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Abstract

This essay draws attention to the importance of Montesquieu's earliest and unpublished writings on liberty for our understanding of the famous eleventh book of the *Spirit of the Laws*. Montesquieu's investigation of the nature and preconditions of liberty, the author argues, was much more polemical than it is usually assumed. As an analysis of his notebooks shows, Montesquieu set out to wrest control over the concept of liberty from the republican admirers of classical antiquity, a faction that he believed to be dangerously populist and revolutionary. In order to do so, Montesquieu came up with a redefinition of the concept of liberty that allowed him to argue that monarchical subjects could be just as free as republican citizens. This conclusion has important implications not just for our understanding of Montesquieu's writings but also and more broadly for our understanding of the intellectual history of liberalism.

Keywords

Montesquieu, liberty, liberalism, monarchism, republicanism

If the history of ideas can be conceived of as a war of words, then the cry for liberty was a weapon of choice in many of the battles and skirmishes that took place in the past few hundred years. Indeed, even today, liberty or

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freedom—for these words are often used as interchangeable—remains a favorite banner for widely divergent combatants, ranging from gay rights activists to Tea Partiers. As this example illustrates, the popularity of the concept is partly due to the fact that it has proved so protean, readily accommodating different and sometimes even contradictory meanings. Over time, liberty has been endlessly defined and redefined to suit divergent ideological needs—a game in which some of the greatest political thinkers, such as Thomas Hobbes, Benjamin Constant, John Stuart Mill, and, more recently, Isaiah Berlin, have been contestants.

Here, I want to draw attention to one of these attempts at redefinition, an attempt made by one of the most renowned political thinkers of the Enlightenment, Charles-Louis de Secondat, baron de La Brède et de Montesquieu.¹ It is well known, of course, that freedom was at the heart of Montesquieu's political project, with a substantial part of the *Spirit of the Laws* devoted to an investigation of the nature of liberty and its preconditions.² Perhaps less well known, however, is that Montesquieu considered this question so important that he at one point planned to publish a separate treatise on the concept of liberty, and even penned down a manuscript titled "De la liberté politique," or "On Political Liberty." Although this manuscript is now unfortunately lost, fragments survive in Montesquieu's notebooks, which allow us to partially reconstruct its content.³

Based on an analysis of these early writings, I will argue that Montesquieu's discussion of the concept of liberty in the *Spirit of the Laws* was more polemical than it is usually assumed.⁴ Montesquieu's extensive reflection on the nature and preconditions of liberty, I will show, was not merely a philosophical exercise. Rather, Montesquieu was trying to wrest control over the concept of liberty from the republican admirers of classical antiquity, a faction that he believed to be dangerously populist and revolutionary. In order to do so, Montesquieu set out to argue that monarchical subjects could be just as free as republican citizens. Indeed, by defining liberty as security, rather than self-government, in an explicitly antirepublican move, Montesquieu was able to claim that continental monarchies such as France were just as capable as republics, if not more capable, of guaranteeing the freedom of their subjects.

This particular take on Montesquieu's notion of liberty, as I will argue, has a number of important implications. First, it requires us to reconsider Montesquieu's intent in writing the *Spirit of the Laws*. Especially in the Anglophone world, Montesquieu is often read as a quintessentially modern political thinker, whose political instincts and inclinations in many ways prefigured our own.⁵ As it will become clear in this essay, however, Montesquieu's position in the political debates of the eighteenth century was far more

conservative, in a literal sense of the word, than many commentators would admit.⁶ Indeed, the *Spirit of the Laws*, and in particular its famous eleventh book, “On the Laws That Form Political Liberty in Its Relation with the Constitution,” can be read as an elaborate defense of the monarchy, as it existed in eighteenth-century France, against its republican detractors.⁷ Second, and perhaps more importantly, my reinterpretation of Montesquieu has broader implications for our understanding of the intellectual history of liberalism. The example of Montesquieu, I will argue, suggests no less than the more famous case of Thomas Hobbes⁸ that the articulation of a “negative” conception of liberty was motivated by a desire to defend early modern monarchy rather than to defeat it.

Liberty or Security?

From about the mid-seventeenth century onwards, liberty was increasingly used as a battle-cry by a nascent republican movement in France, England, Poland, the Netherlands, and other regions in their struggle against the absolutist tendencies of the kings and queens of early modern Europe. Quentin Skinner’s groundbreaking work, for instance, makes clear that accusations of royal tyranny and complaints about the demise of English liberty were one of the most potent sources of republican discontent in the years immediately preceding the outbreak of civil war in 1642.⁹ Likewise, in Poland, where a republic of sorts had been created in late sixteenth century when the Polish nobility gained legislative power at the expense of royal prerogatives, freedom was the key word of the local republican movement. It was what people felt distinguished Poland from other European states that suffered under the yoke of royal absolutism.¹⁰

In making these arguments, as Skinner has shown, European republicans used a particular definition of the concept of liberty.¹¹ According to republican theory, freedom consisted in autonomy or independence—the ability to do what one wanted. In order to be free, one had to be one’s own master. To be under someone else’s dominion, republicans believed, was to be unfree by definition. Even if one’s sovereign did not actually abuse his or her power, there was always a threat that one day, he or she would do so. This very possibility implied the end of one’s freedom or independence. Monarchical subjects could therefore be compared to slaves. Like slaves, they depended on the will of another, and that dependence did not diminish when they had a kindly master. Only republican citizens, who participated in government, who posed the law unto themselves, could call themselves truly free.

It should be noted that this doctrine did allow for some shades of grey. Many early modern republicans, for instance, thought of post-1688 England as a free state, even though it was a kingdom. But since real power was understood to be in the hands of the House of Commons, the elected representatives of the people, it was considered to be a state more akin to a self-governing republic than to a proper monarchy.¹² When they turned their gaze to the Continent, however, a less ambiguous situation presented itself. France in particular, where representative institutions had stopped playing a role in political life after 1614, seemed like the epitome of royal tyranny to many republicans. Invocations of “French slavery” were a common trope in republican discourse, especially in its British variant.¹³

The republican appropriation of the concept of liberty was not undisputed. During the English civil war, for instance, Thomas Hobbes made several attempts to convince his countrymen that freedom was possible under the government of one just as well as in a republic. But at the end of the day, Hobbes’s attempt to wrestle the banner of liberty from the republican camp was all but unsuccessful. His views on liberty (and on politics in general) were rejected by his contemporaries, even by those who were sympathetic to his cause, as bizarre and incomprehensible.¹⁴ Attempts to defend the monarchy as divinely ordained, rather than conducive to liberty, such as Jacques-Bénigne Bossuet’s treatise *Politics Drawn from the Very Words of Holy Scripture* (1709) were far more successful.¹⁵ Liberty remained the property of the republicans, and their most important weapon in their struggle against monarchism.

