

MONTESQUIEU, DIVERSITY, AND THE AMERICAN CONSTITUTIONAL DEBATE

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It has become something of a cliché for contemporary scholars to assert that Madison turned Montesquieu on his head and thereafter give little thought to the Frenchman's theory that republics must remain limited in territorial size. Madison did indeed present a formidable challenge to Montesquieu's theory, but I will demonstrate in this dissertation that the authors of the *Federalist Papers* arrived at the extended sphere by following a theoretical pathway already cemented by the French philosopher. I will also show that Madison's "practical sphere" ultimately concedes to Montesquieu that excessive territorial size and high levels of heterogeneity will overwhelm the citizens of a republic and enable the few to oppress the many. The importance of this dissertation is its finding that the principal mechanism devised by the Federalists for dealing with factions—the enlargement of the sphere—was crafted specifically for the purpose of moderating interests, classes, and sects within an otherwise relatively homogeneous nation. Consequently, the diverse republic that is America today may be exposed to the existential threat anticipated by Montesquieu's theory of size—the plutocratic oppression of society by an elite class that employs the strategy of *divide et impera*.

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INTRODUCTION

Multiculturalists contend that ethnic and cultural diversity—when adequately protected in a tolerant society—will nurture community spirit and strengthen the United States.¹ Critics maintain that heterogeneity reduces social capital, threatens stability, and ultimately empowers the government with intrusive powers.² The objective of this dissertation is to contribute new insight to this scholarly debate by investigating the political thinking of Montesquieu relating to diversity that influenced the American Constitutional Debate. Considerable attention will therefore be devoted to two competing theories of heterogeneous republics: Montesquieu’s theory of size and Madison’s theory of the “practical sphere.”³ Because these two political philosophers

¹ See for example: Charles Taylor, *Multiculturalism: Examining the Politics of Recognition* (Princeton University Press: New Jersey, 1994); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995); Bhiku Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (Harvard University Press: Cambridge, 2000); Alana Lentin & Gavan Titley, *The Crises of Multiculturalism: Racism in a Neoliberal Age* (Zed Books: London, 2011); Anne Norton, “The Virtues of Multiculturalism,” in *Multiculturalism and American Democracy* (University Press of Kansas: Lawrence, 1998), 130-138.

² See for example: Brian Barry, *Culture & Equality* (Harvard University Press: Cambridge, 2001); Paul Gottfried, *Multiculturalism and the Politics of Guilt: Toward a Secular Theocracy*, (University of Missouri Press: Columbia, 2002); Richard Bernstein, *Dictatorship of Virtue: Multiculturalism and the Battle for America’s Future* (Alfred A. Knopf: New York, 1994), Stanley Fish, “Boutique Multiculturalism,” in *Multiculturalism and American Democracy* (University Press of Kansas: Lawrence, 1998), 69-88; Steven J. Kautz, *Liberalism and Community*, (Cornell University Press: Ithaca, 1995); Kevin Phillips, “Balkanization of America,” *Harpers* 256, no. 1536 (1978); Samuel P. Huntington, *Who Are We: The Challenges to America’s National Identity*, (New York: Simon & Schuster, 2004); Patrick J. Buchanan, *The Death of the West: How Dying Populations and Immigrant Invasions Imperil Our Country and Civilization* (New York: St. Martin’s Press, 2002).

³ Montesquieu, Charles de Secondat, *The Spirit of the Laws*, (Amherst: Prometheus Books, 2002), VIII.16. All references to this book will hereafter use the abbreviation: *SL*. Any references to other versions of this book using a different translation will be explicitly acknowledged. I have opted to use this version as my primary source instead of other versions like the Cambridge edition (1998) because the former uses the Thomas Nugent (1752) translation, which is the most likely version read by the participants of the American Constitutional Debate. I have not established this with complete certainty, but the Montesquieu quotes used by the Federalists and Anti-Federalists are identical to the Nugent translation. This is certainly not the case with the Cambridge edition which was translated in 2002; James Madison to Thomas Jefferson, October 24, 1787, in Robert A. Rutland et al., eds., *The Papers of James Madison*, 17 vols. (Chicago and Charlottesville, 1962-1991), X. Hereafter referred to as *PJM*. James Madison, in Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers* (New York:

have a uniquely comprehensive understanding of republican regimes, and because their theory-building is informed by personal experience and rigorous case study analysis, I believe this dissertation offers a novel and useful approach for understanding the diverse republic that is America today.⁴

The central question of this investigation is: *What is the impact of ethnic and cultural diversity on republican regimes?* The central argument is that Madison's "practical sphere" ultimately concedes to Montesquieu's theory of size that heterogeneity will incapacitate the assertive political vigilance necessary for citizens to defend the general interest against wealthy elites who strategically exacerbate subnational divisions to advantage themselves. The methodology of this dissertation will be to: (1) investigate and evaluate these two competing theories of modern republicanism; (2) demonstrate similarities and identify important divergences; and (3) provide the reader with greater comprehension by informing theoretical ideas with the case study analysis that Montesquieu and Madison rely upon to support their positions. In this respect, the Roman Republic and the hybrid republic of modern England will be

Signet Classic, 2003), 14, 51. Hereafter referred to as *Federalist*. Hamilton also spoke of the "practicable sphere," though he offered little by way of elucidation. See: Alexander Hamilton, *Federalist* 24.

⁴ Madison's personal experiences include an extensive political career in government at the state and national level. His wide-ranging case study background includes the study of two hundred books Thomas Jefferson sent him pertaining to the history of republics and confederacies. The specific cases he analyzed included Greece, the Holy Roman Empire, Switzerland, and Holland. One work strongly influenced by this research was his essay, "Of Ancient and Modern Confederacies." See: Lance Banning, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republics* (Ithaca: Cornell University Press, 1995); Richard Brookhiser, *James Madison* (New York: Basic Books: 2013), 47; James Madison, "Of Ancient and Modern Confederacies," April-June, 1786. The Baron of Montesquieu had formal legal training, was the president of the Bordeaux Parliament, was a member of the Bordeaux and French Academies of Science, and was a well-traveled man. His case study analysis included extensive research of ancient Rome that would produce a book examining the rise and fall of the Roman Republic. He was also spent nearly two years in England observing this nation and the government that would inspire his now famous tripartite separation of powers. See: *Considerations on the Causes of the Greatness of the Romans and Their Decline* (Indianapolis: Hackett Publishing, 1999), XI, 107-8. All references to this book will hereafter use the abbreviation: *Considerations*; Robert Shackleton, *Montesquieu: A Critical Biography* (Oxford: Oxford University Press, 1961), 10, 16, 21, Chapter 6.

of particular interest, as will Madison's critique of the American republic prior to the ratification of the Constitution.

The importance of this dissertation should be clear given the changing demographics of the United States. Recent population projections by the Census Bureau indicate that non-Hispanic, White Americans will cease to compose a majority of the population in 2043.⁵ The United States will thus become a majority-minority nation which means ethnic and cultural diversity are likely to remain two of the most significant issues of our time. How we navigate the confusing and divisive politics of heterogeneity will ultimately determine our fate as a nation. Will we succumb to plutocracy as Montesquieu forewarned? Does avoiding such a fate require extreme measures be taken like government censorship, segregation, or hegemonic assimilation? Or can we rise above the factions of diversity, overcome contentious prejudices, and vigilantly monitor those who seek to profit off the ruination of the republic?

Key Findings

Because this dissertation is a diversity-focused investigation of Montesquieu and the American Constitutional Debate, my analysis is less concerned with the sort of research questions emphasized by other scholars such as: What type of regime does Montesquieu truly favor the most? Did Montesquieu think England was a republic or a monarchy? Did Madison and Hamilton hold contradicting views in the *Federalist Papers*? And did the "later" Madison fundamentally change his perspective on American

⁵ "2012 National Population Projections," *The United States Census Bureau: U.S. Department of Commerce*, at: <http://www.census.gov/newsroom/releases/archives/population/cb12-243.html>, accessed June 9, 2013.

politics? Research questions of this variety will indeed be addressed throughout this project, but only as they indirectly relate to matters of heterogeneity or when it proves necessary to examine foundational themes that overlap with these niche topics. Nevertheless, by concentrating specifically on ethnic and cultural heterogeneity, several key findings have emerged from this investigation that should be of interest to scholars who focus on alternative topics. These findings may in some cases directly contradict the conclusions of other scholars. Alternatively, these findings may have escaped the attention of scholars or not been accorded their due importance. I have listed these findings below in the chronological order of their appearance in this dissertation:

- Montesquieu’s rejection of the Roman example is actually a rejection of extreme political virtue and is not an assertion that modern democratic republics can subsist without this passion.
- Montesquieu contends that a republic without a monarch and hereditary noble class to stabilize class warfare and inadvertently guide the nation towards the general interest is utterly dependent upon political virtue.
- Montesquieu believes political virtue can stabilize the class warfare between the few and the many by redirecting ambition towards the common good and by imbuing the common folk with an esteeming but cautious regard for great individuals.
- Montesquieu contends that ethnic and cultural diversity will erode political virtue, incapacitate the “spirit of the people,” and thus render the citizen population vulnerable to the ambitious few.
- Montesquieu believes political virtue can fill the lives of citizens with meaning, purpose, and communal fellowship—and this helps compensate for the painful “self-renunciation” that political virtue requires.
- Nevertheless, Montesquieu also thinks political virtue must be heavily incentivized with public distinctions and privileges which suggests that political virtue is not as divorced from private interest as the Frenchman sometimes

indicates.

- Montesquieu postulates that commerce engenders tolerance because it homogenizes the good life as individual acquisitiveness and renders citizens indifferent to residual cultural differences; but he also thinks high levels of commercial activity will generate an evolving cultural hegemony that dispassionately filters out ideas, beliefs, and practices that impede economic productivity and inefficiency.
- Montesquieu endorses *realpolitik* and thus warns against excessive humanization which may render a nation incapable of evaluating cultures or confronting the evils identified by its enlightened morality.
- The extended sphere is for Madison and the Federalists best understood as a mechanism they devised to shore up the deficiencies of a republic lacking a monarch or hereditary nobility to protect the few from the many.
- Madison rejects Montesquieu's assertion that political virtue can protect the many from the few, but he still believes this passion is necessary to animate citizens with the assertive political vigilance they need to guard the national interest against despotism and plutocracy.
- Madison believes the size of a republic can be safely extended if citizens maintain a sufficient level of communicative activity, but his theory of the "practical sphere" concedes almost entirely to Montesquieu that ethnically and culturally heterogeneous populations will be easily preyed upon by the wealthy elite.

The Significance of Montesquieu

The original plan of this project was to focus exclusively on the American Constitutional Debate as it relates to contemporary issues of diversity. However, as I immersed myself in the literature, it became evident that fully comprehending the theoretical ideas of this debate would be impossible without first understanding how Montesquieu extensively informed and challenged the political philosophy of the debate participants. The Anti-Federalists in their opposition to ratification made frequent

references to Montesquieu, his analysis of Rome, and his theory of size.⁶ Brutus even called him one of “the greatest and wisest men who have ever thought or wrote on the science of government.”⁷ Participants on the other side of the debate were also captivated by Montesquieu. Hamilton and Madison both referred to the French philosopher as “the celebrated Montesquieu” and the latter even called him an “oracle.”⁸ The political historian Paul Rahe observes that Publius “knew what subsequent scholarship has shown to be true: that no political writer was more often cited and that none was thought to be of greater authority in the era of American constitution-making.”⁹ Donald Lutz has corroborated this claim with an empirical study that found Montesquieu was referenced in the writings of American thinkers (1760 – 1805) more often than any other thinker, including John Locke.¹⁰ Matthew Bergman relates that Montesquieu’s theories and ideas were widely available to patrician and commoner

⁶ Explicit Anti-Federalist references to Montesquieu by name include: William Grayson speech, June 11, 1788, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, (Philadelphia, 1876) 5 vols. , III, 274-79; Cato III, *The New York Journal*, October 25, 1787, in *The Complete Anti-Federalist*, Herbert Storing, ed., (Chicago: University of Chicago Press, 1981), 2.6.13. Hereafter referred to as Storing. See also: Centinel, *Philadelphia Freeman’s Journal*, October 24, 1787 in Storing, 2.7.33, 5; Brutus, October 18, 1787, in Storing 2.9.11; Federal Farmer, December 31, 1787 in Storing, 2.8.97; Federal Farmer, January 12, 1788 in Storing, 2.8.148; Cincinnatus, November 22, 1787 in Storing, 6.1.32; Cato, *New York Journal*, November 8, 1787, in Storing 2.6.25; William Penn, [Philadelphia] *Independent Gazetteer*, January 3, 1788, in Storing 3.12.13. References to Montesquieu’s treatise on Rome include: Centinel October 24, 1787, in Storing, 2.7.33; Old Whig, October 27, 1787, in Storing, 3.3.20. Explicit references to Montesquieu’s argument of size include: Centinel, October 5, 1787 in Storing, 2.7.17; Brutus, October 18, 1787 in Storing, 2.9.12; Cato III, *New York Journal*, October 25, 1787, in Storing, 2.6.13.

⁷ Brutus, October 18, 1787, in Storing, 2.9.11.

⁸ Madison, *Federalist 47*; Hamilton, *Federalist 78*.

⁹ Paul A. Rahe, *Soft Despotism, Democracy’s Drift: Montesquieu, Rousseau, Tocqueville, and the Modern Prospect*, (Yale University Press, New Haven: 2009), xiv.

¹⁰ Donald S. Lutz, "The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought," *American Political Science Review*, 78 (1984), 189-90. Lutz admits this finding does not establish concord of thought with Montesquieu because his research design includes both positive and negative citations. Nevertheless, authors who cite Montesquieu in order to attack him still indicate “that the work has been read, and it also shows influence insofar as the cited author’s categories of thought are being used.” See: Lutz, 191.

alike. Booksellers advertised his works, university libraries made these books available to young scholars, and newspaper articles contained important sections of the French philosopher's writings.¹¹ That Montesquieu was a revered intellectual figure among early American political thinkers is undeniable. More importantly, his influence was especially acute on the subject matter of ethnic and cultural diversity in republican regimes. The Anti-Federalists may have adjusted Montesquieu's theory of size to the American experience, but the ubiquity of the French philosopher's ideas in Revolutionary America and the deferential authority bestowed upon him by intellectuals made Montesquieu the real antagonist Publius had to overcome if the Federalists were to succeed in convincing the public that America's heterogeneity would not engender despotic forms of governance.

With this formidable influence in mind, the first three chapters of this dissertation will investigate the theories and ideas of Montesquieu—relating to diversity—that likely influenced the political thinking of the American Constitutional Debate. A disclaimer is therefore warranted. Establishing with certainty that influence occurred on specific points of interest will not always be possible since the writing style of intellectuals during the ratification period was generally disinclined towards citations and textual references.¹² Nevertheless, investigating Montesquieu's political philosophy will undoubtedly illuminate the major ideas of the American Constitutional Debate that relate

¹¹ Matthew P. Bergman, "Montesquieu's Theory of Government and the Framing of the American Constitution," *Pepperdine Law Review* Vol. 18, Issue 1, 1990, 18-42. Bergman's research relies heavily on the scholarship of Spurlin and McDonald. See: Paul M. Spurlin, *Montesquieu in America*; Forrest McDonald, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (University Press of Kansas: Lawrence, 1985).

¹² See: Garrett Ward Sheldon, *The Political Philosophy of James Madison* (Baltimore: John Hopkins University, 2001), 13-14.

to ethnic and cultural diversity. For even when direct influence is impossible to establish, the French philosopher's keen insight on heterogeneous republics can provide an informative perspective to frame and evaluate the republic the Founders endeavored to build.

Overview of Chapters

Previous studies have explored the influence of Montesquieu on the American Constitutional Debate, but this dissertation will contribute new and significant insight by conducting a diversity-focused investigation of Montesquieu.¹³ Of particular interest to this project is Montesquieu's theory of extensive republics which arguably became the center of gravity of the ratification debate. Yet before investigating Montesquieu's theory of size and the solutions his political philosophy offers to mitigate the disruptive effects of heterogeneity, it will first be necessary to investigate the requirements of a moderate republic.¹⁴ Moderate governments are described by the French thinker as regimes in which the laws are moderate in their severity, rulers govern with mildness, and political authority is attenuated by competing focal points of political power operating within and outside government.¹⁵ Both the Federalists and Anti-Federalists discussed the

¹³ See for example: Lutz, 1984; Bergman, 1990; Spurlin, *Montesquieu in America*; Guillaume Ansart, "Variations on Montesquieu: Raynal and Diderot's 'Histoire des deux Indes' and the American Revolution," *Journal of the History of Ideas*, Vol. 70, No. 3 (Jul., 2009); Anne M. Cohler, *Montesquieu's Comparative Politics and the Spirit of American Constitutionalism* (Lawrence: University Press of Kansas, 1988); Christopher Wolfe, "The Confederate Republic in Montesquieu," *Polity*, Volume 9, Issue 4, 441-4; Paul A. Rahe, "Montesquieu's Natural Rights Constitutionalism," *Social Philosophy and Policy*, 2012, Volume 29, Issue 2, 77-79. Colleen A. Sheehan, "Madison and the French Enlightenment: The Authority of Public Opinion," *The William and Mary Quarterly*, Third Series, Vol. 59, No. 4 (Oct., 2002), 925-32. Thomas Pangle, *The Spirit of Modern Republicanism* (Chicago: The University of Chicago Press, 1988), 89-94, 125, 288 n.13, 289 n. 17.

¹⁴ *SL*, XI.4.

¹⁵ *SL* V.15; VI.2, VI.9, XI.4; XII.2-28; *SL* XI.6. For more on checking forces operating outside of government, see: *SL*, III.10; XXI.20; XXII.13.

importance of moderation and the characteristics of a moderate republic, though they ultimately disagreed how this regime should be properly organized and maintained.¹⁶ That fierce disagreement existed between these two ideological camps is understandable. Montesquieu himself contends that the incredible difficulty of arranging this form of government is the best explanation for the pervasiveness of tyranny throughout the world.¹⁷ Successful construction of a moderate government, in his opinion, constituted a “masterpiece of legislation.”¹⁸ It is for precisely this reason that the requirements of a moderate republic must be investigated before examining heterogeneity and the theory of size. Understanding the impact of ethnic and cultural diversity necessitates that we first comprehend what is specifically being impacted—the complex set of institutions and sociopolitical forces operating within this elaborate regime. Only then will we coherently perceive the disruptive effect that Montesquieu thinks heterogeneity can have on a moderate republic. The cautioning words of the Anti-Federalist thinker Cato speak directly to this point:

Where, from the vast extent of your territory, and the complication of interests, the science of government will become intricate and perplexed, and too mysterious for you to understand and observe; and by which you are to be conducted into a monarchy, either limited or despotic...¹⁹

The “science of government” Cato refers to here is the complex arrangement of institutions and sociopolitical forces Montesquieu thought were required to sustain a

¹⁶ See for example: Hamilton, *Federalist* 1, 11, 16, 34, 78; Madison, *Federalist* 1, 37; Madison, “Consolidation,” *PJM*, XIV, 218; Cato III, *New York Journal*, October 25, 1787 in Storing, 2.6.13, 15-17; Agrippa VIII, December 25, 1787 in Storing, 4.6.31; Centinel VIII, December 29, 1787 in Storing, 2.7.101, 104, 127; An Old Whig VIII, *Philadelphia Independent Gazetteer*, February 06, 1788, in Storing, 3.3.51.

¹⁷ *SL*, V.14.

¹⁸ *Ibid.*

¹⁹ Cato III, *New York Journal*, October 25, 1787, in Storing, 2.6.14.

moderate republic. It was a major concern of the Anti-Federalists that a larger heterogeneous country like America would necessitate a republican government far too complicated for the layman to comprehend.²⁰ The Anti-Federalists believed this to be extremely dangerous because they shared Montesquieu's opinion that citizens had a vital role to play in securing the freedom of a republic.²¹ It was not enough to rely on mechanistic government arrangements like the tripartite division of powers to prevent the rise of tyranny.²² The people had to be actively involved in preserving their own liberty and they would fail to perform this responsibility if they were unable to recognize tyranny or anticipate where it might come from because the government and politics of a large republic were too complex for them to vigilantly monitor or evaluate.²³

The objective of Chapter 1 is therefore to disaggregate the theoretical components of Montesquieu's science of government and pinpoint exactly where he thinks despotism is likely to emerge when moderate republican governments attempt to rule large heterogeneous nations. I will demonstrate that Montesquieu's analysis points to the conclusion that ethnic and cultural diversity corrupt the national spirit, disintegrate the unity of the nation, and erode what Montesquieu calls political virtue, i.e., patriotic love of country and the love of civic equality. When this transpires, the political checking

²⁰ Comprehension of this science was even said by Anti-Federalists to be beyond the reach of naturally talented men like Washington who were novices in this area but whose names were being used to advance the Federalist position. See Centinel II, October 24, 1787, in Storing, 2.7.32; Centinel XIII, January 30, 1788, in Storing, 2.7.146; Centinel XV, February 22, 1788, in Storing, 2.7.165.

²¹ See for example: Federal Farmer XIV, January 17, 1788, in Storing, 2.8.178; Centinel VI, December 25, 1787, in Storing, 2.7.110; Centinel X, January 12, 1788, in Storing, 2.7.137; Centinel XIII, January 30, 1788; in Storing, 2.7.146, 151, 160; *Considerations*, VIII, 85, 87; IX, 92-94; *SL*, IV.13. I will demonstrate in Chapter 4 of this dissertation that Madison also shared this view.

²² *SL*, XI.6.

²³ *SL*, VIII.16.

force he calls the “spirit of the people” will be incapacitated and the citizen population rendered far more vulnerable to the predatory designs of wealthy and ambitious men who purposely agitate divisive factions for their own personal profit. The result is a citizen population incapable of recognizing the general interest, that fears itself more than threats from above, and that eventually begins to welcome despotism in the guise of protection.

Chapter 2 of this dissertation will continue the undertaking of Chapter 1 by investigating in greater detail how the Frenchman thinks political virtue can be cultivated in a republic and why he believes heterogeneity will short-circuit this process. I will show that Montesquieu asserts a combination of influential forces to be necessary for the sustainment of political virtue, including (1) socioeconomic conditions favorable to equality (2) a spiritual connection with the ancestors and descendants of the republic; (3) parental example and respect for elders; (4) senators who serve as models of virtue; (5) the preservation of the ancient religion and culture; (6) and the fear of an external “Other.” With the exception of socioeconomic conditions, what is most significant about these influences from the perspective of this dissertation is that Montesquieu believes their individual operability can be negatively impacted by ethnic and cultural diversity. Nevertheless, I will argue that neither Montesquieu nor the American Founders were interested in recreating a military expansionist republic like Rome where these influences operated unimpeded and political virtue was extreme. These sources of political virtue are thus better understood as overlapping influences that can sustain moderate virtue in a republic through their redundancy. Hence, if cultural and ethnic diversity do negatively impact some of these influences, but others still function at

sufficient levels, then the necessary amount of political virtue can be maintained. I will also demonstrate in this chapter that Montesquieu believes political virtue can generate pleasures in the form of public riches, national glory, communal fellowship, and meaningful purpose. However, the Frenchman also believes political virtue, because it requires so many personal sacrifices, must be incentivized with privileges and rewards.

Chapter 3 will examine three solutions Montesquieu's political philosophy offers to mitigate the harmful effects of diversity in a republic: (1) the confederate republic model; (2) cultural modification; (3) and commerce. I will argue that each of these solutions for Montesquieu falls short in terms of enabling a republic to sustain higher levels of diversity. The first solution *confederation* is a mode of governance that resolves the problem of diversity with a geographic separation of diverse peoples that avoids a true integration. The second solution *cultural modification* involves the subtle transformation of dangerous and inhumane cultural practices by the elites of a republic. Montesquieu seems to endorse this practice in regimes with moderate levels of cultural heterogeneity, but he warns that highly diverse societies can lose the parochial cultural allegiances that restrain ambitious rulers from engaging in widespread social engineering. Thus, the benefit of overcoming prejudices is achieved at the cost of affording elites with autonomy to establish a replacement culture that might legitimize corruption or rationalize oppression. Montesquieu's third solution *commerce* is understood by the Frenchman to be highly effective at remedying the problems associated with diversity because it elevates the importance of individual acquisition among citizens which, in turn, devalues the relative value they place on residual cultural differences that might otherwise beset a republic with confusion and conflict. The

Frenchman thinks a dominant culture will still operate in commercial regimes, but unlike the cultural hegemon of a traditional republic that is generally biased against foreign cultures, the evolving hegemony of a commercial republic is equally receptive to all cultural beliefs and practices that enhance economic productivity and efficiency. Nevertheless, the great quandary indicated by Montesquieu's political philosophy is the inability of commercial republics to resolve the tension that exists between commercial activity, diversity, and political virtue. Because these regimes lack the monarch and hereditary nobility of the British political system which inadvertently protect the nation from the wealthy elite, Montesquieu thinks commercial republics require political virtue to moderate personal ambitions and galvanize citizens with the assertive political vigilance they need to defend the general interest. Relying on commerce to mitigate the problems associated with high levels of diversity thwarts this requirement because overcoming prejudices in Montesquieu's estimation also necessitates that citizens have such a complete and utter commitment to individual acquisitiveness that political virtue is eroded and the "spirit of the people" incapacitated. Thus, without a monarch or hereditary nobility to protect the general interest, and without a mechanism to enable the coexistence of commerce, diversity, and political virtue—commercial republics must moderate their cultural diversity.

Chapter 4 will investigate how Montesquieu's political philosophy informed the American Constitutional Debate. I will demonstrate that the authors of the *Federalist Papers* were strongly influenced by Montesquieu's understanding of economic class warfare and the two primary solutions he offered for mitigating this struggle—political virtue and the tripartite system of government. I will also show that Madison's theory of

the extended sphere rejected Montesquieu's assertion that political virtue can protect the few from the many. And I will demonstrate that Madison argued in contrast to the Frenchman that assertive political vigilance could be maintained in a larger republic if a sufficient level of communicative activity was effectuated with federalism, rotating representatives, education, transportation networks, commerce, and the circulation of newspapers. However, I will also show that Madison and the Federalists conceded almost entirely to the Frenchman on the question of diversity. Ethnic and cultural homogeneity, in their assessment, was required to sustain the political virtue necessary to animate the citizen population and guard the country against plutocracy.

These four chapters will be followed by an epilogue that considers what the findings of this dissertation mean for contemporary politics. I will discuss some of the plutocratic interests scholars have identified that may threaten the American republic because citizens are too divided by subnational interests to recognize, let alone defend, the general interest. I will also consider the counsel that Montesquieu and Madison would likely offer to counter this threat. Foremost among these recommendations are economic protectionism and progressive taxation, the incentivizing of interracial marriages, tolerance for the tolerant, education to overcome divisive and distracting prejudices, and the guidance of patriotic intelligentsia who direct the public's attention towards oligarchic forces that profit off the ruination of the nation.

CHAPTER 1

THE MODERATE REPUBLIC

Montesquieu's motivation for writing *Spirit of the Laws* has been vigorously debated since its publication in 1748, but if we take him at his word, the French thinker explicitly reveals his purpose when he declares that "I have undertaken this work with no other view than to prove" that "the spirit of a legislator ought to be that of moderation," for "political, like moral good" is always found lying "between two extremes."¹ Aristotle is a likely source of intellectual influence on Montesquieu's thinking here, as the Greek philosopher's formula for virtue seems to be the Frenchman's guide in all political matters, including his assessment of the suitable levels of equality and liberty within republics.² Laws too are to be moderate in their severity and Montesquieu even subjects reason to moderation which actually divorces him from Aristotle who considered reasoning to be one of the few activities that did not have to be limited.³ Ulterior motivations may have ultimately governed Montesquieu, but it is difficult to surmise that moderation was not fundamentally important to his political philosophy.

The historian Paul Rahe similarly relates that "political moderation is, in a sense, Montesquieu's cause" and "he is eager to teach legislators just how the spirit of

¹ *SL*, XXIX.1. See also: *SL*, XI.6.

² *SL*, VIII.3, XI.3. Consider for example Aristotle's assertion that "virtue...is a mean between two vices, that which depends on excess and that which depends on defect." See: Aristotle, *Nicomachean Ethics* (New York: Modern Library, 1992), 1107a. See also: *The Politics of Aristotle*, translated by Peter L. Simpson (University of North Carolina Press: Chapel Hill, 1997), 1295a34, 1323b6.

³ Montesquieu, *SL*, XXII.21; XXII.22; XI, 6; XXIV.11; Aristotle, *Politics*, 1323a21 - b6; 1324a23.

moderation can be encouraged within each form of government.”⁴ In a republican government, moderation would thus seem applicable to political virtue, the one passion Montesquieu considers essential to the sustainment of republics.⁵ Defined by the Frenchman as the “love of one’s country” and “the love of equality,” Montesquieu says political virtue clearly “has need of limits,” but is nevertheless the “spring which sets the republican government in motion.”⁶ Scholars like Thomas Pangle and even Rahe himself have curiously ignored this assertion and intimated that Montesquieu thinks political virtue in a modern republic ought to be severely reduced or eliminated altogether.⁷ Two reasons seem to explain this disconnect, the first of which applies to both these scholars—they have misunderstood Montesquieu’s assessment of the Roman Republic to be a repudiation of political virtue rather than a case study that

⁴ Paul A. Rahe, *Soft Despotism, Democracy’s Drift* (New Haven: Yale University Press, 2009), 22.

⁵ For more on the necessity of political virtue in a republic, see for example: *SL*, III.3; IV.5; V.2; V.3.

⁶ *SL*, XI.4; Montesquieu’s foreword to *Spirit of the Laws* added in 1757, section 1. Montesquieu statement about limiting virtues is offered in the form of a question: “But constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go. Is it not strange, though true, to say that virtue itself has need of limits?” His point here seems to be that even virtuous leaders will abuse their power by directing the nation towards dangerous and unnecessary pursuits of national glory. See for example: *SL*, XIII.1. It may be that Montaigne rather than Aristotle is the inspiration of Montesquieu’s thinking on moderation since the former argued that even virtue should be pursued in moderation. See: Michel de Montaigne, “On Moderation,” in *Michel de Montaigne - The Complete Essays* (Penguin Group: London, 2003), 222-7.

⁷ Other scholars who endorse the view that Montesquieu thought political virtue was of little or no importance in modern republics include: J. T. Levy, “Beyond Publius: Montesquieu, Liberal Republicanism and the Small-Republic Thesis,” *History of Political Thought*, 2006, 27 (1); Michael Sonescher, *Before the Deluge: Public Debt, Inequality, and the Intellectual Origins of the French Revolution* (Princeton NJ: Princeton University Press, 2007), 150; Robin Douglass, “Montesquieu and Modern Republicanism,” *Political Studies*, 2012, Volume 60, Issue 3, 711-715; Catherine Larrère, “Montesquieu and the Modern Republic: The Republican Heritage in Nineteenth-Century France,” in *Montesquieu and the Spirit of Modernity* (Oxford: Voltaire Foundation, 2002), 235–49, 236; Judith N. Shklar, ‘Montesquieu and the New Republicanism’, in *Machiavelli and Republicanism*, ed. G. Bock (Cambridge: Cambridge University Press, 1990), 265–79, 265–9. One scholar who does seem to acknowledge that Montesquieu was unwilling to part with virtue in a republic is Pocock. See: J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press, 1975); J.G.A. Pocock, *Virtue, Commerce, and History* (Cambridge: Cambridge University Press, 1985).

cautions against immoderate levels of political virtue.⁸

The Roman Republic as depicted in *Considerations on the Causes of the Greatness of the Romans and their Decline* and *Spirit of the Laws* is undeniably characterized by excessive patriotism that equates the common good with military conquest and the subjugation of the world.⁹ However, Pangle makes a sweeping claim that Montesquieu's analysis reveals "the history of Rome" to be a "fascinating perversion of human nature—a pathology to which republics are, indeed, all too prone."¹⁰ In making this assertion, Pangle is suggesting that Montesquieu considers the trajectory of the expansionist Roman Republic to be the norm rather than the exception.¹¹ That Montesquieu thinks otherwise is evidenced by his declaration that "war and enlargement" is actually "the spirit of monarchy," whereas "peace and

⁸ Montesquieu, *Considerations on the Causes of the Greatness of the Romans and Their Decline* (Indianapolis: Hackett Publishing, 1999), XI, 107-8. All references to this book will hereafter use the abbreviation: *Considerations*. Pangle does briefly entertain the possibility of a moderate, or "unambitious republic," and that a republic like Sparta might be one such example, but he discards this notion because of his assessment that "Rome represents the outcome, or the full development, of the same profound tendencies which lead in the direction of Sparta." Pangle's thinking here is perplexing because Montesquieu clearly offers Sparta as an example of a military republic that did not expand its territory but nevertheless achieved glory by preserving its liberty against external enemies. See: Pangle, *Montesquieu's Philosophy of Liberalism*, 84-6; *SL*, VIII.16. Pangle, *Montesquieu's Philosophy of Liberalism*, 85.

⁹ See for example: *Considerations*, IV, 43-5; *SL*, XI.17.

¹⁰ *SL*, XI.4; Thomas Pangle, "Montesquieu, Charles-Louis de Secondat (1689–1755)," in: *The Blackwell Encyclopedia of Political Thought*, edited by David Miller, (Hoboken: Wiley-Blackwell, 1991), 345-6.

¹¹ Pangle is unwaveringly consistent in this view. In his book examining John Locke, he argues that Roman imperialism for Montesquieu "was a kind of perversion (if an all too easy or even inevitable perversion) of the fundamental aim of the ancient type of republic." See: Pangle, *The Spirit of Modern Republicanism* (Chicago: University of Chicago Press, 1998), 67. And in his seminal work on Montesquieu, Pangle maintains that "Rome represents the outcome, or the full development, of the same profound tendencies" underlying all politically virtuous republics. See: Pangle, *Montesquieu's Philosophy of Liberalism*, (University of Chicago Press: Chicago, 1973), 85.

moderation are the spirit of a republic.”¹² Rahe’s analysis of Montesquieu and the Roman Republic emphasizes power politics. He contends that Montesquieu is cognizant of the military and economic realities of the modern world which he considers to be irreconcilable with the ascetic demands of politically virtuous republics like Rome which shun commerce and the wealth accumulation necessary for national security.¹³ Rahe concludes from this assessment that Montesquieu thinks modern republics are not, and cannot be, animated by political virtue.¹⁴ However, Montesquieu in contrast with Rahe’s analysis does indeed assert on more than one occasion that politically virtuous republics can engage in commerce if a floor level of economic equality is maintained.¹⁵

¹² *SL*, IX.2. Montesquieu makes this assertion when he is explaining why a confederate republic must be comprised of only republican governments.

¹³ Paul Rahe, “Empires: Ancient and Modern,” *The Wilson Quarterly* 28.3 (Summer 2004), 68-84. See also: Paul A. Rahe, *Montesquieu and the Logic of Liberty: War, Religion, Commerce, Climate, Terrain, Technology, Uneasiness of Mind, the Spirit of Political Vigilance, and the Foundations of the Modern Republic* (London: Yale University Press, 2009), 21-24; Rahe, *Soft Despotism, Democracy’s Drift*, 5-10. Céline Spector makes a similar argument, but she does not suggest that a modern republic can subsist without virtue. In this regards, she may differ from Rahe simply because she does not consider the English political system to be a republic. See: Céline Spector, “Montesquieu: Critique of Republicanism?” in *Republicanism: History, Theory and Practice, Critical Review of International Social and Political Philosophy* 6, no. 1, edited by Christian Nadeau & Daniel Weinstock (London: Routledge, 2004), 45. Larrère also discusses Montesquieu’s belief that power required wealth and thus commerce. See: Catherine Larrère, “Economics and Commerce,” in *Montesquieu’s Science of Politics*, (Lanham: Rowman & Littlefield, 2001), 353-9. The relationship Montesquieu identifies between commerce, wealth, and national security will be revisited in Chapter 3 of this dissertation.

¹⁴ See: Rahe, *Montesquieu and the Logic of Liberty*, 227-9. Rahe does make an exception for the ancient commercial republic of Athens, but nevertheless concludes that modern republics are incapable of sustaining political virtue. Pangle also attributes to Montesquieu the belief that commerce and virtue are irreconcilable. See: Pangle, *The Spirit of Modern Republicanism*, 67; Pangle, “Montesquieu, Charles-Louis de Secondat (1689–1755); Pangle, *Montesquieu’s Philosophy of Liberalism*, 208-10. This subject matter will be revisited in Chapter 3 of this dissertation.

¹⁵ See for example: *SL*, V.6; VII.2. What Montesquieu envisions seems comparable to the city of Rochester as described by Frederick Douglass: “The city was, and still is, the center of a virtuous, intelligent, enterprising, liberal, and growing population. The surrounding country is remarkable for its fertility; and the city itself possesses one of the finest water-powers in the world. It is on the line of the New York Central railroad—a line that with its connections, spans the whole country. Its people were industrious and in comfortable circumstances; not so rich as to be indifferent to the claims of humanity, and not so poor as to be unable to help any good cause which commanded the approval of their

Pangle and Rahe undoubtedly offer penetrating insight into the political thinking of Montesquieu, but their conclusion in this circumstance falls short. While it may be true the French philosopher considered the Roman Republic to be oversaturated with political virtue, the application of Aristotle’s “mean between two vices” would necessitate a significantly higher level of political virtue for republics than these scholars are willing to permit.¹⁶ In other words, Pangle and Rahe have erroneously attributed to Montesquieu a perspective of political virtue that foregoes moderation through its deficiency rather than excess.

The second reason that scholars underestimate the importance of political virtue for republics is because of Montesquieu’s confusing speculation that the British system is really a republic “disguised under the form of monarchy.”¹⁷ Montesquieu identifies three species of government: despotic governments “in which a single person directs everything by his own will and caprice,” monarchies where “a single person governs by fixed and established laws,” and republican governments “in which the body, or only a part of the people, is possessed of the supreme power.”¹⁸ The reason he sometimes considers England a republic is because of its parliament, its independent judiciary, and

judgment...I know of no place in the Union where I could have located at the time with less resistance, or received a larger measure of sympathy and cooperation...” Frederick Douglass, *Life and Times of Frederick Douglass: An African American Heritage Book* (Radford: Wilder Publications, 2008), 157.

¹⁶ See footnote 2 of this dissertation chapter (p. 15).

¹⁷ *SL*, V.19. See also: *SL*, XII.19.

¹⁸ *SL*, II.1. Montesquieu makes a notable distinction between democratic and aristocratic republics: “When the body of the people is possessed of the supreme power, it is called a democracy. When the supreme power is lodged in the hands of a part of the people, it is then an aristocracy.” This project will focus principally on democratic republics unless otherwise specified. See: *SL*, II.2.

its weakened intermediary institutions like the Church and nobility.¹⁹ Rahe seems to presume that because Montesquieu thought England was able to subsist without political virtue and rely instead on commercial activity, he also believed modern republics can do the same.²⁰ Yet monarchical England with its king and hereditary noble class was hardly a republic of the democratic or even the aristocratic variety described by Montesquieu.²¹ It may be true that he preferred this hybrid form of government over all other regime types, but his analysis of England has limited functionality in terms of informing his readers what level of political virtue is necessary for modern republics that do not strictly conform to the British model.²² Pangle acknowledges this limitation and thus does not share Rahe's opinion that Montesquieu thinks modern republics can subsist without political virtue.²³ More significantly, the hybrid government of the English

¹⁹ *SL*, XI.6; II.4. The historical accuracy of Montesquieu's claim about these weakened intermediary institutions has been disputed. For example, Voltaire argued, "On the contrary, the English have rendered the power of their spiritual and temporal lords more legal, and have augmented that of the Commons." See: *SL*, II.4; editor's note "i" on Voltaire. Readers should also be aware that Montesquieu will occasionally refer to England as a monarchy. See for example, *SL*, XI.7; Montesquieu, *Notes on England*, translated by Iain Stewart, (2000) Oxford U Comparative L Forum 1, text between note 105 and 106, at: <http://ouclif.iuscomp.org/articles/montesquieu.shtml>, accessed September 9, 2014.

²⁰ Rahe, *Soft Despotism, Democracy's Drift*, 15, 37; Rahe, *Montesquieu and the Logic of Liberty*, 227-9. See also: *SL*, XI.5; XIX.27.

²¹ *SL*, III.3; III.4; V.3-V.8.

²² Scholars who endorse the view that Montesquieu preferred the English political system over all others include: Pangle, *Montesquieu's Philosophy of Liberalism*, Rahe, *Montesquieu and the Logic of Liberty*, and Spector, *Republicanism: History, Theory, Practice*; Randal R. Hendrickson, "Montesquieu's (Anti-)Machiavellianism: Ordinary Acquisitiveness in The Spirit of Laws," *The Journal of Politics*, Vol. 75, No. 2, April 2013.

²³ Pangle, *Montesquieu's Philosophy of Liberalism*, 125-30. Pangle actually thinks Montesquieu is of the opinion that political virtue is even necessary for the English hybrid republic, though he posits that a "minimal devotion to the whole" will be enough for national defense and domestic stability to be maintained, especially since "enlightened selfishness" can function in the place for political virtue by ensuring society operates by "certain principles of equity or reciprocity." See: *Ibid.*, 115. Rahe also considers what the missing king and nobility mean for modern republics like America, but he explores this subject matter from the perspective of Tocqueville and concludes that a soft-despotism of administrators will emerge rather than the plutocracy that Montesquieu anticipates. See: Rahe, *Soft Despotism, Democracy's Drift*, 164-189, 272; *Montesquieu and the Logic of Liberty*, 240-1.

was not a republican model the American framers wanted to duplicate. Madison declared it to be an impropriety that England has been considered a “genuine republic” simply because it “has one republican branch only, combined with [a] hereditary aristocracy and monarchy.”²⁴ Consequently, even if political virtue can be considerably diminished in the British model, Madison believed this to be of minor consequence to the political foundations of the American government which had to be “strictly republican” since “no other form would be reconcilable with the genius of the people of America.”²⁵

The reduced importance scholars think Montesquieu assigns to political virtue ultimately confuses their understanding of what he thinks modern republics need to properly function. More specifically, their analysis fails to appreciate Montesquieu’s belief that liberty and security require a moderate level of political virtue to unite the population, guide the “spirit of the people,” and give meaning to the lives of citizens

²⁴ Madison asserts that a “genuine republic” is a government that is “derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it.” If this were the case, then “a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic.” Moreover, the persons in charge of administering government must be “appointed, either directly or indirectly, by the people” and that their tenures be “for a limited period, or during good behavior.” Madison, *Federalist*, 39.

²⁵ Pangle is correct when he says the American Founders tried to compensate for these features of the monarchical system “with institutions like the presidency, the Senate, and the Supreme Court which by their modes of selection first pick out from the populace educable men and then, by their definition of official functions and by the succession from one office to another, mold and shape these men, working on their selfish interests, to the point where their performance imitates or approximates the performance of monarchs and nobles.” See Pangle, *Montesquieu’s Philosophy of Liberalism*, 130. However, I will demonstrate in Chapter 4 of this dissertation that the Federalists understood these substitutes were imperfect and could not be relied upon to stabilize the struggle between the few and the many. See: James Madison to Thomas Jefferson, October 24, 1787, in *PJM*, X; Madison *Federalist* 10, 51; Hamilton, *Federalist* 22. The Anti-Federalists also recognized that an American republic would have to operate without a monarchy and noble class. See for example: Federal Farmer XIV, January 17, 1788, in Storing, 2.8.178, 180; Federal Farmer VI, December 25, 1787, in Storing, 2.8.74; Centinel, October 5, 1787, in Storing, 2.7.7. One notable exception was an Anti-Federalist from Maryland who proposed a highly decentralized republic with a limited monarch. See: Farmer (Maryland), *Maryland Gazette*, April 22, 1788, in Storing, 5.1.18-53.

beyond materialistic pursuits.²⁶ Of even greater significance to the subject matter of this dissertation is that Montesquieu thought the level of political virtue necessary for a modern republic to subsist could be eroded by ethnic and cultural diversity. Scholars who do not recognize the vital importance of political virtue also therefore fail to completely appreciate the problems that heterogeneity presents to modern republics. It is the objective of this chapter to address this gap in the literature, provide new insight into Montesquieu's understanding of heterogeneous republics, and flush out the ideas that likely influenced the thinkers of the American Constitutional Debate. Accomplishing this task will require that I disaggregate the theoretical components of Montesquieu's "science of government" as it relates to republics, establish the importance of political virtue, and demonstrate how ethnic and cultural diversity can disrupt the complex workings of a moderate republic.²⁷ The layout of this chapter is as follows: In the first section I will articulate Montesquieu's understanding of human nature and ambition; I will then discuss his understanding of moderate republics; Next, I will examine what Montesquieu means by political virtue; I will then clarify what he means by moderate political virtue; Next, I will investigate why Montesquieu thinks dissensions and political vigilance are essential for republics; I will then examine what it means for the national culture of a republic to be favorably disposed towards virtue; and in the final section, I will consider the impact that Montesquieu thinks heterogeneity has on these key

²⁶ For Montesquieu's thoughts on moderate political virtue or the harm of immoderate political virtue, see for example: *SL*, XI.4; XI.2; VIII.2-3, 16; *Considerations*, IV, 45. For Montesquieu's thoughts on the meaningful purpose virtue can provide, see for example: V.3; *Considerations*, I, 24. For Montesquieu's thoughts on the "spirit of the people," see for example: *Considerations*, VIII, 85, 87. For Montesquieu's thoughts on the corruption of frivolous and superfluous pursuits, see for example: *SL*, III.3; IX.3; *Considerations*, XV, 137; *Considerations*, V, 62.

²⁷ Cato III, *New York Journal*, October 25, 1787, in Storing, 2.6.14.

components of the moderate republic.

Human Nature

Perhaps the most fundamental problem Montesquieu's political philosophy identifies and attempts to resolve is that moderation is resisted by human nature and is unlikely to be arrived at independently of countervailing pressures. Montesquieu is undoubtedly a philosopher of the Modern Age who considers mankind to be a creature of inherent ambition.²⁸ He declares in *Spirit of the Laws* that "the human mind feels such an exquisite pleasure in the exercise of power," that even "lovers of virtue" are corrupted by this sensation.²⁹ Montesquieu's use of the term "lovers of virtue," which is translated more precisely as "those who love the good," is one of the few instances in which he explicitly refers to the virtue of Classical antiquity.³⁰ Not even philosophers in Montesquieu's estimation can be trusted to rule with wisdom or moderation, for man is a "limited being," good men are rarely wise, and prudent men are unlikely to be moderate even in their noble aspirations.³¹ He also cautions against ambitious rulers of a more

²⁸ See for example: *Considerations*, XI, 107-8.

²⁹ *SL*, XXVIII.41.

³⁰ The precise translation can be found in *Montesquieu: The Spirit of the Laws*, edited by Anne Cohler, Basia Miller & Harold Stone, (Cambridge University Press, NY: 1989), 595. The French wording is: "ceux mêmes qui aiment le bien." See: Charles De Secondat Montesquieu, *De L'Esprit Des Lois (1874)* (Whitefish: Kessinger Publishing, 2010), 518. "Lovers of the good" could be a reference to a biblical passage in the second book of Timothy discussing the Last Days: "People will be lovers of themselves, lovers of money, boastful, proud, abusive, disobedient to their parents, ungrateful, unholy, without love, unforgiving, slanderous, without self-control, brutal, not lovers of the good, treacherous, rash, conceited, lovers of pleasure rather than God—having a form of godliness, but denying its power." See: *Holy Bible: New International Version* (East Brunswick: International Bible Society, 1984), Timothy II 3:2-4. However, I think the translation offered by Lowell is accurate because Montesquieu has in mind here "the good" as it was understood by philosophers like Socrates and Plato. Consider that Montesquieu uses this term immediately after discussing the "prudent" men of a "superior class" which suggests something more akin to philosophers than Christians. See: *SL*, XXVIII.41.

³¹ *SL*, I.1; XXVIII.41; XI.4; Plato, *The Republic*, 484a-502c.; Aristotle, *Politics*, 1284a3 – 1284b25.

nefarious variety, including tyrannical men like Caesar and Pompey who purposely sabotaged their countries to empower themselves.³² No less dangerous are ministers of restless dispositions and ignoble souls.³³ Ambitious rulers of this kind will, in their pursuit of personal fame or national glory, direct the country towards unnecessary, superfluous, or even impossible national objectives. Despite the negative things Montesquieu says about human nature, he does think mankind is ingrained with at least one redeeming quality—the love of liberty, though he regretfully admits this noble quality has not prevented the rise of ambitious tyrants.³⁴ Montesquieu observes a world around him besieged by despotic governments, but instead of assigning principal causation to human nature, he attributes this global misfortune to the difficulties involved with establishing a moderate government.³⁵

Moderate Republics

Montesquieu declares that political liberty can only exist in moderate governments, and then still only when “there is also no abuse of power.”³⁶ He describes this type of regime as one in which government authority is respected, property rights are enforced, the people are ruled with mildness, and the law protects all citizens and is

³² *Considerations*, XIII, 121.

³³ *SL*, XIII.1.

³⁴ *SL*, V.14.

³⁵ Montesquieu clearly held an antagonistic view of despotism: *SL*, I.1; VIII.8; III.10; III.9; IV.3. Sharon Krause asserts that even though “Montesquieu never explicitly identifies a best regime, he makes it abundantly clear that despotism is the worst one. So if there is no clearly articulated *summum bonum*...there surely is a *summum malum*.” See: Sharon Krause, “The Uncertain Inevitability of Decline in Montesquieu,” *Political Theory*, Vol. 30, No. 5 (Oct., 2002), 707.

³⁶ *SL* XI.4.

equally applied.³⁷ Republics and monarchies can be moderate governments, but despotic governments can never yield liberty since all power there resides with one body.³⁸ The essential feature of a moderate government is therefore power sharing. Moderate governments are “moderate” precisely because power is moderated by competing focal points of political power within government.³⁹

Montesquieu’s belief in the necessity of power sharing is based on his view that neither Classical virtue nor the human love of freedom can be relied upon to secure political liberty.⁴⁰ Since it was impossible to elevate human souls, and the love of liberty by itself was incapable of protecting men from despotism, Montesquieu argued that we must take men as the selfish and ambitious creatures they are and build this moral deficiency into government. To protect citizens from political abuse, “it is necessary from

³⁷ *SL* V.15; VI.2, VI.9, XI.4; XII.2-28. When it comes to good laws, Montesquieu makes the following observation in his private notes: When I travel in a country, I don't inquire whether it has good laws but whether those that it has are applied, for there are good laws everywhere.” The implication being that the executive power in this nation is doing its job sufficiently well. See: Montesquieu, *Notes on England*, text between note 84 and 86, at: <http://ouclf.iuscomp.org/articles/montesquieu.shtml>, accessed September 9, 2014.

