On Civic Republicanism
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The term “corruption” has a curious place in modern political thought. It hearkens back to a philosophical tradition that conceives of civic life in teleological terms, capable of integrity, purity, or health, but ever in danger of dissolution, impurity, and disease. Corruption discourse is political morality.1 If one eliminates the teleological dimension, one is left with no basis for the distinction between corruption and other types of crime. The ubiquity of the term is thus surprising given widespread liberal disavowal of moral “perfectionism,” or indeed of political morality of any sort. Thus, the term is regularly deployed in a technocratic manner by people largely inattentive to its theoretical underpinnings.2 The difficulty is that there are radically different deployments of the term “corruption” indicating radically divergent conceptions of the good, and the standard definition employed by the World Bank and the IMF – “abuse of public office for private gain” – raises more questions than it answers, leaving to its users the duty of determining, among other things, what constitutes abuse and what is the right relationship between public and private. As with so many polysemous political terms, the concept of corruption is a locus of political contestation.

The clash between competing conceptions of corruption is often attributed to cultural factors, with global anti-corruption campaigners being accused of cultural insensitivity, or even imperial mindsets (and with the return charge of cultural relativism).3 And if cross-cultural deployments of the term appear to run roughshod over difference, so do trans-historic examples. The most cursory study of history reveals a wide array of activities considered acceptable in one period and corrupt in the next.4 But before we attribute divergent uses of the concept to divergent historical or cultural perspectives, it is equally worth
remembering that the clashes between competing conceptions of corruption also follow a logic of regime forms – competing conceptions of civic health depend on competing civic structures and their attendant social psychologies. If the liberal discourse of corruption has tended to eschew notions of collective purity or collective civic decay, there is an equally strong strand of civic republicanism in modern political thought that thinks of corruption in societal terms, with images of civic health borrowed from ancient Rome or the Greek polis. But reviving republican civic virtue in the modern, commercial world is a project that has been replete with tensions and contradictions since the eighteenth century – tensions that are particularly manifest in contemporary liberal political thinkers who don (metaphorically) Roman togas.

We have seen in this volume many examples of modernity’s fraught relationship to classical republican virtue. It emerges with particular clarity in the chapters on eighteenth-century thought. Marc Hanvelt indicates the manner in which Hume carefully reinterpreted and subverted the classical virtue of courage; for contrast, Varad Mehta reminds us of the heady Laconophilia of Rousseau, Ferguson, and Mably. Among Enlightenment thinkers, however, none had such a subtle take on the legacy of the classical republic as Charles-Louis de Secondat, Baron de Montesquieu. And there is argueably no modern thinker who has better understood the manner in which corruption is thoroughly tied to the type of regime being discussed. Montesquieu’s treatment of corruption is entirely in conversation with the classical question of the best regime. But there is something paradoxical about his adoption of this classical theme. Montesquieu employed the term corruption in a manner that was neutral, and relative to different regime forms, yet he also employed it as a normative anchor. Equally puzzling to many interpreters is Montesquieu’s thoughtful ambivalence towards classical republicanism. For those seeking a substantive normative basis for corruption theory, the clearest source to turn to is the modern neo-Roman republicanism associated with Machiavelli and his subsequent “moments.” But modernity’s relationship to fierce Roman republicanism is – and ought to be – ambivalent at best. Montesquieu offers us a reflection on the varieties of modern corruption that simultaneously appeals to this source and rejects it in the name of a liberalism with which we are most familiar. In Montesquieu’s thought we will see a particularly modern, liberal view of corruption that explains its structural, constitutional dimensions. It is a position that embraces the moral dimension of corruption discourse, but does so
with highly moderated ethical ambitions that make it appealing to a liberal world wary of “perfectionism.”

This chapter is structured as follows: the first section looks at both relative and absolute corruption in Montesquieu’s thought. It indicates that the type of relative corruption – that which causes a regime to change form – is linked to the absolute corruption that Montesquieu sees in the “principle” of despotism. All these forms of corruption entail a shift in the affective basis of the regime away from that which turns citizens’ and subjects’ energies towards the public good. We will see that the two passions that most detract from human sociability are fear and desire for wealth and luxury – those passions that are most in evidence under despotism. The second section will demonstrate that Montesquieu’s view of natural sociability has its anchor in his brief foray into natural law. Montesquieu’s imaginary construction of the state of nature offers a thin but normatively important conception of purity, but it equally points to the essential corruptibility of human beings in political society. The third section looks at his portrayal of England, exploring the manner in which Montesquieu thought corruptibility could best be contained and moderated. Here we will note the degree to which England is awash in the corrupting passions; its moderation is a result of an extremely precarious balance of corruption. For Montesquieu, the price of heroic Roman purity was too high, bloody without and stifling within; the solution of commercial modernity is a pact with corruption – not a pact with Mephistopheles, but a pact with a grubbier, duller, more English demon, perhaps one resembling Robert Walpole.7

Montesquieu’s Varieties of Corruption

In De l'esprit des lois, Montesquieu deploys the term corruption in the same manner that he employs other moral terms, straddling the descriptive and the normative. Corruption is at once something purely relative to a given regime (a loss of that regime’s dominant passion) and universal, a degradation of human nature. Both these forms – the relative and the absolute – speak equally to individual character and political structures. With a classical unwillingness to separate city and soul, Montesquieu offers a series of socio-psychological analyses of different regime forms and the requisite character of their respective citizens or subjects. In this section, we will attempt to flesh out the link between the relative and the absolute.
In his threefold classification of constitutions, Montesquieu offered three types of corruption. Each type entails an alteration of the affective source of the regime – not its constitutional structure, but the dominant passion that “makes the regime move,” its “principle” (EL 3.1). That is, every political arrangement has some sort of social-psychological force that makes individuals behave in such a way as to preserve the regime – the principles are the affective basis on which people’s energies turn towards obedience. The principles are what make the public possible; without some sort of affective motivation, there would be no public at all. As we will see, if the types of corruption differ with regard to regime, they all share the quality of rendering people less public-spirited. We recall that the three regimes, republics (split into democracies and aristocracies), monarchies, and despotisms have, as principles or animating passions, virtue (love of the patrie and of equality), honour (love of distinctions and prerogatives), and fear, respectively. Let us look at the manner in which these principles are corrupted.

Republics are of two sorts, democracies and aristocracies. In both cases, corruption entails a diminution of virtue. “Le principe de la démocratie se corrompt, non seulement lorsqu’on perd l’esprit d’égalité, mais encore quand on prend l’esprit d’égalité extrême, et que chacun veut être égal à ceux qu’il choisit pour lui commander” (8.2). Citizens are all equal, but citizenship entails strict duties to obey the legitimately constituted powers. In this classical republican conception, the individual’s liberty is not individual licence, but rather is a product of a juridical condition of being a citizen: one can speak of a free city. A Machiavellian form of citizen virtù ties people to their city. Aristocracy, another form of the republican regime, is corrupted when princes and nobles cease to have that moderating virtue that causes them to rule according to law – and hence it becomes arbitrary government, or despotism (8.5).