When Montesquieu came of age in the beginning of the eighteenth century, the republican equation between liberty and self-government was still firmly established in European political discourse. In his earliest writings, Montesquieu too seemed to subscribe to this republican doctrine, as is perhaps not all that surprising for a man who knew and admired Henri de Boulainvilliers, one of the few indigenous republican thinkers in France.¹⁶ The story of the Troglodytes in the *Persian Letters*, for instance, about the attempts of a fictitious Arabian tribe to found and maintain a democracy, has often been described, and with good reason, as a republican parable about the virtues, and difficulties, of self-government.¹⁷

Even more directly to the point were Montesquieu’s remarks on monarchical government in Letter CII of the *Persian Letters*. After pointing out that most European governments were monarchies, Montesquieu’s mouthpiece Usbek went on to claim that they were so at least “in name.” For a monarchy, as he explained, with its inherently “violent condition,” would necessarily degenerate into either despotism or republicanism. “Power can never be

shared equally between the people and the prince; the balance is too difficult to maintain, power necessarily always diminishing on the one side while increasing on the other; as a rule, however, the advantage is to the prince, who heads the armies,” Usbek observed. “The European kings, therefore, enjoy great power, and one can say that they exercise it as they choose.”¹⁸

Even at this point in his intellectual career, however, Montesquieu was by no means an uncritical republican. In the *Persian Letters*, Montesquieu showed himself no less skeptical of revolutionary antimonarchism as of monarchical despotism. Indeed, Usbek’s letter on the inherent instability of monarchies was followed by another letter in which he poked fun of English republicans. They had said “extraordinary things” on the subject of “submission and obedience,” Montesquieu explained through Uzbek. According to the English, men were connected through gratitude. Just as families were held together by the love a man and wife, and a father and son, had for one another, or by the benefits that they expected to receive from each other, so kingdoms and all societies were constituted on the same basis. As soon as a king, instead of wishing his subjects to live happily, wanted to destroy them, the foundation of obedience therefore stopped to exist, and his subjects returned to their natural liberty.

This view allowed the English to dismiss unchecked power as illegitimate, which, as Montesquieu believed, was a good thing. But it also had some unpalatable implications. It uprooted the principle of legitimacy itself, which, as a result, tended to revert to the strongest party in the state. During the English civil war, for instance, the people had become the stronger party in the state, and as a result, it had been able to accuse the king himself of committing *lèse-majesté* against his subjects (which was, in Montesquieu’s view, a palpably absurd claim). English contractarianism, Montesquieu concluded, simply had come to legitimize the right of the strongest: “[The English] thus have reason to say that the prescriptions of their Koran ordering them to submit themselves to Power is not hard to follow, because it is impossible for them not to follow it, as they are not obliged to submit themselves to the most virtuous, but to the strongest.”¹⁹

In his private notebooks, Montesquieu showed himself even more critical of the republican position. Shortly after 1721, when the *Persian Letters* were published, Montesquieu made the following, quite remarkable note to himself in his *Pensées*, which is well worth quoting in full:

The only advantage which a free people has over another, is the security which everyone has that the capriciousness of a single person will not cost him his possessions or life. A subjected people which would

have the same security, with or without good cause, would be as happy as a free people if its manners were similar in other respects: because manners contribute even more to Happiness than laws. This security of one's condition is not greater in England than it is in France, and it was by no means greater in some of the ancient Greek republics, which, as Thucydides says, were divided into two factions. And because liberty often gives birth in a State to two factions, the faction that has the upper hand will make use of its advantages without pity. A faction which rules is no less terrible than a prince in rage.²⁰

As in the *Persian Letters*, Montesquieu here employed a republican vocabulary, in that he contrasted “a free people,” living in a republic, with “a subjected people,” living under a king, and in this sense identified liberty and republican self-government. But at the same time, he made some very unrepublican remarks. Montesquieu made clear that he attached little value to republican liberty as a goal in itself. “Security,” the safety of one's possessions and life, Montesquieu argued, contributed in a much more substantial way to a people's happiness. “Liberty”—in the sense of self-government—was important only to the extent that it contributed to that security. Moreover, Montesquieu did not believe that self-government was a necessary prerequisite for security. In his view, subjects of the French king enjoyed the same security as rebellious Englishmen or republican Greeks. Indeed, in an earlier version of the note, which he later erased, Montesquieu claimed that France in fact enjoyed *more* security than England or any of the ancient republics.²¹

But Montesquieu went even further. Self-government, he noted, far from being a necessary prerequisite for security, might actively harm the safety of one's life and goods. For self-government often created internecine strife in “free” states, as was proven by the history of the Greek republics and the recent example of the English civil war. The latter in particular seemed both to fascinate and abhor Montesquieu, who possessed a remarkable collection of books on the short-lived republican experiment in England.²² “How many private citizens did we see losing their life or liberty during the latest troubles in England!” he noted. “It is useless to say that one must remain neutral. For who can be wise when the world runs mad?”²³

These remarks have baffled later commentators. Robert Shackleton, Montesquieu's biographer and one of his most prominent contemporary interpreters, expressed his “surprise” at the fact that these words came from the pen of a man “in whom posterity was to see the great theorist of liberty.”²⁴ As we shall see, however, Montesquieu's positive evaluation of security, as more conducive to human happiness than self-government, was to remain a

hallmark of his mature writings. Moreover, his argument that monarchical subjects were not necessarily in a worse position than their republican counterparts with regard to the security of life and possessions, indeed, that these goods might be safer in a monarchy than in a republic, likewise prefigured his mature writings. What changed, however, was his definition of liberty. While in the early 1720s, Montesquieu still identified liberty and self-government, as republican writers were wont to do, he later came to believe that true liberty was more akin to the personal security he deemed so important, than to autonomy or self-government.

A New Definition of Liberty

In the early 1730s, Montesquieu completed two short but crucially important political treatises that dealt with the nature and preconditions of liberty. The most well known of these is a brief description of the English constitution, which was probably written between 1731 and 1739, and which Montesquieu later incorporated into the *Spirit of the Laws* as the famous sixth chapter of Book XI.²⁵ The second treatise, entitled *On Political Liberty*, remained an unpublished manuscript which is now unfortunately lost, which might explain why it is rarely discussed by Montesquieu scholars. However, Montesquieu transcribed fragments of this treatise in his notebooks between 1734 and 1735, which allows us to partially reconstruct its content.²⁶ And, as we shall see, the ideas he developed in *On Political Liberty* later resurfaced as well in Book XI of the *Spirit of the Laws*.

