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What Prudence Is Allowed to Produce: Montesquieu on the Knowledge of Statesmanship

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In order to form a moderate government, one must combine powers, regulate them, temper them, make them act; one must give one power a ballast, so to speak, to put it in a position to resist another; this is a masterpiece of legislation that chance rarely produces and prudence is rarely allowed to produce.
—Montesquieu, The Spirit of the Laws, V.14, 63 (emphasis added)[1]

From the abundance of material included in a work of six parts and thirty-one books that were the product of twenty years of effort, one might come away with the impression that Montesquieu's goal in writing *The Spirit of the Laws* was to provide statesmen with an encyclopedic knowledge of political, legal, and social matters, rather than offering general principles of political science or statesmanship (*SL*, Preface, xlv). Yet Montesquieu insists that the book has an overarching design: "If one wants to seek the design of the author, one can find it only in the design of the work" (*SL*, Preface, xliii). He claims not only that it has such a design but that the design of the work is of fundamental importance.

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However, it is not so easy to ascertain what this fundamental "design of the work" is. As Robert Howse points out, *The Spirit of the Laws* is marked by complexity: "For those who are inclined to reduce philosophy to a set of slogans, Montesquieu is a dangerous thinker to cite and an impossible one to understand. There is hardly a generalization in his *Spirit of the Laws* that is not qualified . . . by another generalization, or put in question by Montesquieu's own examples."[2] Montesquieu presents a "protean set of guises" that invites misrepresentation or misunderstanding.[3] Consequently, readers have invoked a variety of terms familiar from other contexts in an attempt to encapsulate his thought. On the possibilities of politics, one refers to his "profound pessimism" and another to his "hint of pessimism," while yet another detects an optimism with limits.[4] In terms of his normative commitments, some attribute to him relativism, others reject that attribution, and David Lowenthal makes a careful distinction between "stark relativism," which, Lowenthal argues, Montesquieu exhibits, and subjectivism, which he does not.[5] On the vague but ubiquitous spectrum of conservatism and liberalism, Montesquieu is sometimes taken to have a "sensible conservative caution" or to embody a "distinctive conservatism," as being a "very conservative" part of a "decidedly conservative Enlightenment," an "aristocratic apologist," or a "feudal reactionary."[6] Yet he is also associated with liberalism, as an "aristocratic liberal" or a proponent of "a different type of liberalism."[7] He is often aligned with pluralism, while he is less often referred to as a sort of "radical."[8]

Other readers have found the key to his work in his opposition to despotism, or in his ultimate vindication of human freedom over determinism, while much of the scholarship on Montesquieu is dedicated to considering what form of government Montesquieu deemed to be "best."[9] These treatments shed a great deal of light on Montesquieu's thought, but any account of Montesquieu on the knowledge of statesmanship ought to begin with and focus on his concept of "spirit," the central contribution of his political science. Each book within *The Spirit of the Laws* is a partial examination of this concept, an examination of one or more of the "relations" that together constitute a society's spirit (*SL*, I.3, 9).[10] These examinations

repeatedly affirm Montesquieu's advice to legislators: in order to legislate well, one must take account of the spirit of the society for which one is crafting laws.

The importance of spirit to Montesquieu's project is widely acknowledged. Harold Ellis, for instance, describes it as key to "Montesquieu's intention in writing *The Spirit of the Laws*."[11] Diana Schaub calls it "one of the most significant words in Montesquieu's vocabulary," and she considers his discovery of the concept to be "an epoch in the art of legislation . . . a legislative compass."[12] Yet the concept of spirit rarely receives the extended treatment that it warrants. Joshua Bandoch notes that spirit "is the single most important word in Montesquieu's political and philosophical vocabulary," but "most scholars who have mentioned it have done so only in passing."[13]

This essay's focused examination of Montesquieu's concept of spirit and its implications for prudence, moderation, and the knowledge of statesmanship extends the scope of several recent thoughtful treatments of Montesquieu's political thought. Paul Carrese, Dennis Rasmussen, Keegan Callanan, and Joshua Bandoch interpret Montesquieu on the knowledge of political science and statesmanship in ways that are compatible to a large extent with my own interpretation. These scholars point to connections between prudence, moderation, and the concept of spirit in Montesquieu's thought. Acknowledging that spirit is Montesquieu's "central concept of political science," and describing it as "a comprehensive predecessor to today's term 'political culture,'" Carrese focuses on Montesquieu's philosophical and political moderation more so than his concept of spirit.[14] Rasmussen categorizes Montesquieu as part of the "pragmatic Enlightenment" and its "especially attractive type of liberalism," which he characterizes as "flexible in its application and attentive to the importance of historical and cultural context."[15] Rasmussen consistently notes Montesquieu's "sensitivity to context"; this contextual sensitivity is bound up with the concept of spirit, which Rasmussen takes to refer to the distinctive character of a particular society.[16] Likewise, the concept of spirit underlies Callanan's understanding of Montesquieu's "*liberal particularist*

model of political reform," although Callanan treats the meaning of spirit relatively briefly in his analysis.[17] This essay builds on these scholarly treatments by taking a different approach. It offers a detailed explication of the meaning of spirit as a theoretical concept, drawing out the significance of Montesquieu's statement that "many things govern men," as well as the relationship between the concept of spirit and Montesquieu's understanding of human nature (*SL*, XIX.4, 310).

Among these scholars, Bandoch engages most extensively with the concept of spirit.[18] In doing so, he helpfully situates Montesquieu's use of the term among other common usages in his time, and he fleshes out a number of the implications of how Montesquieu employs the term.[19] My analysis goes beyond Bandoch's insofar as I take Montesquieu's concise phrase that "many things govern men" to be particularly significant in elucidating the meaning of spirit. Moreover, my analysis highlights that the very concept of spirit is dependent on Montesquieu's understanding of the flexibility of human nature and that the concept of spirit is meaningful for the practice of statesmanship only because, according to Montesquieu, there are some things consistent about human nature across time and place.[20]

I argue that a full understanding of spirit and its implications for the knowledge of statesmanship requires an examination of Montesquieu's understanding of human nature as flexible within limits. Although prudence, with its long legacy in the history of political thought, does not receive much explicit treatment in *The Spirit of the Laws*, the work may be understood as an extended reflection on the type of knowledge that the exercise of political prudence involves. What "prudence is . . . allowed to produce" in a given set of circumstances—that is to say, what is both possible and desirable—is the action that would optimally exhibit moderation in that situation. To determine what the appropriately moderate action would be necessitates, in turn, knowledge of what Montesquieu calls the "spirit" of one's society. According to Montesquieu, spirit is thus central to political science and the knowledge of statesmanship.

Spirit is the product of the divided sovereignty, governance, or rule of human life, for "[m]any things govern men" (*SL*, XIX.4, 310). Thus, spirit refers to the ways in which social, cultural, political, and natural factors *govern* the thoughts, feelings, and characters of human beings and do so in consistent though complex ways. It denotes how these various factors combine to produce a national character, collective consciousness, or social mind in a society—a character that, in turn, shapes the political life of that community.