This Roman “political virtue” makes people place all of their energies in the service of their city. Political virtue is “l’amour de la patrie,” (EL, Avertissement de l’auteur), the “désir de la vraie gloire, du renoncement à soi-même, du sacrifice de ses plus chers intérêts” (3.5). Montesquieu expresses clearly the relationship between public and private in a classical republic:

Quoique tous les crimes soient publics par leur nature, on distingue pourtant les crimes véritablement publics d’avec les crimes privés; ainsi appelés, parce qu’ils offensent plus un particulier, que la société entière.
Or, dans les républiques, les crimes privés sont plus publics; c'est-à-dire, choquent plus la constitution de l'État, que les particuliers: et, dans les monarchies, les crimes publics sont plus privés; c'est-à-dire, choquent plus les fortunes particulières, que la constitution de l'État même. (3.5)

The very conception of crime differs according to constitutional form. When people have virtue, they consider all their actions to be for the republic. Hence, lax behaviour in their “private” lives is a sign of corruption. If the dominant definition of corruption today is the abuse of public office for private gain, we can see that all crimes in Montesquieu’s ancient republics are corrupt, for the very desire for private gain is a corruption of virtue. There is no crime that is not equally an instance of political corruption. The converse is true of a monarchy. In a monarchy, these private ambitions are not rejected. They are moderated by a sense of honour that regulates ranks and makes people act with a degree of public-spiritedness (3.7), but their motivation is individualistic and, from a republican perspective, corrupt. Possessions are private things, and many public crimes are therefore more particularly crimes against particular nobles. Today’s most prevalent definition of corruption – the abuse of public office for private gain – fits poorly in a monarchy, since in that regime public office exists for private gain (within the confines of an honour system), and any “abuse” of public office tends to be more of an abuse of other nobles or the monarch himself.

“Political virtue” entails that one’s love and ambition is thoroughly linked with the good of one’s city. It is, from a liberal perspective, stifling, and Montesquieu points out just how difficult it is to understand from the outside:

Lorsque cette vertu cesse, l’ambition entre dans les coeurs qui peuvent la recevoir, et l’avarice entre dans tous. Les désirs changent d’objets: ce qu’on aimait, on le l’aime plus. On était libre avec les lois, on veut être libre contre elles. Chaque citoyen est comme un esclave échappé de la maison de son maître. Ce qui était maxime, on l’appelle rigueur; ce qui était règle, on l’appelle gêne; ce qui était attention, on l’appelle crainte. (3.3)

When this virtue is corrupted, one is no longer motivated by a love of the laws, but rather by fear of the laws. One’s relationship is altered towards public things – they begin to be seen as extrinsic to oneself, and thus as oppressive, alien. We can imagine a degree of utilitarian calculus on the part of people such that they accept some laws out of
self-interest, but this entire way of thinking entails a profound shift in attitudes. From the perspective of the cities without republican virtue such ancient respect (attention) for the laws is perverse and can only be a product of fear. For how else can we explain (the liberal might exclaim) such monstrous stifling of the individual?

Montesquieu admired this austere, republican “political virtue,” but there is some debate as to the degree to which he thought it capable of being resurrected in the modern world. Certainly he argued that the English experiment with republicanism proved an abject failure because the principle of virtue was not firmly established in the people (3.3). If Montesquieu followed Machiavelli’s description of popular corruption, he had too much historical sense to issue a Machiavellian call for the return of Roman virtù. Montesquieu appears to lament the fact that modern political thinkers no longer speak of virtue, but rather of “manufactures, de commerce, de finances, de richesses, et de luxe même” (3.3). Yet he himself suggests that this shift is permanent, particularly given the size of modern states (virtue is appropriate to smaller republics). He also hints that this shift away from virtue is somewhat desirable. Montesquieu treated the martial spirit of the ancient republics as noble, but also inhumanly cruel, and he equally thought that virtue required excessive self-abnegation. In an oft-cited passage, he compares republican virtue – the passionate love of their city and laws – to the love of monks for the rule of their order: being deprived of all normal objects for their passions, monks direct all their love towards the very rules that restrict them (5.2). This virtue is a kind of self-flagellation (presumably these monkish citizens would rather will their own subjection than not will). Nor is such virtue terribly amenable to liberty – on the contrary, it is stifling. A free regime must temper such virtue: “Qui le dirait! La vertu même a besoin de limites” (11.4).

Montesquieu’s second regime, monarchy, is corrupted when princes centralize at the expense of other loci of power. In a monarchy, we recall, the principle of honour provides a limitation on the abuse of power. When this principle is corrupted, the laws of honour are no longer obeyed – the various ranks cease to play their role. Rather, the monarch devolves into a despot – one man who governs according to his own whim rather than according to established law and custom. A monarchy relies on honour because it relies on the principle that makes the nobility act in the interests of the state. In other words, a monarchy is not truly one-man rule, but is rather the rule of one supported by a vast array of nobility who are dutiful because they have prerogatives
and honours that separate them essentially from the people, but that equally make them an independent, if subordinate, source of power.\textsuperscript{8} This moderates the regime, preserving its law-abiding qualities, since nobles will insist on preserving their prerogatives and will refuse to do anything beneath their dignity. Montesquieu tells the heart-warming story of a viscount who refused to take part in the St Barthélemy massacre because it was beneath his dignity to act in such a way (4.2).\textsuperscript{9}

Honour is a brake on the power of the monarch because it cultivates individual ambition among nobles. At the same time, honour turns the nobles’ interests towards the state, and even makes them do heroic acts that verge on selflessness. Entirely bound up in their own amour propre, these nobles seek glory. Since honour can make people sufficiently courageous to have contempt for death itself, it is a principle that is most dangerous to despots, whose entire method of control depends on threatening people with death (3.8).

Montesquieu conceived of “selfless,” virtuous political action as something constituted through a very rigorous education and set of laws that proscribe all avenues for personal interest at the expense of the city. That is to say, the “renoncement à soi-même” (4.5) that republican virtue entails is actually a cultivation of only one passion, love of the city, at the expense of the others. The self and its passions are still the source of a person’s actions, but the passions are so constricted by laws that one directs one’s energies towards the public good and, in this sense, against what one would have more readily desired had one not been so denatured by political education. Montesquieu portrays this republican cultivation of people’s love as highly unnatural and even “pénible” (4.5). A sense of honour is much less painful and difficult to cultivate, since it appeals to passions that are easier to deploy because they are more directly self-regarding.

It is for the same reason that Montesquieu thought despotism the regime requiring the least amount of educational effort, since the principle of despotism – the passion of fear – is extremely easy to manipulate. If virtue is as difficult to cultivate as fear is easy, we get a sense that there is something highly artificial in courageous public spiritedness, and something natural in fear. But should not despotism, then, be considered the most natural of regimes? On the contrary, if Montesquieu considers timidity a natural human trait, so too are affection and sociability. Despotism actually undermines our friendships and all of our natural relationships, all the while elevating our fears to unnatural levels. “Il ne sert rien d’opposer les sentiments naturels, le respect
pour un père, la tendresse pour ses enfants et ses femmes, les lois de l’honneur, l’état de sa santé; on a reçu l’ordre, et cela suffit” (3.10). Despotism, on Montesquieu’s account, does violence to our very nature by placing unhealthy psychological burdens upon us, taking away our natural familial affections and our wider sense of community.