Both of these manuscripts were written in the wake of an extended period of travel and study Montesquieu undertook between 1728 and 1731. During this period, he traveled through Austria, Italy, Germany, the Netherlands, and England. These travels had a profound educational effect on the by now middle-aged Montesquieu. His notebooks testify to his immense curiosity and to the breadth of his interests, which ranged from the lives of Venetian prostitutes to the monetary politics of the Hanoverian state. But Montesquieu was most interested, of course, in all things political; and wherever he went, he took extensive notes on the working of the local political system.²⁷

From these notes, we know that his travels confirmed Montesquieu in the low opinion of republics he had articulated in the 1720s. He was far from impressed with the surviving Italian republics. Venice in particular he saw as a decadent society, whose demise would not be long in the making. He admired the wealth and commercial enterprise of Genoa, but was shocked by the tyrannical behavior of the ruling nobility toward the common people.²⁸ Montesquieu was equally scathing about the more recently founded Dutch

Republic. The Dutch were stingy and corrupted by their commercial dealings: they would only render a service if one paid for it. They drank too much tea, which prevented them from working. Moreover, the Republic was corrupt and its finances were in terrible shape.²⁹

England, where the President stayed for two years, from November 1729 to May 1731, made a far more positive impression. Although Montesquieu started out by complaining about the state of the London roads in his notebook, which he described as “terrible” and “ill-made,” he compared England favorably with both Venice and Holland.³⁰ During his stay in London, Montesquieu showed considerable interest in the English political system, and he made an active effort to familiarize himself with its workings. He attended, for instance, several sessions of the House of Commons and made summaries of its debates in his notebooks.³¹ At the end of his visit, the President had become convinced that England was the freest country in the world, although at the same time he expressed some doubts as to the robustness of that freedom.³²

Perhaps less well known, however, is that Montesquieu also (re)familiarized himself with the republican canon during his stay in the English capital. New friends and acquaintances such as William Cleland ignited the President’s interest in Machiavelli, whom Montesquieu rediscovered as a republican writer rather than a defender of princely absolutism.³³ While in England, Montesquieu also read James Harrington’s *Oceana*, whose republican utopia he found engaging if ultimately unconvincing.³⁴ At the same time, Montesquieu made extensive notes from English newsletters such as *The Craftsman*, Bolingbroke’s opposition journal, in which republican principles were defended under a Tory banner.³⁵ He also purchased a copy of Algernon Sidney’s *Discourses Concerning Government*, a diatribe against the inequities and dangers of monarchical slavery that had become a *succès de scandale* after its author was beheaded for his republican convictions by Charles II.³⁶

By the time Montesquieu went back to La Brède, he was armed not simply with a new-found admiration for the English political system. He had also come to new insights concerning the relation between liberty and republics. While in 1721, Montesquieu had pointed to the danger that liberty, understood as popular self-government, could pose for the higher value of security, he now moved even further away from republican dogma. As it becomes clear from the surviving fragments of *On Political Liberty*, Montesquieu had come to believe that liberty was in fact something very different from self-government. True liberty, properly understood, consisted in the security in which one held one’s possessions and life. Freedom was not self-government, but the mental peace of mind one acquired from the knowledge that one’s life

and possessions could not be violated arbitrarily. And monarchies—as Montesquieu emphasized—were just as capable of guaranteeing this kind of liberty to their subjects as republics.

In a note entitled “On Political Liberty,” which is possibly a summary of the lost treatise with the same title, Montesquieu started out by rejecting, in no uncertain terms, the republican identification of popular self-government and liberty:

In politics, the word liberty does not really mean what orators and poets have made it to mean. Properly speaking, this word expresses but a relationship, and it cannot be used to distinguish different forms of government: because a popular government is the liberty of poor and weak people and the servitude of the rich and powerful; and monarchy is the liberty of the lords and the servitude of the commoners.³⁷

Montesquieu illustrated this principle with a number of historical examples. In Rome, the abolition of the monarchy and the institution of the republic had originally been opposed by the elites, who clearly did not see the transition to republican government as an enlargement of their liberty. Neither did Swiss and Dutch noblemen believe themselves to be free, as the distinctions they enjoyed while living under a monarch had become “chimerical” in a republican context. The English and French nobility had always fought for its kings, because noblemen believed it to be an honor to obey a king, while considering it a “supreme insult” to share power with the people. Montesquieu was equally scathing about the pretensions of civil war insurgents that they were fighting for “liberty”: “it is not that: the People fights to obtain dominion over the Lords, and the Lords fight for dominion over the People.”³⁸ Freedom, in short, was not tied to any particular form of government. “A people is not free because it has such or such form of government: it is free because it enjoys a form of government established by the Law,” Montesquieu concluded decisively.³⁹

But Montesquieu’s aim was not just to make the case for a constitutional agnosticism. His point was really to argue that a monarchy was just as capable of guaranteeing liberty as a republic, as he made quite explicit: “From all that, we need to conclude that political liberty concerns moderate monarchies just as it concerns republics, and that it is not further removed from the throne than from the senate.”⁴⁰ In what then consisted the political liberty one could enjoy in a monarchy? This question was next addressed by Montesquieu. “Every man is free,” he wrote, “who has good reason to believe that the furor of one person or of many will not rob him of his life or of the possession of

his goods.”⁴¹ In a monarchy, there was as much, or even less, reason to believe that one’s life or possession were in danger of being taken away as in a republic. “The dominant faction,” Montesquieu pointed out, just as he had done in his reflections of the 1720s, “can be as furious as a raging prince.”⁴² And to prove this point, he referred, again just like he had done in his earlier notes, to a passage by Thucydides about the internecine strife within the republics of ancient Greece.⁴³

But the republics of ancient Greece were not the only examples, in Montesquieu’s mind, of the dangers of popular government. A more recent illustration was provided by the dramatic failure of the short-lived republican experiment in England. In a *Pensée* which he noted down at the same time that he was composing his treatise on political liberty, Montesquieu pointed out that during the civil war, English government went from harsh to harsher, all in the name of liberty. Ironically, the reestablishment of the monarchy had been necessary to reestablish freedom in England, in order to contain the sects whose fanaticism had caused a long and bloody civil war.⁴⁴

Montesquieu’s theory of liberty, as it will have become clear by now, was not just antirepublican. His reflections on liberty also had antirevolutionary implications, and he did not hesitate to make these explicit. In a note titled “Some Tidbits That Could Not Be Put Into ‘Political Liberty,’” he made clear that he hoped to make men more content with their existing form of government. “I do not think at all that a government should disgust others,” he wrote. “The best of all is usually that in which one lives, and a sensible man should love it: because, as it is impossible to change one’s government without changing one’s ways and manners, I fail to see, taking the extreme brevity of life into account, what use it would be for men to change in every way the mold they took.”⁴⁵