Montesquieu's understanding of spirit has a number of implications for statesmen. They should exhibit moderation, seeking to strike a particular balance that may be discerned only when the social context is known. Successful political practice therefore requires both the general knowledge of political science and a particular knowledge of one's society. When such knowledge is lacking, moderation manifests itself through caution that favors preservation and resists radical changes. Yet this attentiveness to particular circumstances and presumption in favor of continuity do not entail a moral relativism.[21] Montesquieu advocates reforms that promote liberty, in however modest a way, and he never succumbs to determinism, despite the deterministic tone of some of his commentary. Nonetheless, his analysis does cultivate a disposition of restraint. An awareness of spirit lowers the sights of the statesman; the perfect is very much the enemy of the good.[22] Montesquieu's conception of the limits of statesmanship is akin to what Alexis de Tocqueville would later describe as "a fatal circle." Tocqueville writes, "Providence has not created the human race either entirely independent or perfectly slave. It traces, it is true, a fatal circle around each man that he cannot leave; but within its vast limits man is powerful and free; so too with peoples."[23] In an analogous fashion, for Montesquieu, a society's spirit determines what a statesman's prudence is "allowed to produce."

"Many Things Govern Men": The Meaning of Spirit

Despite the significance of spirit to his political science and understanding of statesmanship, Montesquieu does not include a detailed definition of the concept in *The Spirit of the Laws*. This presents a

challenge for his readers, especially since the French word *esprit*, as Henry Clark points out, is a "notoriously multivalent word," since Montesquieu employs it in a variety of ways throughout his writings, and since his usage does not seem to correspond to the common usages of his time.[24] Nevertheless, two brief passages in *The Spirit of the Laws*, coupled with similar statements in his other writings, suggest that spirit refers to what may be described as the character, collective consciousness, or social mind of a society, resulting from the variety of factors governing human beings, which I refer to collectively as the "divided sovereignty" of human life.[25]

In Book I, Montesquieu explains that "spirit consists in the various relations that laws may have with various things" (*SL*, I.3, 9). These relations include the nature and principle of the government, the climate, the terrain, the people's way of life, "the degree of liberty that the constitution can sustain," religion, the people's inclinations, their wealth, the population, commerce, mores, and customs. Each of these "various things" exerts a distinct influence on the complexion of a society and thereby constrains what is fitting for a statesman to enact, for the laws "should be related" to these diverse factors. In addition, none of these factors operates in isolation; each interacts with the others. Spirit thus refers to the complex web of relationships between "laws" and "various things" in a society.

In Book XIX, Montesquieu offers a concise description that builds on this earlier account of spirit: "Many things govern men: climate, religion, laws, the maxims of the government, examples of past things, mores, and manners; a general spirit is formed as a result" (*SL*, XIX.4, 310). This description resembles the earlier one in some respects, yet it also introduces a helpful way of conceiving of spirit: "Many things govern men" (*Plusieurs choses gouvernent les hommes*). Although scholars do not generally focus much attention on Montesquieu's usage of the verb *gouverner* in this passage, it is an important clue for explicating the meaning of spirit. Men are "governed" or "ruled" by a variety of forces; political rulers do not have the exclusive claim or power to command those subject to them. With remarkable brevity, what Montesquieu propounds here is his conception of the divided sovereignty of human life.

It is worth noting a few features of Montesquieu's understanding of this division of sovereignty. First, while some of these competing "sovereigns" are related to human will or action, they are not solely political in character, nor are they restricted to human beings in positions of authority. Various things (*plusieurs choses*) ranging from the natural world to social customs "govern" human beings. Second, in making claims on human beings, these various governors may conflict in their commands; they are not consistently confined to separate spheres of human life.[26] Finally, Montesquieu does not lay out here a normative case for limited government or the desirability of competing authorities, though he makes that case elsewhere. In this passage, he pushes his readers to recognize the reality of alternative sources of authority in human life. The divided sovereignty that forms a "general spirit" is, in Machiavellian terms, an "effectual truth" that statesmen must acknowledge.[27]

Since various things rule how human beings think, feel, and act, Montesquieu argues, there is no such thing as a complete despotism. As he explains in *Considerations*,

> It is an error to believe that any human authority exists in the world which is despotic in all respects. There never has been one, and never will be, for the most immense power is always confined in some way. Let the Grand Seignior impose a new tax on Constantinople, and a general outcry immediately makes him aware of limits he had not known. A king of Persia can easily compel a son to kill his father, or a father to kill his son; but as for making his subjects drink wine, he cannot do it. There exists in each nation *a general spirit* on which power itself is based, and when it shocks this *spirit* it strikes against itself and necessarily comes to a standstill.[28]

Spirit forms the basis for and therefore sets the limitations to political power. In *The Spirit of the Laws*, Montesquieu confirms this point about the incompleteness of despotism, repeating one of the same anecdotes. He highlights that religion frequently serves to

constrain despots: "One will forsake one's father, even kill him, if the prince orders it, but one will not drink wine if the prince wants it and orders it." A subject will resist the prince in this case because "[t]he laws of religion are part of a higher precept, because they apply to the prince as well as to the subjects" (*SL*, III.10, 30). Even within a despotism, other things that rule men restrain the exercise of the despot's will.

While these competing sources of authority may and do come into conflict, Montesquieu maintains that "a general spirit is formed as a result." The various governors exert their influence so as somehow to give the character of a society a stable, discernible quality, although subject to change over time. Here the analogy of a society's "spirit" to an individual's "mind" (both *esprit* in French) is instructive. In his "Essay on the Causes," Montesquieu examines how an individual's mind is shaped, just as a society's spirit, by a wide range of causes. These diverse causes produce a consistent manner of thinking, feeling, and acting, in part because some causes more fundamentally influence the character of one's mind than others.[29]

Within a society, the interplay of various influences yields a hierarchical distribution of power among them: "To the extent that, in each nation, one of these causes acts more forcefully, the others yield to it" (*SL*, XIX.4, 310). Montesquieu provides a few illustrations: "Nature and climate almost alone dominate savages; manners govern the Chinese; laws tyrannize Japan; in former times mores set the tone in Lacedaemonia; in Rome it was set by the maxims of government and the ancient mores." In a similar vein, he remarks in *Considerations* that "[m]any precedents established in a nation form its general spirit, and create its manners, which rule as imperiously as its laws."[30] In many cases, a statesman is neither the primary source of authority nor one source among equals. Nonpolitical forces may rule a society in more fundamental ways. Even when political laws or forms are most formative of a people's spirit, they generally predate the statesman's activity. Entrenched in the mores, customs, and traditions of a people, they constrain the statesman's prudence, as well. Nevertheless, Montesquieu

maintains that those who make the laws play an important role in shaping the general spirit of a nation.