³⁸ *SL* XI.6. In spite of Montesquieu’s explicit assertion here that republics can be moderate, Rahe contends that “republics can only within limits approximate moderation: they cannot without danger relax their springs as much as they wish.” See: Rahe, *Soft Despotism, Democracy’s Drift*, 21. His thinking here is inspired by Montesquieu’s statement that “A moderate government may, whenever it pleases, and without the least danger, relax its springs. It supports itself by the laws, and by its own internal strength. But when a despotic prince ceases for one single moment to uplift his arm, when he cannot instantly demolish those whom he has entrusted with the first employments, all is over: for as fear, the spring of this government, no longer subsists, the people are left without a protector.” See: *SL*, III.9. Rahe seems to have misunderstood the true “internal strength” of a republic. Essentially, a republic can survive without a virtuous government if the people are virtuous, for the “spirit of the people” will correct political abuses and can ultimately remove oppressive leaders. This will be discussed below on pages: 38-43. Pangle argues in contrast to Rahe that this species of government can be moderate in the form of commercial republics, but thinks Montesquieu is generally opposed to these regimes. See: Pangle, *Montesquieu’s Philosophy of Liberalism*, 104-6.

³⁹ Krause also notes that Montesquieu thinks entities operating outside government can have a moderating impact, including commercial actors, religious institutions, and cultural norms. See: Krause, 2002, 716; Krause, 2000, 249. See also: *SL*, III.10; XXI.20; XXII.13

⁴⁰ See previous chapter section.

the very nature of things that power should be a check to power.”⁴¹ Government has to be constructed so that men can jealously monitor each other and balance against potential oppressors. Montesquieu believes the complexity of this mechanistic arrangement is the primary reason why despotic governments dominate the political landscape: “To form a moderate government, it is necessary to combine the several powers; to regulate, temper, and set them in motion; to give, as it were, ballast to one, in order to enable it to counterpoise the other. This is a masterpiece of legislation; rarely produced by hazard, and seldom attained by prudence.”⁴²

That power must check power is perhaps Montesquieu’s most famous contribution to modern republicanism and American Constitutional theory.⁴³ Nearly every scholar of democracy is acquainted with his postulation that liberty is protected by the separation of powers and the tripartite division of government.⁴⁴ Most scholars are also likely to be familiar with the other auxiliary mechanisms he prescribes for moderate governments, though they may associate these ideas with other political thinkers.⁴⁵ For

⁴¹ *SL* XI.4.

⁴² *SL* V.14.

⁴³ See for example: James Madison, *Federalist* 47, 51.

⁴⁴ *SL*, XI.6. Mosher has noted that Montesquieu never uses the term “separation of powers,” opting instead to use “distribution” or “division” of powers. Mosher argues that a separation of powers actually distorts the doctrine Montesquieu espouses. See: Michael A. Mosher, “Monarchy’s Paradox,” in *Montesquieu’s Science of Politics*, 163; *SL*, XI.9; XI.11; XI.14; XI.20; XII.1. Eisenmann also contends that the separation of power attributed to Montesquieu is a myth, for the executive could encroach on the legislative with the veto; the legislature investigates the executive’s application of laws; and the legislature encroaches on the judicial in various way. See: Charles Eisenmann, *L’Esprit des Lois et la séparation des pouvoirs de*, 1933, 163-92; Eisenmann, *La pensée constitutionnelle de Montesquieu*, Recueil Sirey, op. cit., 33-60. Madison in *Federalist* 47 also notes that Montesquieu’s analysis of the British Constitution indicates “the legislative, executive, and judiciary departments are by no means totally separate and distinct from each other.”

⁴⁵ Even the separation of powers can be traced back to earlier thinkers like Aristotle, Locke, and British philosophers during and after the English Civil War. See for example: Aristotle, *Politics*, Bk. II, Ch. 8; However, as Bergman has noted, Montesquieu “was the first to comprehend a distinct and independent judiciary. He popularized the trinity between the executive, legislative, and judicial branches

example, Montesquieu recommends the need for separate political bodies within the legislature to check one another.⁴⁶ He also declares representatives to be the “great advantage” of modern republics that was unknown to the ancients.⁴⁷ They are better fit than the public to deliberate on public affairs, and because they are more enlightened than the people, they can “calm their uneasiness” and protect the country from impulsive political humors.⁴⁸ Additionally, he raises concerns about remunerating politicians and he thinks representatives should be elected from particular districts rather than from the “general body of the nation,” as this was the only way electors could accurately judge the capacity of political candidates.⁴⁹

Although Montesquieu believes these provisions can reduce the likelihood for political abuses to occur in republics, he still regards them as insufficient on their own to preserve liberty. More fundamentally, the politics of a moderate republic in Montesquieu’s assessment are not reducible to a pluralistic competition in which liberty is preserved and the national interest is unconsciously arrived at merely by setting ambition against ambition. That self-interested rulers, factions, and parties will balance against one another may be a part of his scheme, but he requires these governments to be restrained and guided by something far more deliberate than a political version of

of government, and transposed separation of powers from the realm of theory to the practice of government.” See: Matthew P. Bergman, “Montesquieu’s Theory of Government and the Framing of the American Constitution,” *Pepperdine Law Review* (1990), Vol. 18, Issue 1, 14. See also: M.J.C. Vile, *Constitutionalism and the Separation of Powers* (Liberty Fund: Indianapolis, 1967), supra note 44, at 53-54, 56; Martin Diamond, “The Separation of Powers and the Mixed Regime,” *Publius*, Vol. 8, No. 3, *Dimensions of the Democratic Republic: A Memorial to Martin Diamond* (Summer, 1978).

⁴⁶ *SL* XI.6.

⁴⁷ *SL*, XI.6; XI.8; XIX.27.

⁴⁸ *SL*, XIX.27.

⁴⁹ *Considerations*, IV, 44; *SL* XI.6.

Adam Smith's economic "invisible hand."⁵⁰ Scholars like Pangle and Rahe may be correct that Montesquieu thought such a scheme would work in his idealized English political system from which he derived his concept of the tripartite separation of powers.⁵¹ In the words of Pangle, freedom is secured in this regime because "government is the product of an institutionalized competition of selfish individuals and private factions whose struggle checks the possibility of oppression without destroying the force necessary to government."⁵² However, as Pangle himself admits, the stability of the British system's balance of power also requires a privileged noble class and a monarchical family.⁵³ The nobility are necessary to maintain "a real class division among the citizenry" and prevent the rise of a popular faction that might "lead the country into a spirit of extreme equality" and thus endanger the private wealth and authority of the

⁵⁰ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, (Edwin Cannan: London, 1904).

⁵¹ That Montesquieu's hybrid republic is inspired by the English system rather than being the system itself is indicated by the following assertion: "It is not my business to examine whether the English actually enjoy this liberty or not. Sufficient it is for my purpose to observe that it is established by their laws; and I inquire no further." See: *SL*, XI.6. Hulliung has also noted that Montesquieu in the chapter describing the English Constitution (*SL*, XI.6) repeatedly uses the words "should" and "ought," and that "is" appears only irregularly. See: Mark Hulliung, *Montesquieu and the Old Regime* (University of California Press: Berkeley, 1976), 2. For more on this topic, see also: Courtney, C. P. (2001) 'Montesquieu and English Liberty', in D. W. Carrithers, M. A. Moshir and P. A. Rahe, eds., *Montesquieu's Science of Politics: Essays on The Spirit of Laws* (Lanham MD: Rowman & Littlefield), 278–82; Robin Douglass, "Montesquieu and Modern Republicanism," *Political Studies* 60, no. 3 (2012), 711.

⁵² Pangle, *Montesquieu's Philosophy of Liberalism*, 116. Interestingly, such a system would resemble a monarchy where Montesquieu says: "Honour sets all the parts of the body politic in motion, and by its very action connects them; thus each individual advances the public good, while he only thinks of promoting his own interest." Montesquieu calls this honor false honor because it is selfish, but says it can still be very useful. See: *SL*, III.7.

⁵³ Rahe also considers this to be a problem, but this does not change his opinion that Montesquieu thought modern republics can operate without political virtue. See: Rahe, *Montesquieu and the Logic of Liberty*, 239-41 & Rahe, *Soft Despotism, Democracy's Drift*. 272-3.

talented.⁵⁴ The royal family and the king are also indispensable to this political system because they create a three way struggle for power and thus modulate the intensity of the conflict between the commoners and the nobles.⁵⁵ Additionally, monarchs can be reasonably relied upon to steer the country towards the national interest since “the king’s most selfish interests will be more likely to approximate those of the whole country than the interests of either faction.”⁵⁶ This is especially likely in the case of foreign policy, for “his honor and prosperity will rise or fall with the country of which he is in some sense, and especially in the eyes of the world, the proprietor.”⁵⁷ The contribution of a king to this political system is thus not insignificant, as the national interest of a commercial nation like England is otherwise likely to be sacrificed to private economic interests. One of Montesquieu’s chief concerns with large republics presumably because they lacked these two institutions, was their potential to be subverted by plutocrats that would profit off the ruination of the country.⁵⁸ Consequently, in the absence of the nobility and monarch, Montesquieu contends that a republic is utterly dependent on political virtue to temper personal ambitions and navigate the country towards the national interest. Without political virtue, the republic would either succumb to the oppression of the few or to the anarchy of the multitude. For as Montesquieu relates: “when virtue is banished, ambition invades the minds of those who

⁵⁴ Pangle, *Montesquieu’s Philosophy of Liberalism*, 129. He cites *SL*, XI.6; VIII.2. See also *SL*, V.11; XI.16.

⁵⁵ Pangle, *Montesquieu’s Philosophy of Liberalism*, 128. See also: *SL*, V.11.

⁵⁶ *Ibid.* Madison and Hamilton both discuss how the self-interest of a hereditary monarch would coincide with the national interest. See: *Federalist*, 51, 22.

⁵⁷ *Ibid.*

⁵⁸ *SL*, VIII.16. This topic will be revisited in Chapter 3 and 4 of this dissertation.

are disposed to receive it, and avarice possesses the whole community.”⁵⁹

Political Virtue

The importance of virtue for republics is first mentioned in *Spirit of the Laws* when Montesquieu identifies three “principles of government,” each of which corresponds with one of his three different species of government.⁶⁰ In republics this principle is virtue, in monarchies the principle is honor, and in despotic governments this principle is fear.⁶¹ Montesquieu describes these principles as the primary “human passions which set [the government] in motion.”⁶² He cautions against the ratification of laws that would violate a government’s corresponding principle, as this will loosen the internal springs and wheels that give the regime vigorous movement.⁶³ Having first observed this caveat, legislation should otherwise be diversified in accordance with a nation’s particular climate, economy, population, religion, wealth, traditions, culture, and the amount of liberty its constitution will permit.⁶⁴

Virtue for Montesquieu is the lifeblood of a republic. He describes this passion as “the love of one’s country, that is, the love of equality.”⁶⁵ Virtue is thus a “political virtue”

⁵⁹ *SL* III.3.

⁶⁰ *SL*, II.1; III.1; III.2; III.3; IV.1.

⁶¹ *SL* III.2.

⁶² *SL*, III.1.

⁶³ *SL*, V.1; XIX.27. See also: *SL*, Montesquieu’s foreword to *Spirit of the Laws* added in 1757, sections 1 & 2.

⁶⁴ *SL*, I.3.

⁶⁵ *SL*, Montesquieu’s foreword to *Spirit of the Laws* added in 1757, section 1.

and should not be confused with private morality or Christian virtue.⁶⁶ The love of country felt by citizens is a fierce patriotism that prioritizes the national interest before the interests of outsiders and elevates the common good above the particular interests of individuals and factions.⁶⁷ The love of equality citizens feel is the esteemed regard they have for one another as politically equal members of society who share the same rights and duties.⁶⁸ Economic equality and frugality are also components of this love, for every individual of a republic “ought here to enjoy the same happiness and the same advantages, they should consequently taste the same pleasures and form the same hopes, which cannot be expected but from a general frugality.”⁶⁹ Montesquieu’s definition of virtue further specifies a “love of the laws,” which results from the probity of citizens.⁷⁰ Political virtue inspires moderation and a purity of morals which means citizens are more faithful to the laws and ultimately need fewer laws and milder punishments than the citizens of other regime types.⁷¹ Yet it is precisely because republics rely on political virtue to maintain order instead of the severe punishments of despotic governments or the system of honor used by monarchies that “the whole power of education” is required.⁷² Aversion to pain and the pursuit of personal wealth and status are regarded by Montesquieu as natural desires favored by the passions, but

⁶⁶ Montesquieu believes these two other types of virtue can be found in republics, but are “not the spring by which government is actuated.” See: *SL*, foreword 1757.

⁶⁷ *SL*, III.3, 5.

⁶⁸ *SL*, V.3.

⁶⁹ *Ibid.*

⁷⁰ *SL*, IV.5.

⁷¹ *SL*, IV.5; V.2; VI.9; VI.15.

⁷² *SL*, IV.5.

virtue is a “self-renunciation, which is ever arduous and painful.”⁷³ It requires “a constant preference of public to private interest” which means everything “depends on establishing this love.”⁷⁴ He compares the citizens of a virtuous republic to an order of monks who are debarred from all forms of pleasure and thus by default experience great pride and pleasure in the one passion allowed—enthusiasm for a strict life of austerity. Similarly, the less citizens of a republic are able to satisfy their private passions, the more they abandon themselves “to those of a general nature.”⁷⁵

The Moderation of Political Virtue

Montesquieu believes the passion of virtue was epitomized by ancient peoples like the Greeks and Romans known to modernity only by tradition, who manifested such desirable qualities as “love of our country,” “the thirst for true glory,” “self-denial,” and “the sacrifice of our dearest interests.”⁷⁶ He contrasts the ancient republic model with its modern variant, where self-interested citizens “are entirely taken up with

⁷³ *SL*, IV.5.

⁷⁴ *Ibid.*

⁷⁵ *SL*, V.2. Interestingly, this seems to suggest that political virtue is a self-moderating passion and casts further doubt on Pangle’s assertion that Montesquieu reveals “the history of Rome” to be a “fascinating perversion of human nature—a pathology to which republics are, indeed, all too prone.” See: Pangle, “Montesquieu, Charles-Louis de Secondat (1689–1755).” We shall see in the next chapter that Montesquieu believes republics encounter great difficulties in sustaining political virtue, difficulties that Pangle himself duly admits. See: Pangle, *Montesquieu’s Philosophy of Liberalism*, 57-8; 72-83. Indeed, it will be demonstrated that Montesquieu thinks republics are more likely to suffer from a deficiency of virtue than an excess. It is thus perplexing that Pangle thinks that a healthy, i.e. moderate level of patriotism is likely to be only temporary, and that perversion, i.e., extreme patriotism, is “all too easy or even inevitable.” One reason for this seems to be that Pangle does not regard political virtue as fulfilling for humans and thus forces citizens to seek meaning and personal distinction through warfare. See: Thomas Pangle, “Montesquieu, Charles-Louis de Secondat (1689–1755),” 345-6; Pangle, *The Spirit of Modern Republicanism*, 67. See also: Pangle, *Montesquieu’s Philosophy of Liberalism* (Chicago: University of Chicago Press: 1973), 72, 85. See also: footnote 24 of Chapter 2 of this dissertation (p. 69).

⁷⁶ *SL*, II.2; III.5.

[manufacturing], commerce, finances, opulence, and luxury.”⁷⁷ Scholars are correct that Montesquieu considered the absolute virtue of the Romans to be excessive and their desire for glory immoderate, but he undoubtedly thought the ancient model offered much to be admired.⁷⁸ For as Montesquieu himself relates, when the virtue of these republics “was in full vigor they performed actions unusual in our times, and at which our narrow minds are astonished.”⁷⁹ In the case of the Romans, political virtue molded a fierce and capable people who built a civilization still marveled at by modern scholars.⁸⁰ To emphasize this point, the French philosopher rhetorically asks, “How many wars do we see undertaken in the history of Rome, how much blood shed, how many peoples destroyed, how many great actions, how many triumphs, how much statecraft, how much sobriety, prudence, constancy, and courage!”⁸¹ Yet Montesquieu considered the case study of Rome to be a cautionary tale because it ultimately ended in tyranny. The national ambition of this republic was so inordinate and the desire to command others so zealous that it pursued an unrelenting conquest of the world that expanded the size of the republic well beyond that which could be sustained.⁸² The lesson of Rome is that

⁷⁷ *SL*, III.3.

⁷⁸ Scholars who contend that Montesquieu viewed Rome negatively include: Pangle, Rahe, and Spector. See: Thomas Pangle, “Montesquieu, Charles-Louis de Secondat (1689–1755),” 346. Pangle cites: *SL*, V.2; Paul A. Rahe, *Montesquieu and the Logic of Liberty* (New Haven: Yale University Press, 2009), 27-42; Spector, “Montesquieu: Critique of Republicanism?,” 38.

⁷⁹ *SL*, IV.4.

⁸⁰ *SL*, XI.13. Consider also the observations of the Anti-Federalist Brutus. See: Brutus X, January 24, 1788, in Storing, 2.9.116-17.

⁸¹ *Considerations*, XV, 138. Although most of these descriptions seem to be praising, Montesquieu’s mentioning of “blood shed” and “peoples destroyed” may actually be a negative critique, given his endorsement of moderate levels of humanism. This subject matter will be discussed in Chapter 3 of this dissertation.

⁸² *Considerations*, IV, 45; IX, 93, & *SL*, VIII.16; XI.17.

even love of country must be subjected to moderation, for when patriotism is operating in excess, republics will become consumed by the pursuit of glory with no concern for the moral and material costs of expansion.⁸³

Montesquieu thinks the love of equality must likewise be subjected to moderation, for “as distant as heaven is from earth, so is the true spirit of equality from that of extreme equality.”⁸⁴ In a democratic republic where government is “entrusted to private citizens,” the people must love the notion that all citizens can debate politics and influence the political course of the nation by electing rulers.⁸⁵ However, citizens must not succumb to the vain and erroneous belief that everyone can rule or perform the functions of magistrates, senators, and judges. If citizens are overcome by a “spirit of extreme equality,” the outcome of this immoderate desire will resemble the degeneration of democracy in Book VIII of Plato’s *Republic*—respect for all forms of authority diminishes, morality decays, a cult of victimhood emerges, suffrages are purchased by greedy politicians, the public treasury is eventually exhausted, and finally, a tyrant emerges who seduces the people with wealth redistribution but then eventually strips the people of everything.⁸⁶

Montesquieu also thinks the pursuit of economic equality must be moderated because government efforts to establish this condition will be an inconvenience that

⁸³ *Considerations*, IV, 45; *SL*, XXIX.1; XI.6; *The Politics of Aristotle*, 1295a34, 1323b6; Aristotle, *Nicomachean Ethics*, 1107a -1108b.

⁸⁴ *SL*, VIII.3.

⁸⁵ *SL* IV.5; II.2; XI.6. The distinction Montesquieu makes between a democratic republic and aristocratic republic was discussed in footnote 18 of Chapter 1 of this dissertation (p. 19).

⁸⁶ Plato, *The Republic*, translated by Allan Bloom, second edition, (New York: Basic Books, 1979), 561a-566b. *SL*, VIII.2. See also: *SL*, XI.16.

causes more harm than good.⁸⁷ Modest wealth accumulation can therefore be permitted, but he recommends redistributive inheritance laws and a progressive tax system to lay duties upon the rich and provide relief for the poor.⁸⁸ For if the consequence “of wealth in a country is to inspire every heart with ambition,” the effect “of poverty is to give birth to despair.”⁸⁹ Montesquieu also endorses government welfare during periods of economic fluctuation which always cause some professions to suffer.⁹⁰ However, he also recommends providing citizens with job training because too much charity will inspire “the spirit of indolence” which overburdens the laboring and industrious members of society.⁹¹ Wealth redistribution can also be “pernicious to the people in a democracy” because it causes “them to forget they are citizens.”⁹² That is to say, they will acquire a sense of entitlement and lose their strong sense of duty to the republic. He also warns that citizens who live “at the expense of the public treasury” lose confidence in themselves, grieve “like children and women,” and will desperately misplace their faith in tyrants.⁹³

⁸⁷ *SL*, V.5.

⁸⁸ *Ibid.* See also: *SL*, V.8.

⁸⁹ *SL*, XIII.2. Montesquieu believes the middleclass is comprised of sensible and happy men. Consequently, if a republic has laws that “have placed many in a middling station,” it will be composed of men who govern wisely and make the republic happy. See: *SL*, V.3. In an unpublished manuscript, Montesquieu also had much to say about the benefits offered to England by its middle class. See: Montesquieu, Preparation Notes for Letter to William Domville, in *My Thoughts (Mes Pensées)* [2012], number 1960, translated by Henry C. Clark, <http://oll.libertyfund.org/titles/2534>, accessed January 3, 2015.

⁹⁰ *SL*, XXIII.29. This point was brought to my attention by Larrère. See: Larrère, “Economics and Commerce,” 368-9. Montesquieu does not seem to specify that it must be republics alone that engage in this practice.

⁹¹ *Ibid.*

⁹² *SL*, V.8.

⁹³ *Considerations*, XIV, 133.

The need republics have for moderate political virtue offers clarity to Montesquieu's original definition of virtue that curiously seems to equate patriotism with the love of equality.⁹⁴ In a republic, these two sentiments are interrelated to such a degree that it is difficult to separate them. When one appears in excess or deficiency, the other is also likely to be imbalanced. For example, Montesquieu asserts that a privileged aristocracy or noble class can inspire envy among citizens who subsequently no longer have affection for their countrymen.⁹⁵ The polarization of wealth can also divide the nation into a factious conflict of the few against the many. Wealthy members of society become infected with ambition, the multitude with avarice, and the common good is incessantly slighted in the pursuit of private interests.⁹⁶ Montesquieu also warns that if some men are significantly richer than others, then poorer citizens may be disinclined to fight for the republic.⁹⁷ However, as we observed above, if the redistributive policies of a republic are excessive, then citizens will grow soft and likely lose their sense of patriotic duty. Coming at things from the opposite direction, Montesquieu asserts that affluent members of society may attempt to profit off the destruction of the country when they suffer a deficiency of patriotism.⁹⁸ Or they may reject progressive taxation since they do not believe the money is being redirected towards a general interest they share with all citizens.⁹⁹ Alternatively, if the rulers are

⁹⁴ Montesquieu declares virtue to be "the love of one's country, that is, the love of equality." See: *SL*, Montesquieu's foreword to *Spirit of the Laws* added in 1757, section 1.

⁹⁵ *SL*, VIII.2; II.3; V.4; XI.6.

⁹⁶ *SL*, III.3; VIII.16.

⁹⁷ *Considerations*, IV, 44-5.

⁹⁸ *SL*, VIII.16; *Considerations*, XIII, 121.

⁹⁹ *SL*, XIII.13. One reason the wealthy may think they can bear the weight of these taxes is

excessively patriotic, they may lead the nation into unnecessary wars to distinguish the country with eternal glory.¹⁰⁰ And if the leaders of the republic are moderately patriotic and the citizens lacking, the latter may become infected with a “spirit of extreme equality,” think all men are equally qualified to be rulers, and will not be subdued by sentimental appeals to the larger interests of the republic.¹⁰¹ On the other hand, a citizen population that is too patriotic may prove unable to defend their political equality because they are easily distracted from political abuses by diversionary wars.¹⁰² And as in the case of the Roman Republic, if patriotic sentiment is extreme, then a republic will engage in an ambitious foreign policy of conquest that polarizes wealth, diversifies the nation, and eventually undermines the conditions necessary for political virtue to subsist.¹⁰³

In addition to warning against extreme patriotism and an excessive love of equality, Montesquieu also posits that an excessive love of frugality can blind people from seeing tyrants who disguise their political abuse by exhibiting an outward appearance of material austerity.¹⁰⁴ Additionally, he speaks of degenerated peoples whose law abidance, i.e., love of laws, is so great that they believe they have “no right to apply for redress” even when they observe “abuses grown into laws.”¹⁰⁵ On the other

because the republic derives a significant portion of its tax revenues from tariffs. See: *SL*, XIII.13; XIII.14.

¹⁰⁰ *SL*, XIII.1; *Considerations*, I, 25-28. It may be difficult to distinguish between rulers motivated by glory for self and those that are motivated by an excessive glory for the nation.

¹⁰¹ *SL*, VIII.2; VIII.3; VIII.4; *Considerations*, VIII, 85.

¹⁰² Montesquieu says this is particularly effective when diversionary wars bring home booty. See: *Considerations*, I, 27; VIII, 85.

¹⁰³ See for example: *Considerations*, III, 39-41; IX, 93. See also: *SL*, VIII.16.

¹⁰⁴ *SL*, XIX.3.

¹⁰⁵ *SL*, X.4.

hand, citizens with an insufficient love of country will require severe laws that they are likely to detest.¹⁰⁶ The upshot of this analysis is that political virtue in all of its manifestations—love of country, love of equality, love of frugality, and love of the laws—must be subjected to moderation. It is only when political virtue is moderate that citizens of a republic will remain true compatriots willing to fight for liberty and make sacrifices for the country.¹⁰⁷

Dissentions and Political Vigilance

The national unity and self-renunciation that political virtue inspires does not mean a moderate republic exists without internal discord. Montesquieu asserts that free governments are “constantly subject to agitation” because liberty gives birth to dissentions and the “spirit of faction.”¹⁰⁸ He similarly declares that liberty itself “always produces divisions, every one becoming as great a slave to the prejudices of his faction as he could be in a despotic state.”¹⁰⁹ Montesquieu attributes the cause of dissentions to a variety of sources, including the different quality of lands that people own, the diverse professions they have, and the opposing teams they root for in competitive games.¹¹⁰ Religious and cultural affiliations also give rise to dissentions, as can the

¹⁰⁶ *SL*, VI.9.

¹⁰⁷ It is interesting to note that Montesquieu accentuates the importance of moderation in aristocratic republics: “The spirit of moderation is what we call virtue in an aristocracy: it supplies the place of the spirit of equality in a popular state.” See: *SL*, V.8.

¹⁰⁸ *Considerations*, IX, 88; IX, 93; VI, 69; *SL*, III.2.

¹⁰⁹ *SL*, XIX.27.

¹¹⁰ *SL*, XVIII.1; *Considerations*, IX, 94; XX, 189-90.

perpetual feud between the commoners and the wealthy patricians.¹¹¹ If tranquility was therefore observed in a republic, then Montesquieu says it would have to be a republic without liberty because only tyranny is capable of eradicating dissensions.¹¹² Unity in free republic was thus an equivocal reality:

The true kind is a union of harmony, whereby all the parts, however opposed they may appear, cooperate for the general good of society—as dissonances in music cooperate in producing overall concord. In a state where we seem to see nothing but commotion there can be union—that is, a harmony resulting in happiness, which alone is true peace. It is as with the parts of the universe, eternally linked together by the action of some and the reaction of others.¹¹³

Dissensions may be an inescapable consequence of liberty, but the French philosopher thinks discord and civil agitation can favorably impact republics if the “spirit of faction” is attenuated by political virtue. For example, he declares that nations are energized by “jarring parties” and that domestic conflict has a social Darwinian impact on society that organizes the republic in accordance with the principle of strength.¹¹⁴ More significantly, dissensions are also quite “necessary for maintaining republican government” because they bring about the “reestablishment of laws and the cessation of abuses.”¹¹⁵ Essentially, the different points of view and contrasting interests that underlie dissensions inspire political vigilance among the people who thereafter remain alert to abuses of power. It is this benefit that gives meaning to his claim above that

¹¹¹ *Considerations*, IX, 92-93; XIII, 121; VIII; 83-87.

¹¹² *Considerations*, IX, 93; *SL*, V.14. See also: Madison, *Federalist* 10.

¹¹³ *Considerations*, IX, 93-94.

¹¹⁴ *SL*, XI.13; *Considerations*, XI, 107.

¹¹⁵ *Considerations*, XX, 189. See also: *SL*, XI.13-14.

factions and parties somehow manage to “cooperate for the general good of society.”¹¹⁶ Montesquieu is not asserting in this passage that an ideal political equilibrium is arrived at by mere coincidence. What happens instead is that dissensions awaken virtuous citizens to potential political abuses and induce them to become actively involved in securing the general interest.

Montesquieu’s appreciation for political vigilance is perhaps best revealed when he declares that Rome’s government “was admirable” because its constitution permitted the correction of abuses of power, “whether by means of the spirit of the people, the strength of the senate, or the authority of certain magistrates.”¹¹⁷ He offers a similar analysis of the hybrid republic England where the combination of vigilant rulers and a vigilant population correct abuses of power. The Parliament, he says, examines the larger government and engages in self-critique which inspires a “spirit of watchfulness” among the people.¹¹⁸ In both these moderate governments, the people are energetically involved in securing their own liberty, though the motivation for their vigilance and political assertiveness is fundamentally distinct. The “spirit of watchfulness” is driven primarily by self-interest, party politics, and the perpetual “uneasiness” felt by atomistic citizens living in a commercial society where personal ambition is unleashed from the restraints of higher motives like political virtue.¹¹⁹ Conversely, the “spirit of the people” is a culturally driven phenomenon that is effectually dependent on the disposition of the republic towards political virtue. It ultimately requires a vigilant citizen population of

¹¹⁶ *Considerations*, IX, 93-4.

¹¹⁷ *Considerations*, VIII, 87. See also: *SL*, XI.13-14.

¹¹⁸ *Ibid*, 87-8.

¹¹⁹ *SL*, XIX.27.

compatriots united by their “love of country,” their “love of equality,” and their “hatred of tyranny.”¹²⁰

The Spirit of the People

Before elucidating this last point in further detail, it will be instructive to first consider how the “spirit of the people” can transform into political power that checks the ambition of rulers and the patrician class. Montesquieu provides several general examples of this force in action. In the case of the Roman Republic where citizens voted in assemblies, the “spirit of the people” could be directly administered into politics with their “voting superiority.”¹²¹ The citizens of Rome could also guard their self-interest with the “partiality of laws” which denied rights to slaves and foreigners.¹²² Montesquieu says extending equal rights to these groups could, at least in some circumstances, benefit

¹²⁰ *Considerations*, IX, 92-3.

¹²¹ *Considerations*, VIII, 85. See also: *SL*, II.2. Montesquieu was generally opposed to assemblies: “One great fault there was in most of the ancient republics, that the people had a right to active resolutions...they ought to have no share in the government but for the choosing of representatives, which is within their reach.” See: *SL*, XI.6.

¹²² *Considerations*, VIII, 85; *SL*, X.3; XXVIII.1; XXVIII.3; XXVIII.6. To my knowledge, the only other time Montesquieu mentions partial laws (or impartial laws) is in *Spirit of the Laws* when he is discussing their application towards conquered peoples (*SL*, X.3; XXVIII.1; XXVIII.3; XXVIII.6). For example, he states that after the Burgundians and Visigoths conquered the Romans, the subdued Romans were initially subjected to partial laws that denied them property rights, citizenship, and liberty (*SL*, X.3). However, when Montesquieu uses the phrase “the partiality of their laws” in *Considerations*, he is discussing the means by which the commoners defend themselves against the patricians which indicates that partial laws advantage the former and hurt the latter (*Considerations*, VIII, 84-5). Thus, what Montesquieu likely means when he says “the partiality of their laws” is that the people can defend their interests against the patricians by establishing laws that deny rights, citizenship, or liberty to foreigners and slaves. This interpretation is supported by several examples Montesquieu offers in which the ruling elite advanced their private interests with impartial laws, including his supposition that Rome became overpopulated with foreign artisans, freedmen, and slaves who were employed by the patricians as “instruments of luxury” (*Considerations*, III, 40); his assertion that ambitious men purposely disrupted elections by importing foreigners and enfranchising them (*Considerations*, IX, 93); and his analysis that granting citizenship to foreigners eroded the unity of the people that protected the country from despotism (*Considerations*, IX, 92-3). Partial laws could presumably have prevented these events from occurring or at least abated their harmful impact on the commoners.

the patrician class to the expense of the commoners.¹²³ The “spirit of the people” might also be actualized extra-constitutionally by citizens in “their refusal to go to war” and the threat of emigrating to another province.¹²⁴ In republics that rely on representatives instead of direct democracy, the “spirit of the people” can be actuated through disgruntled voters who hold rulers accountable by throwing them out of office. Montesquieu offers three reasons why he thinks citizens of a republic are “extremely well qualified” for selecting good rulers and punishing bad ones.¹²⁵ First, the republics he envisions are small and culturally homogenous which means “the interest of the public is more obvious, better understood, and more within the reach of every citizen.”¹²⁶ Next, evaluation is facilitated by the free speech and press of a republic. Montesquieu declares that the “support and preservation” of liberty “consists in every man's being allowed to speak his thoughts, and to lay open his sentiments” to the public in conversation and his writings.¹²⁷ When the Frenchman visited England, he was particularly impressed with the “prying and unrestricted” press that attacked ministers of the state.¹²⁸ And he declared that “nothing was more fatal to Roman liberty” than punishing satirical writers for high treason simply because they disparaged important

¹²³ See previous note for examples. It should be further noted that Montesquieu believed some of these concerns could be mitigated if assimilation occurred before citizenship was granted to these groups. This will be discussed in greater detail in Chapter 2 of this dissertation. See also: X.3.

¹²⁴ *Considerations*, VIII, 85.

¹²⁵ *SL*, II.2.

¹²⁶ *SL*, VIII.16.

¹²⁷ *SL*, XIX.27.

¹²⁸ Montesquieu, *Notes on England*, footnote 76. Stewart, the translator of this text, relates that “Montesquieu very much enjoyed the freedom with which the English press was able to report French scandal like the acquisition of a dice machine by a French cardinal.” He cites: Montesquieu to Cerati, December 21, 1729.

men of the regime.¹²⁹ The final reason Montesquieu believes the people will be capable of electing good rulers is because he recommends they cast their votes publicly so that the lower classes can be influenced “by those of higher rank, and restrained within bounds by the gravity of eminent personages.”¹³⁰

That the “spirit of the people” might be actuated in more violent forms is indicated by Montesquieu’s laudatory assessment of the Crete republic where insurrection was institutionalized to defend against tyranny. He explains that when this government ran afoul, “part of the citizens rose up in arms, put the magistrates to flight, and obliged them to return to a private life.”¹³¹ Montesquieu concedes that sedition, if institutionalized, could be abused by ambitious parties that subvert the republic even when the government produces good laws. Crete avoided this outcome because it was a city where the people “had the strongest affection for their country.”¹³² That is to say, the political virtue of the Cretans subdued personal ambition and pacified the dissensions that might have threatened the national interest.

¹²⁹ *SL*, XII.13. See also: *SL*, XII.12.

¹³⁰ *SL*, II.2.

¹³¹ *SL*, VIII.11.

¹³² *SL*, VIII.11. Montesquieu cites Plutarch as his source of influence here, who declared: “Then this further matter must be borne in mind and guarded against when differences arise among brothers: We must be careful especially at such times to associate familiarly with our brothers’ friends, but avoid and shun all intimacy with their enemies, imitating in this point, at least, the practice of Cretans, who, though they often quarreled with and warred against each other, made up their differences and united when outside enemies attacked; and this it was which they called “syncretism.” Since this passage is about foreign policy, Montesquieu seems to be asserting that the same patriotic sentiment that unites citizens against foreign enemies will also unite them against local tyrants. See Plutarch, “Brotherly Love” [Peri Philadelphias], section 19. We might interpret this to mean that Montesquieu thinks the fear of external enemies is the real source of the Cretans political virtue. Montesquieu does indeed say elsewhere in *SL* that having an external “Other” to fear is an important source of political virtue. See: *SL*, VIII.5. However, Montesquieu is also impressed by the “implacable hatred” Greek citizens felt in their breasts “against those who [subvert] a republican government.” See: *SL*, VIII.2 He is equally impressed by the “single hatred of tyranny” that animated the Roman citizens. See: *Considerations*, IX, 92-3. We can infer from these observations that when the rulers of a republic threaten the liberty of its citizens, Montesquieu thinks the rulers become an “Other” that inspires a unifying hatred.

Now that we have observed various manifestations of the “spirit of the people,” it should be easier to understand why Montesquieu considers this checking power to be culturally determined. To briefly recap what has just been discussed, Montesquieu regards the “spirit of the people” as the vigilant and assertive involvement of the people in securing their own liberty. His analysis of Cretan insurrection suggests that political virtue is an important restraint on treacherous manifestations of this power. However, the French philosopher also indicates this harness can be applied to the previously mentioned nonviolent forms of popular resistance. He declares that when the people are stirred by “an immoderate desire for liberty” and begin to think all men are qualified to be rulers, their ambition for power can be tempered by appealing to their love of country and the respect they had for wise and virtuous leaders.¹³³ And yet, the great irony of this solution is that the same passion used to restrain an overzealous population is the very thing that gives citizens the motivation to resist tyranny. It is through political virtue that the citizens of a republic ultimately retain their freedom, for the respect they have for their leaders is never superior to their love of equality or their belief in the primacy of the national interest. In the Roman Republic, where Montesquieu says the “spirit of the people” was an admirable checking power on government, citizens viewed the senators and great men of society with a combination of respect and jealousy that ensured the population remained vigilant against tyrants and treasonous policies, and they did so without ever becoming an avaricious mob.¹³⁴

¹³³ *Considerations*, VIII, 83-5. An “immoderate desire for liberty” seems to be equivalent to the “spirit of extreme equality” discussed in *SL* in which citizens think all men can be rulers and lose their respect for traditional forms of authority. See: *SL*, VIII.2; VIII.3. See also: *SL*, XI.16. Montesquieu believes a citizen population moving in this direction can be brought back to their senses by great men of the republic, particularly the warrior men they fought under. See: *Considerations*, VIII, 88, footnote 5.

¹³⁴ *Considerations*, IX, 92-3.

Montesquieu thinks maintaining this balance between respect and jealousy requires in some measure the wise counsel of leaders like the tribunes of Rome or other prominent men of “higher rank” and “eminent personages,” but even more important was the need for a national culture favorably disposed towards moderate political virtue.¹³⁵

The General Spirit and Political Equality

In Book XII of *Spirit of the Laws*, Montesquieu asserts the tripartite constitution to be insufficient on its own to secure freedom, for political liberty is also very much dependent upon “manners, customs, or received examples.”¹³⁶ However, we must wait until Book XIX for him to expand on this point with the argument that political vigilance in a moderate republic will fail to detect tyranny if the national culture is devoid of political virtue.¹³⁷ More specifically, he contends that it is not enough for freedom to be

¹³⁵ *SL*, XI.6; II.2. See also: *SL*, V.11. For example, leaders like the tribunes could dissuade the people from obsessing about “games and spectacles.” See: *Considerations*, XV, 137. Montesquieu also says that the soberest part of the population cannot sit on the sidelines during insurrections because these events might otherwise “be carried to extremity.” See *SL*, XXIX.3. The reader should note that I will argue below that the Roman Republic met the cultural requirement of political virtue in terms of their moderate love of political equality, but the excessive patriotism of this fierce people would eventually lead the republic into territorial conquest that produced economic and demographic changes that resulted in a deficient love of political equality.

¹³⁶ *SL*, XII.1. The reader should note that Montesquieu defines political liberty in Book XI and XII of *Spirit of the Laws* as the opinion citizens have of their security. See: XI.6; XII.1-2. See also: *SL*, XIV.2. That Montesquieu thinks this security for republics includes political equality will be demonstrated below in the multiple case studies of Rome he offers to demonstrate that culture is important for political liberty. Consider also his identical use of the terms “spirit of extreme equality” and “immoderate desire for liberty” to describe Roman citizens. See: *SL*, VIII.2; VIII.3; *Considerations*, VIII, 83-5. In both these instances, liberty is understood as political equality, i.e., the civic equality of citizens in a republic. It is this liberty he also has in mind when he declares that in democracies “the power of the people has been confounded with their liberty.” In other words, these citizens mistakenly believed that political liberty is the power to rule rather than civic equality. See: *SL*, XI.2. See also: *SL*, XI.16.

¹³⁷ The Founding Fathers were similarly concerned about the relationship between vigilance, political virtue, and corruption. Consider Cato’s warning that “our posterity will find that great power connected with ambition, luxury, and flattery, will as readily produce a Caesar, Caligula, Nero, and Domitian in America, as the same causes did in the Roman empire.” See also: James Madison, *Federalist* 55; James Madison, “Embargo,” *Pittsburgh Weekly Gazette*, January 12, 1812, at Pittsburgh

celebrated by the citizens of a moderate republic. Tyranny can be defended against only if the people are galvanized by a culture that emphasizes political equality rather than shallow forms of liberty like the enjoyment of superfluities. Otherwise, citizens will abide tyrants so long as they are granted freedom in less consequential areas of their lives.

Montesquieu begins this argument with a conceptual dichotomization of tyranny: “There are two sorts of tyranny: one real, which arises from oppression; the other is seated in opinion, and is sure to be felt whenever those who govern establish things shocking to the existing ideas of a nation.”¹³⁸ These unassailable ideas are derived from “the general spirit of a nation,” the national culture of a country that Montesquieu says is synthesized from the organic interaction of its climate, religion, laws, maxims of government, precedents, morals, and customs.¹³⁹ If the national culture of a republic has been corrupted away from moderate political virtue, then tyranny will not be recognized and the “spirit of the people” will be rendered operationally defunct. To illustrate this point, Montesquieu offers the historical example of the Roman dictator Augustus who considered renaming himself after Romulus, the first king of Rome, but then changed his mind when he learned the people feared he had designs to be a king.¹⁴⁰ Montesquieu contends that the citizens of the old Roman Republic would have been averse to the notion of a king because they valued their freedom and did not want

Post-Gazette Archives, <http://archives.post-gazette.com/newspage/96060341>, accessed September 25, 2015.

¹³⁸ *SL*, XIX.3.

¹³⁹ *SL*, XIX.4.

¹⁴⁰ *SL*, XIX.3. Montesquieu cites the Roman historian Dio. See: Cassius Dio, *Historia Romana*, bk. 54.

any single man to have that much power. In other words, they would have been roused to anger by the threat of political tyranny. Rome was a republic where the citizens respected the authority of senators and magistrates, but they nevertheless jealously monitored their power and privileges.¹⁴¹ Their love of equality was thus neither extreme nor deficient. Montesquieu contrasts the citizens of the virtuous Roman Republic with the citizens of imperial Rome who opposed Augustus in this matter simply because “they could not bear his manners.”¹⁴² It was not a fear of political tyranny that upset them; it was their belief that propriety would be violated in the form of a lavish ruler. Under normal circumstances, the demand for rulers to be frugal would have been a worthy sentiment, but the Romans had become a culturally corrupt people for whom frugality mattered far more than political freedom.¹⁴³ Consequently, men like Caesar, Triumvirs, and even Augustus himself were able to wield the power of kings because they showcased an “outward appearance of equality” by living without the “pomp and luxury” of “foreign monarchs.”¹⁴⁴ The “spirit of the people” thus failed to check tyranny because the national culture corrupted the moderate level of political virtue necessary to sustain the republic. Citizens favored political equality too little, and they favored frugality and economic equality too much, and were thus unable to recognize the tyranny of Augustus.

Montesquieu continues his assessment of the corrupted national culture of the

¹⁴¹ *Considerations*, IX, 92-3.

¹⁴² *SL*, XIX.3.

¹⁴³ For more on Montesquieu’s belief in the importance of frugality for a republic, see: *SL*, V.3-7.

¹⁴⁴ *SL*, XIX.3.

Romans with a second story of Augustus. When the dictator instituted oppressive laws, he mollified the people by letting return Pylades, an ostracized pantomime dancer whose popularity contest with another performer Bathyllus had provoked factious riots.¹⁴⁵ To further placate the people, Augustus also instructed the praetors to spend three times the scheduled amount on festivals for the people.¹⁴⁶ The grumblings of the public thereafter ceased, which indicates that a citizen population whose virtue has been degraded by its national culture will abide political tyranny if they are permitted the freedom to choose their own amusements and if they are distracted from politics by festivals and factious entertainment. It is thus with great alacrity that Pylades is purported to have said, “It is to your advantage, Caesar, that the people should devote their spare time to us.”¹⁴⁷ Montesquieu believes this preference for shallow forms of liberty and the readiness to be distracted by materialistic pleasures was also true of the Roman citizens under the despotic rule of Caligula, Nero, and Commodus. They did not “hate the worst emperors” because they had become an idle people whose vileness was satisfied by the public treasury these tyrants spent on “games and spectacles.”¹⁴⁸ When these funds were exhausted and the wealth of the rich was expropriated by the state, the people looked on untroubled so long as they could enjoy “the fruits of

¹⁴⁵ Pantomime dancers were performers who combined acting, gestures, and music. Montesquieu cites Cassius Dio, *Roman History* 54.17.4. See also: Richard C. Beacham, *Spectacle Entertainments in Early Imperial Rome* (London: Yale University Press, 1999), 145.

¹⁴⁶ Montesquieu for some reason does not mention the festivals. See: Cassius Dio, *Roman History* 54.17.4.

¹⁴⁷ Dio, 54.17.4.

¹⁴⁸ *Considerations*, XV, 137. It is noteworthy that Montesquieu does believe rulers can spend great wealth on the public if this enhances the glory or religion of the republic. See: *SL*, V.8.

tyranny.”¹⁴⁹ Montesquieu also notes that when the corrupted Romans did seem to stir from their lethargy, it was only to strike blows at the tyrant rather than the tyranny.¹⁵⁰ In other words, it was not political freedom they sought, it was the expanded materialistic pleasures they desired that a different tyrant might provide.¹⁵¹

The problem of a corrupted national culture also extends to the patriotic virtue Montesquieu thinks necessary to defend a republic against foreign invasion. He offers the case study of the decadent Ancient Greek city states to exemplify this point. When Philip II of Macedon “appeared at the gates of Athens,” he was feared by the Athenians “not as the enemy of her liberty, but her pleasures.”¹⁵² Fighting a war against Philip would have required implementing the socially unacceptable policy of redirecting public funds towards military expenses. Indeed, there was even a law in this city “which rendered it a capital crime for anyone to propose applying the money designed for the theatres to military service.”¹⁵³ So corrupted was the national culture of the Athenians, and so deficient was their virtue, that they lost the will to defend their country against enemy conquerors. The Greek statesman Demosthenes would eventually have some success in rousing the Athenians to take up arms by stressing the long-term costs of appeasement and by chastising the lethargy of citizens as cowardly.¹⁵⁴ However, by

¹⁴⁹ Ibid.

¹⁵⁰ *SL*, III.2.

¹⁵¹ See also: *Considerations*, XIV, 132-33.

¹⁵² *SL*, III.3.

¹⁵³ *SL*, III.3, footnote *g*.

¹⁵⁴ *SL*, III.3. See also Demosthenes, [Orations] Against Aristogeiton [25.51]. See also: Gottfried Mader, “Pax Duello Mixta: Demosthenes and the Rhetoric of War and Peace” *The Classical Journal*, vol. 101.1 (2005-6), 16-21. See also: Dionysius of Halicarnassus (ad Ammaeus 1.11).

then it was far too late and the Greek city states were overthrown at Chaeronea. Montesquieu succinctly describes the fate of this nation in *Considerations*. Essentially, the “spirit of the people” failed to operate in Athens “because its errors seemed so sweet to it that it did not wish to recover from them.”¹⁵⁵

The conclusion Montesquieu intends to be drawn from all of these historical examples is that the “spirit of the people” is effectually dependent on the cultural disposition of the republic towards virtue. Citizens of a republic will not recognize political tyranny when the national culture favors shallow forms of freedom and materialistic pleasures over political equality. Nor will they fight for the preservation of their nation when patriotic duty is less important than enjoying their idle lives of games, spectacles, and luxury. Thus, the liberty and security of a republic ultimately requires a national culture that sustains a moderate level of political virtue. The significance of this conclusion for this dissertation cannot be overstated, for it was this pillar of liberty more than any other that Montesquieu thought could be significantly weakened by ethnic and cultural diversity. This is demonstrated most evidently in the French philosopher’s analysis of Roman conquest. Ironically, the national culture of the Romans was before its expansion favorably disposed towards political equality, but the patriotism of these ferocious people was so extreme that it led to military conquests that expanded the territory of the nation beyond the geographic limitations Montesquieu believed to be imposed on republics. It was only then that the national culture of Rome descended into corruption.

¹⁵⁵ *Considerations*, VIII, 87.

Luxury, Diversity, and the Roman Republic

Montesquieu's theory of size postulates that monarchies and despotic governments can rule larger countries, but it "is natural for a republic to have only a small territory; otherwise it cannot long subsist."¹⁵⁶ Now that we have analyzed the key components of his "science of government," it should be easier for us to identify the reasons why Montesquieu postulates that size presents an existential threat to republics.¹⁵⁷ Before proceeding, it should be reiterated that Montesquieu regards dissensions as beneficial to republics because they inspire political vigilance against tyranny and treasonous policies.¹⁵⁸ He thus took issue with scholars who claim that dissensions ruined Rome, arguing instead that Rome was destroyed by territorial expansion which transformed "popular tumults into civil wars."¹⁵⁹ More specifically, Roman conquest substantially increased the wealth, luxury, and heterogeneity of the republic which corrupted the national culture and ultimately produced a qualitatively different type of dissention. Instead of inspiring assertive vigilance among citizens to guard the national interest, the dissensions of this much larger republic eroded political virtue and incapacitated the "spirit of the nation," which thereafter rendered the population far more vulnerable to the predatory designs of ambitious men.

In Chapter IV of *Considerations*, Montesquieu unequivocally describes the

¹⁵⁶ *SL*, VIII.16.

¹⁵⁷ Cato III, *New York Journal*, October 25, 1787, in Storing, 2.6.14.

¹⁵⁸ This was discussed on pages 38-41 of this dissertation.

¹⁵⁹ *Considerations*, IX, 93. Larrère says the individual Montesquieu is arguing against, in particular, is the French bishop and theologian, Jacques-Bénigne Bossuet. See Catherine Larrère, "Montesquieu and Liberalism." *Montesquieu and His Legacy* (Albany: SUNY, 2009), 292. Montesquieu's positive view of tumults was most likely influenced by the analysis of Machiavelli. See for example: Machiavelli, *Discourses On Livy*, trans. Harvey Mansfield and Nathan Tarcov (Chicago: University of Chicago Press, 1998), I.3, 6, 46.

patriotic love and pursuit of national glory that consumed the Romans: They were “ambitious from pride” rather than avarice, they “wanted to command,” rather than acquire, they waged war because they loved it, and concerns about material and human losses never seemed to deter this ferocious republic, for “only its glory determined its actions.”¹⁶⁰ Yet what may have been truly unique about Rome was its high rate of military success which Montesquieu says increased the wealth of the republic and eventually “produced a luxury and profusion” that debased the people and made it “difficult to be a good citizen.”¹⁶¹ While the acquisition of wealth may not have been the original motivation for Rome to expand its dominion, the desire of citizens to reap the material benefits of pillaging undoubtedly became intertwined with their pursuit of national glory.¹⁶² Montesquieu says this selfish motivation became especially noxious to the republic when plundered booty and captured lands were hoarded by the patricians rather than being prudently distributed among the citizen farmers.¹⁶³ The result was an

¹⁶⁰ *Considerations*, IV, 43-5.