By the mid-1730s, in other words, Montesquieu had come to a new and sophisticated understanding of the concept of liberty, an understanding he developed in direct opposition to the republican conception of liberty propagated by republican theorists such as Machiavelli, Harrington and Algernon Sidney, and that allowed him to argue that monarchical subjects could be just as free as republican citizens. This redefinition of the concept of liberty, however, also raised new questions. For if freedom consisted in the security of one’s life and possessions rather than in participation in government, the issue naturally arose of how that security was to be maintained. This question was addressed, albeit indirectly, in the second important manuscript on liberty drafted by Montesquieu in the 1730s, the manuscript on the English constitution.⁴⁶

At first sight, however, Montesquieu had little to say about the issue of monarchical liberty in his manuscript on the English constitution. The English government, in its post-1688 form, was seen by many as a republic in disguise, and Montesquieu himself might have subscribed to that view.⁴⁷ In order to understand the connection between Montesquieu's description of the English constitution and the issue at hand—his defense of monarchical liberty—a few words are therefore required about Montesquieu's theory on the distribution of powers.

Montesquieu began his essay on the English constitution with a rather abstract analysis of the three powers that, he argued, were present in every state—the executive, legislative and judiciary powers. This analysis, it is well known, was deeply indebted to existing theories concerning the necessity of a balance of power in the English constitution. However, Montesquieu also added an important new element to this analysis. For while English pamphleteers and legal scholars had been mainly preoccupied with the necessary balance between legislative and executive power, Montesquieu put considerable emphasis on the importance of an independent judiciary. This innovation was eagerly adopted by later English commentators such as Blackstone, who used the concept of a third, judicial power to give a new slant to already well-rehearsed precepts concerning the importance of independent courts and impartial judicial decision making to English liberty.⁴⁸

Montesquieu himself, however, probably had a very different reason for insisting upon the existence of a third, judicial power, as David Lieberman has argued.⁴⁹ In the manuscript on the English constitution, Montesquieu seemed to suggest that the independence of the judiciary was a sort of litmus test for liberty. Even though an ideal constitution, such as the English example, guaranteed the distribution of all three powers into different hands, this was not a necessary precondition for liberty. A more moderate form of liberty could also be achieved in a context in which the legislative and executive powers were united into the same hands, as was the case in most continental monarchies, as long as the independence of the judiciary was preserved. In most kingdoms of Europe, as Montesquieu pointed out to his readers in a couple of paragraphs that immediately followed upon his discussion of the nature of the three powers, the government was “moderate” because the prince, who had the executive and legislative powers, left the exercise of the judicial power to his subjects.

From this perspective, as Montesquieu emphasized, monarchies, even continental monarchies such as France, were actually more libertarian than republics. For the independent judicial power characteristic of continental

monarchies distinguished them not just from the Turkish government, where the three powers were united in the person of the sultan, and an atrocious despotism reigned, but also from Italian republics. In such republics, where the three powers were united in the same hands, Montesquieu wrote with characteristic contempt, "there is less liberty than in our monarchies." The Venetian government, for instance, used as much violence as the government of the Turks; "witness the state inquisitors and the lion's maw into which an informer can, at any moment, throw his note of accusation." In such republics, Montesquieu went on, "all power is one; and, although there is none of the external pomp that reveals a despotic prince, it is felt at every moment."⁵⁰

These remarks suggest, in other words, that Montesquieu's interest in the English constitution need not be understood as a departure from the project he outlined in *On Political Liberty*. Rather, his discovery that English liberty depended on a certain distribution of powers was a step towards to his overall goal: to understand to what extent, and under what circumstances, monarchical subjects such as he himself, could be called free. In the *Spirit of the Laws*, as we shall now see, Montesquieu further developed these suggestions. A decade after he had finished *On Political Liberty* and the manuscript on the English constitution, Montesquieu brought together the two texts he had been working on in the 1730s and presented them as a coherent whole. The text that resulted, the famous Book XI of the *Spirit of the Laws*, recapitulated and refined the most important ideas he had developed in his notebooks since the early 1720s.

Montesquieu's Discussion of Liberty in the *Spirit of the Laws*

By the time Montesquieu had completed the final draft of the *Spirit of the Laws* in 1747, the political and intellectual climate had become more receptive to the sort of ideas he had developed in his private notebooks in the 1730s than it had been in earlier in the century. While the reign of Louis XIV was still a by-word for despotism both in- and outside of France, his successors, the genial Philippe d'Orléans and the indecisive Louis XV, were both seen as relatively liberal rulers, especially in the early years of their respective reigns. Moreover, the restoration of the *parlements'* right to remonstrance, which had been abolished by Louis XIV, under Philippe d'Orléans, convinced many eighteenth-century observers that France had now regained her constitutional guarantees against royal tyranny.⁵¹ France's foreign policy successes in the 1740s—at the Battle of Fontenoy, for instance, during the

War of Austrian Succession, France won a decisive victory over the English—helped to undergird this newly restored prestige.⁵²

France's enhanced reputation found an echo in the writings of outside observers such as the Scottish philosopher David Hume. In an essay titled "Of Liberty and Despotism," first published in the *Essays Moral and Political* in 1742, Hume set out to demolish the republican equation between monarchy and despotism.⁵³ Hume started out with an attack on Machiavelli, whose entire work, based as it was on the study of "the furious Tyranny of antient Sovereigns, or the little disorderly Principalities of Italy," had become useless. Eighteenth-century Europeans lived in a new world, and in that new world, the old comfortable truths, such as, for instance, that learning and the arts could only flourish in free states, were no longer valid. One simply had to look at the flowering of the arts in "despotic Governments" such as France to realize that they far surpassed the English in that respect.

But arts and sciences was not the only domain in which Hume was willing to concede the superiority or at least the equality of the French. They had also become England's rivals when it came to commerce. And even more surprisingly, the rule of the law was becoming as characteristic of French government as it was of the British. "It may now be affirmed of civilized monarchies," Hume wrote, "what was formerly said in praise of republics alone, *that they are a government of Laws, not of Men*. They are found susceptible of order, method, and constancy, to a surprizing degree. Property is there secure; industry encouraged; the arts flourish; and the prince lives secure among his subjects, like a father among his children."⁵⁴

It is unclear whether Montesquieu ever read Hume's *Essays moral and political*. Yet it seems probable that he would have approved of these sentiments.⁵⁵ Indeed, Montesquieu devoted a substantial section of the *Spirit of the Laws*—Book XI—to make clear that liberty, if properly understood, was just as possible in a monarchy as in a republic, indeed, that a monarchy offered its subjects more guarantees to live freely than a republic. This point, although unambiguously articulated in the *Spirit of the Laws*, has attracted rather little attention of most modern commentators, who have tended to ignore Montesquieu's broader discussion in favor of a narrow focus on the famous sixth chapter of Book XI on the English constitution.⁵⁶ As we shall see, however, that sixth chapter was but a part of a far more innovative and ambitious argument in which Montesquieu recapitulated many of the themes he had addressed in *On Political Liberty*, while also introducing a number of new ideas.