If the “principle” of despotism is fear, we might think that its corruption will entail confidence, but Montesquieu here leaves the realm of relativity – despotism, Montesquieu insists, is essentially corrupt, for fear is its “principle,” and fear is an essentially corrupting principle: “Les autres gouvernements périssent, parce que des accidents particuliers en violent le principe: celui-ci périt par son vice intérieur, lorsque quelques causes accidentelles n’empêche point son principe de se corrompre” (8.10). This is a difficult passage – fear itself must be “corrupted” for corruption not to be total. Montesquieu is arguing that despotism only works when it is actually moderated by some accident of religion or climate. Voltaire wrote that there was no such thing as “despotism” as Montesquieu defined it, there being no regimes on earth that existed without some law. But this is precisely Montesquieu’s point – despotism is an ideal type. It cannot subsist without some moderating element. In the “oriental” despotism, Montesquieu acknowledges the degree to which religion moderates the regime (5.14, 12.29, 26.2). No society can exist on fear alone, and fear itself is fundamentally corrupting.

Moderate, lawful government is a fundamental good for Montesquieu because of its effects on the souls of its citizens. Montesquieu insists that there is no problem if one sociable principle is exchanged for another – a corruption of virtue into honour (or vice versa) does not alarm him, as the regime will retain some principle tying people to the public good (8.8). Arbitrary government is so harmful not because self-rule is a fundamental good, or yet because arbitrary rule entails a usurpation of natural rights, but because the despotic regime’s principle, fear, does fundamental harm to the human psyche. Human beings are corrupted by fear because they are rendered less capable of fellow feeling, or of any solidarity. In Montesquieu’s imaginary natural state, fear is precisely that which drives people away from one another; it is that which leads them to think primarily of their individual good. A society based on such a principle will be entirely fragmented. When one perceives oneself subject to overwhelming force of arbitrary rule, one retreats into oneself. Montesquieu is pointing out what Orwell would indicate so vividly: terror conquers love. The degradation of the women
in the harem of Montesquieu’s Persian despot, Usbek, vividly depicts how human relationships suffer under conditions of absolutism. In the harem, there is no solidarity: there is quite a lot of scheming and temporary alliances as people seek to establish their place in the pecking order, and there is one thrilling act of suicidal defiance as nature rears its noble head, but there are no independent sources of power, no room for independent action, and thus no room for true affection, whether in the form of romantic love or public-spiritedness.

Fear, then, is the ultimate corruptor, just as despotism is the unambiguous *summum malum* in Montesquieu’s politics. But it is not the only thing that corrupts universally: let us now consider a somewhat corrupting influence, the desire for wealth and its attendant inequalities. If despotic regimes are based on fear, the only motivation that inspires striving in people is the desire for wealth and luxury (5.18). Montesquieu articulates the standard civic-humanist view that excessive wealth leads to decadence and undermines civic freedom. This is one of the charges in his *Considérations sur les causes de la grandeur des Romains et de leur décadence*, and it is repeated in *EL* (8.2, 4). It is not merely that wealth leads to indolence and weakness—a standard trope—but that inequality undermines republican civic spirit. Montesquieu insists in particular that a democratic republic requires strict attention to equality of wealth. But immediately after making this point he qualifies it: there are such things as commercial republics. “Il est vrai que, lorsque la démocratie est fondée sur le commerce, il peut fort bien arriver que des particuliers y aient de grandes richesses, et que les moeurs n’y soient pas corrompues. C’est que l’esprit de commerce entraîne avec soi celui de frugalité, d’économie, de modération, de travail, de sagesse, de tranquillité, d’ordre et de règle” (5.6). This is quite an encomium. However, there is a danger: “Le mal arrive, lorsque l’excès des richesses détruit cet esprit de commerce” (5.6).

In aristocracies, a type of republic, Montesquieu indicates that moderation of inequality is essential for civic duty to be retained. When the aristocrats begin to enjoy privileges that are humiliating for the people, inequality begins to sting. Montesquieu continues:

Cette inégalité se trouvera encore, si la condition des citoyens est différente par rapport aux subsides; ce qui arrive de quatre manières: lorsque les nobles se donnent le privilège de n’en point payer; lorsqu’ils font des fraudes pour s’en exempter; lorsqu’ils les appellent à eux, sous prétexte de rétributions ou d’appointements pour les emplois qu’ils exercent; enfin,
Montesquieu admits that the last instance is rare, but he suggests in a footnote that the aristocratic use of fraud to exempt aristocrats from paying taxes is common in “quelques aristocraties de nos jours.” He does not mention which, but he does indicate that “rien n’affecte tant l’État.”

Nothing weakens a state more than the absurdly low tax rates on capital gains and the ease with which the wealthy can evade and avoid taxation with foreign tax shelters (if the reader will excuse the anachronism); this is not merely because such practices deprive the state of revenue, but more because they make the state a mere avenue for the exploitation of one group by another. Such exploitation may be an objective fact of politics, but it is certainly harmful for social cohesion for exploitation to become completely transparent. Such obvious subjugation is humiliating. And excessive wealth is not a problem only for republics. Monarchies’ entire economies depend upon luxury (7.4), and this regime clearly requires vast inequalities of wealth to maintain the artificial divisions that honour demands. Nonetheless, it is important that such wealth be of secondary concern to the nobles. If nobles in a monarchy are given large monetary rewards for their services to the king, Montesquieu suggests, this is a sign that the principle, honour, has been corrupted (5.18). Indeed, the nobles ought to pay for their positions – Montesquieu defends the sale of public offices in monarchies, since venality, while corrupt from a republican point of view, has several advantages in monarchies: it fixes the estates, which Montesquieu thinks serves the interests of administration and hierarchy, it prevents the secret sale of offices (by corrupt and venal courtiers), and it inspires industry since wealth is required in order to get station. Ultimately Montesquieu thinks that those who have attained noble stations ought not to engage in commerce at all (22.21, 22), as this desire for wealth is incompatible with the desire for honour and glory. The fact that English nobles engage in commerce has mixed the classes up and been responsible for the dissolution of a mediating institution (nobility) that makes monarchy function. The desire for wealth corrupts monarchical states.

Corruption, then, entails an alteration of people’s primary desires such that they no longer serve to unite disparate individuals. In the great eighteenth-century debate about the relationship between self-interest and virtue, Montesquieu does not offer a paean to selflessness:
Montesquieu on Corruption

even the most public-spirited republican virtue is a product of an individual passion, and of the overwhelmingly powerful legal and educational structure that channels our self-love into love of the city. In monarchies, the nobility make a virtue out of what is traditionally considered a vice: *amour propre* (and, in a Mandevillean manner, Montesquieu argues for the beneficial economic effects of a monarchical luxury economy). A regime’s principle is that which allows it to continue to exist as a society; the things that corrupt the regime are those that undermine its principle – save in the case of despotism, where the principle itself is anti-social and would cause the regime’s destruction but for some extraneous moderating elements. In all instances of corruption, the sentiments unifying people are undermined by the two powerful passions of fear and greed. Social relationships are broken apart or transformed into perversions of their natural state. But if corruption is that which weakens the sentiments at the heart of social unity, we will want to know something about Montesquieu’s conception of purity. Which sentiments are natural and salutary? In the following section we will inquire into Montesquieu’s conception of nature and its laws.