¹⁶¹ *Considerations*, VI, 67; X, 98.

¹⁶² *Considerations*, I, 27; III, 39-41. The original motivation for expansion may actually have been the pursuit of virtuous honors on the battlefield by leaders who “sought to signalize their magistracy so that they might obtain new ones.” See: *Considerations*, I, 26-27. Pangle similarly contends: “Montesquieu maintained that Roman imperialism” was “rooted in class conflict and the thirsting for glory of great individuals.” See: Pangle, *The Spirit of Modern Republicanism*, 67. It may be that political virtuous actions and rewards are incapable of satisfying the most ambitious sort of men. Lincoln commented on this possibility in his Lyceum Address: “Many great and good men sufficiently qualified for any task they should undertake, may ever be found, whose ambition would inspire to nothing beyond a seat in Congress, a gubernatorial or a presidential chair; but such belong not to the family of the lion, or the tribe of the eagle. What! think you these places would satisfy an Alexander, a Caesar, or a Napoleon?—Never! Towering genius distains a beaten path. It seeks regions hitherto unexplored.—It sees no distinction in adding story to story, upon the monuments of fame, erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious. It thirsts and burns for distinction; and, if possible, it will have it, whether at the expense of emancipating slaves, or enslaving freemen.” See: Abraham Lincoln, “The Perpetuation of Our Political Institutions: Address Before the Young Men's Lyceum of Springfield, Illinois,” January 27, 1838, at: <http://www.abrahamlincolnonline.org/lincoln/speeches/lyceum.htm>, accessed November 10, 2014. See also footnote 24 on page 69 of this dissertation.

¹⁶³ *Ibid.*

exponential increase in luxury, profusion, idleness, and sensual pleasures. Nevertheless, Montesquieu contends the full impact of this corruption was mitigated by the influence of Roman institutions, the persistence of martial virtue cultivated by constant war, and the general prejudice citizens felt towards commerce and other arts regarded as slavish.¹⁶⁴ What therefore seems to be the Roman Republic's great undoing in Montesquieu's final analysis is that the growing demand for luxury was compounded by demographic changes that weakened these institutions and further perpetuated the corruption of Roman political virtue.¹⁶⁵

Montesquieu declares that Rome was before its expansion, "a city whose people had but a single spirit, a single love of liberty, a single hatred of tyranny—a city where the jealousy of the senate's power and the prerogatives of the great, always mixed with respect, was only a love of equality."¹⁶⁶ All this came to an end when citizenship was granted to the foreigners of Rome's expanding republic and "each city brought to Rome its genius, its particular interests, and its dependence on some great protector."¹⁶⁷ The result was a "distracted city" that "no longer formed a complete whole."¹⁶⁸ People were citizens "only by a kind of fiction, since they no longer had the same magistrates, the same walls, the same gods, the same temples, and the same graves."¹⁶⁹ Without these

¹⁶⁴ *Considerations*, X, 98-9.

¹⁶⁵ Montesquieu also postulates that the "religious sect of Epicurus" was "introduced at Rome toward the end of the republic," and this "contributed much toward tainting the heart and mind of the Romans." See: *Considerations*, X, 97. This will be discussed in Chapter 2.

¹⁶⁶ *Considerations*, IX, 92-3.

¹⁶⁷ *Ibid*, 93.

¹⁶⁸ *Ibid*.

¹⁶⁹ *Ibid*. The historian Kathryn Lomas relates that Ancient Italy was a "region of extreme diversity," that it contained many different ethnic groups, each with its own language, culture, economy, and forms

binding forces of kinship and cultural solidarity, “they no longer saw Rome with the same eyes, no longer had the same love of country, and Roman sentiments were no more.”¹⁷⁰ Politically ambitious citizens accelerated this transformation by bringing “entire cities and nations to Rome to disturb the voting or get themselves elected.”¹⁷¹ Consequently, “the people's authority, their laws and even the people themselves became chimerical things, and the anarchy was such that it was no longer possible to know whether the people had or had not adopted an ordinance.”¹⁷² Patricians also contributed to the degeneracy of Rome by importing a “prodigious number of slaves” to work their large plantations which led to a polarization of wealth, luxury, unemployment, and elevated levels of resentment among the smaller citizen farmers—all of which contributed to the erosion of political virtue.¹⁷³

Montesquieu’s belief that ethnic and cultural heterogeneity was disastrous for Rome is at the heart of his theory of size—a theory that eventually became one of the most influential political arguments of the American Constitutional Debate.¹⁷⁴ To better understand the theory of size, we must unpack its key assertions and investigate how

of social and political organization.” See Kathryn Lomas, “Italy During the Roman Republic, 338-31 B.C.,” in *The Roman Republic*, edited by Harriet I. Flower, (Cambridge University Press: New York 2004), 199.

¹⁷⁰ Ibid.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ *Considerations*, XIII, 124; III, 39-41. Archaeological evidence suggests that Rome’s agricultural sector was dominated by medium-sized villas rather than the large villas depicted by the ancient historians that Montesquieu relied upon. See: Jean-Jacques Aubert, “The Republican Economy and Roman Law: Regulation, Promotion, or Reflection?”, in in *The Roman Republic*, edited by Harriet I. Flower, (Cambridge University Press: New York, 2004), 161; Lomas, “Italy During the Roman Republic,” 216-17.

¹⁷⁴ See for example: Centinel, October 5, 1787 in Storing, 2.7.17; Brutus, October 18, 1787 in Storing, 2.9.12; Cato III, *New York Journal*, October 25, 1787, in Storing, 2.6.13. Articles from the *Federalist Papers* that explicitly respond to this passage include: Hamilton, *Federalist* 9; Madison, *Federalist* 10; Madison, *Federalist* 14.

diversity links these pieces together. The first point of interest seems to be that diversity leads to the disintegration of the single national spirit that unites citizens in virtuous kinship and gives the republic stability and cohesion. He asserts that the people of Rome no longer shared the same religion, customs, interests, or ancestors, and were thus not real compatriots united by their love of country.¹⁷⁵ The people of Rome also no longer considered themselves to be united by a shared vision of the common good because culturally diverse citizens have a unique “genius” or “spirit” which prioritizes different understandings of the good life. Consequently, social capital diminished, particular interests were elevated above the national interest, and the republic suffered high levels of destabilization because of the new nature of factious tumults.¹⁷⁶ It is difficult to imagine that the “spirit of the people” could operate effectively under these volatile conditions, especially since Montesquieu posits that heterogeneity generates numerous social disturbances and high levels of political confusion which further incapacitates this auxiliary of freedom. Consider his declaration that when Rome diversified, the “distracted city no longer formed a complete whole.”¹⁷⁷ A similar concern is expressed in his frequently quoted assertion that:

“In an extensive republic the public good is sacrificed to a thousand private views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is more obvious, better

¹⁷⁵ *Considerations*, IX, 93.

¹⁷⁶ Montesquieu argues elsewhere that people who hold different manners and subscribe to different religious beliefs are likely to feel antipathy and jealousy towards one another. He also posits that cultural conflicts can be more enduring than dissensions caused by the ambition of designing men. This was because the motive for fighting conflicts based on beliefs and values is often uncompromising and will persist even after victory is achieved. See: *SL*, XXI.16; *Considerations*, XIII, 121. Montesquieu does suggest in the *SL* reference that commerce would help overcome these problems. The impact of commerce on cultural prejudices will be revisited in Chapter 3.

¹⁷⁷ *Considerations*, IX, 93. See also: *SL*, IV.7.

understood, and more within the reach of every citizen; abuses have less extent, and of course are less protected.”¹⁷⁸

What Montesquieu suggests here is that larger countries have a greater diversity of interests and opinions which makes it far more difficult for people to decipher what the general interest is; and even more difficult to know exactly what policies, laws, and modes of governance are necessary to provide for the common good. Or as he says elsewhere, citizens are overwhelmed by “the confusion and multitude of affairs in which a large nation is entangled.”¹⁷⁹ The result of all these developments is a divided citizen population that is too distracted by subnational interests and too confused by the complexities of governing a heterogeneous nation to defend the general interest. Without a functioning “spirit of the people” to protect the multitude, Montesquieu believes the citizens of a republic are thereafter easily preyed upon by plutocratic interests that profit off the destruction of the republic:

In an extensive republic there are men of large fortunes, and consequently of less moderation; there are trusts too considerable to be placed in any single subject; he has interests of his own; he soon begins to think that he may be happy and glorious, by oppressing his fellow-citizens; and that he may raise himself to grandeur on the ruins of his country.¹⁸⁰

Montesquieu also posits that heterogeneity can extinguish what he considers to be a mainstay of liberty—the “implacable hatred” citizens feel in their breasts “against

¹⁷⁸ *SL*, VIII.16. No single passage was referenced with greater frequency during the American Constitutional Debate. Anti-Federalists who quoted this passage include: Centinel, October 5, 1787 in Storing, 2.7.17; Brutus, October 18, 1787 in Storing, 2.9.12; Cato III, New York Journal, October 25, 1787, in Storing, 2.6.13.. Articles from the *Federalist Papers* that explicitly respond to this passage include: Hamilton, *Federalist 9*; Madison, *Federalist 10*; Madison, *Federalist 14*.

¹⁷⁹ *SL*, IV.7.

¹⁸⁰ *SL*, VIII.16.

those who [subvert] a republican government.”¹⁸¹ He says that before the republic of Rome was corrupted by its expansion, the citizens were a politically virtuous people united by their love of liberty and their hatred of tyranny.¹⁸² The diversification of Rome eroded this sentiment and it enhanced the ability of designing men to employ a strategy of *divide et impera*. Ambitious leaders like Pompey and Caesar, in recognition of the people’s intense aversion to despotism, “labored to inject a kind of anarchy into the republic.”¹⁸³ It was their objective to intentionally corrupt public morality and debilitate the institutions of the people useful for maintaining public order because this would “make the people weary of their own power” and “exacerbate the inconveniences of republican government.”¹⁸⁴ The outcome would be a civil population distrustful of republican governance that would come to prefer despotism.

Montesquieu indicates that a strategy of divide and conquer is considerably enhanced in a heterogeneous nation. The reason for this is that diverse citizens, if they are fearful and suspicious of each other, are more likely to grant rulers despotic powers for the sake of security. Montesquieu’s mentioning of a “single love of liberty” and “a single hatred of tyranny” speaks directly to this point.¹⁸⁵ Because the Romans were no

¹⁸¹ *SL*, VIII.2

¹⁸² *Considerations*, IX, 92-3.

¹⁸³ *Ibid.*, XIII, 121.

¹⁸⁴ *Ibid.*, XIII, 122. The debilitated institutions presumably included customs, manners, and religion. Efforts to destabilize Rome might also have included the “opposition of one tribune to another,” a manipulative tactic Montesquieu says the Senate occasionally used to defend itself. See: *Considerations*, VIII, 85.

¹⁸⁵ *Ibid.*, IX, 92-3. The strategy of *diversify and conquer* is also apparent in Montesquieu’s assessment that it may be imprudent for an empire to impose general laws and customs because the diverse peoples of the empire will develop “dangerous ties among themselves.” Let them retain their diversity, he asserts, and they will constitute “a body only by virtue of a common obedience” and will be citizens of the same nation “without being compatriots.” See: *Considerations*, VI, 75.

longer a virtuous people connected by a unified national spirit, they lacked “mutual confidence,” in one another, remained citizens “only by a kind of fiction,” and subsequently became more concerned about threats from below than above.¹⁸⁶ As a result, the aversion they felt for despotic government faded and excessively powerful men like Caesar were perceived to be instruments of protection rather than oppression. When this is the case, Montesquieu thinks citizens of a republic can be led into equality of an altogether different kind:

In republican governments, men are all equal; equal they are also in despotic governments: in the former, because they are everything; in the latter, because they are nothing.¹⁸⁷

The lesson that Montesquieu therefore ultimately draws from the decline of the Roman Republic is that political equality will not be defended if self-governance comes to mean being ruled by people with whom one shares no meaningful ties.¹⁸⁸ In order for the “spirit of the people” to function effectively, the people of a republic must trust and

¹⁸⁶ Ibid., IX, 92-93; *SL*, X.3.

¹⁸⁷ *SL*, VI.2. We might interpret this love of equality as the love of equal political inequality. Ironically, citizens may indeed love this equality if they fear one another more than government.

¹⁸⁸ It is noteworthy that Montesquieu says Syracuse because of its increase in heterogeneity also “underwent such miseries as are the consequence of a more than ordinary.” He cites Aristotle and includes a direct quote from the Greek Philosopher: “Upon the expulsions of the tyrants, they made citizens of strangers and mercenary troops, which gave rise to civil wars.” See: *SL*, VIII.2. The full passage may have had a considerable influence on Montesquieu’s view of heterogeneity: “Another cause of revolution is difference of races which do not at once acquire a common spirit; for a state is not the growth of a day, any more than it grows out of a multitude brought together by accident. Hence the reception of strangers in colonies, either at the time of their foundation or afterwards, has generally produced revolution; for example, the Achaeans who joined the Troezenians in the foundation of Sybaris, becoming later the more numerous, expelled them; hence the curse fell upon Sybaris. At Thurii the Sybarites quarrelled with their fellow-colonists; thinking that the land belonged to them, they wanted too much of it and were driven out. At Byzantium the new colonists were detected in a conspiracy, and were expelled by force of arms; the people of Antissa, who had received the Chian exiles, fought with them, and drove them out; and the Zancleans, after having received the Samians, were driven by them out of their own city. The citizens of Apollonia on the Euxine, after the introduction of a fresh body of colonists, had a revolution; the Syracusans, after the expulsion of their tyrants, having admitted strangers and mercenaries to the rights of citizenship, quarrelled and came to blows; the people of Amphipolis, having received Chalcidian colonists, were nearly all expelled by them.” See Aristotle, *Politics*, V.3, 1303a25. I have quoted from the Benjamin Jowett translation: (Clarendon Press: Oxford, 1908) 195.

value one another as fellow citizens. This, in turn, requires a homogenous population united by a single national culture favorably disposed towards moderate political virtue.

Conclusion

Our investigation of Montesquieu began with his assessment that man is innately ambitious and that political abuse can only be prevented by a moderate government where institutional power is shared among different political actors. However, I argued that Montesquieu does not believe the politics of a moderate republic are reducible to a pluralistic competition in which liberty is preserved and the national interest is unconsciously arrived at merely by setting ambition against ambition, either through factions or a formal separation of powers. Because a republic exists without a monarch to steer the country towards the national interest, and because it functions without noble privileges to protect the wealthy and talented, the passion of political virtue must be assiduously cultivated to moderate personal ambitions and guide the republic towards its long-term national interests. I also argued that Montesquieu believes this passion must be sustained at moderate levels because an excess love of any of these—country, equality, frugality, and the laws—is likely to produce a dangerous imbalance in one of the others. I further demonstrated that, in Montesquieu’s view, moderate political virtue is essential to the liberty and security of a republic because it inspires and restrains the “spirit of the people,” the political checking force Montesquieu thinks can protect the country from aspiring tyrants and treasonous economic policies. In order to operate effectively, Montesquieu believes the national culture of a republic must be favorably disposed towards political virtue, and this requires two conditions to be met. First, luxury

and amusements cannot be valued by citizens more than political equality. When citizens are corrupted in this manner, they will endure tyranny so long as they are granted freedom in less consequential areas of their lives. Next, republics require a homogenous population. Ethnic and cultural diversity will corrupt the national culture, erode political virtue, and incapacitate the “spirit of the nation,” thus rendering the population far more vulnerable to the predatory designs of wealthy and ambitious men that will oppress the people and profit off the ruination of the country.

The conclusion we have arrived at offers insight into the Anti-Federalist Cato’s warning that the republican government required to administer over a larger heterogeneous country like America would become too perplexing for the people to understand or vigilantly monitor.¹⁸⁹ With so many moving parts and interconnected components at work within moderate republics, perhaps Cato’s concern is validated—the citizens of America were being hoodwinked by the Federalists into accepting a complex government that would result in despotism in ways they were unable to anticipate. This question will be considered again in the chapters ahead, but Chapter 2 must first continue our investigation of Montesquieu, as the full impact of heterogeneity on a republic cannot be understood without examining in greater detail what Montesquieu considers to be the primary sources of political virtue and why he believes their individual operability can be disrupted by ethnic and cultural diversity.

¹⁸⁹ Cato’s warning was discussed in the introduction of this dissertation on pages 9-10. See also: Cato III, *New York Journal*, October 25, 1787, in Storing, 2.6.14.

CHAPTER 2

DIVERSITY AND THE REPUBLIC OF VIRTUE

Chapter 2 of this dissertation will continue the undertaking started in Chapter 1 of examining the theories and ideas of Montesquieu—pertaining to diversity—that likely influenced the political thinking of the American Constitutional Debate. It was argued in the previous chapter that Montesquieu believes the ethnic and cultural diversity of a large republic will corrupt the national spirit, erode political virtue, and incapacitate the “spirit of the people.” Without this auxiliary of freedom to protect citizens, the Frenchman says a republic will be oppressed by plutocratic interests that seek to profit off the ruin of the nation. We shall now examine in greater depth and exactitude how Montesquieu thinks political virtue can be cultivated in a republic and why he believes cultural and ethnic diversity will short-circuit this process.

Scholars of Montesquieu generally tend to emphasize the difficulties he says are involved with sustaining political virtue rather than highlighting its benefits. For example, Rahe contends that Montesquieu wants his readers to “recoil in horror and distaste at the price that the ancients paid for having what he regarded as great souls.”¹ The Frenchman thus invokes a “disturbing analogy” of self-abnegating monks to show that virtue is “always very a painful thing.”² Pangle believes Montesquieu endeavors to demonstrate that political virtue is inhuman and irrational because it “represses some of humanity’s strongest natural impulses” and must be “enforced by a strict and censorious

¹ Rahe, *Montesquieu and the Logic of Liberty*, 73.

² *Ibid.*, 72-74. He cites: *SL*, IV.5; V.2.

watchfulness.”³ Céline Spector similarly contends that political virtue for Montesquieu can only be maintained “through the ceaseless moral policing” of censors whose “supervision is supposed to lead to an internalization of the right norms.”⁴ Montesquieu does indeed believe virtuous republics demand of their citizens many personal sacrifices in the form of political vigilance, risk-taking behaviors for liberty and security, and limitations on personal wealth and individual freedom, but unlike the ascetic monks of a monastery, the citizens of a republic are not required to disavow all forms of gratification and comfort. On the contrary, political virtue and collective adherence to the law may, in some cases, be the most effective way to ensure the military success and economic prosperity of the nation, for as Montesquieu relates: “There is nothing so powerful as a republic in which the laws are observed not through fear, not through reason, but through passion—which was the case with Rome and Lacedaemon.”⁵ Glory for country, recognition for individual contributions to the republic, and extravagant public wealth spent on behalf of the people are all generally approved by Montesquieu so long as they do not lead to unnecessary wars, moral corruption, or idleness.⁶

Nevertheless, Rahe, Pangle, and Spector are undoubtedly correct that political virtue is a difficult passion to sustain. In addition to the institution of censorship, Montesquieu says that republics will require a slew of influential forces acting in

³ Pangle, “Montesquieu, Charles-Louis de Secondat (1689–1755),” in: *The Blackwell Encyclopedia of Political Thought*, edited by David Miller, (Hoboken: Wiley-Blackwell, 1991). 346. He cites: *SL*, V.2.

⁴ Céline Spector, “Montesquieu: Critique of Republicanism?”, 41.

⁵ *Considerations*, IV, 45-6. We shall see in Chapter 3 that Montesquieu believed wealth and power in the Modern Age required commercial activity and this made political virtue less important than it was during the Ancient period.

⁶ *SL*, V.3; V.18; *Considerations*, IV, 45; *SL*, VII.2; VII.4; IV.8; V.6.

combination to sustain political virtue. Foremost among these influences are: (1) socioeconomic conditions favorable to equality; (2) a spiritual connection with the ancestors and descendants of the republic; (3) education and respect for elders; (4) senators who behave as models of virtue; (5) the preservation of the ancient religion and culture; (6) and the fear of an external “Other.” With the exception of socioeconomic conditions, what is most significant about these influences from the perspective of this dissertation is that Montesquieu believes their individual operability can be negatively impacted by diversity. The principal contribution of this chapter will therefore be to understand precisely why he thinks ethnic and cultural heterogeneity are detrimental to these distinct sources of political virtue.

This chapter will also offer several new insights on Montesquieu’s understanding of political virtue that have been underappreciated by other scholars. First, political virtue can establish a supertemporal connection with the nation that fills the lives of citizens with meaning and purpose. Next, political virtue conjoined with a national myth enhances this feeling of collective destiny and legitimizes the uncompromising national interest of the republic. Lastly, political virtue establishes a meaningful fellowship among citizens, though true friendship in a republic paradoxically means respecting the preference of friends to be personally sacrificed for the republic if this betrayal advances the interests of the collective nation. All of these insights suggest that “self-renunciation,” in spite of being an “arduous and painful” experience for citizens, is capable of producing benefits and pleasures that lighten their suffering.⁷ Nevertheless, I will also demonstrate in this chapter that Montesquieu thinks political virtue must be

⁷ *SL*, IV.5.

heavily incentivized with public distinctions and privileges which indicates a closer relationship between political virtue and honor than has been previously recognized. More significantly, this analysis suggests that political virtue for the Frenchman is not as completely divorced from private interest as he sometimes indicates.

Before investigating the impact of diversity on the aforementioned sources of political virtue, two interrelated points of consideration should give us pause. First, if the argument presented in Chapter 1 is correct that Montesquieu endorses a moderate republic model that does not require the extreme virtue of an expansionist military republic like Rome, then it may not be necessary for all of these influences to be operating at optimal levels for the required level of virtue to be sustained.⁸ Next, the influences that promote and preserve virtue in a republic might be best understood as overlapping sources of virtue that secure virtue through their redundancy. That is to say, some of these influences if they are functioning at higher levels of operability may be capable of supplementing other influences that are functioning at subpar levels. Such an interpretation would again seem to be more credible if the overriding political objective is to sustain the level of virtue Montesquieu thinks necessary for a moderate republic to preserve its liberty and secure its national interest. The importance of these two considerations for this dissertation should be clear: If cultural and ethnic diversity impede some or all of these influences of political virtue, but enough of these influences still function at sufficient levels, then the required level of political virtue for a moderate republic will be sustained.

⁸ Moderate republics and moderate political virtue were discussed on text pages 24-30 and 32-38 of this dissertation. The reader should recall that we are examining what Montesquieu believes to be the best possible democratic republic rather than his hybrid republic model based on England.

Before beginning this investigation, it is also pertinent to recall that we are examining Montesquieu's assessment of democratic republics, or what Madison called "genuine republics," rather than Montesquieu's hybrid republic of England.⁹ This distinction is important to recognize because, for reasons mentioned in Chapter 1 that will be revisited in Chapter 3 and 4 of this dissertation, Montesquieu thinks the king and nobility enable hybrid republics to operate with little or no political virtue.¹⁰ Conversely, republics lacking these two institutions must assiduously maintain moderate levels of political virtue.

The Importance of the Past and Future

In the previous chapter, we examined the reasons why Montesquieu considers "love of country" and "love of equality" to be interrelated sentiments.¹¹ However, the full extent of this connection is manifested in the spiritual obligation citizens of a republic feel toward the fatherland which transcends the temporal concerns of the present. Montesquieu declares that individuals are unequal in their abilities to serve the republic, but "they all ought to serve her with equal alacrity," because "at our coming into the world, we contract an immense debt to our country, which we can never discharge."¹² The equality of a republic is thus, at its most foundational level, the mutual dependency

⁹ Madison, *Federalist* 39.

¹⁰ See pages 28-30 of this dissertation.

¹¹ See pages 36-38 of this dissertation.

¹² *SL*, V.3

that exists between each citizen and the historical nation.¹³ Every citizen of the republic owes his life, his security, his prosperity, and much of his cultural strength to the founders of the county and the ancestors he shares with his fellow countrymen. Such a debt can only be paid by dutifully serving the republic and bequeathing what was given to him to the nation's posterity.¹⁴ Montesquieu declares that so long as this equality is recognized in a democracy, ambition is limited "to the sole desire, to the sole happiness, of doing greater services to our country than the rest of our fellow-citizens."¹⁵ While most distinctions are to be prohibited because "ambition is pernicious to republics," Montesquieu believes superior contributors to the nation should be honored and perhaps even rewarded because these distinctions "arise from the principle of equality."¹⁶ That is to say, they arise from the equal debt all citizens owe to the republic. Randall Hendrickson has smartly described the mindset of politically virtuous citizens as: "Let the competition be not what you have but what you have done for the fatherland."¹⁷

¹³ Pangle argues in contrast to this view that, "The primary sense in which virtue is 'love of equality' is that virtue is love of the sense of equal sharing in the ownership of the government." See: Thomas Pangle, *The Theological Basis of Liberal Modernity in Montesquieu's Spirit of the Laws* (Chicago: University of Chicago Press, 2010), 54.

¹⁴ That Montesquieu himself believed in the importance of having a deep regard for the nation's posterity is indicated in his assessment of tax farming, a system of tax collection in which third-party entities are designated by the government to collect revenues. He believes this practice leads to bad laws because of the "avarice of the farmers, who pretend to offer a present advantage for regulations pernicious to posterity." *SL*, XIV.19. For more information about tax farming, see: M. C. Howatson, *Oxford Companion to Classical Literature* (Oxford: Oxford University Press, 1989); J. Balsdon, *Roman Civilization* (Gretna: Pelican, 1965).

¹⁵ *SL*, V.3.

¹⁶ *SL*, III.7; V.3.

¹⁷ *SL*, V.8. Hendrickson considers this mindset to be a ruse of sorts: "Natural inequality must be wrenched into an artificial equality, which plays upon the desire to keep our betters down, on the one hand, and, on the other hand, tells our betters that superior talents are but a further obligation their possessors owe to the good of the republic." See: Hendrickson, "Montesquieu's (Anti-)Machiavellianism,"

The importance of maintaining a supertemporal linkage to the nation is revealed in Montesquieu's assessment that ethnic heterogeneity eroded the unified national spirit of the Romans that made them true citizens. Specifically, he says that Romans no longer shared the same "temples" or "graves" which suggests political virtue for Montesquieu is at least partially contingent upon having a meaningful connection to the ancestors of the nation.¹⁸ His use of the word "temples" may have strictly religious implications, but the Frenchman could also have in mind the Roman custom of ancestral veneration. He remarks elsewhere in *Considerations* that Romans accorded "divine honors to their ancestors in the lararia or private temples."¹⁹ More significantly, the French word for "graves" (sepultures) can be translated as "burials" which better corresponds with the overarching argument of this passage since Roman burial customs were often magnificent displays of ancestral veneration that cultivated political virtue and inspired national unity. In his analysis of Rome, Montesquieu actually mentions the burial custom praised by the historian Polybius in which citizens carried

387. He cites: *SL*, V.3–4, 17, VII.1–3, VIII.4, 11. For a germane discussion of this topic, the reader may want to review Glaucon's comparison of the just and unjust man. See: Plato, *The Republic* 357a-367e.

¹⁸ *Considerations*, IX, 93. A modern equivalent might be the memorialization of soldiers who died at Gettysburg. Consider Lincoln's famous words: We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But, in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain -- that this nation, under God, shall have a new birth of freedom —and that government of the people, by the people, for the people, shall not perish from the earth." See: Abraham Lincoln, Gettysburg Address, November 19, 1863, in *Lincoln Speeches (Penguin Civic Classics)*, edited by Allen C. Guelzo and Richard Beeman (New York: Penguin Books, 2012), 150.

¹⁹ *Ibid.*, XII, 115.

“images of their ancestors in funerals and [delivered] a funeral oration for the deceased.”²⁰ Polybius’ own account of these ceremonies is quite illuminating. The public ritual began with the body of the departed Roman citizen being honorably carried to the forum where a relative would discourse on his “virtues and achievements.” These words would move the crowds to great sympathy since the loss was perceived to be “affecting the whole people.” After the funeral, a lifelike mask of the deceased was produced by family members and placed within a wooden shrine located “in the most conspicuous position” of their house. Whenever public sacrifices took place, these masks were displayed for all to see, and when a “distinguished member of the family” died, the masks were taken to the funeral and worn by men who seemed “to bear the closest resemblance to the original in stature and carriage.” These representatives of the dead also wore magnificent togas, rode in chariots decorated with the insignia of the deceased person’s offices of public service, and when they arrived at the forum, were seated “in a row of ivory chairs.” Polybius marveled at the political virtue these grandiose events inspired:

There could not easily be a more ennobling spectacle for a young man who aspires to fame and virtue. For who would not be inspired by the sight of the images of men renowned for their excellence, all together and as if alive and breathing? What spectacle could be more glorious than this? Besides, he who makes the oration over the man about to be buried, when he has finished speaking of him recounts the successes and exploits of the rest whose images are present, beginning with the most ancient. By this means, by this constant renewal of the good report of brave men, the celebrity of those who performed noble deeds is rendered immortal, while at the same time the fame of those who did good service to their country becomes known to the people and a heritage for future generations. But the most important result is that young men are thus inspired to endure every suffering for public welfare in the hope of winning the glory that

²⁰ Ibid., XII, 114.

attends on brave men.²¹

The veneration that a republic demonstrates for its ancestors is thus a cornerstone of its political virtue. Citizens who celebrate the historical legacy of the republic will develop an obligatory and overriding interest in the “perpetuity of the republic.”²² They will also have a broader perspective of the national interest that transcends the temporal concerns of the present and validates personal sacrifices that might otherwise be deemed irrational, including the possibility of death on the battlefield or the significant reallocation of resources to stimulate declining population levels.²³ Yet this sacrifice is not completely divorced from self-interest since citizens undoubtedly enjoy the collective solidarity and the deep sense of meaning and purpose they derive from their supertemporal connection to the republic.²⁴ And we shall see below that the

²¹ *The Histories of Polybius*, published in Vol. III of the Loeb Classical Library edition, 1922 thru 1927, VI.53. http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Polybius/6*.html, accessed August, 17, 2014.

²² *SL*, XXIII.21. Another instance in which Montesquieu mentions the perpetuity of republics is: *Considerations*, VIII, 86-7. Consider also his assertion that senators defended themselves “by the constant maxim of preferring the preservation of the republic to the prerogatives of any order or of any magistracy whatsoever.” See: *Considerations*, VIII, 85.

²³ *Considerations*, IV, 43, 45; XVIII, 171; *SL*, XXIII.28.

²⁴ Pangle’s analysis of Montesquieu significantly underestimates the value the latter places on political virtue in providing citizens with a collective sense of meaning and purpose. He contends that Montesquieu thinks political virtue is an “unnatural distortion” of the soul that fosters an empty life lacking “any satisfying or rewarding goal within the community.” See: Pangle, *Theological Basis*, 71; Pangle, *Montesquieu’s Philosophy of Liberalism*, 82-3. Incidentally, we can turn to Pangle’s teacher Leo Strauss to better understand the meaningful purpose individuals can acquire by maintaining a supertemporal connection to ancestors and descendants. This can be observed in the memorial speech Strauss made for a Jewish graduate student named Jason Aronson. Commenting on the strength and depth of the young man, Strauss attributed these qualities to Aronson’s “realizing ever more clearly and profoundly what it means to be a son of the Jewish people—of the ‘am ‘olam—to have one’s roots deep in the oldest past and to be committed to a future beyond all futures.” The Hebrew phrase ‘am ‘olam can be translated as “the eternal people” and its meaning is one of the many reasons why Strauss criticizes modernity. Essentially, progressive man is disconnected from both his past and future. He is alone in this world because he has no belief in the eternity of his people, ideas, or values. This is a huge deprivation because devotion to something eternal can give men an unshakable strength in dire times. See Leo Strauss, *Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought*

pleasure citizens feel in response to this supertemporal connection can be significantly enhanced when love of country is conjoined with a religious sentiment of eternity.

Another benefit of celebrating the public service of ancestors and glorifying their heroic deeds is that other citizens will be inspired to accomplish great things for the republic so that they too are distinguished now and for all of eternity. The passion of political virtue thus seems to bear a suspicious resemblance to the passion of honor which Montesquieu says is fundamentally about men seeking privileges and distinctions that set them apart from other men.²⁵ Consider Montesquieu's rhetorical question: "Is it not very exacting to oblige men to perform the most difficult actions, such as require an extraordinary exertion of fortitude and resolution, without other recompense than that of glory and applause?"²⁶ Montesquieu is discussing honor in this instance, but given the foregoing analysis, his insight could just as easily relate to the accolades of virtue sought by the citizens of a republic.

Let us briefly pause here and investigate the distinction Montesquieu makes between honor and virtue. In a strict definitional sense, the Frenchman explains their difference in terms of primary motivations: A man driven by honor always "thinks of promoting his own interest" whereas a politically virtuous man is motivated by a genuine concern for the republic.²⁷ Montesquieu nevertheless obfuscates this distinction when he reveals these two passions can have a causal relationship: "In a word, honour is

(Albany: SUNY Press, 1997), 475. I am indebted to Dr. Richard Ruderman for drawing my attention to this text and its meaning.

²⁵ *SL*, III.6-7.

²⁶ *SL*, III.7.

²⁷ *SL* III.7; III.6.

found in a republic, though its spring be political virtue; and political virtue is found in a monarchical government, though it be actuated by honour.”²⁸ The implication of this statement is no less than remarkable for our understanding of politically virtuous republics. Since Montesquieu considers honor to be a pleasurable and self-interested passion, he is essentially arguing that political virtue will not be utterly “arduous and painful” if a republic can offer its citizens patriotic opportunities for honor fulfillment.²⁹ This point is illuminated in the case study of Rome where political virtuous behavior seemed to be at least partially driven by self-interest since the citizens of this republic certainly derived pleasure and self-worth from the public recognition of their public services and patriotic acts of valor. While this revelation contradicts Montesquieu’s assertion that political virtue is analogous to the self-renunciation of monks, it does offer

²⁸ *SL*, Author’s Foreword, sec. 2.

²⁹ *SL*, IV.5. Pangle contends that opportunities for public service within the community of a republic will not satisfy the personal ambition of citizens. They are therefore drawn to military prowess and seek glory through superiority over their neighbors. See: Pangle, *Montesquieu’s Philosophy of Liberalism*, 83-4. He cites: *SL*, III.3, 5; VIII.11; IV.6-8. Montesquieu does indicate this to be true of Roman leaders. See: *Considerations*, I, 25-28. If Pangle is correct that public service (e.g. public office, volunteer work, charitable donations) are not enough to satisfy the personal ambition of citizens, then Montesquieu does hint at another source of pride in his analysis of commercial England: (1) “The empire of the sea has always given those who have enjoyed it a natural pride; because, thinking themselves capable of extending their insults wherever they please, they imagine that their power is as boundless as the ocean;” (2) “If, when the uneasiness proceeds from no certain object, some foreign power should threaten the state, or put its prosperity or its glory in danger, the little interests of party would then yield to the more strong and binding, and there would be a perfect coalition in favour of the executive power.” See: *SL*, XIX.27. The implication of these statements is that economic nationalism may offer the citizens of a republic an alternative means than war to seek personal pride and glory for the nation. However, the principal concern with this alternative form of glory is that personal ambition in the form of wealth accumulation might surpass glory for the nation. Indeed, in this scenario, men could seek the individual distinction (and pleasure) of riches with lucrative economic practices that actually hurt the nation. Montesquieu likely had this concern in mind when he famously proclaimed: “In an extensive republic there are men of large fortunes...he has interests of his own; he soon begins to think that he may be happy and glorious, by oppressing his fellow-citizens; and that he may raise himself to grandeur on the ruins of his country.” See: *SL*, VIII.16. The solution would therefore seem to be a government beholden to the people that institutes progressive taxation and some level of economic protectionism that ensures trickledown economics. Incidentally, Montesquieu does seem to endorse this type of national economic program for England. See for example: *SL*, XX.12; Montesquieu, Preparation Notes for Letter to William Domville.

republics a practical solution to his evaluation of mankind as an inherently ambitious creature.³⁰ If men are unalterably beset by psychological cravings for admiration and distinction, then successful republics will in anticipation of this self-interestedness promote the pursuit of virtuous honor by cultivating a national culture that celebrates and memorializes those who faithfully serve the fatherland.³¹ Interestingly, Montesquieu does not seem to think a disjunction really exists here between private interest and political virtue. Consider his self-contradicting assertion that “in a republic where virtue reigns—a motive self-sufficient, and which excludes all others—the recompenses of the state consist only of public attestations of this virtue.”³² If love of country is truly a self-sufficient pursuit, then why do men need to be praised or rewarded at all? His answer seems to be that the honoring of virtuous men is as much a part of political virtue as is patriotism, frugality, love of laws, and love of equality.³³ That is to say, a key element of loving one’s country is to celebrate its great men and attempt to emulate their deeds.³⁴ Rather than being a contradiction of political virtue, public attestations are political virtue actuated in one of its purest forms. That being said, Montesquieu does warn that excessive love of great men can be dangerous to the republic because it may elevate

³⁰ *SL*, III.7; *Considerations*, XI, 107-8.

³¹ Consider Montesquieu’s assertion that honor, unlike political virtue, is naturally craved by the passions. See: *SL*, IV.5.

³² *SL*, V.18.

³³ These were the primary elements of political virtue discussed in Chapter 1. See text pages 28-31.

³⁴ It is this respect for great men that Montesquieu thinks can mitigate the struggle between the few and the many in politically virtuous republics. This will be explored in Chapter 4. See also: *Considerations*, VIII, 45; IX, 93.

tyrants.³⁵ The honoring of great men must therefore be grounded in the same formula of moderation to which he subjects patriotism and the love of equality.³⁶ For as he said of the Roman Republic before its corruption, “it was a city where the jealousy of the senate's power and the prerogatives of the great, always mixed with respect.”³⁷

A final consideration on this subject matter is whether a supertemporal connection with the nation can be nurtured solely on the basis of duty to the posterity of the republic. Montesquieu indicates with his statement about shared temples and shared graves that a deep spiritual connection of this kind requires citizens to have the same ancestors which means ethnically diverse republics will have to function without this powerful source of political virtue. In other words, what I have described as a supertemporal connection might depend upon, or be nothing more than, an organic connection of shared bloodlines.³⁸ Yet even if this is true, the French philosopher declares in *SL* that “nothing consolidates a conquest more than the union formed between...two nations by marriages.”³⁹ He points to the historical examples of the Greeks intermarrying with the Macedonians and the Franks with the Burgundians.⁴⁰ Connecting ethnically diverse citizens through marriages and the shared bloodlines of

³⁵ See for example: *Considerations*, VIII, 85, 88 note 5; IX, 91; XI, 102-4.

³⁶ See pages 32-38 of this dissertation. See also: *SL*, XXIX.1; XI.6; XI.4.

³⁷ *Considerations* IX, 93.

³⁸ The importance of bloodlines for Montesquieu is indicated by his assertion that, “Nature gives to fathers a desire of procuring successors to their children, when they have almost lost the desire of enjoyment themselves. In the several degrees of progeniture, they see themselves insensibly advancing to a kind of immortality.” Interestingly, he also suggests that distinguished families want to preserve their family name and see it endure into the future. See: *SL*, XXIII.7, 4.

³⁹ *SL*, X.14.

⁴⁰ *Ibid.*

their children would undoubtedly bring them closer together as a people.⁴¹ Montesquieu relates that the Romans were keenly aware of this kinship effect, and when they wanted to weaken Macedonia, they strategically prohibited intermarriages between the people of its different provinces.⁴² Perhaps these historical examples indicate that Montesquieu believes an ethnically diverse people, if they beget children together, can establish a supertemporal connection with the republic based solely on their mutual obligation to the posterity of the country.

The Education of Virtue

Montesquieu says political virtue in a republic should be cultivated with the “whole power of education” and this should be a community effort in which citizens demonstrate “a particular attention and care...over one another’s conduct.”⁴³ In Sparta, for example, “every father had a right to correct another man’s child.”⁴⁴ Respect for one’s elders is thus imperative in a republic, as “nothing contributes more to the preservation of morals than an extreme subordination of the young to the old.”⁴⁵ When this relationship of authority is established, children and elders are “both restrained, the former by their respect for those of advanced age, and the latter by their regard for

⁴¹ Montesquieu indicates this possibility on several occasions. See for example: *SL*, X.13; XV.13; *Considerations*, I, 24.

⁴² Montesquieu notes elsewhere that laws prohibiting one class of people from marrying another make “one side more haughty” and the “other more odious.” See: *SL*, V.8.

⁴³ *SL*, IV.5; IV.7.

⁴⁴ *SL*, V.7.

⁴⁵ *Ibid.* Montesquieu seems to contradict himself in *Considerations* when he declares that “religion is always the best guarantee one can have of the morals of men.” See: *Considerations*, X, 98. Perhaps this incongruity can be squared if the best guarantee of morality is a combination of the two—religious adults who are respected by children. More generically, we might understand religion itself to be a subordination to what is old and ancient.

themselves.”⁴⁶ Yet even more integral to the republic than the collective moral guidance of the adult population is the education of parental example. If children see political virtue in their parents on a daily basis, then they too will develop a deep and meaningful love of country. Montesquieu calls this the “surest way” to teach children virtue.⁴⁷ For virtue is not arrived at merely as the “consequence of acquired knowledge,” it must be acculturated organically through a transfusion of passion.⁴⁸

Robin Douglass questions the modern day practicality of the education system described above since “Montesquieu drew his account of republican education from ancient Greek institutions and insisted that it could only be successful in small states ‘where one can educate the general populace and raise a whole people like a family.’”⁴⁹ Rahe similarly contends that Montesquieu was “acutely aware” that republics are incapable of inculcating “the requisite public-spiritedness if they ceased to be face-to-face communities in which the citizens could easily pay ‘a singular attention to one another.’”⁵⁰ The Frenchman’s evaluation is indeed that education of the ancient republic variety is unfeasible in a society mired by “the confusion and multitude of affairs in which a large nation is entangled.”⁵¹ However, this may be is an instance when we

⁴⁶ Ibid.

⁴⁷ *SL* IV.5.

⁴⁸ *SL* IV.5; V.2.

⁴⁹ Robin Douglass, “Montesquieu and Modern Republicanism,” *Political Studies* 60 (2012), 706. Montesquieu (IV.7). Douglass uses the following version of *The Spirit of the Laws*: Montesquieu, C.-L. *The Spirit of the Laws*, trans. and ed. A. M. Cohler, B. C. Miller and H. S. Stone. (Cambridge: Cambridge University Press, 1989).

⁵⁰ Paul A. Rahe, “Montesquieu's Natural Rights Constitutionalism,” *Social Philosophy and Policy* 29, no. 02 (2012): 51-81. Rahe uses the following version of *The Spirit of the Laws*: Charles-Louis de Secondat, baron de La Brède et de Montesquieu, *De l'Esprit des lois*, Caillois Roger, ed. *Oeuvres complètes de Montesquieu* (Paris: Bibliothèque de la Pléiade, 1949-1951), IV.7.

⁵¹ *SL*, IV.7.

should ask what level of political virtue the republic wants to be cultivated. Is the aim to infuse citizens with the extreme public-spiritedness of Rome? Or is moderate political virtue desired instead? In the case of the latter, it may be that strict parental authority and a general but impersonal respect for one's elders will be a sufficient means of edification. Substantiating this deduction requires a fuller investigation of these two approaches.

Montesquieu has surprisingly little to say about how republics should cultivate respect for parental authority, but his analysis of despotic China offers several relevant insights. He relates that parental authority is naturally established in this country, is improved by laws, and is reinforced with secular rites and religious ceremonies that honor living parents and those deceased.⁵² The Frenchman also thinks parents who love their children will be reciprocally venerated and he posits that respect for parental authority and one's elders can be mutually reinforcing.⁵³ When it comes to cultivating respect for elders, Montesquieu points to the republics of Rome and Sparta where old age was given "all honour and precedence."⁵⁴ His historical source Aulus Gellius relates that Rome effectuated this reverence by establishing a hierarchical system of privileges which included the dignifying custom of young men safely escorting older men home

⁵² *SL*, VI.20; XIX.19. See also: *SL*, I.3. Montesquieu is unspecific about the content of laws that improve parental authority. Interestingly, instead of offering an example of a law that works in conjunction with the natural authority of parents, he proceeds to discuss laws that punish fathers for the illicit behavior of their children. Montesquieu may therefore be suggesting that parental authority is natural, and if it does not exist in society—then this is the fault of the parents for simply failing to exert their inherent power. See: *SL*, VI.20. See also: *SL*, XXIII.7. On a related note, Montesquieu does not anticipate government policies that essentially take over aspects of parenting, e.g., welfare benefits for single mothers. Nevertheless, he does contend that excessive state welfare will inspire "the spirit of indolence" and that dependent citizens will lose their sense of duty to the republic. See: *SL*, XXIII.29; V.8. This was discussed on page 35 of this dissertation.

⁵³ *SL*, XIX.19; VIII.2.

⁵⁴ *SL*, XXIII.21.

after dinner parties.⁵⁵ Gellius offers no further account of these honors, but Montesquieu indicates what they might be when he says that Rome during periods of depopulation would purposely elevate the status of married men with children above elders that were childless and unmarried.⁵⁶ They were accorded “extensive” privileges, including better seating at the theaters and favoritism in the pursuit of accolades.⁵⁷ Consuls with the most children were given political insignias like the fasces and had their choice of provinces to rule. The senator with the most children was listed first in the “catalogue of senators, and was the first in giving his opinion in the senate.”⁵⁸ Montesquieu also notes that women who bore more children were released from the patriarchal system of wardship confining other women.⁵⁹

The hierarchical system of privileges operating in Rome and Sparta reveals that ancient republics had the practical wisdom to secure the common good by strategically appealing to the private interests of citizens. If the republic required more progeny, then marriage and childbearing were incentivized with privileges; and if the acculturation of political virtue required elders to be esteemed, then respect was socially engineered by conferring elders with distinctions that elevated their status in the eyes of the youth.⁶⁰

⁵⁵ Aulus Gellius, *Noctes Atticae*, II.15.

⁵⁶ *SL*, XXIII.21. Montesquieu cites: Suetonius, *Life of Augustus*, 44; Tacitus, ii. 51: Ut numerus liberorum in candidatis præpolleret, quod lex jubebat. See also: *SL*, XXIII.17.

⁵⁷ *SL*, XXIII.21. See also: *SL*, XXIII.27.

⁵⁸ *SL*, XXIII.21.

⁵⁹ *Ibid.*

⁶⁰ Another way to incentivize virtue mentioned by Montesquieu is the unusual marriage custom of the Samnites in which the most virtuous men who had performed the greatest services for their country were given the first pick of wives. Montesquieu believes the effects of this custom must have been admirable because there was no nobler or greater reward for virtue, it cost the republic nothing financially, and it influenced both sexes to be the very best they could be. The Frenchman’s more progressive views about women indicates that he would be unlikely to endorse such a policy now, but his favorable

Such an approach would presumably be feasible in a larger nation than the small territory necessitated by the ancient republic model which means the education of political virtue is more tenable in modern republics than Douglass and Rahe have suggested. Nevertheless, it may be the heterogeneity of a large republic rather than its size that irrevocably disrupts the education of political virtue.

Montesquieu indicates that diversity can impede education in two different ways. First, education as a “transfusion of passion” would seem to require more than an unqualified respect for old age.⁶¹ In order to display a credible example of political virtue, the parents and elders of a republic must respect themselves. They have to be a self-assured generation proud of their nation’s culture, traditions, and accomplishments. Additionally, they must believe infusing the younger generation with political virtue is of the utmost importance. Both of these requirements—self-conviction as a people and duty to cultivate political virtue—are likely to be at least partially inspired by the supertemporal connection with the nation that Montesquieu says is weakened by ethnic diversity. Citizens who live only for the present without a deep respect for the past or

assessment of this custom suggests that he believes political virtue should be compensated in ways that went beyond public acclaim. See: *SL*, VII.16. Scholars who argue that Montesquieu is, at least on some level, favorable to feminist views include: Diana J. Schaub, *Erotic Liberalism: Women and Revolution in Montesquieu’s Persian Letters* (Lanham, MD: Rowman and Littlefield, 1995); Katherine Rogers, “Letters from the Harem: Veiled Figures of Writing in Montesquieu’s Letters Persanes,” in *Writing the Female Voice: Essays in Epistolary Literature*, ed. Elizabeth C. Goldsmith (Boston: Northeastern Univ., 1989); Pauline Kra, “Montesquieu and Women,” in *French Women and the Age of Enlightenment*, ed. Samia I. Spencer [Bloomington: Indiana Univ., 1984]; Subversion of Patriarchy in Les Lettres persanes,” *Philological Quarterly* 65 (winter 1986); Mary Mcalpin, “Between Men for All Eternity: Feminocentrism in Montesquieu’s Lettres Persanes,” *Eighteenth-Century Life*, 2000-12-21, Volume 24, Issue 1. Scholars who take an opposing view include: Jeanette Geffriaud Rosso is (Montesquieu et la féminité (Pisa: Goliardica, 1977); Robert F. O’Reilly, “Montesquieu: Anti-feminist,” *Studies on Voltaire and the Eighteenth Century*, 102 (1973).

⁶¹ That this respect was conditional upon the upright behavior of parents is indicated in Montesquieu’s assertion that licentious sexual relations and prostitution corrupt women and render them unfit as mothers to educate their children. Consider also his observation that children are ashamed of their criminal parents. See: *SL*, XXIII.2; VI.20.

future of the country are unlikely to be effective role models of political virtue. This deficiency would be compounded by the presence of immigrant citizens or freedmen whose ancestors were not active participants in the historical achievements of the country or may have even been victims or losers of this history. Unless they are fully integrated into society, these individuals are unlikely to exhibit the patriotic pride necessary for the transfusion of political virtue to occur.⁶²

The second concern Montesquieu has with diversity and education can be inferred from his postulation that the transfusion of virtue from parents to children will breakdown “because the impressions made at home are effaced by those they have received abroad.”⁶³ He expands on this point with the assertion that “it is not the young people that degenerate,” for “they are not spoiled till those of maturer age are already sunk into corruption.”⁶⁴ In other words, adults who travel to foreign countries may return home corrupted and transfuse this depravity to their children. Montesquieu similarly asserts that immigrants and foreign merchants who conduct business within the republic could have the same harmful effect.⁶⁵ It is for this reason that Montesquieu speaks favorably of the “community of goods” prescribed by Plato in which trade is conducted by a magistrate in order to limit the direct exposure citizens have to foreigners.⁶⁶ And it is for this reason, as we shall see below, that he recommends strict citizenship laws.