Montesquieu made clear from the start that his goal was highly ambitious. He wanted no less than to give a new meaning to the concept of liberty. “No word has received more different significations and has struck minds in so many ways as has liberty,” he wrote in Book XI, mockingly enumerating the occasionally nonsensical definitions that had been formulated by different peoples:

Some have taken it for the ease of removing the one to whom they had given tyrannical power; some, for the faculty of electing the one whom they were to obey; others, for the right to be armed and to be able to use violence; yet others, for the privilege of being governed only by a man of their own nation, or by their own laws. For a certain people, liberty has long been the usage of wearing a long beard.⁵⁷

More problematic, however, as Montesquieu believed, was the fact that liberty was often identified with a specific form of government: “Men have given this name to one form of government and have excluded the others.” In particular, liberty was often seen as a republican value: “As, in a republic, one does not always have visible and so present the instruments of the ills of which one complains and as the very laws seem to speak more often and the executors of the laws to speak less, one ordinarily places liberty in republics and excludes it from monarchies.” Democratic republics in particular, where the people, rather than an aristocracy, ruled, were often seen as the embodiment of liberty: “As in democracies the people seem very nearly to do what they want, liberty has been placed in this sort of government and the power of the people has been confused with the liberty of the people.”⁵⁸

As he had done in *On Political Liberty*, Montesquieu emphasized that this identification of liberty and independence was simply wrong. “It is true that in democracies the people seem to do what they want, but political liberty in no way consists in doing what one wants,”⁵⁹ he wrote, although he would add elsewhere that, in a philosophical sense, liberty consisted “in the exercise of one’s will.”⁶⁰ But political liberty—meaning the liberty one enjoyed as a citizen—was something very different: “In a state, that is, in a society where there are laws,” Montesquieu wrote, “liberty can consist only in having the power to do what one should want to do, and in no way being constrained to do what one should not want to do.”⁶¹

Many commentators of Montesquieu’s work have criticized this definition of liberty as willfully obscurantist.⁶² However, Montesquieu’s words become easier to understand when we keep in mind that his main goal was to criticize the republican definition of liberty as self-government. By defining liberty as

the ability to do what the laws permitted, Montesquieu was making clear that it was something different from independence or autonomy. Indeed, Montesquieu went even further by suggesting that liberty could very well be the opposite of independence. If one citizen could do what the laws forbade, Montesquieu pointed out, he would no longer be free. This apparent paradox could be explained by the fact that other citizens would likewise have the same power, and the rule of the law would be replaced with a free-for-all.

Having dismissed the republican conception of liberty as inherently inconsistent, Montesquieu went on to outline an alternative vision of political freedom. As in the treatise *On Political Liberty*, Montesquieu made clear that freedom should be identified with a feeling of security. "Political liberty in a citizen," he explained in the sixth chapter of Book XI, "is that tranquility 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."⁶³ This in turn required, as he immediately added, a particular distribution of the three powers that were present in every state—executive, legislative, and judiciary.⁶⁴

These introductory statements were followed by an extensive discussion of the distribution of powers in the English constitution, which Montesquieu had originally penned down, as we have seen, in the 1730s.⁶⁵ Montesquieu left little doubt that, in his opinion, the English constitution was capable of guaranteeing its citizens more freedom than any other state. Its intricate division of powers over king, nobility, and people had created a constitution that had "political liberty for its direct purpose,"⁶⁶ although he now added a few caveats to the original text to explain that the English example was not necessarily exportable to other countries. "I do not claim hereby to disparage other governments," Montesquieu's readers were warned at the end of the sixth chapter, "or to say that this extreme political liberty should humble those who have only a moderate one. How could I say that, I who believe that the excess even of reason is not always desirable and that men almost always accommodate themselves better to middles than to extremes?"⁶⁷

That Montesquieu was quite serious about this disclaimer, and did not add it simply out of fear of censorship, becomes clear in the following chapters of Book XI. In these chapters, Montesquieu investigated the distribution of powers in a number of what he described as "moderate governments."⁶⁸ Throughout this investigation, the issue of monarchical liberty was uppermost on his mind. As we have seen, in the original manuscript on the English constitution, Montesquieu had already explained that continental monarchies such as France, in which legislative and executive power were united in the hands of the monarch, nevertheless enjoyed a certain liberty thanks to the

independence of the judiciary power that characterized them; and this claim was repeated in the published version of the sixth chapter of Book XI.⁶⁹ (As an aside, it should be noted that Montesquieu's remarks were in all probability a reference to the venality of judiciary offices, which he had also praised in an earlier chapter of the *Spirit of the Laws* as conducive to good government in a monarchical context.⁷⁰)

In the *Spirit of the Laws*, Montesquieu did not leave it at these rather brief remarks. He further elaborated this point in chapters eight to eleven of Book XI. In these chapters, he explained why the monarchical form of government, in the proper sense of the word, was a relatively recent invention, which had not been part of the political culture of the Greeks and Romans. He put great emphasis on the "modernity" of monarchies, explaining that "the monarchies that we know"⁷¹ had been created only after the downfall of the Roman Empire. Even the greatest political thinkers of the ancient world, Montesquieu explained, had not been able to conceive a proper idea of the monarchy. This was because the ancients "did not know of the distribution of the three powers in the government of one alone."⁷² More specifically, they had not understood that in a monarchy (as opposed to a despotism), the judicial power should never be in the hands of the king.

Montesquieu illustrated this principle by discussing a historical example: the kingly governments of the "heroic" Greeks past. "The three powers were distributed there so," he wrote, "that the people had the legislative power, and the king, the executive power and the power of judging; whereas, in the monarchies we know, the prince has the executive and the legislative power, or at least a part of the legislative power, but he does not judge." Greek monarchies were, in other words, very different from modern monarchies, and this explained their instability. "It had not yet been discovered that the prince's true function was to establish judges and not to judge. The opposite policy rendered unbearable the government of one alone. All these kings were driven out. The Greeks did not imagine the true distribution of the three powers in the government of one alone, they imagined it only in the government of many."⁷³

In Book XI of the *Spirit of the Laws*, in short, Montesquieu did much more than express his admiration for the English constitution. He presented a compelling synthesis and elaboration of the ideas on liberty he had first developed in the 1730s, ideas he had developed to directly refute the republican identification of liberty and self-government, of monarchy and slavery. When Book XI is read as a whole, rather than with a narrow focus on the sixth chapter, it becomes quite clear that its overall goal was to sketch the nature and preconditions of the liberty a monarchical subject, such as Montesquieu himself, could enjoy. Montesquieu made clear that, with a correct understanding of the

concept of liberty as security, there could be no doubt that monarchies were equally capable, if not more so, than republics to guarantee the liberty of their subjects. In the *Spirit of the Laws*, he moreover explained in great detail what those preconditions were: a distribution of powers and especially the independence of the “power to judge.”