**Nature in Its Purity: Natural Law as a (Weak) Normative Anchor**

While Montesquieu’s extremely brief treatment of natural law in *EL* might appear to imply a subtle dismissal of the tradition, it is important to underline that nature remains a fundamental normative anchor in his thought. The difficulty with natural law (which, in Montesquieu’s treatment, entails the basic social passions animating all human beings) is that it speaks so softly compared to history, climate, and positive laws. But this should not blind us to its centrality, and the elimination of nature as a normative basis would render Montesquieu’s account of despotism and corruption void of normative force. Following C.P. Courtney, I would like to insist on the importance of natural law in Montesquieu’s thought, but I wish to highlight, somewhat contra Courtney, the way in which Montesquieu’s natural law differs from that of most modern natural-law theorists. Courtney claims that, for Montesquieu as for other modern natural-law theorists, “When man’s physical nature (the ‘passions’ and other amoral tendencies, or even instinct unguided by reason) takes over … the result is ‘unnatural.’” But Montesquieu does not treat the “laws of nature” as something to be equated with the a priori “rapports de justice” that he outlines in 1.1. The laws of nature, for Montesquieu, are derived from an attempt to
imagine, in a proto-Rousseauan manner, a perfectly pre-social human being. The laws of nature are not a priori rational laws of moral relationships between intelligent beings (as discussed in 1.1), but are akin to scientific laws governing physical substances: they “dérivent uniquement de la constitution de notre être” (1.2). What is important to note here is that these laws are the results of natural sentiments. In the book’s first chapter, when comparing human beings to animals, Montesquieu points out that animals “ont des lois naturelles parce qu’elles sont unies par le sentiment; elles n’ont point de lois positive, parce qu’elles ne sont point unies par la connaissance” (1.1). In our pre-social condition, we are bestial – and we share the beasts’ virtues. It is our reason that makes us err, for our reason is imperfect: “Comme être intelligent, [l’homme] viole sans cesse les lois que Dieu a établies, et change celle qu’il établi lui-même.” Passions can lead us astray (“comme créature sensible; il devient sujet à mille passions”), but this is largely because these passions are rendered dangerous by our finite intelligence, which is a source both of our freedom (or our perceived freedom) and our error. Human intelligence, because it is finite, is the source of error; passions are a surer guide.18

It is the complexity of society – and the tendency for people to try to turn that social union to individual advantage at the expense of social cohesion – that transforms early society into a Hobbesian state of war that can only be overcome with strong positive laws (1.3). Thomas Pangle is correct to note that “since Montesquieu holds that aggressiveness is less deeply rooted in human nature, and that affection is more deeply rooted, than Hobbes had thought, the political order which Montesquieu eventually indicated to be the solution to the human problem is much less strict or tough and much more soft and gentle than Hobbes’s solution.”19 I would take this observation further than Pangle would wish and suggest that EL’s constant refrain that despotic institutions do violence to nature is an appeal to this natural sociability that Montesquieu locates in an imagined pre-social condition. It is not that this condition represents an ideal – Montesquieu intimates that it never existed and never could. It is merely that this thought experiment allows us to see our basic, uncorrupted natural inclinations.

This is not to say that Montesquieu was offering starry-eyed optimism about human nature; on the contrary, he treated social life as if it is necessarily a source of corruption, for human intelligence, being finite, is necessarily corrupting. In his Défense de l’Esprit des lois, Montesquieu answered impatiently the charge that he had failed to discuss original
But he might well have responded that the critic was simply incorrect: *De l’esprit des lois* indicated clearly that corruption is an inevitable outcome of man’s social nature and his limited intelligence.

If the tendency towards corruption is an essential element of political life, the duty of legislation is to mitigate it as much as possible. Montesquieu is so sparse in his treatment of an original condition not because he intends, obliquely, to denounce such speculation, but because he does not want to fill in human nature with false universal claims. But throughout *EL* he attacks specific institutions as unnatural, and an attentive reading of these passages gives us quite a number of rules for social life, from enjoining self-defence (and denouncing suicide) (6.13; 6.13; 10.2; 15.16; 24.6; 26.7), to defending sexual *pudeur*, the natural regulation of sexual mores and the care for children (16.12; 26.3; 23.10; 12.14; 26.6; 23.2), to denouncing the bloodthirsty ancient republican penchant for murdering conquered peoples (10.3). Thus, for instance, Montesquieu suggested that it was a natural law for a father to feed his child, but not to give his child an inheritance – the regulation of the latter is something entirely dependent on the constitution and mores of a given state (26.6). The fundamental basis is in the four “natural laws” (which are equally natural sentiments) introduced in 1.2: the desire for peace (timidity), the need for food, the desire for sexual union, and the desire for community (born of our shared human capacity for knowledge). This is a conception of human beings as both individualistic yet born for cooperative social and sexual relations. This is a very weak teleology – but a teleology nonetheless.

“Dans l’état de nature, les hommes naissent bien dans l’égalité: mais ils n’y sauraient rester. La société la leur fait perdre, et ils ne redeviennent égaux que par les lois” (8.3). Laws are to give people something approaching the basic goods that they would seek in an imaginary, original condition. With regards to equality, this does not entail an “extreme equality”: it entails a type of equality that threatens neither social order nor individual liberty. The laws – and the principles underpinning them – are means of mitigating the natural corruption to which human sociability tends. In different environments and different nations, different laws and psychological dispositions will be required, but there is, underlying it all, a basic conception of the good – that which does not do harm to our natural dispositions. But the “laws of nature” are too limited – they merely give us a rough outline of a natural social disposition; they say nothing about the institutions required to prevent
their corruption. This is a question for the legislators of humanity: let us turn to the question of reducing corruption in the political world.

**Moderate Corruption: England and the Anti-Social Passions**

*(A) Fear*

To eliminate corruption altogether is neither possible, nor, perhaps, entirely desirable. In the *Lettres persanes’s* famous parable of the Troglodytes (Letters 10–14), Montesquieu appears to be suggesting that a fully virtuous anarchic republic cannot possibly last; certainly we have already seen that republican severity perverts our most natural affections (just as republican self-sacrifice exceeds the demands of nature). The “principles” of the different constitutions are all both natural and unnatural: they exaggerate one passion at the expense of others. Fear is one of the most fundamental passions, but when elevated to the principle of government it entirely undermines our capacity for love and solidarity. Honour makes us vain, superficial, and decadent. Excessive virtue and public-spiritedness undermine our natural familial affections. Moderate corruption of principles appears to be the basis for humane social cohesion. The ancient Germanic tribes who conquered the Roman empire and whose institutions resulted in the English constitution saw their own original republican constitution altered, and its principle diluted, by the changed conditions brought about by their success: “Il est admirable que la corruption du gouvernement d’un peuple conquérant ait formé la meilleure espèce de gouvernement que les hommes aient pu imaginer” (11.8). Montesquieu’s constant call for moderation – “Le bien politique, comme le bien moral, se trouve entre deux limites” (29.1) – is an attempt to prevent psychological imbalance. The real opposite of corruption is not virtue, but rather immoderation, that which does the most violence to human nature.

