

On Montesquieu's Intention and His Theory of Government

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Abstract

Montesquieu believes that human beings have three kinds of natures: self-preserving, imperfect knowledge and passions. The first and the third nature tend to conflict with each other, and the result is the state of war, in which human natures could not be satisfied. Montesquieu uses this theory of human nature to judge all the kinds of governments, and finds that the virtuous republic, despotism and monarchy all have important defects. Especially, the monarchy by nature tends to degenerate into despotism, which is a realistic threat to him and his contemporaries. To solve this political problem, Montesquieu himself develops a two-fold solution: he wants to establish a certain kind of positive laws to satisfy the first nature, and wants to promote commerce to satisfy the third nature. Moreover, his ideal-government has important differences with the English political system.

Keywords

Montesquieu, civic virtue, empire, enlightenment, Europe

Montesquieu is usually regarded as a moderate man, as he had proclaimed openly that he did not want to offend anyone. Therefore, it is not surprising that his theory of government is so ambivalent and controversial that there are different peoples who identify him as the admirer of virtuous republic, defender of monarchy, promoter of commercial republic, and even the relativist.¹ However, in this essay, I will prove that

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¹ For the examples of these four standpoints, see Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge: Cambridge University Press, 2004), 156-76; Annelien de Dijn, “On Political Liberty: Montesquieu’s Missing Manuscript,” *Political Theory* 39 (2011): 181-204; Thomas Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on The Spirit of the Laws* (Chicago: The University of Chicago Press, 1973); Isaiah Berlin, “Montesquieu”, in *Against the Current: Essays in The History of Ideas*, ed. Henry Hardy (New York: The Viking Press, 1980), 143.

his theory of government is much more systematic and harsher than it appears,² and that he is not a relativist, because he uses his theory of human nature as a standard to judge all the governments. Furthermore, he is not only a theorist who cares about the theoretical problem, but also a practical man who had tried his best to solve the most serious political problem of his time.

Montesquieu's Intention

In the Preface of *The Spirit of the Laws* (hereafter referred to as the *Spirit*), Montesquieu asks his reader a favor to judge the book as a whole. Then he says, "If one wants to seek the design of the author, one can find it only in the design of the work."³ His readers who engaged in this task have found it is incredibly difficult, and the designs that they discovered are very controversial.⁴ However, we could begin with a much easier and less controversial analysis. If the *Spirit* has a design and could be viewed as a whole, then it could be deduced reasonably that the Preface itself has a design and could be viewed as a whole.

The Preface includes 16 paragraphs. In paragraph 1, Montesquieu states that he will not intentionally offend others. In paragraph 2, Montesquieu hopes that readers consider his design. In paragraph 3–6, he explains paragraph 2 by describing the logic of his thinking and writing. In paragraph 7 and 8, he explains the principles and style of his writings. In paragraph 9, he states *again* that he will not intentionally offend others. In paragraph 10, Montesquieu emphasizes that his intention is to enlighten the people by correcting their prejudices. In paragraph 11–14, Montesquieu explains paragraph 10 by stating that he wants to make "everyone" happier by curing their prejudices. In paragraph 15 and 16, he explains the process of his writing.

Therefore, the Preface includes two parts, which are perfectly symmetrical. This is a beautiful and deliberately articulated essay. Not only does it prove that Montesquieu truly has a design, but it also reveals Montesquieu's intention.

² See Montesquieu, *The Spirit of the Laws*, trans. and ed. Anne M. Cohler, Basia C. Miller and Harold S. Stone (Cambridge: Cambridge University Press, 1989), 337.

³ Montesquieu, *The Spirit of the Laws*, xliii.

⁴ For the difficulty of finding such a design, see George H. Sabine and Thomas L. Thorson, *A History of Political Theory*, 4th Edition (Hinsdale, Illinois: Dreyden Press, 1973), 507-513; David W. Carrithers, "Introduction," in *Montesquieu's Science of Politics: Essays on The Spirit of Laws*, ed. David Carrithers, Michael Mosher and Paul Rahe (Lanham: Rowman & Littlefield, 2001), 16-23. However, in recent years, scholars have developed several explanations of Montesquieu's design which are very different with each other. See Thomas Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on The Spirit of the Laws*; Anne M. Cohler, *Montesquieu's Comparative Politics and The Spirit of American Constitutionalism* (Lawrence: University Press of Kansas, 1988); Ana J Samuel, "The Design of Montesquieu's *The Spirit of the Laws*: The Triumph of Freedom over Determinism," *American Political Science Review* 103 (2009): 305-321.

Paragraphs 10 and 2 are a parallel pair. While the latter focuses on the design, the former emphasizes the intention. If Montesquieu does not want to offend others, then what does he want to do? As he has said, to enlighten people is not a matter of indifference. So, Montesquieu's intention is to enlighten people. To enlighten them, is to cure their prejudices. By using this perfect symmetry of the two parts, Montesquieu makes clear that, the next four paragraphs are further explanations of the paragraph 10. Paragraph 13 defines the prejudices clearly: "Here I call prejudices not what makes one unaware of certain things but what makes one unaware of oneself."⁵ Then in the next paragraph, he explains what the things one should know about himself are: his own nature.

In summary, Montesquieu claims in this Preface that, he wants to enlighten people for their happiness by showing them the nature of themselves. However, Montesquieu does not show us the human nature explicitly. Instead, he devotes the whole book to discussions of the laws. Therefore, there must be a relation between nature and law. In fact, Montesquieu uses the first sentence of Chapter 1 of Book I to reveal this relation:

Laws, taken in the broadest meaning, are the necessary relations deriving from the nature of things; and in this sense, all beings have their laws: the divinity has its laws, the material world has its laws, the intelligences superior to man have their laws, the beasts have their laws, man has his laws.

Therefore, Chapter 1 deserves special attention. It is not surprising that it also has a clear and beautiful design: 1, Law; 2–4, God; 5–7, Material world; 8–10, Intelligent beings superior to man; 11–13, Beast; 14, Man. In paragraph 1, Montesquieu says that each of the five kinds of things has their law, and in the next 13 paragraphs, Montesquieu discusses them one by one. God is the creator and preserver of the universe, and "the laws according to which he created are those according to which he preserves." Thus, God has a nature, which is to preserve the created. The material world is ruled by consistent laws, and "if one could imagine another world than this, it would have consistent rules or it would be destroyed." Thus, its nature is to preserve itself. Intelligent beings superior to man have double laws deriving from their several natures. Like the physical world, they also have laws that are invariable by their nature. In other words, their first nature is to preserve themselves. And they are limited by the second nature and are consequently subject to error. To act by themselves is their third nature, which makes them disobey the laws. Beasts have natural laws, but they do not have positive laws like that of man. Their nature is also to preserve themselves and their species like that of the material world.

The last topic Montesquieu discusses is man.⁶ In the first three sentences of paragraph 14, Montesquieu reveals three kinds of man's nature. First, they are

⁵ Montesquieu, *The Spirit of the Laws*, xliv.

⁶ Lowenthal provides an explanation of this order. See David Lowenthal, "Book I of Montesquieu's *The Spirit of the Laws*," *American Political Science Review* 53 (1959): 487.

governed by invariable laws like other material beings. Comparing the discussion before, we could conclude that their first nature is to preserve themselves. Second, they are finite intelligences. They only have imperfect knowledge, which they even lose sometimes. Third, they are subject to passions like beasts. In the next three sentences, Montesquieu explains three kinds of law: laws of religion, laws of morality, political and civil laws. All these laws are related to man's second nature. They are knowledge which man should know but could forget. It would be reasonable to predict that Montesquieu will discuss the relations of these three kinds of man's nature after he had listed them. Since Montesquieu has defined in the first sentence that the laws "are the necessary relations deriving from the nature of things," this will be the discussion of man's laws.