Conclusion

It will have become clear by now that Montesquieu’s attempt to define the nature and preconditions of liberty in the *Spirit of the Laws* was more than a purely theoretical exercise. Rather, Montesquieu was taking a clear stand against the prevailing republican discourse. Republican authors such as Machiavelli, Harrington, and Algernon Sidney, all of whom were still read and commented upon in Montesquieu’s own day, had equated liberty with autonomy, arguing that only republican citizens could be truly free and that monarchical subjects were no more than slaves. Montesquieu explicitly disagreed with this position, arguing that liberty had to be understood instead as a feeling of security. This new and sophisticated understanding of liberty allowed Montesquieu to claim in turn that monarchies *à la française* were just as capable of guaranteeing this kind of liberty to their subjects as republics. Unlike his contemporary Boulainvilliers, therefore, Montesquieu felt no need to plead for radical reforms of the French political system, such as the restoration of the Estates General.⁷⁴ Even within the existing parameters of mid-eighteenth-century France, liberty was a possibility.

If Montesquieu’s redefinition of liberty must be understood as a move within a debate between early-modern republicans and monarchists, however, his views were to have an influence on political thought that far surpassed this particular controversy. Some decades after the demise of the Old Regime, Montesquieu’s doctrine came to seem a suitable starting point for self-styled “liberals,” who were eager to distance themselves from the French Revolution and its republican excesses. Benjamin Constant, for instance, who had closely studied the *Spirit of the Laws*, famously defined “modern” liberty, which he distinguished sharply from “ancient” or republican liberty, as “the right to be subjected only to the laws, and to be neither arrested, detained, put to death or maltreated in any way by the arbitrary will of one or more individuals.”⁷⁵ The example of Montesquieu therefore points, just like the case of Thomas Hobbes, to an intriguing historical paradox. Modern liberalism, to the extent that this is a doctrine celebrating “negative” liberty, seems to have been as much indebted to the defense of early modern monarchy as to the struggle for its defeat.⁷⁶

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Notes

1. Throughout, I refer to the *Oeuvres complètes de Montesquieu*, ed. Roger Caillois (Paris: Pléiade, 1949-51), as Pléiade; *Oeuvres complètes de Montesquieu*, ed. André Masson (Paris: Nagel, 1950-55), as Nagel; and *Oeuvres complètes de Montesquieu*, ed. Jean Ehrard, Catherine Volpillac-Augier, et al. (Oxford: Voltaire Foundation, 1998-), as Voltaire Foundation. Unless otherwise indicated, all translations are my own.
2. Montesquieu investigated the nature and preconditions of liberty in particular in Books XI and XII (respectively “On the Laws That Form Political Liberty in Its Relation with the Constitution” and “On the Laws That Form Political Liberty in Relation to the Citizen,” although it should be noted that Book XIII (“On the Relations That the Levy of Taxes and the Size of Public Revenues Have with Liberty”) also had a lot to say about freedom.
3. Louis Desgraves points to the existence of this manuscript in his comprehensive *Montesquieu, L’oeuvre et la vie* (Paris: PUF, 1994). Robert Shackleton likewise lists *La Liberté politique* as one of Montesquieu’s lost manuscripts, see Shackleton, *Montesquieu. A Critical Biography* (Oxford: Oxford University Press, 1961), 405. In the Pléiade edition, the relevant notes or *pensées* are brought together under the heading “De la liberté politique” in the section “Fragments d’oeuvres projetées,” vol. I, no. 631-33.
4. Of course, Montesquieu’s theory of government has frequently been portrayed as polemical, with Montesquieu being pegged alternatively as a defender of ancient republics, the English constitution or monarchy *à la française*. For a clear-cut defense of each of these views, see, respectively: Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge: Cambridge University Press, 2004), 156-76; Thomas Pangle, *Montesquieu’s Philosophy of Liberalism: A Commentary on the Spirit of the Laws* (Chicago: University of Chicago Press, 1973); and Michael Mosher, “Free Trade, Free Speech, and Free Love: Monarchy from the Liberal Prospect in Mid-Eighteenth-Century France,” in *Monarchism in the Age of Enlightenment: Liberty, Patriotism, and the Common Good*, ed. John Christian Laursen, H. W. Blom, and Luisa Simonutti (Toronto: University of

Toronto Press, 2007), 101-20. However, the polemical nature of his conception of liberty itself, rather than of the constitutional framework most conducive to it, has remained underexplored. Simone Goyard-Fabre, for instance, describes Montesquieu's extensive reflection on the nature of liberty in Book XI and XII as prompted by metaphysical rather than political concerns. See Fabre's *Montesquieu: La nature, les lois et la liberté* (Paris: PUF, 1993).

5. The classic statement of this view is Pangle's *Montesquieu's Philosophy of Liberalism*. For a recent, nuanced and highly erudite articulation of this reading of Montesquieu, see Paul Rahe, *Montesquieu and the Logic of Liberty. War, Religion, Commerce, Climate, Terrain, Technology, Uneasiness of Mind, the Spirit of Political Vigilance, and the Foundations of the Modern Republic* (New Haven: Yale University Press, 2009).
6. Note though that Montesquieu's "conservative bent of mind" has also been remarked upon by recent commentators such as David Carrithers. See his "Introduction: An Appreciation of *The Spirit of Laws*," in *Montesquieu's Science of Politics: Essays on "The Spirit of the Laws*," ed. David Carrithers, Michael Mosher, and Paul Rahe (Lanham: Rowman & Littlefield, 2001), 12-15. Jacob Levy even describes Montesquieu as an ancient constitutionalist. See Jacob T. Levy, "Montesquieu's Constitutional Legacies," in *Montesquieu and His Legacy*, ed. Rebecca Kingston (Albany, NY: SUNY Press, 2009), 115-38.
7. Of late, an increasing number of scholars have drawn attention to Montesquieu's sympathetic portrayal of monarchy *à la française*. See Melvin Richter's *The Political Theory of Montesquieu* (Cambridge, 1977); Michael Mosher's contributions "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), 159-230; and "What Montesquieu Taught: 'Perfection Does Not Concern Men or Things Universally,'" in *Montesquieu and His Legacy*, ed. Rebecca Kingston (Albany, NY: SUNY Press, 2009), 7-30; as well as the already mentioned "Free Trade, Free Speech, and Free Love"; Céline Spector, *Montesquieu: pouvoirs, richesses et sociétés* (Paris: PUF, 2004); Michael Sonenscher, *Before the Deluge. Public Debt, Inequality, and the Intellectual Origins of the French Revolution* (Princeton: Princeton University Press, 2007), Chapter 2. For a powerful but (in my view) ultimately unconvincing discussion of Montesquieu as an antimonarchical thinker, see Marc Huelling, *Montesquieu and the Old Regime* (Berkeley: Berkeley University Press, 1976).
8. As discussed in Quentin Skinner, *Hobbes and Republican Liberty* (Cambridge: Cambridge University Press, 2008).
9. Quentin Skinner's first comprehensive statement of this argument was published under the title *Liberty before Liberalism* (Cambridge: Cambridge University

