* government, centralized *and* effective, yet in no sense despotic.

<sup>48</sup> *Ibid.*, II, 4.

<sup>49</sup> *Ibid.*, XI.

<sup>50</sup> *Ibid.*, XI, 6.

<sup>51</sup> *Ibid.*, XI, 7.

The second feature making England anomalous regards the 'principle' of the polity, the special English solution to the problem of 'republican virtue'. For Montesquieu, England, by liberating commerce, had found a way to redefine virtue such that it was *consistent with inequality, luxury, and ambition*.

Finally, there is Machiavelli's problem. For Montesquieu, 'peace and moderation is the spirit of the republic; war and enlargement of dominion is the spirit of monarchy'.<sup>52</sup> But suppose that Machiavelli was correct and that there was no choice between a policy of 'preservation' and a policy of 'expansion'? Rome couldn't be the model, for her imperial policies undermined her republican liberty. But may it be that England has solved this dilemma too? That she found a way to be imperial and yet to preserve her 'internal perfection'?

We consider first the problem of power *within* the polity, Montesquieu's analysis of the English solution to political liberty as it relates to the 'constitution'.

### **The English Constitution and the Problem of Political Liberty**

Richter<sup>53</sup> is correct to point out that there may be as many as four *different* doctrines involved in Montesquieu's analysis in Book XI: (1) the theory of the mixed constitution, deriving from *ancient* theory, (2) the theory of the separation of powers, an analysis of abstract *functions* of government, (3) the theory of the balanced constitution, as argued, e.g., by Harrington, and (4) the theory of checks and balances, found in its most familiar form in the Federalist theory of the U .S. Constitution. These are easily combined, and, as Richter argues, Montesquieu combined them all. But his point of departure was, it seems, a dialectical criticism of the doctrine of the mixed constitution as that had been inherited from ancient authors.

Put simply and briefly, this doctrine held that it was desirable for a polity to be a fusion of the three traditional forms of government: monarchy, aristocracy and democracy. But as the idea was traditional, its reference point, the ancient *polis*, also was. Accordingly, it was not clear how it was to apply to *contemporary kingdoms*.

<sup>52</sup> *Ibid.*, IX

<sup>53</sup> Richter, *The Political Theory of Montesquieu*, p. 85 ff.

Indeed, Montesquieu seems quite clearly to see the difficulties. He asserts that 'the Greeks had no notion of the proper distribution of the three powers in the government of one person; they could see it only in that of many; and this kind of constitution they distinguished by the name of Polity'.<sup>54</sup> As well, 'the ancients had not a clear idea of monarchy'.<sup>55</sup>

Montesquieu attributes the failure of the ancients to grasp the idea of monarchy to two causes: 'the ancients had no notion of a government founded on a body of nobles, and even less on a legislative body composed of the representatives of a nation'.<sup>56</sup> Montesquieu is here extraordinarily perceptive, for here, indeed, is the key to the English solution.

For the Greeks, if the government was *of* the nobles, it was an aristocracy. What could it mean to a Greek that a government be 'founded' on a body of nobles? Moreover, what could this mean in a continental kingdom, e.g., in France? What after all, is *the* government? Similar remarks apply to the idea of a legislative body composed of representatives of 'the people'.

The most direct way to see what is going on here is to consider for a moment England at the time that Montesquieu was writing. In this way we can also arrive at a conclusion on the much debated question as to whether or not he really understood the English government.<sup>57</sup>

As Plumb has shown,<sup>58</sup> it is a serious mistake to believe that the ultimate Whig domination of English politics from 1675 to 1725 was the culmination of a bourgeois revolution which destroyed 'Gothic government'. The seventeenth century did see the beginnings of such a revolution and the bourgeois achieved perhaps a partial, if never fulfilled success. But the England which Montesquieu saw and the system which he praised was no bourgeois democracy. On the contrary, as Plumb concludes, once Whiggery separated itself from radicalism, succeeded in taming the enlarged electorate

<sup>54</sup> *The Spirit*, XI, II

<sup>55</sup> *Ibid.*, XI, 8, The chapter heading

<sup>56</sup> *Ibid.*, XI, 8,

<sup>57</sup> John Plamenatz, *Man and Society*, Vol. I (London, 1963) argues that Montesquieu 'understood how England was governed much better than those who accuse him of making a gross mistake about the English system imagine' (p. 284). By contrast, Franz Neuman, Introduction, *Montesquieu: The Spirit of the Laws* (New York, 1966), argues that Montesquieu understood England but that he completely ignored or forgot what he knew in his analysis! See pp. liii-lv.

<sup>58</sup> J.H. Plumb, *The Origins of Political Stability: England 1675-1725* (Boston, 1967)

and all but obliterated the Tory party, it was able to fuse the interests of the aristocracy, of high finance, and indeed, the executive power of the Crown.<sup>59</sup>

By 1727, there was a reliable and effective Court party which included the richest and most widely connected aristocrats, a King's household 'more extensively, if loosely, linked with Parliament than ever before in its history',<sup>60</sup> and as well, a parliament which itself was effectively in the hands of not simply men of property, but 'particularly those of high social standing, either aristocrats or linked with the aristocracy. whose tap-root was in land but whose side-roots reached out to commerce. industry, and finance'.<sup>61</sup>

In this development, Parliament had of course gained a new authority with the revolution and had replaced the centralized governing structure of 'King-in-council' with the far more powerful structure of 'King-in-parliament'. But this development did not re-establish the *local* hegemonies of the Aristocracy *vis-à-vis* the centralizing authority of the King and court; rather, it represented a decided *shift to the centre* precisely because, as Plumb writes, the aristocracy 'settled like a cloud of locusts on the royal household and all the institutions of executive government'.<sup>62</sup>

It is inconceivable that Montesquieu did not know this, moving as he did for two years in the highest circles of English government and society. But this was no 'mixed constitution' on the ancient model even if it was a 'balanced government'. The *fusion* and *sharing* of powers within the *national* government was entirely new. There were, of course, 'checks'. The three *puissances*, king, upper chamber, lower chamber, cannot act alone and thus to act they must act together. It was for this reason that 'as there is a necessity for movement in the course of affairs, they are forced to move, but still in concert'.<sup>63</sup> Finally, there was a separation of powers also. For example, the clause which deprives the King of judiciary power, served to prevent despotism and, as with some of the other features in the total scheme, it served to protect the nobility from both King *and* people.<sup>64</sup>

<sup>59</sup> *Ibid.*, pp. 187-9.

<sup>60</sup> *Ibid.*, p. 110 f.

<sup>61</sup> *Ibid.*, p. 69.

<sup>62</sup> *Ibid.*

<sup>63</sup> Montesquieu, *The Spirit*, XI, 6. James Madison develops this point as regards the already widespread misunderstanding of Montesquieu's doctrine. See *The Federalist*, No. 47 .