It is important to note the complexity inherent to a society's spirit. Even Montesquieu's own analysis sometimes gives an understated impression of this complexity. He acknowledges this characteristic of his writing, noting that "[m]any of the truths will make themselves felt here only when one sees the chain connecting them with others. The more one reflects on the details, the more one will feel the certainty of the principles. As for the details, I have not given them all, for who could say everything without being tedious?" (*SL*, Preface, xliv; see also XIX.1, 308). By isolating the various influences that govern men, he is able to clarify the discrete effects of commerce, climate, religion, and other factors.

The principle that "many things govern men" is of very little practical use unless it is possible to decipher those distinct influences. Only after doing so may one understand how these various factors coalesce to form a "general spirit," and knowledge of this spirit is necessary for statesmen to take prudential action. However, it is difficult enough to isolate the effects of the factors that Montesquieu addresses. Understanding how those factors fit together as an interwoven whole is even more challenging. In effect, Montesquieu compels his readers to grapple with the complication of interaction effects. Statesmen need not only know the way that climate and commerce shape spirit, taken independently. They must also consider how a certain climate and a particular form of commerce mold a spirit in combination with each other. One must determine the tendency of a certain influence, its interaction with others, and its relative strength.

In "An Essay on the Causes," Montesquieu claims that this is a less difficult task than understanding the causes of an individual's mind or character: "These causes become less arbitrary to the extent that they have a more general effect. Thus we know better what gives a nation its special character than what gives an individual his particular spirit."[31] Nonetheless, it is clear why Montesquieu sets the bar so high for the wise legislator, referring to "[t]hose who have a comprehensive enough genius to be able to

give laws to their own nation or to another" (*SL*, XXIX.16, 612; see also *SL*, Preface, xliv). It is also evident why the general dispositions with which he would like to imbue statesmen include caution and moderation; rash and radical innovations make for more consequential errors. However, before we examine Montesquieu's advice for statesmen in greater detail, we must consider how Montesquieu's conception of human nature underlies the claim that "many things govern men."

"That Flexible Being": The Foundations of Spirit in Malleable Human Nature

In what may seem like a passing remark in the Preface, Montesquieu describes man as "that flexible being who adapts himself in society to the thoughts and impressions of others, [who] is equally capable of knowing his own nature when it is shown to him, and of losing even the feeling of it when it is concealed from him" (*SL*, Preface, xliv–xlv). This adaptive nature accounts for why human beings are governed by "many things" and is thus essential to the concept of spirit. It is in a human being's nature to be shaped by external factors, particularly within society.

In Book I, Montesquieu elaborates on this point through a contrast with the Hobbesian account of the state of nature.[32] "Hobbes gives men first the desire to subjugate one another," he notes, "but this is not reasonable. The idea of empire and domination is so complex and depends on so many other ideas, that it would not be the one they would first have" (*SL*, I.2, 6). Montesquieu faults Hobbes for missing the role that the development of society has played in shaping or channeling human nature: "Hobbes asks, *If men are not naturally in a state of war, why do they always carry arms and why do they have keys to lock their doors?* But one feels that what can happen to men only after the establishment of societies, which induced them to find motives for attacking others and for defending themselves, is attributed to them before that establishment" (*SL*, I.2, 6). Montesquieu inserts this critique of Hobbes into a historical narrative of the state of nature that foreshadows Rousseau. Montesquieu concedes that

men enter a state of war immediately after the genesis of society. Nonetheless, his critique draws out the social character of spirit resulting from the flexibility of human beings.

Montesquieu points out that in the transition out of the state of nature, human nature is modified in several ways. Living within a society offers human beings new "motives for attacking others and for defending themselves." It offers new feelings; the feeling of inequality in social strength replaces the feeling of equality in natural weakness, leading to a state of war (*SL*, I.3, 7). It also offers new relationships: the relationships of societies to each other, of rulers to the ruled, and of fellow members of a society. These relationships impose new pressures on individuals, pressures with which they would have been unfamiliar in the mostly solitary life of the state of nature. These pressures inevitably shape the way in which they think, feel, and behave. Thus, Montesquieu insists, it is a mistake to identify all the social attributes of human beings with their original, natural state. Furthermore, because human beings are influenced not only by society generally but also by the particular societies within which they live, the spirit of members of one community will not be the same as that of another.

Montesquieu maintains that laws of nature apply to human beings, as they do to other animals, but human beings are distinctive in that they do not uniformly follow those laws. As intelligent and social beings, they are inclined to depart from the laws of nature. To state this view paradoxically, it is in the nature of human beings not to be governed reliably by the laws of nature. Montesquieu explains thus:

> Man, as a physical being, is governed by invariable laws like other bodies. As an intelligent being, he constantly violates the laws god has established and changes those he himself establishes; he must guide himself, and yet he is a limited being; he is subject to ignorance and error, as are all finite intelligences; he loses even the imperfect knowledge he has. As a feeling creature, he falls subject to a thousand passions. Such a being could at any moment forget his

> creator; god has called him back to him by the laws of religion. Such a being could at any moment forget himself; philosophers have reminded him of himself by the laws of morality. Made for living in society, he could forget his fellows; legislators have returned him to his duties by political and civil laws. (*SL*, I.1, 5)

Here Montesquieu foreshadows his statement that "many things govern men" (see also *SL*, XXVI.1, 494). Man is ruled by a "thousand passions," but also by a multiplicity of laws that direct, temper, or abrogate those passions.[33] This interaction of laws and passions, manifesting differently in different societies, constitutes the spirits of those societies.

"It Has Been Eternally Observed": The Stable Attributes of Human Beings in Society

In order to act prudently, therefore, statesmen must know that human nature is modified by the development of society—that the characters of human beings are shaped by the "many things" that govern them. Yet it is just as essential that statesmen be aware of the stable attributes of human nature. Montesquieu proceeds from the premise that individuals within society respond to stimuli, whether natural, social, or political, in systematic ways. "I have set down the principles," he explains, "and I have seen particular cases conform to them as if by themselves, the histories of all nations being but their consequences, and each particular law connecting with another law or dependent on a more general one" (*SL*, Preface, xliii). For example, as Montesquieu argues, a hot climate renders people lazy and sensual, rather than industrious and severe; commerce softens mores, rather than hardening them. These causal relationships are consistent, although they may interact with each other in complex ways.

Nonetheless, the laws of nature tell us limited information about human beings' social character. In the state of nature, Montesquieu explains, men were primitively driven by the law of peace or weakness: "[Man] would think of the preservation of his

being before seeking the origin of his being. Such a man would at first feel only his weakness; his timidity would be extreme" (*SL*, I.2, 6). As a result, "[s]uch men would not seek to attack one another, and peace would be the first natural law." When they could avert their attention from avoiding violent death, they would focus on their nourishment: "Man would add the feeling of his needs to the feeling of his weakness." As a third natural law, Montesquieu describes how human beings would feel the general attraction of a similar creature and, more specifically, sexual attraction to members of the other sex. Finally, the ability to gain knowledge would form the basis for a bond that goes beyond physical similarity and sexual impulse—a bond "which other animals do not have," accounting for the fact that human beings form types of societies that other animals do not. In short, "the desire to live in society is a fourth natural law" (*SL*, I.2, 7).