But what exactly does Montesquieu mean when he says that citizens of a

⁶² This topic will be revisited below on pages: 101-103.

⁶³ *SL*, IV.5.

⁶⁴ *Ibid.*

⁶⁵ *Considerations*, IX, 93; *SL*, IV.6. See also: *SL*, XX.18.

⁶⁶ *SL*, IV.6.

republic are corrupted by foreigners, and that this in turn, hinders the education of political virtue? One explanation he offers is that contact with foreigners he considers to be “barbarians” may corrupt the morality of the republic, i.e., citizens may lose their civility and begin to act viciously towards one another.⁶⁷ Children who observe this behavior in adults are unlikely to develop a patriotic love of country. Another possibility is that citizens encounter the soiling influence of materialistic foreigners who pursue luxury and reject the frugality Montesquieu thinks is necessary for republics to be sustained.⁶⁸ Individuals contaminated in this way are unlikely to put the interest of the republic before their own private interests and would thus make poor models of virtue for children to emulate.⁶⁹ Finally, citizens exposed to foreigners might adopt a religion or ideology that contradicts political virtue. For example, Montesquieu says “the sect of Epicurus,” because it made pleasure the highest good rather than love of country, “contributed much toward tainting the heart and mind of the Romans.”⁷⁰

Virtuous Leaders

The leaders of a republic also play an important role in the transfusion of political virtue. Montesquieu declares that senators, because they are “exposed to public view like the statues of the gods, must naturally inspire every family with sentiments of

⁶⁷ Montesquieu quotes Plutarch’s report that ““The Epidamnians, perceiving their morals depraved by conversing with barbarians, chose a magistrate for making all contracts and sales in the name and behalf of the city.” *SL* IV.6. He cites: Plutarch, *Questions Concerning the Greek Affairs*, xxix.

⁶⁸ *Considerations*, V, 61-62.

⁶⁹ *SL*, V.3-4, 6; VII.1-2; VIII.2.

⁷⁰ *Considerations*, X, 97. He cites: Plutarch, *Life of Pyrrhus*, XX.

virtue.”⁷¹ The implication of this statement is that citizens of a republic should regard their political leaders with respect, and more importantly, these leaders are indeed worthy of public veneration because they are a distinct body of men who hold themselves to a higher standard. For this to be the case, Montesquieu says senators are likely to be men of age, gravity, and political virtue who have demonstrated their nobility with eminent services.⁷² He believes senators with these qualities can exhibit a “pattern of manners” by steadily adhering “to the ancient institutions,” and minding “that the people and the magistrates never swerve from them.”⁷³ Montesquieu is thus something of a cultural conservative. His traditionalism stems largely from the logical deduction that a republic’s founding generation must have been a sturdy and austere people if they successfully underwent the “infinite pains and labour” of building a new state and establishing its institutions.⁷⁴ Virtuous leaders that promote the old ways will therefore “preserve the original purity of morals” that gave the founding generation their

⁷¹ *SL*, V.7.

⁷² *Ibid.* See also: *SL*, II.2. It should be noted that Montesquieu thought the tenure of senators acting in this role model capacity should extend indefinitely, since this was the custom in places like Rome, Sparta, and even the early Greeks with the Areopagus. See: *SL*, V.7. We might compare this view to Madison who argued that senators should hold their authority for “a tenure of considerable duration,” because they could develop expertise. However, he ultimately rejected life tenure because “those who administer” government, if they are not held accountable with periodic elections, “may forget their obligations to their constituents, and prove unfaithful to their important trust.” See: Madison, *Federalist* 63.

⁷³ *Ibid.* By institutions, Montesquieu seems to mean formal institutions like religion and laws, and informal institutions like manners and customs. Consider his statement that “laws were the particular and precise institutions of a legislator, and manners and customs the institutions of the nation in general.” See: *SL*, XIX.14.

⁷⁴ *Ibid.* Montesquieu articulates a similar idea in *Considerations* when he says: “At the birth of societies, the leaders of republics create the institutions; thereafter, it is the institutions that form the leaders of republics.” In this specific context, the founding leaders he has in mind were Rome’s uninterrupted succession of great kings. This analysis was most likely influenced by Machiavelli who thought a king was best at setting things up, but a republic was better for maintaining what the king had built. See: *Considerations*, I, 25; Machiavelli, *Discourses*, I.11. The influence of Xenophon may also be relevant. See: Xenophon, *The Education of Cyrus*, translated by Wayne Ambler (Ithaca: Cornell University Press, 2001), Chapter 8.

remarkable strength.⁷⁵

The requirement of politically virtuous senators may seem to conflict with Montesquieu's analysis of inherently ambitious rulers, but he never discounts the possibility of rulers who prioritize the common good.⁷⁶ Instead, he merely cautions that all leaders must be vigilantly monitored since political virtue is no guarantee of wisdom or moderation.⁷⁷ Politically virtuous citizens should therefore be elected to public office and military generalships whenever possible, but he indicates that ethnic and cultural diversity can prevent this from happening.⁷⁸ When citizenship was granted to the foreigners of the expanding Roman Republic, Montesquieu says "each city brought to Rome its genius, its particular interests, and its dependence on some great protector."⁷⁹ The heterogeneous citizen population was thus inclined towards leaders that catered to their distinct subnational interests rather than the general interest of the republic.⁸⁰ Montesquieu says this problem was exasperated by ambitious politicians who purposely "brought entire cities and nations to Rome to disturb the voting or get themselves elected."⁸¹ Electing politically virtuous leaders was also more difficult in heterogeneous

⁷⁵ Ibid.

⁷⁶ *SL*, V.19; *SL*, II.2. Montesquieu's view of the inherent ambition of man and its impact on leaders was discussed on pages 23-24 of this dissertation.

⁷⁷ Ibid.

⁷⁸ *SL*, V.19; II.2.

⁷⁹ *Considerations*, IX, 93.

⁸⁰ Montesquieu argues elsewhere that citizens of the Roman Republic before its diversification were indeed voting for virtuous men rather than voting in accordance with subnational interests like social class. See: *Considerations*, VIII, 85; footnote 5, 88.

⁸¹ Ibid.

republics because of the inherent complexity of their politics.⁸² Montesquieu indicates that even those citizens who want to elect politically virtuous rulers will struggle to do so because of the difficulties involved in determining if politicians stand for the general interest or if they are merely advancing particular interests counterfeited as the general interest. By contrast, the election of virtuous leaders was more likely to occur in smaller, homogenous republics because “the interest of the public is more obvious, better understood, and more within the reach of every citizen.”⁸³

The Religion of a Republic

Of the institutions to be promoted and preserved in a republic, religion may be for Montesquieu the most important. He says religion is “always the best guarantee” of morals among men and is capable of inspiring such extraordinary devotion that even despotic governments are restrained by its principles.⁸⁴ Religion can likewise prevent abuses of power that might arise from below rather than above. When the multitude is overcome by the “spirit of extreme equality,” Montesquieu says leaders of a republic will use religion to either imbue respect for old institutions like the senate or distract the people from politics.⁸⁵ The Frenchman particularly seems to admire the ancient religion of the Romans.⁸⁶ He asserts that Rome delayed corruption, maintained moderation, and

⁸² *Considerations*, IX, 93-4; *SL*, IV.7; VIII.16.

⁸³ *SL*, VIII.16.

⁸⁴ *Considerations*, X, 98. See also footnote 45 on page 74 of this dissertation. *SL*, II.4; III.10.

⁸⁵ *SL*, VIII.2-3. *Considerations*, VIII, 83-4. The utility of religion in this regard could presumably be used to oppress the people if they were distracted from legitimate grievances.

⁸⁶ From a moral perspective, he does seem to condemn the inhumanity this religion could inspire towards the nations that Rome conquered. See for example: *SL*, X.3.

cherished austerity because of religious belief and the power of the oath which “formed the nerve of their military discipline.”⁸⁷ This pagan religion was even regarded by Montesquieu as effectually superior to political virtue when it came to fielding armies and tranquilizing cities in the midst of a crisis, but he notes that religion worked especially well in Rome because religious sentiment was “mingled” with love of country:

This city, founded under the best auspices; this Romulus, their king and their god; this Capitol, eternal like the city, and this city, eternal like its founder—these, in earlier times, had made an impression on the mind of the Romans which it would have been desirable to preserve.⁸⁸

We thus see something of a noble lie or national myth in Montesquieu’s assessment of Rome that legitimized the uncompromising national interest of the Romans by sanctifying the city’s founding. Montesquieu says the citizens of the Cretan republic also had a sacrosanct reverence for their “motherland,” a name they called their country “which signifies the love of a mother for her children.”⁸⁹ Citizens that adhere to national myths like these are likely to experience strong feelings of collective self-worth, communal solidarity, and meaningful purpose; and these feelings would be enhanced if the republic also cultivated a supertemporal connection with its ancestors and descendants.⁹⁰ Surprisingly, the importance that Montesquieu places on national myths and eternity has not received much attention from scholars, including Pangle who asserts:

⁸⁷ *SL*, VIII.13; *Considerations*, I, 27.

⁸⁸ *SL*, VIII.13; *Considerations*, X, 98. See also: *Considerations*, I, 24.

⁸⁹ *SL*, VIII.11. Montesquieu’s analysis here quotes Plato. See: Plato, *The Republic*, bk. 9, 575d.

⁹⁰ The importance of a spiritual connection with the ancestors and descendants of a republic was discussed above. See pages 65-70 of this dissertation. For more on national myths and noble lies, see: Plato, *The Republic*, Book 3, 414e–15c; Arash Abizadeh, “Historical Truth, National Myths, and Liberal Democracy,” *Journal of Political Philosophy* 12, vol. 3, (2004), 291–313.; David Miller, *On Nationality* (Oxford: Oxford University Press, 1995), 35-42, 94, 125, 129.

“Montesquieu does not speak, as does Pericles in Thucydides, of the citizen’s erotic hope to partake of immortality as a consequence of his devotion to the glory of his never-to-be-forgotten Athens...Montesquieu in effect contends that the virtue exhibited in the classical city, properly understood, aimed at nothing that transcended the worldly security, freedom, and temporal glory of a citizenry united in devotion to their collectively owned fatherland.”⁹¹

Pangle’s analysis here may actually have more bearing on the political virtue of modern republics since Montesquieu is far less candid about their use of national myths. Nevertheless, Montesquieu does think Christianity, the religion he declares most suited for modern republics, can legitimize a republic’s perpetuity if the spirit of this religion is expediently interpreted.⁹² Indeed, a proper understanding of Christianity is critical for modern republics because a universal application of Christian ethical principles may be incompatible with political virtue.⁹³ Montesquieu observes that religions of the Modern Age often contrast with “worldly engagements, a thing unknown to the ancients.”⁹⁴ For example, Christianity may, at times, because of the “mildness” of its gospels be incapable of inspiring the “rage” and “cruelty” that is often necessary to meet the worldly requirements of politics.⁹⁵ Montesquieu indicates this possibility when

⁹¹ Pangle, *Theological Basis*, 55.

⁹² *SL*, XXIV.6.

⁹³ Pangle has argued that Montesquieu thinks political virtue “goes hand in hand with paganism,” but regards virtue as “incompatible with Christianity.” See: Pangle, *Montesquieu’s Philosophy of Liberalism*, 80. He cites: *SL*, IV.4; *Considerations*, Works II, 176-77, 196, 199, 203; *Persian Letters*, nos. 2, 11-14; “Dissertation on the Policy of the Romans in Religion,” *Works I*, 81-92.

⁹⁴ *SL*, IV.4. Montesquieu does not seem to think Islam suffers this deficiency. Consider his assessment of the Turks: “...zeal for their religion gave them a marvelous commitment to ravaging the lands of Christians.” See: *Considerations*, XXIII, 218.

⁹⁵ *SL*, VIII.13; *SL*, XXIV.3. Consider Christianity’s contrast with the religion of the Spartans who “had deities to whom they prayed not to inspire them with guilt; and others whom they besought to shield them from it.” See: *SL*, XXIV.2. The esoteric meaning of Chapter 17 of *Considerations* may also be relevant. Montesquieu favorably portrays the emperor Julian, who attempted to restore the pagan religion. By contrast, he negatively portrays Constantine who did so much for the establishment of the Christian religion. See: *Considerations*, XVII, 157-63. For more on this point, see: Douglas Kries, “The

he criticizes Christianity for rationalizing sickness and military defeats as noble things.⁹⁶ If Christianity is not conducive to political virtue, then perhaps we should question the praise Montesquieu extols upon this religion in his writings.⁹⁷ Indeed, as other scholars have duly noted, the Frenchman was an author who most likely feared censorship and persecution.⁹⁸ And yet, before prematurely dismissing everything Montesquieu says about Christianity, we should consider his response to Pierre Bayle's criticism that "true Christians cannot form a government of any duration."⁹⁹

Why not? [Montesquieu asks]. Citizens of this profession being infinitely enlightened with respect to the various duties of life, and having the warmest zeal to fulfil them, must be perfectly sensible of the rights of natural defence. The more they believe themselves indebted to religion, the more they would think due to their country. The principles of Christianity, deeply engraved on the heart, would be infinitely more powerful than the false honour of monarchies, than the humane virtues of republics, or the servile fear of despotic states.¹⁰⁰

Displacement of Christian Historiography," *Piety and Humanity: Essays on Religion and Early Modern Political Philosophy* (Lanham: Rowman & Littlefield, 1997), 236-6.

⁹⁶ See: *Considerations*, XXII, 201-2. See also: Pascal's *Prière pour demander à Dieu le bon usage des maladies*, 11. This is interesting to contrast with Montesquieu's view that religion could lead to violent inquisitions and be the source of vicious and enduring civil wars. See: *SL*, XXV.13; XXVI.11; *Considerations*, XIII, 121. See also: *SL*, IV.2.

⁹⁷ For example, Montesquieu calls the Christian religion "our chief blessing." *SL*, XXV.10, footnote u.

⁹⁸ It is not insignificant that he published his major works anonymously and outside of France. See: Pangle, *Montesquieu's Philosophy of Liberalism*, 14; Pangle *The Theological Basis of Liberal Modernity*, 170-71, endnotes 9, 10, 1; Rahe, *Montesquieu and the Logic of Liberty*, 18, 87. See also: See: Robert Shackleton, "Censure and Censorship: Impediments to Free Publication in the Age of Enlightenment," *The Library Chronicle of the University of Texas at Austin* 6 (1973), 25-41, which is reprinted in *Shackleton, Essays on Montesquieu and on the Enlightenment*, ed. Gilson David and Smith Martin (Oxford: The Voltaire Foundation, 1988), 405-20, and Hanley William, "The Policing of Thought: Censorship in Eighteenth-Century France," *Studies on Voltaire and the Eighteenth Century*, 183 (1980): 265-95; Mass Edgar, *Literatur und Zensur in der frühen Aufklärung: Produktion, Distribution und Rezeption der Lettres persanes* (Frankfurt am Main: Vittorio Klostermann, 1981), 5-68, 139-205, and Paul A. Rahe, "The Book That Never Was: Montesquieu's *Considerations* on the Romans in Historical Context," *History of Political Thought*, 26, no. 1 (2005): 43-89

⁹⁹ *SL*, XXIV.6.

¹⁰⁰ *Ibid.*

It is astonishing that this great man should not be able to distinguish between the orders for the establishment of Christianity and Christianity itself; and that he should be liable to be charged with not knowing the spirit of his own religion. When the legislator, instead of laws, has given counsels, this is because he knew that if these counsels were ordained as laws they would be contrary to the spirit of the laws themselves.¹⁰¹

Montesquieu seems to be restating Machiavelli's argument that Christianity's compatibility with patriotism and national security is dependent upon the institutions and individuals that interpret this religion.¹⁰² Robert Bartlett in response to the Frenchman's assessment has wittily observed: "It would seem that Christ was a good Montesquieuan, and Montesquieu can appear to be a good Christian by introducing the distinction between the orders and the counsels of Christ, the former being obligatory, the latter merely exhortatory."¹⁰³ Given Montesquieu's understanding of political virtue, Christianity properly interpreted by the Frenchman would likely resemble the "Friend and Foes" militant justice of Polemarchus in which foreigners are treated differently than citizens.¹⁰⁴ The more severe principles of the Old Testament like an "eye for an eye" would be employed when dealing with enemies of the republic.¹⁰⁵ On the other hand,

¹⁰¹ Ibid.

¹⁰² Machiavelli argued: "The world appears effeminate and heaven disarmed, it arises without doubt more from the cowardice of the men who have interpreted our religion according to idleness and not according to virtue. For if they considered how it permits us the exaltation and defense of the fatherland, they would see that it wishes us to love and honor it and to prepare ourselves to defend it." See: Machiavelli *Discourses on Livy*, II.2. Both philosophers probably had in mind as counterexamples the Crusades or other religious wars in which Christianity inspired patriotic duty and ferocious violence. The role of Christianity as a legitimizing ideology is also mentioned by Montesquieu when he says the "ravagers of America," i.e., Europeans, vindicated their theft under the guise of devout missionaries of Christianity. See: *SL*, XV.4.

¹⁰³ Robert C. Bartlett, "On the Politics of Faith and Reason: The Project of Enlightenment in Pierre Bayle and Montesquieu," *The Journal of Politics*, Vol. 63, No. 1 (2001), 16. He cites: Pangle, *Montesquieu's Philosophy of Liberalism*, 252-55.

¹⁰⁴ Plato, *The Republic*, 375b-376b.

¹⁰⁵ See: *Holy Bible: New International Version*, Exodus 21:23-25. Other variations of this statement appear at: Leviticus 24:20; Deuteronomy 19:21. Consider also Montesquieu's statement that

domestic relations would adhere to the principles of the New Testament which teach forgiveness and charity.¹⁰⁶ Pursuing this topic in greater detail would extend beyond the scope of this dissertation, but the upshot of this analysis is that Montesquieu thinks republics should instrumentally use religion to cultivate political virtue.¹⁰⁷ For as he rhetorically asks: “Who does not see that self-defence is a duty superior to every precept?”¹⁰⁸

The precise religion Montesquieu endorses for modern republics seems to be a form of Protestantism comparable to the civil religion that Alexis de Tocqueville encountered in America which informally established a sacred sphere that government dare not penetrate.¹⁰⁹ Montesquieu rejects Catholicism for republics because he thinks liberty might be threatened by an ecclesiastic power like the Church.¹¹⁰ Nevertheless,

“relations of justice” precede the “positive law by which they are established,” and that one such example is that “if one intelligent being injures another, it deserves a retaliation.” See: *SL*, I.1.

¹⁰⁶ See for example: *Holy Bible: New International Version*, Matthew 5:38; 5:39.

¹⁰⁷ For more on the compatibility issues of Christianity with patriotism, see: Michael G. Long and Tracy Wenger Sadd, eds, *God and Country? Diverse Perspectives on Christianity and Patriotism* (New York: Palgrave Macmillan, 2007).

¹⁰⁸ *SL*, XXVI.7.

¹⁰⁹ *SL*, II.4; Alexis de Tocqueville, *Democracy in America*, translated by Harvey Mansfield and Delba Winthrop. (University of Chicago Press: Chicago, 2002), I.2, 43-44 ; II.9. 286. It may be that Montesquieu favors paganism for republics even more than Protestantism. He never suggests the possibility that paganism can be restored, but consider the following footnote at it appears in Pangle’s newest book: “In a dossier of materials [Montesquieu] assembled for a possible ‘dissertation on the various destructions seen on the earth,’ Montesquieu designated a chapter with the title ‘How the Zeal for Christianity and Mohammedanism has been Destructive,’ and wrote a single opening sentence as follows: ‘Only a pen dipped in blood or tears could describe the terrible effects of this zeal.’ He preceded this with notes for a chapter on the destruction caused by religion in general, writing: ‘the destruction of peoples by Religion, the wars civil and foreign that have been born from religion, are a kind of evil that we owe to modern times, and of which the ancient men of politics do not speak to us.’” See Pangle: *The Theological Basis of Liberalism*, 171, endnote 114. He cites: *Oeuvres complètes de Montesquieu*, 2.1019. The reader should note that Montesquieu is not speaking generally of religions, as Pangle indicates, but is instead speaking specifically about modern religions which may suggest that Montesquieu does not harbor the same degree of personal aversion towards ancient religions like Roman paganism.

¹¹⁰ *SL*, II.4. Tocqueville would later reject this view, arguing that Catholics in America formed “the most republican and democratic class in America.” See: Alexis de Tocqueville, *Democracy in America*,

the Frenchman says that even false religions if they “are agreeable to morality” are “the best security we can have of the probity of men.”¹¹¹ His foremost concern with religion as a political thinker is thus the utility of religion as an instrument of patriotism and social harmony rather than a guide to salvation.¹¹² Montesquieu’s principal opposition to religious diversity therefore owes to his belief that religious heterogeneity erodes political virtue. He asserts that Roman citizens in the aftermath of territorial expansion remained citizens “only by a kind of fiction” because they no longer shared the same gods or places of worship.¹¹³ The implication of this observation is that citizens are more likely to regard one another with true civic affinity if they have the same religious identity and values. Montesquieu also opposes religious diversity because newly arrived religions are often accompanied by intolerant missionaries.¹¹⁴ He therefore declares that when a “state is at liberty to receive or reject a new religion it ought to be rejected.”¹¹⁵ If rejection is not possible and the foreign religion penetrates society, then members of this new sect should be tolerated so long as they themselves are tolerant.¹¹⁶

translated by Harvey Mansfield, and Delba Winthrop. (University of Chicago Press: Chicago, 2002), 275-77. Interestingly, Montesquieu also thinks Catholics when compared to Protestants are “more attached to their religion” and “more zealous for its propagation.” See: *SL*, XXV.2.

¹¹¹ *SL*, XXIV.1; XXIV.8.

¹¹² See also: *SL*, XXIV.1; XXIV, 27.

¹¹³ *Considerations*, IX, 93.

¹¹⁴ *SL*, XXV.10. The footnote Montesquieu attaches to this assertion makes an exception for Christianity: “I do not mean to speak in this chapter of the Christian religion; for, as I have elsewhere observed, the Christian religion is our chief blessing.” However, we should question his sincerity here, given his view of European missionaries in the Americas. See footnote 102 on page 87 of this dissertation. See also his view of Catholic zealotry: *SL*, XXV. 2.

¹¹⁵ *Ibid.*

¹¹⁶ For as he relates in the *Persian Letters*, “it is not the multiplicity of religions that has produced wars, it is the spirit of intolerance animating the one which believed itself to be dominant.” See: Montesquieu, *Persian Letters* (Oxford: Oxford University Press, 2008), LXXXV.

Montesquieu recommends government enforcement of religious tolerance to prevent sects from causing “disturbances among themselves.”¹¹⁷ He seems to share Locke’s respect for “liberty of conscience,” but also declares tolerance to be a wise precaution because a persecuted religion may one day arise from its oppression and seek vengeance on the belligerent religion.¹¹⁸ Nevertheless, Montesquieu reminds his readers that “there is a great difference between tolerating and approving a religion.”¹¹⁹ That is to say, simply because you condone the practice of a religion does not mean you grant it equal distinction.

Culture, Censorship, and Citizenship

Montesquieu also thought customs and manners were integral to the political virtue of a republic. He defines manners as the habits of people concerned with interior conduct; whereas customs are habits concerned with exterior conduct.¹²⁰ This distinction may not always be a clear one throughout his works, but for the purpose of this dissertation, manners and customs can be understood jointly as cultural ideals, values, beliefs, and practices “that permeate a people’s way of life.”¹²¹ Montesquieu is

¹¹⁷ *SL*, XXV.9.

¹¹⁸ John Locke, *Letter Concerning Toleration* (Hackett Publishing: Indianapolis, 1983), 51; *SL*, XXV.13, 10. The influence of Locke on Montesquieu’s thinking is evident when the latter condemns religions for inspiring an aversion to “things indifferent” like the hostility felt by Muslims towards Indians that consume hogs and the animosity directed by Indians towards Muslims for eating cows. Locke similarly relates in his *Letter of Toleration* that “things in their own nature indifferent cannot, by any human authority, be made any part of the worship of God—for this very reason: because they are indifferent.” See: *SL*, XXIV.22; John Locke, *Letter Concerning Toleration*, 40. See also: 3-4, 6, 41, 59.

¹¹⁹ *SL*, XXV.9.

¹²⁰ *SL*, XIX.16.

¹²¹ I have relied partially on the insight of Professor Jeff Weintraub who offers the following clarifying thoughts on this issue: “The crucial, though somewhat fluid, terms ‘moeurs’ and ‘manières’ sometimes appear in English as ‘mores and manners,’ and sometimes as ‘manners and customs.’ As a

particularly impressed with the impact of custom on “common people” who because of their strict adherence to the good maxims they adopt are less likely than gentlemen to become corrupted. He attributes this respect for tradition to their mediocrity—they are not fully enlightened and thus harbor a blind and unquestioning “attachment to the established laws and customs.”¹²² Nevertheless, in spite of the strong affinity for tradition felt by the common folk, Montesquieu says the manners and customs of a republic must be reinforced by a combination of domestic forces. This includes the aforementioned influences of parental example, dignified elders, and virtuous senators who inspire respect for the ancient institutions. Additionally, the Frenchman believes censors and citizenship laws must preserve the ancient culture of the republic.

Montesquieu understands the censorship to be “a very wise institution” that culturally regulates the population: (1) by punishing acts of immoral conduct; (2) by monitoring government officials; (3) and by proscribing dangerous foreign novelties.¹²³ His endorsement of this coercive institution seems to contradict his view that political liberty can be secured in republics, but the simplest explanation for this discrepancy is that political liberty for the French philosopher is not equivalent to moral or cultural freedom.¹²⁴ Montesquieu declares that people who think liberty means the right to live in accordance with preferred customs like “wearing a long beard” have confused

first approximation, it might be said that they refer to the beliefs, values, and practices that permeate a people's way of life. While the distinction between them is not precisely drawn, in Montesquieu's usage ‘moeurs’ seem to be closer to cultural values and ideals; ‘manières’ seem closer to customs in the sense of externally recognizable practices. Or, to put it the other way around, moeurs are the underlying principles and ideals that inform practices.” See: Jeff Weintraub, “Tocqueville On Mores,” October 20, 1996, at: <http://jeffweintraub.blogspot.co.at/1996/10/tocqueville-on-mores.html>, accessed August 5, 2014.

¹²² *SL*, V.2.

¹²³ *Considerations*, VIII, 86-7; *SL*, II.4; XIX.3.

¹²⁴ *SL*, V.19; XI.6.

independence for political liberty.¹²⁵ Independence is the freedom to do whatever people want, i.e., unlimited freedom; but liberty means citizens relinquish their natural independence to live under political laws which have “in view the welfare and preservation of the kingdom.”¹²⁶ Citizens of a republic similarly give up their autonomy to make normative decisions about manners and customs, but we should not mistake this to mean that cultural power resides primarily in the hands of censors or even government legislatures. The institution of censorship for Montesquieu actually seems to have limited autonomy when it comes to directing the cultural affairs of the nation. He mentions censors that engage in social engineering practices like efforts to increase marriages and fecundity, but by and large, the principal function of the institution of censorship seems to be preserving the existing culture rather than imposing cultural preferences generated from above.¹²⁷ Of equal significance is Montesquieu’s assertion that manners and customs are habits which are “not established by legislators, either because they were not able or were not willing to establish them.”¹²⁸ The implication of this statement is that influences other than government, and maybe even in opposition to government, are the originating source of a republic’s culture and the primary impetus of its modification. Possible influences include the general spirit, ancestors, religious influences, ancient laws, maxims, climate, war, trade, education, philosophers, and even citizens themselves through a collective participation in civil life.¹²⁹ Montesquieu

¹²⁵ *SL*, XI.2; XI.3.

¹²⁶ *SL*, XXVI.15-16. See also: *SL*, XI.3.

¹²⁷ *SL*, XXIII.21; *SL*, XXIII.22; *Considerations*, VIII, 86.

¹²⁸ *SL*, XIX.16. See also: *SL*, XIX.5, 14.

¹²⁹ *Considerations*, II, 36-37; *SL*, V.7; X.3; XIX.12; XX.1; XXIII.21. Montesquieu thinks the manners and customs of a nation have an ongoing interactive relationship with its general spirit. For

does think leaders of the republic can, and sometimes should, influence customs through their personal example and the introduction of new cultures, but it is predominantly non-government entities that collectively spawn and shape the cultural modes and preferences of the republic which can thereafter operate as a checking force against government.¹³⁰ Checking might occur when the people become agitated by legislation that conflicts with the national spirit; or it might occur when censors representing the dominant culture threaten to punish senators for abolishing laws regarded as important for the sustaining of social conventions and moral norms.¹³¹

The apparent conflict between political liberty and censors can also be reconciled by closely examining the institution of censorship.¹³² Comprised of two elected censors, the responsibilities of these magistrates include taking the census, determining the equestrian ranks of patricians, administrating the finances of the republic, superintending public buildings, and overseeing public works projects.¹³³ Censors are also empowered to regulate the moral behavior of the people and the senate.

example, he declares that “manners are inspired” and “proceed from a general spirit.” However, he says elsewhere that “Mankind are influenced by various causes: by the climate, by the religion, by the laws, by the maxims of government, by precedents, morals, and customs; whence is formed a general spirit of nations.” See: *SL*, XIX.12; XIX.4. Montesquieu’s interest in the influence of non-political forces on society has led some scholars to perceive him as the father of sociology. See for example: Raymond Aron, *Main Currents in Sociological Thought: Montesquieu, Comte, Marx, Tocqueville, and the Sociologists and the Revolution of 1848* (Piscataway: Transaction Publishers, 1998).

¹³⁰ *SL*, V.7; XIX.14. Introducing new customs and manners will be discussed in Chapter 3.

¹³¹ *SL*, II.4; XIX.3; *Considerations*, VIII, 87; Adrian Goldsworthy, *Roman Warfare* (London: Cassell, 2000), 164-5. The external checking power of the “spirit of the people” was discussed in Chapter 1. This might take the form of voting in new politicians, emigration, or perhaps manifest violently with an insurgency. See pages 41-43 of this dissertation.

¹³² Since most of the examples Montesquieu uses are from Rome, this will be the institution of censorship we examine.

¹³³ Harriet I. Flower, ed., *The Roman Republic* (New York: Cambridge University Press, 2004), 65. See also: Cicero, *De legibus* iii.3.

Punishable offenses include mistreatment of wives and children, disobedience towards parents, cruelty towards slaves, neglecting the tilling of fields, lavish expenditures, cowardice in battle, and abuses of political office like suspicion of bribery and the fabrication of favorable auspices.¹³⁴ The list of punishable offenses seems almost boundless, but this is mitigated by the actual regulating power of censors which is limited to publicly shaming individuals, giving them censorial marks of *infamia*, expelling persons from the senate, and denying officials certain honors which might preclude them from career advancement.¹³⁵ These punishments are by no means trivial, but are generally less Orwellian in nature than scholars like Pangle and Spector have intimated.¹³⁶ A related point of consideration is that the power of censors is restrained by the dichotomy of the institution—both censors must agree that punishment is warranted.¹³⁷ Ideally, the two men entrusted with censorial powers would be capable officials with the political virtue necessary to serve as guardians of the republic. In

¹³⁴ Plutarch, *Life of Cato the Elder*, 17-18; Cicero *de Re Publica* IV.6; Dionysius, XX.3.; Auli Gellii, IV.12; Pliny *Natural History*, XVIII.3; Livy, *Periochae*, 14, XXXIX.4; Gellius, IV.8; Valerius Maximus, II.9 §4; Cicero *de Senectute*, 12; Livy, XXXIX.42; Valerius Maximus, II.9. § 3; Plutarch *Cato Major*, 17; Cicero *De Divinatione*, I.16.

¹³⁵ *SL*, XXIII.21. He cites: Livy, XLV; *The Epitome of Livy*, LIX; Aulus Gellius, I.6; Valerius Maximus, II.9. See also: *Considerations*, VIII, 86; Livy IV.24, XXIV.18.8, XXXVIII.28, XXVII.11, XXXIV.44; XLIII.43; Festus, S.V; Praeteriti; Cicero *Pro A. Cluentio Oratio*, 42; Plutarch, *Life of Cicero* 17; Cicero *pro Cluentio Oratio*, 43; Cassius, *Dio*, XXXVIII.13; Cicero, *Pro Sestio*, 25, Cicero, *De Provinciis Consularibus*, 15. See also: T. R. S. Broughton, *Magistrates of the Roman Republic*, Volume II (New York: Oxford University Press, 1951), 126-7.

¹³⁶ Pangle and Spector's view of censors was discussed on pages 61-62 of this dissertation. It is noteworthy that some of these punishments are comparable to contemporary forms of shaming like media condemnation or character assassinations that result in the loss of employment. See for example: Diana Berkshire Hearit, and Keith M. Hearit. 2011. "NPR Under Fire: On the Kategoria-Based Apologia of Juan Williams," *Journal Of Radio & Audio Media* 18, no. 1: 65-83. However, a censorial mark in addition to imposing career costs could also result in the loss of citizen privileges. For example, Infames were not permitted to provide court testimony and could be subject to the corporal punishments usually reserved for slaves. See: Catharine Edwards, *Unspeakable Professions Public Performance and Prostitution in Ancient Rome* (Princeton: Princeton University Press, 1997), 73.

¹³⁷ Livy. XXIV.18, XXVII.11; Cassius Dio, XXXVIII.13; Cicero, *Pro Sestio*, 25, *de Prov. Cons.* 15.

Rome, these elected officials were almost always former consuls whose political and moral capacity had been demonstrated to the public.¹³⁸ However, in the event that one censor proved incompetent, misuses of power could be checked by his colleague.

Another reason censors may be less oppressive than has been imagined is because of the specific targeting of their regulation. Montesquieu says that censors protect the nation from “dangerous novelties” that might “change the heart or mind of the citizen, and deprive the state...of perpetuity.”¹³⁹ High on the list of dangerous novelties is likely to be foreign influences that corrupt the political virtue of the people. Acting in this capacity, the institution of censorship is essentially a defender of the indigenous majority culture. What this means in practice is that censors of a politically virtuous republic are unlikely to engage in the “ceaseless moral policing” assigned to them by critics because they are enforcing cultural norms and moral standards that most citizens adhere to and desire to be enforced.¹⁴⁰ The principal recipients of cultural censorship were therefore likely to be newly arrived immigrants and citizens who adopted foreign beliefs and practices. Montesquieu never explicitly argues this point, but such an interpretation is supported by the activity of Cato the Censor, a man whose political virtue Montesquieu praises and a man he says never violated “the laws of his country.”¹⁴¹ Cato vigorously prosecuted the nobility for “introducing into Rome” the

¹³⁸ Plutarch, *Life of Coriolanus* 1; Valerius Maximus, IV.1 §3.

¹³⁹ *Considerations*, VIII, 86.

¹⁴⁰ Spector, “Montesquieu: Critique of Republicanism?”, 41. See also: Pangle, “Montesquieu, Charles-Louis de Secondat (1689–1755).”

¹⁴¹ *Considerations*, XI, 108; XII, 116; *SL*, XXVI.18.

corruption that was “Greek luxury and refinement.”¹⁴² Believing the city needed to be purged of this influence, Cato prohibited Hellenic literature, medicine, and music.¹⁴³ He also ordered the destruction of Greek philosophic works and called for the expulsion of Greek philosophers like Carneades and the “teachers of Epicureanism,” a philosophic sect we have seen that Montesquieu thought undermined the political virtue of the Roman Republic.¹⁴⁴

Montesquieu’s belief that foreigners require strict censorship is also evidenced by his position on naturalization. While the Frenchman is generally opposed to immigration because of the ethnic and cultural heterogeneity that foreigners bring to a republic, his analysis of conquest and slavery nevertheless recommends extending a pathway to citizenship to foreigners and slaves who culturally assimilate to the republic:

When after the expiration of a certain space of time all the parts of the conquering state are connected with the conquered nation, by custom, marriages, laws, associations, and by a certain conformity of disposition, there ought to be an end of the slavery. For the rights of the conqueror are founded entirely on the opposition between the two nations in those very articles, whence prejudices arise, and the want of mutual confidence.¹⁴⁵

Montesquieu offers no counsel on how much time must pass for assimilation to occur or how this process should be facilitated, but a transfusion of norms and values would likely depend on how culturally dissimilar the foreigners and slaves are from the

¹⁴² Cornelius Nepos, 5–6; Cato and Varro on Agriculture, x–xi, as cited in: Ben Kiernan, “The First Genocide: Carthage, 146 BC,” *Diogenes* 51, no. 3 (2004), 31-32.

¹⁴³ Kiernan, “The First Genocide,” 32. See also: Ramsay MacMullen, “Hellenizing the Romans (2nd century BC),” *Historia* 44 (1991), 429–30, 434.

¹⁴⁴ Kiernan, “The First Genocide,” 32. *Considerations*, X, 97. He cites: Plutarch, *Life of Pyrrhus*, XX.

¹⁴⁵ *Considerations*, IX, 92-3; *SL*, X.3. A critical assessment of this passage might deduce that assimilation can occur both ways, but Montesquieu believes the military success of the conquering nation proves its culture should be the one that is preserved. See: *SL*, X.4.

native population of the republic. Interestingly, Montesquieu thinks conquered populations targeted for assimilation are likely to benefit from this cultural transformation. His position seems to be that if a nation is unable to defend itself against the aggressions of a foreign power, then the culture of its people was degenerate in some important way that should be transformed.¹⁴⁶ Possible cultural enhancements include reforms against plutocratic corruption, the termination of slavery, enlightenment to overcome “frantic superstition,” and prohibitions against horrific rituals like human sacrifices.¹⁴⁷ Montesquieu denounces the Spaniards who instead of forcing these changes upon the Mexicans caused only mischief and destruction. “The conqueror,” he moralizes, is “under a heavy obligation of repairing the injuries done to humanity.”¹⁴⁸

Cultural assimilation is not the only guideline Montesquieu has for naturalization. He also cautions against granting too many slaves equal citizenship because “they would overpower the ancient citizens” or vindictively use elections to punish their former masters.¹⁴⁹ The implication of this recommendation is that assimilation is not foolproof when it comes to resolving the antagonism that can exist between diverse peoples. Montesquieu also warns that emancipation should be limited to “slaves who, by their

¹⁴⁶ *SL*, X.4.

¹⁴⁷ *SL*, X.4; X.5. Montesquieu declares slavery to be permissible only when it is necessary for the preservation of a defensively inspired conquest. However, he also seems to endorse slavery in places where men are unwilling to work because of the hot climate. See: *SL*, X.3; X.2; *SL*, XV.7.

¹⁴⁸ *SL*, X.4.

¹⁴⁹ *SL*, V.5; XV.17. Montesquieu provides a case study as evidence: “We know that among the Volsinienses the freedmen, becoming masters of the suffrages, enacted an abominable law, which gave them the right of lying the first night with the young women married to the free-born.” He cites: Freinshemius, *Supplement*, December 2, v.

age, health, or industry, are capable of getting a subsistence.”¹⁵⁰ This will prevent freedmen from suffering destitution which should be avoided in its own right, but also because economic hardship can lead to rebellions. Montesquieu offers a simple policy recommendation to avert freedmen impoverishment—the jobs men perform as slaves should be reserved for them as freedmen.¹⁵¹ This policy would have the added benefit of preventing the wealthy patricians from importing replacement slaves and repeating the great error of Rome discussed in Chapter 1—the expansion of slave plantations that led to a polarization of wealth, unemployment, and elevated levels of resentment among the smaller citizen farmers—all of which contributed to the erosion of political virtue.¹⁵²

Cultural Homogeneity

It was demonstrated in the previous section that Montesquieu believes the majority culture of a republic should be reinforced by censors, hegemonic pressures, and strict laws requiring cultural assimilation.¹⁵³ Critics today would likely consider this a reprehensible form of cultural oppression, but the Frenchman thinks majority culture dominance is the appropriate means to preserve cultural homogeneity, and thus the political virtue, necessary for a republic to maintain both its security and liberty. Montesquieu asserts that “we do nothing so well as when we act with freedom, and

¹⁵⁰ *SL*, XV.17. From a practical standpoint, this counsel would be ill-advised for slave owners since the only slaves they could keep would be the old, feeble, an unemployable.

¹⁵¹ *Ibid.*

¹⁵² *Considerations*, III, 39-41.

¹⁵³ Of course, this presumes that the republic is currently virtuous. Montesquieu offers his readers little guidance on what censors should do in the event that a public is already corrupted. For example, he says: “The corruption of manners destroyed the censorship, which was itself established to destroy the corruption of manners: for when this depravation became general, the censor lost his power.” *SL*, XXIII.21.

follow the bent of our natural genius,” but he also declares that “the strength of individuals cannot be united without a conjunction of all their wills.”¹⁵⁴ Cultural homogeneity enables a republic to meet both these requirements—the strength of the citizen population is naturally united and concerted towards the same virtuous objective of national preservation. By contrast, Montesquieu’s analysis of Rome suggests that a culturally heterogeneous republic will be divided by “particular interests,” lack “a single spirit,” and be a “distracted city” incapable of harnessing its full collective power.¹⁵⁵

The relationship between cultural homogeneity, political virtue, and liberty was briefly examined in Chapter 1 when I argued that Montesquieu thinks citizens love republican governance because they share meaningful ties.¹⁵⁶ Conversely, the Frenchman indicates that citizens of heterogeneous nations are more inclined towards authoritarian forms of government because they desire protection from the diverse brethren they regard with suspicion and hostility.¹⁵⁷ This analysis is informed by Montesquieu’s declaration that citizens of a republic “ought to enjoy the same happiness...taste the same pleasures...and form the same hopes.”¹⁵⁸ Montesquieu is discussing frugality in this context, but he also seems to regard homogeneity of culture as necessary for citizens to experience this communal sentiment. In addition to having similar lives, the citizens of a republic must have a similar conception of the good life and the best ways to achieve it. For as Montesquieu says of Rome before this republic

¹⁵⁴ *SL*, XIX.5; I, 6.

¹⁵⁵ *Considerations*, IX, 92-3.

¹⁵⁶ See pages 57-59 of this dissertation. See also: *Considerations*, IX, 92-3.

¹⁵⁷ *Ibid.*

¹⁵⁸ *SL*, V.3.

expanded, the citizens all had the same genius, the same interests, and saw the republic “with the same eyes.”¹⁵⁹ Yet it would be a mistake to understand this solidarity as mere fraternity which suggests a love of country far shallower than the supertemporal love of the fatherland discussed above. Pangle has noted the vagueness of fraternity in Montesquieu’s analysis of republics, but he offers the questionable explanation that communal friendship is not a very important theme for the Frenchman because “love of equality” is nothing more than “love of the sense of equal sharing in the ownership of the government.”¹⁶⁰

Although one supposes that the love of equality in ownership of the government must to some extent expand or metamorphose into a passionate attachment to one’s fellow citizens, as a communal body if not as individuals, Montesquieu does not in fact say this; in contrast to Rousseau, he does not make “fraternity,” or the love of fellow citizens, a major theme in his account of the virtue and life of the citizens of a democracy.¹⁶¹

Pangle’s analysis is correct insofar that Montesquieu rarely mentions the fraternity of republics and never equates this sentiment with “love of country” or “love of equality.” However, the reason Montesquieu must downplay friendship is because the demands that fellowship places on loyalty are superseded by the equal debt and obligation that citizens have to the nation’s past and future.¹⁶² So while fraternity is an important consequence of cultural homogeneity because it enables the collective feelings of goodwill and “mutual confidence” that inspire faith in self-government, Montesquieu thinks politically virtuous citizens are so devoted to the broader, long-term

¹⁵⁹ *Considerations*, IX, 93.

¹⁶⁰ Pangle, *Theological Basis*, 54.

¹⁶¹ *Ibid.*

¹⁶² *SL*, V.3.

interests of the country that friends and even family members can be sacrificed for the national cause.¹⁶³

The “Other”

Even with all of the influences discussed above acting in combination, it may still be difficult to believe that people could maintain the devoted lives of self-renunciation that Montesquieu attributes to citizens of the ancient republics—or if that they did ever live this way, that citizens of a modern republic with all of its complexities, distractions, and divisions could ever do so again. What may be perceived as a romanticized portrayal of political virtue is perhaps given more feasibility with the additional influence of an external “Other.” Montesquieu says that no regime is more powerful than a republic where citizens follow the laws because of the passion of political virtue rather than reason or fear.¹⁶⁴ Yet he still thinks fear should be a significant factor in the lives of citizens:

As a certain kind of confidence forms the glory and stability of monarchies, republics, on the contrary, must have something to apprehend. A fear of the Persians supported the laws of Greece. Carthage and Rome were alarmed, and strengthened by each other. Strange, that the greater security those states enjoyed, the more, like stagnated waters, they were subject to corruption!¹⁶⁵

When it comes to understanding the importance of an external “Other,” the case

¹⁶³ *SL*, X.3. This point is vividly indicated in Montesquieu’s account of two historical events: the sacrifice of Virginia and the assassination of Caesar. In the former, a citizen of Rome killed his own daughter to preserve her chastity and rouse the people against the oppression of the Decemvirs. In the case of the latter, Montesquieu describes the political virtue motivating Brutus to kill Caesar as follows: “It was an overpowering love of country which—taking leave of the ordinary rules for crimes and virtues—hearkened only to itself and saw neither citizen, friend, benefactor, nor father. Virtue seemed to forget itself in order to surpass itself, and it made men admire as divine an action that at first could not be approved because it was atrocious.” See: *SL*, XI.15; VI.7; *Considerations*, XI, 110-11.

¹⁶⁴ *Considerations*, IV, 45-6.

¹⁶⁵ *SL*, VIII.5.

study of Rome is illuminating. Montesquieu says that “Rome was in an endless and constantly violent war” and he contrasts this experience with nations that fought wars intermittently and yearned for peace instead of global domination.¹⁶⁶ Because Roman citizens “were always exposed to the most frightful acts of vengeance, constancy and valor became necessary to them. And among them these virtues could not be distinguished from the love of oneself, of one's family, of one's country, and of all that is most dear to men.”¹⁶⁷ In other words, the fear of an enemy submerges private and subnational interests into a collective national interest shared by all. Montesquieu submits that republics engaging only in transient wars are likely to degenerate because “most of the examples of conduct are lost; peace brings other ideas, and one's faults and even one's virtues are forgotten.”¹⁶⁸ It is thus something of a paradox, he muses, that the greater security republics enjoy, the more likely are they to be corrupted.¹⁶⁹

The previous chapter demonstrated that Montesquieu is generally opposed to military expansion because of the long-term problems associated with size and diversity.¹⁷⁰ He also recognizes the concern that ambitious leaders can use diversionary wars to distract the people from their domestic political interests.¹⁷¹ Nevertheless, his

¹⁶⁶ *Considerations*, I, 27.

¹⁶⁷ *Ibid*, I, 28.

¹⁶⁸ *Ibid*.

¹⁶⁹ *SL*, VIII.5. The influence of Machiavelli here seems more than likely. Consider Machiavelli's postulation that if a nation “did not have to make war, from that would arise the idleness to make it either effeminate or divided.” (I.6). Consider also his analysis of sterile versus fertile territory (I.1.) See: Machiavelli, *Discourses*, 8, 23.

¹⁷⁰ Essentially, the expansionist policy of the Roman Republic resulted in luxury and heterogeneity which eroded political virtue and gave birth to tyranny. See pages 51-59 of this dissertation. It may be helpful to contrast the Roman experience with Sparta whose “long duration” Montesquieu says owed “to her having continued in the same extent of territory after all her wars.” See: *SL*, VIII.16.

¹⁷¹ *Considerations*, I, 26-7.

overall assessment seems to be that external threats can be of great benefit to republics. More specifically, citizens may need an “Other” to unite them, prevent moral corruption, and inspire patriotic obedience to the laws. Sharon Krause explains Montesquieu’s thinking in terms of overcoming the natural aversion felt by citizens towards the painful self-renunciation political virtue requires. “Fear of external enemies,” she contends, “unites the population in a common purpose, and the heat of necessity makes the sacrifices required by virtue more palatable.”¹⁷² The unity and strong sense of identity people develop in response to an “Other” has been commented on by Michael Walzer who declares that, “In the most literal sense, a community is defined by its boundaries: Who is in, who is out?”¹⁷³ For without “admission and exclusion...there could not be communities of character, historically stable, ongoing associations of men and women with special commitment to one another and some special sense of their common life.”¹⁷⁴ Even more foundational than their mutual debt to the nation may therefore be the equality citizens feel as an exclusive group.¹⁷⁵ Essentially, citizens of a republic are equal because they are different from an “Other” in the same important way. This difference can be derived from cultural, ethnic, or ideological distinctions—or this difference may simply be based on the strategic decision of citizens to collectively prioritize their self-interest as an exclusive people above the interests of outsiders. In all of these exclusionary forms, competitive and violent interactions with an “Other”

¹⁷² Sharon R. Krause, “The Uncertain Inevitability of Decline in Montesquieu,” *Political Theory* 30, No. 5 (Oct., 2002), 712.

¹⁷³ Michael Walzer, Menachem Lorberbaum, Noam J. Zohar & Ari Ackerman, eds., *The Jewish Political Tradition*, Volume Two: Membership (New Haven: Yale U. Press, 2003), 3.

¹⁷⁴ Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 31.

¹⁷⁵ *SL*, V.3.

revitalize political virtue because they oblige citizens to be keenly aware of their particular interests as a united group.

It is interesting to note that Montesquieu's understanding of the "Other" is not conceptualized in terms of a permanent conflict of interests derived from immutable characteristics or some other form of perpetual exclusivity.¹⁷⁶ Instead, he seems to have in mind a fluid struggle existing between insiders and outsiders based on a combination of distrust and different cultural determinations of "the good," both of which can be ameliorated through assimilation. This conceptual distinction can be observed in his declaration that "the rights of the conqueror are founded entirely on the opposition between" two nations that exists because of their differences in customs, blood, laws, associations, and disposition as a people.¹⁷⁷ When these variances cease to exist, Montesquieu believes the primary reason for conflict also disappears.¹⁷⁸ Nevertheless, the fact that hostility between citizens and non-citizens can be overcome with assimilation and intermarriages does not mean Montesquieu thinks a republic always benefits from this conciliation. Some republics like Rome seem to have a permanent need of an "Other" to constantly rejuvenate the political virtue of their citizens. The Frenchman contends that Roman citizens eventually lost their liberty when there were no real enemies left to fight.¹⁷⁹ Without war to occupy their minds and make demands

¹⁷⁶ Horowitz has argued that societal divisions like ethnicity are deeper because "divisions are seen to be ascriptive and therefore immutable." Donald L. Horowitz, "Democracy in Divided Societies," *Journal of Democracy* Vol. 4, No 4, October 1993, pp. 28-9.

