Montesquieu on Democracy

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Charles-Louis de Secondat, the baron de la Brède et de Montesquieu, played a crucial, albeit ambiguous role in the intellectual history of democracy. He described democracy in his masterpiece, *The Spirit of the Laws*, as an admirable form of government, capable of providing freedom and security to its citizens and of inspiring them to greatness and virtuousness, thus rupturing with the stereotypic view of democracy as the rule of the wicked or the stupid. But while rehabilitating the concept, Montesquieu also provided new arguments for democracy's opponents. In his view, democratic government, for all its positive characteristics, was suitable only for the small-scale city-states of antiquity, whose citizens were equals both politically and in economic terms. By contrast, the large, wealthy nations of modern Europe, characterized by luxury and economic inequality, were essentially unsuited to democratic self-government.

Montesquieu's ambiguous intervention would have a long-lasting impact on subsequent debate. On the one hand, his positive portrayal of democracy as an admirable regime was echoed in influential Enlightenment publications such as Diderot and d'Alemberts *Encyclopédie*. But at the same time, Montesquieu's understanding of democracy as a form of government profoundly unsuitable for modern nations had an even more long-

lasting impact on public debate. Montesquieu's dismissal of democracy as an essentially anachronistic form of government continued to be invoked throughout the eighteenth and early nineteenth centuries by democracy's opponents, ranging from monarchists who longed for a return to the Old Regime to proponents of oligarchic regimes such as the British constitution. Indeed, it was only in course of the nineteenth century that Montesquieu's portrayal of democracy as an anachronistic form of government came to be successfully challenged by thinkers such as Alexis de Tocqueville.

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When Montesquieu embarked upon writing his magnum opus, *The Spirit of the Laws*, in the 1730s and 1740s, 'democracy'and 'democrat'were still, as they had been for much of the early modern period, terms of abuse rather than concepts used in neutral political analysis, let alone to describe a desirable political ideal.[1] A particularly influential account of democracy was to be found in Jean Bodin's *Six Books of the Commonwealth*. First published in French in 1576, this monumental treatise (over 700 pages in its original, French edition) provided its readers with a new account of public law based on an innovative, comparative method. But Bodin's treatise also had a more polemical intent. Written in the context of the wars of religion, he set out to defend the authority of the French kings against their religious

[1] Cesare Cuttica, 'The Spectre Haunting Early Seventeenth- Century England (ca. 1603–1649): Democracy at Its Worst,' in Cesare Cuttica and Markku Peltonen (eds.) *Democracy and Anti- democracy in Early Modern England: 1603– 1689* (Leiden-Boston, Brill, 2019) p. 134.

opponents, the Huguenots, whose claims for greater power for the Estates General were buttressed by the invocation of newfangled theories of popular sovereignty.[2] One of Bodin's main goals was therefore to explain 'the inconueniences which follow a Popular estate,' so as to 'reduce them to reason which seeke to withdraw the subiect from the obedience of their naturall prince, through a false hope of libertie, in framing of Popular states".[3]

In order to make his case against democracy, Bodin started out by explaining what he meant by this term.[4] Democracy, he wrote, was one of three possible forms of government, in addition to monarchy and aristocracy. Rejecting Aristotle's definition of democracy as the rule of the poor as misguided and confusing (a 'labyrinth of errours"), Bodin argued instead that whether a state was monarchical, aristocratic or democratic depended on who held

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[2] On the intellectual and political context of Jean Bodin's *Six Books*, see Julian H. Franklin, 'Sovereignty and the Mixed Constitution: Bodin and His Critics', in J. H. Burns (ed.) The Cambridge History of Political Thought 1450–1700 (Cambridge, Cambridge University Press, 1991), pp. 298–328; J.H. Franklin, 'Introduction', in J. Bodin, Bodin: *On Sovereignty*, ed. J.H. Franklin (Cambridge: Cambridge University Press, 1992), pp. xxiii - xxiv. On Bodin's contribution to the intellectual history of democracy, see Kinch Hoekstra's contribution to this volume.

[3] J. Bodin, *The Six Bookes of a Common-weale. Written by I. Bodin a Famous Lawyer, and a Man of Great Experience in Matters of State. Out of the French and Latine Copies, Done into English*, trans. Richard Knolles (London, Adam Islip, 1606), p. 708.

[4] Note that Bodin uses the terms 'estat populaire' and 'democratie' as interchangeable in the original French version of the *Six Books*. Jean Bodin, *Six livres de la République* (Paris, Jacques Dupuis, 1583).

sovereignty: the one, the few or the many.[5] Democracy in this sense of the word was exemplified by ancient city states, notably Athens and Rome. In the latter, Bodin claimed, democracy had been established when the plebeians had managed to snatch sovereignty from patricians with the introduction of the lex Hortsensia, which laid down that votes of the plebeians were binding on the whole people. Bodin also listed a number of modern democracies, notably the Swiss cantons, but generally speaking it was a form of government he associated with the classical age. [6]

Yet Bodin did not simply provide his readers with a neutral analysis of democracy. He went on to explain at great length that democracy was the least good of the three forms of government he had identified. 'Some one may say,'he wrote, 'that a popular estate is the most commendable,'because it treated men all equally - as they were by nature. Other arguments in favor of democracy might be that in democratic states there was more room for talented men to develop their talents, whereas in aristocracies and monarchies the jealousy of the rulers 'keepes the subiects from all noble attempts.'And finally, a democracy might also be deemed commendable on the principle of fairness, as public goods were not usurped by the few.[7]

But these were all specious reasonings, as Bodin went on to explain. First of all, men were not naturally equal; on the contrary some were 'more iudicious and more ingenious than others", which was why some governed and others obeyed. Neither was democracy beneficial to men's 'natural libertie", Bodin maintained: 'there is no forme of Commonweale which hath so many lawes, so many magistrates, nor so many comptrollers as a popular estate.'But

[5] Bodin, *Six Bookes*, p. 250.