The “best type of government that men have been able to imagine” is the English government championed in book 11: this is the government that has “political liberty as its object” (5). And the main force that defends this liberty is the balance of powers, the manner in which our natural tendency to attempt to usurp the social unit for personal gain is mitigated by the institutional constraint of power checking power. Now, if Montesquieu celebrates an idealized version of the English constitution, he is much more ambivalent about England generally, and this is not merely because he thinks that the English are prone to
suicidal depression (14.12). Despite his enthusiasm for the English, he is of the view that fear and avarice play a central role in the commercial “republic under the guise of a monarchy.” Let us consider how corruption is mitigated in that constitution.

Montesquieu’s treatment of liberty is quite distinct from republican celebrations of free civic life. He famously defines political liberty for a citizen as “cette tranquilité d’esprit qui provient de l’opinion que chacun a de sa sûreté; et, pour qu’on ait cette liberté, il faut que le gouvernement soit tel qu’un citoyen ne puisse pas craindre un autre citoyen” (11.6). Earlier Montesquieu defines political liberty as “pouvoir faire ce que l’on doit vouloir, et n’être point contraint de faire ce que l’on ne doit pas vouloir.” Or, in a different formulation, liberty is “le droit de faire tout ce que les lois permettent” (11.3). We are very comfortable with this last formulation – it is consistent with the Hobbesian liberty of the subject, and it fully accords with the dominant liberal conception of negative liberty. But the most striking element is the psychological claim – liberty is the feeling derived from the opinion one has of one’s own security. The balance of powers that Montesquieu celebrates is there to prevent people from fearing one another.

Liberty is “l’opinion que l’on a de sa sûreté” (12.2). Montesquieu offers an interesting hedge on the metaphysical problem of free will by merely defining “philosophical liberty” as being of the opinion that one’s act is a product of one’s will. That is, without actually dealing with the determinist challenge to voluntarism, Montesquieu nonetheless manages to sweep away the Hobbesian reconciliation of freedom and subjection to absolute power. Whatever the objective truth is, both philosophical and political liberty are matters of subjective opinion. Most importantly, they are states free from fear: in one’s “philosophical liberty” one has the opinion of having acted freely (even if a Hobbesian could point out the appetites and aversions that determined the action); in one’s “political liberty,” one follows the law willingly and is under the impression of not having a sword constantly hanging over one’s head. Montesquieu thought that this liberty obtained in England: “Quand un homme en Angleterre auroit autant d’ennemis qu’il a de cheveux sur la tête, il ne lui en arriveroit rien: c’est beaucoup, car la santé de l’âme est aussi nécessaire que celle du corps.” The balance of power protects the rule of law and thus helps give liberty to a people who have neither virtue nor honour.

But England’s constitutional structure is no panacea: the English, having eliminated their intermediary institutions, are in grave danger
of becoming slaves if they do not preserve their mores (2.4). Both mores and laws are essential for the minimization of corruption. Indeed, Montesquieu is quite clear that juridical and constitutional means alone will not suffice to cure people of corrupt mores, despite the intimate link between the two. We have seen that the two elements that most corrupt both individual souls and regimes are fear and avarice. England has both – indeed, England is replete with vicious passions, “la haine, l’envie, la jalousie, l’ardeur de s’enrichir et de se distinguer” (19.27) – but Montesquieu thinks these passions themselves are a source of energy to England. The difficulty with England is that the very things that make it successful – its fear and avarice – are equally threats to its integrity.

First of all, Montesquieu’s English citizens are not in a state free from fear – on the contrary, in a free state of an English stripe, “le peuple serait inquiet sur sa situation, et croirait être en danger dans les moments même les plus sûrs” (19.27). These fears are inflamed by factionalism – party leaders in such a state “augmenterait les terreurs du peuple, qui ne saurait jamais au juste s’il serait en danger ou non” (ibid.). Indeed, people become so attached to their particular party’s views of reality that they lose their capacity for judgment: writers are almost as unfree as they would be in despotic regimes: “chacun devient aussi esclave des préjugés de sa faction, qu’il le serait d’un despote” (ibid.). But unlike Machiavelli and his English heirs, Montesquieu did not condemn parties outright. Paradoxically, Montesquieu thought that the partisan tendency to lie to people about the dangers of their state, throwing around groundless accusations of conspiracies and corruption, actually served to strengthen the state, since people thereby attend more to the actions of the government (ibid.). The dangers of faction were moderated by the influence of the legislative body itself, which is able to calm the populace due to the respect it, as a body, commands in popular opinion. Parties cannot devolve into the type of factions that so threatened ancient republics because the constitution is mixed – but if the government were to lose its balance, liberty would be in great danger. The English attempt to become a republic failed because the English did not have sufficient civic virtue to overcome their factionalism (3.3). The danger of despotism in England is both mitigated and derived from their passionate factionalism (and we can see here why Montesquieu worried about the English tendency towards despotism). It is their constitution and their spirit of liberty that protect them from their otherwise rapacious and untrusting spirit, but it is their very distrust and rapacity that prevent the destruction of their constitution.
The security that each individual feels in England is thus not total – on the contrary, people feel constantly wary; their security is rather a security from each other, and it is due to the existence of a reliable law that is enforced with punishments. Herein lies a psychological contradiction: the main object of their fear (the government) is that which protects them from fear – with threats. Montesquieu articulated the commonplace view that punishment was corrupt and counterproductive when exercised arbitrarily. But even when it is exercised in a non-arbitrary manner it ought not to be too harsh. While the state must retain a monopoly on violence, Montesquieu argued against people being overawed by fear of the sovereign’s sword. Monarchies are corrupted when a prince “change sa justice en sévérité” (8.7), and we see in Usbek the complete manifestation of this corruption in his wrathful desire to purify his harem: “Je vais punir … nous allons exterminer le crime, et l’innocence va pâlir” (LP, Lettre 160). Being “tough on crime” is corrupt and corrupting. When punishments are too severe, they themselves undermine the law. “Il y a deux genres de corruption: l’un, lorsque le peuple n’observe point les lois; l’autre, lorsqu’il est corrompu par les lois: mal incurable, parce qu’il est dans le remède même” (6.12) Fear is an essential human motivation, and it must be a part of any regime, but it deforms us and threatens the regime itself when it becomes overbearing.

The moderate and non-arbitrary manner in which punishment is exacted is a source of liberty. Montesquieu believes in the utility of punishment, but the fear that one feels must be directed towards laws and dependable institutions and not individuals. In England, “on craint la magistrature, et non pas les magistrats” (11.6). This is the basis of any moderate regime. In a monarchy it is important that punishment appear to derive from the laws, of which the king is the protector, and not from the person of the king himself (12.23). Mark Hulliung has suggested that this is a step in the direction of the Weberian bureaucracy – impersonal management. But if Hulliung is correct to point to the impersonal nature of Montesquieu’s ideal judiciary, it is important to note that the rule of law in Montesquieu’s English constitution is defended not by a bureaucratic ethos, but rather by the political structure itself, which sets off against each other the competing interests of corrupted individuals wary that one group or another will undermine impersonal justice.