Chapter 2 is "on the laws of nature." These laws are revealed in the state of nature, in which the regime, terrain and other things discussed through Books II–XXXI do not matter at all. So, the natural laws solely derive from man's natures. The first natural law is to keep peace between each other. The second is to seek nourishment for them. The third is to chase the other sex. The first and the second are about preserving themselves, and the third is about preserving their species.⁷ All of them derive from man's first nature. The fourth nature is to live in society. It derives from both the first and second natures of man.

Chapter 3 is "on positive laws." It also has a clear design: 1–3, the state of war and the establishment of laws; 4–6, the law of nations; 7–12, political and civic laws; 13–14, laws must be related to several things; 15–16, the spirit of the laws; 17, the author's design of this book. The 17th paragraph is astonishing, since he had told us that, "If one wants to seek the design of the author, one can find it only in the design of the work." However, the paragraphs before should be examined first. The state of war also has nothing to do with such things as the climate, terrain, and so on. So it is only related to human nature. Because it is against self-preservation, it rises from the second nature (only have imperfect knowledge) and the third nature (governed by passions). The conclusion here is that the first and the third nature tend to conflict with each other. However, human beings have knowledge as their second nature, so they could establish the positive laws to end the state of war.

Paragraphs 4–12 discuss three kinds of laws: international laws, political laws and civic laws. International laws are different from the others, as they derive from two "principles," which are independent of the regime, terrain, climate, and so on. Therefore, it also simply derives from man's natures. Unlike natural laws and international laws, the political and civic laws do not solely derive from man's nature, but derive from man's and other things' nature. In paragraph 13, Montesquieu claims that political and civic laws must relate to the nature and the principle of the government, and we would see later that the principle of the government is passion – man's third nature. The lawgivers should derive the laws from man's and related things' natures, and hence they have to consider the relations between these natures. In paragraph 15, Montesquieu tells us that these relations together form the "The Spirit of Laws." And in paragraph 17, he explains the design of his book: first

⁷ For the specie-preservation, see, Montesquieu, *The Spirit of the Laws*, 5.

examine the relations that laws have with each government's nature and principle shown in paragraph 13, and then proceed to other relations that have been listed in paragraph 14. In other words, he reveals us his own design of this book, although he has said before that he wants us to discover it by ourselves. Therefore, this must be an important indication given by Montesquieu that we should examine this design.

There are several things mentioned in paragraphs 13 and 14, and all of them have been discussed through the *Spirit*: Books II–VIII are about the government; Books XI–XIII are about the degree of liberty that the constitution can sustain; Books XIV–XVIII are about climate, terrain and way of life; Book XIX is about inclinations, mores and manners; Books XX–XXIII are about wealth, population and commerce; Books XXIV–XXV are about religion; Book XXVI is about the order of things and the laws' relations to one another; Book XXIX is about lawgivers; Books XXVII–XXVIII and XXX–XXXI are about the origin of laws.

Only Book IX and X are missed. So, they must be something Montesquieu wants us to consider first.

The Establishment of Laws

What are the Books IX and X about? Book IX is “on the laws in their relation with defensive force,” and Book X is “on laws in their relation with offensive force.” Thus, they are about laws of nations. Except these two books, this topic only has been discussed at one place, the Chapter 3 of Book I, where Montesquieu has said that, as soon as men are in society, the state of war begins. The state of war among nations and the state of war among individuals, “these two sorts of states of war bring about the establishment of laws among men.”⁸ In other words, the positive laws are established to end the states of war.

So, war is the first thing that the lawgivers have to confront, and there is only one chapter in the *Spirit* named “On war”: the Chapter 2 of Book X. In this chapter, Montesquieu claims that the right of war derives from the necessity of self-preservation, and he specifically emphasizes that the prince should not make wars on their glory. This emphasis leads us to Chapter 7 of Book IX, “Reflections.” What Montesquieu reflects here is Louis XIV's project of a universal monarch.⁹ Louis XIV makes conquering wars to pursue this project. Montesquieu believes this is a horrible project and its achievement will be a disaster to all the Europeans: “If he had succeeded in it nothing would have been more fatal to Europe, to his first subjects, to himself, and to his family.”¹⁰

Thus, to Montesquieu, war is not only a theoretical problem, but also a practical one. Montesquieu gives some advices to his contemporary European princes, like “a monarchical state should be of a medium size,” thus “when a neighboring state is in

⁸ Montesquieu, *The Spirit of the Laws*, 7.

⁹ Paul Rahe explains the background of this chapter. See Paul Rahe, “Empires Ancient and Modern,” *The Wilson Quarterly* 28 (2004): 68-84. See also Judith Shklar, *Montesquieu* (New York: Oxford University Press, 1987), 16-17.

¹⁰ Montesquieu, *The Spirit of the Laws*, 136.

its decline, one should take care not to hasten its ruin.”¹¹ But these advices are helpless, because monarchy is “a government whose spirit tends more toward expansion,” and “the spirit of monarchy is war and expansion.”¹² The end of war and expansion is despotism, “rivers run together into the sea; monarchies are lost in despotism.”¹³ Unfortunately, at Montesquieu’s time, most Europeans were living under monarchies, so the realization of despotism was a big crisis for them. If conquering wars waged by Louis XIV or others such as Napoleon or Hitler continuously succeed, “human nature would suffer, at least for a while, the insults heaped upon it in the other three.”¹⁴

Confronting with this most serious political problem of his time, Montesquieu’s concludes that, “it is very likely that ultimately men would have been obliged to live forever under the government of one alone if they had not devised a kind of constitution,” – the federal republic.¹⁵ In other words, ultimately, men only have two roads to take: one directs to the universal despotism, and the other directs to the federal republic. The events that happened in 19th and 20th century had proven that this insight is incredibly deep and powerful. This is not about some men, or some nations, but about all human beings.

Therefore, the unstable monarchies should be transformed into the republic in order to prevent the whole world degenerating into despotism. There are different types of republics, thus we have to consider which kind of republic is the proper object. The greatest republic, the Roman republic, should be considered first. According to Montesquieu, Rome is not a good model. Romans devoted themselves to war, “Rome was therefore in an endless and constantly violent war.”¹⁶ The result is universal despotism, “But how did this project for invading all nations end – a project so well planned, carried out and completed except by satiating the happiness of five or six monsters?”¹⁷ This is a big tragedy for both Romans and others. If the Romans could predict the consequences of their conducts, they probably will not do what they had done. Their mistake deserves an analysis. Why did they engage in wars? Montesquieu answered that, “Since Rome was a city without commerce, and almost without arts, pillage was the only means individuals had of enriching themselves.”¹⁸ In other words, the reason of war is the passion of enriching themselves.

However, this passion, which is the ultimate root of war, should be satisfied rather than depressed, because it is a part of human nature. Besides war or robbery,

¹¹ Montesquieu, *The Spirit of the Laws*, 125, 137.

¹² Montesquieu, *The Spirit of the Laws*, 124, 132.

¹³ Montesquieu, *The Spirit of the Laws*, 125.

¹⁴ Montesquieu, *The Spirit of the Laws*, 118.

¹⁵ Montesquieu, *The Spirit of the Laws*, 131.

¹⁶ Montesquieu, *Considerations on the Causes of the Greatness of the Romans and their Decline*, trans. David Lowenthal (New York: The Free Press, 1965), Chapter I.