[6] See B. Straumann, *Crisis and Constitutionalism: Roman Political Thought from the Fall of the Republic to the Age of Revolution* (Oxford: Oxford University Press, 2016), p. 279.

[7] Bodin, *Six Bookes*, p. 701.

above all, democratic government was to be rejected because it was not conducive to the public good; indeed ‘there is no Commonweale where it is worse gouerned than by the people.’Ordinary people, Bodin believed, were simply too ignorant and too wicked to rule; they lacked the proper epistemic and moral capabilities for government. This point was particularly important to Bodin, who went on to quote a wide array of antique antidemocrats, including Plato and Aristotle. ‘A Popular estate,’Bodin concluded,

> hath bene alwaies opposit, and an enemie to all good men. For the preseruation of a Popular estate (if we shall beleeue Xenophon) is to aduance the most vitious and vnworthy men to offices and dignities.[8]

Indeed, this was a structural problem for democracies, Bodin claimed. For if the people should be ‘so ill aduised, as to giue offices of honour vnto vertuous men,’they would lose their power. Good men, he argued, would favor ‘none but the good, which are alwayes fewer in number”. The ‘wicked and vicious’on the other hand were always the most numerous, and they would be ‘excluded from all honour, and by little and little banished”. This meant that the rule of the wise and virtuous would automatically lead to a government of the few rather than the many, because ‘in the end wise men [would] seize vpon the estate, and take that from the people.”[9]

To the extent that it functioned at all, democracy functioned best, Bodin believed, when the people participated as little as possible in the actual governing of the state. This had

[8] Ibid., pp. 701-703.

[9] Ibid., p. 703.

been the case, for instance, in Rome during the period of the Middle Republic, when the Senate and the magistrates had done much of the governing for the nominally sovereign people. By contrast, the Roman Republic had succumbed to inner strife when the Gracchi brothers had 'increase[d] the wealth and libertie of the people; as a result 'there ensued thereof a most miserable change of that Commonweale'because of the 'immoderat libertie of the insolent people".[10]

Bodin found further proof of his negative assessment of democracy in history. In antiquity, he maintained, democracy and aristocracy had been the most popular forms of government. But over the centuries, experience had taught that monarchies were 'more sure, more profitable, and more durable also, than were the Popular estates, or Aristocraties". Hence hereditary government became 'generally receiued almost throughout all the world,'and the democracies and aristocracies that had been so widespread in mankind's early days were 'driuen out.'[11]

Bodin's *Six Books* had a major impact on political thinking. Offering readers a new science of politics, his classification of governments ultimately came to replace the Aristotelian classification which had played such a major role in medieval political thought.[12]

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[10] Ibid., p. 518.

[11] Ibid., p. 413.

[12] H.E. Braun, 'Making the Canon? The Early Reception of the République in Castilian Political Thought,' in Howell A. Lloyd (ed.) *The Reception of Bodin* (Leiden, Brill, 2013), p. 257-292. On Bodin's classification as anti-Aristotelian, see Ann Blair, 'Authorial Strategies in Jean Bodin', in Howell Lloyd (ed.) *The Reception of Bodin* (Leiden: Brill, 2013), pp. 137-156. Nevertheless, it should be noted that unlike Aristotle, Bodin did recognize democracy as a legitimate form of government, hence Daniel Lee has described him as 'perhaps the most

Within this context, Bodin's negative portrayal of democracy as the rule of the unwise and the unfit was hugely influential. This was due not just to Bodin's own authority as a learned jurist, but also to the violence unleashed in the wake of the religious wars in France and in Europe at large, when royal authority had on multiple occasions been challenged in the name of the people. Pierre Bayle, for instance, praised Bodin in his influential 1697 *Critical Dictionary*, as a thinker whose theories provided a useful antidote against dangerous theories of popular sovereignty. As Bayle explained to his readers:

> He [Bodin] saw France inundated with faction – torn apart by civil wars that licited a host of manifestoes and other writings which undermined the most essential and basic laws of government. For they wrote, and they spoke, of the power of peoples as freely as if they were already living under a democratic state, and as if they were seeking to reduce that power in practice, through plotting to reassign the crown. They even sanctioned those assassins who, under pretext of tyranny, conspired against the lives of kings. This could be followed only by the most dreadful devastation; and this was why Bodin, by opposing such licence, showed himself to be exceedingly concerned for the public good.[13]

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important systematic early modern theorist of popular sovereignty.' Daniel Lee, *Popular Sovereignty in Early Modern Constitutional Thought* (Oxford, Oxford University Press, 2016), p. 163.

[13] Pierre Bayle, *Bayle: Political Writings*, ed. Sally Jenkinson (Cambridge, Cambridge University Press, 2000), p. 27.

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Set against this background, the innovative nature of Montesquieu's account of democracy, provided in his 1748 masterpiece *The Spirit of the Laws*, is immediately apparent. Like Bodin's *Six Books*, *The Spirit of the Laws* was a work of staggering ambition and methodological innovation. Trained as a lawyer, Montesquieu, aimed to make the variety in positive laws and institutions more intelligible. He did so by showing that different societies required different political institutions and laws. The ideal state, as Montesquieu maintained, did not exist. Instead, the government 'most in conformity with nature'was 'the one whose particular arrangement best relates to the disposition of the people for whom it is established."[14]

Starting from this innovative methodological approach, Montesquieu went on to compare and contrast different forms of government, explaining how and why they were better suited to specific types of societies depending on the climatic zone they were in as well as various other characteristics. More specifically, Montesquieu identified three ideal types of government: republics, monarchies and despotisms. He defined democracy – much like Bodin had done – as a specific type of republican form of government in which the people as a whole held sovereign or legislative power, whereas in aristocratic republics power was monopolized by an elite. Democratic and aristocratic republics differed in turn from

[14] [Charles-Louis de] Montesquieu, *The Spirit of the Laws*, ed. and trans. A. Cohler, B. Miller and H. Stone (Cambridge, Cambridge University Press, 1989), 1:3. As is customary references to *The Spirit of the Laws* include book and chapter numbers instead of page numbers.