These four natural laws push in different directions. The natural consequences of the first law—the inclination to avoid contact with one's fellow creatures as a result of fear—is offset, in time, by two others, that of "entreaty" and that of the desire for society. In other words, the first law is largely superseded even before the establishment of society; human beings have natural impulses of sociability that override the isolating tendency of fear. Then, "[a]s soon as men are in society, they lose their feeling of weakness; the equality that was among them ceases, and the state of war begins" (*SL*, I.3, 7). The first law is counteracted not only by other natural laws but also by the transformative effects of society.[34] Thus, Thomas Pangle writes, "Montesquieu all but agrees with Hobbes that the state of nature is a state of war, for although the state of nature is first a state of peace, this state of peace develops, almost inevitably, into a state of war."[35]

The ineluctable state of war that Montesquieu describes takes two forms: (1) war between societies and (2) war between members of the same society. The latter form, in turn, has two variants, one involving the relationship between the governors and the governed and the other concerning the relationship between citizens or subjects more generally (*SL*, I.3, 7).[36] These various states of war

give rise to one of the enduring problems of politics—namely, the abuse of power. However attenuated they may be by political remedies, these states of war pose challenges for every society. In each society, a sense of strength supplants the natural feeling of weakness. Each society grows inclined to challenge others. Within each society, individuals seek to exploit their advantages in competition with their fellows. Political rulers attempt to oppress those whom they rule. The feeling of strength emboldens those within society to test the limits of their strength, to utilize the power they possess to maximize their own self-interest, as they conceive it. The development of society produces new desires, and political and social power offers means to obtain them.

Consequently, few governments preserve political liberty, which "is present only when power is not abused, but it has *eternally* been observed that *any* man who has power is led to abuse it; he continues until he finds limits. . . . So that one cannot abuse power, power *must* check power by the arrangement of things" (*SL*, XI.4, 155, emphasis added). The tendency to abuse or exploit power is present under all social conditions. It is what Montesquieu elsewhere describes as "a malady eternal in man."[37] Yet, as Pangle argues, despite this pessimism about human nature with respect to power, Montesquieu holds out the possibility of a kinder, gentler, or more liberal politics than Hobbes considered to be advisable. Pangle writes, "Since Montesquieu holds that aggressiveness is less deeply rooted in human nature, and that affection is more deeply rooted, than Hobbes had thought, the political order which Montesquieu eventually indicates to be the solution to the human problem is much less strict or tough and much more soft and gentle than Hobbes's solution."[38] Moderate government may be a "masterpiece of legislation" rendered more difficult or even precluded by a variety of conditions. Yet, given Montesquieu's understanding of human nature, it remains a reasonable aspiration for a statesman to pursue that goal prudently, to varying degrees and in various ways. A statesman's prudence in this task is contingent on the knowledge of a society's spirit and an awareness of both what is flexible and what is stable about human nature.

"I Have Written This Work Only to Prove It": Montesquieu's Advice for Statesmen

The complexity of spirit entails that statesmen face a rather daunting task in legislating prudently for their societies, leading them to "[tremble] even while doing the greatest goods" (*SL*, Preface, xliv). I have already alluded to some of the implications of Montesquieu's analysis for the practice of statesmanship. Now we may treat those implications more systematically.

First, Montesquieu does not advocate universalism in political reasoning. While he does have normative standards for political life, he does not deem it possible for institutions and laws to be simply exported from one social, cultural, historical, and political context to another. Neither the laws of human nature nor the transformed characteristics of social human beings provide detailed counsel that can be generalized to all times and places. Governments and laws must be carefully tailored to their peoples; this is Montesquieu's standard by which a government is "most in conformity with nature" (*SL*, I.3, 8). He stresses that even the English model, the very "mirror" of political liberty, which he is widely known to praise, is not suitable under most circumstances (*SL*, XI.5, 156; XI.6, 166).

Thus, Montesquieu makes clear that abstract theorizing is an insufficient source of guidance for reform, because, as he explains in *Considerations*, theories do not account for all the relevant facts:

> When a government's form has been established a long time and things are arranged in a certain way, it is almost always prudent to leave them alone, because the reasons for such a state having endured are often complicated and unknown, and they will cause it to maintain itself further. But when one changes the whole system, one can only remedy those difficulties that are known by theory, and one overlooks others that can only be brought to light by practice.[39]

Political reasoning might be theoretically subject to mathematical precision, but in practice the statesman always faces the equivalent

of a formula in which some of the terms and relationships are unknown: "A government is like a sum composed of many numbers. Add or subtract a single digit and you change the value of all the others. But since in arithmetic the value and relationship of each number are known, one is not deceived. It is not the same in politics; one can never know what will result from the changes one makes."[40] Thus, Montesquieu expresses caution about correcting laws even when they appear poorly made or poorly adapted to circumstances: "I know there is such and such a country that is badly governed, but also that it would be very difficult for it to be better governed."[41]

In Book XXIX—"On the way to compose the laws"—Montesquieu enumerates a number of other implications of the principle that laws must be fitted to the spirit of the people for which they are made. For instance, what are, in fact, good laws may seem counterintuitive when dislocated from their social and political context (*SL*, XXIX.3, 603). Laws must be judged not in isolation but within their broader legal framework (*SL*, XXIX.10–12, 607–9). Just laws, considered abstractly, may nevertheless be imprudent in certain circumstances.[42] In sum, the "laws must not be separated from the circumstances in which they were made" (*SL*, XXIX.14, 611). Moreover, Montesquieu speaks critically of "certain ideas of uniformity," asking rhetorically, "[D]oes not the greatness of genius consist rather in knowing in which cases there must be uniformity and in which differences?" (*SL*, XXIX.18, 617). He criticizes a misguided aspiration for legal, philosophic, or political simplicity, instead favoring the complicated task of aligning laws with the spirit of a society.

Although he eschews universally applicable political solutions, Montesquieu nevertheless recommends that institutions should be designed not only to fit the dispositions of the people but also to curb the abuse of power wherever power resides. As previously noted, Montesquieu suggests that this is an aspect of human nature that can be relied on as a basis for legislation. Because "any man who has power is led to abuse it . . . power must check power by the arrangement of things" (*SL*, XI.4, 155).

Montesquieu's concern with both generally curbing power and particularly tailoring laws demonstrates that his analysis does not result in determinism.[43] He dismisses "[t]he doctrine of a rigid destiny ruling all [that] makes the magistrate a tranquil spectator [who] thinks that god has already done everything and that he himself has nothing to do" (*SL*, XIV.11, 241). The magistrate ought to be an active player in the arena of politics, not a spectator. That arena is comparable to the "fatal circle" that Tocqueville describes. One may not transcend the boundaries of the political arena, set by a society's spirit, just as one, in Tocqueville's terms, cannot escape the fatal circle drawn by Providence. But "within [the fatal circle's] vast limits man is powerful and free."[44] Montesquieu would apply this insight especially to the prudence of statesmen.