¹⁷ Montesquieu, *Considerations on the Causes of the Greatness of the Romans and their Decline*, Chapter XV.

¹⁸ Montesquieu, *Considerations on the Causes of the Greatness of the Romans and their Decline*, Chapter I.

only commerce can satisfy it. That is why Montesquieu said that, republics could be divided into two kinds, “In Greece there were two sorts of republics. Some were military, like Lacedaemonia; others, commercial, like Athens.”¹⁹ Therefore, the only available alternative for the military republic is the commercial republic. The logical conclusion of Montesquieu’s argument is that the European Monarchies should be changed into commercial republic.

The state of war among nations could be ended by establishment of international laws between commercial republics, and the state of war among individuals could be ended by a special type of political and civil law, which is the topic of Books XI–XIII. In Book XI, Montesquieu discusses political laws, and he uses England as his model. He says, “There is also one nation in the world whose constitution has political liberty for its direct purpose.”²⁰ This nation is England, and the political liberty is only about safety. “Political liberty in a citizen is that tranquillity of spirit which comes from the opinion each one has of his security, and in order for him to have this liberty the government must be such that one citizen cannot fear another citizen.”²¹ Book XII is about criminal laws and its aim is safety too. Montesquieu reveals their relations: “the citizen’s liberty depends principally on the goodness of the criminal laws.”²² Book XIII is about public revenues, and “The revenues of the state are a portion each citizen gives of his goods in order to have the security or the comfortable enjoyment of the rest.”²³

Therefore, the whole Part 2 of the *Spirit* is about safety, namely, man’s self-preservation. Its five books established all the three kinds of positive laws listed in Chapter 3 of Book I: international laws, political laws and civil laws. All these laws are established to end wars both between states and individuals, and all are derived from man’s first nature. Under these laws, the passions, which are man’s third nature, also will be satisfied. Montesquieu remarks that, in England, “as all the passions are free there, hatred, envy, jealousy, and the ardor for enriching and distinguishing oneself would appear to their full extent.”²⁴ All the persons who know their natures, as revealed by Montesquieu, will choose these laws, not only because they suit their natures best, but also because all the other governments except the commercial republic is despotism or will sink into despotism.

The logical questions that follow are: Why peoples outside of England are living under other kinds of laws? Could peoples, especially Montesquieu’s contemporary Europeans, change their governments into commercial republics? These problems will be discussed in the next section.

¹⁹ Montesquieu, *The Spirit of the Laws*, 48. See also Benjamin Constant, “Liberty of the Ancients Compared with That of the Moderns,” in *Political Writings*, ed. and trans. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), 313-314.

²⁰ Montesquieu, *The Spirit of the Laws*, 156.

²¹ Montesquieu, *The Spirit of the Laws*, 157.

²² Montesquieu, *The Spirit of the Laws*, 188.

²³ Montesquieu, *The Spirit of the Laws*, 213.

²⁴ Montesquieu, *The Spirit of the Laws*, 325.

The Theory of Government

According to Montesquieu, the governments by nature could be divided into three types (republic, monarchy and despotism), and each of them has a dominant passion, which he calls the principal of the government.²⁵ This typology has three problems. First, he only analyzed these three types of government, which makes him different from Aristotle.²⁶ However, as I have argued before, Montesquieu reveals in the Preface that his intention is to enlighten peoples by showing their natures to themselves. Thus, the audience he writes for are the real persons who live under real governments in the real world. Moreover, he has a brief sketch of the human history that, the Asians are always living under despotism, while the Europeans have only lived in four types of government: ancient republics, a universal despotism established by Rome, monarchies and modern republics.²⁷ Thus, republic, monarchy and despotism include all the types of governments that existed in the past. Moreover, all of them actually existed during Montesquieu's era too. In summary, Montesquieu only analyzes these three government-types, because not only has his audience actually lived under them, but also these are all the government-types that had actually existed until then.

Second, his description of the three government-types in Part 1 of the *Spirit* is inconsistent with his description of the England government in Part 2. He says in Book I that, "laws must relate to the nature and the principle of the government,"²⁸ and has explored the supreme influence of the principles on the laws through Book II–VIII. But in Part 2, he does not explain what the principle of English government is. Furthermore, the nature of England is completely different from all the three types discussed.²⁹ This puzzlement could be solved as below.

His typology is dynamic rather than static. All the republic, monarchy and despotism could be improved or corrupted.³⁰ The nature of the aristocratic republic could be improved, "the more an aristocratic approaches democracy, the more perfect

²⁵ Montesquieu, *The Spirit of the Laws*, 10, 21.

²⁶ For his innovation of typology, see David Young, "Montesquieu's View of Despotism and His Use of Travel Literature," *The Review of Politics* 40 (1978): 392; Thomas Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on the Spirit of the Laws*, 50; Paul Rahe, "Forms of Government: Structure, Principle, Object, and Aim," in *Montesquieu's Science of Politics: Essays on The Spirit of Laws*, ed. David Carrithers, Michael Mosher and Paul Rahe (Lanham: Rowman & Littlefield, 2001), 69-71.

²⁷ Montesquieu, *The Spirit of the Laws*, 280-281. See also, Montesquieu, *Persian Letters*, trans. Margaret Mauldon (New York: Oxford University Press, 2008), no. 125.

²⁸ Montesquieu, *The Spirit of the Laws*, 8.

²⁹ See Paul Rahe, "Forms of Government: Structure, Principle, Object, and Aim," 71-72.

³⁰ Montesquieu argues that it is possible to improve everyone's condition. See, Montesquieu, *The Spirit of the Laws*, xliv.

it will be.”³¹ Likewise, the monarchy is the perfection of despotism. Hence, the three or four types could be perfected into two types, and this is not the end. The republic and monarchy could be further perfected, and the final product is the English government, which is a mixed regime, “the republic hides under the form of monarchy.”³² In a word, this is perfection, rather than a contradiction. Moreover, while the nature of government has changed, the principle has to be changed accordingly.³³ Montesquieu claims that the principle of government “is the human passions that set it in motion.”³⁴ This reminds us of his theory of human nature. Passions are man’s third nature. Man has a thousand passions, and if one of them is dominative and the others are depressed, then the latter will rebel. The consequence is the incurably intrinsic instability of the republic, monarchy and despotism. Only in England, where all the passions are set free, this consequence could be avoided.

Third, these words—republic, monarchy and despotism—have two kinds of meanings. They could refer to the ideal type or the real government, which are different. Montesquieu has noticed this difference: “this does not mean that in a certain republic one is virtuous, but that one ought to be; nor does this prove that in a certain monarchy, there is honor or that in a particular despotic state, there is fear, but that unless it is there, the government is imperfect.”³⁵ Furthermore, the ideal-types are so simple that “to discover the nature of each, the idea of them held by the least educated of men is sufficient”,³⁶ while the real governments are so complex that “changes can be proposed only by those who are born fortunate enough to fathom by a stroke of genius the whole of a state’s constitution.”³⁷ Montesquieu wants his readers to understand both the simplicity and the complexity: “And does not the greatness of genius consist rather in knowing in which cases there must be uniformity and in which differences?”³⁸ Thus, we need to pay attention to those complicated differences for understanding Montesquieu’s theory of government sufficiently.

In this section, I will try to provide an accurate and systematic explanation of Montesquieu’s theory of government. Republic, despotism and monarchy will be analyzed first. Of each type, I will focus on its nature and principal. And at the end, I will discuss Montesquieu’s ideal government, the modern commercial republic.

Republic

In Book II, Montesquieu defines the nature of the republic: “republican government is

³¹ Montesquieu, *The Spirit of the Laws*, 17.