monarchies and despotisms. The latter were forms of government in which sovereign power was in the hands of a single person, although in a monarchy the king's power was limited by the existence of 'intermediary bodies', such as the parlements in France, whereas a despot's power was unrestrained.[15]

Montesquieu's definition of democracy, in short, was quite similar to Bodin's.[16] But there were important differences in their normative evaluation of this type of government. Readers of *The Spirit of the Laws* were presented with a surprisingly positive picture of democracy as a form of government capable of fostering freedom as well as good government.[17] Thus, Montesquieu categorized democracy as a 'moderate' form of government, capable of providing peace and security to its citizens. Both in monarchies and in republics, Montesquieu explained, the sovereign exercised power within the bounds of the law. By contrast, in a despotism, the unchecked will of the ruler was law. Both monarchies and republics – including democratic republics – were therefore 'moderate' types of government, which distinguished them from despotism, which was an 'extreme' form of

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[15] Ibid., 2:1-5.

[16] Montesquieu had read Bodin but cited him little. See Jean Terrel, 'Bodin, Jean', trans. Philip Stewart, in Catherine Volpilhac-Auger (ed.) *A Montesquieu Dictionary* [online], (ENS Lyon, 2013). URL: http://dictionnaire-montesquieu.ens-lyon.fr/en/article/1377670563/en.

[17] On Montesquieu's positive depiction of (democratic) republics, see: N. O. Keohane, 'Montesquieu: Constitutionalism and Civic Virtue,' in *Philosophy and the State in France: The Renaissance to the Enlightenment* (Princeton: Princeton University Press, 1980), 392–419; and Elena Russo, 'The Youth of Moral Life: The Virtue of the Ancients from Montesquieu to Nietsche' in *Montesquieu and the Spirit of Modernity*, ed. David Carrithers and Patrick Coleman (Oxford: Voltaire Foundation, 2002), 101–23.

government. ('It is not a drawback,' Montesquieu wrote for instance, 'when the state passes from moderate government to moderate government, as from republic to monarchy or from monarchy to republic, but rather when it falls and collapses from moderate government into despotism.'[18])

Montesquieu elaborated on this idea in Book 6 of *The Spirit of the Laws*, which dealt with the administration of criminal law in different types of government (a topic very important to him since he was a magistrate himself). According to Montesquieu, the way in which justice was administered differed substantially from one type of government to the next. In particular, there was a key difference between moderate and despotic governments in the way in which justice was administered. In despotic governments, 'cruelty' was common, as 'fortune favors only one man exorbitantly and abuses all the rest.' By contrast, 'gentleness reigns in moderate governments."[19]

Montesquieu made clear that this was particularly true of democratic republics. Their 'gentleness', he explained, was 'inspired by a form of government that each seems to have given to himself'.[20] In addition, laws required less force in democratic governments, since patriotism and 'shame' acted as powerful deterrents. Democratic citizens were typically motivated by self-restraint rather than fear of external punishment. As Montesquieu put it: 'When a people is virtuous few penalties are needed'.[21] This also explained why in democratic societies, paternal authority was generally respected: 'We have already said that none of the forces in a republic is as repressive as those in other governments. The laws must,

[18] Montesquieu, *Spirit of the Laws*, 8:8.

[19] Ibid., 6:9.

[20] Ibid., 5:15.

[21] Ibid., 6:11.

therefore, seek to supplement them; they do so by paternal authority.'[22] As an example, he pointed to ancient Rome, where fathers had the right of life and death over their children, and where women were put under the guardianship of their husbands or male relatives.[23]

In addition to their 'gentleness', Montesquieu noted several other advantages to democratic republics as well. Thus, he was remarkably positive about the moral disposition of democratic citizens compared to monarchical subjects.[24] In a well-functioning democracy, citizens were keen to obey the laws and to put the general interest before their own interest. Democratic citizens typically displayed 'heroic virtues' such as 'true glory, self-renunciation, sacrifice of one's dearest interests.' Monarchical subjects, by contrast, were motivated by their desire for 'honor': they were keen for the approval of their king and the visible markers thereof, such as medals or honorifics. Montesquieu made it quite explicit that a king's subjects, unlike democratic citizens, were rarely or never motivated by a genuine concern for the common good, instead 'each person works for the common good, believing he works for his individual interests". All this meant that 'in a monarchy it is very difficult for the people to be virtuous'.[25]

[22] Ibid., 5:7.

[23] Ibid., 7:12.

[24] For this point, see David W. Carrithers, 'Democracy', in in Catherine Volpilhac-Auger (ed.) *A Montesquieu Dictionary* [online], (ENS Lyon, 2013). URL: http://dictionnaire-montesquieu.ens-lyon.fr/en/article/1377670563/en.

[25] Montesquieu, *Spirit of the Laws*, 3:5-7.

Moreover, according to Montesquieu, democratic self-government – far from leading to licentiousness, as Bodin had claimed - went hand in hand with the existence of strong norms and values. 'Love of the homeland,' Montesquieu noted,

> leads to goodness in mores, and goodness in mores leads to love of the homeland. The less we can satisfy our particular passions, the more we give ourselves up to passions for the general order. Why do monks so love their order? Their love comes from the same thing that makes their order intolerable to them. Their rule deprives them of everything upon which ordinary passions rest; what remains, therefore, is the passion for the very rule that afflicts them. The more austere it is, that is, the more it curtails their inclinations, the more force it gives to those that remain.[26]

Thus, democracies typically had sumptuary laws prohibiting displays of luxury, as well as norms and values that acted as a check on sexual license. ('If you leave the impulses of the heart at liberty, how can you hamper the weaknesses of the spirit?'[27])

Finally, again in marked distinction to Bodin, Montesquieu suggested that democratic regimes were not just more 'gentle' than other types of government, but also that they might lead to better, more capable government than other regime types. In a monarchy, he explained, the hereditary ruler chose his advisors. In a democracy, the people did. And while common people were not very good at conducting public business for themselves, they were better equipped than monarchs to select agents to do so for them. 'The people,' Montesquieu

[26] Ibid., 5:2.