¹⁷⁷ *SL*, X.3.

¹⁷⁸ I will demonstrate in Chapter 3 that Montesquieu thinks the inequality of individuals and nations can also be a source of conflict. Peaceful relations are therefore restricted by the limited opportunities for mutual benefit that exist in a competitive world of national and human inequalities. See page 156 of this dissertation.

¹⁷⁹ *Considerations*, IX, 94-5.

on their conduct, the citizens of Rome became “the vilest of all peoples.”¹⁸⁰ Idleness spread and the masses were infatuated with “games and spectacles.”¹⁸¹ Emperors satisfied the people by spending public funds on their pleasure, and when the treasury was depleted, the people looked “on untroubled while all the great families were being despoiled,” so long as they could enjoy “the fruits of the tyranny.”¹⁸² Interestingly, Montesquieu indicates that military republics like Rome may be exceptional in their dependency on war because they disparage commerce and the arts, two activities that could avert citizens from succumbing to idleness.¹⁸³ Nevertheless, the fear of an “Other” can still be an important source of political virtue even for republics that do not suffer this dependency.

The importance of an external “Other” for Montesquieu was likely influenced by the thinking of Machiavelli who argued that war can harden citizens and unite the nation.¹⁸⁴ Incidentally, Machiavelli also suggested that other forms of struggle like the habitation of infertile lands can unite men and prevent the idleness that corrupts their virtue.¹⁸⁵ This prospect is interesting to consider because Montesquieu shares the view that poor yeoman farmers are likely to be politically virtuous.¹⁸⁶ And in spite of his view that individual commercial activity diminishes political virtue, Montesquieu intimates that

¹⁸⁰ *Considerations*, XV, 137.

¹⁸¹ *Ibid.*

¹⁸² *Considerations*, XV, 137.

¹⁸³ *Ibid.* Montesquieu’s assessment of commerce will be examined in greater detail in Chapter 3.

¹⁸⁴ See for example: Niccolò Machiavelli, *Discourses on Livy*, trans. Harvey C. Mansfield & Nathan Tarcov (Chicago: University of Chicago Press, 1998), I.6, 21-3.

¹⁸⁵ *Ibid.*, I.1, 8-9.

¹⁸⁶ *Considerations*, III, 39 – 41; *SL*, V.6.

republics can pursue glory with public wealth accumulation and by engaging in the politics of “Otherness” through protectionism and global economic competition.¹⁸⁷ The implication of this possibility is that republics can, without military conflict, cultivate the political virtue derived from having an “Other.”

The primary complication that diversity presents to a republic and its need for an external “Other” is that heterogeneity might be arrived at by importing the “Other” and reversing its beneficial effect. Essentially, the fear of an external “Other” that previously united the nation becomes a fear of an internal “Other” or “Others” that divides the nation and reduces its political virtue. Montesquieu says this concern can be mitigated with assimilation, but if new citizens maintain their foreign cultural identities, then he posits that a republic will no longer be united in its “single love of liberty” or its “single hatred of tyranny.”¹⁸⁸ This is because citizens who lack “mutual confidence” become suspicious of self-governance and begin to look to despots for protection.¹⁸⁹ Montesquieu also intimates that suspicion of this kind when it appears in wealthy countries will hinder the ability of citizens to guard against plutocracy.¹⁹⁰ One solution to these two concerns may be the establishment of a permanent underclass within the republic to unite other subnational groups. It may be that the fear of an “Other” can still operate if citizens regard a particular group as more dangerous or loathsome than

¹⁸⁷ See for example: *SL* V.6, 8; XIX.27; XX.4, 6, 8, 23; XI.7; XXIII.17; XX.8, 23. On a related note, Larrère argues that the commercial regime of England “makes commercial treaties with some other nations,” which means that “in international relationships, and even in matters of commerce, England is ruled by the political principle of the distinction between friends and enemies.” This too seems to suggest economic nationalism. See: Catherine Larrère, “Economics and Commerce,” 350.

¹⁸⁸ *SL*, X.3. *Considerations*, IX, 92-3.

¹⁸⁹ *Ibid.*

¹⁹⁰ *SL*, VIII.16.

others. Yet Montesquieu would likely reject this possibility, given his analysis that Asiatic countries speciously appear unified and tranquil because a coalition of diverse citizens collectively oppresses another group that offers no resistance.¹⁹¹

Another problem can be inferred from the nature of exclusion itself. If a republic becomes culturally or ethnically heterogeneous, then it may have difficulties cultivating political virtue in response to an external “Other” because it may choose the path of inclusivity. Presumably, this inclusiveness could not simply stop at the nation’s borders because this would be perceived as hypocrisy. It may be helpful to illustrate this point with a provocative example. In *War Without Mercy*, the historian John Dower describes how German, Japanese, and American soldiers during World War II were all capable of committing great atrocities to advance their national interest because of racism and dehumanization of the enemy.¹⁹² These degrading views of the “Other,” which were shared by the public and reinforced by the media, would likely be prohibited in a heterogeneous republic because of its domestic need for inclusive relations among racially diverse peoples.¹⁹³ Consequently, the ability of a heterogeneous republic to wage war or defend the nation with security provisions could be inhibited by moral concerns about profiling, disproportionate casualties, and the death of noncombatants.¹⁹⁴

¹⁹¹ Considerations, IX, 94. See also: *SL*, V.14.

¹⁹² John W. Dower, *War Without Mercy: Race and Power in the Pacific War* (New York: Pantheon Books, 1986).

¹⁹³ While the presence of Japanese citizens in America during World War II did not impede discrimination at home or abroad, one might argue that a critical mass of diversity had not yet been achieved in America. Moreover, the idea that America today could replicate or sustain a similar level of war-waging ferocity seems dubious.

¹⁹⁴ A contemporary example might be the Fort Hood shooting of 2009 that left 13 people dead. Classmates of the shooter Major Nidal. M. Hasan, “speaking privately because they have been ordered

Another possible concern is that heterogeneous republics have a domestic need to rise above the politics of “Otherness” and this might debilitate the edification of political virtue. Montesquieu depicts a system of communal education in which children learn to be patriotic by observing an older population they respect and admire, but as has already been mentioned, the transfusion of political virtue requires parents and elders to respect themselves.¹⁹⁵ For this to be the case, the citizens of a republic must view their culture and their historical accomplishments as praiseworthy—and perhaps even grander—than the cultures and deeds of others. After all, the national pride that underlies patriotism is a sentiment fundamentally based on comparison. People cannot be truly proud of what they are if they do not regard what they are not as less significant in some important way. This may be problematic for heterogeneous republics because the inclusive and egalitarian morality necessary to lubricate the domestic relations of diverse peoples is likely to prohibit measurements of this kind. Newer citizens of a diverse republic would understandably be offended by viewpoints that portray the accomplishments of their own ancestors as less worthy. They are also likely to resent expressions of cultural pride if they perceive this behavior as xenophobic or degrading

not to speak publicly, say they're angry that what they view as political correctness led their superiors to ignore the warning signs” of Islamic extremism that were “witnessed by students and faculty at the Uniformed Services University of the Health Sciences in Bethesda.” A Senate investigation of the shooting found that Hasan was indeed becoming increasingly radical before the attack, but his superior officers ignored the warning signs and wrote reports about him that “sanitized his obsession with violent Islamist extremism into praiseworthy research on counterterrorism.” Congressman John Carter, who represents the Texas district where Fort Hood is located, said in response to these findings that, “Political correctness has clearly become a part of the problem. We've become so careful about saying certain things that might hurt people's feelings that we don't recognize real threats.” See: Mark Thompson, “Fort Hood: Were Hasan's Warning Signs Ignored?,” *Time*, November 18, 2009, at: <http://content.time.com/time/nation/article/0,8599,1940011,00.html>, accessed November 26, 2014; William Wan & Felicia Sonmez, “Senate Probe Faults Army, FBI For Missing Warning Signs Before Fort Hood Attack,” *Washington Post*, February 3, 2011, at: <http://www.washingtonpost.com/wp-dyn/content/article/2011/02/03/AR2011020301899.html>, accessed June 26, 2015.

¹⁹⁵ See pages 78-79 of this dissertation.

of their own culture.¹⁹⁶ For as Montesquieu relates: nothing offends people more than when their culture is treated with contemptuous disregard.¹⁹⁷ If this is true, then Montesquieu's recommendation that citizens of a heterogeneous society need only tolerate diverse cultures rather than approve them may be more difficult to navigate than he intimates.¹⁹⁸ Granting other cultural beliefs and practices anything short of equal distinction could potentially inflame domestic relations. Native citizens, in recognition of these concerns, may therefore be less enthusiastic about the patriotic celebration of their culture and history. To avoid offending new members of society, the cultural practices and historical accomplishments of a republic previously regarded as uniquely noble or glorious might be portrayed as merely equivalent to the culture and historical deeds of new citizens. Reinterpreting the past in this way might be especially required if the celebrated culture and history of a republic emphasizes the positive role of one particular ethnic group of the republic more than others. Alternatively, instead of merely equalizing respect for the history and culture of diverse peoples, the achievements of the republic could be attributed to fortune or cruel and exploitive activities that should be

¹⁹⁶ Contemporary examples include recent events involving the banning of the American flag. See for example: Tyler McCarthy, "Apartment Manager Allegedly Calls Resident's American Flag A 'Threat To Muslim Community'", *The Huffington Post*, June 19, 2014, at: http://www.huffingtonpost.com/2014/06/19/threat-to-muslim-community-flag-removal_n_5512612.html, accessed May 27, 2015; Catherine E. Shoichet, "Court: School Was Within its Rights to Ban U.S. Flag T-shirts on Cinco de Mayo." *CNN*, March 3, 2014, at: <http://www.cnn.com/2014/02/27/justice/california-school-american-flag-shirts>, accessed May 27, 2015. Consider also one student group's efforts to achieve a maximized space of inclusivity by banning all flags from being displayed in the lobby of the student government offices at the University of California-Irvine. The resolution was passed with a 6-4 vote, but was subsequently vetoed by leaders of the Student Union. See: Emanuella Grinberg, "American flag ban vetoed by student leaders at University of California at Irvine," *CNN*, March 8, 2015, at: <http://www.cnn.com/2015/03/08/living/feat-uc-irvine-student-council-ban-american-flag>, accessed May 27, 2015.

¹⁹⁷ *Considerations*, XI, 108-9.

¹⁹⁸ *SL*, XXV.9.

condemned.¹⁹⁹ While this interpretation would in some cases be a more accurate characterization of the ancestors and history of the republic, a truthful accounting of the deeds of the nation may not be conducive to political virtue.²⁰⁰ In the case of the Romans, we observed that the national myths necessary to inspire collective pride and legitimize the particular interests of a people are often based on falsehoods.²⁰¹ Consequently, the demystification of a republic's history could generate a citizen population that lacks national pride and harbors too much guilt for the transfusion of political virtue to occur. While much of the foregoing analysis has been inferred from the nature of exclusionary politics rather than from Montesquieu's own writings, it is difficult to imagine he did not have at least some of these concerns in mind when he tells us that the citizens of a diversified Rome were fictitious citizens "since they no longer had the same...gods, the same temples, and the same graves, they no longer saw Rome with the same eyes, no longer had the same love of country, and Roman sentiments

¹⁹⁹ Arthur Schlesinger contends that multicultural education in America today has taken this view to the extreme by teaching a history curriculum emphasizing that "African-Americans, Asian Americans, Puerto Rican/Latinos, and Native Americans have all been victims of an intellectual and educational oppression that has characterized the culture and institutions of the United States and the European American world for centuries." The consequence of this education, Schlesinger argues, is a "cult of ethnicity" that denounces the melting pot and perpetuates "separate ethnic and racial communities." See: Arthur Schlesinger, *The Disuniting of America: Reflections on a Multicultural Society* (New York: W. W. Norton & Company, 1998). 72, 20. The first quote I use in this footnote is a block quote from a report Schlesinger disputes in his book. See: New York State Education Department, Task Force on Minorities, "A Curriculum of Inclusion": *A Report to the Commissioner of Education by the Task Force on Minorities: Equity and Excellence* (Albany: New York State Education, Department, 1989).

²⁰⁰ A contemporary example might be the changing of a New Orleans elementary school from George Washington Elementary to Dr. Charles Richard Drew Elementary because of a policy prohibiting schools from honoring "former slave owners or others who did not respect equal opportunity for all." See: Kevin Sack, "Blacks Strip Slaveholders' Names Off Schools," *New York Times*, November 12, 1997, at: <http://www.nytimes.com/1997/11/12/us/blacks-strip-slaveholders-names-off-schools.html>, accessed May 8, 2015. Another example might be the criticism of Columbus Day as the celebration of a man who committed genocide and participated in the slave trade. See: Valerie Strauss, "Columbus Day: 'How is this still a thing?'," *Washington Post*, October 8, 2014, at: <http://www.washingtonpost.com/blogs/answer-sheet/wp/2014/10/08/columbus-day-how-is-this-still-a-thing>, accessed May 8, 2015.

²⁰¹ This was discussed on text page 79. See also: *Considerations*, X, 98; *SL*, VIII.11.

were no more.”²⁰²

If the outcome my analysis anticipates did indeed come to pass, then perhaps a heterogeneous republic could establish a new national identity based on a more diverse and inclusive set of heroes, symbols, and myths to engender its heterogeneous citizen population with collective pride.²⁰³ However, the moral aversion of this republic to “Otherness” could actually mandate a replacement mythology devoid of all forms of particularism, including patriotism and even the particularism of pluralism.²⁰⁴ Such a regime is unlikely to be capable of cultivating the political virtue Montesquieu thinks necessary to sustain a republic. Incidentally, this may describe the enlightened national culture of the commercial republic model articulated by scholars like Pangle and Krause who assert that Montesquieu’s philosophy endorses a republic in which citizens “appreciate the charms of national diversity,” have discovered “a sense of ‘humanity’ that replaces national sectarianism, and are collectively united by their “commitment to pluralism and heterogeneity in society.”²⁰⁵ The citizens of such a republic could presumably feel national pride for overcoming a history of discrimination and perhaps even derive a moral sense of superiority from their belief in the preeminence of ideals like tolerance, equality, and cultural pluralism. However, it will be revealed in the next

²⁰² See: *Considerations*, IX, 93.

²⁰³ See for example: Jonathan Chait, “The Confederate-Flag Backlash and the New American Patriotism,” *New York Magazine*, at: <http://nymag.com/daily/intelligencer/2015/06/confederate-backlash-and-the-new-patriotism.html>, accessed July 1, 2015.

²⁰⁴ Ironically, efforts to substitute pluralist ideologies in place of particularism end up replicating the in-group out-group dichotomy they seek to overcome. For as Leo Strauss relates, “However much the science of all cultures may protest its innocence of all preferences or evaluations, it fosters a specific moral posture...By asserting, if only implicitly, the rightness of pluralism, it asserts that pluralism is the right way; it asserts the monism of universal tolerance and respect for diversity; for by virtue of being an “-ism,” pluralism is a monism.” See: Leo Strauss, *Jewish Philosophy and the Crisis of Modernity*, 379.

²⁰⁵ Pangle, “Montesquieu, Charles-Louis de Secondat (1689–1755),”; Krause, “The Uncertain Inevitability of Decline in Montesquieu,” 720.

chapter that Montesquieu thinks a republic dominated by humanitarian ideals like these will lack the assertiveness necessary defend to itself even against the evils identified by its own humane morality.

Conclusion

The objective of this chapter was to continue my investigation of Montesquieu's influence on the American Constitutional Debate by exploring in greater detail what the French philosopher thinks political virtue is and why he believes this passion is difficult to sustain in a republic of ethnic and cultural homogeneity. I argued that Montesquieu thinks political virtue requires citizens to make great personal sacrifices for the public good which means this self-abnegating passion has to be reinforced by a combination of powerful domestic forces. I also demonstrated that Montesquieu thinks ethnic and cultural diversity can negatively impact many of these sources of political virtue. Pointing to the example of the Romans, the Frenchman suggests that a supertemporal connection with the nation is difficult for citizens to maintain if they no longer share the same ancestors. However, I surmised that he may think interethnic marriages can potentially resolve this problem. Montesquieu also says the transfusion of political virtue from parents and elders to children can be debilitated if adult citizens are exposed to corruptive foreign influences that decrease their patriotism or love of frugality. Furthermore, the Frenchman believes the election of politically virtuous leaders is less likely to occur in a heterogeneous republic because citizens will vote for politicians who legislate on behalf of their subnational interests rather than the general interest. Religious diversity and other forms of cultural heterogeneity are also thought by

Montesquieu to have a negative impact on political virtue because he thinks people are unlikely to regard one another with true affinity if they have dissimilar identities, customs, or values. He therefore recommends that cultural homogeneity be preserved by censors, hegemonic influences, and strict citizen laws requiring assimilation. I also speculated that Montesquieu's requirement of an external "Other" to unite citizens with fear and pride is difficult to maintain in a heterogeneous republic because of the domestic need for citizens to adhere to an inclusive morality of equality.

When positioned within the broader literature on Montesquieu, this chapter offered several insights on political virtue from the Frenchman that have been underappreciated by other scholars. First, political virtue can establish a spiritual connection with the ancestors and descendants of that nation that fills the lives of citizens with meaning and purpose. Next, political virtue conjoined with an eternal religion or national myth enhances this effect and legitimizes the uncompromising national interest of the republic. Lastly, political virtue establishes fellowship among citizens, but it is a conditional fraternity that expects friends and family members to elevate the long-term interest of the nation above their devotion to one another. These findings indicate that "self-renunciation" for Montesquieu, despite being a painful experience for citizens, can produce benefits and higher forms of pleasure that help compensate for their suffering. Nevertheless, I also demonstrated that Montesquieu thinks political virtue must be heavily incentivized with distinctions and privileges, and this ultimately suggests that political virtue is not as divorced from private interest as the Frenchman sometimes intimates.

What the analysis of the first two chapters of this dissertation ultimately points to

is the troubling conclusion that security and liberty in a republic necessitate political virtue, and political virtue cannot be sustained in a republic that is divided by ethnic or cultural heterogeneity. Nonetheless, we can derive comfort from the possibility that this conclusion, even if Montesquieu is correct, may only apply to republics of extreme levels of political virtue like Sparta or the Roman Republic. I suggested at the beginning of the chapter that the sources of political virtue identified by Montesquieu are perhaps best understood as overlapping influences that can sustain virtue in a moderate republic through their redundancy. Thus, if heterogeneity does indeed negatively impact the sources of political virtue, but enough of these influences still function at sufficient levels, then the required level of political virtue for a moderate republic will actually be sustained. It is from this perspective that we should view the influence of Montesquieu on the American Constitutional Debate since neither the Federalists nor the Anti-Federalists wanted to recreate the military republics of Sparta or Rome.

Another consideration should also give us comfort. Given the dangers of excessive political virtue identified by Montesquieu in the previous chapter, the Frenchman might actually concede that some level of cultural or ethnic diversity is healthy for a republic because it will prevent the convergence of the common good with an expansionist national glory. Such an interpretation would be more credible if Montesquieu offered ways to mitigate the problems associated with heterogeneity while retaining this benefit. The next chapter will explore three methods he proposes for dealing with diversity that may meet this requirement. We shall also see that Montesquieu cautions against another form of excess that is fundamentally distinct from the Roman experience. Instead of being oversaturated with political virtue, an

enlightened republic could, quite contrarily, become excessively humane and thus incapable of adhering to *realpolitik*.

CHAPTER 3

CONFEDERATION, UNIFORMITY, AND COMMERCE

In the previous two chapters, we examined the multiple reasons why Montesquieu thinks heterogeneity erodes the political virtue he considers essential for the subsistence of republics. We also learned the general solution Montesquieu offers to prevent ethnic and cultural diversification is to limit citizen interaction with foreigners, and if this proves impossible, to assimilate foreigners through intermarriages, censorship, and cultural hegemonic pressures.¹ Nevertheless, I also demonstrated in Chapter 1 that Montesquieu thinks republics should aim for moderate political virtue rather than the extreme political virtue of the Roman Republic. I further speculated in Chapter 2 that if heterogeneity does negatively impact the sources of political virtue, but enough of these overlapping influences still function at sufficient levels, then moderate political virtue can be sustained. We shall take this possibility seriously in this chapter and consider the ways Montesquieu's political philosophy offers to mitigate the harmful effects of heterogeneity without prohibiting the presence of diverse peoples or subjecting them to the coerced assimilation of an ethnocentric hegemony.

The theoretical argument underlying this chapter, and indeed, this dissertation is that Montesquieu's political philosophy indicates some unspecified level of heterogeneity can be sustained within republics, but this will only remain possible insofar as the "spirit of the people" continues to guard the republic against despotism and plutocracy. For this auxiliary of freedom to operate effectively, the assertive political

¹ The reader should recall from the previous chapters that by culture, I mean *both* religious and non-religious ideals, values, beliefs, and practices that permeate people's lives.

vigilance of the citizen population cannot be distracted by divisive subnational interests or be overwhelmed by the complexities of governing a culturally heterogeneous nation. With these requirements guiding my effort, I shall explore three approaches Montesquieu introduces for moderating the problems associated with heterogeneity. The first of these will be confederation—the political union of separate and culturally distinct republics that avoid the problems of heterogeneity with decentralized local governments and the geographic separation of diverse citizens. The next solution will be cultural uniformity, which differs from cultural assimilation insofar as modification is: (1) limited rather than comprehensive; (2) targeted specifically at dangerous and intolerant cultural manifestations; (3) and is influenced by prudent leaders rather than coerced by censors or cultural hegemonic pressures. The final solution I shall consider will be commerce which alleviates the problems associated with cultural heterogeneity in two ways: (1) by devaluing cultural allegiances through the selfish prioritization of personal comfort and security; (2) and through cultural exchange and comparison which establishes an evolving cultural hegemony centered on instrumental rationality. In the course of examining what is entailed by these three different approaches, I will investigate whether they enable the “spirit of the people” to operate in heterogeneous republics or generate new complications that incapacitate this auxiliary of freedom.

The second half of this chapter will evaluate Montesquieu’s philosophic project in light of assertions made by Pangle that the Frenchman believes commerce and enlightenment will restore man to his natural humanity, an admittedly partial humanity, which can nonetheless establish a tolerant and compassionate brotherhood of man. I will argue that Pangle has misunderstood Montesquieu’s theory of commerce and

humanization because he underappreciates the impact that Montesquieu thinks reasoning has on commercial regimes. Instead of becoming more tolerant through cultural exchange, Montesquieu indicates that citizens of these regimes actually become more discriminatory because they dispassionately measure different ideals, values, beliefs, and practices in accordance with an absolute standard—the ability to facilitate individual acquisitiveness. I will also argue in contrast to the interpretations of Montesquieu offered by Rousseau and Pangle that Montesquieu thinks excessive humanization can morally paralyze republics and must therefore be subjected to moderation. The Frenchman does seem to view the humane morality of the Modern Age with approval, but his political philosophy ultimately remains grounded in the pragmatism of *realpolitik*.

The importance of this dissertation chapter will be its correspondence to the modern world. Homogenous nations have become a thing of the past, as most countries are ethnically diverse, culturally diverse, or both. The second of these possibilities is of particular interest to this dissertation since cultural diversity was precisely the situation the Anti-Federalists believed the American nation was confronting at the time of the ratification debate.² The Federalists may have publicly disagreed with this assessment, but we shall see in Chapter 4 that Madison and his coauthors in the *Federalist Papers* still found it necessary to propose various measures by which a more cohesive nation could form against the divisive pressures of cultural heterogeneity.

² See for example: Brutus I, October, 18 1787, in Storing, 2.9.16; Cato III, *The New York Journal*, October 25, 1787 in Storing, 2.6.18; Agrippa XII part 1, *Massachusetts Gazette*, January 11, 1788, in Storing, 4.6.48; Agrippa IV, *Massachusetts Gazette*, December 3, 1787 in Storing, 4.6.17; Agrippa XVI, *Massachusetts Gazette*, February 5, 1788 in Storing, 4.6.78; Federal Farmer I, October 8, 1787, in Storing 2.8.14.

Confederation

The first solution Montesquieu's political philosophy offers to mitigate the harmful effects of diversity is confederation. His principal thoughts on this system of governance are made known in a discussion of national security issues related to size. The Frenchman postulates that republics face a twofold inconvenience: If they remain small, they will not be powerful enough to defend against foreign aggressors, but if they become large enough to secure themselves, they are "ruined by an internal imperfection."³ In other words, the geographic requirements of security and political virtue are diametrically opposed. Either a republic expands its territory and suffers an erosion of political virtue on account of its corresponding diversification or it will eventually be conquered by a larger country.⁴ Montesquieu does seem to allow for geopolitical exceptions, as in the case of smaller island nations protected by their ocean borders and smaller mountain nations protected by their inaccessibility, but most

³ *SL*, IX.1. Montesquieu does not believe larger states are always more powerful than smaller states. He asserts that geographic size, like so many other political choices, must be subjected to moderation because excessively large states will not be able to move their troops across such a massive country to defend its multiple borders. France and Spain are offered as examples of states that are the "proper extent," i.e., "a moderate extent." See: *SL*, IX.6. The implication of this argument is that confederate republics might also be more efficient if their membership is limited to a certain number of states that collectively approximate the size of France or Spain. The reader should further note that Montesquieu believes moderate-sized countries are preferred because they require "only one main army" which means there are fewer opportunities for military factionalism and the dangerous adulation of generals like Caesar that can lead to civil wars. See: *Considerations*, XV, 139.

⁴ Territorial expansion is likely to increase a republic's ethnic and cultural heterogeneity, unless this nation engages in ethnic cleansing and repopulates conquered areas with its own people. However, even if ethnic cleansing does occur, an expanding republic would still experience the diversification that is effectuated by climatic, geopolitical, and territorial variations. See for example: *SL*, XIV, 1-3, 5-7, 10-11, 13,-15; XX.5, XVIII, 1-5. Speaking to a different point entirely, an interesting counterargument to the dilemma of size that Montesquieu himself seems to intimate is that commerce and modern weaponry can give smaller states the power to deter larger states. See: *SL*, XXI.6; Montesquieu, *Reflections on Universal Monarchy in Europe*, in *Charles-Louis de Secondat Montesquieu, baron de La Brède et de Montesquieu*, *Œuvres complètes de Montesquieu*, ed. Jean Ehrard, Catherine Volpilhac-Augier, et al. (Oxford: Voltaire Foundation, 1998-), I.1-9.

republics are otherwise subjected to the dilemma of size.⁵

Machiavelli's influence on Montesquieu's thinking regarding size is evident, but the latter may be more optimistic than the former that this problem can be overcome.⁶ The solution he proposes to the problem of size, and by extension to the problems associated with heterogeneity, is a federation government in which small republics assemble together under the authority of a common council government and thereafter "provide for security of the whole body."⁷ Montesquieu asserts that a confederate republic combines the "external force of a monarchial" government with "all the internal advantages of a republic."⁸ Security is achieved by combining the collective resources of the confederation and internal corruption is precluded because the individual member states maintain their homogeneity, and thus their virtue, through a political and territorial segregation of their different constituent populations. The unique feature of this system that Montesquieu never explicitly mentions is its dual power structure. Supreme political authority resides in the common council, but the authority of this body is limited to issues of national security. Member states maintain their political sovereignty in domestic matters which means local governments can rule in accordance with the particular needs and interests of their constituent populations. The citizen populations of member states are thus not overwhelmed by the complexities of governing a large nation and this coupled with their political virtue enables the "spirit of the people" to

⁵ *SL*, XVIII; XVIII.2. For more on geopolitical advantages, the reader may want to review Montesquieu's strategic analysis of the island nation of England. See: *SL*, XIX.27.

⁶ See for example: Niccolò Machiavelli, *Discourses on Livy*, trans. Harvey C. Mansfield & Nathan Tarcov (Chicago: University of Chicago Press, 1998), I.6, 21-3.

⁷ *SL*, IX.1; IX.2.

⁸ *SL*, IX.1.

counterbalance the ambition of rulers and wealthy men. Lycia, Holland, Germany, the Swiss cantons, and the ancient Italian confederation are offered by Montesquieu as examples of successful confederate republics, but Lycia is declared the ideal prototype since: (1) the common council elected the magistrates and judges of the individual towns; (2) and the relative size of these towns determined both their voting power and their share of contributing expenses.⁹

Contemporary scholars are skeptical of Montesquieu's endorsement of the confederate republic because the examples he offers are questionable, the system itself is potentially defective, and the Frenchman expends minimal effort discussing this solution. Christopher Wolfe contends that Lycia is an especially problematic case study because the elected common council had an "extreme degree of central control" which means Lycia resembled a consolidated nation rather than a true confederation of politically independent towns.¹⁰ Moreover, this confederation was eventually conquered by imperial Rome which casts doubt on its defensive capabilities.¹¹ Wolfe also disputes the modern examples Montesquieu provides: Holland was in declension during the time of the Frenchman's writing; Germany was "a ragtag amalgamation" of free cities and princes; and Switzerland was an exceptional case study because of its geopolitical

⁹ *SL*, IX.3.

¹⁰ Christopher Wolfe, "The Confederate Republic in Montesquieu," *Polity* (1977), vol. 9, no. 4, 433-5. Hamilton made much of Montesquieu's praise of Lycia, arguing that the common council's authority to appoint the judges and magistrates of the member cities proves that Anti-Federalists were mistaken to use Montesquieu as an advocate of a confederation model that was truly decentralized. See: Hamilton, *Federalist* 9. Wolfe notes that interpreting Montesquieu's thinking here is further complicated by the fact that Montesquieu has actually misquoted his source on Lycia. The Greek historian Strabo says that the common council appointed other officials directly associated with the council itself, not the member states. Wolfe thus speculates that Montesquieu either "misread Strabo, or he deliberately misstated him for a purpose." See: Wolfe, 433; Strabo, *Geography*, bk. xlv.

¹¹ Wolfe, 434.

advantages.¹² Wolfe's critique does not include the ancient Italian confederation, but this example may also be problematic given that modern historians attribute the demise of this confederation largely to the security concerns of the Gallic and Punic Wars which ultimately centralized power in Rome and consolidated the Italian cities into a single nation.¹³ The lesson of Lycia and the Italian confederation is therefore that confederate republics need a stronger unification than Montesquieu indicates. In the specific case of the Italian confederation, external security threats required the centralization of power to harness and direct the combined military resources of member states.¹⁴ However, it is noteworthy that the great wars comprising these security threats are considered by most historians to be aggressive rather than defensive military campaigns.¹⁵ Thus, the Italian confederation failed because of Roman ambition rather than the inability of a confederate republic to meet its security needs.¹⁶ Yet even if this historical analysis is correct, the case study of the Italian confederation would still discredit another important assertion made by Montesquieu—that overambitious member states will be collectively subdued by other members of the confederation.¹⁷

Critics argue that confederate republics are likely to encounter several more

¹² *Ibid.*, 434-5.

¹³ See for example: A. H. McDonald, "Rome and the Italian Confederation (200-186 B.C.)," *The Journal of Roman Studies*, Vol. 34, Parts 1 and 2 (1944), 11, 14-15.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Montesquieu himself seems to corroborate this point when he declares Rome was a true confederacy only when its dominion was limited to the cities of Italy. When the territory of Rome was enlarged through further conquest, Montesquieu says the new provinces were governed by despotic magistrates. *SL*, XI.19.

¹⁷ *SL*, IX.1. Machiavelli's insight on this point is instructive. He actually favored the Roman method of acquiring republic "partners" while still retaining "the rank of command, the seat of empire, and the title of the enterprises." See: Machiavelli, *Discourses*, II.4.

problems related to national security. Wolfe contends that federations of this kind will need a greater centralization of power than Montesquieu considers necessary because military and nonmilitary affairs are often indistinguishable.¹⁸ For example, in order to replicate the “external force” of a monarchy, the member states of a confederation would have to be economically organized by a centralized authority in order to make full use of its collective resources. However, even if this is true, Wolfe’s critique ignores the unique economic strength Montesquieu attributes to republics—they are more proficient traders than other regime types and can thus accumulate greater wealth.¹⁹ Perhaps this advantage will compensate for the economic disadvantage that is decentralized authority.

Another security concern with confederate republics stems from the inherent particularism of virtuous member states. Lee Ward intimates that “war willingness” may be a problem for confederations because they are comprised of “fiercely independent-minded small republics” which means the confederate republic is less a single people than a ‘society of societies’ that typically lacks internal coherence and unity.”²⁰ This problem would be amplified if member states are populated by cultural distinct citizens

¹⁸ Wolfe, 436.

¹⁹ *SL*, XX.4. Hulliung offers a more precise accounting: “The greatest economic feats were reserved for republics because their democratic structure gave rise to a mass demand quite unlike the restricted class demand of an aristocratic economy.” See Hulliung, 47.

²⁰ Lee Ward, “Montesquieu on Federalism and Anglo-Gothic Constitutionalism,” *Publius*, Vol. 37, No. 4 (Fall, 2007), pp. 555. He cites *SL*, 9.1 and uses the following translation: Charles Secondat, Baron de Montesquieu,], in *The Spirit of the Laws*, Trans, and ed. Ann M. Cohler, Basia Miller, Harold Summel Stone. Cambridge: Cambridge University Press, 1989 [1748]. In using the term “war willingness,” I do not limit willingness to policymakers, which is the conventional use of this term in international relations scholarship. Instead, I understand war willingness more broadly as the collective sentiment of political leaders and the general population. For more on the use of this term by international relations scholars, see: Harvey Starr (1978). "'Opportunity' and 'Willingness' as Ordering Concepts in the Study of War." *International Interactions* 4, 4: 363-387; Benjamin A. Most and Harvey Starr (1989). *Inquiry, Logic and International Politics*. Columbia, SC: University of South Carolina Press.

who hold different conceptions of “the good” and thus different opinions about potential enemies and allies. If the central council determined war to be necessary, then it may be that some member states prove unwilling to fight. Disputes about the necessity of war could theoretically be reduced if member states were only militarily obligated to defend states that suffer an invasion, but even this limited commitment would be complicated by the existence of important national interests that exist outside the geographic terrain of the confederation like colonies or commercial enterprises.²¹ If external interests like these were threatened, then citizens of culturally dissimilar member states would likely quarrel about the necessity of a collective military response. Member states could also disagree about preemptive wars, something Montesquieu himself declares to be occasionally necessary for national defense.²² All of these potential disputes would conceivably weaken the external strength of a confederate republic, but the government of these regimes may actually be well-suited to deal with quarrels of this nature. We learned in Chapter 1 and 2 that Montesquieu thinks citizens of virtuous republics are strongly inclined towards patriotic service and they respect the guidance of their elected leaders.²³ Thus, if the central council determined war to be in the member state’s national interest, then constituent populations are likely to rally around the confederate flag.²⁴ Yet the implication of this inference is that a confederate

²¹ Montesquieu mentions colonies and the “little particular interests” of commercial nations in his discussion of the hybrid republic of England. See: *SL*, XIX, 27. Montesquieu also discusses command of the sea for purposes of commerce. See: *SL*, XXI.21.

²² *SL*, X.2-3; I.3.

²³ See the following pages of this dissertation: 30-32, 44-45, 80-81. See also: *SL*, V.3; *Considerations*, IX, 3.

²⁴ Montesquieu actually seems to suggest that citizens of politically virtuous republics may be too trusting of their leaders in this regard and can thus be distracted from their domestic grievances with diversionary wars. See: *Considerations*, I, 27.

republic ultimately requires virtuous and prudent leaders elected to the common council who are capable of discerning when war is necessary.

Another concern with confederate republics is introduced by Pangle who questions Montesquieu's postulation that member states can maintain the "internal advantages" of a republic.²⁵ He surmises that because a republic would be in close association with its neighbors, the patriotism of its citizens would be diluted and the "purity of its morals" corrupted.²⁶ Pangle further suggests that Montesquieu's ideal confederation of Lycia overcame the negative consequences of this outcome because it was engaged in commercial activities which meant it was energized by the "commercial spirit" and therefore did not have to rely solely on the passion of political virtue.²⁷ Even if his supposition about Lycia's economic activities is historically accurate, Pangle's reservations about confederations may be unwarranted. He implies that "close associations" would result in corruption through the mixing of peoples and morals, but this outcome would presumably be attenuated by Montesquieu's recommendation that only states with republican governments should be permitted to join the confederation.²⁸ Two important deductions can be inferred from this requirement. First, if the citizens of these individual republics are influenced by the sources of political virtue discussed in the previous chapter, then a "purity of morals" would exist universally within the

²⁵ Montesquieu, *SL*, IX.1.

²⁶ Pangle, *Montesquieu's Philosophy of Liberalism*, 104-5. The "purity of its morals" that Pangle references here is discussed by Montesquieu in *SL*. See: *SL*, IV.2; V.2; V.7; XII.4; XVI.11; XIX.17; XXVI.4.

²⁷ Pangle, *Montesquieu's Philosophy of Liberalism*, 104-5, 313-14, n. 17. *SL*, V.6. See also: *SL*, VII.2; VII.6. The commercial spirit and its requirements will be discussed in greater detail below.

²⁸ The reason Montesquieu offers for this restriction is that "the spirit of monarchy is war and enlargement of dominion," whereas "peace and moderation are the spirit of a republic." See: *SL*, IX.2.

confederacy which means the moral corrupting impact of human intermixing between member states would be less severe than Pangle supposes.²⁹ Next, if citizens of the republican member states truly loved their country, then cultural and ethnic mixing would be less substantial than Pangle imagines since citizens would have little desire to emigrate to other member states. Economic opportunities may induce some citizens to leave home, but these allurements would be less powerful than local communal ties and the spiritual connection to the fatherland that give politically virtuous citizens meaning and purpose.³⁰

The greater concern that emerges from Pangle's analysis is that commercial activity would likely increase within confederations and this could incapacitate the "spirit of the people."³¹ For reasons to be discussed below, Montesquieu thinks commerce devalues culture and erodes political virtue. Yet even if we accept this premise to be unconditionally true, such an outcome may actually be preferred since member states without commerce might otherwise be antagonistic towards another. The individual

²⁹ On this specific point, it may be helpful to recall that "purity of morals" and "political virtue," are intimately related but not synonymous. Montesquieu declares that, "The love of our country is conducive to a purity of morals, and the latter is again conducive to the former." See: *SL*, V.2. The "purity of morals" seems to include, among other things, a sturdiness of character, austerity, willingness to work and endure pain, and respect for paternal authority. This was discussed on the following pages of this dissertation: 31-2, 74-76. It may also be helpful to recall that Montesquieu specifically declares in his Foreword to *SL* that when he refers to political virtue, the virtue he has in mind "is not morality or Christianity." See: *SL*, foreword, section 1.

³⁰ The importance of communal ties and a spiritual connection to the fatherland was discussed on the following pages of this dissertation: 65-70, 99-100.

³¹ Empirical evidence does indicate that military alliances have a positive impact on trade between aligned nations because of: (1) reduced concerns about relative gains; (2) and business firms increase their trading activities when favorable political relations exist between two states. See for example: Andrew G. Long and Brett Ashley Leeds, "Trading for Security: Military Alliances and Economic Agreements," *Journal of Peace Research*, Vol. 43, No. 4, Special Issue on Alliances (Jul., 2006), 434-5; James D. Morrow, Randolph M. Siverson & E. Tressa Tabares, "The Political Determinants of International Trade: The Major Powers, 1907-90," *American Political Science Review* (1998) 92(4); Andrew G. Long, "Defense Pacts and International Trade," *Journal of Peace Research* (2003) 40(5); Joanne Gowa & Edward D. Mansfield, "Alliances, Imperfect Markets, and Major-Power Trade," *International Organization* (2004), 58(4): 775-805.

republics of a confederation are likely to be exceedingly capable of cultivating political virtue because of their homogeneity and smaller size. If their patriotism were excessive, then member states could be inclined towards achieving hegemonic power within the confederate system.³² Member states oversaturated with political virtue could also be conflictual because of their sensitivity towards wealth inequality.³³ If some member states are wealthier than others, then envious poorer states may become hostile or less willing to honor their military obligation to defend more affluent member states.³⁴ Given these possibilities, commercial activity within confederate republics would conceivably have a desirable moderating influence on the political virtue of member states. If the impact of this influence was too cosmopolitan, then political virtue could perhaps be sustained by the fear of an external “Other.”³⁵ Such a threat would not have to be real, as it would be enough for leaders to rouse the political virtue of citizens by manufacturing international threats.³⁶

³² For example, Montesquieu says Athens and Sparta engaged in this sort of behavior. See: *SL*, VIII.16.

³³ See for example: *Considerations*, III, 39, 41; IV, 44-45; *SL*, V.6.

³⁴ It was perhaps with this concern in mind that Montesquieu favored the Lycian system which required larger towns—presumably because they were wealthier—to contribute more taxes towards the collective treasury. Resentment from these towns was less than might be imagined since the greater financial burden imposed on these states was compensated for by a corresponding increase in voting power. *SL*, IX.3.

³⁵ This was discussed on pages 101-103 of this dissertation. See also: *SL*, VIII.4; *Considerations*, I, 27-8.

³⁶ *Considerations*, I, 27. It is worth noting that Montesquieu in his analysis of confederate republics says that modern states have less to fear in the event of an invasion because conquest in the Modern Age was more humane. See: *SL*, IX.1. The fear of an external “Other” may therefore be somewhat less effective at cultivating political virtue. However, the precise reason Montesquieu in says the people of modern states have less to fear is because invaders will let them retain their property, i.e., “their Civil liberty, goods, wives, children, temples, and even burying-places.” While this might satisfy the shallow demands of a materialistic people, a politically virtuous people would dread the loss of political sovereignty. See: *SL*, IX.1. This is an interesting point to dwell on because Rahe has given much importance to Montesquieu’s assertions that Christianity has made warfare more humane. It can be plausibly inferred from Montesquieu’s analysis here that humane warfare is actually a consequence of its

A final criticism of the confederate republic is that Montesquieu expends minimal effort elucidating this system of governance. Wolfe notes that in a book over 800 pages long, the confederate republic “rates less than three pages, and one or two other scattered references.”³⁷ He argues that Montesquieu’s insufficient treatment of this subject matter indicates that the Frenchman was merely offering the best option available to a republic of virtue. His real position is that “virtue and security are not fully compatible,” and that an alternative solution, the commercial republic exemplified by England obviates “the need for the federative scheme.”³⁸ Wolfe essentially advances the liberal republic thesis developed by Pangle that was later refined by scholars like Rahe.³⁹ All three of these scholars concur that Montesquieu’s analysis of England suggests that political virtue need not be the basis of a republic that combines “love of liberty,” “commercial spirit with its own kind of frugality,” and political institutions like the tripartite separation of powers.⁴⁰ Wolfe himself leaves the question open whether political virtue can be dispensed with entirely in such a regime, Pangle seems to believe that a minimal level of political virtue can suffice, and Rahe thinks it can be dispensed

own inessentiality. In other words, if conquerors permit materialistically corrupted people to retain their property, they will surrender their liberty without ever having to be subjected to inhumane warfare. See Rahe: *Montesquieu and the Logic of Liberty*, 22-3, 93.

³⁷ Wolfe, 440. Other explicit references include: *SL*, V.6; X.6; XI.8; XI.19; XXX.24.

³⁸ *Ibid.*

³⁹ See for example: Pangle, *Montesquieu’s Philosophy of Liberalism*, especially Ch.7; Pangle, *Spirit of Republicanism*, 67-8; Rahe, “Forms of Government,” 84-97; Rahe, *Montesquieu and the Logic of Liberty*, 86 – 143; Rahe, *Soft Despotism, Democracy’s Drift*, 32-59.

⁴⁰ Wolfe, 440; Pangle, *Montesquieu’s Philosophy of Liberalism*, 114, 124-6, 116-8; Rahe, *Montesquieu and the Logic of Liberty*, 94-100, 136-41, 176, 178, 227-238, 113-117, 132-43.

with entirely.⁴¹

What may be most noteworthy about the foregoing analysis is that the confederate republic model, as presented by Montesquieu, ultimately relies on the geographic segregation of diverse peoples and thus seems to come up short in terms of offering a tenable pathway for the integration of high levels of heterogeneity. In other words, his analysis simply reinforces the deductions of Chapters 1 and 2 that the most viable solution to the problems associated with heterogeneity is to severely limit or even prohibit diversity. Indeed, given some of the issues discussed in this section, the ideal confederate republic in Montesquieu's estimation would likely be comprised of member states that in addition to sharing the same regime type also have citizens of the same ethnicity who approximate the same culture.

Uniformity

Another solution Montesquieu's political philosophy offers for mitigating the problems associated with cultural heterogeneity is for rulers to impose "uniformity," a limited form of cultural modification that does not attempt to completely homogenize diverse peoples.⁴² The implicit assumption of this approach is that leaders want to foster stability and national prosperity rather than profit off divisive forms of heterogeneity.⁴³ Since Montesquieu takes it as a given that men are inherently ambitious, the restraining

⁴¹ Pangle, *Montesquieu's Philosophy of Liberalism*, 115; Paul Rahe "Forms of Government," in *Montesquieu's Science of Politics* (Rowman and Littlefield Publishers: Oxford, 2001), 95; Rahe: *Montesquieu and the Logic of Liberty*, 140-41.

⁴² *SL*, XXIX.18.

⁴³ Montesquieu discusses these nefarious sorts of leaders on multiple occasions. See for example: *Considerations*, XIII, 121; *SL*, VIII.2; VIII.16; XIX.27.

force of the “spirit of the people” must therefore be operating effectively for this approach to be safely implemented in a republic.⁴⁴ Montesquieu also cautions that cultural modification even on a limited scale can be dangerous because men are strongly inclined towards “their own laws and customs: these constitute the happiness of every community; and, as we learn from the histories of all nations,” imposing cultural change rarely occurs “without violent commotions and a great effusion of blood.”⁴⁵

The dangers of cultural modification are especially severe when it came to altering a people’s religion. “In ordinary disputes” Montesquieu declares, “each person knows he can be wrong and hence is not extremely opinionated or obstinate.”⁴⁶ Conversely, “in disputes over religion, by the nature of the thing, each person is sure his opinion is true, and we are indignant with those who obstinately insist on making us change instead of changing themselves.”⁴⁷ Nevertheless, Montesquieu considers it necessary for governments to enforce tolerance on religious sects that threaten free citizens.⁴⁸ Other examples where “uniformity is requisite” might include some of the harmful cultural manifestations discussed in the previous chapter, such as plutocratic corruption, “frantic superstition,” and horrific rituals like human sacrifices.⁴⁹ Because persecution generates reciprocating feelings of hostility, the elimination of intolerant beliefs would in Montesquieu’s assessment reduce the antagonism that can exist

⁴⁴ *Considerations*, XI, 107-8; *SL*, XXVIII.41; *Considerations*, VIII, 87.

⁴⁵ *SL*, XXVI.23.

⁴⁶ *Considerations*, XXII, 208.

⁴⁷ *Ibid.*

⁴⁸ *SL*, XXV.9.

⁴⁹ *SL*, XXIX.18; X.4; X.5.

between diverse peoples.⁵⁰ The banning of dangerous and archaic cultural practices is also likely to render non-group members more tolerant.⁵¹ Taken together, these social benefits will make it easier for the “spirit of the people” to operate because citizens are more likely to regard one another with the “mutual confidence” Montesquieu says is necessary to facilitate a broader love of country.⁵²

Two principal complications emerge from this analysis. First, it was demonstrated in Chapter 1 that Montesquieu believes liberty can be defended in a republic only if the citizen population is connected by meaningful ties that foster political virtue.⁵³ More specifically, citizens must trust and value one another for the “spirit of the people” to operate and this may require a citizen population united by a single national culture.⁵⁴ An important question to therefore consider is whether meaningful ties can be established between culturally diverse peoples who are merely indifferent towards their dissimilarities. Or to frame this question in Montesquieu’s own terms: Does a functioning “spirit of the people” require the citizens of a heterogeneous society to “approve” the actual content of diverse cultures rather than simply “tolerate” these variances?⁵⁵

⁵⁰ *SL*, XXV.9; X.4.

⁵¹ *SL*, X.4. Domestic abuse and female genital mutilation are examples more reflective of contemporary times. See for example: White, A. E., “Female Genital Mutilation in America: The Federal Dilemma,” *Texas Journal of Women and the Law*, 10(2), (2001), 129-208; Nawal Ammar, Amanda Couture-Carron, Shahid Alvi, Jaclyn San Antonio, “Experiences of Muslim and Non-Muslim Battered Immigrant Women With the Police in the United States,” *Violence Against Women*, vol. 19, no. 12, (2013), 1449-1471; HM Salihu, EM August, JL Salemi, H Weldeselasse, YS Sarro, & AP Alio, “The Association Between Female Genital Mutilation and Intimate Partner Violence,” *BJOG*, Vol. 119, Issue 13, (2012), 1597–1605.

⁵² *SL*, X.3.

⁵³ See the following pages of this dissertation: 57-59.

⁵⁴ *Ibid.*

⁵⁵ *Considerations*, VIII, 87; *SL*, XXV.9. “Approving” cultures seems comparable to Charles Taylor’s politics of recognition which contends that impartial tolerance does not go far enough towards a

Montesquieu suggests that approval for all cultural differences is an unrealistic possibility in a free republic because liberty itself “always produces divisions, every one becoming as great a slave to the prejudices of his faction as he could be in a despotic state.”⁵⁶ Nevertheless, Montesquieu’s political philosophy does at least suggest the possibility that meaningful ties can be established between tolerant but non-approving peoples if their ethnic and cultural loyalties are superseded by an economic consciousness that is patriotic in its orientation. This was alluded to in the previous chapter when I argued that Montesquieu indicates that political virtue can be cultivated with the politics of “Otherness” through protectionism and trade wars of global economic competition.⁵⁷ However, it will be discussed below that Montesquieu believes a high level of commerce when coupled with diversity is likely to render citizens vulnerable to the oppression of plutocratic forces.

The second major complication of cultural uniformity is that imposing modification can inadvertently antagonize the volatile conditions that rulers seek to moderate. For example, overt efforts by the government to selectively eradicate intolerant and dangerous cultural manifestations might provoke a backlash among citizens who view these traditions favorably and with pride.⁵⁸ Moreover, suspicion between diverse cultural groups could actually increase if the group subjected to this modification believes the

just treatment of minority cultural groups because each culture has its own dignity requiring respect. See: Charles Taylor, “The Politics of Recognition,” in *Multiculturalism: Examining the Politics of Recognition*, edited by Amy Gutmann (Princeton: Princeton University Press, 1994), 25-74.

⁵⁶ *SL*, XIX.27. This subject matter will be revisited below. See also: *Considerations*, IX, 88; IX, 93; VI, 69. *SL*, III.2.

⁵⁷ See page 105-6 of this dissertation. See also: *SL*, XIX.27; XX.4, 6, 8, 23; XI.7; XXIII.17; XX.8, 23.