<sup>64</sup> Althusser, *Politics and History*, Chapter 5.

But the other 'cause' of the failure of the ancients to understand monarchy properly is perhaps even more important. The ancients, Montesquieu rightly notes, had no notion of a legislature 'composed of the representatives of the nation'. This was true, not only of the Greek *poleis*, but as well, of Rome during its republican period. Here then was another discovery of Gothic government, as it was transformed by the English.<sup>65</sup>

Montesquieu must have recognized that in England, for the first time anywhere, a sizeable electorate had come into being. Plumb gives as an approximation for William III's reign, a conservative estimate of 200,000 voters, perhaps one in thirty of the entire population. This must indeed have been quite remarkable to the French visitor. Bolingbroke, Montesquieu's perceptive English acquaintance had already written (in 1734):

This I say; it is time for every man who is desirous to preserve the British Constitution, and to preserve it secure, to contribute all he can to prevent the ill-effects of that new Influence and Power which have gained strength in every reign since the Revolution; of those means of corruption that may be employed one time or another on the part of the Crown and that proneness to corruption on the part of the People, that hath been long growing and still grows.<sup>66</sup>

Bolingbroke's fears had a basis. As Plumb writes, the taxing powers of the Crown had created new sources of patronage and had threatened the independence of the Parliament. This had been resolved, as we saw, by Whig appropriation of that patronage. But the people, too, were a problem,

<sup>65</sup> This important observation by Montesquieu was accepted by the American Federalist writers and later, by J.S. Mill. J.R. Pole finds it 'curious' that these writers should hold this view and suggests that they were ignorant of history. See *Political Representation in England and the Origins of the American Republic* (London, 1966), p. 482, note 1. We cannot here attempt to sort out the many problems; nevertheless, on the present view, Montesquieu and the Federalists were correct in holding that 'the great principle of representation' was a discovery of modern Europe. Crucial, of course, is the meaning of 'represent' (and 'representation'). Hannah Fenichel Pitkin's *The Concept of Representation* (Berkeley, 1967), remains important, although more work needs to be done. But even if there is some ancient concept which is similar to the one which evolved in the early modern period—an assumption which, I believe, cannot be sustained—there would seem to be no evidence that the idea of a *legislature* 'composed of representatives of the *nation*' is any earlier than the seventeenth-century, if that. Pitkin notes that, originally, knights and burgesses were called by the king 'to bring up the record' and gradually came to be thought of as agents of their communities. By the time of his *Institutes* (1628) Coke could write that the knights and burgesses 'represent all the commons of the whole realm' and could refer to the House of Commons as 'the Representative Body of the whole Kingdom' (Pitkin, *Concept of Representation*, p. 241 ff). As regards the fifteenth- and sixteenth-century development of the concept of 'nation', still see Hans Kohn, *The Idea of Nationalism* (New York, 1948).

<sup>66</sup> Quoted from Plumb, *Origins of Political Stability*, p. 129.

for it now became plain that the greatly expanded electorate could be a real force. Plumb writes:

This new political nation proved very meddlesome, very contrary, very fickle in its moods; above all it helped to give substance to parties and to give them added power...The battle to control this new electorate is a vital issue in this period...It called into being new methods of propaganda and electioneering; it was subjected to vicious attacks by the Crown and to subtler forms of corruption and manipulation by the aristocracy and gentry.<sup>67</sup>

The new methods alluded to by Plumb in the foregoing text and the new relation between 'Commons' and 'the people' were themselves revolutionary and gave a concrete sense to the idea of 'representative government'. And like the idea of monarchy 'founded on a body of nobles', it was not a discovery of the ancients, but of 'Gothic' government.

We are now in a better position to understand this new kind of polity. Such a government was not an aristocracy, for there was a monarch. But it was not a monarchy either, for in monarchy, 'the prince is the source of all power political and civil'.<sup>68</sup> Moreover, there must be 'intermediate bodies' in a monarchy, otherwise it becomes a republic or a despotism; as we have shown, England did not have such bodies, and yet, she was not a despotism. Finally, in a government 'founded on a body of nobles' and with a 'representative legislature', executive and legislative powers are not united, either 'in the same-person' or 'in the same body of magistrary'.<sup>69</sup> It *might* be a republic, but if so, it was an odd one.

Indeed, it was just here where the language which Montesquieu inherited failed him. And, of course, this lack of adequate terminology explains the confusion which he introduced in Book XI when he used monarchy to refer to the English system and *at the same time* denied that it had the *defining* features of a monarchy. In a vague sense, of course, any polity with a King could be called a monarchy --from a barbarian clan to an empire, and of course, England had a king.

Montesquieu was not, however, a superficial observer, even if his sophistication regarding the 'nature' of polities may have been lost on some of those who have read him. Having recognized that England had arrived at a novel solution to the problem of power, he was trapped in the inherited

<sup>67</sup> *Ibid.*, p. 29.

<sup>68</sup> *The Spirit*, II, 4.

<sup>69</sup> *Ibid.*, XI, 6.

categories. Like the ancient republics, England was 'the one nation...in the world that [had] for the direct object of its constitution political liberty',<sup>70</sup> but the mystery about what to call this constitution--'the best species of constitution that could possibly be imagined by man!'<sup>71</sup> --was not to be easily resolved.

From a feudal kingdom, England had become a modern state--the first of its kind. Indeed, the new ideas of 'representative government' and of a *national* government whose powers are fused and shared, will, with the Americans, force a further confounding of the central terms of the inherited and evolving theory. Anxious to institutionalize against 'despotism', but unable to satisfy the English conditions for 'political liberty', the several sides to the debate over the new American 'constitution' will quote Montesquieu in support of their conflicting opinions.<sup>72</sup> It is thus that Samuel Williams, reflecting on the 'invention' of Philadelphia, should be applauded. The new constitution was not, he wrote, 'the same as that, which has been called monarchy, aristocracy, or democracy; as it had a conspicuous origin in America...it would be no more than just and proper, to distinguish it by its proper name, and call it, *The American System of Government*'.<sup>73</sup>

If, for Montesquieu, England was an *aristocratic* republic 'disguised as a monarchy', the Americans, having rejected a king and lacking a hereditary nobility, will take the next step and insist--in the face of *all* traditional conceptions--that their new constitution was a democratic republic!

The confusion over 'democratic republics', however, had two further points of departure in Montesquieu's insightful analyses. Both regard England. I turn next to his treatment of 'republican virtue'.

<sup>70</sup> *Ibid.*, XI, 5

<sup>71</sup> *Ibid.*, XI, 8.