³² Montesquieu, *The Spirit of the Laws*, 70. There are some important differences between the English government and Montesquieu’s ideal government, which will be discussed in the fourth subsection later.

³³ The principle is derived naturally from the nature of government. See Montesquieu, *The Spirit of the Laws*, 21.

³⁴ Montesquieu, *The Spirit of the Laws*, 21.

³⁵ Montesquieu, *The Spirit of the Laws*, 30.

³⁶ Montesquieu, *The Spirit of the Laws*, 10.

³⁷ Montesquieu, *The Spirit of the Laws*, xlv.

³⁸ Montesquieu, *The Spirit of the Laws*, 617.

that in which the people as a body, or only a part of the people, have sovereign power.”³⁹ However, this definition is only a target waiting to be attacked. Montesquieu says in Book XI that, each state has three sorts of powers: the legislative power, the executive power and the power of judging.⁴⁰ In a republic as the ideal-type, the people or the part of the people has all the powers, so they could do what they want to do: “it is true that in democracies the people seem to do what they want.”⁴¹ The result is the abuse of power, thus “Democracy and aristocracy are not free states by their nature.”⁴² This nature has to be rectified, and in the next paragraphs, I will clarify Montesquieu’s ratification of the natures of democracy and aristocracy.

In democracy, people could do what they want to do. But Montesquieu affirms that, “A people having sovereign power should do for itself all it can do well, and what it cannot do well, it must do through its ministers.”⁴³ Then, what are the things that people can do well? Montesquieu says that, the people’s “nature is to act from passion,”⁴⁴ and “the people act from impetuosity and not from design.”⁴⁵ Consequently, they could do a few things well. In fact, according to Montesquieu, there is only one thing people can do well: “The people should not enter the government except to choose their representatives.”⁴⁶

In democracy, the people should exercise their sovereignty only on one thing. Furthermore, the way they exercise it also should be constrained. First, the people should be divided into certain classes with different rights of electing.⁴⁷ Second, Montesquieu claims that, “voting by lot is in the nature of democracy; voting by choice is in the nature of aristocracy,”⁴⁸ and people should vote in the aristocratic way. In other words, Montesquieu believes that the lawgivers should use aristocratic elements to rectify democratic government.

The aristocratic government also needs ratification. The worst defect it could have is its people’s nothingness, which means their lives are miserable.⁴⁹ Montesquieu indicates in Chapter 3 of Book II that, this defect could be corrected by two means. First, the lawgivers could reduce the nobles’ power and give people more power. Second, the lawgivers could mix aristocracy with monarchial element: they could set magistracies with extraordinary power like the roman dictators and state inquisitors of Venice. Montesquieu must think the former is incomparably better than the later, since he says, “The more an aristocracy approaches democracy, the more

³⁹ Montesquieu, *The Spirit of the Laws*, 10.

⁴⁰ Montesquieu, *The Spirit of the Laws*, 156-157.

⁴¹ Montesquieu, *The Spirit of the Laws*, 155.

⁴² Montesquieu, *The Spirit of the Laws*, 155.

⁴³ Montesquieu, *The Spirit of the Laws*, 11.

⁴⁴ Montesquieu, *The Spirit of the Laws*, 14.

⁴⁵ Montesquieu, *The Spirit of the Laws*, 16. See also Montesquieu, *The Spirit of the Laws*, 327.

⁴⁶ Montesquieu, *The Spirit of the Laws*, 160. See also Montesquieu, *The Spirit of the Laws*, 12.

⁴⁷ Montesquieu, *The Spirit of the Laws*, 12.

⁴⁸ Montesquieu, *The Spirit of the Laws*, 13.

⁴⁹ Montesquieu, *The Spirit of the Laws*, 15.

perfect it will be, and to the degree it approaches monarchy the less perfect it will become.”⁵⁰ This is why Montesquieu treats democracy and aristocracy as sub-types of the republic: it is possible and necessary for them to rectify each other’s nature and both transform into a same mixed republican government. For the accomplishment of this ratification, another factor should be considered: the republic’s principle.

For democracy, the principle is virtue, and “one can define this virtue as love of the laws and the homeland.”⁵¹ In addition, Montesquieu explains this definition: this love, requiring a continuous preference of the public interest over one’s own; the virtue is a renunciation of oneself; it is love of equality; it is also love of frugality, which is necessary for equality.⁵² In summary, Montesquieu reduces all the political virtues into one human passion: the love of a democracy in which men are equal. Montesquieu argues that this human passion is the only force that sustains democracy: “the political men of Greece who lived under popular government recognized no other force to sustain it than virtue.”⁵³

Montesquieu explains how this passion overwhelms other passions like ambition and avarice. To establish this virtue, the full power of education is needed, and the key point is that the fathers should stand as role models.⁵⁴ However, this is not enough, other institutions are required. Montesquieu introduces the institutions of Sparta established by its lawgiver Lycurgus: “He seemed to remove all its resources, arts, commerce, silver, walls: one had ambition there without the expectation of bettering oneself; one had natural feelings but was neither child, husband, nor father; modesty itself was removed from chastity.”⁵⁵ Moreover, the money should be proscribed and commerce should be strictly limited. Furthermore, “they can have a place only in a small state, where one can educate the general populace and raise a whole people like a family.”⁵⁶ Montesquieu concludes that, in these small Greek republics, men were forbidden to work in commerce, agriculture, or the arts, and at the same time, they were not allowed to be idle, so that they could only occupy in the exercises derived from gymnastics and those related to war. The result is, “One must regard the Greeks as a society of athletes and fighters.”⁵⁷ These Greeks lived like monks: all their ordinary passions were depressed, so that passion is what they would

⁵⁰ Montesquieu, *The Spirit of the Laws*, 17.

⁵¹ Montesquieu, *The Spirit of the Laws*, 36. Montesquieu intentionally gives a new definition of the virtue. See David W. Carrithers, “Democratic and Aristocratic Republics: Ancient and Modern,” in *Montesquieu’s Science of Politics: Essays on The Spirit of Laws*, ed. David Carrithers, Michael Mosher and Paul Rahe (Lanham: Rowman & Littlefield, 2001), 120-123.

⁵² Montesquieu, *The Spirit of the Laws*, 35-36,43.

⁵³ Montesquieu, *The Spirit of the Laws*, 22. For the love of equality as a motivating passion, see Alexis de Tocqueville, *Democracy in America*, ed. Eduardo Nolla, trans. James T. Schleifer (Indianapolis: Liberty Fund, 2010), Part I, Introduction.

⁵⁴ Montesquieu, *The Spirit of the Laws*, 35-36.

⁵⁵ Montesquieu, *The Spirit of the Laws*, 36-37.

⁵⁶ Montesquieu, *The Spirit of the Laws*, 38.

⁵⁷ Montesquieu, *The Spirit of the Laws*, 40.

only have—they have nothing but their democracy to love.⁵⁸

The logical question that follows is: Why did those ancients establish such an intolerable constitution, lived such ascetic lives, and did not seek to overthrow it or flee from it? Montesquieu's analysis of Rome gives us a clue of the answer. According to Montesquieu, Romans established their virtuous republic for war, and the ultimate aim of war is to enrich or to get prosperity for themselves. Man has a thousand passions, and we could suppose reasonably that they need prosperity to satisfy those passions. Thus, Romans' governments or their political laws were derived from their third nature and the nature of their impoverishing environment. This insight of Montesquieu also fits the Greek situation. Montesquieu says, "...a republic must dread something. Fear of the Persians maintained the laws among the Greeks. Carthage and Rome intimidated one another and were mutually strengthened. How singular! The more secure these states are, the more, as with tranquil waters, they are subject to corruption."⁵⁹ So, the ultimate reason of the sustainment of those small Greek virtuous republics is their insecure situation. Once external threat disappeared, which means they could safely keep their prosperity and use it to satisfy all the other passions, virtue will decrease and the virtuous republic will corrupt. This is why the victory at Salamis over the Persians corrupted the republic of Athens.⁶⁰ Following Montesquieu's argument, we could only arrive at the conclusion that, it is the external force which sustained the ancient virtuous republic. And its restoration in modern times is undesirable, because man's natures should not be distorted like that. Comparing with the virtuous republic, modern commercial republic, which will be discussed later, is much better.