Thus, while Montesquieu advises caution in tampering with the spirit of a society, he sometimes recommends that one compensate for and even resist the destructive tendencies of the prevailing spirit. In his discussion of climate, for instance, he declares "[t]hat bad legislators are those who have favored the vices of the climate and good ones are those who have opposed them" (*SL*, XIV.5, 236). Peoples in hot climates "have greater need of a wise legislator than the peoples of our own. The more easily and forcefully one is impressed, the more important it is to be impressed in a suitable manner" (*SL*, XIV.3, 235). Montesquieu presses legislators to recognize that though limited, their actions play an important role in determining the quality of a nation's spirit.

The task of legislation is to give, not the best laws, but the best possible laws. Montesquieu praises Solon for expressing this insight: "Solon was asked if the laws he had given to the Athenians were the best; 'I have given them the best laws they could endure,' he replied: this is a fine speech that should be heard by all legislators" (*SL*, XIX.21, 322). Solon recognized the necessity of knowing, as Montesquieu puts it elsewhere, "[t]he prejudices of the age . . . so as to avoid either offending them too much or following them too much."[45] A society's spirit is so intricate that a legislator should act with great trepidation when proposing any changes, since the well-intentioned effects of political action are regularly not the

most consequential (*SL*, Preface, xliv). Because changes almost always carry with them unforeseen consequences, one must not seek to "correct everything" (*SL*, XIX.6, 311). Instead, the best policy is frequently to leave things as one finds them, for "[i]f the character is generally good, what difference do a few faults make?" (*SL*, XIX.5, 310).

A moderate approach to reform is, therefore, one of the primary implications of Montesquieu's political science.[46] His work as a whole exhibits his emphasis on moderation. Moreover, in his chapter "On the spirit of the legislator," he declares, "I say it, and it seems to me that I have written this work only to prove it: the spirit of moderation should be that of the legislator; the political good, like the moral good, is always found between two limits" (*SL*, XXIX.1, 602). Elsewhere, denying that he believes Britain's "extreme political liberty" should be emulated everywhere, he asks, "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 extremities?" (*SL*, XI.6, 166).

The concept of spirit entails that moderation is characteristic of the prudence of statesmanship in two senses. First, the knowledge of a society's spirit guides statesmen toward the appropriately moderate but meaningful reforms that channel that spirit in the direction of a more moderate government. Second, an awareness of the complexity of spirit serves as a brake on ill-advised innovations by reminding statesmen of just how uncertain the consequences of political action are. In short, prudence is exhibited in both the pursuit of moderate reforms and a disposition of moderation averse to dangerous, radical changes.

"The Happiest of Mortals": The Aspirations of *The Spirit of the Laws*

In light of the foregoing treatment of the importance of spirit to the knowledge of statesmanship in determining what is appropriately moderate and therefore prudent in a given situation, we are better able to see how the concept of spirit underlies Montesquieu's goals

in writing *The Spirit of the Laws* as he lays them out in the Preface. He describes those aspirations in the following way:

> If I could make it so that everyone had new reasons for loving his duties, his prince, his homeland and his laws and that each could better feel his happiness in his own country, government, and position, I would consider myself the happiest of mortals.
>
> If I could make it so that those who command increased their knowledge of what they should prescribe and that those who obey found a new pleasure in obeying, I would consider myself the happiest of mortals.
>
> I would consider myself the happiest of mortals if I could make it so that men were able to cure themselves of their prejudices. Here I call prejudices not what makes one unaware of certain things but what makes one unaware of oneself. (*SL*, Preface, xliv)

While Montesquieu does not invoke the concept of spirit here, it rests just below the surface of each aspiration. As we have seen, one implication of that concept is that "[l]aws should be so appropriate to the people for whom they are made that it is very unlikely that the laws of one nation can suit another" (*SL*, I.3, 8). As a result, citizens, subjects, and even political leaders should develop a greater appreciation for their laws, their rulers, and their political systems. They should recognize the rationales for their distinctive institutions: "Each nation will find here the reasons for its maxims" (*SL*, Preface, xliv). They should not resent the laws of their nation because they somehow fall short of the "best laws" in an abstract sense. Montesquieu's concept of spirit is a rejection of the notion that there are "best laws" simpliciter; he insists that prudence demands attentiveness to social and political circumstances.

Yet that does not mean there are no standards by which to adjudicate between better laws and worse ones. That conclusion

would place legislators beyond praise and reproach, and it would negate the aspiration to increase the knowledge of those who command of "what they *should* prescribe" (emphasis added). The concept of spirit, although particularistic, entails that the details of social life call for certain types of political responses. "It is not a matter of indifference that the people be enlightened," because "[t]he prejudices of magistrates began as the prejudices of the nation" (*SL*, Preface, xliv). Only statesmen knowledgeable of the spirit of the society for which they are legislating may act prudently, in pursuit of a fitting degree of liberty for their people.[47] At one point, Montesquieu insists that so much particularistic knowledge is required of a statesman "that changes can be proposed only by those who are born fortunate enough to fathom by a stroke of genius the whole of a state's constitution" (*SL*, Preface, xliv; I.3, 9).

Finally, Montesquieu seeks to equip "men . . . to cure themselves of their prejudices." An awareness of spirit eliminates much of the basis upon which someone might feel a cultural superiority over another. He defines prejudice as that which "makes one unaware of oneself." Human beings tend not to recognize the forces that have shaped them and their political communities. When they make comparative judgments, unmindful of these considerations, they act prejudicially. Laws and institutions are not sheer products of human reason and will: "[A]midst the infinite diversity of laws and mores, [men] were not led by their fancies alone" (*SL*, Preface, xliii). Rather, they result from a concatenation of contingent forces. One cannot measure the institutions of one society against those of another without taking into account the spirit of each. As he writes later in Book I, "It is better to say that the government most in conformity with nature is the one whose particular arrangement best relates to the disposition of the people for whom it is established" (*SL*, I.3, 8). The spirit of a society provides the measure of the "naturalness" of a government for that society; thus, although it does not foreclose consideration of universal normative principles, the concept of spirit is key to Montesquieu's understanding of the prudence necessary for statesmanship.