⁵⁸ For a contemporary treatment of this issue, see: Nicholas W. Drummond, “Immigration and the Therapeutic Managerial Government,” *Telos: A Quarterly Journal of Critical Thought*, issue no. 166.

government is surreptitiously working on behalf of cultural groups not being targeted. Montesquieu offers several guidelines to prevent these unintended consequences. He suggests that efforts to impose uniformity should be limited rather than comprehensive because forcing a general culture upon diverse peoples is like a “despotic prince” who governs with “a rigid and inflexible will” and requires everything to bend “under his feet.”⁵⁹ The dangers involved with achieving uniformity also mandate cultural change be a modification required by necessity rather than “things in their own nature indifferent” like fashion attire and hairstyles.⁶⁰ He further advises that children should be given considerable attention during this transformation process since they “are always least attached to what is already established.”⁶¹ In matters of religion, Montesquieu also warns that alteration requires a considerable amount of time. Rulers that demand prompt conversion will be viewed despotically and run “a much greater risk of seeing a revolution arise from such a proceeding, than from any tyranny whatsoever.”⁶² Directly attacking a religion is also likely to be a mistake. Montesquieu criticizes rulers who made war on religious sects or attempt to exterminate them because such measures can inspire revolutions and destroy a nation’s population.⁶³ He further advises that “it is very bad policy to change by law what ought to be changed by custom.”⁶⁴ Instead of forcing conversion with the threat of institutional punishment, rulers should engage

⁵⁹ *SL*, VI.1.

⁶⁰ *SL*, XIX.14.

⁶¹ *SL*, XXIII.21.

⁶² *SL*, XXV.11.

⁶³ *Considerations*, XX, 190-1; XXII, 204. Montesquieu gives considerable thought to maintaining and growing a nation’s population size. See: *SL*, XVIII.10; XXIII.19-28.

⁶⁴ *SL*, XIX.14.

people “to make the change themselves,” and this can be accomplished by “introducing other manners and other customs.”⁶⁵ There are exceptions to this rule, as in the case of intolerant and dissentious religious groups that present an immediate threat to the country. Montesquieu indicates that sects like these should be regulated with laws.⁶⁶ Prudent leaders must therefore know when government enforcement is necessary and when they should rely instead on the more subtle approach of introducing new manners.

Montesquieu indicates multiple ways that leaders and elite members of society can expose the public to different cultural beliefs and practices.⁶⁷ For example, he says Saint Louis (King Louis IX) wanted to correct abuses he viewed “in the jurisprudence of his time,” but instead of imposing uniform laws across the country, he showed the French people a better way and then relied on their self-interest and reason to implement the change themselves.⁶⁸ This was accomplished by giving the nation two models to compare with the current system. First, he instituted “regulations for the courts” in his own provinces and that of his barons so that citizens living in other domains could observe the new system of jurisprudence in action.⁶⁹ Next, he had Roman law books translated into French and made available to the lawyers of the country for their edification. The result of this exposure was that the French nation

⁶⁵ Ibid.

⁶⁶ *SL*, XXV.9.

⁶⁷ Montesquieu also advocates commerce as a means of dissemination, but this method does not fall under the direct control of the leaders of the republic. See: *SL*, XXV.12. This will be discussed in greater detail below.

⁶⁸ *SL*, XXVIII.38.

⁶⁹ Ibid.

eventually adopted “the judiciary forms introduced by Saint Louis” because they were judged to be “more natural, more reasonable, more conformable to morality, to religion, to the public tranquility, and to the security of person and property.”⁷⁰ Montesquieu says these changes were not ultimately sustained because deficiencies were eventually discovered and revised.⁷¹ Nevertheless, this case study illustrates what Montesquieu has in mind when he says leaders should introduce examples and engage people “to make the change themselves.”⁷² He succinctly summarizes the lesson of Saint Louis as follows: “To allure when it is rash to constrain, to win by pleasing means when it is improper to exert authority, shows the man of abilities.”⁷³ We shall see below that Montesquieu anticipates a similar convergence of opinion and culture in commercialized nations where citizens pursue their self-interest directed by reason.

Another way that rulers might introduce “other manners and other customs” can be inferred from what Montesquieu says about senators establishing a pattern of virtue through their personal example.⁷⁴ Instead of exemplifying respect for ancient beliefs and practices, political leaders could influence change by showcasing to the public their own preference for more tolerant ideas and innocuous modes of behavior. If these leaders are respected men of influence, then the people would be inclined to follow suit.⁷⁵ Such

⁷⁰ *SL*, XXVIII.39; XXVIII.38.

⁷¹ *SL*, XXVIII.39.

⁷² *SL*, XIX.14.

⁷³ *SL*, XXVIII.38.

⁷⁴ *SL*, XIX.14; *SL*, V.7.

⁷⁵ One such example might be Constantine’s endorsement and eventual conversion to Christianity. See: H. A. Drake, “Constantine and Consensus,” *Church History*, 64.1 (1995). However, Montesquieu offers a unique perspective on the establishment of Christianity that we shall investigate below.

an approach would presumably be less effective at inducing change in newly arrived citizens since they may not yet trust or respect these leaders. Nevertheless, conversion of immigrants and natives would be more likely to occur if other social elites were also promoting this transformation. Montesquieu indicates that esteemed members of what today we would call the entertainment community might be particularly useful in this regard. In a letter to the French mathematician Jean le Rond d'Alembert, Montesquieu declares that matters of aesthetic taste are determined by the judgment of art professionals who “play upon the strings of men in society, as it were, and instruct them.”⁷⁶

Perhaps the most interesting guideline Montesquieu’s political philosophy offers for uniformity is that cultural transformation is more easily imposed upon citizens if the diversity of a country is paradoxically increased. He observes that the Romans were initially averse to the foreign religion of immigrants “and this was one of the great obstacles the Christian religion encountered.”⁷⁷ However, when Rome became an imperial power, most of its emperors were drawn from a professional military force comprised of foreigners and barbarians. “Rome was no longer master of the world,” Montesquieu says, “but it received laws from the entire world.”⁷⁸ These emperors brought to Rome their native manners, morals, religion, and manner of policing. In some cases, they attempted to forcibly replace the Roman pagan religion with their own, but the cumulative effect of numerous foreign rulers eventually made it possible for cultural

⁷⁶ Montesquieu à J.-J. Bel, 29 September 1726, *Oeuvres complètes*, ed. M. André Masson, 3:862–3. Cited in: Downing A. Thomas, *Eighteenth-Century Studies*, Volume 39, Number 1, (John Hopkins University Press: Baltimore, Fall 2005), 85.

⁷⁷ *Considerations*, XVI, 149.

⁷⁸ *Ibid.*, 148.

uniformity to be instituted with relative ease. The reason that citizens became so passive towards change, Montesquieu explains, was because there was no longer anything foreign in the empire which meant “the people were prepared to accept all the customs an emperor might wish to introduce.”⁷⁹ Thus, it was the diversification of Rome that ultimately paved the way for the eventual “establishment of the Christian religion.”⁸⁰ At a superficial level, Montesquieu seems to be suggesting here that prolonged contact with foreign cultures renders people more accustomed to diversity and thus more tolerant. A similar idea is reflected in Montesquieu’s belief that “Knowledge humanises mankind, and reason inclines to mildness; but prejudices eradicate every tender disposition.”⁸¹ Yet the full implication of his analysis of Roman Christianity is that heterogeneity can lead to something far more conspiratorial. Instead of merely generating tolerance for the culture of others, the prolonged diversification of society renders citizens far more malleable to the imposed cultural preferences of rulers. The reason for this seems to be that parochial cultural allegiances, in addition to generating intolerance for foreign ways, also limit the social engineering influence of governments. This assessment is corroborated by Montesquieu’s view that religion and custom are important barriers against despotism.⁸² Since the Frenchman has in mind tyrannical emperors when he discusses Christianity’s establishment through diversification, his thinking here might actually be construed as a warning rather than a strategy he

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ *SL*, XV.3.

⁸² *SL*, II.4, III.10, V.14.

condones.⁸³

Two principal concerns emerge from this method of achieving uniformity. First, rulers may promote multiculturalism in an effort to devalue cultures that would otherwise stand in their way. If the leaders of a republic were men of virtue and moderation, then perhaps they could be trusted to operate without the restraints of custom and religion. However, if this were not the case, then multiculturalism would essentially liberate ambitious rulers from the restraint of traditional countervailing pressures. The second concern is that rulers operating without these restraints might establish a replacement culture that enables or rationalizes the oppression of the republic. We have already observed how rulers in the heterogeneous Roman Empire introduced a culture of amusements and luxury to devalue political equality and distract the citizens from political abuses.⁸⁴ Montesquieu also warns of petty tyrants more concerned by revolts than invasions who introduce cultural practices to weaken the resolve of citizens.⁸⁵ For example, Aristodemus sought to enervate the male youths of Cumae by enforcing an emasculating fashion trend in which men groomed themselves like women with long hair, perfumes, and colorful garments.⁸⁶ Certain religions can in Montesquieu's estimation have a similar utility for elite members of society. Without naming any religion in particular, he criticizes religions that emphasize suffering and impoverishment while at the same time celebrating the enrichment of temples and the wealth of idle clergy

⁸³ In this chapter, Montesquieu refers to "dictators under the name of emperors," and says: "The power of the emperors could more easily appear tyrannical than the power of the princes of our own day." See: *Considerations*, XVI, 147, 146.

⁸⁴ See pages 48-50 of this dissertation. See also: *SL*, XIX.3; *Considerations*, XV, 137.

⁸⁵ *SL*, X.11-12.

⁸⁶ *SL*, X.12.

members.⁸⁷ Montesquieu's analysis of corrupted nations and "moneyed men" also discusses a corrupt political culture in which "the miserable people...think they have no right to apply for redress."⁸⁸ All of these oppressive cultures could presumably be introduced by ambitious rulers irrespective of the cultural diversity of the nation, but the significance of Montesquieu's analysis is that heterogeneity would make this much easier for rulers to accomplish. The Frenchman's warning may therefore be that uniformity as a solution can only be relied upon when this approach is employed in a republic of moderate cultural diversity where enough provincial respect for tradition still exists that citizens become agitated at the notion of cultural change and give serious thought to its full implications. Adherence to this guideline would also reduce the likelihood that heterogeneity will perilously divide the republic, incapacitate "spirit of the people," and render the population vulnerable to the predatory designs of ambitious men. However, a recommendation for moderate cultural diversity ultimately seems to reinforce the deductions of Chapters 1 and 2 that the most viable solution to the problems associated with heterogeneity is to severely limit or even prohibit cultural diversity. With this consideration in mind, we turn now to what may perhaps be a more inclusive solution—the commercial republic.

Commerce

The third solution Montesquieu's political philosophy offers to mitigate the problems associated with heterogeneity is commerce. His endorsement of commercial

⁸⁷ *Considerations*, XXII, 201; *SL*, XXV.2; XXIII.29.

⁸⁸ *SL*, X.4.

activity in republics is not without reservations, but he believes the benefits ultimately exceed the costs. The first commercial republic that Montesquieu mentions favorably by name in *The Spirit of the Laws* is Athens which he juxtaposes with the military republic of Sparta.⁸⁹ In this specific instance, the French philosopher implies Athens to be the superior republic because of Sparta's economic idleness, but later accounts of these two republics suggest that Montesquieu actually considers Sparta the superior republic because its ambitions were moderate whereas Athens was ruined when it became consumed by economic glory and the expansion of its maritime empire.⁹⁰ This is our first indication that commerce, not unlike political virtue, will jeopardize a republic's subsistence if pursued in the extreme. Of particular concern to Montesquieu is that high levels of commerce will generate extensive affluence and from this will spring luxury and all the inconveniences of wealth inequality that gravely undermine the strength and stability of republics.⁹¹ The exemplary commercial regime for Montesquieu is therefore the hybrid republic of England where the affluent and middling classes are driven by such a restless desire for greater wealth that luxury and its problems are significantly diminished.⁹² Instead of succumbing to idleness, frivolity, despair, or moral corruption, the English are invigorated by a "spirit of commerce" which inspires "frugality, economy, moderation, labour, prudence, tranquility, order, and rule."⁹³ Commercialized citizens also have a more exacting understanding of justice—they are unlikely to cheat one

⁸⁹ *SL*, V.6.

⁹⁰ *SL*, VIII.16; XXI.7.

⁹¹ *SL*, XXI.6; V.6; *Considerations*, X, 98.

⁹² *SL*, XIX.27; Montesquieu, *My Thoughts* (*Mes Pensées*), no. 1960. See also: Rahe, *Montesquieu and the Logic of Liberty*, 138-41.

⁹³ *Considerations*, X, 98; *SL*, V.6; XIX.27.

another, but nor do they offer any service without demanding equal payment.⁹⁴ Montesquieu concedes that political virtue will undoubtedly suffer in a commercial regime like England because trade exposes citizens to foreign ideas and the selfish passions operate here with few moral restraints.⁹⁵ Nevertheless, he believes the “spirit of commerce” can partially supplement this deficiency by furnishing these regimes with a reliable source of energy and stability.⁹⁶

In reading the French philosopher’s account of regimes past and present, Montesquieu at times gives us the impression that he mourns the loss of political virtue as it was exemplified by ancient republics like Rome and Sparta where commerce was limited.⁹⁷ Equally detectable is the contempt he seems to have for commercial republics of the Modern Age that lack generosity, are heavily corrupted by luxury, and experience a higher number of robberies.⁹⁸ Nevertheless, the Frenchman thinks commerce is essential for national security and this trumps all other concerns.⁹⁹ According to the

⁹⁴ *SL*, XX.2.

⁹⁵ *SL*, XIX.27. The exposure of republican citizens to foreign ideas and the impact this has on political virtue was discussed in Chapter 2. See pages 79-80 of this dissertation. See also: *SL* XX.18; IV.6; IV.8.

⁹⁶ Readers interested in the contrast between political virtue and private interest may find it helpful to review Xenophon’s philosophical narrative of Cyrus who convinces his virtuous Persian soldiers they should be individually rewarded for their acts of valor and that unequal acts of valor should be rewarded unequally. See: Xenophon, *The Education of Cyrus*, translated by Wayne Ambler (Cornell University Press: Ithaca, 2001), II.1-2.

⁹⁷ See for example: *SL*, IV.4; XI.13; *Considerations*, XV, 138. See also: Montesquieu, *My Thoughts* (*Mes Pensées*), no. 761, 810.

⁹⁸ *SL*, XX.2; III.3; *Notes on England*, translated by Iain Stewart, (2000) *Oxford U Comparative L Forum 1*, text between note 73 and 74, between note 75 and 76, at <http://ouclf.iuscomp.org/articles/montesquieu.shtml>, accessed February 3, 2015.

⁹⁹ See for example: *SL*, IV.4; III.3; XXVI.7, 23. Most notable among these citations is Montesquieu’s declaration in capital letters that “THE SAFETY OF THE PEOPLE IS THE SUPREME LAW.” See: *SL*, XXVI.23. Montesquieu seems to follow Machiavelli’s lead in emphasizing the predominance of national security and foreign policy. See: Machiavelli, *Discourses*.

political historian Rahe, the stunning military defeat of King Louis by the commercial nation of England led Montesquieu to believe national security in the modern world requires high levels of wealth and technological sophistication that can only be achieved through commerce.¹⁰⁰ Rahe's historical analysis is corroborated by a constellation of arguments formulated by Montesquieu pertaining to national power, commerce, and the economic requirements of the Modern Age. In his book *Reflections on Universal Monarchy*, the Frenchman declares: "To the extent that a state takes a greater or lesser part in commerce and the carrying trade, its power necessarily grows or diminishes."¹⁰¹ He similarly claims in *The Spirit of the Laws* that European nations have achieved more power than any other regimes in history and this owes significantly to the wealth they have amassed through commerce.¹⁰² Montesquieu's endorsement of the institution of money also seems to follow from his recognition that national power requires extensive

¹⁰⁰ Paul Rahe, "Empires: Ancient and Modern," *The Wilson Quarterly* 28.3 (Summer 2004), 68-84; Rahe, *Montesquieu and the Logic of Liberty*, 5-10, 17-26. Consider also Montesquieu's assertion that: "The little knowledge which the greatest part of the world had of those who were far distant from them favoured the nations engaged in the economical commerce," for "they had all the advantages which the most intelligent nations could take over the most ignorant." See: *SL*, XXI.6.

¹⁰¹ Montesquieu, *Reflections on Universal Monarchy in Europe*, (2.31-9) in Charles-Louis de Secondat Montesquieu, baron de La Brède et de Montesquieu, *Œuvres complètes de Montesquieu*, ed. Jean Ehrard, Catherine Volpilhac-Auger, et al. (Oxford: Voltaire Foundation, 1998-). This quote was first brought to my attention in: Paul Rahe, "Empires: Ancient and Modern," *The Wilson Quarterly* 28.3 (Summer 2004), 68-84.

¹⁰² *SL*, XIX.21. France, England, and Holland are the European countries Montesquieu mentions specifically by name in this section. His assessment may actually be a calculation of their collective power given his statement elsewhere that "Europe is nothing more than one Nation composed of many...France & England have need of the opulence of Poland & Muscovy just as one of their Provinces has need of the others: & the State, which believes that it will increase its power as a consequence of [financial] ruin visited on another state on its border, ordinarily weakens itself along with its neighbor." See: Montesquieu, *Reflections on Universal Monarchy in Europe*, 18.383-86. I am quoting this passage as it appears in Rahe, *Montesquieu and the Logic of Liberty*, 25. It is also interesting to note that Montesquieu thinks commerce increased the power of Rome, though he indicates that commerce was either the cause of this republic's transition to despotism or that this transition was the reason that commerce was able to augment this regime's power. *SL*, XXI.16.

commerce which must be facilitated by “a common measure.”¹⁰³ Additionally, the Frenchman indicates that population size is critical for national power and that commerce is an effective tool to increase a country’s population.¹⁰⁴ Finally, Montesquieu intimates that modern nations must engage in commerce because modern warfare requires access to advanced weaponry.¹⁰⁵ His respect for firearms and heavy artillery is so tremendous that he even claims “innovations in the art of war...have equalized the strength of all men & and consequently that of all Nations.”¹⁰⁶

National security is not the only reason Montesquieu endorses commerce in republics. He enumerates several other benefits that help compensate for the diminishment of political virtue that accompanies commercial activity. This includes improvements in navigation, the importing of unavailable merchandise, the encouragement of the arts, and employment for the industriousness.¹⁰⁷ Krause notes that Montesquieu thinks commerce “establishes countervailing sites of power” to check the sovereign, such as merchants, bankers, and even the institution of money itself.¹⁰⁸ This is not an insignificant development since commerce tends to diminish the

¹⁰³ *SL*, IV.7. For more on the importance of money, see: *SL*, XVIII.15-17. Montesquieu also believes the cultivation of the earth requires money. See: *SL*, XVIII.15.

¹⁰⁴ *SL*, XIII.26; XXI.16; XXIII.24.

¹⁰⁵ Rahe, *Montesquieu and the Logic of Liberty*, 21, 24. Rahe cites Montesquieu’s *Universal Monarchy*, 1.1-9, 3.65-17.382. Montesquieu’s appreciation for technological innovations, especially in weaponry, is frequently commented on in his analysis of Rome. See for example: *Considerations*, II, 36-37; IV, 43-44, 49. In addition to access to advanced weaponry, Montesquieu indicates that commerce also provides nations with access to advanced cultural innovations. See: *SL*, XX.1.

¹⁰⁶ This quote appears in Rahe, *Montesquieu and the Logic of Liberty*, 21. Rahe cites Montesquieu, *Universal Monarchy*, I.1-9.

¹⁰⁷ *SL*, XXI.16.

¹⁰⁸ Krause, 2002, 716. See also: *SL*, XXI.20; XXII.13; *SL*, XII.13. I will demonstrate below that Montesquieu thinks some of these financial interests might actually be too powerful and will constitute a plutocracy if they are not constrained by an independent monarch and hereditary noble class.

extraordinary value that citizens place on cultural beliefs and practices that might otherwise check despotic encroachment.¹⁰⁹ Montesquieu reveals precisely how commerce devalues culture in his counsel to princes interested in destroying or altering the established religion of their country. Instead of directly attacking religious sects, he recommends a seduction of the faithful by appealing to their personal ambition and desire for pleasure:

“...a more certain way is, to tempt her by favors, by the conveniences of life, by hopes of fortune; not by that which revives, but by that which extinguishes the sense of her duty; not by that which shocks her, but by that which throws her into indifference at the time when other passions actuate the mind, and those which religion inspires are hushed into silence. As a general rule in changing a religion the invitations should be much stronger than the penalties.”¹¹⁰

The theoretical argument underlying this approach is that people enraptured by worldly comforts will come to regard their religious beliefs and duties as relatively less important. What the French philosopher has in mind when he speaks of tempting the people with favors, “conveniences of life” and “hopes of fortune” is not the gratifying form of governance used by despotic Roman emperors to subdue the masses.¹¹¹ Such an effort eventually results in tyranny, a form of government Montesquieu abhors.¹¹² Obstinate cultural devotion is instead to be appreciably dissolved by the encouragement of individual acquisitiveness—the pursuit of an enjoyable life through industry and commerce.¹¹³ That Montesquieu believes this approach offers a panacea for tumultuous

¹⁰⁹ *SL*, II.4; III.10; V.14.

¹¹⁰ *SL*, XXV.12.

¹¹¹ *Considerations*, XV, 137; *SL*, VIII.2.

¹¹² See footnote number 35 on page 24 of this dissertation.

¹¹³ To my knowledge, Hendrickson is the first person to use the term “individual acquisitiveness” to describe the dominating pursuit of Montesquieu’s commercial regimes. Other scholars like Pangle have

cultural relations is demonstrated by his case study analysis of England where he relates that citizens have grown indifferent towards religion because they are more interested in accumulating wealth.¹¹⁴ In a revealing passage, Montesquieu says the English “know better than any other people upon earth how to value, at the same time, these three great advantages—religion, commerce, and liberty.”¹¹⁵ Valuing religion in England apparently means perceiving this incarnation of culture as a relatively unimportant private matter.¹¹⁶

Commerce is also thought by Montesquieu to be a mitigating solution for the problems associated with heterogeneity because it renders people more humane. He declares that “commerce is a cure for the most destructive prejudices” and that people of his day hold manners less savage than former times because “commerce has everywhere diffused a knowledge of the manners of all nations: these are compared one with another, and from this comparison arise the greatest advantages.”¹¹⁷ That Montesquieu is impressed by the philanthropic impact of this enlightenment is clearly

used the term “acquisitiveness,” but I believe “individual acquisitiveness” to be a better choice because it connotes the individual selfishness of this mindset. See: Randal R. Hendrickson, “Montesquieu’s (Anti-)Machiavellianism: Ordinary Acquisitiveness in The Spirit of Laws,” *The Journal of Politics*, Vol. 75, No. 2, (2013), 391; Pangle, *Montesquieu’s Philosophy of Liberalism*, 145, 147, 302. Another suitable term might be “possessive individualism.” See: Crawford B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Clarendon Press, 1962).

¹¹⁴ *SL*, XIX.27. See also: Montesquieu, *Notes on England*, translated by Iain Stewart, (2000) *Oxford U Comparative L Forum* 1, text between note 94 and 95, at <http://ouclf.iuscomp.org/articles/montesquieu.shtml>, accessed February 3, 2015.

¹¹⁵ *SL*, XX.7.

¹¹⁶ Another factor accounting for this indifference is England’s separation of Church and State and its neutering of the clergy’s institutional force. Nevertheless, individual acquisitiveness in Montesquieu’s estimation seems to be the primary force of causation. Montesquieu’s analysis of Church and State and the diminished authority of religious leaders can be found here: *SL*, XIX.27; XXIII.29. For an insightful perspective on Montesquieu and the separation of Church and State, see: Robert C. Bartlett, *Idea of Enlightenment: A Post-mortem Study* (Toronto: University of Toronto Press, 2001), 30.

¹¹⁷ *SL*, XX.1.

indicated when he declares that, “Knowledge humanises mankind, and reason inclines to mildness; but prejudices eradicate every tender disposition.”¹¹⁸ The causal link Montesquieu postulates between commerce and humanization has been given much importance by Pangle in his seminal work *Montesquieu’s Philosophy of Liberalism*. He asserts that Montesquieu is profoundly concerned with the establishment of a humane society and the principal conclusion the Frenchman’s philosophy aims towards is that no political order offers more security to humanity than a commercial regime based on key features of the English model.¹¹⁹ Pangle describes the causal relationship Montesquieu postulates between commerce and humanization as follows:

The communication commerce creates with foreign peoples brings knowledge of those peoples and their ways; this makes their differences seem less strange and forbidding. In becoming accustomed to a variety of modes of life, men become tolerant. They are inclined to see their own way not as the only way but as one among many ways, each of which pretends to be the true way. They begin to recognize the narrowness, the arbitrary and conventional character, or all particular ways, and tend to consider as true and serious only what is shared by all men.¹²⁰

The tolerance of all foreign ways goes together with a homogenization of ways, for all come to have the same desires and needs...the worldwide spread and intensification of commerce is insidiously powerful. The establishment of the brotherhood of man comes about through the reduction of all differences to the lowest common denominator—the need for security and the desire for comfort.¹²¹

In Pangle’s analysis of Montesquieu, the humanization of man is therefore arrived at through knowledge, homogenization, and the interactive effect of these two independent variables. Citizens are more tolerant because commerce expands the

¹¹⁸ *SL*, XV.3.

¹¹⁹ Pangle, *Montesquieu’s Philosophy of Liberalism*, 5-6, 160.

¹²⁰ *Ibid.*, 205.

¹²¹ *Ibid.*, 207.

knowledge individuals have of diverse peoples and this makes citizens more compassionate and less prejudicial towards differences.¹²² Or as he says elsewhere, citizens instead of rejecting cultural variances “learn to appreciate the charms of national diversity.”¹²³ Tolerance also emerges in commercial societies because of the corresponding diminishment of cultural loyalties that occurs in consequence of individual acquisitiveness.¹²⁴ Essentially, commercial activity homogenizes society with tantalizing material interests whose elevation devalues all cultural beliefs and practices; and this renders people indifferent to residual differences. Thus, even if citizens fail to “appreciate the charms of national diversity,” their aversion for heterogeneity is moderated because they regard cultural differences as inconsequential. The interactive relationship of these two variables will also lead to greater tolerance if the diminished value of culture reduces the concern that citizens have about cultural differences just enough for them to become more receptive to learning about alternative modes of life. However, if they become excessively indifferent, then citizens will have little interest in learning about different cultures but will nonetheless tolerate diversity precisely because of their apathy. Coming at this interactive relationship from the opposite direction, if citizens learn other cultures are not as foreboding as they previously imagined, then the high value they placed on their own particular culture will likely decrease which means the homogenization of the good life, i.e., individual acquisitiveness, will be further perpetuated.

¹²² Pangle, *Montesquieu's Philosophy of Liberalism*, 203-7.

¹²³ Thomas Pangle, “Montesquieu, Charles-Louis de Secondat (1689–1755),” in: *The Blackwell Encyclopedia of Political Thought*, edited by David Miller, (Hoboken: Wiley-Blackwell, 1991), 347.

¹²⁴ Pangle, *Montesquieu's Philosophy of Liberalism*, 203-7.

Pangle accurately identifies the important variables of Montesquieu's theory of commerce and humanization, but I believe his analysis misunderstands the pathway of causation. It may be that humanization in Montesquieu's theory owes less to tolerance and respect for the "charms of diversity" than it does to a convergence of opinion that emerges in commercial societies as a result of cultural exchange and comparison. Modern commercial societies are understood by the Frenchman to be reasoning societies; and reasonableness unshackled from parochial cultural allegiances becomes a highly selective force when citizens understand the "good life" to be individual acquisitiveness. Citizens of commercial regimes will acquire knowledge of the world and pragmatically embrace the ideas, beliefs, and practices that facilitate the accumulation of wealth and they will dispassionately reject the ideas, beliefs, and practices that inhibit efficiency and productivity. Pangle seems to overlook the discriminatory spirit of commercial societies in *Montesquieu's Philosophy of Liberalism* because he underappreciates the impact that Montesquieu thinks the proliferation of modern philosophy has on reasoning.¹²⁵ The next two sections will investigate these shortcomings and elucidate with greater detail my alternative interpretation of the causal relationship Montesquieu postulates between commerce and humanization.

¹²⁵ Some of the concerns I discuss here and below are addressed in Pangle's newest book, which he nevertheless declares to be "a sequel and supplement" to *Montesquieu's Philosophy of Liberalism* rather than a correction. When this is the case, I will use footnotes to bring this to the attention of the reader. See: Thomas Pangle, *The Theological Basis of Liberal Modernity in Montesquieu's Spirit of the Laws* (Chicago: University of Chicago Press, 2010), 10. This book will hereafter be referred to as: *The Theological Basis*. The reader should also note that on pages 160-62 of this dissertation, I do address Pangle's analysis of Montesquieu pertaining to the Frenchman's quote: "It is not a matter of indifference that the people be enlightened." See: Pangle, *Montesquieu's Philosophy of Liberalism*, 205-6. See also: *SL*, Preface.

Commerce and Humanity

To the casual reader, Pangle's seminal work may seem to equate Montesquieu's political philosophy with the Modern philosophy project which aims at the low but solid goals of satisfying the base passions of security and comfort rather than what might be regarded as higher pursuits like religious salvation, the Classical virtue of Socrates, the honor celebrated in monarchies, or the political virtue of ancient republics like Rome.¹²⁶ However, by imposing upon Montesquieu the view that commerce and enlightenment will establish "a brotherhood of man," Pangle understands the Frenchman to be aiming at something beyond universal security and comfort.¹²⁷ Montesquieu's unique project according to Pangle is the restoration of mankind's natural compassion for his fellows, a sentiment that is lost when "men enter society and its state of war."¹²⁸ Calling this sentiment "compassion" or "humanity" is clearly a misnomer, for the sensation Pangle refers to is actually declared by Montesquieu to be nothing more than a social pleasure that isolated men feel when they encounter one another in a state of nature, especially members of the opposite sex who feel an additional charm for one another.¹²⁹

¹²⁶ The following statement made by Pangle, in particular, seems to indicate the Modern Project: "The establishment of the brotherhood of man comes about through the reduction of all differences to the lowest common denominator—the need for security and the desire for comfort." See: Pangle, *Montesquieu's Philosophy of Liberalism*, 207.

¹²⁷ Pangle, *Montesquieu's Philosophy of Liberalism*, 207. See also: 204-7. Pangle's use of the term "brotherhood of man" should not be misunderstood as a concurrence of thought with Montesquieu. Indeed, Pangle may be using this term ironically given that he understands this new brotherhood to be based on the mutual "neediness of insecurity felt by citizens" rather than the traditional morality that was the generosity of the powerful and self-sufficient towards their inferiors. See: Pangle, *Montesquieu's Philosophy of Liberalism*, 322-23, endnote 8.

¹²⁸ Pangle, *Montesquieu's Philosophy of Liberalism*, 204-5. He cites: *SL*, I.2-3. Pangle in another source refers to this sentiment as a "sense of humanity" that man discovers rather than rediscovers. See: Thomas Pangle, "Montesquieu, Charles-Louis de Secondat (1689–1755), 347.

¹²⁹ *Ibid.*, 204-5. I understand the word "compassion" as this word is defined by the Meriam-Webster dictionary: "Sympathetic consciousness of others' distress together with a desire to alleviate it." In other words, compassion indicates some level of concern or affection unrelated to self-interestedness.

Nevertheless, Pangle considers this sentiment to be an “unselfish bond...that unites men and tends to bring peace and security.”¹³⁰ He declares this compassion to be a relatively weak force, but asserts that a restricted version of this humanity exists in republics, and further suggests that Montesquieu believes the commercial regime will liberate this compassion from the “sternness of virtue” to operate in its full capacity.¹³¹

Pangle’s characterization of Montesquieu’s project is confounding since he never articulates what he considers to be compassionate, brotherly, or even socially pleasurable about the self-interested and atomistic society the Frenchman says is generated by commercial activity.¹³² Pangle does support his analysis with Montesquieu’s assertions that men are softer, society is more humane, wars are less frequent, and warfare is less ferocious because of commerce and modern

See: “Merriam-Webster Online Dictionary,” *Encyclopedia Britannica*, <http://www.merriam-webster.com/dictionary/compassion>, accessed March 20, 2015.

¹³⁰ Pangle, *Montesquieu’s Philosophy of Liberalism*, 205. Pangle in his newest book does not explicitly mention natural compassion or unselfish bonding. Nor does he intimate Montesquieu’s project to be the restoration of this sentiment. Consider his discussion of human nature on pages 21-22 which would be an appropriate place to reiterate this perspective. Pangle instead attributes mankind’s desire to associate to “pleasure and utility” (21). His statement that humans are not “naturally social animals” might even be construed as a refutation of his earlier work (21). However, it is noteworthy that he offers us a phrasing in the very next paragraph that seems more in line with the language and analysis of his earlier work: “The benevolence entailed in humanity’s natural affinities...” He also declares elsewhere in this book that: “The sympathy that is natural to the human species can emerge and supplant the contempt peoples have come to conceive for one another on account of their different manners and morals.” (100). These characterizations connote an unselfish motive, but he provides no textual evidence to support the claim that Montesquieu viewed human behavior in these terms. An additional concern that I will raise below is that Pangle underestimates the divisiveness likely to occur in commercial regimes because “conflicting beliefs and customs” are viewed instrumentally rather than merely as devalued intrinsic goods (100). See: Pangle, *Theological Basis*, page numbers already offered in this footnote.

¹³¹ Ibid. 205, 84, 95-7; *SL*, VI.15-16.

¹³² See: *SL*, XX.2; XIX.27. See also: *SL*, III.3.

enlightenment.¹³³ However, in terms of domestic relations, the Frenchman understands commerce to be antithetical to fraternity because individual acquisitiveness weakens voluntary associations and unleashes from traditional moral restraints the selfish passions of hatred, envy, jealousy, and the “ambitious desire of riches and honours.”¹³⁴ Indeed, what is truly remarkable about Montesquieu’s analysis is that selfishness in a commercial society has a humanizing impact precisely because it devalues the importance of meaningful human relationships. The capriciousness and materialistic desires of citizens generates a perpetually shifting plane of factions and competing interests, but these divisions are rendered impotent because the egoistic individuals of a commercial society are fully independent from one another in terms of collective duty or personal obligation.¹³⁵ Materialism is elevated above cultural loyalties and sociopolitical allegiances which means citizens unconsciously or expediently “forget the laws of friendship, as well as those of hatred.”¹³⁶ Thus, in the same way that religious prejudice is discarded by individuals in pursuit of comfort and wealth, so too are the attachments of kinship, parties, and nation overshadowed by individual acquisitiveness.¹³⁷ Montesquieu in recognition of this development actually seems to bemoan the impact of commerce which ultimately reduces human interactions to little more than mutually advantageous business transactions.¹³⁸ While this may be an improvement over the

¹³³ Pangle, 205-7. The textual support he offers includes: *SL*, XX.2; X.3; IX.1, XV.2, XXIV.3, XXV.13, XXIX.14; *Reflections on Universal Monarchy*, Works, II.

¹³⁴ *SL*, XIX.27; XX.2. See also: *SL*, III.3.

¹³⁵ *SL*, XIX.27.

¹³⁶ *Ibid.*

¹³⁷ *SL*, XXV.12.

¹³⁸ *SL*, XX.2. See also: *SL*, III.3.

prejudice and intolerance otherwise likely to plague heterogeneous societies, such an outcome can hardly be considered a successful expansion of the restricted compassion existing in politically virtuous republics that Pangle suggests Montesquieu is trying to emancipate.¹³⁹ For as the Frenchman himself declares of the commercial regime, “the most trifling things, those which humanity would demand, are there done, or there given, only for money.”¹⁴⁰ Pangle actually references this statement and even qualifies the humanity he thinks Montesquieu is endorsing: “It brings only a part, or a certain sort, of humanity. All that part of humanity associated with generosity and greatness of soul disappears.”¹⁴¹ What Pangle calls partial humanity therefore seems to be little more than a reciprocating morality based on mutual need and benefit, but he suggests this comportment to be something more by linking it to the social pleasure Montesquieu says men feel when they encounter one another as “lonely, fearful beasts” in a state of nature.¹⁴² According to Pangle, commercial activity as understood by Montesquieu returns man to his original condition so that pity and humanity “are allowed to come to the surface in human intercourse.”¹⁴³ With mankind’s natural compassion restored and his knowledge of other cultures expanded, universal tolerance will spontaneously emerge: “Men in commercial societies see in foreigners not creatures of a different species but men with passions and needs like their own. The treatment of all other men

¹³⁹ Pangle, *Montesquieu’s Philosophy of Liberalism*, 205, 84.

¹⁴⁰ *SL*, XX.2. See also: XIX.27.

¹⁴¹ Pangle, *Montesquieu’s Philosophy of Liberalism*, 209-10.

¹⁴² *Ibid.*, 204. See also: *SL*, I.2.

¹⁴³ *Ibid.*

is softened as one becomes capable of identifying oneself with them.”¹⁴⁴

Pangle’s explanation for this psychological return to nature is that Montesquieu believes commerce enlightens men “about their common insecurity and weakness....they realize their need for others, and they see in others a corresponding need for them.”¹⁴⁵ Or as he declares in a relevant footnote, the “source of the new brotherhood of man is the neediness of insecurity.”¹⁴⁶ Pangle’s thinking here is difficult to follow because nowhere in Montesquieu’s analysis of commerce does he indicate that men will ever again feel the mutual insecurity or equal weakness they felt in the state of nature that underlies what Pangle thinks the Frenchman considers to be mankind’s natural humanity.¹⁴⁷ Returning to such a condition would essentially require a subtraction of knowledge rather than enlightenment, for Montesquieu declares without equivocation that upon entering society, nations and individuals discover themselves to be more capable than others, and from this “commences the state of war” and the competition within society for its “principal advantages.”¹⁴⁸ Indeed, it is precisely this knowledge—the awareness of national and individual inequalities—that “furnishes [mankind] with motives for hostile attacks and self-defence.”¹⁴⁹ Montesquieu’s thinking here presents a serious problem for Pangle’s analysis because the feelings of common

¹⁴⁴ Ibid., 205.

¹⁴⁵ Ibid., 204.

¹⁴⁶ Pangle, *Montesquieu’s Philosophy of Liberalism*, endnote 8, 323.

¹⁴⁷ *SL*, I.2-3.; Pangle, *Montesquieu’s Philosophy of Liberalism*, 204-5.

¹⁴⁸ *SL*, I.3.

¹⁴⁹ *SL*, 1.2.

insecurity and equal weakness that induce mankind's alleged natural compassion would seem to require that nations and citizens be ignorant of their unequal capabilities. Commerce and enlightenment for the Frenchman certainly do not disguise this reality and in some cases enhances it. Commercial regimes are declared by Montesquieu to be extremely sensitive to relative gains, relative power, and trade imbalances.¹⁵⁰ Moreover, citizens of these meritocratic regimes are highly attuned to the different abilities of their fellows and their different levels of wealth accumulation.¹⁵¹

What may be most peculiar about Pangle's analysis of mankind's humanity or natural compassion, i.e. the social pleasure isolated men feel in each other's company, is that he ignores Montesquieu's statement in the very same section that men have "the advantage of acquired knowledge" which gives mankind "a new motive for uniting...and living in society."¹⁵² In terms of understanding Montesquieu's philosophic view of humanity, this would seem to be the more important claim since he declares that animals, although lacking this ability, are quite capable of experiencing the sensation that Pangle's analysis does emphasize, the "pleasure one animal feels "at the approach of another of the same species."¹⁵³ The reason Pangle may disregard this statement is because Montesquieu's precise meaning is ambiguous. Montesquieu could simply be

¹⁵⁰ See for example: *SL*, XIX.27; XX.4, 6, 8, 23; XXIII.17; XX.8, 23. See also: Larrère, 350.

¹⁵¹ *SL*, XIX.27.

¹⁵² Pangle does actually give consideration to this statement in his most recent book and indicates the "new motive to unite" is either "pleasure" or "utility." See: Pangle, *Theological Basis*, 21. He also intimates elsewhere that this knowledge may in fact be reason developed, i.e., men in a state of nature have an undeveloped faculty of reason that once developed gives them motive to unite. In support of this claim, he quotes Montesquieu's statement that: "Man in a state of nature would have the faculty of knowing, before he had acquired any knowledge." See: Pangle, *Theological Basis*, 21; *SL*, I.2. The reader should note that I have used the Nugent translation for the Montesquieu quote.

¹⁵³ *SL*, I.2.

arguing that knowledge enables the development of positive laws that allow men to peacefully associate. Consider his assertion that animals “have natural laws, because they are united by sensation; positive laws they have none, because they are not connected by knowledge.”¹⁵⁴ However, Montesquieu could instead be suggesting that the acquisition of knowledge itself is an incentive that bonds men together. People can learn from one another and this knowledge is something they strongly desire for reasons of pleasure or self-preservation. Alternatively, Montesquieu may be arguing that a specific truth is revealed by knowledge which renders men more humane towards one another. For example, two individuals might learn that self-preservation and comfort are enhanced by cooperation. This “specific truth” interpretation would seem to correspond well with Pangle’s depiction of Montesquieu’s project as an effort to establish a “brotherhood of man,” but knowledge of cooperative possibilities will not universally bond mankind together in tolerant compassion.¹⁵⁵ This knowledge will instead bond together only those men who discover utility in one another and exclude from their association those who lack this capacity, those they mean to exploit, and those they mean to conquer. Montesquieu actually describes this natural evolution of knowledge in the very next section when he asserts the “state of war” immediately commences with the establishment of society.¹⁵⁶ Nevertheless, the upshot of this

¹⁵⁴ *SL*, I.1.

¹⁵⁵ Pangle, *Montesquieu’s Philosophy of Liberalism*, 207.

¹⁵⁶ *SL*, I.3. Pangle in his newest book fittingly refers to this as the “sinister trajectory” of knowledge. His analysis here seems to be more in line with I have argued: “[Montesquieu believes this knowledge] brings us into close proximity to the Hobbesian or even the Spinozistic state of nature. The benevolence entailed in humanity’s natural affinities is outweighed by the consequent discovery, on the part of individuals, of how unequal they are in strength—from which there inevitably follows, given natural scarcity and a natural but originally latent psychological potentiality, the eruption of the striving to dominate and to exploit one another, either offensively or defensively.” See: Pangle, *Theological Basis*, 22.

analysis is that Montesquieu thinks mankind can indeed be rendered more peaceful in a commercialized world because commerce and knowledge expand the number of people likely to be regarded as useful. That this selfish incentive rather than natural compassion explains the humane morality of the Modern Age is a deduction that Pangle himself very nearly concedes when he reiterates Montesquieu's theory in this way:

Pacification comes about not only through a humanization but even more through a commercialization of the manner of thinking. Men who pursue private acquisition of property through trade are much less moved by motives of glory and conquest. Men who understand the ephemeral nature of riches acquired through pillage fix their eyes on more solid and permanent sources of wealth.¹⁵⁷

In other words, people of the Modern Age are more peaceful because commerce is a safer and more profitable way than violence or bigotry to increase wealth and comfort.¹⁵⁸ Individual acquisitiveness thus goes a long way towards explaining why Montesquieu thinks humane ideas take hold in commercial societies. Indeed, it may not be an exaggeration to suggest that the primary reason Montesquieu thinks "commerce is a cure for the most destructive prejudices" is because wealth requires commerce and commerce requires "agreeable manners."¹⁵⁹ Instead of restoring what Pangle understands to be mankind's natural compassion, the benefit of commerce would therefore seem to be that it unleashes man to pursue his selfish interests and this

¹⁵⁷ Pangle, *Montesquieu's Philosophy of Liberalism*, 206. He cites XX.8.

¹⁵⁸ Montesquieu's own belief in the prioritization of profit over conquest is revealed in his assertion that the "Ius Gentium has changed, & under today's Laws war is conducted in such a manner that by bankruptcy it ruins above all others those who [initially] possess the greatest advantages." This quote appears in Rahe's *Montesquieu and the Logic of Liberty*, 21. He cites: Montesquieu, *Reflections on Universal Monarchy*, 1.1-9. Consider also Montesquieu's statement that conquest itself should be considered a form of "acquisition, and [thus] carries with it the spirit of preservation and use, not of destruction." In other words, if a nation is going to wage war, then it should do so in a way that maximizes the material gains of its conquest which means preserving the cities, resources, and the subjugated labor force. See: *SL*, X.3.

¹⁵⁹ *SL*, XX.1; Montesquieu, *Reflections on Universal Monarchy in Europe*, (2.31-9).

coincidentally has a humanizing outcome.¹⁶⁰ Although Montesquieu is speaking in a different context, he seems to intimate this exact point when he declares: “And, happily, men are in a situation such that, though their passions inspire in them the thought of being wicked, they nevertheless have an interest in not being so.”¹⁶¹

Christianity and Modern Philosophy

To briefly recapitulate what has just been argued, I asserted that Pangle has erroneously imposed upon Montesquieu the view that commerce humanizes mankind and engenders tolerance through a restoration of mankind’s natural compassion. I have argued instead that Montesquieu attributes the humane behavior resulting from commerce to the economic profitability of peaceful and cordial relations. Furthermore, these relations are not to be misconstrued as truly congenial or infinitely expansive. Montesquieu understands human interaction in an commercial society to be driven primarily by self-interest which means the expansion of humane morality is ultimately restricted by the limited opportunities for mutual benefit that exist in a competitive world of national and human inequalities. I believe this analysis brings us significantly closer to understanding the causal relationship Montesquieu postulates between commerce and humanization. However, the rise of individual acquisitiveness in commercial

¹⁶⁰ Pangle, *Montesquieu’s Philosophy of Liberalism*, 204.

¹⁶¹ *SL*, XXI.20. I have opted to use the Cohler, Miller, Stone translation for this quote, as it provides a more accurate translation. See: *The Spirit of the Laws*, edited by Anne Cohler, Basia Miller & Harold Stone, (Cambridge University Press: NY, 1989)389-90. The original statement in French is: “*Et il est heureux pour les hommes d’être dans une situation où, pendant que leurs passions leur inspirent la pensée d’être méchants, ils ont pourtant intérêt de ne pas l’être.*” The context in which this statement appears is that Montesquieu has just argued that citizens in the Modern Age have grown aware that only good governance will bring prosperity which means they will blame their rulers if they are impoverished. Rulers, like citizens, therefore have a strong incentive to be good and humane—they want their people to like them and they want their country to be rich.

societies does not by itself adequately explain why Montesquieu thinks the Modern Age has grown significantly more humane. That other sources of morality contribute to this development can be observed in two key statements appearing in *SL*:

Knowledge humanises mankind, and reason inclines to mildness; but prejudices eradicate every tender disposition.¹⁶²

We must give due commendations to our modern refinements in reason, religion, philosophy, and manners.¹⁶³

What both these statements reveal is that Montesquieu thinks religion, philosophy, and reason have contributed to the humane morality of the Modern Age. Commerce is undoubtedly an important vehicle for the dissemination of modern ideas and beliefs, but all of these intellectual forces have a humanizing impact that is effectuated independently of individual acquisitiveness. Rahe in agreement with this specific point has in stark contrast to Pangle emphasized the importance of religion in mankind's moral development, arguing that what constitutes the humane morality of modernity is largely the result of Christianity's ascendancy. Rahe contends, presumably on Montesquieu's behalf, that: "It is this shift—it is the achievement of hegemony by a religion which teaches that all men are brothers, which induces us to think of citizenship as a secondary matter, and which encourages peace on earth—that explains the discontinuity between the epochs called antiquity and modernity."¹⁶⁴ Rahe supports this claim by pointing to two of Montesquieu's assertions: Christianity "softens the mores of men," and to Christianity do "we owe both in government a certain political right & in war a certain law of nations for which human nature knows not how to be grateful

¹⁶² *SL*, XV.3.

¹⁶³ *SL*, X.3

¹⁶⁴ Rahe, *Montesquieu and the Logic of Liberty*, 93.

enough.”¹⁶⁵ In fairness to Pangle, he too acknowledges Christianity to be “a factor” for Montesquieu in explaining why modern societies “have become more humane,” but he asserts the Frenchman to be more impressed by “knowledge” which in addition to softening man also softens Christianity.¹⁶⁶ Where the analysis of both these eminent scholars seems to fall short is their insufficient appreciation for the other sources of modern humanity that Montesquieu identifies: philosophy and reason.¹⁶⁷ Pangle’s analysis in *Montesquieu’s Philosophy of Liberalism* is actually guilty of conflating modern philosophy with the Frenchman’s “espousal of the commercial way of life.”¹⁶⁸ He asserts that Montesquieu is an “advocate of enlightenment,” but understands the philosophy endorsed by Montesquieu as constituting nothing more than mere

¹⁶⁵ Rahe, *Montesquieu and the Logic of Liberty*, 93. He cites *SL*, XXIV.3-4. Rahe relies on his own translation. In another chapter of this book, Rahe supports this argument with Montesquieu’s quote in *Mes Pensées* (503) that “Christianity had ‘established the equality’ of all mankind.” However, he admits that Montesquieu in *Lettres Persanes* (73.22-32/75) seems to question “whether this actually had any real practical consequences,” but then argues that Montesquieu’s analysis in his *Universal Monarchy* (1.10-19) “is considerably less tentative in this regard.” See Rahe, *Montesquieu and the Logic of Liberty*, 22-3.

¹⁶⁶ Pangle, *Montesquieu’s Philosophy of Liberalism*, 205. Pangle does not provide any arguments or textual evidence to support this claim. However, he does revisit this topic again in his newest book and does offer clarification and textual support. See: Pangle, *The Theological Basis*, 6; Chapter 5, especially 103-8; and text note 18, p. 172. See also: *SL*, XXV.13.

¹⁶⁷ *SL*, X.3. The reader should note that Pangle’s analysis of Montesquieu in his most recent book places significantly more importance on reason than his previous works. For example, he speaks of the “progressive rationalization of society,” he calls Montesquieu “a prophet of the religion of reason,” and he says Montesquieu’s “grand scheme” is “to liberate the life of reason, by liberating humanity at large.” (6, 128, 134). Other relevant statements about reason and rationality appear on these page: 1, 4, 99, 105. Nevertheless, in spite of this emphasis on reasoning, Pangle does not fully appreciate what Montesquieu thinks reason does to commercial societies in terms of cultural diversity. This will be explored in the forthcoming section: “The Tyranny of Reasoning.” See: Pangle, *Theological Basis*, page numbers already offered in this footnote.