[27] Ibid., 7:14.

noted, 'are admirable for choosing those to whom they should entrust some part of their authority.' The history of Athens and Rome proved as much. The citizens of those democratic republics had persistently appointed the best and wisest among them to guide them.[28] Montesquieu in other words disagreed profoundly with the established wisdom which posited that the people were too stupid to make important decisions.

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In *The Spirit of the Laws*, in short, Montesquieu presented his readers with a sympathetic account of democracy as a form of government capable of fostering freedom and wise government, as well as inspiring its citizens to virtue and greatness. Exactly why Montesquieu's assessment diverged so much from earlier accounts of democracy, notably Jean Bodin's negative view, remains an open question. Montesquieu's writings attest to his fascination with, and love for, classical antiquity – an admiration his shared with many other enlightened philosophes.[29] Perhaps his endorsement of democracy was inspired by this more general admiration for classical antiquity, an era generally seen as the heyday of democratic self-government. In his earliest published work, *The Persian Letters*, Montesquieu had talked for instance about 'those republics that brought such glory to Greece, the only civilized

[28] Ibid., 2:2.

[29] See Peter Gay, *The Enlightenment: An Interpretation*. Vol.1 *The Rise of Modern Paganism*. (New York-London: W.W. Norton & Company, 1966-1969); Dan Edelstein, *The Enlightenment: A Genealogy* (The University of Chicago Press: Chicago and London, 2010), pp. 52-60.

country among so many barbarians'.[30] He was even more enamored of Roman history. His 1734 *Considerations on the Romans* consisted of a lengthy account of the rise and fall of the Roman Republic, in which he expressed fulsome praise for Rome as a city 'founded for grandeur.'[31]

Yet there was another side to Montesquieu's views on democracy as well. For all his admiring words about democratic republics, Montesquieu made it crystal clear that he believed this type of government was a thing of the past.[32] In doing so, Montesquieu followed to some extent in Jean Bodin's footsteps, who had likewise depicted democracy as a form of government prevalent in antiquity but not in the modern age. Yet there was an important difference in how both scholars explained the demise of democracy in the post-classical age. According to Bodin, as we saw earlier, the disappearance of democracy had been the result of a learning process: people had come to realize, through experience, that it was an undesirable

[30] [Charles-Louis de] Montesquieu, *Persian Letters*, intro. Andrew Kahn and trans. Margaret Mauldon (OUP, Oxford, 2008), p. 175.

[31] [Charles-Louis de] Montesquieu, *Reflections on the Causes of the Rise & Fall of the Roman Empire* (Edinburgh, A. Donaldson., 1775), p. 74.

[32] On this point, see Thomas Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on 'The Spirit of the Laws'* (Chicago: University of Chicago Press, 1973); Paul Rahe, *Montesquieu and the Logic of Liberty: War, Religion, Climate, Terrain, Technology, Uneasiness of Mind, the Spirit of Political Vigilance, and the Foundations of the Modern Republic* (New Haven: Yale University Press, 2009); Pierre Manent, *The City of Man*, trans. Marc A. LePain (Princeton University Press, 1998), ch. 1–2; and Keegan Callanan, *Montesquieu's Liberalism and the Problem of Universal Politics* (Cambridge, Cambridge University Press, 2018), pp. 31-62.

form of government, and hence they had ended up choosing monarchy instead. In Montesquieu's view, by contrast, democracy had disappeared because socio-economic conditions in the modern age differed profoundly from those in antiquity, making democratic self-government unsuitable for modern peoples. It had become, in short, an anachronistic type of polity, and that, rather than a growing awareness of democracy's deficiencies, explained its demise.

Montesquieu listed a host of reasons why democracy was no longer suitable for modern nations. This was first and foremost a question of size. Democracy, as Montesquieu explained in *The Spirit of the Laws*, could only function in the kind of small city-states that had been so prevalent in antiquity. In large nations such as eighteenth-century France, it was simply impossible to bring all citizens together to collectively conduct public business. The small size of ancient city-states was also conducive to the fellow-feeling required for democratic self-government. Hence, it was 'in the nature of a republic to have only a small territory; otherwise, it can scarcely continue to exist.'[33]

But there were other reasons as well. Democracy, Montesquieu posited, required a virtuous citizenry, that is, a citizenry capable of putting the common good ahead of their private interests. Without such a moral disposition, democratic self-rule would descend into anarchy and chaos, as citizens would refuse to obey laws that personally inconvenienced them. And ancient peoples had been virtuous – whereas people in his own day and age were not. 'Most of the ancient peoples,' he wrote wistfully, 'lived in governments that had virtue

[33] Montesquieu, *Spirit of the Laws*, 8:16.

for their principle, and when that virtue was in full force, things were done in those governments that we no longer see and that astonish our small souls.'[34]

These differences in moral disposition were in turn the result of socio-economic changes. Ancient peoples, Montesquieu explained, were more virtuous because their societies were characterized by economic equality. Only citizens who were more or less equal in terms of their economic condition would be able to identify their own interests with the common good. As Montesquieu expressed it: 'As each one there should have the same happiness and the same advantages, each should taste the same pleasures and form the same expectations.'[35] In addition to their economic equality, the virtuousness of the ancient peoples also depended on their frugality. 'For people who have to have nothing but the necessities,' Montesquieu maintained, 'there is left to desire only the glory of the homeland and one's own glory. But a soul corrupted by luxury has many other desires; soon it becomes an enemy of the laws that hamper it.'[36] It was therefore 'not sufficient in a good democracy for the portions of land to be equal, they must be small, as among the Romans.'[37]

Modern nations, by contrast, were characterized by lack of virtue, Montesquieu maintained. Throughout *The Sprit of the Laws*, Montesquieu repeatedly suggested that the disappearance of virtue in the modern world was due to changes in the legal system, notably the introduction of inheritance laws such as primogeniture and entails that promoted the concentration of wealth and power in the hands of a few noble families.[38] But he seemed to

[34] Ibid., 4:4.