Spirit is, in sum, the conceptual device by which Montesquieu evaluates political life and seeks to instruct political actors.[48]

Conclusion

The particularity of the task that Montesquieu sets out for prudent statesmen, along with the inevitability of historical change, means that his own more specific institutional, legal, and political analyses cannot alone determine the right answers in concrete cases. Montesquieu necessarily leaves it up to statesmen to discern how the lessons he teaches ought to be applied to their unique situations (*SL*, XI.20, 186). That is intrinsic to prudence, moderation, and thus the knowledge of statesmanship, as he understands them. "Instead of dictating rules," Schaub explains, "Montesquieu teaches us how to fathom for ourselves. He teaches the art of legislation and statesmanship rather than the science of public administration."[49]

To consider how the application of Montesquieu's approach to statesmanship might work in practice, one need look no further than the American founding. Montesquieu's prominence and esteemed reputation in the constitutional ratification debates are widely known.[50] James Madison, for example, praises Montesquieu as "the oracle" who "has the merit . . . of displaying and recommending [the separation of powers] most effectually to the attention of mankind."[51] Madison goes on to acknowledge that "[t]he British constitution was to Montesquieu, what Homer has been to the didactic writers on epic poetry. . . . [T]his great political critic appears to have viewed the constitution of England as the standard, or to use his own expression, as the mirror of political liberty; and to have delivered, in the form of elementary truths, the several characteristic principles of that particular system."[52] Yet Madison had no inclination to copy the English separation of powers exactly, insofar as England contained the unrepublican, hereditary institutions of the monarchy and House of Lords. Only a "strictly republican" system "would be reconcileable [*sic*] with the genius of the people of America" and "with the fundamental principles of the revolution," the latter of which Montesquieu might describe as "the maxims of the government" or the "examples of past things,"

constitutive of spirit (*SL*, XIX.4, 310).[53] For fundamentally Montesquieuian reasons, then, Madison could not simply replicate in the US Constitution Montesquieu's model of separation.

Likewise, Alexander Hamilton was quick to point out to the Anti-Federalists advocating small republics that the states in their present forms were already far beyond the size that Montesquieu had in mind when he discussed city-state republics like those found in Greek history.[54] Hamilton thought that the Anti-Federalists had misinterpreted Montesquieu, having missed the implications of the latter's account of federations. But he also accused the Anti-Federalists of failing to see that Montesquieu's model of small republicanism could not be grafted onto the American situation, even on the state level. Again, Hamilton's apparent departure from Montesquieu is consistent with Montesquieuian reasoning.

Another thought-provoking illustration of Montesquieu's approach to statesmanship, in a different historical context, may be found in the work of Tocqueville. Tocqueville once remarked that he "live[d] a little bit each day with [Montesquieu]."[55] Yet, observing a world increasingly characterized by the "equality of conditions," Tocqueville appears to judge Montesquieu's science as inadequate to the present age when he declares the need for a "new political science . . . for a world altogether new."[56] Nevertheless, we might understand his emphasis on social state as a way of assessing the most powerful force among the "many things" that, Montesquieu says, "govern men." As Montesquieu writes, "To the extent that, in each nation, one of these causes acts more forcefully, the others yield to it" (*SL*, XIX.4, 310). For Tocqueville, the "equality of conditions" was "the primary fact" of the United States—and increasingly so elsewhere—making all other facts yield to it: "[I]t gives a certain direction to public spirit, a certain turn to the laws, new maxims to those who govern, and particular habits to the governed. . . . [I]t creates opinions, gives birth to sentiments, suggests usages, and modifies everything it does not produce."[57] Tocqueville does not deny the role of other factors, but the main task he assigns statesmen is to understand the influence of this fundamental force of the spirit of the age and to consider how to

direct it in a salutary manner, rather than futilely resisting it. Tocqueville's guidance for statesmen thereby maintains a significant continuity with Montesquieu's.

Today, a Montesquieuian statesman would again face the challenge of how to exhibit prudence in applying a spirit-oriented analysis to a present set of particularities. As in the examples of Madison, Hamilton, and Tocqueville, such a contemporary application would likely raise the consideration of the extent to which one has departed from Montesquieu's science in a consequential way. Yet, within the framework Montesquieu offers to us, that is an ineradicable dimension of the task for statesmen to "[increase] their knowledge of what they should prescribe" (*SL*, Preface, xliv).

Notes

1. References to *The Spirit of the Laws* are made parenthetically to the following edition: Montesquieu, *The Spirit of the Laws*, trans. and ed. Anne M. Cohler, Basia C. Miller, and Harold S. Stone (Cambridge: Cambridge University Press, 1989). Hereafter cited as *SL*.
2. Robert Howse, "Montesquieu on Commerce, Conquest, War, and Peace," *Brooklyn Journal of International Law* 31, no. 3 (2006): 694–95.
3. Nannerl Keohane, "The President's English: Montesquieu in America," *Political Science Reviewer* 6 (1976): 358.
4. Nannerl Keohane, "Virtuous Republics and Glorious Monarchies: Two Models in Montesquieu's Political Thought," *Political Studies* 20, no. 4 (1972): 384; Harold A. Ellis, "Montesquieu's Modern Politics: *The Spirit of the Laws* and the Problem of Modern Monarchy in Old Regime France," *History of Political Thought* 10, no. 4 (1989): 696; Stephen J. Rosow, "Commerce, Power and Justice: Montesquieu on International Politics," *Review of Politics* 46, no. 3 (1984): 364–65.
5. David Lowenthal, "Montesquieu," in *History of Political Philosophy*, ed. Leo Strauss and Joseph Cropsey (Chicago: Rand McNally, 1963), 472. On this point, see also David W. Carrithers, "Introduction: Montesquieu and the Spirit of Modernity," in *Montesquieu and the Spirit of Modernity*, ed. David W. Carrithers and Patrick Coleman (Oxford: Voltaire Foundation, 2002), 26–27.
6. Nannerl Keohane, *Philosophy and the State in France: The Renaissance to the Enlightenment* (Princeton, NJ: Princeton University Press, 1980), 395, 398; Max J. Okenfuss, "Catherine, Montesquieu, and Empire," *Jahrbücher für Geschichte Osteuropas* 56, no. 3 (2008): 328, 325;

Johnson Kent Wright, "A Rhetoric of Aristocratic Reaction? Nobility in *De l'esprit des lois*," in *The French Nobility in the Eighteenth Century: Reassessment and New Approaches*, ed. Jay M. Smith (University Park: Pennsylvania State University Press, 2006), 227–31; Ellis, "Montesquieu's Modern Politics," 665.