¹⁶⁸ Pangle, *Montesquieu’s Philosophy of Liberalism*, 205. Pangle does seem to recognize a distinction between the commercial way of life and modern philosophy in his new book when he discusses commerce as an infiltrating force that carries “with it a substantial degree of modern enlightenment.” Enlightenment includes the “‘gifts’—of reasoning, of enterprise, or resoluteness.” See: Pangle, *Theological Basis*, 108. Consider also Pangle’s statement that Montesquieu in *SL* has strategically prepared the reader “to look with measured but strong hopes and longings to the potentially global consequences of the spirit of commerce, working in tandem with the advance of ‘the present day’s reason’ and ‘today’s religion,’ which is decisively influenced or shaped by ‘our philosophy,’” Pangle, *Theological Basis*, 99. He cites *SL*, X.3.

“awareness of the desirability of security and commercial acquisition.”¹⁶⁹ Pangle may ultimately be correct that Montesquieu’s particular contribution to modern philosophy is the Frenchman’s emphasis on commerce, but the notion that acquisitiveness represents the full content of the refined modern philosophy Montesquieu references above is difficult to accept when we consider that he is writing at a time when Enlightenment ideas are proliferating across the globe.¹⁷⁰ Whether Montesquieu himself is an advocate of natural law and reason as they are understood by other Enlightenment philosophers like Hobbes and Locke extend beyond the scope of this dissertation.¹⁷¹ What does matter for our purposes is that Montesquieu does seem to believe this philosophy, regardless of its veracity or precise formulation, has had and will continue to have a humanizing effect on mankind. It is from this vantage point that we should reevaluate the causal relationship Montesquieu postulates between commerce and humanization which Pangle suggests is at least partially the result of compassion, tolerance, and the appreciation of “the charms of national diversity.”¹⁷²

¹⁶⁹ Pangle, *Montesquieu’s Philosophy of Liberalism*, 207, 208.

¹⁷⁰ For more on the geographic proliferation of Enlightenment philosophy, see: Dan Edelstein, *The Enlightenment: A Genealogy* (Chicago: University of Chicago Press, 2010); Dorinda Outram, *The Enlightenment* (Cambridge: Cambridge University Press, 2013), chapters 1-2 & 5. I am not arguing here that Pangle thinks this represents the totality of Montesquieu’s contribution. Consider Pangle’s assertion in his latest book that “Montesquieu’s vast extension of Enlightenment political science claims to show, at least in principle, the strictly natural causes and character of all that has been true and good (as well as bad) in all the diverse historical forms of existence.” This includes the inference that “suprarational revelation is superfluous as a source of explanatory hypotheses or normative guidance for humanity’s earthly existence.” See: Pangle, *The Theological Basis*, 5.

¹⁷¹ See for example: C.P. Courtney, “Montesquieu and Natural Law,” in *Montesquieu’s Science of Politics* (Lanham: Rowman & Littlefield, 2001); Michael Zuckert, “Natural Rights and Modern Constitutionalism,” *Northwestern Journal of International Human Rights* (2004) Volume 2, Issue 1; See: Paul Rahe, “Montesquieu, Natural Law, and Natural Rights,” *Natural Law, Natural Rights, and American Constitutionalism*, <http://www.nlnrac.org/earlymodern/montesquieu>, accessed March 3, 2015.

¹⁷² Pangle, *Montesquieu’s Philosophy of Liberalism*, 204-205; Pangle, “Montesquieu, Charles-Louis de Secondat (1689–1755),” 347.

The Tyranny of Reason

Let us consider once again Montesquieu's assertion that: "Commerce has everywhere diffused a knowledge of the manners of all nations: these are compared one with another, and from this comparison arise the greatest advantages."¹⁷³ If modern philosophy and its emphasis on reasoning have taken hold in a commercial society, then the precise meaning of this statement may not be that citizens grow more tolerant of cultural differences. On the contrary, reasoning humans in a commercial society are likely to be highly selective individuals because they are dispassionately measuring different cultures in accordance with an absolute standard—the ability to facilitate individual acquisitiveness. Pangle himself indicates this standard in his analysis of Montesquieu when he declares the outcome of commercial activity to be that "all come to have the same desires and needs."¹⁷⁴ Yet his analysis does not seem to fully appreciate what a homogenized "good life" means for cultural diversity. If individual acquisitiveness is the overriding preference of citizens, then manifestations of culture will be perceived instrumentally rather than as intrinsic goods, which means the general devaluation of culture that occurs because of homogenization will no longer affect all cultures equally. Thus, instead of respecting "the charms of diversity," the reasoning citizens of a commercial regime are more likely to dispassionately sort through different ideas, beliefs, and modes of behavior—and through trial and error, pragmatically converge on what is judged to be better and reject what is judged to be worse in terms

¹⁷³ *SL*, XX.1.

¹⁷⁴ Pangle, *Montesquieu's Philosophy of Liberalism*, 207.

of economic productivity and efficiency.¹⁷⁵ More significantly, because the economic success of individuals living in a commercial society will often depend on the behavior of others, these citizens will also evaluate other people in accordance with the cultural beliefs and practices they have adopted. What this means for Montesquieu's theory of commerce and humanization is that the knowledge of different cultures that citizens acquire through commerce will result in detached discrimination rather than tolerance unless the ideals, values, beliefs, and practices subjected to evaluation are discovered to be unrelated to economic prosperity or found to be equal in this regard.¹⁷⁶ This alternative interpretation of Montesquieu's theory is supported by a declaration he makes in the preface of *Spirit of the Laws*:

The most happy of mortals should I think myself could I contribute to make

¹⁷⁵ Thomas Pangle, "Montesquieu, Charles-Louis de Secondat (1689–1755)," 347. Rahe also uses the term "trial and error" to describe this process. He argues that: "To reasoning as a process, to trial and error, and to piecemeal reform, [Montesquieu] was...the greatest of friends, and this is why he thought it possible, on the basis of the "principles" that he had with great effort articulated in his book, to specify the logic or esprit evident in laws produced in the course of time by the repeated application of "human reasoning" to "particular cases." See: Paul Rahe, "Montesquieu, Natural Law, and Natural Rights." Yet Rahe seems to think Montesquieu has a restricted view of those who are proficiently capable of this reasoned behavior. He indicates here that Montesquieu thinks it is legislators who must carry out this process. And in his book *Montesquieu and the Logic of Liberty*, he repeats much of this analysis, but then asserts that "gradual, peaceful reform" guided by reason should be "carried out prudently and unobtrusively by courts of law under the guise of legal interpretation" (218) Then, elsewhere in this text, he asserts that Montesquieu rejects the notion that reasoning citizens "can rise to the task of sorting out through public deliberation the character of the advantageous, the just, and the good" (70-1). See Rahe, *Montesquieu and the Logic of Liberty*, page numbers already offered in this footnote.

¹⁷⁶ Pangle does not seem to think a contradiction exists between tolerance and the homogenization of culture. Consider his statement that "the tolerance of all foreign ways goes together with a homogenization of ways." See: Pangle, *Montesquieu's Philosophy of Liberalism*, 207. Pangle seems to overlook this contradiction because he maintains an ends-oriented understanding of the knowledge people acquire through commerce and disregards means-oriented knowledge. Consider the following assertion Pangle makes in his newest book: "The 'knowledge' to which Montesquieu refers [XV.3] is primarily the knowledge that the basic natural needs, obvious to unassisted reason, that are shared by all men in every condition are more important, and call for more mutual concern, than any differences of customs or of beliefs that divide peoples." Pangle's de-emphasis of means-oriented knowledge is significant because people who adhere to different beliefs and operate by different practices will likely have different capacities to effectively achieve "the basic natural needs" and this will become an important source of division that diminishes "mutual concern" in the acquisitive society. See: Pangle, *Theological Basis*, 108.

mankind recover from their prejudices. By prejudices I here mean, not that which renders men ignorant of some particular things, but whatever renders them ignorant of themselves.¹⁷⁷

Instead of eradicating intolerance towards others, Montesquieu's political philosophy is more concerned with eradicating the cultural beliefs and practices that prevent men from understanding—and actualizing—their individual comfort and security. When the Frenchman speaks of the “greatest advantages” born of cultural comparison, he therefore has in mind the moral and intellectual developments that occur when people critically but dispassionately evaluate manifestations of culture, select what they deem to be beneficial, and reject what they do not.¹⁷⁸ Commerce because it exposes people to different cultures hastens this process and thus better prepares mankind to achieve the good life of individual acquisitiveness. Humanization is thus arrived at not because of tolerant compassion, but because a convergence of opinion occurs about what ideals, values, beliefs, and practices advantage economic prosperity—and this, for reasons explored in the preceding section, coincidentally have a humanizing effect. Essentially, citizens discover that peaceful and cordial relations are in some case, perhaps even most cases, more profitable than war and antipathy.

What emerges from this analysis is a fundamentally different pathway of causation than what I extrapolated from Pangle's interpretation of Montesquieu. The distinct impact of the independent variables *knowledge* and *homogenization* remain unaltered, but the interactive effect of these two variables is now detached discrimination rather than tolerance. The logical assumptions and causal mechanisms

¹⁷⁷ *SL*, preface.

¹⁷⁸ *SL*, XX.1.

of this alternative theory are as follows: In a reasoning commercial society, manifestations of culture are perceived instrumentally rather than as intrinsic goods which means the ideas, beliefs, and practices that reason judges to be more conducive to individual acquisitiveness will actually increase in value relative to other ideas, beliefs, and practices. Thus, the more knowledge people acquire of other cultures, the more likely are they to discriminate than tolerate. Coming at this interactive relationship from the opposite direction, the devaluation of all cultures will in some cases reduce the concern that citizens have about cultural differences enough for citizens to become more receptive to learning about alternative modes of life. However, since the effect of knowledge has been altered because of its interactive relationship with homogenization, an increase in knowledge is now likely to result in discrimination. Humanization is thus arrived at not because of tolerance, but because a convergence of opinion eventually occurs about what cultural manifestations advantage individual acquisitiveness and this coincidentally has a humanizing effect.¹⁷⁹

The following tables illustrates the different causal mechanisms of Pangle's theory and the alternative theory I have proposed. I have labeled these diagrams Table 1 and Table 2 respectively. These two theories concur that the independent variable *knowledge* acting by itself leads to tolerance because people become less fearful and more trusting of cultural differences. They also concur that the independent variable *homogenization* acting by itself elevates the importance of individual acquisitiveness and this leads to a devaluation of all cultures and thus increases tolerance through indifference. However, Pangle's theory anticipates an interactive effect between these

¹⁷⁹ It may be helpful for the reader to review the more comprehensive pathway causation displayed in Table 1 that I extrapolated from Pangle's analysis. See pages 145-46 of this dissertation.

two variables that increases tolerance. Essentially: (1) the devaluation of all cultures resulting from the homogenization of the good life as comfort and security increases the likelihood that people will be receptive to learning about other cultures and this expands their knowledge which increases tolerance; (2) and citizens through knowledge learn other cultures are not as foreboding as they previously imagined which means the high value they placed on their own particular culture will likely diminish and this further perpetuates the homogenization of the good life which, in turn, increases toleration through indifference. Conversely, the theory I have just outlined in the preceding paragraph anticipates that the interactive relationship between *knowledge* and *homogenization* results in discrimination rather than tolerance.

Table 1

Independent Variable 1 <i>Knowledge</i>	Effect <i>Tolerance</i>
Independent Variable 2 <i>Homogenization</i>	Effect <i>Tolerance</i>
Interactive Relationship <i>Knowledge + Homogenization</i> <i>Homogenization + Knowledge</i>	Effect <i>Tolerance</i> <i>Tolerance</i>

Table 2

Independent Variable 1 <i>Knowledge</i>	Effect <i>Tolerance</i>
Independent Variable 2 <i>Homogenization</i>	Effect <i>Tolerance</i>
Interactive Relationship <i>Knowledge + Homogenization</i> <i>Homogenization + (Knowledge + Homogenization)</i>	Effect <i>Discrimination</i> <i>Discrimination</i>

We need not conclude from this assessment that tolerance of diverse cultures will be absent from commercial regimes engaged in instrumental rationality.¹⁸⁰ Given what has already been discussed about Montesquieu's belief in the coincidence of humane morality and economic profitability, tolerance may very well be a moral code that people through reason adopt because they discover this advantages industry and commerce.¹⁸¹ Montesquieu himself actually suggests that a far more dutiful moral code than tolerance will emerge in reasoning societies when he declares that "the law of natural reason...teaches us to do to others what we would have done to ourselves."¹⁸² Nevertheless, tolerance is likely to be limited to "things in their own nature indifferent" and this takes on a radically new meaning in the commercial society.¹⁸³ The "principal object" of the commercial regime is not to sustain "peace and tranquility," as in the case of despotic China where legislators "would have people filled with a veneration for one another," and citizens are subjected to "rules of the most extensive civility."¹⁸⁴ Montesquieu believes the "spirit of commerce" can indeed maintain "tranquility, order,

¹⁸⁰ By "instrumental rationality," I adhere to the definition offered by Troy Jollimore: Reason that enables humans "to take effective steps toward attaining the ends we have accepted as our own." See: Troy Jollimore, "Why Is Instrumental Rationality Rational?", *Canadian Journal of Philosophy*, 35(2), (2005), 289.

¹⁸¹ Indeed, if this was the case, then certain cultures because of their tolerance would be elevated in value and this would increase discrimination towards intolerant cultures.

¹⁸² *SL*, X.3. Cohler-Miller-Stone translate this as "the law of natural enlightenment." The word in question is *lumières* which also implies insight or illumination. See: *The Spirit of the Laws*, edited by Anne Cohler, Basia Miller & Harold Stone, 139, note "a". The context of this quote is that Montesquieu is explaining why conquerors are restrained in how they should treat the people they have conquered. Whether this law applies to people with whom one peacefully lives in the same society is unclear.

¹⁸³ *SL*, XIX.14.

¹⁸⁴ *SL*, XIX.16. See also: *SL*, XI.5; XIX.18.; *Considerations*, IX, 94. Montesquieu says elsewhere that tranquility in despotic regimes "cannot be called a peace: no, it is only the silence of those towns which the enemy is ready to invade." In other words, tranquility is the result of fear and repression, not true veneration or civility. See: *SL*, V.14.

and rule,” but civility and veneration for others are not unconditionally required of citizens whose primary interest is maximizing their long-term security and prosperity.¹⁸⁵ After all, the commercial regime is understood by Montesquieu to be a free thinking society where individuals criticize everyone and everything, including native and foreign cultures.¹⁸⁶ It can thus be inferred that instead of merely censuring intolerant and dangerous cultural manifestations, as in the case of imposing uniformity, the political leaders and citizens of a commercial regime are likely to be highly critical of individuals and groups that operate in accordance with modes of behavior that disrupt or inhibit economic productivity and efficiency. The issue of taxation illustrates this point well. We learned in Chapter 1 that citizens of politically virtuous societies will gladly pay taxes, even progressive taxes, because they regard with patriotic affection all the beneficiaries of government expenditures.¹⁸⁷ Tax payers of this regime type also anticipate that recipients of wealth redistribution will use their allocated resources to somehow serve the republic.¹⁸⁸ Conversely, we can safely assume that the egoistical citizens of a commercial regime are willing to pay taxes because they believe this will somehow benefit themselves personally in terms of comfort and security. Yet to receive the

¹⁸⁵ *SL*, V.6.

¹⁸⁶ *SL*, XII.13; XIX.27; Montesquieu, *Notes on England*, text between note 79 and 83. See also: Rahe, *Montesquieu and the Logic of Liberty*, 113. It is noteworthy that Montesquieu in his discussion of the English political system says: The political liberty of the subject is a tranquility of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another.” See: *SL*, XI.6. This could plausibly mean that citizens have cultural rights or requirements of dignity that protect them from criticism. However, Montesquieu seems to be specifically discussing safeguards against institutional political power. The right to judge and criticize seems to be permissible in this regime and liberty in Montesquieu’s estimation seems to depend on it. See: *SL*, XIX.27. We might also consider Montesquieu’s observation that English politicians are not merely indifferent to religion, they actually scorn and mock it. See: Montesquieu, *Notes on England*, text between note 114 and 115.

¹⁸⁷ *SL*, XIII.13; III.3; V.5.

¹⁸⁸ *SL*, V.3; XIII.3.

greatest return on their investment, the nation as a whole would have to operate by the cultural beliefs and practices that reasoning society has determined will maximize economic productivity, increase the nation's power, and ultimately have a trickle-down effect.¹⁸⁹ Citizens that adhere to cultural beliefs and practices judged by society to be antithetical to these objectives are likely therefore to be treated contemptuously or even with incivility until they submit to the evolving cultural hegemony established by reason. Since those who are pressured into adopting these beliefs and practices would presumably benefit from this change, as it would improve their capacity for individual acquisitiveness, the uncivil treatment that provoked this transformation could arguably be construed as doing "to others what we would have done to ourselves."¹⁹⁰

Innovations and Climate

The obvious weakness of my analysis thus far is that I have been speaking in generalities. Montesquieu's declaration that "the great advantages" are born from cultural exchange and comparison offers us little insight into what cultural manifestations the Frenchman thinks will eventually dominate in a commercial society. That he does believe cultural beliefs and practices are proficiently unequal at certain tasks was discussed in Chapter 2.¹⁹¹ Most notable among his postulations was that militarily subjugated nations require a "better genius" because they have been conquered and have demonstrated their cultural inability to meet the security needs of

¹⁸⁹ The importance of trickle-down economics for England is discussed in his private notes. See: Montesquieu, *My Thoughts* (Mes Pensées), no. 1960. See also: *SL*, VII.4, VII.6.

¹⁹⁰ *SL*, X.3.

¹⁹¹ See pages 96-97 of this dissertation.

the nation.¹⁹² Our analysis can also be informed by specific cultural practices that Montesquieu seems to indicate are conducive to economic prosperity, including his laudatory assessment of peoples engaged in industry, the cultivation of land, and the use of money.¹⁹³ We can also assume cultures that promote or reinforce the “spirit of commerce” are likely to be celebrated whereas cultures that promote luxury and idleness will be rejected.¹⁹⁴ Setting aside inferred examples like these, Montesquieu’s overall lack of specificity about the cultural manifestations he regards as conducive to economic prosperity likely owes to his acute respect for time and space. Montesquieu has a strong appreciation for important technological innovations and sociopolitical transformations that can occur across history. Indeed, he declares commerce itself to be “subject to great revolutions.”¹⁹⁵ Identifying universally beneficial cultural beliefs and practices is thus complicated by the possibility that what advantages a regime today may not do so tomorrow.¹⁹⁶ Montesquieu’s political philosophy also seems to anticipate a diversity of cultures within and across commercial nations because he recognizes that a country’s particular needs will vary in accordance with climate, terrain, and the

¹⁹² *SL*, X.4.

¹⁹³ *SL*, XVIII.6-7, 10-17. Larrère is undoubtedly correct that Montesquieu considered money useful but inferior to real wealth understood as: the industry of a nation...the number of its inhabitants, and...the cultivation of its lands.” See: Larrère, Commerce and Economics, in Montesquieu’s Science of Politics, 359; *SL*, XXI.22.

¹⁹⁴ See for example: *SL*, V.6; III.5; XIII.2; XXIV.12. This would also include the culture of the Ancient Greeks which considered “servile lucrative arts and professions...unworthy of a freeman” and felt the same way about agriculture. See: *SL*, IV.8.

¹⁹⁵ *SL*, XXI.1.

¹⁹⁶ A prime example was discussed earlier in this work: Montesquieu’s belief that the ascetic military virtue of the Romans was no longer advantageous in a commercial world of wealthy nations armed with firearms and artillery. See pages 18 and 140-42 of this dissertation.

disposition of the people subjected to these factors.¹⁹⁷ Nevertheless, Montesquieu's political philosophy still presumes that citizens of a commercial regime will in response to their unique temporal and spatial conditions converge on a set of beliefs and practices that best equip them to maximize economic productivity and efficiency. He concedes this will be a tug-of-war process because human reasoning is fallible and cultural allegiances may stubbornly persist, as in the case of India which he says has remained unaffected by its contact with Western materialism.¹⁹⁸ Yet the Frenchman still tells us with utmost confidence that: "reason has a natural, and even a tyrannical sway; it meets with resistance, but this very resistance constitutes its triumph; for after a short struggle it commands an entire submission."¹⁹⁹ Reason is thus understood by Montesquieu to be a self-propelling force in commercial societies because people will eventually, if given enough freedom to do so, adopt what they learn to be self-advantageous. Criminals, hucksters, and social deviants may defy or attempt to circumvent the rationally arrived at cultural hegemony, but the ideal commercial regime Montesquieu describes mitigates this possibility with good laws, the "spirit of commerce," and politically vigilant citizens who jealously protect their rights and

¹⁹⁷ Montesquieu discusses the impact of climate on national diversity in *SL*, Books XIV-XIX; I.3. Consider for example his assertion that wise leaders will establish "religion, philosophy, and laws" that induce citizens to overcome the unique pressures presented by a nation's climate. This was especially true of hot climates that induce men to laziness. See: *SL*, XIV.5-6. Montesquieu also discusses the impact of climate and terrain on commerce: *SL*, XXI.1-4.

¹⁹⁸ *SL*, I.1, XXI.1. Montesquieu says that India's hot climate has also been an important cause of their frugality.

¹⁹⁹ *SL*, XXVIII.38. We shall see in the next chapter that Montesquieu has doubts about the ability of the multitude to reason. However, it will be demonstrated that Montesquieu believes the middling classes along with members of government can be relied upon to use their reasoning faculties effectively on behalf of the nation. See: *SL*, XIX.27; Montesquieu, *My Thoughts* (*Mes Pensées*) no. 1960; *Considerations*, VIII, 87-8.

economic interests.²⁰⁰

Commerce and Political Virtue

The commercial regime's dependency on political vigilance brings to light another reason why Montesquieu may be hesitant to offer specific examples of the cultural beliefs and practices likely to be favored in commercial societies. Citizens that engage in instrumental rationality must also take into account the particular regime type of their nation and its unique requirements.²⁰¹ I demonstrated in Chapter 1 that Montesquieu's ideal commercial regime is a hybrid republic that relies on the "spirit of watchfulness" to check ambition and guide the nation.²⁰² I also revealed that Montesquieu thinks this checking force, unlike the "spirit of the people," is capable of functioning without political virtue because of the hybrid republic's unique division of powers.²⁰³ Specifically, the monarchy and hereditary nobility of this regime help citizens protect the nation from the foremost existential threat encountered by wealthy republics deficient in political virtue—the ambitious men that seek to economically exploit citizens or treasonously profit off the ruination of the nation.²⁰⁴ In a democratic republic that lacks political virtue, Montesquieu does not believe the multitude can check the wealthy elite. However, in a hybrid republic, the people are inadvertently guarded by the king and hereditary nobility whose own long-term interests coincidentally align with the broader, long-term interests

²⁰⁰ *SL*, XI.6; XIX.27; V.6; *Considerations*, VIII, 87-8.

²⁰¹ *SL*, I.3.

²⁰² See page 40 of this dissertation.

²⁰³ See pages 197-201 of this dissertation.

²⁰⁴ *SL*, XI.6; V.9; VIII.16. For other instances in which Montesquieu indicates plutocratic and transnational economic threats, see: *SL*, XX.23; X.4; *Considerations*, III, 39-41.

of the nation and thus steer the country in this direction.²⁰⁵ Republics lacking these two institutions will therefore have considerably less flexibility to pick and choose the cultural beliefs and practices that facilitate economic prosperity. If citizens adhere strictly to instrumental rationality without concern for political virtue, then the “spirit of the people” is likely to be incapacitated and the result will be plutocracy and the economic betrayal of the nation. In the case of the former, citizens will lose the mild and equally applied laws Montesquieu says they need to be prosperous.²⁰⁶ In the case of the latter, citizens will be denied the trickledown economic opportunities they need to pursue wealth.²⁰⁷

What both these possibilities indicate is that Montesquieu thinks political virtue is instrumental to economic prosperity in commercial republics that do not adhere to the hybrid model. “Genuine” republics, as Madison referred to them, must therefore find a way for commerce and political virtue to coexist if the former is to be a mitigating solution to the problems associated with heterogeneity.²⁰⁸ The Frenchman does suggest the possibility of this admixture when he discusses commercial republics that maintain political virtue with strict laws that prevent the accumulation of excessive wealth by individuals that can lead to idleness and luxury.²⁰⁹ However, the Frenchman

²⁰⁵ Ibid.

²⁰⁶ *SL*, X.4. Montesquieu in several instances argues that liberty is favorable to economic prosperity. See for example: XIII.15, XX.3-4, 13-15; XXI.5; XVIII.3, 6-7, 15-17; XX.4. Incidentally, he also says a republic grows weak militarily without liberty. See: *Considerations*, I, 29.

²⁰⁷ The importance of trickledown economics for Montesquieu is discussed here: *My Thoughts* (Mes Pensées) [2012], translated by Henry C. Clark, no. 1960, <http://oll.libertyfund.org/titles/2534>, accessed January 3, 2015. See also: *SL*, VII.4, VII.

²⁰⁸ Madison, *Federalist* 39.

²⁰⁹ *SL*, V.6. See also: *SL*, VII.2. Pangle flatly rejects the idea that Montesquieu thought commerce and political virtue could subsist in a commercial republic. He contends that Montesquieu after explicating the “spirit of commerce” then “went on to add that ‘in order to maintain the spirit of commerce, it is necessary that...this spirit reign alone, and that it not be crossed by another; that all the laws favor it.’ While Montesquieu did find the commercial spirit existing in a few of the ancient republics, he found it

gives no indication that republics can maintain this essential balance between virtue and commerce with the additional complication of heterogeneity. Commerce may successfully moderate the problems associated with cultural diversity, but the analysis of this chapter reveals that it does so only by prioritizing individual acquisitiveness and diminishing the value that citizens place on culture which presumably includes all the cultural manifestations that help sustain political virtue. Yet the problem runs much deeper than this, for not only does the homogenization of the “good life” devalue culture, it also devalues the importance of everything else, including political virtue itself and all of the other key sources of its cultivation—socioeconomic equality, political participation, communal ties, a spiritual connection to the past and future, respect for parents and the elderly, respect for virtuous leaders, and perhaps even fear of the “Other” if this threat is perceived to be a threat limited to sovereignty rather than property.²¹⁰ What this means for a “genuine republic” like the one the American founders were attempting to establish is that high levels of commerce and diversity will incapacitate the “spirit of the people”

there ‘crossed,’ and hence seriously weakened, by the civic or patriotic ‘virtue’ that was the ‘modification of the soul’ animating the ancient citizen.” See: Thomas Pangle, *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke*, (University of Chicago Press: Chicago, 1990), 68. I reject Pangle’s argument because Montesquieu’s explicit concern here is that the “spirit of commerce” might be crossed by the “inconveniences of inequality,” i.e., luxury, idleness, and jealousy—all of which in addition to corrupting the “spirit of the commerce,” also threaten to debilitate political virtue in a republic. Indeed, Montesquieu’s postulation in this section (V.6) that the “spirit of commerce” will be facilitated by inheritance laws that prevent idleness is completely in line with Montesquieu’s understanding of political virtue as “love of equality.” To be clear, Pangle is correct that Montesquieu thinks political virtue and commerce can be contradicting (*SL*, XX.2), but they are not as irreconcilable for Montesquieu as Pangle indicates. This is reflected elsewhere in a discussion of sumptuary laws when Montesquieu sates: “...and in republics where this equality is not quite lost, the spirit of commerce, industry, and virtue renders every man able and willing to live on his own property, and consequently prevents the growth of luxury.” (VII.2) Clearly Montesquieu thought political virtue and the spirit of commerce could coexist, provided that wealth was not excessively polarized.

²¹⁰ Consider Montesquieu’s assessment that countries like the modern republics of Holland lack real citizen unity because they are moved “only by the spirit of commerce.” See also: *SL*, III.2. These sources of political virtue were examined in Chapter 2. The point I make here about property was demonstrated in the example of the Athenians on pages 49-50 of this dissertation.

and expose the republic to the dangers of plutocracy.

We might surmise that citizens will through reason come to recognize the instrumental significance of virtue and even make provisions for its upkeep, but to truly actualize political virtue as kinship, duty, meaningful purpose, and political assertiveness, the republic will have to sustain moderate levels of this passion and this will ultimately devalue their individual acquisitiveness. Consequently, in a heterogeneous republic, intolerance for “things in their own nature indifferent” will likely persist as will the higher valuations citizens place on the diverse cultural pursuits that can so confusingly and dangerously divide men in terms of their understanding of the good life.²¹¹ Under these conditions, the “spirit of the people” would likely be debilitated, thus exposing the multitude of a republic like America to the exploitive and economically treasonous conduct of the wealthy elite. The upshot of this analysis is that commerce also seems to be an insufficient solution in terms of offering a tenable pathway for the integration of high levels of cultural diversity in republics. Commerce may attenuate the problems associated with moderate levels of heterogeneity, but high levels of diversity in Montesquieu’s view seems to require such a complete and utter commitment to individual acquisitiveness that political virtue would be unavoidably eroded. Without a mechanism to enable the coexistence of commerce, diversity, and political virtue—commercial republics will therefore have to moderate their cultural diversity.

With these considerations in mind, it may be that Montesquieu’s political philosophy suggests another possibility. If commercial activity homogenizes the good life, and instrumental rationalism generates a consensus about the values, beliefs, and

²¹¹ *SL*, XIX.14.

practices necessary to achieve comfort and security, then a homogenized culture of *Ratio* would seem to emerge that could plausibly unify the diverse citizens of a commercial republic and permit the “spirit of the people” to operate. In other words, self-interest coupled with reason may be capable of substituting for political virtue in a commercial republic. However, the culture of *Ratio* would prove insufficient if the “spirit of the people” requires something more galvanizing than an evolving cultural hegemony of self-interested commercialism. To fight for liberty and make sacrifices for the security of a republic, the citizens of a republic may ultimately require meaningful human relationships and a higher purpose for which they are willing to risk their lives and property. Without political virtue or some other higher motivation than individual acquisitiveness, then Montesquieu warns us that citizens of a republic can become “entirely taken up with manufacture, commerce, finances, opulence, and luxury.”²¹² Such a republic could very well follow the course of Athens, a commercial republic where citizens favored their superfluities even more than their national sovereignty.²¹³

Humanity in Excess

Much of this chapter has been devoted to providing the reader with an alternative understanding of Montesquieu’s theory of commerce and humanization. In this section, we shall evaluate his assessment of humanization itself and its potential for generating tolerance and concord among diverse peoples. The Frenchman may indeed be hopeful that the economic profitability of peaceful commerce coupled with the “modern

²¹² *SL*, III.3.

²¹³ *Ibid.*

refinements in reason, religion, philosophy, and manners” will lead to a noble reduction in warfare and harmful prejudices.²¹⁴ However, I will argue in contrast to other interpretations of Montesquieu that his political philosophy ultimately remains grounded in the pragmatism of *realpolitik*.²¹⁵ Humanization is a development he undoubtedly celebrates, but like so many other elements of Montesquieu’s political philosophy, humanization is subjected to the confinements of moderation.

An appropriate place to begin is Rousseau’s criticism that Montesquieu’s political philosophy “everywhere breathes the love of humanity.”²¹⁶ Rousseau declares his contemporary to be correct that “knowledge makes men gentle,” but argues in response that “gentleness, the most amiable of virtues, is also sometimes a weakness of the soul. Virtue is not always gentle; when the occasion requires, it can arm itself with due severity against vice, be fired with indignation against crime.”²¹⁷ In other words, enlightened men because of their humanity may lack the assertiveness to robustly confront the evils they have identified. The enlightenment Rousseau is referencing here would not seem to be the humanization arrived at when rational citizens associate economic profitability with intolerance and peace. Men motivated purely by individual acquisitiveness are unlikely to become so humane that they are unable to defend

²¹⁴ *SL*, X.3

²¹⁵ *Ibid.*

²¹⁶ Jean-Jacques Rousseau, “Last Reply,” in *The Discourses and Other Early Political Writings*, edited by Victor Gourevitch (Cambridge University Press: Cambridge, 1999, second printing), 64.

²¹⁷ *Ibid.* Rousseau is most likely responding to, among other things, Montesquieu’s declaration that, “Knowledge makes men gentle, and reason inclines towards humanity; only prejudices cause these to be renounced.” See: *SL*, XV.3. I have used the Cohler-Miller-Stone translation here because the precise language corresponds better with the Rousseau translation. Rousseau’s understanding of virtue here seems to correspond well with the political virtue of republics discussed in the previous two chapters that is vengeful and hateful of those who threaten liberty.

their interests with decisiveness. For as Montesquieu relates, the citizens of a commercial regime adhere “rigidly to the rules of private interest,” operate by “a certain sense of exact justice,” and will thus reciprocate harshly against those who harm them.²¹⁸ Rousseau’s critique is therefore likely being directed at the humanitarian enlightenment of religion and modern philosophy. These two influences—individually or collectively—could morally paralyze men in a competitive and dangerous world where other men are operating by categorically different worldviews. However, the notion that Montesquieu himself failed to anticipate this hazardous outcome is belied by a passage that appears in the preface of *SL*:

It is not a matter of indifference that the minds of the people be enlightened. The prejudices of magistrates have arisen from national prejudice. In a time of ignorance they have committed even the greatest evils without the least scruple; but in an enlightened age they even tremble while conferring the greatest blessings. They perceive the ancient abuses; they see how they must be reformed; but they are sensible also of the abuses of a reformation. They let the evil continue, if they fear a worse; they are content with a lesser good, if they doubt a greater.²¹⁹

Montesquieu’s thinking here concurs with Rousseau’s assessment that enlightened societies may lack the assertiveness to confront the very threats their humane ideology has identified. We can think of this in terms of foreign policy and the unwillingness of pacifist nations to fight wars or wage wars with visceral ferocity. However, this passage also suggests another possibility—that citizens and their leaders become so excessively tolerant that cultural evaluation and discrimination become morally impermissible. The result would be a stagnant society unable to accrue the

²¹⁸ *SL*, XX.2. We can assume that “harm” constitutes lesser offenses than direct assaults, given the point I make earlier in this chapter that the economic success of citizens depends on the behavior of others which means they will hold accountable other citizens who adhere to beliefs or practices that inhibit economic prosperity. See pages 166-67 of this dissertation.

²¹⁹ *SL*, Preface, xii.

“greatest advantages” born of cultural exchange—the adoption of ideals, values, beliefs, and practices that better facilitate the achievement of whatever preferences this society has prioritized.²²⁰ Such an outcome would be unproblematic if the “good life” pursued by society was tolerance itself, but the implication of Montesquieu’s quote above is that unconditionally tolerant and humane people are easily preyed upon by the intolerant and ferocious.²²¹

We can infer from this analysis that Montesquieu thinks a preferred equilibrium exists somewhere between prejudice and tolerance. If a nation is too prejudiced, then citizens and their leaders will commit atrocious acts of evil, as in the case of the Spanish Inquisition or the Spanish treatment of Indians in America.²²² The French philosopher also warns that universal bigotry can “degrade the mind,” numb the spirit, and enervate entire nations.²²³ He offers the example of the Byzantine Empire which thought it

²²⁰ *SL*, XX.1.

²²¹ The precise meaning of the block quote above is subject to interpretation. However, I believe the reading I have offered is supported by two relevant passages appearing in *SL*. First, Montesquieu declares: “I who think that even the highest refinement of reason is not always desirable, and that mankind generally find their account better in mediums than in extremes” (*SL*, XI.6). If Montesquieu thinks reason should be moderated, then we must ask what precisely does he fear will happen if reason occurs in excess? The answer is indicated by his assertion that “Knowledge humanises mankind, and reason inclines to mildness; but prejudices eradicate every tender disposition” (*SL*, XV.3). This statement suggests that reason in excess is likely to produce mildness in excess. The reader should note that a superior translation of this second passage is offered by Cohler-Miller-Stone: “Knowledge makes men gentle, and reason inclines towards humanity; only prejudices cause these to be renounced.” Reason in excess is thus likely to produce a worldview that is excessively humane. In either translation, the context of this passage is critical to understanding its meaning. Montesquieu is discussing how the Spanish justified their enslavement of the American natives because of a “difference in customs” (*SL*, XV3). As I will discuss below, Spain was a nation Montesquieu clearly thought to be lacking in knowledge, reason, and humanity. It was thus intolerant and harsh in its treatment of foreigners. If we apply this analysis to the block quote above, then we can presume that excess knowledge, reason, and humanity will produce another form of immoderation—citizens and their leaders will become overly tolerant and submissively meek in their encounters with foreigners. As I discuss below, Montesquieu indicates that Christians were sometimes guilty of this behavior and this rendered them vulnerable to the aggressions of more ferocious peoples.

²²² *SL*, XXVI.11-12; VIII.18; XV.3; IV.6; X.4; XXI.22.

²²³ *Considerations*, XXII, 203.

“reasonable to have three emperors” simply because Christian leaders maintained “it was necessary to believe in the Trinity.”²²⁴ The empire’s history is, according to Montesquieu, full of these absurdities, for “once small-mindedness succeeded in forming the nation's character, wisdom took leave of its enterprises.”²²⁵ The implication of this case study is that people who are ethnocentric or excessively religious will be incapable of the reasonableness that is honest self-critique and cultural comparison.²²⁶ This point is worth dwelling on because Montesquieu seems far more receptive to the appropriation of foreign ways and practices than my analysis may have thus far indicated. Consider his telling statement that, “the main reason for the Romans becoming masters of the world was that, having fought successively against all peoples, they always gave up their own practices as soon as they found better ones.”²²⁷ Most of the examples he offers of Roman cultural appropriation are military tactics and weapons technology, but this makes sense for a regime whose sole purpose was military expansion.²²⁸ Commercial regimes dedicated to wealth accumulation would be more interested in adopting technology, ideas, customs, and manners that enhance productivity and efficiency. And to be globally competitive, bigotry and ethnocentrism could not be permitted to stand in the way of cultural appropriation.

On the other hand, excessive humanization of the kind that Rousseau erroneously thinks Montesquieu prescribes is also a political disposition the latter

²²⁴ Ibid., XXII, 203.

²²⁵ Ibid.

²²⁶ Other statements Montesquieu makes in support of this view can be found here: *Considerations*, IV, 43; XXII, 208; *SL*, XIX.27; XXI.6.

²²⁷ *Considerations*, I, 24.

²²⁸ *Considerations*, II, 37; IV, 43-4, 49; *SL*, XI.5; *Considerations*, II, 33; X, 99; XV, 138.

considers undesirable. Nations that veer too far in the direction of enlightenment and tolerance may become unwilling to critique foreign cultures in order to adopt what is beneficial and discard what is harmful. In terms of foreign policy, these countries may lack the resolve to assert their national interest against the competing interests of other countries. Montesquieu thinks the humane morality inspired by the social gospels of Christianity at certain points in history engendered these problems and thus prevented people from achieving worldly happiness and national security.²²⁹ In support of this argument, Montesquieu cites Pascal who believed his ill-health was a good thing because “sickness is a Christian’s true condition.”²³⁰ He also points to the rapid Islamic conquest of the Eastern Christian Empire which paradoxically seemed to sanctify Christianity, and presumably its clergy, because “the humiliations of the church, its dispersion, the destruction of its temples, the sufferings of its martyrs” were all interpreted to be “occasions of its glory.”²³¹ The concern Montesquieu thus brings to light is that excessively humane societies will interpret or rationalize their failures and demise as benevolent successes. It is for this reason that he poignantly declares “religion and empires prosper in different ways.”²³²

The foregoing analysis indicates that Montesquieu ultimately takes a *realpolitik*

²²⁹ Montesquieu also says other religious peoples have been rendered vulnerable by their religion, including the Abyssians, the Jews, and the Egyptians. See: *SL*, XXVI.7.

²³⁰ *Considerations*, XXII, 201. See also: Blaise Pascal, *Prière pour demander à Dieu le bon usage des maladies*, XI. Although Montesquieu is not specific about which religion he has in mind, he notes elsewhere that temples and clergy adorned in wealth will inspire a misery among worshippers that “renders them fond of a religion which has served as a pretext to those who were the cause of their misery.” See: *SL*, XXV.2.

²³¹ *Considerations*, XXII, 201-2. See also the introduction notes of this text by David Lowenthal, 15.

²³² *Ibid.*, 201. His point here is not that empire should be the goal, but that religions can conquer the souls of men through defeats rather than success. See also: *SL*, XIX.11.

view of international and domestic politics. His case study analysis of Alexander the Great is revealing in this regard and it demonstrates how the Frenchman's political philosophy can be easily misunderstood. Pangle in his newest book emphasizes key statements Montesquieu makes about the Macedonian leader which suggest him to be in Pangle's own words: "the tragically short-lived incarnation of impassioned, cosmopolitan, and humane imperialism."²³³ Pangle is particularly impressed with Alexander's respect for the culture and laws of the conquered.²³⁴ Yet the key statement that Pangle neglects to highlight is Montesquieu's assertion that Alexander "abandoned *after the conquest* [emphasis mine], all the prejudices which had been of use to him in carrying it out."²³⁵ Montesquieu never explicates the content of these prejudices, but we can assume they probably took two forms—prejudices that demonized or dehumanized the enemy; and beliefs and practices that enabled Alexander to achieve military success.²³⁶ In either case, the fundamental point that emerges from this analysis is the same: It was only after foreign nations were first militarily defeated that Alexander became the tolerant ruler Pangle thinks serves as a model for "impassioned, cosmopolitan, and humane imperialism."²³⁷ The importance of this case study analysis for our present discussion is that Montesquieu recognizes that humanity and tolerance

²³³ Pangle, *The Theological Basis*, 121. Pangle's discussion of Montesquieu and Alexander occurs on pages 121-123. For textual support, Pangle cites: *SL*, X.10, 13-14; *SL*, XXVIII.9.

²³⁴ *Ibid.*, 121-3.

²³⁵ *SL*, X.14. Pangle without recognizing the significance of this statement does actually quote it within a much larger block quote. See: Pangle, *The Theological Basis*, 122.

²³⁶ An interesting inference that can be deducted from this point is that excessive humanity would debilitate a republic's ability to generate and sustain an external "Other." It was discussed in Chapter 2 how fear of an external "Other" can be a powerful source of political virtue. See pages 101-05 of this dissertation.

²³⁷ Pangle, *The Theological Basis*, 120.

are only possible after security has been achieved and this sometimes requires culturally dissimilar peoples to be forcefully subdued. This chapter has discussed numerous occasions when this is not the case—when peaceful and more subtle ways are possible to conciliate heterogeneous republics—but Montesquieu’s political philosophy is ultimately grounded in the view that humanization can never be elevated above security, power, and the national interest.²³⁸

The upshot of this analysis is that we see once again that moderation is the key to understanding Montesquieu’s political philosophy. Commercial activity increases knowledge and this was a good thing because enlightenment will humanize barbarity, eradicate the bigotry that precludes honest self-criticism, and erode the prejudices that can generate unnecessary and unprofitable conflicts. However, if a republic became too humanized, then it might lose its fortitude to critically evaluate foreign cultures or defend the national interest against rival forces. Indeed, as in the case of Christianity, citizens of excessively humane societies may even perceive their own suffering as noble and good. We saw in Chapter 2 that Montesquieu’s solution to this possibility was a properly interpreted Christianity which he claimed to be “perfectly sensible of the rights of natural defence.”²³⁹ The Frenchman would thus likely suggest that excessively humane nations should find new leadership to determine the appropriate level of humanity, for as he relates without equivocation, “Who does not see that self-defence is a duty superior to

²³⁸ Colleen Sheehan has argued that Alexander’s triumph over the Persian Empire actually “led to the death of liberty” because the “virtue of the citizen-soldiers of the free Greek republics” could not survive in such an extensive territory. See: Colleen Sheehan, *James Madison and the Spirit of Republican Self-Government* (New York: Cambridge University Press, 2009), 160. She cites: Leo Strauss, *Lectures on Aristotle’s Politics*, Lecture XI:12-14, University of Chicago, autumn 1967, unpublished.

²³⁹ See pages 85-88 of this dissertation. See also: *SL*, XXIV.6.

every precept?"²⁴⁰ Such a view suggests that Pangle and Rousseau have overestimated Montesquieu's praise for commercialism and its humanizing effect on republics.

Problems with the Reasoning Commercial Society

Before ending this chapter, I believe it necessary to share with the reader some speculative concerns I have about the reasoning society of commercialism. Foremost among these concerns is that instrumental rationality in a commercial regime may not truly operate in the manner that my theory anticipates. Montesquieu's ideal commercial regime is a free thinking society where honest and fair evaluation of cultures will occur, but as James Madison so keenly observes, such a society defies the reality of mankind's limitations and innate inequalities:

As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.²⁴¹

If we apply Madison's thinking here to Montesquieu's commercial regime model outlined in this chapter, then the major obstacle to instrumental rationality would seem

²⁴⁰ See: *SL*, XXVI.7.

²⁴¹ James Madison, *Federalist 10*. Montesquieu himself acknowledges these concerns and even offers similar arguments. See for example: *SL*, I.1; XIX.27, I.3; XI.6; II.2.

to be hegemonic cultural groups, with a vested interest in the status quo, that engage in ethnocentrism, or perhaps even xenocentrism, and thus prevent an equal and honest evaluation of all cultures. For true cultural exchange and comparison to occur, some cultures may require government sponsorship and protection which becomes problematic in itself, because instead of facilitating an equal and honest evaluation, the unintended result of this protection might be to prohibit criticism and thus constitute a new obstacle standing in the way of comparison and evaluation. Montesquieu's political philosophy offers two approaches to overcome these issues based on the "observed example" method of Saint Louis, but they ultimately seem to fall short.²⁴² First, reasoning commercial societies could simply use preexisting examples of culture to guide them without having to first import these cultures. In other words, cultures would be judged in accordance with the economic success of their native countries. However, such an approach is extremely problematic since a slew of factors might explain the dismal economic conditions of some countries, including imperialism, scarce resources, and political corruption. Conversely, nations that have demonstrated economic success may in fact owe this success to important sources of development other than culture, including imperialism, international investment, and favorable natural resources. Montesquieu might suggest instead that commercial regimes should endorse the development of foreign cultural enclaves inside the country and then let citizens make their own judgements about the beliefs and practices of these enclaves based on their economic performance. However, this would conceivably lead to a similar set of problems in terms of evaluation and comparison. If these enclaves were economically

²⁴² The methods of Saint Louis were discussed on pages 133-34 of this dissertation. See also: *SL*, XXVIII.38.

unsuccessful, then the fault might be said to lie with factors external to these communities, or to corrupt community leaders, or to unrepresentative manifestations of the true culture being judged. Conversely, if these communities did prosper, their success might be attributed to factors external to these communities, or to extraordinary leaders, or to unrepresentative manifestations of the true culture being judged. To further complicate matters, the native cultural communities being compared with foreign cultures would also suffer this fate—failure or success would be attributed to factors external to, or unrepresentative of, the native culture being judged. What all of these issues ultimately reveal is that cultural evaluation and comparison is far more difficult than Montesquieu's theory seems to anticipate.

The difficulties involved with accurately evaluating cultural beliefs and practices leads us to our next major issue—the question of who actually decides what is beneficial or harmful to the good life of individual acquisitiveness. My analysis has thus far assumed that individual citizens will rationally decide for themselves, though collective pressures will eventually take form when a reasoned consensus emerges. However, it may be that decisions about cultural preferences should be the prerogative of experts who have a better understanding of culture, economics, and productivity.²⁴³ Montesquieu does at times question the reliability of the masses when it comes to reasoning, and since he endorses censors in republics, perhaps he would endorse technocrats in a commercial regime since they could be held accountable by measuring

²⁴³ Another important source of influence is merchants who are often the disseminating force of diverse cultures. Larrère argues that “Contrary to his contemporaries, who considered the knowledge of merchants biased and narrow-minded, Montesquieu praises their knowledge, precisely because it is practical. ‘Having their eye on all the nations of the earth’ (*SL*, XX.4), merchants offer reliable narratives of their travels, of “the climate, the terrain, the mores and the manners of the inhabitants” (*SL*, XXI.11). See: Larrère, “Economics and Commerce,” 355.

their performance against an absolute standard—economic prosperity.²⁴⁴ However, the complexity of technocratic governance may generate apathy and excessive trust in expertise which could permit rulers to institute a corrupt replacement culture that legitimizes oppression.²⁴⁵ Incidentally, the Anti-Federalists expressed similar concerns about administrative government, experts, and the complexity of governing heterogeneous nations.²⁴⁶

Two more important considerations weaken the theory of the commercial regime I have outlined in this chapter. First, the social pressures I alluded to that generate a convergence of opinion about “best” cultural beliefs and practices could actually be impeded by—rather than facilitated by—selfish interests. Instead of wanting all citizens to subscribe to cultures that enhance individual acquisitiveness, the ambitious citizens of a commercial regime may actually prefer if citizens they regard as rivals operate by cultural beliefs and practices that render them uncompetitive. Consequently, they may strategically promote cultural pluralism rather than conformity. Another possibility my theory does not anticipate is that citizens of a reasoning society might adopt cultural heterogeneity as a preferred mode of life because they determine it to be helpful to productivity and efficiency. For example, they may conclude that cultural diversity inspires diverse ways of thinking and this leads to better problem solving. Cultural

²⁴⁴ For more on Montesquieu’s distrust for the reasoning of the multitude, see: *SL*, I.1; XIX.27. For more on Montesquieu and censors, see: *Considerations*, VIII, 86-7; *SL*, II.4; XIX.3. For more on the absolute standard of Montesquieu’s commercial regimes, see: *SL*, XXI.20.

²⁴⁵ Legitimizing cultures were discussed on page 129 of this text. See also: *SL*, X.4.

²⁴⁶ See for example: Cato III, *New York Journal*, October 25, 1787, in Storing, 2.6.14; Centinel I, *Independent Gazetteer*, October 5, 1787 in Storing, 2.7.3; Centinel IV, November 30, 1787, in Storing, 2.7.84; Centinel XIII, January 26, 1788, in Storing, 2.7.16; Federal Farmer VIII, January 3, 1788, in Storing, 2.8.108-10; in Storing, Federal Farmer XI, January 10, 1788, in Storing, 2.8.147; A Newport Man, *The Newport Mercury*, March 17, 1788, in Storing, 4.25.3.

diversity might also be considered a magnet for foreign investment and trade with foreign nations.²⁴⁷ Commercial societies that want to remain dynamic and attract foreign business interests might therefore seek ways to increase, or at least maintain, some designated level of cultural diversity against the homogenizing pressures of instrumental rationality. Another major problem with the reasoning commercial society is the assumption that ethnic identity is unlinked from economic success. If certain groups regardless of their cultural affiliations can somehow accrue privileges from their ethnic identity or are discriminated against because of their ethnic identity, then citizens are unlikely to peacefully coexist in the manner that Montesquieu anticipates. Montesquieu's virtual silence on ethnicity when he discusses the commercial regime is a significant shortcoming that must be addressed.