<sup>72</sup> The Federalist (Nationalist!) writers of course, will have to refute Montesquieu regarding the size of republics, but more crucially, they will have to confound the distinction between 'consolidation' and 'confederation' to secure a continuity with the other aspects of thought, especially as regards 'political liberty'. See especially *The Federalist*, Nos. 9, 39, and 45. The Anti-Federalists (Confederalists!) will share in appropriating from Book XI, but remain more or less with Montesquieu regarding the problem of size, and especially regarding the advantages of republican confederation. See Paul Merrill Spurlin, *Montesquieu in America, 1760-1801* (Baton Rouge, La., 1940).

<sup>73</sup> Quoted from Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill, 1969), p. 615. One puzzling feature of this book is the relative inattention paid to Montesquieu and especially to how his insights regarding England were further transformed by the Americans. But Wood's book is indispensable.

### **Virtue: The Spring of Republican Government**

Gerald Stourzh has opened a fruitful line of inquiry in pointing out that by 1800, 'virtue' had three different meanings.<sup>74</sup>

It might refer, first, to the Christian virtues, fear of God, brotherly love, humility, etc. This concept of virtue had a definite and important *political* use, especially in the early Puritan and Quaker communities of North America, where the idea of drawing up 'indentures with the Almighty' had a profound political application. These ideas provided not only a base for community solidarity, but perhaps as necessary elements, they provided a basis as well for theocratic intolerance. But by 1750, it was by no means clear, even in America, how significant were the early forms of these ideas nor, more serious, was it clear how much they had been transformed and appropriated by a concept of virtue which at bottom was quite antithetical to it. This concept we treat last.

The second meaning of 'virtue', was perhaps by this time even more unusual. Its reference was the Greek notion of excellence of character, especially insofar as one manifested the distinctive rational part of the human nature. In Greek (and Roman) thought and practice, the relevance of this concept was also profound: the good man was identical with the good citizen. Persons realized their excellence *qua* human only insofar as they were actively engaged in the life of the *polis*. The private person was *idios*, deprived, not *fully* human, like the slave or mechanic who could not participate, or the barbarian, who chose not to live in cities and who, therefore, was 'uncivilized'.

Finally, there was a notion of virtue which was a strange amalgam, having components perhaps of the first two and as well, having an entirely new dimension, each uneasily, even incoherently joined.

In contrast to the Greek idea, but not necessarily to the Christian, it assumed a human nature which put the *passions* uppermost and which, if pressed, revealed an essential venality. But it allowed little room, if any, for Christian redemption. With the Greek, it sought to construct a form of association on 'virtue', but it denied any *inherent* public-spiritness. Instead, it made 'self-preservation', 'ambition', 'glory' and 'honor' *social* virtues. The latter notions were not, of course, strange to Greek thought. *Timé* had a

<sup>74</sup> Gerald Stourzh, *Alexander Hamilton and the Idea of Republican Government* (Stanford, 1970). This insightful book provides the best overview of the set of problems discussed in the remainder of this essay. Also see, of course, J.G.A. Pocock's important *The Machiavellian Moment* (Princeton, 1975), especially ch. XIV.

distinct place among the virtues of public men, even if it was either second-best, as in Plato, or inseparable from wisdom and public-spiritness as in Aristotle. Last, once Protestantism could guarantee the individual *moral* self-sufficiency and make conduct and action proof of his salvation, 'industry', along with 'frugality', indeed, money-making itself, could be converted into social virtues consistent with, in fact, required by, the well-ordered commonwealth.

Montesquieu here, as elsewhere, was both ancient and modern. Indeed, it was precisely his half-way house which so confused--and stimulated--later writers and commentators.

With the Greeks, Montesquieu argued that 'republics'--remembering that *ex hypothesi* these are for him properly *poleis*--have as their 'spring' virtue. Moreover, in 'democracies' this implied small and relatively equal holdings in land.<sup>75</sup> Similarly, the 'spirit of moderation is what we call virtue in an aristocracy' and 'as a great share of virtue is very rare when men's fortunes are so unequal, the laws must tend as much as possible to infuse a spirit of moderation'.<sup>76</sup> So much Aristotle might himself have said. Similarly,

When virtue is banished, ambition invades the hearts of those who are capable of receiving it, and avarice possesses the whole community. Desires then change their objects; what they were fond of before, becomes now indifferent; they were free with laws, and now they want to be free without them; every citizen is a slave who has escaped from his master's house; what was maxim is now called rigor; to rule they give the name of constraint; and of fear to attention. Frugality, then, and not the thirst for gain, passes for avarice.<sup>77</sup>

The similarity of this passage to one in *The Republic* cannot be accidental.<sup>78</sup> It will be remembered that there Plato is portraying the fall from the ideal state--from virtue as wisdom, to timocracy, the principle of the ambitious man's love of honour, to plutocracy and democracy where avarice, lawlessness and man's base nature comes eventually to enslave and dominate him. So much then for the Greek in Montesquieu.

<sup>75</sup> *The Spirit*, V, 6. "

<sup>76</sup> *Ibid.*, V, 8.

<sup>77</sup> *Ibid.*, III, 3

<sup>78</sup> *Republic*, Bk. VIII, 560c-d. See Richter, *Political Theory of Montesquieu*, who makes a related point, p. 325, n. 5.

But there are also enormous differences

First, and remarkably, 'virtue', says Montesquieu, 'is a feeling, and not a consequence of knowledge, a feeling that may inspire the lowliest as well as the highest person in the state'.<sup>79</sup> What Greek could have understood this? Virtue has become a kind of love, but it is not simply patriotism because it is love more for the *institutions* of one's country than for the place or its people. It has nothing to do with wisdom or excellence. *The Nicomachean Ethics* does not treat of it. And thus, *also*, it is no longer an *elitist* notion.

Second, and as suggested by the foregoing, it is no longer true, as it was for Plato and Aristotle, that virtue *requires* leisure. There is a difference, says Montesquieu, between 'two sorts of republics, the one military like Sparta; the other commercial, like Athens. In one, the citizens were obliged to be idle; in the other endeavors were used to inspire them with the love of industry and labor'.<sup>80</sup> This suggests, of course, almost a complete inversion. For Plato and Aristotle, Sparta, not Athens, exemplified the virtuous *polis*. 'Commercial' Athens, precisely because it acceded to the 'maritime mob' (ὁ ἀναθητικὸς ἄνθρωπος) represented the deathknell of the proper *polis*!