Thus, as the nature of democracy, the principle of it also needs rectification. Then, what about aristocracy? In aristocracy, it is rare to find much virtue where men's fortunes are so unequal.⁶¹ And at another place, he says more boldly that the virtue is singularly connected with democracies.⁶² In other words, the aristocracy is always corrupted. Furthermore, Montesquieu says that, "Extreme corruption occurs when nobility becomes hereditary."⁶³ What is the un-hereditary nobility? It only can be the senate of a perfected democracy, which is described by Montesquieu in Chapter 7 of Book V. That is why Montesquieu cares about the corruption of such an always-corrupted aristocracy, when he talks about the corruption of aristocracy, what he has in mind is the corruption of a perfected democracy. This sheds light on an assertion of Montesquieu that, "the best aristocracy is one in which the part of the people having no share in the power is so small and so poor that the dominant part has

⁵⁸ Montesquieu, *The Spirit of the Laws*, 42-43. For Montesquieu's virtue, see Thomas Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on the Spirit of the Laws*, 53-66, 79-83; Paul Rahe, "Forms of Government: Structure, Principle, Object, and Aim," 72-75.

⁵⁹ Montesquieu, *The Spirit of the Laws*, 116.

⁶⁰ Montesquieu gives a somewhat different explanation of this fact. See Montesquieu, *The Spirit of the Laws*, 115.

⁶¹ Montesquieu, *The Spirit of the Laws*, 51.

⁶² Montesquieu, *The Spirit of the Laws*, 36.

⁶³ Montesquieu, *The Spirit of the Laws*, 115.

no interest in oppressing it.”⁶⁴ If there is only a very small part that does not share the power, it should be called a democracy. The best aristocracy is a democracy.

To sustain such a democracy, a senate, to which age, virtue, gravity and service give entrance, should be established first. And “the senators, who are seen by the people as simulacra of gods, will inspire feelings that will reach into all families.”⁶⁵ In other words, this natural inequality should be established in a democracy in which men are equal. Montesquieu also advocates other necessary inequalities, for example, the young should extremely subordinate to the elderly; the citizens should extremely subordinate to the magistrates; and paternal authority is also useful.⁶⁶

In sum, the perfected republic is a mixture of democracy and aristocracy, and it should be commercial rather than military.

Despotism

Montesquieu is not the inventor of the concept of despotism, but he makes it popular in political discussion.⁶⁷ And the abhorrence and the sharp critique of despotism is the least controversial part of Montesquieu’s thought. It is very hard to say what kind of government Montesquieu regarded as the best, but it is safe to say that despotism is what Montesquieu regarded as the worst. Montesquieu uses every chance to condemn its evils.⁶⁸ Despotism is extremely against human nature, and “it seems that human nature would rise up incessantly against despotic government.” But, “despite men’s love of liberty, despite their hatred of violence, most peoples are subjected to this type of government.”⁶⁹

Montesquieu explains the reason of this odd phenomenon: Lawgivers do not always have chance and prudence, which are both necessary to establish a better government.⁷⁰ And he leads us to believe that, the establishment of despotism in Asia is the result of lacking chance, and the establishment of despotism in Europe is the result of lacking prudence. However, the story is more complicated.

Despotism as an ideal-type is different with the despotism as a real government.⁷¹ At first, I will focus on Montesquieu’s explanation of the establishment of the real

⁶⁴ Montesquieu, *The Spirit of the Laws*, 17.

⁶⁵ Montesquieu, *The Spirit of the Laws*, 49.

⁶⁶ Montesquieu, *The Spirit of the Laws*, 50.

⁶⁷ On this point, see Roger Boesche, “Fearing Monarchs and Merchants: Montesquieu’s Two Theories of Despotism,” *The Western Political Quarterly* 43 (1990): 741-742. See also, Sharon Krauss, “Despotism in *The Spirit of Laws*,” in *Montesquieu’s Science of Politics: Essays on The Spirit of Laws*, ed. David Carrithers, Michael Mosher and Paul Rahe (Lanham: Rowman & Littlefield, 2001), 233-235.

⁶⁸ See, for example, Montesquieu, *The Spirit of the Laws*, 29, 59, and 61. See also Sharon R. Krause, “The Uncertain Inevitability of Decline in Montesquieu,” *Political Theory* 30 (2002): 707-708.

⁶⁹ Montesquieu, *The Spirit of the Laws*, 63.

⁷⁰ Montesquieu, *The Spirit of the Laws*, 63.

⁷¹ For the differences, see Sharon Krauss, “Despotism in *The Spirit of*

despotism. According to Montesquieu, despotism was established very early in both Europe and Asia. There were peoples engaging in wars for conquering in both of them. The ultimate outcomes of those wars were universal empires, and “a large empire presupposes a despotic authority in the one who governs.”⁷² In this process, their climate and terrain make no difference. It seems like the climate worked after the establishment of despotism. Montesquieu believes that the climate of the north makes people brave and the climate of the south makes people timid. However, Asia and Europe both have large northern and southern areas, and thus the climate makes no difference too. And the terrain has no influence on the ruin of European despotism – the Roman Empire.

Thus, the reason why Asia always has despotism and Europe always has liberty except during the Roman Empire could not be recognized as their different climates and terrains. In fact, by a close reading, we could find that Montesquieu believes this difference is the result of a very tiny and accidental distinction: the distinction between the Tartars and the Goths. He says, “When the Tartars destroyed the Greek empire, they established servitude and despotism in the conquered countries; when the Goths conquered the Roman Empire, they founded monarchy and liberty everywhere.”⁷³ Both the Tartars and the Goths are brave northern barbarians, so the climate theory still did not work. Indeed, Montesquieu traces the distinction of the Tartars and the Goths to a tiny and accidental fact: the Tartars were affected by the spirit and thought of the despotism of China, while the Goths were not.⁷⁴ The conclusion here is that the liberty of modern Europeans is coming from the uncorrupted barbarism of their northern barbarians rather than their climate and terrain.

This lucky accidental fact is unreliable, that is why Montesquieu was so worried about the future of Europe: “Most European peoples are still governed by mores. But if, by a long abuse of power or by a great conquest, despotism became established at a certain time, neither mores nor climate would hold firm, and in this fine part of the world, human nature would suffer, at least for a while, the insults heaped upon it in the other three.”⁷⁵ When a Napoleon or a Hitler started his terrible conquering wars, it is unreasonable to expect some liberal barbarians coming from the north to rescue the Europe.

The only way to avoid the future of despotism is to enlighten peoples, to reveal their natures to themselves, to convince them that despotism is against their own natures, and to provide sufficient practical knowledge for establishing a better government. This is why his intention as revealed in the Preface deserves such a large-scale work.

Let us turn back to despotism. Montesquieu defines despotism’s nature as, “*one*

Laws”, 250; David Young, “Montesquieu's View of Despotism and His Use of Travel Literature,” 401-403.