[35] Ibid., 5:2.

[36] Ibid., 7:2.

[37] Ibid., 5:6.

[38] Ibid., 5.5, 7.5.

attach even more importance to structural economic changes, notably the rise of commerce, which had stimulated growing inequality and luxury. Montesquieu believed that commerce in Europe was 'less extensive formerly than it is at present.' Population growth in the north of Europe, he explained, had led to increased commerce between north and south. The invention of the compass also played a role in the growth of commercial activity. The rise of commerce in the modern age had in turn resulted in growing wealth and luxury. ('The effect of commerce is wealth; the consequence of wealth, luxury'), with deleterious effects on the moderns' capacity for virtue. 'The political men of Greece who lived under popular government,' he wrote, 'recognized no other force to sustain it than virtue. Those of today speak to us only of manufacturing, commerce, finance, wealth, and even luxury.'[39]

This is not to say that Montesquieu believed that commerce immediately led to democratic decline. In the short term, it was quite possible for democratic self-government to subsist together with commercial wealth. 'Certainly, when democracy is founded on commerce,' he noted, 'it may very well happen that individuals have great wealth, yet that the mores are not corrupted. This is because the spirit of commerce brings with it the spirit of frugality, economy, moderation, work, wisdom, tranquillity, order, and rule. Thus, as long as this spirit continues to exist, the wealth it produces has no bad effect.'[40] Indeed, in some ways democracies were better suited for commerce than monarchy - ('great commercial enterprises are not for monarchies, but for the government by many'[41]) - because property was more secure in democracy than in states ruled by a single person, 'and because one believes that

[39] Ibid., 2:3.

[40] Ibid., 5:6.

[41] Ibid., 20: 4.

what one has acquired is secure, one dares to expose it in order to acquire more; only the means for acquisition are at risk; now, men expect much of their fortune.'[42]

Yet in the longer term, commercial success and the wealth this generated were incompatible with democratic self-government, as it tended to undermine the virtuousness of the citizenry. The example of Rome made clear as much. At the outset, Montesquieu explained, the Romans had engaged but little in commerce. 'Their genius, their glory, their military education, and the form of their government,' Montesquieu noted, 'drew them away from commerce'.[43] Yet as Rome extended its power, it became more commercial; and this development had eventually led to the fall of Roman Republic: 'This new commerce produced luxury, which we have proved to be as favorable to the government of one alone as it is fatal to that of many; that this establishment dated from the fall of their republic; that the luxury of Rome was necessary; and that a town that attracted all the wealth of the universe had to pay for that wealth with her luxury.'[44]

In short, Montesquieu, for all his positive portrayal of democratic republics, provided his readers with very compelling arguments for why the example of Athens and Rome should not be imitated in the modern age: democratic self-government was anachronistic. The recent history of England provided another case in point. During the Civil War, Montesquieu explained, the English had attempted to build a democracy and they had failed abjectly – thus demonstrating that this form of government was simply unsuitable for modern peoples.

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[42] Ibid.

[43] Ibid., 21:14.

[44] Ibid., 21:16.

> It was a fine spectacle in the last century (he wrote) to see the impotent attempts of the English to establish democracy among themselves. As those who took part in public affairs had no virtue at all, as their ambition was excited by the success of the most audacious one and the spirit of one faction was repressed only by the spirit of another, the government was constantly changing; the people, stunned, sought democracy and found it nowhere. Finally, after much motion and many shocks and jolts, they had to come to rest on the very government that had been proscribed.[45]

Having dismissed democracy as an essentially anachronistic form of government, Montesquieu went on to provide his readers with a few alternatives that were, in his view, more suitable for modern, freedom-loving peoples. Perhaps most famously, he provided his readers with an admiring portrait of England's constitution, as it had taken shape in the wake of the Glorious Revolution. As a regime in which 'the form of an absolute government' masked 'the foundation of a free government' [46], England represented a form of government that had been unknown in antiquity. Most importantly, the English constitution was characterized by the separation of the executive, legislative and judicial powers, as well as by representative institutions rather than the direct participation of the people. Because of these

[45] Ibid., 3.3.

[46] Ibid., 19.27.

features, English freedom did not require a virtuous citizenry, and hence its constitution was compatible with commercial wealth and luxury.[47]

In addition to the English constitution, Montesquieu also portrayed moderate monarchy – exemplified by the government of his own country, France, - as a modern alternative to the republics of classical antiquity.[48] Monarchies provided freedom and security to their citizens, Montesquieu explained, without making onerous demands of their citizens in terms of their moral disposition. This made the monarchical system of government much more suitable for the modern world. Thus, Montesquieu compared monarchies to the 'finest

[47] Ibid., 11:6; 7:6, 19:27). On Montesquieu's praise for England as an alternative to the ancient republics, see Pangle, *Montesquieu's Philosophy of Liberalism*; and Rahe, *Montesquieu and the Logic of Liberty*.

[48] On Montesquieu as a defender of moderate monarchism, see Céline Spector, *Montesquieu: Pouvoirs, richesses et sociétés* (Paris: PUF, 2004); 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, MD: Rowman and Littlefield, 2001), 159–230, and Michael Mosher, 'What Montesquieu Taught: 'Perfection Does Not Concern Men or Things Universally,'' in *Montesquieu and His Legacy*, ed. Rebecca Kingston (Albany: State University of New York Press, 2009), 7–30; Sharon Krause, *Liberalism with Honor* (Cambridge, MA: Harvard University Press, 2002), 32–66; and Annelien de Dijn, 'Montesquieu's Controversial Context: The Spirit of the Laws as a Monarchist Tract', *History of Political Thought*, 34 (2013): 66-88. Note that there is considerable debate about whether Montesquieu preferred the English constitution or the French model for modern polities. See Annelien de Dijn, 'Was Montesquieu a Liberal Republican?', *The Review of Politics*, 76 (2014), pp. 21-41.