It is for this reason that Montesquieu inaugurates the modern mania for transparency. English partisanship actually serves to augment
transparency. The English requirement for ministers to give an account before a public body – parliament – equally serves to keep them honest in their foreign relations (19.27). In his famous letter to Domville, expressing his optimism about English liberty surviving the well-known corruption of parliamentarians, Montesquieu wrote that while corruption would no doubt continue to affect some elections of MPs, in the English parliament “la corruption ne laisse pas que d’être embarrassée, parce qu’il est difficile de mettre un voile.”30 There is a great danger in secrecy, and a great merit to openness. Montesquieu celebrated the Roman law that stated that anyone killing a night intruder must, in the act, cry out so as to draw attention to his act (29.15) (this is the ancient equivalent of the closed-circuit video camera). At the same time, Montesquieu offers no Panopticon – the security state ought not to try to shine its light on every little act of the citizen (12.17). Indeed, Montesquieu would not have wanted transparency idolized. Liberty, we recall, is based on subjective belief, and when authority is exercised Montesquieu does not want it to be excessively transparent. Montesquieu preferred taxes on (non-essential) commodities to direct taxes on persons because when the tax on merchandise is included in the price, the payer is not made aware of the taxation (13.7, 8). Transparency must work to prevent the usurpation of power by one class or branch of government; it is not to be celebrated in itself.

The balance of power that prevents any branch of government from becoming dominant is a product of England’s mixed constitution. It is for this reason that the main vice of the English – avarice – is so very dangerous. English parliamentarians are apt to be corrupt and to sell themselves to royal influence. Montesquieu lamented this in his Notes sur l’Angleterre, following the rhetoric of Bolingbroke’s opposition to the king’s “placemen” in parliament.31 But Montesquieu ought to have seen the utility in this, given his view that excessive purity was itself a bad thing. Isaac Kramnick points out that the mixed constitution in England benefited from the king’s tendency to place favourites in parliament: “Corruption preserved the mixed constitution in the eighteenth century to such an extent that one analyst claims that this period was indeed the only time when England enjoyed a truly balanced constitution.”32 Montesquieu celebrated this mixture: “L’Angleterre est à présent le plus libre pays qui soit au monde … J’appelle libre parce que le prince n’a le pouvoir de faire aucun tort imaginable à qui se soit … mais si la chambre basse devenait maîtresse, son pouvoir serait illimité et dangereux … Il faut donc qu’un bon Anglois cherche à défendre
la liberté également contre les attentats de la couronne et ceux de la chambre.”

The famous thesis about the balance of powers between branches of government is a variation of this classical insistence on a balance between the interests of different estates (royal, aristocratic, popular). The venality of the English commons is ever a source of concern, but Montesquieu was neither apoplectic nor sanguine about placemen. In a society that places such emphasis on money, parliament would always be in danger of being sold – it is therefore important that parliamentarians not be, as a body, sold to the same people. Montesquieu predicted the demise of English liberty “lorsque la puissance législative sera plus corrompue que l’exécutrice” (11.6). He also had a dire warning about representation:

Lorsque divers corps législatifs se succèdent les uns aux autres, le peuple, qui a mauvais opinion du corps législatif actuel, porte, avec raison, ses espérances sur celui qui viendra après: mais, si c’était toujours le même corps, le peuple le voyant une fois corrompu, n’espérerait plus rien de ses lois; il deviendrait furieux, ou tomberait dans l’indolence. (ibid.)

Only regular elections combined with party antipathies could prevent such comfort on the part of parliamentarians. But the danger remains of an entrenched political class leading to widespread disaffection. Both the fury and the indolence that derive from this state of affairs can be harmful to liberty, the first leading to civil war and the second to servitude.

(B) Desire for Wealth and Luxury

England is a kind of commercial republic (21.7), and as such is subject to the danger facing commercial republics: that its leading members abandon those mores that keep commercial societies moderate. A brief look at what Montesquieu thinks of the English should give us pause on this score. Humanity is undermined by the spirit of commerce itself: “Dans les pays où l’on n’est affecté que de l’esprit du commerce, on trafique de toutes les actions humaines, et de toutes les vertus morales: les plus petites choses, celles que l’humanité demande, s’y font, ou s’y donnent pour de l’argent” (20.2). This is certainly part of the English malaise – it is not just the weather that makes the English suicidal: it is their manner of interacting with each other. In contrast to the gay,
sociable French subjects of a monarch, the English appear to be a dour, unfriendly, and vicious people. His early impressions of England are not laudatory: “L’argent est ici souverainement estimé; l’honneur et la vertu peu.”35 If he later altered these views somewhat (accepting that the English also value merit), he nonetheless continued to think that England’s resilience and liberty largely derived from the way in which competing interests (individual interests and class interests) balance each other off in the public realm. The English regime is moderate because the English people are not; the mixed regime and the balance of powers ensure that corruption moderates corruption. As he said with regard to the passing of an anti-corruption bill in the English parliament, “le plus corrompu des parlements est celui qui a le plus assuré la liberté publique.”36

But England is more than a nation of devils. Commerce itself has a moderating influence – while it corrupts pure mores, it equally softens harsh mores (20.1). What takes the place of virtue in commercial republics is a moderating spirit of prudence, hard work, and economy; we have already seen how this ethic can be endangered by excessive wealth. English tastelessness and lack of polite manners is a sign that things are well – “l’époque de la politesse des Romains est la même que celle de l’établissement du pouvoir arbitraire” (19.27). How can the pursuit of wealth be prevented from entirely corrupting the city with luxury and undermining the necessary work ethic?

Pour maintenir l’esprit de commerce, il faut que les principaux citoyens le fassent eux-mêmes; que cet esprit règne seul, et ne soit point croisé par un autre; que toutes les lois le favorisent; que ces mêmes lois, par leur dispositions, divisant les fortunes à mesure que le commerce les grossit, mettent chaque citoyen pauvre dans une assez grande aisance, pour pouvoir travailler comme les autres; et chaque citoyen riche dans une telle médiocrité, qu’il ait besoin de son travail pour conserver ou pour acquérir. (5.6)37

The establishment of a vast plutocracy and an industrial reserve army of unemployed is the structural basis for the corruption of mores that would sap the utility of avarice and turn England down the road to despotism. The poor must have access to the labour market, and the rich must have their wealth kept within limits so that they do not begin to indulge in the useless luxuries that define consumption in a monarchy.38 Montesquieu was concerned that English wealth might eventually corrupt the country, but he remained optimistic that such corruption
could be contained – and would not follow the Roman pattern – due to the vast difference between English luxury (which was a product of trade and industry) and Roman luxury (which was a product of rapine and the imposition or tributes). Montesquieu thought that wealth produced from trade is not the zero-sum wealth that the corrupted Roman officers enjoyed, and he appears to have been hopeful that this would lead to fewer extremes of inequality. This is not merely a question of violent conquest versus pacific trade – it is a question of the relationship between the bellicose, militarily successful Roman republic and its lack of avarice. The difficulty with Roman virtue was that it was entirely dependent upon the equal sharing of land. In the *Considérations sur les Romains*, Montesquieu argued that the relaxation of the laws on the ownership of land had introduced avarice, sapping the virtue of the Roman citizen-soldiers; he suggested, with some nostalgia, that this corruption described modern Europe. In the same text he expressed some sympathy for the Gracchi, though suggesting that their agrarian laws came too late, at a point when civic virtue had been lost. But in *EL* he appears to side with Cicero in thinking the agrarian laws unjust (26.15). The key shift is that Montesquieu had come to think that inequality in the commercial world need not entail the type of universal corruption that had been the demise of the Roman republic. But this rejection of agrarian laws is not a complete rejection of the need to moderate inequality and avarice. The key to the maintenance of English liberty, he insists, is the maintenance of a large class of “gens médiocres.” If Montesquieu presents a somewhat idyllic portrait of eighteenth-century English inequality, we can see his clear espousal of the classical Aristotelian teaching that a large middle class is the best support for a mixed regime.

