

Book Review

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

Reviewed by W. B. Allen

Professor Pangle's work reclaims Montesquieu as a critical theorist to be considered in any attempt to understand the American regime and the principles of modern liberalism. Among Americans, only Alexander Hamilton pointed toward the necessity of considering Montesquieu's practical proposals in theoretical terms. Hamilton justly accuses his adversaries of having grasped the "observations" from one part of Montesquieu's work without adverting to his "sentiments" in another part. Professor Pangle enables us to accept that challenge in a manner that has not been equaled since Hamilton first formulated it.

According to Pangle, Montesquieu—"of the handful of thinkers" at the origins of liberalism—"emerges as the most helpful and relevant for us." Following his precursors, he subjected their principles to a "new analysis." A return to Montesquieu, therefore, should rekindle fundamental consideration of our regime: "What we require and what we do not meet with in contemporary attempts to defend the liberal, open society is a sympathetic inquiry that goes to the roots, that does not take this society's existence or its desirability for granted. . ." (p. 2). What is proposed is at once a greater understanding of Montesquieu and ourselves. That such understanding is needed now, especially, results from "the modern crisis of reason itself." Liberal intellectuals are no longer capable of responding to the "dissatisfied," the "critics," since they no longer possess "faith in the validity of evaluative reason." The challenge of left liberalism has disclosed a defect of right liberalism. This work seeks to supply the defect.

Because of the importance of the work, it is necessary to regard it from its most important aspect. Perhaps the most important part is footnote fifteen of chapter three, where Professor Pangle states his case for reading Montesquieu's attack on Hobbes as feigned. It is through that consideration that the defect of right liberalism emerges plainly. The chapter in which the note occurs is a consideration of "human nature and natural law," and it is essential to the interpretation of the work as a whole.

Provisionally it must be said that, although it is abundantly clear that sufficient political inducement to dissociate oneself from Hobbes existed, nowhere is there drawn a principle which depicts the purpose of a feigned rejection. Equally, therefore, the reader cannot discern whether the praises and attacks on Plato, Aristotle, and Machiavelli are to be taken literally or as feigned. If taken literally, there arises the difficulty that the literal understanding of the latter, in fact, agrees significantly with literal understanding of the attack on Hobbes. Insofar as such agreement exists, the question arises whether all that agrees with what is feigned is equally feigned or not to be taken literally? If one answers yes, one must either deny, most significantly, that the laws of Plato were in fact held by Montesquieu to be the best laws or maintain that Montesquieu's understanding of those laws is in agreement with—not "his understanding of" but what are in fact—Hobbesian

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laws. The feigned attack is said to cover Montesquieu's acceptance of Hobbesian principles, and to know of what the acceptance consists we must perforce return to Hobbes. Indeed, fullest acceptance of Pangle's thesis means, as well, full acceptance of David Lowenthal's thesis that Montesquieu, in singling out the *Republic* as the ultimate manifestation of political virtue, recommends it only with respect to its practical considerations and omits altogether its highest formulations. Those formulations are the problematic status of the philosopher-king and the community of wives and children, which respectively consider the role of philosophy or wisdom and the role of eros in politics.

What Pangle demonstrates is twofold: first, the Hobbesian view of nature is more conducive to modern political philosophy than Spinoza's; and, secondly, that Montesquieu, rather than rejecting Hobbes, incorporates the Hobbesian view into a Spinozistic view of the material world, thus effecting a synthesis. If this be the case—and the argument is persuasive—Montesquieu's theory, too, rests on the "crypto-teleology" implicit in the attempt to construct a pre-political—nay, apolitical—human existence which nonetheless leads inexorably to civil society. But, the critical factor is that, such a theory must yield positive law (civil society). Otherwise, granting acceptance of the general laws of modern science, man finds himself able to speak, politically, only of his present regime and its past. He will derive "normative rules" from tradition rather than abstract principles, precisely because he has tossed aside the option of consulting nature understood in terms of a final cause. Either, that is, Montesquieu follows Hobbes or he must abandon political philosophy.

This, then, is the defect of right liberalism. It is the notion that man's selfish desires could furnish the complete basis for his attachment to a regime and obviate the necessity for reasoned reflection on the nature of that regime. Hence, once natural rights were discovered and a regime established there remained only the flurry of interested activity to keep it in motion. Pangle argues that Montesquieu was the first who, while portraying the charms of such a vision, introduced another principle—history—as the basis of attachment to such a state. His principles were, in essence, still Hobbesian, based on natural rights; the history was only incidental. Agreeing, Madison, in *Federalist* #49, recognized that this regime would require a certain opinion to sustain it, which opinion ought be fortified by examples not merely numerous but ancient. But Montesquieu's philosophical successors could not or would not follow his cautious admonition that history could be used not to legitimate but only to sanctify political arrangements. History, for Montesquieu, was a tool for legislators or statesmen; its use was to be guided by rules of prudence. He envisioned, therefore, that natural right was incapable of perpetuating political institutions—and hence was not decisively human—though it could alone provide the effective basis for such institutions.

The turn to history as not only sanctifying but legitimating was in fact a rejection of the natural right tradition. What Pangle demonstrates is that the historicist abandonment of natural right is also the rejection of faith in evaluative reason. Hence, the crisis of modernity is seen as the imprudent rejection of the fundamental principle of modernity without a concomitant detachment from the aspirations of modern liberalism. This crisis is most vividly symbolized politically in the challenge of the Marxist historical vision, and academically in the importance of existentialism.

To know whether Montesquieu chooses either alternative presented to him, one must

read carefully *The Spirit of the Laws*. And, if one does so, one may consider three questions raised by Pangle's chapter three.