Finally, in arguing that in monarchy, 'it is extremely difficult for the people to be virtuous', Montesquieu appeals to 'sad and melancholy experience' :

Ambition with idleness, baseness with pride, the thirst of riches without labor, aversion to truth, flattery, treason, perfidy, violation of engagements, contempt of civil duties, fear of the prince's virtue, hope from his weakness, but above all, the perpetual ridicule of virtue, are ...the characteristics by which the courtiers of all ages and countries have been constantly distinguished.<sup>81</sup>

This is a mixed catalogue of vices, to be sure, and surely the 'virtue' referred to is not the one formally defined as 'love for the republic'. But more interesting are the first *three* vices named. Plainly, it is not *ambition* which is the problem, but ambition *with idleness*; it is not pride *as such*, but *baseness with pride*; it is not thirst for riches *in itself*, but such thirst *without* the requisite industriousness and labour. 'Courtiers' in all ages and in all places do manifest these vices. They are the 'vices' of a leisured, non-productive aristocracy. But if so, as before, can it be that England, that

<sup>79</sup> *The Spirit*, V, 2.

<sup>80</sup> *Ibid.*, V, 6.

<sup>81</sup> *Ibid.*, III, 5

'republic disguised as a monarchy' is *virtuous*? It had the happy fortune of liberating commerce, as Montesquieu so very well knew. Its nobility were not 'courtiers' even if they were rich, ambitious and prideful. And if so, then not only was England blessed with the 'best species of constitution that could possibly be imagined by man', but as well, it may have demonstrated that 'virtue'--somewhat redefined to be sure, and 'honor'--the 'spring of monarchy', might be combined in a way that overcomes the limitations imposed by the ancient republics.

The final set of problems to be addressed relates importantly to the last set of observations, especially as *commerce* is the determining factor in the new set of conditions characteristic of the modern era.

### **Preservation versus Expansion**

For Montesquieu, 'peace and moderation is the spirit of the republic; war and enlargement of dominion is the spirit of monarchy'.<sup>82</sup>

But suppose that Machiavelli was correct.

In *Discourses*, Book I, chapter 6, Machiavelli had developed a delicate argument regarding the choice between Sparta and Rome. This argument not only defined the task of the *Discourses*, but it established the framework for Montesquieu's problem. But one should go further here. Machiavelli's argument perhaps established the framework for the central problem of *modern politics*.

For Machiavelli, the 'security' and 'liberty' of the body politic was the *primary* political imperative. It must be satisfied first. But a 'people cannot make themselves secure except by being powerful'.<sup>83</sup> There were two policy choices and a paradigm of each: Will the Republic 'extend its empire', as Rome did or confine itself 'merely to its own preservation', as Sparta or Venice did.<sup>84</sup>

In order to expand, Rome had 'to employ the people in the armies' and 'to open the doors to strangers'. Both moves created 'dissensions and troubles', especially as regards the 'differences that will arise between the Senate and

<sup>82</sup> *Ibid.*, IX.

<sup>83</sup> Citations from Machiavelli's *Discourses on the First Ten Books of Titus Livius*, trans. Christian E. Detmold (New York, 1950). Book I, 1.

<sup>84</sup> *Ibid.*. Book 1.5.

the people', Indeed, 'to have removed the cause of trouble from Rome would have been to deprive her of her power of expansion'.<sup>85</sup>

Sparta and Venice are attractive, `... expansion is the poison of such republics', but if located 'in some strong place' and 'sufficiently powerful, so that no one could hope to overcome here readily, and yet on the other hand not so powerful as to make her formidable to her neighbors...she might long enjoy her independence'.<sup>86</sup>

After tempting his readers with what seemed like genuine choices Machiavelli eliminated one:

...all human things are kept in perpetual movement...States naturally either rise or decline, and necessity compels them to many acts which reason will not influence them; or that having organized a republic competent to maintain herself without expanding, still, if forced by necessity to extend her territory...we shall see her foundations give way and herself quickly brought to ruin...On the other hand, if Heaven favors her so as never to be involved in war, the continued tranquility will enervate her, or provoke internal dissensions, which...will be apt to prove her ruin.<sup>87</sup>

There is no 'perfect equilibrium', no middle course. It is, therefore necessary 'to take the constitution of Rome as a model...'.<sup>88</sup>

In his *Considerations on the Causes of the Greatness of the Romans and their Decline* (1734), a book which neatly compares with Machiavelli's *Discourses*, Montesquieu addressed Machiavelli's analysis. And he agreed with it--to a point: Machiavelli was correct in judging that Rome was a model of a virtuous and great republic and that it had good laws. Yet, contrary to what Machiavelli at least implies, Rome ruined itself when it *overstepped* its limits:

When the domination of Rome was limited to Italy, the republic could easily maintain itself. A soldier was equally a citizen...Since the

<sup>85</sup> *Ibid.*, Book 1,6.

<sup>86</sup> *Ibid.*

<sup>87</sup> *Ibid.* See also Bk. III, chapter 19 where Machiavelli writes: 'It is impossible for a republic to remain long in the quiet enjoyment of her freedom within her limited confines; for even if she does not molest others, others will molest her, and from being thus molested will spring the desire and necessity of conquests.'

<sup>88</sup> *Ibid.*, Book I, 6.

number of troops was not excessive, care was taken to admit into the militia only people who had enough property to have an interest in preserving the city.<sup>89</sup> This, then, would seem to be another half-way house in Montesquieu. The Greek republics were small and thus when confronted by Phillip, Alexander and then Rome, they 'could only be dependent'.<sup>90</sup> Moreover, the power of the republic depends ultimately on the number of men "fit for war".<sup>91</sup> For Machiavelli, the solution, as we noted, was simply 'to enlarge the population by ruining her neighboring cities' and then to 'freely [admit] strangers to her privileges and honors'--something which neither Sparta nor Athens saw fit to do.<sup>92</sup> And neither did Montesquieu--at least where in the case of Rome it meant going beyond Italy.<sup>93</sup>

His dilemma was neatly stated in *The Spirit*: 'If a republic is small, it is destroyed by a foreign force, if it be large, it is ruined by internal imperfection'.<sup>94</sup>

The 'internal imperfection' is analysed in the case of Rome. 'Dissensions', and 'popular tumults' became civil wars--Greek *stasis*. But this converted the assemblies into 'conspiracies' and the laws into 'chimerical things'.

<sup>89</sup> Montesquieu, *Considerations*, IX. Citations are from David Lowenthal's translation of *Considerations of the Causes of the Greatness of the Romans and Their Decline* (Ithaca, 1968). Lowenthal's introduction influences the present account. Also see, Lowenthal, 'Montesquieu and the Classics: Republican Government in *The Spirit of the Laws*, in *Ancients and Moderns*, ed. J. Cropsey (New York, 1964).

<sup>90</sup> *Considerations*. V

<sup>91</sup> *Ibid.*, III

<sup>92</sup> Machiavelli, *Discourses*, Book 11, 13.