machines,' in which 'great things' were accomplished by employing 'as few motions, forces, and wheels as possible.' In monarchies, he explained, 'the state continues to exist independently of love of the homeland, desire for true glory, self renunciation, sacrifice of one's dearest interests, and all those heroic virtues we find in the ancients and know only by hearsay'.[49]

Montesquieu made clear that monarchies were much more suitable than republics for the modern nations of eighteenth-century Europe in other respects as well. Unlike republics, monarchies were appropriate for medium-large territories, since they did not require the strong communal bonds demanded by republican self-government.[50] Similarly, the monarchical system of government—unlike the republic—was compatible with the existence of social inequality and hierarchy. Monarchies therefore did not require the imposition of sumptuary laws to prohibit ostentatious displays of wealth—indeed, 'luxury was singularly appropriate in monarchies'.[51] And monarchies were also compatible with the existence of private-oriented religions such as Christianity, which undermined the rigorous devotion to the public good demanded of republican citizens.[52]

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[49] Montesquieu, *Spirit of the Laws*, 2.5.

[50] Ibid., 8.17.

[51] Ibid., 7.4.

[52] Ibid., 4.4.

By arguing that democracy was an attractive form of government, and yet hopelessly obsolete, Montesquieu added a novel perspective to political debate.[53] Earlier scholars, like Jean Bodin, had decried democracy as an undesirable political system, a form of government that could only lead to chaos and mobocracy. Montesquieu, by contrast, argued that democracy was in and of itself an admirable form of government. If it was to be rejected, this was because it was no longer suitable for the large, wealthy nations of modern Europe. Democratic self-government, he maintained, had worked well for antique city-states, with their frugal and virtuous citizens. But under the conditions prevailing in eighteenth-century Europe, democracy could not survive. Luckily, there were moderate types of government that were much more suitable for modern peoples, such as the English constitution with its representative institutions, or moderate monarchies such as France, where the king's power was bounded by intermediary institutions.

After its publication in 1748, *The Spirit of the Laws* became staple reading for Europe's educated elite, so much so that Peter Gay has dubbed Montesquieu 'the most influential writer of the eighteenth century.'[54] It should therefore come as no surprise that

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[53] In celebrating 'modern' forms of government like the English constitution and moderate monarchy as superior to ancient republics, Montesquieu was inspired by the so-called 'Quarrel of the Ancients and the Moderns', a primarily literary dispute triggered by Charles Perrault's claim that 'modern' (i.e., seventeenth-century) authors had equalled and indeed surpassed their ancient models. See Annelien de Dijn, 'Enlightenment Political and Social Thought', in M. Moriarty & J. Jennings (eds.), *The Cambridge History of French Thought* (Cambridge: Cambridge University Press), pp. 241-248.

[54] Peter Gay, *The Enlightenment: An Interpretation*. Vol.2 *The Science of Freedom*. New York-London: W.W. Norton & Company, 1966-1969, p. 325.

Montesquieu's masterpiece also had a major impact on subsequent theorizing about democracy. *The Spirit of the Law*'s remarkably positive portrayal of democracy caused quite a stir. Many readers were scandalized by the fact that Montesquieu did not condemn democracy outright but compared it favorably, on some points, with monarchy. Notably, Montesquieu's claim that republican citizens were motivated by virtue, whereas monarchical subjects were not, sparked fierce criticism. Montesquieu felt obligated to add a preface to later editions of *The Spirit of the Laws* explaining that 'what I call virtue in a republic is love of the homeland, that is, love of equality. It is not a moral virtue or a Christian virtue; it is political virtue'.[55] But that did not quell the debate. Pro-monarchical thinkers like the Prussian scholar Thomas Abbt felt compelled to counter Montesquieu's claims by writing learned treatises defending monarchy's ability to inspire virtue and love of fatherland among its subjects.[56]

Yet Montesquieu's positive appraisal of democracy also resonated with some of his readers.[57] The article on 'Democracy' in Diderot and d'Alemberts famous *Encyclopédie*, for instance, reads as an encomium to this much-maligned form of government. Its author, the

[55] Montesquieu, *Spirit of the Laws*, p. xli.

[56] Simone Zurbuchen, 'Theorizing Enlightened Absolutism: The Swiss Republican Origins of Prussian Monarchism', in Hans W. Blom, et al. (eds.) *Monarchisms in the Age of Enlightenment : Liberty, Patriotism, and the Common Good* (Toronto, University of Toronto Press, 2007), pp. 240-267.

[57] But compare Pierre Rosanvallon, who claims that democracy 'was almost always associated with images of disorder and anarchy' by eighteenth-century thinkers. Rosanvallon, 'The History of the Word 'Democracy' in France,' *Journal of Democracy* 6 (1995), 142.

chevalier de Jaucourt, portrayed democracy as admirable form of government, capable of inspiring virtue and greatness among its citizen:

> Democracies … shape men, great actions, and heroic virtues. To become convinced of this, one only needs to look at the republics of Athens and Rome, which thanks to their constitution have elevated themselves over and above all empires of the world.[58]

Jaucourt also argued that ordinary people were well-suited to choosing their representatives, and that hence democracy would not lead to the rule of the unwise and the unfit. He did admit that democracy was quite difficult to maintain, as it was hard to avoid both the spirit of extreme inequality, which led to aristocracy, and the spirit of extreme equality, leading to despotism. But he nevertheless emphasized that it was a government 'admirable in principle'. At the end of his essay, Jaucourt made the Montesquieuian provenance of this account of democracy explicit, noting that he had provided his readers with what was basically an 'extract' from 'the book on the spirit of the laws'.[59]

Of course, Jaucourt's endorsement of democracy remained a minority view for most of the eighteenth century. It was only during the most radical phase of the 1789 revolution that a movement of self-described 'democrats' emerged, spearheaded by the Jacobins. After

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[58] Louis de Jaucourt, 'Démocratie,' in *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers, etc.,* eds. Denis Diderot and Jean le Rond d'Alembert. University of Chicago: ARTFL Encyclopédie Project (Spring 2021 Edition), Robert Morrissey and Glenn Roe (eds.), 4:816 [http://encyclopedie.uchicago.edu/]. My translation.