Montesquieu believed that free states always regulate their merchants, whereas despotisms create, if I may employ an anachronistic phrase, business-friendly regulatory environments (20.12). He did not want merchants to be overly burdened with excessive bureaucratic formalities (20.13), but he was quite clear that the purpose of commerce is to further the good of the state, and the regulation of merchants is an essential basis for freedom. Excessive taxation would harm industry, but taxation was the reason commerce was to be celebrated by governments. There is a debate about the degree to which Montesquieu championed the independent, self-regulating nature of the commercial realm; certainly he thought that commerce undermined the political sovereignty of despotic countries, running counter to their tendency
to want to prevent the free movement of capital outside their borders (12.14). It is also true that Montesquieu anticipated Adam Smith’s worries about government-enforced monopolies (20.10). Finally, he thought it essential for a well-ordered state that private property be respected (26.15). But property right is a product of positive law, and the state must be able to control matters such as inheritance in whatever manner necessary for their particular constitutions. Political interference in matters of property is not something that Montesquieu condemned, nor was he an outright enemy of high taxation (the most free countries are the most taxed, while the most despotic are the least 13.12, 10) – the key was merely to adjust tax policy so as not to dissuade commercial activity.

England represents a society in which the corrupt and corrupting passions of fear and greed are dominant but moderated. The English are avaricious and fearful, but their constitution is such that these passions serve to keep them united rather than to break them apart. Crucially, they so love the liberty they perceive in their state that they remain ready to sacrifice their wealth for its sake (19.27). But the danger remains that the English would sell their liberty – just as some English people are quite willing to abandon their country to go “chercher l’abondance dans les pays de la servitude même” (19.27). The balance of corruptions is precarious; an ever-present, self-interested fear is the defence against terror, and a moderately avaricious disposition, well confined by laws, is the defence against overreaching.44

Conclusion

Montesquieu stands somewhere between a civic-republican warning against opulence and a full Mandevillian or Smithean embrace of commercial society. The myriad advantages of commercial republics do not negate the inherent dangers of their motivating passions – fear and the desire for private gain. Self-interested bourgeois man, whose utility and independent spirit Montesquieu so admired, is equally a potential danger – if he manages to overcome the balances in his constitution, corruption will become endemic and the state will become despotic.

We have seen that, for Montesquieu, corruption entails the augmentation of the sentiments (fear and avarice) that undermine sociability. In this sense, it entails the abuse of public things for private gain, for the greater corruption there is, the less sense there is of a public. But the complete elimination of fear is impossible in human society, and the complete elimination of greed leads to an unhealthy asceticism.
His solution to the problem is one with which our liberal world is quite familiar – institutions must be designed such that public benefits derive from *moderate* private vices. The state must not be allowed to become either too heavy-handed in its wielding of the sword or too light in its control of commerce. Punishment must remain humane. Merchants and financiers must be encouraged but controlled: the liberty of commerce depends on merchants not being allowed to do what they want (20.12). Office holders may be expected to want to breach the trust given to them, and watchfulness and resentment must be encouraged in order to keep them in check. Unlike ancient founders of republics, Montesquieuan legislators no longer have purity in their sights. Above all, “il ne faut pas tout corriger” (19.6).

But make no mistake – this regime-craft entails soul-craft. A certain type of human personality is both the product and the defender of this balance (and in Montesquieu’s more aristocratic moments he suggests that it is not a terribly admirable type). The passions of fear and avarice must not be allowed to become so dominant as to break apart natural human relationships and turn society into zero-sum games of exploitation. However comfortable we are with this teaching, there is something decidedly uninspiring about it. Must we truly accept that societies that produce the likes of Walpole – and the attendant outcries against them – are the greatest possible political achievements? But if Montesquieu sets his sights well below civic republican heights, he nonetheless does not offer a post-moral conception of politics in which the language of corruption loses its normative force; he retains the teaching that the extreme corruption of regimes is both a product and source of the corruption of human nature. Whether Montesquieu’s account of corruption could survive the philosophical evisceration of nature as a normative source is an open question.

**NOTES**

1 Jarrett A. Carty’s exposition of Machiavelli in this volume (chap. 6) reminds us of Machiavelli’s revival of ancient republican ideals without their teleological content. This is an element of what Paul Rahe thinks made “modern” republicanism modern.


4 Joel Hurstfield puts this opposition well: “In the eighteenth century it was common enough to pay electors for their votes. If any parliamentary candidate today gave five shillings to a single elector he would at once be the subject of a serious criminal charge. But if he tells the same elector that, if returned to power, he will increase the elector’s pension or reduce his tax by fifty pounds, he has committed no criminal offence and may indeed emerge as a self-styled benefactor of mankind.” Joel Hurstfield, Freedom, Corruption and Government in Elizabethan England (London: J. Cape, 1973), 143.

5 The writer who has most been concerned with unveiling this tradition is, naturally, J.G.A. Pocock, whose Machiavellian Moment (Princeton: Princeton University Press, 1975) attempted to reveal a unified tradition from the Greek polis through to revolutionary America.

6 I refer in particular to self-identified “neo-republicans” such as Philip Pettit (who normally wears a sports jacket).

7 Which is to say, Dr Johnson may have been overstating the case when he declared the first Whig to be the devil.

8 One can hear echoes of Machiavelli’s Prince, chap. 4.

9 Sharon Krause emphasizes this passage in her attempt to rehabilitate honour in liberal-democratic societies. “Politics of Distinction and Disobedience: Honor and the Defence of Liberty in Montesquieu,” Polity 31.3 (1999), 476.

10 Voltaire, L’ABC (London: Robert Freeman, 1762), 21. Voltaire’s charge has recently been taken up by Corey Robin, who thinks Montesquieu’s account of despotism in EL is insufficiently analytical, lacking the thoughtful detail that is found in the Lettres persanes. Corey Robin, “Reflections on Fear: Montesquieu in Retrieval,” American Political Science Review 94.2 (June 2000), 347–60.

11 This observation is at the heart of Judith Shklar’s justly celebrated “liberalism of fear.”

12 In this sense, Montesquieu represents an inversion of Hobbes. For Hobbes saw social unity as a product of artifice, kept together with a dominant fear; Montesquieu sees sociability as natural and undermined by the Leviathan’s sword. Despotism creates atomistic Hobbesian individuals.

13 That is, they seek wealth from state benefices; people rarely seek wealth in commercial activity under despotism, since property is so tenuous. For a detailed discussion of Montesquieu’s concerns about wealth and luxury, see Roger Boesche, “Fearing Monarchs and Merchants: Montesquieu’s Two Theories of Despotism,” Western Political Quarterly 43.4 (1990), 741–61.
I will be indicating the degree to which Montesquieu was concerned about the negative psychological and political effects of avarice, but I suggest greater ambivalence in Montesquieu’s thought than is evident in Boesche’s presentation.