<sup>93</sup> On this score, Montesquieu implies that Rome's initial advantage derived from the fact that 'some time after the expulsion of the Kings', Rome's population numbered 440,000 as compared to Athens' 431,000, but in Rome, one fourth of these were post-puberty. Athens' adult citizens numbered, by his reckoning, but one in twenty. But Montesquieu is ambiguous as regards the expansion into Italy. In the chapter where the corruption of Rome is dated from the expansion *beyond* Italy, Montesquieu also says, 'once the peoples of Italy became its citizens, each city brought to Rome its genius, its particular interests, and its dependence on some greater protector. The distracted city no longer formed a complete whole.' We may take it that this ambiguity was based on the fact that the republic was maintained *at least formally* until 27 BC. Unfortunately, the point is important since it leaves unclear what for Montesquieu was the proper limit of Roman expansion.

<sup>94</sup> *The Spirit*, IX, 1.

As long as the people were corrupted only by their tribunes. ..the senate could easily defend itself...But, when the people could give their favorites a formidable authority abroad, all the wisdom of the senate became useless and the republic was lost.<sup>95</sup>

This analysis needs little gloss: Ambition destroyed the republic because expansion allowed 'the people' to undermine the aristocracy.<sup>96</sup> At this point, 'Rome was neither a monarchy nor a republic, but the head of a body formed by all the peoples of the world'.<sup>97</sup> Montesquieu does not mean, it is safe to say, that Rome was some happy combination of monarchy and republic, even if he was reluctant to say, in terms of his own classification in *The Spirit*, that Rome had become a despotism.

Was there then a solution? In *The Considerations*, Montesquieu has none. But there is one tantalizing reference which is pertinent: In the chapter where he discusses 'the dissensions' which 'always existed' in *Rome--before* they became unmanageable by the senate, he compares England to Rome and he says: 'The government of England is wisest, because a body there continually examines it and continually examines itself'.<sup>98</sup>

We may be here allowed a guess. Might it be that England had solved the problem posed by Machiavelli? But if so, is it because she is a monarchy? As

<sup>95</sup> *Considerations*, IX

<sup>96</sup> In my paper, 'War, *Stasis* and Greek Political Thought' (forthcoming in *Comparative Studies in Society and History*), I have developed Montesquieu's key insight that 'it was the spirit of the Greek republics to be as contented with their territories as with their laws' (VIII, 16) and have argued that 'the spirit of conquest and ambition' (XXIII, 17) was *structurally* inconsistent with the internal *and* external relations of the polis-form. One 'solution', the *thassalocracy* of Athens, involved a 'citizen' *navy*, manned by the lowest Solonian class, the *thetes*, who were paid professionals, a fact which very much concerned contemporary conservative theory. Even so, Athens might have succeeded as an imperial and *democratic* republic--as Montesquieu also sees. He quotes the famous text from Xenophon:

'Athens,' says Xenophon, 'rules by the sea; but as the country of Attica is joined to the continent, it is ravaged by enemies while the Athenians are engaged in distant expeditions...But if the Athenians inhabited an island, and beside this, enjoyed the empire of the sea, they would, so long as they were possessed of these advantages, be able to annoy others, and at the same time to be out of all danger of being annoyed.' One would imagine that Xenophon was speaking of England' (*Spirit*, XXI, 7).

Montesquieu's observation on Xenophon's text is important and supports and complements the analysis to follow.

<sup>97</sup> *Considerations*, VI.

<sup>98</sup> *Ibid.*, VIII

Montesquieu noted, 'war and enlargement of dominion' is 'the spirit of monarchy'<sup>99</sup> just as war and conquest spells the deathknell of a republic. But if so, then this would seem to be decisive against the possibility of a republic in the modern era.

There are, however, complications. There is the possibility of 'a confederate republic', (*la republique federative*) 'a kind of constitution that has all the internal advantages of the republican, together with the external force of a monarchical government'.<sup>100</sup> This is more than a logical possibility for Montesquieu: He names Holland, Germany and The Swiss Cantons as existing examples, even if they differ in their degree of 'perfection'. For Montesquieu, not only are such arrangements 'capable of withstanding an external force', but as well, they 'may be able to support (their] greatness without any internal corruption'.<sup>101</sup> And in particular, 'should a popular insurrection happen in one of the confederate states, the others are able to quell it'.<sup>102</sup>

Nevertheless, one of the more remarkable features of Montesquieu's work --and of the period under study, at least until the period of the American Confederation--is the *marginality* of the idea of confederated republics. Montesquieu has surprisingly little to say about existing confederacies or even about the idea of confederacy. One might suppose that he would have placed a great emphasis and hope on confederations as providing *the* solution to the problems which he had so insightfully diagnosed. As the texts cited demonstrate, he believed that they could satisfy a number of primary desiderata: They allowed for defense against aggrandising giants and they could preserve their 'internal perfection', even to the extent that a union of republics provided an added measure of insurance against traditionally defined popular insurrection, a feature not lost in the debates over the American confederation .

Evidently thinking about the Lycian republic and of Holland, he remarks that 'it is difficult for the united states to be all of equal power and extent'.<sup>103</sup> Although he does not remark on the consequences of this 'difficulty', it may be that, on his view, this made them unstable, with the (continued)

<sup>99</sup> *The Spirit*, IX, 2.

<sup>100</sup> *Ibid.*, IX, I.

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*

<sup>103</sup> *Ibid.* IX, 3.

lesser units forever subject to domination by the larger ones. He notes also that 'a confederate government ought to be composed of states of the same nature' and 'especially of the republican kind'. The key problem here, of course, is the differences in their 'spirits': 'The spirit of monarchy is war and enlargement of dominion; peace and moderation are the spirit of a republic'.<sup>104</sup> And he is explicit that a republic is a less than ideal engine of offensive war and aggrandisement.<sup>105</sup> Not only does it 'expose its own liberty', but its government 'is ever odious to the conquered states'. One must suppose that this would be true of aggrandising confederated republics as well; indeed, while it might seem to be an advantage that republics are imperfect aggrandisers, this might be a distinct disadvantage, if either Machiavelli is correct *or*, as I shall suggest, if changes in the nature of war and of conquest had dramatically replaced the possibilities formerly available to ancient republics with a *new* set of possibilities.