[59] Ibid, 4:818. My translation.

Louis XVI's flight to Varennes, many revolutionaries began to call for a republic. Gradually, some of them started using the words 'democratic republic' or 'democracy' to describe the regime they envisaged replacing France's ancient monarchy. Maximilien de Robespierre for instance proudly declared in 1794 that the 'French are the first of the world's peoples to have established true democracy, by calling all men to equality and the fullness of rights proper to a citizen.' This was a major achievement, Robespierre believed, since 'it is only under democracy, that the state is truly the homeland of all the individuals who compose it.'[60]

When the Jacobins talked about introducing democracy in France, it might be noted, they meant something different from what Montesquieu had meant when he used that term. To Montesquieu, as we saw, 'democracy' was a concept reserved for the direct democracies of antiquity. But when Robespierre and his fellow revolutionaries talked about democracy, they made clear that they were thinking about a regime where lawmaking was done not by citizens themselves, but by democratically elected representatives. 'Democracy,' Robespierre clarified in a speech of 5 February 1794, 'is not a state where the people, continuously assembled, rules by itself over all public affairs ... Democracy is a state wherein the sovereign people, guided by laws of its own making, does all that it can do properly on its own while delegating to representatives all that the people cannot do itself.'[61]

Yet in other respects, the Jacobins remained close to Montesquieu's understanding of democratic government. Like Montesquieu, they believed that such a type of government required a virtuous citizenry, capable of putting the general interest above one's own private

[60] Quoted in R. Scurr, 'Varieties of Democracy in the French Revolution,' in Joanna Innes and Mark Philp (eds.) *Re-imagining Democracy in the Age of Revolutions: America, France, Britain, Ireland 1750-1850* (Oxford: Oxford University Press, 2013), p, 68.

[61] Quoted in Scurr, 'Varieties of Democracy', p. 67.

interests. This inspired the Jacobins in turn to attempt to remake French society, so as to foster virtue and patriotism. And again like Montesquieu, Robespierre and his allies believed that this required new laws and regulations promoting more economic equality as well as greater frugality. Hence, the Jacobins, taking a leaf directly out of *The Spirit of the Laws*, introduced inheritance laws that were meant to foster the division of landed property. In 1793 and 1794, they prohibited primogeniture and entails, and made it obligatory to divide property equally among one's heirs. Only a small portion of the estate, known as the 'disposable portion,' was left free to be assigned by will, and it could be left only to nonheirs—to charity, for example.[62]

Montesquieu's writings, in short, played a crucial role in the rehabilitation of both the term 'democracy' and the principle of popular self-government in the second half of the eighteenth century. But at the same time, Montesquieu's novel arguments against democracy – that it was, in essence, an anachronistic form of government – arguably had an even more considerable impact on political debate.[63] Jean-Jacques Rousseau, for instance, wholeheartedly agreed with Montesquieu that democracy was not a feasible political regime for modern Europeans. 'The ancient peoples can no longer provide a model for the new, they have become too alien in every respect,' Rousseau wrote for instance in his address to the burghers of Geneva:

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[62] Annelien de Dijn, *Freedom: An Unruly History* (Cambridge, MA Harvard University Press, 2020), p. 196.

[63] For the association between democracy and social backwardness in eighteenth-century French and Scottish political thought, see Wilfried Nippel, *Ancient and Modern Democracy: Two Concepts of Liberty?* (New York, NY: Cambridge University Press, 2015), pp. 105-118.

> You are neither Romans nor Spartans, not even Athenians. Forget all these great names that do not suit you; you are merchants, craftsmen, bourgeois, always involved in your own private interests, with your work, your trade, your profit; really just people for whom liberty is only a means to acquire without hindrance and keep your property secure.[64]

Montesquieu's views, it might be noted, were further developed by Scottish philosophers and historians, who invented the influential four-stage theory of history.[65] Like Montesquieu, they believed that the rise of commerce constituted a major historical development, causing a watershed between antiquity and the modern world (just like the emergence of agriculture had caused a major watershed with earlier social stages such as hunting and pastoralism). And again like Montesquieu, they believed that this development had made democracy unsuitable for modern peoples. Adam Ferguson, for instance, explained as much in his widely read *Essay on the History of Civil Society*, first published in 1767 The rise of commerce had resulted in growing economic inequality, which in turn undermined democracy. 'In every commercial state, notwithstanding any pretension to equal rights, the exaltation of a few must depress the many,' he wrote. 'The principal objections to democratical or popular

[64] Quoted in Nippel, *Ancient and Modern* Democracy, p. 112.

[65] J. Moore, 'Montesquieu and the Scottish Enlightenment', in R. Kingston (ed.) *Montesquieu and his Legacy* (Albany, SUNY Press, 2009), pp. 179–95.

government, are taken from the inequalities which arise among men in the result of commercial arts.'[66]

Subsequent events – notably the way in which the French Revolution played out – only helped to reinforce this message. Attempts to introduce democracy in France after the execution of Louis XVI backfired spectacularly. Jacobin rule did not lead to freedom for all but to violence and bloodshed. This dramatic turn of events reinforced Montesquieu's main lesson: that democracy was simply an unsuitable form of government for modern peoples.[67] Even many former republicans became convinced that popular self-government was too demanding for modern citizens, corrupted as they were by wealth and luxury. The Swiss thinker Benjamin Constant, an avid reader of Montesquieu, spoke for many when he dismissed Jacobin attempts to introduce 'ancient liberty' in France as essentially misguided. When the Jacobins attempted to introduce democracy in France, the 'restored edifice of the ancients' had collapsed, because this form of government was unsuitable for modern, commercial peoples. In modern societies, the British constitution, with its many elitist features, was the only alternative to despotism.[68]

It was only in the 1830s that democracy slowly came to shed its association with antiquity. This had much to do with developments in the newly founded American Republic, where by the 1820s most states had introduced manhood suffrage for whites. The United

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[66] Adam Ferguson, *An Essay on the History of Civil Society* (London, T. Cadell, 1767), p. 312.