⁷² Montesquieu, *The Spirit of the Laws*, 126.

⁷³ Montesquieu, *The Spirit of the Laws*, 283.

⁷⁴ Montesquieu, *The Spirit of the Laws*, 282.

⁷⁵ Montesquieu, *The Spirit of the Laws*, 118.

alone, without law and without rule, draws everything along by his will and his caprices.”⁷⁶ Just like his definition of democracy; this definition is also a target that is waiting to be attacked. In fact, he corrects it soon by adding a fundamental law as establishing a vizir.⁷⁷ However, his initial definition needs more consideration. In this kind of despotism, one alone could do everything he wants to satisfy his caprices or any emerging passion. Thus, the despotism’s establishment is the realization of man’s natural desire. But this ideal-type despotism never existed. Every real government including despotism has laws, and despots could not do what he wanted to do, as he needed help from others like vizirs and pashas. Even more, the despots also could be the victims of despotism.⁷⁸

The real despotism’s nature is more complex than Montesquieu’s initial theoretical definition, and it is not founded solely on man’s natural desire. Montesquieu claims that: “A large empire presupposes a despotic authority in the one who governs.”⁷⁹ In other words, despotism is not only rooted in human nature, but also rooted in the nation’s size.

Furthermore, despotism’s principle is also twofold. According to Montesquieu, despotism’s principle is fear, and there are two kinds of fear. First, “But when in despotic government the prince ceases for a moment to raise his arm, when he cannot instantly destroy those in the highest places, all is lost, for when the spring of the government, which is fear, no longer exists, the people no longer have a protector.”⁸⁰ Second, in despotism, education is “reduced to putting fear in the heart and in teaching the spirit a few very simple religious principles.”⁸¹ Thus, the first kind of fear is exerted by despots on those in the highest places, which is good to the peoples, and the second is exerted by educators on the peoples which make them degenerated. We have to notice that, sometimes Montesquieu condemns despots, and sometimes he condemns despotism. At the first case, what he condemns is the cruelty of the despots, and he manifests that this cruelty is not only good but is even necessary to peoples’ safety. At the second case, what he condemns is despotism’s destructive effect on all the peoples, including the despots. Montesquieu adopts these two viewpoints shiftily in the *Spirit*. The fear, despotism’s principle, is recognized as pernicious in some cases, and as beneficial in other cases.

To understand despotism’s twofold nature and principal, we should consider Montesquieu’s distinguishing between wars by Rome and by Alexander, because despotism is the product of the conquering wars: “The Romans conquered all in order to destroy all; he wanted to conquer all in order to preserve all.”⁸² Therefore, there are two kinds of wars. One is arising from man’s third nature of passions, and the aim

⁷⁶ Montesquieu, *The Spirit of the Laws*, 10.

⁷⁷ Montesquieu, *The Spirit of the Laws*, 20.

⁷⁸ See Montesquieu, *The Spirit of the Laws*, 63. See also Montesquieu, *Considerations on the Causes of the Greatness of the Romans and their Decline*, Chapter XV; Sharon Krauss, “Despotism in *The Spirit of Laws*,” 239.

⁷⁹ Montesquieu, *The Spirit of the Laws*, 126.

⁸⁰ Montesquieu, *The Spirit of the Laws*, 28.

⁸¹ Montesquieu, *The Spirit of the Laws*, 34.

⁸² Montesquieu, *The Spirit of the Laws*, 150.

is the delights of the man who starts the war; the other is arising from man's first nature of self-preservation, and the aim is to set tranquility, in other words, to end the state of war among nations and among individuals. That is why he says that despotism of China could be good: "But in general, one can say that all these dynasties began well enough."⁸³ These dynasties began well, because they are established for a good aim: "The Chinese legislators had the tranquility of the empire as the principal object of government."⁸⁴ Thus, despotism does need fear: the fear of the state of war. When this kind of fear disappeared, the state of war will be back. "Thus, when one abandoned the principles of Chinese government, when morality was lost there, the state fell into anarchy and one saw revolutions."⁸⁵

However, no matter its aim of establishment is good or evil, despotism is still the worst form of government that man should best try to avoid.

Monarchy

There are some apparent self-contradictions in Montesquieu's treatment of monarchy. He both praises and denounces the monarchy in a single book. Thus, it is reasonable that there is a debate between his scholars about his attitude to monarchy.⁸⁶ In this subsection, I will argue that Montesquieu's monarchy is a dynamic rather than a static government. At a certain historical stage, the monarchy is good and deserves praise, and at a different stage, the monarchy is dangerous and needs transformation.

In Chapter 4 of Book II, Montesquieu divides modern monarchies into three kinds: France, with strong intermediate power; England, a popular state with no intermediate power; Spain and Portugal, with weak intermediate power and close to despotism. Thus, it is clear that France is the chief example of Montesquieu's theory of monarchy.

Originally, the French are equal and free.⁸⁷ There is no inequality, and neither Prince nor Nobles exists. The establishment of the unequal system is the indirect consequences of conquering wars and takes a very long time: "Conquest was the business of but a moment, and the right of nations that was applied to it produced some servitudes. The same right used for several centuries extended servitudes prodigiously."⁸⁸ The servitude is against nature, and when it was abolished fortunately, the modern monarch emerged. Montesquieu defined its nature: "Intermediate, subordinate, and dependent powers constitute the nature of monarchical government, that is, of the government in which one alone governs by

⁸³ Montesquieu, *The Spirit of the Laws*, 103.

⁸⁴ Montesquieu, *The Spirit of the Laws*, 320.

⁸⁵ Montesquieu, *The Spirit of the Laws*, 318.

⁸⁶ See Marc Huelling, *Montesquieu and the Old Regime* (Berkeley: Berkeley University Press, 1976); Annelien de Dijn, "On Political Liberty: Montesquieu's Missing Manuscript," 181-204.

⁸⁷ Montesquieu, *The Spirit of the Laws*, 282-283.

⁸⁸ Montesquieu, *The Spirit of the Laws*, 628.

fundamental laws.”⁸⁹ This is a hierarchical system. The prince sits at the top, and the nobility and the ecclesiastic share power as the intermediate class, while the people were totally deprived of their power.⁹⁰ Obviously, this government has a grievous defect: its powerless people would suffer from the power-abuse of the Prince or the nobles.

At the earlier age, the prince is remote from the people, so the harm he could do is small. At the same time, the nobility who own the judiciary power make big threat to people’s safety and property, since “This *security* is never more attacked than by public or private accusations.”⁹¹ This defect could be corrected by giving power to people or by strengthening the power of the prince, and what actually happened is the latter. “Charlemagne thought that he would keep the power of the nobility within its limits and curtail the oppression of the clergy and freemen. He so tempered the orders of the state that they were counter-balanced and that he remained the master.”⁹² However, after centuries, the lords finally lost the judicial power they formerly enjoyed.⁹³

After all these evolutions, the monarchy of France eventually became a good system. Nobility does not threaten the people, while the prince’s power is also balanced. It is governed by fixed and established laws, and the citizens’ property and life are safe. According to Montesquieu, it is not worse than the ancient republic, maybe it is even better. And when compared with despotism, it certainly deserves preservation and praise.