Montesquieu clearly perceived that as regards the problem of war and of conquest, there were fundamental differences between ancient and modern times. His perceptions on this score lend support to the idea, already argued, that for him, the age of republics was past, including as I shall suggest, the very real possibility that the age of *confederated* republics was also past.<sup>106</sup>

Always ready to point to differences between his own era and ancient times, Montesquieu identifies a number of differences which bear on the problem of war and of conquest. In his *Considerations*, he remarks that 'constant experience has shown that a prince who has a million subjects cannot maintain more than ten thousand troops without ruining himself. Only great nations, therefore, have armies'.<sup>107</sup> But crucially, 'it was not the same in ancient republics'.<sup>108</sup> This important difference is the result of

<sup>104</sup> *Ibid.* .IX

<sup>105</sup> *Ibid.*, X, 6-8

<sup>106</sup> This may seem odd in the face of the fact that between 1776 and 1787, the Americans will have a confederation of republics. The American case was unusual in many ways and, of course, Montesquieu was not omniscient. But more crucial for the present argument is the quick rejection of the confederation by the Americans. The Americans did have an extraordinary opportunity to experiment with confederation in terms very congenial to Montesquieu. No doubt, the fears of democracy within the several states played a central role in abandoning the experiment, but one must not overlook American 'consciousness of empire'. On this much de-emphasized, if not forgotten, aspect of the debate, see Stourzh, *Alexander Hamilton*. See especially Hamilton's *The Federalist*, Nos. 8 and 34. [See my "The Foreclosure of Democracy in America."}]

<sup>107</sup> *Considerations*, III.

<sup>108</sup> *Ibid.*

changes in the nature of armies, especially as the text suggests, in the enormously increased expense in training, organizing and fielding a soldier . In his *Reflections on Universal Monarchy*, Montesquieu had already judged that in the new order of things, '*ce sont les richesses qui font la puissance*'--wealth created power: This involves a dramatic change in the proportion of soldiers to the rest of the population, from, he says, one to eight to one to a hundred.<sup>109</sup> This difference might not in itself vitiate the possibility of a league of republican armies, sufficiently large, except that, as Montesquieu knew, the changes involved changes in the class and status of soldiers, and as well, changes in the economic relations which were the basis for the wealth that had to be generated to support armies of war .

Pertinent here is his analysis of the 'revolts, seditions and perfidies' of the Eastern empire.<sup>110</sup> Montesquieu notices two difficulties in securing and maintaining an empire--euphemistically, but not unusual for the period, referred to as a 'great enterprise'. First, there is the new facility of communication: 'the invention of postal service makes news spread like lightning' and 'every prince has ministers in all courts and can have traitors in all cabinets'. The second difference returns us to the problem of the requisite wealth. He writes: 'Great enterprises cannot be accomplished without money, and merchants have been in control of money since the invention of letters of exchange'.<sup>111</sup> Was it then possible for a virtuous and austere republic of equal citizen proprietors to generate the necessary wealth? Indeed, could they do it even for merely defensive purposes?

Before these questions are addressed, we must determine if Machiavelli's problem had been altered. If 'only great nations have armies', if communications have shrunk political space and made intrigue and conspiracy difficult, if money has become 'the sinews of war', and if 'the affairs of merchants are...bound up with politics', were there not possibilities now present which were not present for the ancients?

<sup>109</sup> *Ibid.*, III. David Hume, in his remarkable essay 'Of Commerce', gives the same numbers. See below for discussion of this essay and its relevance to the present problem. See also Hamilton's *The Federalist*, No.8. Hamilton asks,

'why did not standing armies spring up out of the contentions which so often distracted the ancient republics of Greece' and he answers: 'The industrious habits of the people of the present day, absorbed in the pursuits of gain, and devoted to the improvements of agriculture and commerce are incompatible with the condition of a nation of soldiers, which was the true condition of the people of those republics. .

<sup>110</sup> *Considerations* .XXI.

<sup>111</sup> *Ibid.*

The new conditions might, in the first place, encourage peace, not war, and if so, the dilemma of preservation vs. expansion is dissolved. Thus, 'Peace is the natural effect of trade. Two nations who traffic with each other become reciprocally dependent'.<sup>112</sup> Moreover,

We begin to be cured of Machiavellianism, and recover from it each day. More moderation has become necessary in the councils of princes ...Happy is it for men that they are in a situation in which, though their passions prompt them to be wicked, it is, nevertheless, to their interests to be humane and virtuous.<sup>113</sup>

This is not an expression of a naive vision of a 'natural harmony', but a direct function of the observations made in the *Considerations*. It takes a great deal of money and a 'great nation' to make war. Merchants have the money and their interests are not necessarily served by war. Moreover, successful aggression is not so easily accomplished given the changes in communication, the new possibilities of treachery, etc. These facts demand 'moderation'.

The second possibility was already noted. If monarchies and despotisms are the only *real* alternatives, given the demand for great wealth and great numbers, then at least, in contrast to the ancients, the moderns have a proper understanding of monarchy. Peace *might* be encouraged and confederate republics *might*, in special circumstances, survive, but in an environment where war, not peace is the normal condition, one can hope, at best, to achieve a 'free' and 'moderate' monarchy.

Nevertheless, it is by no means clear that Montesquieu entirely disapproved of offensive wars of aggrandisement, nor certainly, that he saw war to be but a passing phenomenon. Stourzh, whose excellent discussion has much influenced the present account, argues that 'Montesquieu rejected Machiavelli's preference for Roman expansion in favor of Spartan stability'.<sup>114</sup> It is true that Montesquieu praised Sparta for her love of 'liberty', but if he fully recognized that the conditions of war had changed--along with the nature of the competing entities, this was not a choice available to him. On the other hand, even if Montesquieu supposed that 'Commerce broke through the Barbarism of Europe',<sup>115</sup> it was not likely that he supposed that the problem of war had been entirely solved by (continued)

<sup>112</sup> *The Spirit*, XX, 2.

<sup>113</sup> *Ibid.*, XXI, 20.

<sup>114</sup> Stourzh, *Alexander Hamilton*, p. 138.

<sup>115</sup> *The Spirit*. XXI. 20.

the new commerce. As he says, 'riches consist in either lands or in movable effects'.<sup>116</sup> But if 'the avarice of nations makes them quarrel for the movables of the whole universe',<sup>117</sup> why should we not suppose that the same avarice will make them quarrel for 'the soil of every country'?

Indeed, Montesquieu does not say that a monarchy ought not be a conqueror. He says rather that 'it ought not...to aim at conquests beyond the natural limits of its government'.<sup>118</sup> Exceeding that limit, as we saw, transforms it into a despotism, and despotisms, of course, have *no* limits as regards their expansiveness. As regards republics, as I have argued, they are ill-suited for aggrandisement and indeed, even in union, they may not be viable. But there is another alternative, a possibility that the new conditions of war allow for a kind of quasi-republic which is at once powerful and yet not subject to internal corruption. Again, it is England, that confusing novelty, which constitutes the case example.