- Press, 1998). More recently, Skinner and Martin Van Gelderen edited a volume of essays on republicanism in eighteenth-century Europe that illustrates, among other things, the pervasiveness of this mode of thinking about liberty in the eighteenth century: *Republicanism: A Shared European heritage*, 2 vols. (Cambridge: Cambridge University Press, 2002). On the influence of republicanism in eighteenth-century France, see K. M. Baker, "Transformations of Classical Republicanism in Eighteenth-century France," *The Journal of Modern History* 73 (2001): 32-53.
10. Anna Grzeskowiak-Krwawicz, "Anti-Monarchism in Polish Republicanism in the Seventeenth and Eighteenth Centuries," in *Republicanism: A Shared European Heritage*, vol. 1, ed. Skinner and Van Gelderen, 43-60.
 11. For this argument, see Skinner, "Machiavelli's *Discorsi* and the Pre-Humanist Origins of Republican Ideas," in *Machiavelli and Republicanism*, ed. Gisela Bock, Quentin Skinner, and Maurizio Viroli (Cambridge: Cambridge University Press, 1990), 121-42; and Skinner, *Liberty before Liberalism*.
 12. Quentin Skinner, "The Monarchical Republic Enthroned," in *The Monarchical Republic of Early Modern England: Essays in Response to Patrick Collinson*, ed. John F. McDiarmid (Ashgate: London, 2007), 233-44.
 13. For a contemporary example of this important trope in British republican discourse, see Daniel Defoe, *A Word against a New Election, that the People of England May See the Happy Difference between English Liberty and French Slavery; and Consider Well, before they make the Exchange* (London, 1710).
 14. Skinner, *Hobbes and Republican Liberty*, 212.
 15. On Bossuet's defense of absolutism, see Nannerl O. Keohane, *Philosophy and the State in France: The Renaissance to the Enlightenment* (Princeton: Princeton University Press, 1980), 251-58.
 16. On the relationship between Montesquieu and Boulainvilliers, who might even have known each other personally: Robert Shackleton, *Montesquieu*, 12-13. On Boulainvilliers' idiosyncratic republicanism: Johnson Kent Wright, "The Idea of a Republican Constitution in Old Régime France," in *Republicanism: A Shared European Heritage*, vol. 1, 289-306.
 17. Montesquieu, *Lettres Persanes*, in *Pléiade*, vol. I, p. 153. For a republican reading of the story of the Troglodytes, see for instance Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge: Cambridge University Press, 2004), 156-59.
 18. *Pléiade*, vol. I, p. 281.
 19. *Pléiade*, vol. I, p. 285.
 20. Montesquieu, *Mes Pensées*, in *Pléiade*, vol. I, no. 1802, p. 1431. According to Robert Shackleton, Montesquieu wrote down this note shortly after the publication of the *Lettres Persanes*. See Shackleton, *Montesquieu*, 284.
 21. *Mes Pensées*, *Pléiade*, vol. I, note 12, p. 1653.

22. His library contained, for instance, the *Sylloge variorum tractatum anglico* (1649), a collection of original sources that had been compiled to demonstrate the innocence of the beheaded king. Montesquieu also possessed the *Defensio regia pro Carolo 1 ad Carol. 2* (1650) by the French humanist Claude Saumaise, which contained a scathing attack on the English rebels, as well as John Milton's reply to Saumaise, *Pro populo anglicano* (1651), in which the execution of Charles I and the founding of the republic was defended. See Louis Desgraves et al., *Catalogue de la Bibliothèque de Montesquieu à La Brède* (Paris: Universitas, 1999).
23. *Mes Pensées*, Pléiade, vol. I, no. 1802, pp. 1431-32.
24. Shackleton, *Montesquieu*, 284.
25. There is some discussion as to when the manuscript on the English constitution was written. According to Montesquieu's biographer Robert Shackleton, who based this opinion on a statement by Montesquieu's son and heir, it was written in 1734. But this date has been put into doubt recently by Catherine Volpilhac-Auger, the editor of the Voltaire Foundation edition of the *Oeuvres complètes*, who argues that a later composition date is possible, although the manuscript was surely completed no later than 1739. See Shackleton, *Montesquieu*, 239; and "Introduction," in *Oeuvres complètes de Montesquieu*, vol. 3, *De L'esprit des lois. Manuscrits*, I, ed. Catherine Volpilhac-Auger (Oxford, 2008). For a recent and extremely well-documented discussion of the context in which the manuscript on the English constitution was written, see Paul Rahe, "The Book That Never Was: Montesquieu's Considerations on the Romans in Historical Context," *History of Political Thought* 26 (Spring 2005): 43-89.
26. The longest and most important of these fragments is titled "De la liberté politique," which was probably written between 1734 and 1735. See Nagel, vol. II, *Mes Pensées*, no. 884. Later on, Montesquieu penned down yet another reflection on the nature and preconditions of liberty, which he titled "Quelques morceaux qui n'ont pu entrer dans la 'Liberté politique'" (Nagel, no. 934-35), which suggests that at this stage, Montesquieu had actually completed his treatise on liberty. However, it should be noted that Montesquieu might have started working on his treatise on liberty before 1734. *Pensée* no. 751, which was titled "Liberté," and in which Montesquieu expressed ideas that were very similar to *Pensée* 884, was probably written in 1733. For the putative dating of Montesquieu's *Pensées*, see Louis Desgraves, "Introduction. III. Les *Pensées*" in Nagel, vol. II, pp. xlv-lxv.
27. Montesquieu kept extensive travel notebooks during his trip, see *Voyages*, in Pléiade, vol. I, pp. 535-874. The travel diary he kept while in England is unfortunately lost; however, summary notes have been preserved under the title *Notes sur l'Angleterre*, and are edited in Pléiade, vol. I, pp. 875-84.
28. *Ibid.*, pp. 544-83, and pp. 913-22.
29. *Ibid.*, pp. 862-74.