The problem is, the prince’s power already has aggrandized, and he still wants war. “The pace of the monarchy was set by springs that had always to be rewound.”⁹⁴ Here, springs means wars. “The spirit of monarchy is war and expansion,”⁹⁵ and there is nothing that could stop the powerful prince to engage in wars.⁹⁶ Finally, despotism will come at the end of wars. This fatal defect could not be cured without the government’s transformation.⁹⁷

The principle of monarchy, that honor, also needs an analysis. At the beginning, the French “enjoyed an extreme independence,” and have “a general license to do harm to each other.”⁹⁸ In other words, they were living in a state of war. Then they established some rules to control the war: “This custom was modified by putting these wars under regulations; they were waged by the order of the magistrate and under his eyes.”⁹⁹ At that time, they have few written laws, and they were ruled by honor: “all

⁸⁹ Montesquieu, *The Spirit of the Laws*, 17.

⁹⁰ Montesquieu, *The Spirit of the Laws*, 701.

⁹¹ Montesquieu, *The Spirit of the Laws*, 188.

⁹² Montesquieu, *The Spirit of the Laws*, 697.

⁹³ Montesquieu, *The Spirit of the Laws*, 598.

⁹⁴ Montesquieu, *The Spirit of the Laws*, 622.

⁹⁵ Montesquieu, *The Spirit of the Laws*, 132.

⁹⁶ On this point, see Andrea Radasanu, “Montesquieu on Moderation, Monarchy and Reform,” *History of Political Thought* 31 (2010): 283-308.

⁹⁷ See the first section of this essay.

⁹⁸ Montesquieu, *The Spirit of the Laws*, 552.

⁹⁹ Montesquieu, *The Spirit of the Laws*, 552.

was governed by the point of honor.”¹⁰⁰ Honor is the passion of fighting for certain reasons. And they were “a warrior nation that was governed solely by the point of honor.” “In this nation, the appeal was a challenge to armed combat, which had to end in blood, and not that invitation to a written quarrel known only later.”¹⁰¹

Montesquieu criticizes this kind of honor that it is unreasonable and absurd.¹⁰² In a more civilized age, brutal duel that is related with honor should be forbidden. In fact, “monarchs have forbidden duels under pain of severe penalties, but in vain: honour, resolutely determined to reign supreme, refuses to submit and recognize any other law.”¹⁰³ Therefore, in order to forbid duel, honor has to be changed into a new kind. Montesquieu describes this new honor as the desire to distinguish oneself in Chapter 2 of Book IV. In other words, the passion that really dominates the man in monarchy is the love for distinction rather than reputation: “The nature of honor is to demand preferences and distinctions; therefore, honor has, in and of itself, a place in this government.”¹⁰⁴ This distinction is especially related with the luxury: “Thus, for the monarchical state to sustain itself, luxury has to increase from the laborer to the artisan, to the merchant, to the nobles, to the magistrates, to the great lords, to the principal revenue officers, to the princes; otherwise, all would be lost.”¹⁰⁵ And, “All this leads to a reflection: republics end in luxury; monarchies, in poverty.”¹⁰⁶

Here Montesquieu reveals the ultimate motive of the monarchy’s war and expansion: to avoid poverty. Thus, unless they find the other way to get rich, the war leading to despotism would not stop. And there is only one way except war that could enrich them: commerce. But, “the prince should not engage in commerce.”¹⁰⁷ And, “It is against the spirit of commerce for the nobility to engage in it in a monarchy.”¹⁰⁸ Thus, there are only two choices left: to let the monarchy go to its end – despotism, or to throw away the monarchy itself.

¹⁰⁰ Montesquieu, *The Spirit of the Laws*, 558.

¹⁰¹ Montesquieu, *The Spirit of the Laws*, 569.

¹⁰² Montesquieu, *Persian Letters*, no. 88.

¹⁰³ Montesquieu, *Persian Letters*, no. 88.

¹⁰⁴ Montesquieu, *The Spirit of the Laws*, 27. However, sometimes the love for distinctions could be compounded with the love for justice or humanity, so it could be used to resist the power-abuse of the prince, and to sustain the monarchy. See Sharon Krause, *Liberalism with Honor* (Cambridge: Harvard University Press, 2002), chapter 2; Michael Mosher, “Monarchy’s Paradox: Honor in the Face of Sovereign Power,” in *Montesquieu’s Science of Politics: Essays on The Spirit of Laws*, ed. David Carrithers, Michael Mosher and Paul Rahe (Lanham: Rowman & Littlefield, 2001), 159-229. See also, Sara MacDonald, “Problems with Principles: Montesquieu’s Theory of Natural Justice,” *History of Political Thought* 24 (2003): 118-120.

¹⁰⁵ Montesquieu, *The Spirit of the Laws*, 99-100. For the nobility’s love property more than reputation, see also Niccolo Machiavelli, *Discourses on Livy*, trans. Harvey C. Mansfield and Nathan Tarcov (Chicago: The University of Chicago Press, 1996), 143.

¹⁰⁶ Montesquieu, *The Spirit of the Laws*, 100.

¹⁰⁷ Montesquieu, *The Spirit of the Laws*, 349.

¹⁰⁸ Montesquieu, *The Spirit of the Laws*, 350.

The later choice is not only much wiser but also practicable. “The usage that permitted commerce to the nobility in England is one of the things that most contributed to weakening monarchical government there.”¹⁰⁹ In summary, monarchy could and should be transformed or corrupted into a modern commercial republic.¹¹⁰

Modern Commercial Republic

As Thomas Hobbes and John Locke, Montesquieu believes that the state of war exists before the establishment of government, and the government is established to end the state of war. But Montesquieu is the only one who seriously applies this abstract theory on the whole human history. According to Montesquieu, there are three types of government: republic, despotism and monarchy. None of them is analyzed as something static and unrelated to its particular environment, as Aristotle did in Chapter 3 of *Politics*. In contrast, he builds a magnificent and convincing dynamic theory of human political development, and places all the government-types into it.

Montesquieu argues that, in Asia, especially in China, peoples always lived under despotism, which is established to keep tranquility or to end the state of war. And in Europe, originally, the Greeks and Romans were living in a state of war.¹¹¹ Then they established the small virtuous republics in which citizens were trained as warriors preparing for the wars. The aims of these strange governments are to defend their lives and properties against external threats like the Persians, or to rob others for enriching themselves like the Romans did. When the threats had disappeared, or all the other states had been conquered, the virtuous republic would corrupt. Some would corrupt into the commercial republics as in the case of Athens, and Rome, which had expanded as a universal state of Europe, would corrupt into despotism. Despotism is the worst type of government. It allows a few monsters to do things they want to do, while it makes others living in it lead miserable lives. Thus, when barbarians came forth to conquer, the peoples living in despotism did not want to defend it, and thus it was ruined. The barbarians were also living in the state of war originally, and the result of their war is not good either: they established the servitude system. Fortunately, servitude was finally abolished, and at the same time the modern monarchies emerged. Monarchy’s ruling class wanted to live luxurious lives, and so they needed to get property. They could enrich themselves by robbery war, and the ultimate end would be universal despotism; or they could enrich themselves by commerce, and thus the monarchy had to be transformed into modern commercial republic.

Therefore, the state of war is the fundamental political problem, and all the virtuous republic, despotism and monarchy are imperfect solutions. In a virtuous republic, citizens are always preparing to sacrifice themselves in the wars, so their first nature of self-preservation could not be satisfied. At the same time, their passions,

¹⁰⁹ Montesquieu, *The Spirit of the Laws*, 350.

¹¹⁰ The perfection of a government could be achieved by corruption. See Montesquieu, *The Spirit of the Laws*, 167-168.

¹¹¹ See Montesquieu, *The Spirit of the Laws*, 472.

the third nature, were distorted. Only the love for equality and homeland are allowed, while all the other passions are depressed. In despotism, no one can feel safe, so their first nature could not be satisfied, and all the passions are depressed except for the feeling of fear that becomes prominent. In monarchy, man's natures could not be satisfied either: the ruling class would like to engage in wars to maintain their luxury lives, and the end would be despotism.