[67] See Annelien de Dijn, *Liberty in a Levelled Society? French Political Thought from Montesquieu to Tocqueville* (Cambridge: Cambridge University Press, 2008).

[68] Benjamin Constant, *Political Writings*, ed. Biancamaria Fontana (Cambridge: Cambridge University Press, 1988), pp. 308–328.

States thus proved that democracy could thrive in the conditions of modern society. Some, like the French nobleman Alexis de Tocqueville, now even came to argue that this regime presaged the future rather than the past. In his *Democracy in America*, Tocqueville agreed with many aspects of Montesquieu's portrayal of democracy. He too argued it was a regime in which the people exercised sovereignty, much as they had done so in antiquity. ('Sometimes the people as a body make the laws as at Athens; sometimes the deputies created by universal suffrage represent the people and act in their name under their almost immediate supervision').[69] He agreed with Montesquieu that democratic self-government required a virtuous population, although he described this as 'enlightened self-interest'– the idea that a person's self-interest coincided with the public interest. And he agreed as well with his eighteenth-century predecessor that it was a form of government possible only under conditions of social equality.

But unlike Montesquieu, Tocqueville believed that modernity was characterized by the slow rise of equality, instead of inequality. In Tocqueville's view 'the gradual development of equality of conditions is a providential fact; it has the principal characteristics of one: it is universal, it is lasting, it escapes every day from human power; all events, like all men, serve its development.' This was an 'irresistible revolution that has marched for so many centuries over all obstacles.'[70] Hence, he believed that democracy – the political expression of equality - was not an anachronistic form of government, but quite the opposite – the government of the future. Indeed, turning Montesquieu's argument on its head, Tocqueville claimed that the only alternative to democratic self-government, in modern

[69] Alexis de Tocqueville, *Democracy in America. English Edition*. *Vol. 1*, trans James T. Schleifer and ed. Eduardo Nolla (Indianapolis, Liberty Fund, 2012), pp. 96-97.

[70] Tocqueville, *Democracy in America*, pp. 11-15.

society, was despotism, where all were equal in their submission to an autocrat. Elitist forms of government such as the monarchies of the Old Regime, with their entrenched nobilities, or the British constitution, were no longer feasible.

Tocqueville's predictions remained contested throughout the nineteenth century. But in due course, his ideas became accepted wisdom. In the aftermath of World War One, which led to the collapse of age-old hereditary monarchies such as the Russian, German and Habsburg empires, the British political scientist James Bryce was able to talk about 'the universal acceptance of democracy as the normal and natural form of government.'[71] Although dictatorial regimes continued to exist as well, just as Tocqueville had warned, the number of democracies gradually increased both in Europe and beyond. The idea that modernization went hand in hand with democratization was buttressed by new disciplines such as political science, where Tocqueville's ideas were rebranded as 'modernization theory'. Montesquieu's wisdom was surpassed after all. Yet by putting front and center the question of the social conditions under which democracy could thrive, as well as by pointing out the necessity of economic equality for this political regime to survive, he made a lasting contribution to thinking about democracy.

Guide to further reading

Keegan Callanan. *Montesquieu's Liberalism and the Problem of Universal Politics*. Cambridge, Cambridge University Press, 2018.

David Carrithers, Michael Mosher, and Paul Rahe (eds.) *Montesquieu's Science of Politics: Essays on 'The Spirit of Laws'.* Lanham, MD: Rowman and Littlefield, 2001.

[71] James Bryce, *Modern Democracies. Vol. 1* (London, Macmillan, 1921), pp. 4-5.

David W. Carrithers and Patrick Coleman (eds.) *Montesquieu and the Spirit of Modernity*. Liverpool, Voltaire Foundation, 2002.

David W. Carrithers. 'Democracy'. In Catherine Volpilhac-Auger (ed.) *A Montesquieu Dictionary* [online], (ENS Lyon, 2013). URL: http://dictionnaire-montesquieu.ens-lyon.fr/en/article/1377670563/en.

Annelien de Dijn. *Liberty in a Levelled Society? French Political Thought from Montesquieu to Tocqueville.* Cambridge: Cambridge University Press, 2008.

Annelien de Dijn. *Freedom: An Unruly History*. Cambridge, MA Harvard University Press, 2020.

Louis de Jaucourt, 'Démocratie.' In *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers, etc.,* eds. Denis Diderot and Jean le Rond d'Alembert. University of Chicago: ARTFL Encyclopédie Project (Spring 2021 Edition), Robert Morrissey and Glenn Roe (eds.), 4:816 [http://encyclopedie.uchicago.edu/].

Rebecca Kingston (ed.). *Montesquieu and His Legacy*. Albany: State University of New York Press, 2009.

[Charles-Louis de] Montesquieu. *The Spirit of the Laws*. Ed. and trans. A. Cohler, B. Miller and H. Stone. Cambridge, Cambridge University Press, 1989.

Wilfried Nippel. *Ancient and Modern Democracy: Two Concepts of Liberty?* New York, NY: Cambridge University Press, 2015.

Thomas Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on 'The Spirit of the Laws'*. Chicago, University of Chicago Press, 1973.

Paul Rahe. *Montesquieu and the Logic of Liberty: War, Religion, Climate, Terrain, Technology, Uneasiness of Mind, the Spirit of Political Vigilance, and the Foundations of the Modern Republic*. New Haven: Yale University Press, 2009.

Pierre Rosanvallon. 'The History of the Word 'Democracy' in France.' *Journal of Democracy*, 6 (1995) 140-154.

R. Scurr, 'Varieties of Democracy in the French Revolution.' In Joanna Innes and Mark Philp, eds. *Re-imagining Democracy in the Age of Revolutions: America, France, Britain, Ireland 1750-1850*. Oxford: Oxford University Press, 2013.

Céline Spector. *Montesquieu: Pouvoirs, richesses et sociétés.* Paris: PUF, 2004.