30. Ibid., p. 876.
31. Shackleton, *Montesquieu*, 125-30.
32. *Pléiade*, vol. I, p. 884.
33. On Montesquieu's rediscovery of Machiavelli during his stay in England, see Robert Shackleton, "Montesquieu and Machiavelli: A Reappraisal," *Comparative Literature Studies* 1 (1963): 1-13. See also Montesquieu's own comments on Machiavelli: *Spicilège*, ed. Rolando Minuti, in Voltaire Foundation, vol. 13, no. 529.
34. Ibid., no. 539a.
35. Ibid., no. 515, 525.
36. Desgraves, *Catalogue de la Bibliothèque de Montesquieu*. Proof that Montesquieu did not just purchase but actually read the *Discourses* can be found in the fact that he approvingly referred to Sidney's thoughts on the representation of the nation versus of the representation of one's constituents in the *Spirit of the Laws*. See *De l'esprit des lois* in *Pléiade*, vol. II, p. 400.
37. *Mes Pensées*, *Pléiade*, vol. I, no. 631, pp. 1151-52.
38. Ibid., p. 1152.
39. Ibid.
40. Ibid.
41. Ibid.
42. Ibid.
43. An addition to this note, later erased, shows that Montesquieu might have had a lingering notion that liberty was a little safer in a republic than in a monarchy, because, as he wrote, a corrupted republic might change into a corrupted monarchy, while the problems of a corrupted monarchy were never-ending; but he ended up erasing this note. Ibid., p. 1153.
44. *Mes Pensées*, Nagel, vol. II, no. 918, p. 263.
45. Ibid., no. 934-35, pp. 265-66.
46. As already mentioned, the manuscript on the English constitution was written at some point during the 1730s, probably in 1734. Montesquieu then inserted this manuscript into the folio pages of the *Spirit of the Laws* and made some minor alterations. The differences between the original manuscript and the final draft of the sixth chapter of Book XI of the *Spirit of the Laws* are examined by Catherine Volpilhac-Augier in her edition of the manuscript of *De l'esprit des lois* for the Voltaire Foundation. See *De L'esprit des lois. Manuscrits*, in Voltaire Foundation, vol. 3, I.
47. Montesquieu described England in the *Spirit of the Laws* at one point as "a nation where the republic hides under the form of monarchy." *Spirit of the Laws*, V, 19, p. 70. I have used the English translation of the *Spirit of the Laws* edited and translated by A. Cohler, B. Miller, and H. Stone (Cambridge: Cambridge University Press, 1989).

48. David Lieberman, "The Mixed Constitution and the Common Law," in *The Cambridge History of Eighteenth-Century Political Thought*, ed. Mark Goldie and Robert Wokler (Cambridge: Cambridge University Press, 2006), 335.
49. *Ibid.*
50. *De l'esprit des lois*, Book XI, Chapter 6, in *Pléiade*, vol. II, pp. 397-98.
51. Léon Cahen, *Les querelles religieuses et parlementaires sous Louis XV* (Paris: Hachette, 1913), 13-19.
52. For a recent appraisal, see Jean-Pierre Bois, *Fontenoy, 1745: Louis XV, arbitre de l'Europe* (Paris: Economica, 1996).
53. David Hume, *Essays Moral and Political* (Edinburgh, 1742), 173-87.
54. *Ibid.*, 284.
55. David Hume's *Essays Moral and Political* are not included in the catalogue of Montesquieu's library, and the *Spicilège* nor his other notebooks make reference to Hume or his works. However, there is some evidence that Montesquieu saw Hume as a kindred spirit, because the President arranged for Hume to receive an advance copy of the first edition of the *Spirit of the Laws* brought out in England. See Louis Desgraves, *Chronologie critique de la vie et des oeuvres de Montesquieu* (Paris: Champion, 1998), notes for April 19, 1749.
56. In his discussion of Montesquieu's "system of liberty," Robert Shackleton, for instance, focuses exclusively on Montesquieu's description of the English constitution in chapter six, effectively ignoring the other nineteen chapters. See Shackleton, *Montesquieu*, 284-301.
57. Montesquieu, *Spirit of the Laws*, XI, 2, p. 154.
58. *Ibid.*, pp. 154-55.
59. *Ibid.*, XI, 3, p. 155.
60. *Ibid.*, XII, 2, p. 188.
61. *Ibid.*, XI, 3, p. 155.
62. E.g., Jonathan Israel, *The Enlightenment Contested: Philosophy, Modernity, and the Emancipation of Man 1670-1752* (Oxford: Oxford University Press, 2006), 293.
63. Montesquieu, *Spirit of the Laws*, XI, 6, p. 157. It should be noted that this sentence was a later addition and did not form part of the original manuscript on the English constitution. Again, this shows that Montesquieu was retroactively trying to highlight the connections between the ideas he had originally developed in *On Political Liberty* and the manuscript on the English constitution. See *De l'esprit des lois*, in *Voltaire Foundation*, vol. 3, I, p. 228.
64. Montesquieu, *Spirit of the Laws*, XI, 6, p. 157.
65. See above.
66. Montesquieu, *Spirit of the Laws*, XI, 5, p. 156.
67. *Ibid.*, XI, 6, p. 166.
68. *Ibid.*, XI, 20, p. 186.

69. See above.
70. Montesquieu, *Spirit of the Laws*, V, 19, pp. 70-71.
71. *Ibid.*, XI, 7, p. 166.
72. *Ibid.*, XI, 8, p. 168.
73. *Ibid.*, XII, 11, pp. 169-70.
74. On Boulainvilliers' call for a restoration of the Estates General: Harold Ellis, *Boulainvilliers and the French Monarchy: Aristocratic Politics in Early Eighteenth-Century France* (Ithaca, NY: Cornell University Press, 1988).
75. Benjamin Constant, *Political Writings*, ed. and trans. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), 310. Of course, Constant was not the simpleminded defender of negative liberty he is often made out to be, insisting that a dose of political liberty was indispensable for the preservation of modern liberty. See Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism* (New Haven: Yale University Press, 1984). Such subtlety, however, was lost on many of his nineteenth-century followers. See Annelien de Dijn, *French Political Thought from Montesquieu to Tocqueville: Liberty in a Levelled Society?* (Cambridge: Cambridge University Press, 2008), 157-58.
76. Note that monarchism was not the only Old Regime doctrine to influence nineteenth-century liberalism. A similar case can be made with regard to "aristocratic liberalism"—the idea that an aristocracy is necessary for the preservation of liberty—as I argue in *French Political Thought from Montesquieu to Tocqueville*. But compare Andreas Kalyvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns* (Cambridge: Cambridge University Press, 2008), who argue that "liberalism as we know it was born from the spirit of republicanism" (p. 4).

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