Rousseau shows that Montesquieu's peaceful state of nature serves no essential purpose. But, Montesquieu takes pains to elaborate it, although he hedges the elaboration with conditional statements as to the existence of "such a state." Nonetheless, he describes the necessary characteristics of a conceivable pre-political human existence, and it is decidedly peaceful. He accounts for the end of the peace and pre-political life by referring to the specific reliance of "first society" on "understanding" and the necessary limits of this understanding. Because each or any people suffers a peculiar ignorance, these first societies are in reality states of war. But the very ignorance which governs them is also the condition of civil peace. The next subject should be the "normative rules" deducible from such a Hobbesian understanding, but Montesquieu turns, instead, "to a classification and examination" of the various forms of government. The first question, then, is whether Montesquieu, in constructing such a murky transition, does not suggest a fundamental error in the establishment of governments—or, the making them necessary—an error implicit in Montesquieu's appreciation of "the various regimes ... devoted to various ways of life, each implicitly (raising) a claim on behalf of its way of life."

The second question is whether, "in the key political respect," Montesquieu adopts the Hobbesian position that there is "no natural right or law of the human passions in general." What magnifies this question is the further question of a key passion, politically speaking. Montesquieu appreciated the central role of eros in Plato's *Republic*, but, differing from Plato, does not see it as ultimately obstructive. He avows, in his *Pensées*, that he considers *The Republic* every bit as realizable as the Spartan republic. This is more obliquely maintained in *The Spirit of the Laws*, and, suggesting that the early discussion of passion is incomplete, the central book of *The Spirit of the Laws* considers the central subject of *The Republic*.

The third question is whether "the best justification" of the principles in Book I is "the persuasiveness of the political teaching" based on a Hobbesian view of nature. Professor Pangle leads the reader to the question by presenting, without mentioning it, the fundamental principle descriptive of the relationship all beings have to the laws of nature: obedience. This principle, as Montesquieu develops it, represents the effect of "general laws" on beings. It is possible to conform to natural law only through obedience to that law. But, where obedience requires the use of error-prone reason, the law of nature will be inadequately obeyed. Thus, it can be said "that it is a necessary part of human nature to be capable of acting contrary to nature." But, it must be questioned whether this view is Hobbesian. The question is the more urgent to the extent that deliberation is the formulation of successive appetites and its end, will, but the last appetite. The alternative is that Montesquieu's argument is more radical; that is, the reason man possesses would discomfit him for a natural (primitive) existence but provides no end (telos). Could it be a fundamental error that brings man into civil society (and there traps those who can reason well), and, in fact, makes civil society necessary? This is the suggestion contained in Pangle's statement that "the emergence of society must be explained in terms of unnecessary and unforeseeable accidents." Is that not precisely a mistake?

On the answers to these three questions Pangle's analysis of the Hobbesianism of Montesquieu depends. On the distinction between the principles of Montesquieu and

Hobbes the fate of modern liberalism depends. The conclusion seems fair in the light of what is considered the defect of right liberalism and the understanding that Hobbes is its founder. Hobbes teaches, in this view, that all social and political obligations are derived from and in the service of the individual rights of men. Montesquieu found this view an inadequate basis of civil peace. In either amending or transcending it, he laid the foundations of modern liberalism—at least as expressed in the founding of the United States. But modern liberalism is in crisis because it has lost sight of its foundations. The return to Montesquieu is an attempt to deal with the crisis by reconsidering the charm, the dignity of the original vision (that emancipation from intolerance, religious and racial, imparted by easy commerce in goods and beliefs). Such are the questions Pangle finds it possible to raise after consulting Montesquieu. A return to fundamentals makes it possible to provide that kind of defense liberal democracy requires, if it is to resist successfully the impulse to abandon all rule as merely arbitrary and hence illegitimate. And, as Montesquieu maintains, the impulse to abandon all rule is at once the impulse to establish tyrannical rule.

Though Pangle succeeds in providing this insight into the modern crisis, he does leave the suggestion that what is new in Montesquieu's "new analysis of the principles of modernity" is only a sensitivity to the requirements of public opinion coupled with a sensitivity to the demands of different circumstances, rather than a genuine understanding of any defect of right liberalism. Montesquieu amends Hobbes, makes him more gentle, less "sauvage." Yet, such a reading leaves it unclear how deep the defect goes. That Montesquieu should have been concerned with the necessity of enshrouding modern regimes in a faith that more lay at their foundations than was really there suggests a radical understanding of the defect. Surely, one inescapable conclusion that emerges from the central books of *The Spirit of the Laws* is the idea that the entire globe will not necessarily support right politics. Hence, the history of progress to be written by modern natural philosophy is a history that may be confined to select regions. The world need not be made safe for democracy, since nature has made many parts of it unsafe for any moderate government. Montesquieu raises, in the context of modern science, the possibility that it may justifiably be the eternal human prospect that men should be divided into high cultures and barbarian cultures. On this basis, the city and man can remain the themes of political philosophy without requiring political philosophy to reconcile itself to the fundamental inadequacy of the human. It is to the practical accomplishment of this objective that his history of the republic is directed. It is a history of right politics—not the history of man on earth—that is intended to serve as the principle of right for the citizens of the modern regime. Montesquieu, one might say, sought, to ensure the possibility of universal politics, but only for particular regimes. Such reflections would lead to consideration of the sense in which Montesquieu was more radical than his predecessors. What is at stake is man's capacity to discern and choose legitimate politics and the necessity of rejecting tyranny as an error. That is a theoretical goal, and we wish to know the nature of that political prudence which might ensure it.

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