7. Ellis, "Montesquieu's Modern Politics," 698; Céline Spector, "Was Montesquieu Liberal? *The Spirit of the Laws* in the History of Liberalism," in *French Liberalism from Montesquieu to the Present Day*, ed. Raf Geenens and Helena Rosenblatt (New York: Cambridge University Press, 2012), 64. On Montesquieu and liberalism, see also Thomas Pangle, *Montesquieu's Philosophy of Liberalism: A Commentary on "The Spirit of the Laws"* (Chicago: University of Chicago Press, 1973); Keegan Callanan, *Montesquieu's Liberalism and the Problem of Universal Politics* (Cambridge: Cambridge University Press, 2018); and Dennis C. Rasmussen, *The Pragmatic Enlightenment: Recovering the Liberalism of Hume, Smith, Montesquieu, and Voltaire* (Cambridge: Cambridge University Press, 2014).
8. On Montesquieu and pluralism, see Elena Russo, "Monstrous Virtue: Montesquieu's *Considérations sur les Romains*," *The Romanic Review* 90, no. 3 (1999): 334–35. Keohane sees a radical streak in Montesquieu as coexistent with his conservatism, but see also Andrea Radasanu, "Montesquieu on Moderation, Monarchy and Reform," *History of Political Thought* 31, no. 2 (2010): 286.
9. On despotism, see Vickie Sullivan, *Montesquieu and the Despotic Ideas of Europe: An Interpretation of "The Spirit of the Laws"* (Chicago: University of Chicago Press, 2017). On freedom and determinism, see Ana J. Samuel, "The Design of Montesquieu's *The Spirit of the Laws*: The Triumph of Freedom over Determinism," *American Political Science Review* 103, no. 2 (2009): 305–21.
10. Unlocking the design behind the precise ordering of books in *The Spirit of the Laws* goes beyond the scope of this project. I mean to suggest, as Joshua Bandoch does, only that spirit "is the chain that holds the work together." See Joshua Bandoch, *The Politics of Place: Montesquieu, Particularism, and the Pursuit of Liberty* (Rochester, NY: University of Rochester Press, 2017), 37.
11. Ellis, "Montesquieu's Modern Politics," 697.
12. Claims like Schaub's here raise the important question of the distinctiveness of Montesquieu's contributions to the history of political thought. Others have engaged in projects comparing Montesquieu to other thinkers. To note just a few examples: Dennis Rasmussen

compares Montesquieu to Hume, Smith, and Voltaire. Paul Carrese sees connections between Montesquieu, Aristotle, and Aquinas, and he places Montesquieu in conversation with Tocqueville and American political thought. Keegan Callanan examines Montesquieu's relationship to Plato, Aristotle, and Cicero. While the conclusion of this essay briefly addresses the relationship of Montesquieu's thought to that of the American founders and of Tocqueville, an extended analysis goes beyond the scope of this project. However, this essay should facilitate such comparative projects, especially with respect to the question of Montesquieu's place in the history of political thought on the virtue of prudence. Diana J. Schaub, *Erotic Liberalism: Women and Revolution in Montesquieu's "Persian Letters"* (Lanham, MD: Rowman and Littlefield, 1995), 98, 138; Paul Carrese, *Democracy in Moderation: Montesquieu, Tocqueville, and Sustainable Liberalism* (Cambridge: Cambridge University Press, 2016); Rasmussen, *The Pragmatic Enlightenment*; and Callanan, *Montesquieu's Liberalism and the Problem of Universal Politics*, 31–62.

13. Bandoch records some prominent references to spirit in Montesquieu scholarship. See Bandoch, *The Politics of Place*, 24–33.
14. Carrese, *Democracy in Moderation*, 52, 32.
15. Rasmussen, *The Pragmatic Enlightenment*, 1, 2. See also 4, 20.
16. See ibid., 299. See also, e.g., 59–60, 69, 86, 87, 89, 92, 96, 205, 211, 258.
17. Callanan, *Montesquieu's Liberalism and the Problem of Universal Politics*, 252, emphasis in original. Callanan writes that Montesquieu "comes up short" in offering a definition of the general spirit in Book XIX, but that "[w]hat it signifies, for Montesquieu, is a state of interaction among moral and physical causes in a nation—some yielding, some preponderant—as they combine to shape a people's way of life" (see 246–47).
18. Bandoch, *The Politics of Place*, 24–33.
19. Céline Spector also provides an overview of Montesquieu's usages of the term in his various writings in "Spirit, General Spirit," trans. Philip Stewart, in *A Montesquieu Dictionary* [online], directed by Catherine Volpilhac-Auger, ENS Lyon, September 2013, http://dictionnaire-montesquieu.ens-lyon.fr/en/article/1376474276/en.
20. To be clear, Bandoch acknowledges that "human nature is flexible, though not totally breakable" and that a society's spirit influences the human nature of its inhabitants. This essay, however, demonstrates how the concept of spirit is inextricably tied up with Montesquieu's understanding of the flexibility of human nature *and* the limits of that flexibility. See Bandoch, *The Politics of Place*, 33.

21. Bandoch and Callanan, for instance, both reconcile Montesquieu's normative principles and his emphasis on particularity. See Bandoch, *The Politics of Place*; Keegan Callanan, "Liberal Constitutionalism and Political Particularism in Montesquieu's *The Spirit of the Laws*," *Political Research Quarterly* 67, no. 3 (2014): 589–602; Callanan, *Montesquieu's Liberalism and the Problem of Universal Politics*.
22. He writes in his notes, "The best is the mortal enemy of the good." See Montesquieu, *My Thoughts*, trans. and ed. Henry C. Clark (Indianapolis: Liberty Fund, 2012), 281 [1007]. The first number refers to the page, while the number in brackets notes the entry. Michael Mosher describes Montesquieu as someone who does not seek "untainted purity" and opposes "state-sponsored perfectionist ethics." Michael Mosher, "The Particulars of a Universal Politics: Hegel's Adaptation of Montesquieu's Typology," *American Political Science Review* 78, no. 1 (1984): 185–86; Michael Mosher, "What Montesquieu Taught: 'Perfection Does Not Concern Men or Things Universally,'" in *Montesquieu and His Legacy*, ed. Rebecca E. Kingston (Albany, NY: SUNY Press, 2009), 15.
23. Alexis de Tocqueville, *Democracy in America*, trans. and ed. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2002), 676.
24. See "Translator's Preface" in Montesquieu, *My Thoughts*, xx. On contemporaneous usages of the word, see Bandoch, *The Politics of Place*, 25.
25. See, e.g., Montesquieu, *Considerations on the Causes of the Greatness of the Romans and Their Decline*, trans. David Lowenthal (Indianapolis: Hackett, 1965), XV.136, XXI.198, XXII.210; Montesquieu, "An Essay on the Causes That May Affect Men's Minds and Characters," trans. Melvin Richter, *Political Theory* 4, no. 2 (1976): 139, 152; and Montesquieu, *My Thoughts*, 570 [1903]. Citations to *Considerations* refer to chapter and page numbers.
26. In Book XXVI, Montesquieu makes the case that "there are different orders of laws, and the sublimity of human reason consists in knowing well to which of these orders principally relate the things on which one should enact and in not putting confusion into the principles that should govern men" (*SL*, XXVI.1, 494). But these legal orders do not account for all the things that govern human beings; in Book I, Montesquieu contrasts "the natural order of laws" with "these relations and . . . these things" that make up spirit (*SL*, I.3, 9).
27. Niccolò Machiavelli, *The Prince*, 2nd ed., trans. Harvey C. Mansfield (Chicago: University of Chicago Press, 1998), 61.