Montesquieu himself develops a twofold solution to this problem. First, man could establish proper positive laws, including international, political and civil laws, to make man live safely. And this is the theme of Part 2 of the *Spirit*. Second, man could develop commerce to enrich themselves. Furthermore, according to Montesquieu, in England, a modern commercial republic, all the passions are free. In other words, Montesquieu believes he has found the perfect solution to the satisfaction of man's first and third natures: the modern commercial republics and their union.¹¹²

Moreover, three additional problems should be explored. First, Montesquieu gives this new government a powerful executive power, and "The executive power should be in the hands of a monarch, because the part of the government that almost always needs immediate action is better administered by one than by many."¹¹³ But a hereditary monarch could be too old, too untalented or too young to act immediately and properly. Then, should this "monarchy" be hereditary or selective? Although Montesquieu never openly raises this question, but he does have the latter option in mind: "By the first, the prince or the magistrate makes laws for a time or for always and corrects or abrogates those that have been made."¹¹⁴ Montesquieu has not suggested that the Englishmen should substitute a hereditary monarch by a selective magistrate, maybe because it would have been rude and impractical at that time. However, it could be said that the Englishmen had found their own moderate way to solve this problem.

Second, Montesquieu says that, "The nobility should be hereditary."¹¹⁵ But as I have analyzed before, Montesquieu believes that, in a republic, the nobility should not be hereditary. Here I could only suppose that, Montesquieu does not want to suggest his contemporary Englishmen to abolish their hereditary nobility, while he believes that its vanquishing is not a bad thing. And since in a free state, their prerogatives "must always be endangered,"¹¹⁶ so the final disappearance of a hereditary noble

¹¹² See the first section of this essay. For the details of Montesquieu's modern commercial republic, see Thomas Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on The Spirit of the Laws*, chapter 5; Sharon Krause, "The Spirit of Separate Powers in Montesquieu," *The Review of Politics* 62 (2000): 231-265; C. P. Courtney, "Montesquieu and English Liberty", in *Montesquieu's Science of Politics: Essays on The Spirit of Laws*, ed. David Carrithers, Michael Mosher and Paul Rahe (Lanham: Rowman & Littlefield, 2001), 273-290.

¹¹³ Montesquieu, *The Spirit of the Laws*, 161.

¹¹⁴ Montesquieu, *The Spirit of the Laws*, 156.

¹¹⁵ Montesquieu, *The Spirit of the Laws*, 160.

¹¹⁶ Montesquieu, *The Spirit of the Laws*, 161.

class may be unavoidable.

Third, the modern commercial republic is also subjected to corruption. Eventually, commerce could bring luxury, and luxury is fatal to a republic. When people “want to join the amusements of luxury to their poverty,” they would give their votes for silver, and finally they will lose their liberty.¹¹⁷ Thus, in a republic the luxury should be controlled. And because “*Luxury* is always proportionate to the inequality of fortunes,”¹¹⁸ the republic also needs to control its inequality of fortunes. Montesquieu lists some measures to control luxury in Chapter 5 of Book V. First, lands should be divided equally. But this could happen only at the founding of a new republic. Second, dowries, gifts, inheritances and testaments should be regulated. And the regulation of inheritances is particularly important. “In a commercial republic, the law giving all children an equal portion in the inheritance of the fathers is very good. In this way, whatever fortune the father may have made, his children, always less rich than he, are led to flee luxury and work as he did.”¹¹⁹ So, with proper laws of inheritance, luxury could be avoided and the commercial republic will perpetuate.¹²⁰ The utmost importance of the laws of inheritance to a republic’s perpetuation is one of Montesquieu’s greatest discoveries.¹²¹

Conclusion

It is well-known that, in the Preface of the *Spirit*, Montesquieu asks his readers to pay attention to the design of his book. However, the extreme importance of the design of the Preface itself has almost been neglected. By analyzing it, I find that Montesquieu’s intention is to enlighten people, namely, to reveal their nature to themselves. And, according to Montesquieu, man has three kinds of natures: self-preservation, imperfect knowledge and passions.

Montesquieu indicates that, the conflict of the first and the third nature is the ultimate reason of the state of wars. Without knowledge, this conflict could not be solved. Therefore, originally, men were living in a state of war. In this state, men’s natures could not be satisfied, so they had to end it by establishing positive laws, including intentional laws, political laws and civil laws.¹²² Montesquieu believes that,

¹¹⁷ Montesquieu, *The Spirit of the Laws*, 113. Italics is Montesquieu’s own.

¹¹⁸ Montesquieu, *The Spirit of the Laws*, 96. Italics is Montesquieu’s own.

¹¹⁹ Montesquieu, *The Spirit of the Laws*, 48. Moreover, Montesquieu devotes the whole Book XXVII of *Spirit* to the laws of inheritance.

¹²⁰ Pangle has noticed the importance of laws of inheritance, but has not connected it with modern commercial republic. Krauss has explored the decline of modern commercial republic, but has not noticed the importance of laws of inheritance. See Thomas Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on the Spirit of the Laws*, 77; Sharon R. Krause, “The Uncertain Inevitability of Decline in Montesquieu,” 702-727.

¹²¹ One of Montesquieu’s readers, Alexis de Tocqueville, emphasizes its importance with the word “divine”. See Alexis de Tocqueville, *Democracy in America*, 79.

¹²² Montesquieu’s theory of state of war is similar to Hobbes’. For further

his set of ideal positive laws exhibited through the Part 2 of *Spirit* could satisfy man's first nature, and at the same time, commerce flourishing under these laws could satisfy man's third nature. Clearly, Montesquieu hopes that the enlightened men who have known their own natures would choose this twofold solution, which could satisfy their natures perfectly.

Furthermore, according to Montesquieu, ultimately this solution will be the only choice left for man. At his time, most Europeans were living under monarchies. They had the dangerous tendency to engage in wars and in expanding, and the result of this was universal despotism. Thus, the monarchies must be transformed into republics. And because the virtuous republic is both unavailable and undesirable to the moderns, the only choice left is that of the commercial republic. In sum, to avoid the horrible impact of universal despotism, ultimately, the moderns must live under commercial republics and their union. To achieve this, the most important thing is to enlighten people or to show their natures to them, and to let them know that a commercial republic is a government, which could best satisfy their natures.

However, several centuries have passed, and Montesquieu's twofold solution has been somewhat outdated because commerce and politics could not be regarded as divided spheres any more, and governments have to provide more than just safety. But the question that Montesquieu had tried his best to answer is still fresh: Will man inevitably sink into despotism or will they live under liberal republics for a very long time?¹²³ And we who are living in an ambivalent age of globalization have to try our best to answer it in our new circumstances.

comparison of Montesquieu and Hobbes, see Michael Zuckert, "Natural Law, Natural Rights, and Classical Liberalism: Montesquieu's Critique of Hobbes," *Social Philosophy and Policy* 18 (2001): 227-251.

¹²³ This question Montesquieu work so hardly to answer is probably coming from Machiavelli, the only philosopher who he had praised as "this great man". See Montesquieu, *The Spirit of the Laws*, 77. See also Montesquieu, *The Spirit of the Laws*, 618. For Machiavelli's viewpoint, see Niccolo Machiavelli, *Discourses on Livy*, 23. It seems like that Montesquieu's emphasis on moderation is a response to Machiavelli's assertion that, for republics, there is no mode between expanding to a despotic state and being ruined by such an expanding state.