14 12.25: “Un ministre mal habile veut toujours vous avertir que vous êtes esclaves. Mais, si cela était, il devrait chercher à le faire ignorer.”

15 This last point speaks somewhat to Montesquieu’s experience: Rebecca Kingston points out that Montesquieu paid in taxes approximately the full amount of his income from his position in the Bordeaux parliament, and was therefore obliged to look to wine production for the bulk of his income. *Montesquieu and the Parliament of Bordeaux* (Geneva: Droz, 1996), 89 n. 71.

16 Among those arguing for the pertinence of the natural-law tradition in the interpretation of Montesquieu are C.P. Courtney (see n. 17) and Marc Waddicor, *Montesquieu and the Philosophy of Natural Law* (The Hague: Martin Nijhoff, 1970).


18 It is somewhat incorrect to say with Céline Spector that “while man is a double being, a sentient and an emotive creature, but also, by nature, an intelligent and free being (I, 1), fear reduces the human being to pure animality, governing his behavior as mechanically as the laws of movement that govern bodies.” “Honor, Interest, Virtue,” in *Montesquieu and His Legacy*, ed. Rebecca Kingston (Albany: SUNY, 2009), 52. This corresponds poorly to Montesquieu’s claim that “les bêtes … n’ont point nos espérances mais elles n’ont pas nos craintes” (1.1).


21 Montesquieu mentions a fifth law, the knowledge and love of God, but we get the sense that this law is only there to defuse pious objections; he dismisses this law quickly as excessively speculative for a pre-social being, and it plays no role in his analysis of human nature.

22 In this, I disagree with the influential view of Thomas Pangle, who would have us downplay the importance of this pre-civic human nature: “Only that part of nature which led to civil society can be of relevance to civil society.” *Montesquieu’s Philosophy of Liberalism*, 40.

23 Sharon Krause has correctly indicated the degree of ambivalence Montesquieu had about the English spirit, and there is a tradition of interpretation that sees him as a much more conservative defender of
the nobility in the ancien régime. It is very important to recall these less laudatory passages given our tendency to focus on Montesquieu’s idealized presentation of the English constitution as the most enduring elements of his thought. Sharon Krause, “The Spirit of Separate Powers in Montesquieu,” *Review of Politics* 62.2 (Spring 2000), 231–65. For one version of the nobility thesis, see Louis Althusser, *Montesquieu, la politique et l’histoire* (Paris: PUF, 1959), chap. 6. It is one of the curious things about Montesquieu that he could have been so dearly loved by the likes of Burke and yet inspire books such as that of Mark Hulliung, describing him as the radical forerunner of the revolution. *Montesquieu and the Old Regime* (Berkeley: University of California Press, 1976).

24 Montesquieu appeared to inaugurate a determinist political science; at the same time, he condemned determinism and defended himself against the charge in his *Défense de l’Esprit des lois*.


26 Ibid.

27 Montesquieu thus offers a startling defence of Fox News.

28 I have treated faction and party as synonymous here because Montesquieu predates the philosophical distinction between these two things, a distinction developed in English theory and practice over the course of the eighteenth century and expressed most clearly in the work of Edmund Burke (a great reader of the Baron de la Brède).


30 OC, 1: 1449.


33 “Notes sur l’Angleterre,” OC, 1: 884.

34 Celine Spector suggests that he was confident that the English love of liberty would win out, but Kramnick indicates that late in life Montesquieu appears to have been quite concerned. Kramnick, *Bolingbroke and His Circle*, 295 n. 45. (Montesquieu, *Pensées et fragments inédits* [Paris, 1909], 12.)

35 *Notes sur l’Angleterre*, 1: 878. In the *Pensées* we can read Montesquieu’s later view that the English, in addition to loving money, also have esteem for merit, a point equally made in *EL*, 19.27. Nonetheless, in the *Pensées* we can also read Montesquieu expressing his preference for his own country and its mores. He also declares that in France he loves – and does not fear – the government, which is moderate. The generalizations in the *Notes sur l’Angleterre* are mostly repeated in *EL*, 19.27, particularly with regard to
the relations between the sexes in England. This barb seems to be a view he retained of the English: “Il faut à l’Anglois un bon diner, une fille, de l’aisance; comme il n’est pas répandu, et qu’il est borné a cela, dès que sa fortune se délabre, et qu’il ne peut plus avoir cela, il se tue ou se fait voleur” (877).

36 Notes sur l’Angleterre, 1: 881. He points out that it was passed more by accident than design.

37 Montesquieu proceeds to say that a good law would be for inheritances to be divided equally among all children in order to avoid individuals building up large fortunes. But he might have gone even further and endorsed Warren Buffet’s plan not to give his immense fortune to his children. (Buffet has famously quipped, “I want to give my kids enough so that they could feel that they could do anything, but not so much that they could do nothing,” thereby endorsing the work ethic that Montesquieu thinks is at the heart of commercial virtue.) This insistence on equal access to inheritance mitigates the somewhat more Lockean praise of Henry VIII for having got rid of “les hôpitaux ou le bas people trouvait sa subsistence,” thereby increasing industry (23.29). Paul Rahe places emphasis on this passage, but he skips lightly over the passage calling for the suppression of extreme inequality (“Montesquieu does not dwell on this option”). Rahe is entirely silent about Montesquieu’s unambiguous endorsement of a sizable welfare state in wealthy nations. This is consistent with Rahe’s desire to conscript Montesquieu for the American conservative movement, whose main spring is fear of central government. See Paul A. Rahe, Montesquieu and the Logic of Liberty (New Haven: Yale University Press, 2009), 231 and Rahe, Soft Despotism: Democracy’s Drift (New Haven: Yale UP, 2009). Montesquieu is the master of ambivalence, and to isolate any strand in his many-varied thought is to risk “recast[ing] the great man’s thinking along the lines of [one’s] own predelictions” (Montesquieu and the Logic of Liberty, 138), to employ the phrase with which Rahe castigates Hulluig, Keohane, Shklar, Manin, and Spector.

38 On this note, Montesquieu indicates that it is both a duty (to prevent suffering) and a sensible policy (to prevent revolts) for a wealthy state to see to the needs of the poor: “Quelques aumônes que l’on fait à un homme nu, dans les rues, ne remplissent point les obligations de l’État, qui doit à tout les citoyens une subsistence assurée, la nourriture, un vêtement convenable, et un genre de vie qui ne soit point contraire à la santé” (23.29).

39 Considérations sur les causes de la grandeur des Romains et de leur décadence (Paris: Gallimard, 2008), chap. 3.

40 Ibid., chap. 8, 122.

41 OC, 1450.
Equally, he suggests that taxes ought to be lowest in despotic countries (13.10). Montesquieu derides tax farming as inherently corrupt, and prefers the English system, which is quicker and more predictable (20.13); he explains the success of the early Islamic conquests in terms of their less corrupt system of taxation (13.16).

This is not to say that England is a model that should be exported: Montesquieu’s celebrated attack on uniformity (29.18) – clearly a response to the bigot’s cry under Louis XIV of *un roi, une loi, une foi* – is also an attack on purity and the excessive attachment to abstract ideals. It is equally an attack on one-size-fits-all civilizing missions. Certainly Montesquieu would have been dismayed to see “freedom on the march.”