28. Montesquieu, *Considerations*, XXII.210, emphasis added.
29. On this point, consider Montesquieu's discussion of emotions: "Our soul is so limited that it cannot respond to several emotions at one time. When subjected to more than one emotion, the lesser emotions must follow the greater and be determined in its direction, as if by one and the same movement. Thus, in the furor of love all other ideas take on the coloring of this love, to which alone the soul is attentive. Hate, jealousy, fear, hope, are like lenses of different colors through which we see an object that always appears equally red or green and which differs only slightly in its nuances." Montesquieu, "An Essay on the Causes," 150.
30. Montesquieu, *Considerations*, XXI.198.
31. Montesquieu, "An Essay on the Causes," 139.
32. For more on Montesquieu's ultimately partial disagreement with Hobbes, see Michael Zuckert, "Natural Law, Natural Rights, and Classical Liberalism: On Montesquieu's Critique of Hobbes." *Social Philosophy and Policy* 18, no. 1 (2001): 227–51.
33. Montesquieu indicates that even the passion of self-love is transformed within society: "Self-love, the love of our own preservation, is transformed in so many ways, and acts by such contrary principles, that it leads us to sacrifice our being for the love of our being. And such is the value we set on ourselves that we consent to cease living because of a natural and obscure instinct that makes us love ourselves more than our very life." See Montesquieu, *Considerations*, XII.117–18.
34. Zuckert refers to the "effacing" or "erasure" of human nature. See "Natural Law, Natural Rights, and Classical Liberalism," 242, 243, 246.
35. Pangle's qualification of "almost inevitably" may understate Montesquieu's account. Pangle, *Montesquieu's Philosophy of Liberalism*, 33. See also p. 30 for another similarity between the states of nature of Hobbes and Montesquieu. Similarly, Zuckert explains, "Montesquieu would deny Hobbes' identification of the state of nature with a state of war, but he does not deny that the human condition does at some point degenerate into a state of war." As Pangle and Zuckert note, however, this is not an insignificant distinction. See Michael Zuckert, "Natural Rights and Modern Constitutionalism," *Northwestern Journal of International Human Rights* 2 (Spring 2004), para. 6.
36. Zuckert discusses Montesquieu's various states of war in "Natural Rights and Modern Constitutionalism." See esp. paras. 12–13, 28–29. Elsewhere, he describes the origins of these states of war as part of a "tragic" and "paradoxical" account of social life. See "Natural Law, Natural Rights, and Classical Liberalism," 243.

37. "But, due to a malady eternal in man, the plebeians, who had obtained tribunes to defend themselves, used them for attacking." See Montesquieu, *Considerations*, VIII.84.
38. Pangle, *Montesquieu's Philosophy of Liberalism*, 37. See also Zuckert, "Natural Law, Natural Rights, and Classical Liberalism," 243. This is one example of how the laws of nature remain relevant in society.
39. Montesquieu, *Considerations*, XVII.160.
40. Montesquieu, *My Thoughts*, 266–67 [941], 527 [1767].
41. Ibid., 558 [1873].
42. "The law of the Amphictyons was just, but it was imprudent" (*SL*, XXIX.5, 604).
43. Ana Samuel describes the structure of *The Spirit of the Laws* to be a dialectic between determinism and freedom, arguing that Montesquieu ultimately sides with the case for freedom. See Samuel, "The Design of Montesquieu's *The Spirit of the Laws*," 305–21. David Carrithers provides another treatment of Montesquieu's relationship to determinism, also arguing that Montesquieu did not arrive at deterministic conclusions. See David W. Carrithers, "Montesquieu and Tocqueville as Philosophical Historians: Liberty, Determinism, and the Prospects for Freedom," in *Montesquieu and His Legacy*, 149–77.
44. Tocqueville, *Democracy in America*, 676.
45. Montesquieu, *My Thoughts*, 281 [1007].
46. Moderation is such a central theme of Montesquieu's work that references to it are ubiquitous in the scholarly literature. Those who have made it a prominent theme in their interpretations of Montesquieu include Callanan, "Liberal Constitutionalism and Political Particularism"; Anne Cohler, *Montesquieu's Comparative Politics and the Spirit of American Constitutionalism* (Lawrence: University Press of Kansas, 1988), 66-97, 148-69; Paul Carrese, "Montesquieu's Complex Natural Right and Moderate Liberalism: The Roots of American Moderation," *Polity* 36, no. 2 (2004): 227–250; Carrese, *Democracy in Moderation*; Aurelian Craiutu, *A Virtue for Courageous Minds: Moderation in French Political Thought, 1748–1830* (Princeton, NJ: Princeton University Press, 2012), 33–69; Duncan Kelly, "Passionate Liberty and Commercial Selfhood: Montesquieu's Political Theory of Moderation," in *The Propriety of Liberty: Persons, Passions, and Judgement in Modern Political Thought* (Princeton, NJ: Princeton University Press, 2011), 59–116; and Radasanu, "Montesquieu on Moderation, Monarchy, and Reform."

47. As Montesquieu writes with respect to liberty, "Even liberty has appeared intolerable to peoples who were not accustomed to enjoying it. Thus is pure air sometimes harmful to those who have lived in swampy countries" (*SL*, XIX.2, 308–9).
48. Montesquieu carefully frames these aspirations for his work. He situates the prospects for reform exclusively within the purview of political rulers—those who may increase "their knowledge of what they should prescribe." At first glance, Montesquieu's goal for subjects seems straightforward: to make them more content with the status quo by showing the contingency of their situation on the spirit of their society. However, to the extent that the rulers or laws of a given society may be misaligned with its spirit, Montesquieu's analysis indicates that such a misalignment is responsible for popular *discontent*. Thus, he suggests political stability and popular support as motivating factors for rulers to act in accordance with the spirit of their society. A prince who does so is a prince who gives his subjects "new reasons" to love him and "new pleasure in obeying" him.
49. Schaub, *Erotic Liberalism*, xii.
50. See, e.g., Donald S. Lutz, "The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought," *American Political Science Review* 78, no. 1 (1984): 189–97; and Paul M. Spurlin, *Montesquieu in America, 1760–1801* (Baton Rouge: Louisiana State University Press, 1940).
51. James Madison, "*Federalist* 47," in *The Federalist*, ed. George W. Carey and James McClellan, The Gideon Edition (Indianapolis: Liberty Fund, 2001), 250. Subsequent references to *The Federalist* are to this edition.
52. Ibid.
53. Madison, "*Federalist* 39," 194. It is worth noting that the "principles of the revolution" represent a principled objection, not just a practical one, to copying the hereditary features of the English separation of powers.
54. Alexander Hamilton, "*Federalist* 9," 39.
55. Tocqueville says he also spent each day with Pascal and Rousseau. See Paul Anthony Rahe, *Soft Despotism, Democracy's Drift: Montesquieu, Rousseau, Tocqueville, and the Modern Prospect* (New Haven, CT: Yale University Press, 2009), 154.
56. Tocqueville, *Democracy in America*, 7.
57. Ibid., 3.