### **The New Commerce and the Powerful State**

The major premise of the new possibility is the enormous difference in the kind and character of wealth which had been created by 'commerce'. There are three related questions: First, does this new wealth alter the relations between 'economy' and 'luxury', equality and inequality, and thus, the possibility of republican government? Second, there is the 'grand enterprises of merchants'. Since they are 'always necessarily connected with the affairs of the public', will they be in the nation's interest or not? '...In monarchies these [grand enterprises] give as much distrust to the merchants as in free states they appear to give safety. Great enterprises, therefore, in commerce are not for monarchical, but for republican governments.'<sup>119</sup> But this appears to be a paradox. As the foregoing suggested, such great enterprises now seem both inevitable and necessary--to ensure the greatness of the nation; yet they are 'unsafe', says Montesquieu, in monarchical government. On the other hand, inequalities and the requirement that a nation be of great size seem inimical to republican government.

Third, there is the problem of the relation of the interests of 'commerce' to those of 'politics'. Which should 'yield' to which? The answers to this

<sup>116</sup> *Ibid.*, XX, 23.

<sup>117</sup> *Ibid.*

<sup>118</sup> *Ibid.*, X, 9.

<sup>119</sup> *Ibid.*, XX, 4.

question take us back to the question, whether peace and not war is the 'natural' effect of trade.

The crucial problem is perhaps the first, for it concerns ultimately the 'internal perfection' of the state. For Montesquieu, in monarchies, trade is 'founded on luxury' and presupposes inequalities. 'It is carried on to procure everything that can contribute to the pride, the pleasure, and the capricious whim of the nation'.<sup>120</sup> Indeed, in monarchies, 'there is an absolute necessity for luxury. Were the rich not to spend their money freely, the poor would starve'.<sup>121</sup> The exact *opposite* is true in a republic. There, commerce is 'founded on economy', and presupposes (relative) equality. In discussing 'virtue' (above), we noted that Montesquieu had abandoned the traditional idea that commerce was in itself inconsistent with a proper *polis* and that he had identified what he called 'a trading republic', with Athens as the example. And he allowed in his account of such republics that 'vast riches' held by private persons had 'no bad effect' *if* 'the spirit of commerce' was not destroyed. Some inkling of the meaning of this idea is contained in his observation that this 'spirit' is naturally attended with frugality, economy, moderation, labour, prudence, tranquility, order and rule.<sup>122</sup>

This perception seems contrary to his more characteristic view that great inequalities *necessarily* destroy republics because they stimulate civil war, destroy the aristocracy and lead to tyranny. How is this to be explained?

Montesquieu evidently is juxtaposing two very different *kinds* of social order. In 'monarchies' (proper), the rich are an *idle* aristocracy, living opulently. The poor are *kept* in their place. They are essentially peasants, bound to the land and they derive fringe benefits from ostentatious spending and charity by the rich. The other kind of society, the 'trading republic', has the majority of the population--men in the 'middling station'<sup>123</sup> engaged in productive activity. Here 'excessive wealth' has not destroyed 'the spirit of commerce'. Thus, moderation, industry and tranquility are the result. This picture, anachronistic of the ancient world did, however, have some contemporary plausibility, both actually and theoretically. And England was, of course, the actual possibility. But Montesquieu has no argument. What indeed could be the basis for 'the spirit of commerce' with its attending beneficial consequences? How does it solve the problem of inequality and civil war?

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.*, VII. 4.

<sup>122</sup> *Ibid.*, V, 6.

<sup>123</sup> *Ibid.*, V, 3.

If Montesquieu did not provide clear answers to these questions, a contemporary in England had them. They are found in David Hume's lively essay, 'Of Commerce', published in 1752, within but a few years of Montesquieu's *Spirit*.<sup>124</sup> Because they knew one another and because there are so many similarities between the two writers, some of them to be noticed in what follows, it may be allowable to appeal to Hume's argument to help understand the less clear, and on this issue, much less sophisticated Montesquieu.

Hume saw that the trick was not simply 'commerce'. Rather, it was trade which stimulated 'manufactures' and which in turn stimulated what Montesquieu had called 'the spirit of commerce'. Moreover, for Hume, where labourers 'enjoyed the fruits of their labour', and where the labourer was not ground down to bare subsistence, inequalities would not be a disaster. We may sketch his argument as follows: Hume divided the 'bulk' of the population into 'husbandmen' and 'manufacturers' and asserted that 'time and experience' so improves agricultural productivity that agricultural needs require less and less labour time. This creates 'superfluous hands'. Two alternatives are available. These extra hands may apply themselves 'to the finer arts, which are commonly denominated the arts of *luxury*',<sup>125</sup> or they may be claimed by the sovereign, and 'employed in fleets and armies'.

The latter alternative seems attractive as regards the interests of the state; and it has 'history and experience' to found it. Sparta is the perfect example. It was extremely powerful, it did not engage in commerce and instead it cultivated austerity and *amour patriae*. So much could have been said by Montesquieu. Hume then asks whether 'sovereigns may return to the maxims of ancient policy' and answers that 'it appears to me almost impossible'. He gives three powerful reasons. Each would have found Montesquieu in complete agreement. First, the ancient republics were *free* states and they were *small*. Hence, everyone was 'continually in arms'. This fostered 'public spirit'. Second, every citizen was a self-maintained soldier who took the field in his turn. Moreover, relative equality of fortune between citizens was the rule. Finally, to succeed, the legislator must adopt principles which are 'natural' to the particular society. The want of trade and manufactures 'may sometimes' have good effects 'among a free and very martial people', but 'it is certain that, in the common course of human affairs, it will have a quite contrary tendency'.<sup>126</sup> Without manufacturers and trade, the more likely alternative is 'sloth and barbarity'.

<sup>124</sup> David Hume, *Essays, Moral, Political and Literary* (Oxford, 1963). I have benefited in what follows in having access to some unpublished papers of my colleague, Keith Aufhauser.

<sup>125</sup> *Ibid.*, p. 262.

<sup>126</sup> *Ibid.*, p. 265 f.

Hume argues that people in agricultural societies, have 'no temptation...to increase their skill and industry; since they cannot exchange that superfluity for any commodities which may serve either to their pleasures or vanity'.<sup>127</sup> In further consequence, if there is a public emergency requiring a large and continually sustainable army, there is no 'superfluity' to do so. One cannot increase productivity, and develop skill and industry 'on a sudden'.

But if so, the modern state *must* encourage commerce and manufacture, for not only is the eighteenth century not the ancient world of free, small martial republics, but as well. 'to consider the matter abstractly, manufactures increase the power of the state only as they store up so much labour, and that of a kind to which the public may lay claim'.<sup>128</sup>

The 'only' in this text is important, since for Hume, the problem is precisely to identify a mechanism which ensures that 'superfluity' will benefit the nation. He found this in 'the stock of labour', which in times of peace, is used for the 'ease and satisfaction' of individuals, but in time of need may be 'turned to the public advantage'.

If one could 'infuse into each breast' a 'passion for public good' and 'so martial a genius' so that individuals would endure hardships 'for the sake of the public', this would be a sufficient spur to industry. As it is, however, this is not possible. But if 'the laborer is furnished with manufactures and commodities', he will toil beyond *his* needs for *his* own sake and thus 'the greater is the stock of labour of all kinds, the greater quantity may be taken from the heap without making any sensible alteration in it'.<sup>129</sup>

This analysis, brilliant in its own right, explains exactly how trade which spurs manufactures spurs Montesquieu's 'spirit of commerce'. What then of inequality?

Hume argues that 'a too great disproportion among the citizens weakens any state', but if everyone 'enjoys the fruits of his labour' and has 'full possession of all the necessaries and many of the conveniences', it adds to the happiness of the poor without diminishing from the happiness of the rich. Moreover, if wealth is better distributed, there is less possibility that (continues)

<sup>127</sup> *Ibid.*, p. 266.

<sup>128</sup> *Ibid.*, p. 267.

<sup>129</sup> *Ibid.*, p. 263.

the few 'will conspire to lay the whole burden on the poor, and oppress them still further, to the discouragement of industry'.<sup>130</sup>

Hume is quick to point out that 'in this circumstance consists the great advantage of England above any nation at present in the world, or that appears in the records of any story'.<sup>131</sup> Montesquieu, we may guess, would concur. For him Monarchy was a quasi-Gothic peasant aristocracy, rift by inequalities but tranquil because of the existence of the nobility. Republics, by contrast, were frugal and industrious societies, still unequal but where 'excessive wealth' had not destroyed 'the spirit of commerce'. Was not then England a unique phenomenon unknown to the ancients and an example to the world?

Hume's argument in the foregoing also clarifies the second of the problems raised by Montesquieu, and for similar reasons.

The 'great enterprises of merchants' will benefit the nation where these enterprises represent a 'stock in labour' and not otherwise. When they are schemes floated on public debt, where they do not add to the 'heap' but subtract from it, they are contrary to the nation's interest. But this is much more likely in a monarchy since in monarchies, 'it is contrary to the spirit of commerce that any of the nobility should be merchants'.<sup>132</sup> In monarchies, the merchants and the nobility have different and sometimes conflicting interests. And as Montesquieu observed, 'the custom of suffering the nobility of England to trade is one of those things which have there mostly contributed to weaken the monarchical government'.<sup>133</sup> Montesquieu is hardly clear here whether he approves or disapproves of this. But if the foregoing is correct, it is *not* an unmixed evil.

Finally, there is the question of the relation of the 'interests of commerce' and those of 'politics'. Part of the answer to this question is given in the foregoing. It has to do with the relation between 'merchants' and the government, for Montesquieu, the latter being the Crown and the nobility. On this point he is interestingly unclear.

In the very brief chapter where Montesquieu asserts that the English 'have ever made their political interests give way to those of commerce' while

<sup>130</sup> *Ibid.*, p. 271 f.

<sup>131</sup> *Ibid.*

<sup>132</sup> *The Spirit*, XX, 21

<sup>133</sup> *Ibid.*

'other nations have not',<sup>134</sup> he seems to have in mind tariffs and customs and the general question, of the trading relations between states *as distinct from* treaties, alliances and similar purely *political* (military) relations between states. These sets of relations are not necessarily coincidental. Thus, if they *do* conflict, which should yield? He is clear in that chapter that the purely political should yield, but he is not clear why this should be.

In a later chapter,<sup>135</sup> he returns to the question of tariffs and customs. This discussion suggests a possible answer. In that chapter, Commerce is *defined* as 'the exportation and importation of merchandise, with a view to the advantage of the state'. Similarly, 'customs are a certain right over exportation and importation, founded also on the advantage of the state'. And he asserts that the state 'should be neutral between its customs and its commerce' since the key is 'the advantage of the state'.

To return, then, why should 'politics' yield to 'commerce'? We may infer here that Montesquieu believed that, *ceteris paribus*, as between a purely political consideration or advantage, and a purely commercial one, the interests of the state are always better served by giving priority to commercial interests. This principle might be a principle of *wide* application. Thus, not only would questions of duties and treaties be responsive to the principle, but as well, the use of military forces, colonization and other forms of imperialistic appropriation, e.g., as in trading companies protected by the nation's flag.

And the principle has some *prima facie* plausibility, especially if, as the foregoing suggested, there is no inconsistency in the *class interests* of the merchants and the nobility.

England is again a remarkably apt example and there is every reason to believe, as much of the preceding has tried to show, that Montesquieu grasped that this was the case. Not only had England 'solved' the problem of 'liberty' with the Whig resolution of conflict in the period between the Restoration and the time that Montesquieu was writing, but as well, from at least the time of Elizabeth, the English state had not compromised its commercial interests for purely political motives. It was, for its time, the most supremely 'rational' of all the great powers. Indeed, it had actively fostered and supported the interests of commerce, for example, through the military intrusion into Spanish and Portuguese shipping, through a programme of overseas colonization which differed from the other great

<sup>134</sup> *Ibid.*. XX. 7.

<sup>135</sup> *Ibid.*. XX. 13

powers precisely in its organizational rationality, and through the chartering and protecting of joint-stock companies with enormous privileges and powers from the Levant to India.

This part of the story, to be sure, is more complex than is suggested here. Nevertheless, it is hard to imagine that Montesquieu was blind to the preeminence that every day England was achieving or that he failed to see what were the causes of that preeminence.

England had found a way to expand which did not corrupt its 'internal perfection'. It had become wealthy and therefore powerful--without Spartan militarization and austerity and without Roman-style expansion. It was achieving empire without risking civil disorder or despotism. By good fortune and circumstance, its transformed Gothic government, its geographical unity and isolation, its industry and its commerce, England had solved Machiavelli's dilemma.

But was it a republic or a monarchy? As we have seen, it was precisely in its ambiguous character that Montesquieu perceived its strength. At the same time, it was his *modern*, yet already anachronistic classification which so puzzled his readers. After Montesquieu and except for Rousseau, the models of the ancient republics will lose their force. It will be England that becomes the paradigm, even if later 'founders', 'revolutionaries', and theoreticians of the modern state will discover that history does not repeat itself. Indeed, Montesquieu would have been surprised at how quickly the world would change.

The Americans, having fought a successful war of independence will search for new models of 'republican government', and arrive, after a period of experimentation with 'confederation', with a solution as novel as was the English state which they tried so hard to emulate. The revolt of the nobility in his France will issue in a violent revolution in which King and aristocracy will give way to a series of 'republican' efforts at constituting the modern state.

No doubt, Montesquieu would also have been amused by the idea that he represented the emerging bourgeoisie or worse, that in any useful sense he was a 'democrat'. Montesquieu was a great theorist of a transitional period in world political history. And because he was a great theorist, but not omniscient, he was influential precisely because of his place in that crucial period of transition.

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