A final consideration reiterates a concern already mentioned in this chapter, that something of deeper meaning and purpose is lost in the commercial regime when cultures are no longer valued intrinsically. Ironically, citizens in the reasoning commercial society are denied both "the charms of diversity" that Pangle's analysis anticipates and the kinship pleasures of cultural homogeneity discussed in Chapter 2 of this dissertation.²⁴⁸ Instead of offering a middle way, the reasoning commercial society eradicates both these ways and offers instead an atomistic existence of industry, human indifference, and materialism. The result is undoubtedly a life of improved comfort and security, but does this life ultimately leave human beings more satisfied? Or do citizens

²⁴⁷ Alexander Hamilton actually seems to endorse a similar position, arguing that religious equality in America would encourage foreign merchants to relocate to America. Alexander Hamilton, "Report on the Subject of Manufacturers," December 5, 1791, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University, 1961-79), X, 252-56.

²⁴⁸ Thomas Pangle, "Montesquieu, Charles-Louis de Secondat (1689–1755)," 347. See pages 99-100 of this dissertation.

simply become mechanical and soulless creatures, the kind of people Montesquieu contemptuously describes in his private notes on England who are interested only in money?²⁴⁹

Conclusion

The objective of this chapter was to investigate three solutions Montesquieu's political philosophy offers to mitigate the harmful effects of heterogeneity. The first approach we considered was the confederate republic model, a system of governance in which small republics assemble together under the authority of a common council to acquire the external strength of a monarchy while maintaining the internal strengths of a republic. Confederate republics can avoid the problems associated with heterogeneity because of their dual power structure and the geographic segregation of their ethnically and culturally distinct citizen populations. However, this system of governance has several potential defects, including an inherent tendency towards centralization of power and the inability of member states to collectively subdue overly ambitious member states like Rome that want to dominate the confederacy and lead it into military expansion. It was also speculated that Montesquieu's limited coverage of this topic is indicative of his preference for the commercial republic solution.

The second solution we looked at was government induced uniformity which mitigates the problems associated with diversity by eradicating the beliefs and practices that lead to reciprocating relations of cultural prejudice. Montesquieu's guidelines for uniformity suggest that change should be subtle and restricted to dangerous and

²⁴⁹ Montesquieu, *Notes on England*, text between note 78 and 79, between 94 and 95, between 104 and 105, and between 114 and 115, at <http://ouclf.iuscomp.org/articles/montesquieu.shtml>.

intolerant manifestations of culture. Ignoring these guidelines will likely provoke backlashes and prove unsuccessful at moderating the antagonism that can exist among heterogeneous peoples. Montesquieu also warns that citizens should be wary of high levels of prolonged diversity which can diminish the parochial cultural allegiances that restrain ambitious rulers. Another important concern raised in this section is the possibility that “spirit of the people” might require the citizens of a heterogeneous society to approve the actual content of diverse cultures rather than simply tolerate these variances. Montesquieu rejected the idea that a free society could be a universal approving society, but his political philosophy indicated that a patriotic economic consciousness might help cultivate political virtue among citizens who are merely tolerant rather than approving.

The third mitigating solution we investigated was commercial activity which has previously been understood to have a humanizing impact on mankind in two ways: by fostering compassionate tolerance through knowledge; and through a general devaluation of all cultures that occurs because of individual acquisitiveness. I theorized instead that humanization in Montesquieu’s theory owes less to tolerance than the convergence of views that occurs through commerce and mankind’s adoption of modern philosophy and its emphasis on reasoning. The general premises and expectations of this theory are as follows: In a commercial society, everyone comes to share the same understanding of the good life as security and comfort. Because this society is composed of reasoning individuals, a consensus will eventually emerge about what ideals, values, beliefs, and modes of life are best in accordance with economic productivity and efficiency. Thus, the result of commerce and cultural exchange is not

compassionate tolerance, for a reasoning society animated by individual acquisitiveness will be populated by a highly discriminating people who dispassionately purge from their collective association the cultural manifestations reason determines to be antithetical to wealth accumulation. Cultural tolerance can still emerge if citizens believe its adoption as a moral code will facilitate commercial activity, but it will be tolerance for “things in their own nature indifferent” and this takes on a radically new meaning in the commercial society. If certain beliefs and practices impede economic development, then citizens who adhere to these manifestations of culture will be viewed critically by society and censured. While this could be perceived as an improvement over virtuous republics that enforce homogeneity with censors and ethnocentric social pressures, heterogeneity is not actually preserved in this scheme either because an evolving cultural hegemony emerges that will appropriate diverse manifestations of culture only if they enhance economic productivity and efficiency. I also argued in this chapter that Montesquieu, in spite of his praise for enlightenment and the humane morality of the Modern Age, ultimately grounds his political philosophy in *realpolitik*. Republics that are excessively humane will lose their fortitude to critically evaluate foreign cultures or defend the national interest against rival nations. Conversely, republics that are not humane enough will engage in barbarity and unnecessary wars. Bigoted republics will also be incapable of honest self-criticism and thus unwilling to appropriate foreign ideas, beliefs, and practices that could enhance their power and prosperity.

Perhaps the most important discovery of this chapter was that commercial republics—*because they lack a monarch and hereditary nobility and depend on the “spirit of the people” to protect the nation from the wealthy elite*—are less equipped than

hybrid republics like England to integrate high levels of diversity. Using commerce to mitigate high levels of diversity in Montesquieu's view seems to require such a complete and utter commitment to individual acquisitiveness that political virtue would be eroded and the "spirit of the people" incapacitated. Without a mechanism to enable the coexistence of commerce, diversity, and political virtue—commercial republics will therefore have to moderate their cultural diversity. The importance of this finding has much bearing on the subject matter of this dissertation, for we shall see in the next chapter that Madison and the Federalists also gave considerable thought to the problems heterogeneous republics were likely to encounter if they lacked the protection of a monarchy and hereditary nobility.

CHAPTER 4

MONTESQUIEU AND THE AMERICAN REPUBLIC

The previous three chapters of this dissertation investigated Montesquieu's ideas and theories as they relate to issues of diversity. We learned that the Frenchman's political philosophy suggests: (1) political virtue is essential to republics and difficult to sustain in larger nations; (2) ethnic and cultural heterogeneity can inhibit the cultivation of political virtue; (3) and confederacy, cultural uniformity, and commerce all fall short in terms of permitting higher levels of diversity in a republic that lacks a monarch and hereditary nobility. The objective of this final chapter will be to investigate how Montesquieu's political philosophy informed the American Constitutional Debate and Madison's theory of the extended sphere.

It has become something of a cliché for scholars to assert that Madison "turned Montesquieu on his head" and thereafter give little thought to the Frenchman's theory of size.¹ Incidentally, those who make this claim are bolstered by the American thinker himself who declared: "It may be inferred that the inconveniences of popular States contrary to the prevailing Theory, are in proportion not to the extent, but to the

¹ See for example: Douglas Adair, "That Politics May Be Reduced to a Science," in *Fame and the Founding Fathers* (Williamsburg: Institute of Early American History and Culture, 1974), 97. Thomas O. Hueglin and Alan Fenna, *Comparative Federalism: A Systematic Inquiry* (Toronto: University of Toronto Press, 2006), 104; John R. Vile, William D. Pederson, and Frank J. Williams, eds. *James Madison: philosopher, founder, and statesman*, (Athens: Ohio University Press, 2008), 78; Stephen Presser, reviewer, "America's Civil Religion: The Fierce, And Still Vital, Arguments That Arose Over The U.S. Constitution," *Chicago Tribune*, July 4 1993; James S. Fishkin, *Democracy and Deliberation: New directions for Democratic Reform*. Vol. 217, (New Haven: Yale University Press, 1991), 16; A.E. Dick Howard, *The United States Constitution: Roots, Rights, and Responsibilities*, (Washington D.C, Smithsonian Institution Press, 1992), 50. Papers originally presented at the Ninth International Smithsonian Symposium, Charlottesville, VA and Washington, DC, May 1987.

narrowness of their limits.”² Madison did indeed present a formidable challenge to Montesquieu’s theory of size, but I will demonstrate in this chapter that the authors of the *Federalist Papers* arrived at the extended sphere by following a theoretical pathway already cemented by the “celebrated” man they considered an “oracle.”³ I will also show that Madison’s “practical sphere” ultimately concedes to Montesquieu that excessive size and high levels of heterogeneity will overwhelm a republic and enable the few to oppress the many. The importance of this chapter is its finding that the principal mechanism devised by the Federalists for dealing with factions—the enlargement of the sphere—was crafted specifically for the purpose of modulating interests, classes, and sects within an otherwise relatively homogeneous nation. Consequently, the diverse American republic of today may be exposed to the existential threat anticipated by Montesquieu’s theory of size—the plutocratic oppression of society by an elite class that employs the strategy of *divide et impera*.

This chapter will also contribute new insight to the scholarly debate pertaining to Madison’s understanding of political virtue. Scholars have varied widely in their interpretation of the meaning of political virtue for the early American republic. For example, Bailyn and Wood offer a Lockean interpretation of the founding period that emphasizes individualism and property rights rather than public-spiritedness.⁴ By contrast, Wills understands the civic virtue of classical republicanism to be essential to

² James Madison, “Vices of the Political System of the United States,” April, 1787, in *PJM*, IX. Madison was also challenging the theories of Plato and Rousseau. See: Colleen A. Sheehan, *The Mind of James Madison* (New York: Cambridge University Press, 2015), 43.

³ Hamilton, *Federalist* 47; Madison, *Federalist* 78.

⁴ Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Harvard University Press, 1992); Gordon S. Wood, *Creation of the American Republic 1776-1787* (Chapel Hill: University of North Carolina Press, 1998).

the Federalist design.⁵ Diamond thinks Publius envisioned a commercial republic animated by individual acquisition whereas Gibson contends that agrarianism and the political virtue of yeoman farmers is acclaimed by Madison.⁶ My contribution to this debate will be to demonstrate how Montesquieu's understanding of political virtue and its underlying requirements can better inform our understanding of Madison and the esteemed regard he had for the "manly spirit" of the people. I will argue that Madison rejected Montesquieu's postulation that political virtue can restrain the many from oppressing the few, but he nevertheless considered this passion an important component of the assertive political vigilance American citizens would need to defend the general interest.

The layout of this chapter is as follows: The first section will examine Montesquieu's hybrid republic based on certain features of the British political system; I will then briefly review Montesquieu's analysis of political virtue, diversity, and his theory of size; next, I will demonstrate that the "extended sphere" is best understood as a mechanism devised by the Federalists to shore up the deficiencies of a republic lacking a monarch and hereditary nobility to protect the few from the many; I will then compare Madison's understanding of political virtue and political vigilance with that of Montesquieu; this will be followed by a comprehensive evaluation of the "manly spirit" that Madison thought to be actuating the American people; and the final section of this chapter will demonstrate that Madison's "practical sphere" is a major concession to the

⁵ Garry Wills, *Explaining America* (Garden City: Doubleday & Company, 1981).

⁶ Martin Diamond, "The Federalist," in Leo Strauss and Joseph Cropsey, eds., *History of Political Philosophy* (Chicago: Rand McNally, 1972); Alan Gibson, "The Commercial Republic & the Pluralist Critique of Marxism: An Analysis of Martin Diamond's Interpretation of 'Federalist' 10," *Polity*, Vol. 25, no. 4 (1993).

Frenchman on the question of heterogeneity.

Montesquieu and the Division of Powers

That “power should be a check to power” is perhaps Montesquieu’s most famous contribution to the American Constitutional Debate.⁷ The Federalists and Anti-Federalists generally endorsed his recommendation for a tripartite division of government with institutional checks and balances.⁸ Yet they also understood that Montesquieu’s hybrid republic included features of the British system that would be necessarily absent from the American government they were designing—the monarch and the hereditary nobility.⁹ These two institutions were of critical importance to Montesquieu’s hybrid republic because its citizens were to be animated by personal ambition and commercial acquisitiveness rather than higher motivations like civic virtue, friendship, or religious salvation.¹⁰ The Frenchman envisioned an atomistic society of pluralistic competition in which the national interest is coincidentally arrived at like a political version of Adam Smith’s economic “invisible hand.”¹¹ In such a regime—where wealth would be vast and unequally distributed, and where geographic size and

⁷ *SL*, XI.4. See for example: Madison, *Federalist* 47, 51.

⁸ *SL*, XI.6. See for example: Madison, *Federalist* 47, 48, 51 78; Federal Farmer XVII, January 23, 1788 in Storing, 2.8.208; William Penn, [Philadelphia] *Independent Gazetteer*, January 3, 1788, in Storing, 3.12.13.

⁹ See for example: Madison, *Federalist* 39; Hamilton, *Federalist* 14; Federal Farmer XIV, January 17, 1788, in Storing, 2.8.178, 180; Federal Farmer VI, December 25, 1787, in Storing, 2.8.74; Centinel, October 5, 1787, in Storing, 2.7.7. One notable exception was an Anti-Federalist from Maryland who proposed a highly decentralized republic with a limited monarch. See: Farmer (Maryland), *Maryland Gazette*, April 22, 1788, in Storing, 5.1.18-53.

¹⁰ *SL*, XIX.27.

¹¹ Smith, *The Wealth of Nations*. On a related note, Prindle has argued that Smith’s economic philosophy informed Madison’s thinking in *Federalist* 10 and 51. See: David Prindle, “The Invisible Hand of James Madison,” *Constitutional Political Economy* 15, no. 3 (2004), 223-237.

economic activity would erode patriotic solidarity—the monarch and hereditary nobility were indispensable because they would mitigate the struggle between the few and the many.

Montesquieu in a passage that bears a striking resemblance to *Federalist 10* speculated that “persons distinguished by their birth, riches, or honours” will be reasonably disinclined towards political equality because “common liberty would be their slavery...as most of the popular resolutions would be against them.”¹² In other words, he feared that an unrestrained majority faction would licentiously violate the rights of affluent and talented men. To guard against the incessant threat of “popular envy,” he recommended the landed nobility of his hybrid republic be granted hereditary privileges and have their own legislative body.¹³ The people should likewise have their own legislative chamber of representatives to oppose encroachments by the nobility. While the primary function of the people’s elected body is to advance their particular interests, Montesquieu believed representatives would also inadvertently guard the few by calming the excitable masses and restricting their political power to the selection of candidates higher qualified and better situated to govern the nation.¹⁴ The struggle between the few and the many is thus strategically built into Montesquieu’s political

¹² Madison will emphasize “unequal faculties of acquiring property” rather than birth, but Montesquieu’s use of the word “birth” likely indicates natural talent given that he says in the same section that nobility is “in its own nature” hereditary. See: *Federalist 10*; *SL*, XI.6.

¹³ Althusser relates that this provision actually protects the nobility from the people *and* the king. He believes this to be a self-interested maneuver of the aristocratic Montesquieu to secure the “permanent survival of a decadent class, whose ancient prerogatives are being torn from it and disputed by history.” See: Louis Althusser, *Politics and History*, (NLB: London, 1977), 93. On a related note, Montesquieu does contend that the French nobility in response to the King’s expanding power vacated their lands, moved to the cities, embraced the culture of luxury, and abandoned their “simple mores.” See: Montesquieu, *My Thoughts (Mes Pensées)* [2012], no. 1272.

¹⁴ *SL*, XI.6; XIX.27.

system, and because this division of powers corresponds with two distinct orders of society that have “separate views and interests,” the result was likely to be government legislatures that engage in checking rather than collusion.¹⁵

Stability in Montesquieu’s hybrid republic was also to be effectuated by the triangulating influence of a monarch. The Frenchman anticipated that citizens would divide into two parties supporting either the legislative or the executive. These parties were likely to be impotent because the commercialized citizens of his hybrid republic would be egoistic and capricious and thus switch parties the moment they could advantage themselves by doing so.¹⁶ Party division would thus weaken the capacity of the many to oppress the few, but the real significance of the monarch for Montesquieu was the countervailing pressure this institution brought to his political system. As Pangle relates, the “introduction of a monarchy” creates “a three-way struggle...with no one power capable of gaining a decisive advantage.”¹⁷ The monarch could restrain the legislative branch with his veto power, but he would also wield influence over the commoners and nobles through his control of public employments.¹⁸ The importance of monarchical balancing for Montesquieu is revealed in his private notes where he declared, “If there were no king in England, the English would be less free.”¹⁹ He validated this postulation with the case study of Holland where the absence of a strong

¹⁵ *SL*, XI.6.

¹⁶ *Ibid.*

¹⁷ Pangle, *Montesquieu’s Philosophy of Liberalism*, 128. See also: *SL*, V.11.

¹⁸ *SL*, XIX.27.

¹⁹ Montesquieu, *My Thoughts* (*Mes Pensées*), no. 655.

executive led to the enslavement of the people by city magistrates.²⁰ Specific examples Montesquieu offered of monarchical balancing include King Henry VII of England who “increased the power of the commons in order to degrade the lords,” and Servius Tullius of Rome who “extended the privileges of the people in order to reduce the senate.”²¹ Montesquieu also related that patricians of Rome would periodically empower a dictator to subdue an overambitious civil population.²² For example, Sulla instituted laws that “increased the authority of the senate, tempered the power of the people, and regulated that of the tribunes.”²³ Monarchical figures in the Frenchman’s assessment could thus play a pivotal role in mediating the struggle between the few and the many.²⁴

Pangle’s analysis of Montesquieu’s tripartite system proposes another benefit of the monarch which may also relate to the landowning hereditary nobles. He contends that a monarch can be reasonably relied upon to steer the country towards the national interest since “the king’s most selfish interests will be more likely to approximate those

²⁰ Ibid.

²¹ *Considerations*, I, 26, 29. Montesquieu cites: Zonaras, VII.9; Dionysius of Halicarnassus, IV.43. See also: *SL*, XI.3.

²² Ibid., VIII, 85. See also: *SL*, XI.16.

²³ Ibid., XI, 101.

²⁴ For a better understanding of the monarch’s unique qualities and the benefits this institution can offer a nation, the reader may want to review the work of Bryan Turner. These advantages include: (1) *Simplicity*. Most people cannot understand the workings of a complex government, but they can “readily grasp the symbolic significance of a monarch” whom they were connected to “by emotion rather than reason.” (2) *Unity*. The country is “divided into parties, but “the crown is of no party,” represents the “continuity of the nation,” and can be “the vehicle of public morality.” Coronation ceremonies and weddings can also function as national events that bind member states of a federation together. (3) *Tranquility*. During periods of crisis or great change, the monarch can calm the nation by providing “the illusion of stability.” (4) *Experience*. The king’s lifetime career in politics will allow him to develop “political virtues of prudence” that other politicians may lack. See: Bryan S. Turner, “In Defence of Monarchy,” *Society*, (2012) Volume 49, Issue 1, pp 84-89. See also: Walter Bagehot, *The English Constitution*, Project Gutenberg Ebook, 2009, 39-54, at: www.gutenberg.org/files/4351/4351-h/4351-h.htm), accessed May 11, 2011.

of the whole country than the interests of either [the nobles or the commoners].”²⁵ This is especially likely in the case of foreign policy, as “his honor and prosperity will rise or fall with the country of which he is in some sense, and especially in the eyes of the world, the proprietor.”²⁶ Pangle seems to have deduced these advantages on his own, but Montesquieu did indeed indicate this alignment of interests when he declared: “The monarch's dignity is inseparable from that of his kingdom; and the dignity of the nobleman from that of his fief.”²⁷ His thoughts on European feudalism are also illuminating in this regard:

“But by the nature of government at that time it became divided into an infinite number of petty sovereignties, and as the lord or sovereign, who resided in his village or city, was neither great, rich, powerful, nor even safe but by the number of his subjects, every one employed himself with a singular attention to make his little country flourish.”²⁸

Montesquieu in this passage is discussing Europe around the time Charlemagne united most of Western Europe (approximately 800 A.D.), but an important facet of the feudal system he describes was still operating in the modern English nation that inspired his hybrid republic model.²⁹ The monarch and the nobles as extensive landowners generated personal status, power, and wealth from sustaining kingdoms and fiefdoms that were economically developed and sufficiently populated by able-bodied citizens.³⁰ The significance of this landowning class for Montesquieu’s hybrid

²⁵ Thomas Pangle, *Montesquieu's Philosophy of Liberalism*, 128.

²⁶ *Ibid.*

²⁷ *SL*, V.9.

²⁸ *SL*, XXIII.24.

²⁹ *Ibid.* See also: Einhard, *The Life of Charlemagne*, Vol. 35 (University of Michigan Press: Ann Arbor: 1960).

³⁰ *SL*, VII.6; XIX.27.

republic is thus the coincidental trajectory of its private interests with the broader interests of the nation. There may be exceptions to this congruence, as in the case of nobles who engaged in certain commercial enterprises unrelated to land ownership, but the Frenchman thought the monarch and the hereditary noble class would generally want the nation and their fiefdoms to be wealthy and tenanted by healthy citizens.³¹ These noblemen would also have a vested interest in the perpetuity of the nation since their land, titles, and privileges would be passed on to their children and future descendants.³² Tocqueville's analysis of primogeniture speaks directly to this point:

In peoples where estate law is founded on the right of primogeniture, territorial domains pass most often from generation to generation without being divided. The result is that family spirit is in a way materialized in the land. The family represents the land, the land represents the family; it perpetuates its name, its origin, its glory, its power, its virtues. It is an imperishable witness to the past and a precious pledge of existence to come.³³

³¹ It is noteworthy that Montesquieu said the English practice of permitting the nobility to engage in commerce weakened the monarch. His thinking seems to be that a monarch requires the help of noblemen to balance against the commoners; and merchant nobleman would be less likely to perform this function. For as Falconer explains, commerce degrades the nobility and its "high, haughty, and independent spirit" by reducing this otherwise prestigious class of men to sellers dependent upon a variety of customers. See: *SL*, XX.21-22, II.4, VI.4; V.8; William Falconer, *Remarks Influence Climate, Situation, Nature Country, Population, Nature Food, And Way Life*, (University of California Libraries: Oakland, 2012), 435-6. It is also worth noting that Montesquieu endorsed the French practice of allowing wealthy merchants to purchase lands and titles if they ceased their commercial activities. Montesquieu said this would incentivize hard work and entrepreneurship, but Hulliung has suggested the Frenchman's objective was to protect the nobility by removing "the most industrious members of the Third Estate from the marketplace." In other words, the wealthy men of commerce would cease to be merchants and replenish the power of the nobility with their new money. See: Hulliung, 55. See also: Althusser, 100.

³² *SL*, XI.6. Montesquieu indicated the value he thinks men have for their descendants when he asserted that: "Nature gives to fathers a desire of procuring successors to their children, when they have almost lost the desire of enjoyment themselves. In the several degrees of progeniture, they see themselves insensibly advancing to a kind of immortality." Interestingly, he also believed that distinguished families would want to preserve their family name and see it endure into the future. We shall see below that Madison and Hamilton reiterate this point when they speak of family pride. See: *SL*, XXIII.7, 4.

³³ Alexis de Tocqueville, *Democracy in America*, 48.

The importance of a king and hereditary noble class becomes fully apparent when we recollect that Montesquieu's hybrid republic is a nation where citizens would be driven primarily by personal ambition and commercial acquisitiveness rather than higher motivations like civic virtue, friendship, or religious salvation.³⁴ Montesquieu indicates that members of the elite wealthy class will dominate such a regime unless government is directly influenced by an independent authority whose status, personal ambition, and economic interests aligned with the long-term interests of the nation.³⁵ For example, the Roman Republic suffered plutocratic domination when its "old morals no longer existed" and there was not a king or independent senate to check the "leading families" whose "immense riches...necessarily [conferred] power."³⁶ In the corrupt republic of Carthage where "individuals had the riches of kings," Montesquieu says the commoners were subjected to oligarchic rule and would have fared better under the control of a prince because this independent actor "is always the foremost citizen of his state, and has more interest in preserving it than anyone else."³⁷

The upshot of this analysis is that a monarch and hereditary noble class were

³⁴ See for example: *SL*, X.6; XIX.27; V.6; XX.1-3.

³⁵ The relationship between affluence and political power is unequivocally recognized by Montesquieu throughout his works. See for example: *SL*, V.3, 8; XI.13; XIII; *Considerations*, VIII, 83-8; Montesquieu, *Persian Letters*, LXXXIX. A related topic is Montesquieu's interest in the contrast between landed interests and the commercial interests of "movable effects." See: *SL*, XX.23. This topic has received relatively little attention, but one notable exception is Spector who suggests a "theoretical proximity between Montesquieu and the British Neo-Harringtonians" who were greatly concerned that commerce, finance, and luxury were robbing "the landed interest of their power and privileges in favor of the moneyed interests, whose supremacy," had corrupted "ancient values," and threatened "the very foundation of patriotism and love of country." Yet she cautions against taking this analogy too far since Montesquieu thought virtue and commerce worked against one another, and that his strong endorsement for commerce suggested "against the possibility of a 'return to principles' which would permit reviving the corrupted virtue." See: Spector, "Montesquieu: Critique of Republicanism?", 43-44.

³⁶ *Considerations*, VIII, 85, 83-88. See also: *SL*, XI.13.

³⁷ *Considerations*, IV, 44-45.

integral to Montesquieu's hybrid republic. Without these institutions to stabilize class warfare and inadvertently guide the nation towards its broader long-term interests, the perpetuity of this regime was likely to be compromised by private economic interests. Indeed, it is from this vantage point that we can best appreciate why the Frenchman thought "political virtue" was so important to republics that lacked these two institutions.³⁸ Montesquieu's principal concern with democratic republics was their potential to be subverted by: (1) either a wealthy elite class that would profit off the ruination of the country; (2) or a licentious multitude that redistributed power and property.³⁹ The instability generated by these dual forces ultimately led Montesquieu to believe that republics are utterly dependent on political virtue to moderate ambitions and navigate the country towards the general interest.

Political Virtue and Diversity

We learned in the first two chapters of this dissertation that political virtue was understood by Montesquieu to be the human passion that set republics in motion.⁴⁰ The citizens of a politically virtuous republic are fiercely patriotic, they elevate the common good above private interests, they celebrate frugality, and they have a venerated regard for one another as civically equal members of society who all share the same obligations to the fatherland.⁴¹ Montesquieu also postulated that the struggle between

³⁸ See for example: *SL*, Montesquieu's foreword to *Spirit of the Laws* added in 1757, section 1; *SL*, III.1-2.

³⁹ *SL*, VIII.2-3, 16; *Considerations*, VIII, 83-89.

⁴⁰ *SL*, III.1-2.

⁴¹ *SL*, V.2-3; III.2, 5; IV.5-6.

the few and the many in a politically virtuous republic would be significantly moderated because: (1) ambitious men will seek distinction by serving the fatherland; (2) and the common folk are imbued with an esteeming but cautious respect for great men.⁴² This moderation was exemplified by the Roman Republic where the people's "jealousy of the senate's power and the prerogatives of the great, always mixed with respect, was only a love of equality."⁴³

We also learned that Montesquieu thought political virtue was necessary to animate the citizen population with the assertive political vigilance they need to protect the nation from tyranny. Montesquieu called this checking power the "spirit of the people" which resembles the "spirit of watchfulness" operating in his hybrid republic except for one crucial distinction. In the latter, citizens are animated primarily by private interests, party politics, and the perpetual "uneasiness" felt by atomistic citizens living in commercial society where ambition is unleashed from the restraints of higher motives, like political virtue, religion, and honor.⁴⁴ Conversely, the "spirit of the people" is effectually dependent on the disposition of the republic towards political virtue.⁴⁵ It ultimately requires a vigilant citizen population of true compatriots united by their concern for the long-term interests of the fatherland.⁴⁶ Montesquieu's belief in the necessity of political virtue for republics was the fundamental reason why he believed large heterogeneous republics could rarely be sustained. In what would become the

⁴² *SL*, III.5; V.3, *Considerations*, IX, 93; VIII, 85.

⁴³ *Considerations*, IX, 93. See also: *Considerations*, VIII, 85; *SL*, II.2.

⁴⁴ *Considerations*, VIII, 87-8, *SL*, XIX.27. Montesquieu also attributes the "uneasiness" of the English to climatic forces. See: *SL*, XIV.13.

⁴⁵ *Considerations*, VIII, 87.

⁴⁶ See for example: *SL*, III.2, 5; IV.5; V.2-3.

most frequently quoted passage of the American Constitutional Debate, the French philosopher declared:

In an extensive republic the public good is sacrificed to a thousand private views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is more obvious, better understood, and more within the reach of every citizen; abuses have less extent, and of course are less protected.⁴⁷

Chapter 1 demonstrated why Montesquieu thought political virtue is incapable of governing the interests of citizens in larger nations. This failing is partially the result of general public confusion. The inherent complexities of a large country make it far more difficult for people to determine what the general interest is; and even more difficult to know exactly what policies, laws, and modes of governance are necessary to provide for the common good.⁴⁸ However, to fully understand the meaning of this passage, we turned to the Frenchman's analysis of the decline of the Roman Republic where he reveals that ethnic and cultural heterogeneity eroded political virtue, destroyed their "mutual confidence," and incapacitated the "spirit of the people."⁴⁹ The collective result of these developments was a citizen population divided by subnational interests that was overwhelmed by the complexities of governing a large heterogeneous nation. With the "spirit of the people" effectually incapacitated, Montesquieu says the Roman people were easily preyed upon by powerful and affluent men whose ambitions were no longer

⁴⁷ *SL*, VIII.16. No single passage was referenced with greater frequency during the American Constitutional Debate. Anti-Federalists who quoted this passage include: Centinel, October 5, 1787; Brutus, October 18, 1787; Cato, *New York Journal*, October 25, 1787. Articles from the *Federalist Papers* that explicitly respond to this passage include: Hamilton, *Federalist 9*; Madison, *Federalist 10*; Madison, *Federalist 14*.

⁴⁸ See for example: *SL*, IV.7.

⁴⁹ *Considerations*, IX, 92-3; *SL*, X.3. Montesquieu offers a similar critique of Syracuse. He cites Aristotle and includes a direct quote from the Greek philosopher: "Upon the expulsions of the tyrants, they made citizens of strangers and mercenary troops, which gave rise to civil wars." See: *SL*, VIII.2; Aristotle, *Politics*, V.3, 1303a25.

modulated by political virtue.⁵⁰ It was this assortment of observations that provoked the following conclusion from Montesquieu:

In an extensive republic there are men of large fortunes, and consequently of less moderation; there are trusts too considerable to be placed in any single subject; he has interests of his own; he soon begins to think that he may be happy and glorious, by oppressing his fellow-citizens; and that he may raise himself to grandeur on the ruins of his country.⁵¹

Montesquieu's political philosophy intimated two basic approaches used by plutocrats to oppress the nation. The first method is a corrupt political system that unfairly advantages the few at the expense of the many. He declared that "moneyed men...by a variety of artifices" imperceptibly arrive "at innumerable ways of encroaching on the public."⁵² Although the people are rendered miserable and even "see abuses grown into laws," they nevertheless "think they have no right to apply for redress."⁵³ The second approach plutocrats are likely to take is *divide et impera*, a strategy Montesquieu indicated to be considerably more effective in a heterogeneous republic where citizens are divided by "particular interests," lack meaningful "ties," and suffer a deficiency of "mutual confidence."⁵⁴ In his analysis of Rome, the Frenchman related that

⁵⁰ *Considerations*, VIII, 85, 83-88.

⁵¹ *SL*, VIII.16. Montesquieu does not articulate who these plutocrats are in this passage, but several possibilities can be inferred from *SL* and his other writings. In his analysis of Rome, he implicates wealthy military men and the patrician owners of slave villas. See for example: *Considerations*, IX, 91-3; XIII, 121; III, 40-1. In *SL*, he discusses the dangers of tax farmers and indicates the growing importance of trading companies, banks, and financial investors. He also hints at a potential clash between the wealthy landed interests of patricians and men who derive the greatest wealth from "movable effects" like "money, notes, bills of exchange, stocks in companies, vessels, and, in fine, all merchandise." See: *SL*, XIII.19-20; XXX.20; XXI.22; XIX.27; XX.23. See also: Montesquieu, *Notes on England*, translated by Iain Stewart, (2000) *Oxford U Comparative L Forum 1*, text between note 94 and 95, at <http://ouclf.iuscomp.org/articles/montesquieu.shtml>, accessed February 3, 2015.

⁵² *SL*, X.4.

⁵³ *Ibid.*

⁵⁴ *Considerations*, IX, 92-3; VI, 75; *SL*, X.3.

ambitious rulers imported ethnically and culturally diverse peoples to generate anarchy, disturb elections, and get themselves elected.⁵⁵ The result was a citizen population distrustful of republican governance that was no longer animated by “a single love of liberty” or “a single hatred of tyranny.”⁵⁶ Fearful and suspicious of each other, they looked to despotic rulers for protection. We shall see below that both these concerns—the political corruption of plutocrats and the strategy of *divide et impera*—would ultimately compel Madison to concede to Montesquieu on the question of size and diversity.

The Genuine Republic

Given that Montesquieu suggested on multiple occasions that England was a republic rather than a monarchy, it may have been this philosopher Madison had in mind when he declared it an “impropriety” for England to be considered a “genuine republic” simply because it “has one republican branch only, combined with an hereditary aristocracy and monarchy.”⁵⁷ The father of the American Constitution proclaimed that a “strictly republican” government must have rulers appointed by the

⁵⁵ *Considerations*, XIII, 121-2; IX, 92-3.

⁵⁶ *Ibid.*

⁵⁷ *SL*, V.19; XII.19; II.4. Madison, *Federalist* 39. Hamilton also seems to implicate Montesquieu for misrepresenting the necessary components of a republic. See: Hamilton, *Federalist* 14. It may be of interest to the reader that Montesquieu on several occasions did conversely suggest that England was a monarchy. See for example: *SL*, XI.7; Montesquieu, *Notes on England*. Contemporary scholars have earnestly debated whether Montesquieu considered England to really be a republic or a monarch. See for example: Douglass, “Montesquieu and Modern Republicanism,” 705-11; J. T. Levy, “Beyond Publius: Montesquieu, Liberal Republicanism and the Small-Republic Thesis,” *History of Political Thought*, (2006) 27 (1), 53; Paul A. Rahe, *Montesquieu and the Logic of Liberty*, 55; Michael Mosher, “Free Trade, Free Speech, and Free Love: Monarchy from the Liberal Prospect in Mid-eighteenth Century France,” in H. Blom, J.C. Laursen and L. Simonutti, eds., *Monarchisms in the Age of Enlightenment: Liberty, Patriotism, and the Common Good* (Toronto: University of Toronto Press, 2007), 114-5; Michael Sonescher, *Before the Deluge: Public Debt, Inequality, and the Intellectual Origins of the French Revolution* (Princeton: Princeton University Press, 2007).

people, “either directly or indirectly,” and the length of their tenures must be restricted or dependent upon performance.⁵⁸ He also cautioned that any government failing to meet these requirements would be irreconcilable “with the genius of the people of America.”⁵⁹ Hamilton similarly commented on “the aversion of the people to monarchy,” and he likewise declared that “the consent of the people” was the only legitimate authority in a republic.⁶⁰ Nevertheless, in spite of their unwavering support for “genuine republics,” both of these men were pragmatic thinkers who understood that a republic without a monarch or hereditary noble class would have to overcome major deficiencies.⁶¹

Foremost among their concerns was the domestic instability that would exist in the absence of these two institutions. During the Constitutional Convention, Hamilton concurred with Montesquieu that the British system represented the “best form of government,” and he attributed its excellence to a “proper adjustment” of power between the few and the many.⁶² The lawyer from New York emphasized the importance of the “house of Lords,” calling this feature “a most noble institution” because it separated the aristocracy and made their power permanent.⁶³ He surmised that such an institution could be relied upon to steer the nation towards the national interest because it would be populated by men of property who had a vested interest in

⁵⁸ Madison, *Federalist* 39.

⁵⁹ *Ibid.*

⁶⁰ Hamilton, *Federalist* 67, 22.

⁶¹ Madison, *Federalist* 39.

⁶² Alexander Hamilton, *The Works of Alexander Hamilton*, ed. Henry Cabot Lodge (Federal Edition) (New York: G.P. Putnam’s Sons, 1904), I, 374-75.; Charles C. Tansill, ed., *Documents Illustrative of the Formation of the Union of the American States* (Washington: Government Printing Office, 1927), 220-21. Both these sources are cited in Thomas P. Govan, “The Rich, the Well-born, and Alexander Hamilton,” *The Mississippi Valley Historical Review* (1950). 678-9.

⁶³ *Ibid.*, 679.

stability and securing the perpetuity of the country. Madison seems to have been particularly impressed by the ability of a king to mediate the struggle between the few and the many. In separate letters to Washington and Jefferson, he declared the sovereign of monarchical governments to be more tolerably neutral than other governing bodies towards the different interests, parties, and classes of society.⁶⁴ Hamilton offered a comparable assessment of the monarch from the standpoint of power politics. When discussing the topic of “ancient feudal systems,” he said the barons and nobles were generally more powerful than the king unless the oppression of this aristocracy “effected a union” between the monarch and the common people.⁶⁵ Conversely, in his assessment of modern England, he believed the “hereditary assembly” was unable to defend itself against encroachments by the House of Commons without the assistance of the king.⁶⁶ The monarchy was thus a useful institution in Hamilton’s opinion for stabilizing class conflict.

Both American thinkers also thought a powerful monarchical figure had private interests that conveniently overlapped with the interests of the broader nation. They argued in jointly written essays that the German emperor and the prince of the Netherlands derived “weight and influence” from their independent title, hereditary dominions, and “great patrimonial estates.”⁶⁷ Unlike Montesquieu, they did not explicitly claim these distinctions or possessions gave the monarch a vested interest in the

⁶⁴ James Madison to George Washington, April 16, 1787, in *PJM*, IX; Madison to Thomas Jefferson, October 24, 1787, in *PJM*, X.

⁶⁵ Hamilton, *Federalist* 17.

⁶⁶ Hamilton, *Federalist* 63.

⁶⁷ Hamilton and Madison, *Federalist* 19, 20.

country's future, but they did assert that "family pride" is a fundamental reason why the German emperor wanted to preserve the empire.⁶⁸ By the same token, royal titles and landed estates are indicative of a social class hierarchy in which the monarch sits enjoyably at the top and influences politics as the arbiter of dignity and disgrace. Hamilton intimated this point when he said the king of Great Britain "is emphatically and truly styled the fountain of honor" since he appointed all offices, creates offices, and "can confer titles of nobility at pleasure; and has the disposal of an immense number of church preferments."⁶⁹ Madison and Hamilton further noted that the prince of Netherlands derived power and influence from the family connections he maintained "with some of the chief potentates of Europe."⁷⁰ While this might seem to indicate susceptibility to foreign influence, the strength of these connections would likely have depended upon the prince maintaining a powerful and independent country that other European leaders respected. Hamilton indirectly argues this point when he relates elsewhere that a hereditary monarch "has so great a personal interest in the government and in the external glory of the nation" that foreign bribes are unlikely to match "what he would sacrifice by treachery to the state."⁷¹ The lawyer from New York further speculated that it was republican regimes, and not monarchies, that "afford too easy an inlet to foreign corruption."⁷²

Notwithstanding these important benefits, Madison and Hamilton considered a

⁶⁸ *SL*, V.9; XXIII.24; *Considerations*, IV, 44; Hamilton and Madison, *Federalist* 19.

⁶⁹ *Ibid.*

⁷⁰ Madison and Hamilton, *Federalist* 20.

⁷¹ Hamilton, *Federalist* 22.

⁷² *Ibid.* Madison was apparently less concerned than Hamilton about the corrupting influence of foreign gold on representatives. See: Madison, *Federalist* 55.

monarch and hereditary noble class ill-suited for the American nation. Even if the country had been disposed to accept some form of governance other than a “genuine republic,” these two men preferred a fluid aristocracy based on meritocracy rather than hereditary succession.⁷³ When discussing various provisions of the Constitution, Madison succinctly but poignantly declared: “the prohibition with respect to titles of nobility needs no comment.”⁷⁴ Hamilton in concord with this sentiment asserted that “Nothing need be said to illustrate the importance of the prohibition of titles of nobility...for so long as they are excluded, there can never be serious danger that the government will be any other than that of the people.”⁷⁵ These two American thinkers also rejected the institutionalization of a monarch. Madison thought a king would too often form “interests of his own” and “sacrifice the happiness of all to his personal ambition or avarice.”⁷⁶ Hamilton and John Jay concurred—the former arguing that a monarch is “often disposed to sacrifice his subjects to his ambition,” and the latter

⁷³ Madison, *Federalist*, 39, 10; Hamilton, New York Ratifying Convention, June 21, 1788; Govan, “The Rich, the Well-born, and Alexander Hamilton,” 678-9. Govan cites: Lodge, *The Works of Alexander Hamilton*, I, 411. See also: Jonathan Elliot, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia in 1787* (Washington: United States Congress, 1836), II: 251–52. Madison also discusses the people’s aversion to lifetime senators in *Federalist* 63. On the question of meritocracy, Hamilton and Madison were likely influenced by their own life experiences. Hamilton as the “bastard brat of a Scottish peddler” epitomized the self-made man of natural talent. It was John Adams who leveled this insult against his chief rival within the Federalist Party, but Hamilton was indeed an illegitimate son from meager beginnings. Madison too was a man who likely respected hard work and talent. Although never a gifted orator, this quiet and reserved individual was a voracious reader and always seemed the best prepared man in the room when it came to debating politics. See: John P. Diggins, *John Adams: The American Presidents Series: The 2nd President, 1797-1801* (London: Macmillan, 2003), 87; Sheehan, *James Madison and the Spirit of Republican Self-Government*, xiii, 19; Banning, *The Sacred Fire of Liberty*, 106-7, 115, 136, 138.

⁷⁴ Madison, *Federalist* 44.

⁷⁵ Hamilton, *Federalist* 84.

⁷⁶ Madison to George Washington, April 16, 1787, in *PJM*, IX; James Madison to Thomas Jefferson, October 24, 1787. Madison does seem more receptive to “limited” monarchies, by which he presumably means constitutional monarchies where power is shared. See: James Madison, “Vices.”

claiming that kings were inclined to make war for personal reasons that did not advantage the national interest.⁷⁷ Having turned their backs, with some trepidation, on the two British institutions favored by Montesquieu for mitigating class warfare, the authors of the *Federalist Papers* were left with the difficult problem of finding a replacement solution.

The Great Desideratum

The importance of finding an alternative solution to class warfare in America was reflected in Madison's multiple references to the "great desideratum." Writing to Washington in 1787, the Virginian politician asserted: "The great desideratum which has not yet been found for Republican Governments seems to be some disinterested and dispassionate umpire in disputes between different passions and interests in the State."⁷⁸ In his letter to Jefferson six months later, he would expand the "great desideratum" to include the problem of establishing a neutral sovereign that could in addition to preventing one part of society "from invading the rights of another," could

⁷⁷ Hamilton, 22. Jay, *Federalist* 4. In an apparent splitting of Publius' personality, Hamilton did not believe the self-interestedness of a king was likely to be manifested in a greater tendency towards war. He argued in contrast to Jay that "there have been...almost as many popular as royal wars," for "the cries of the nation and the importunities of their representatives have, upon various occasions, dragged their monarchs into war, or continued them in it, contrary to their inclinations, and sometimes contrary to the real interests of the State." This assessment was one of the reasons Hamilton rejected the Anti-Federalist claim that confederated American states would not be antagonistic towards one another because of commerce. See: Hamilton, *Federalist* 6. See also: Hamilton, *Federalist* 7, 8. For more on the split personality debate of Publius, see: Trevor Colburn, ed., *Fame and the Founding Fathers: Essays by Douglass Adair*, (New York, 1974); Alpheus T. Mason, "The Federalist—A Split Personality," *American Historical Review*, 5, 7 (1952); George W. Carey, "Publius: A Split Personality?," *The Review of Politics*, Vol. 46, No. 1 (1984).

⁷⁸ James Madison to George Washington, April 16, 1787, in *PJM*, IX. It is interesting to note that Hamilton wrote a letter to Washington four years earlier and declared: "the great desideratum at present is the establishment of general funds, which alone can do Justice to the creditors of the United State (of whom the army forms the most meritorious class)—restore public credit and supply the future wants of government." See: Alexander Hamilton to George Washington, February 13, 1783, in Hamilton, *The Papers of Alexander Hamilton*, III, 253-5.

also sufficiently control “itself, from setting up an interest adverse to that of the entire Society.”⁷⁹ Madison’s fullest treatment of this subject matter would appear in *Federalist 10* and *51* where he contemplated the problem of class warfare within a larger discussion about factions. What may be most intriguing about these two essays is Madison’s emphasis on “the superior force of an interested and overbearing majority.”⁸⁰ Indeed, the instrumental role of a monarch in protecting the many from the few is barely detectable in his *Federalist 10* statement of the “great desideratum.” After expounding upon the dangers of a majority faction, the father of the Constitution declared:

To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add that it is the great desideratum by which this form of government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind.⁸¹

“Factious majorities” also seem to be the principal threat emphasized in *Federalist 51*. After stating that a republic must somehow guard “society against the oppression of its rulers” and “guard one part of the society against the injustice of the other part,” Madison immediately clarified exactly who he thought the unjust party would be: “Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure.”⁸² Nothing is explicitly stated in this essay about protecting the multitude from elite oppression which

⁷⁹ James Madison to Thomas Jefferson, October 24, 1787, in *PJM*, X. Madison’s iteration of the “great desideratum” in his essay “Vices,” (April 1787) is nearly identical to the version he offered Jefferson. However, one noteworthy variance is his use of the terms “interests and factions” in the latter instead of “parts of the Society.” See: Madison, “Vices.”

⁸⁰ Madison, *Federalist 10*.

⁸¹ *Ibid.*

⁸² Madison, *Federalist 51*.

suggests that Madison considered the balance of power in the individual American states to be decisively in favor of the multitude.⁸³ Indeed, Madison argued this exact point eight months later in another letter to Washington:

Wherever the real power in a Government lies, there is the danger of oppression. In our Governments, the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from the acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the constituents.⁸⁴

In holding this view, Madison was directly opposed by the Anti-Federalists who believed “the few generally prevail over the many.”⁸⁵ Lance Banning has convincingly shown that Madison’s preoccupation with majority factions was cultivated by his experience in the Virginia Assembly where he dealt with sectarian discord and observed how the multiplicity of religions could secure liberty.⁸⁶ Yet even more influential to Madison’s thinking may have been Shays’ Rebellion (1787). In a contemplative letter

⁸³ His emphasis on “overbearing majorities” is also evidenced in his memorandum “*Vices*” and *Federalist* 63.

⁸⁴ James Madison to Thomas Jefferson, October 17, 1788, in *PJM*, XI, 295-300.

⁸⁵ Centinel IX, January 08, 1788, in Storing, 2.7.129. See also: Brutus III, November 15, 1787, in Storing, 2.9.42; Brutus IV, November 29, 1787, in Storing, 2.9.45-47; Federal Farmer IV, October 12, 1787, in Storing 2.8.58; Federal Farmer VII; December 31, 1787, in Storing, 2.8.100; Federal Farmer VIII, January 3, 1788, in Storing, 2.8.108; Federal Farmer XVII, *Poughkeepsie Country Journal*, January 23, 1788, in Storing, 2.8.212. The Federal Farmer also worried that the few and the levelers would collude together and squeeze the middling class. See: Federal Farmer V, October 13, 1787, in Storing, 2.8.62. When it came to emphasizing the power of the few over the many, the Anti-Federalists had an unlikely ally in John Adams who argued that “the rich, the beautiful, and the well-born” invariably dominate society. See: John Adams to Thomas Jefferson, September 2, 1813, in John Adams, Abigail Adams, and Thomas Jefferson, *The Adams-Jefferson Letters: The Complete Correspondence between Thomas Jefferson and Abigail and John Adams*, ed. Lester J. Cappon (Chapel Hill: The University of North Carolina Press, 1987), 370-2, as cited in: Luke Mayville, “Fear of the Few: John Adams and the Power Elite,” *Polity*, Vol. 47, no. 1, (2013, 22). See also: John Adams, *The Works of John Adams*, Second President of the United States, ed. Charles Francis Adams, 10 vols., (Boston: Little, Brown and Co., 1850–56), 4: 343-5, 400-01, 444-45.

⁸⁶ Lance Banning, *The Sacred Fire of Liberty*, 102, 84-104. Adair argues in contrast that Hume was Madison’s principle source of influence for the multiplicity of factions. See: Douglass G. Adair, *The Intellectual Origins of Jeffersonian Democracy: Republicanism, the Class Struggle, and the Virtuous Farmer* (Lanham: Lexington Books, 2000), 130-6, 204, 207-8.

written to John Jackson much later in his life (1821), Madison confessed that the armed uprising in Massachusetts provoked an inflated concern among the Constitutional delegates that liberty, stability, and efficacy could not be sustained in popular governments without an energetic government.⁸⁷ The timing of this rebellion is of particular interest since it occurred prior to Madison's assertion of the "great desideratum" in his letters to Washington and Jefferson in 1787. Since the American thinker in both these letters offered a far more balanced perspective of the struggle between the few and the many than what appeared in *Federalist 10* and *51*, Charles Beard may be validated in his claim that the *Federalist Papers* were principally aimed at convincing powerful economic interests that "safety and strength lie in the adoption of the new system."⁸⁸

Madison's partisanship for the elite or the multitude has been vigorously debated by scholars, especially the change of heart the political thinker seems to have in his later writings like the *National Gazette* articles.⁸⁹ What seems beyond dispute is that the

⁸⁷ James Madison to John G. Jackson, December 27, 1821. The importance of this letter was brought to my attention by Dr. Jeremy Bailey. See: Jeremy Bailey, *James Madison and Constitutional Imperfection*, (Cambridge: Cambridge University Press, forthcoming 2015). Bailey cites: "Madison to John Jackson," December 28, 1821, *Papers of James Madison Retirement Series*, eds. David B. Mattern et al. (Charlottesville: VA, 2013), II, 441-4. Hereafter referred to as *PJMRS*. The Anti-Federalist Centinel also noted the decisive impact this event had on the decision calculus of supporters of the Constitution. See: Centinel XVIII, April 9, 1788, in Storing, 2.7.182.

⁸⁸ Charles Beard, *An Economic Interpretation of the United States* (Dover Publications: Mineola, 2004), 154.

⁸⁹ See for example: Madison, "Notes for the National Gazette Essays," & "Public Opinion," in *PJM*, 14:158-5; 170. Participants of this scholarly debate have included: Forrest McDonald, *The Presidency of George Washington* (Lawrence: University of Kansas Press, 1974), 81, and *Alexander Hamilton: A Biography* (New York, 1979), 175; John Zvesper, *Political Philosophy and Rhetoric: A Study of the Origins of American Party Politics* (London: Cambridge University Press, 1977), 110-19; Jack N. Rakove, *James Madison and the Creation of the American Republic*, ed. Oscar Handlin (Glenview, Ill., 1990), 99-102; and Garrett Ward Sheldon, *The Political Philosophy of James Madison* (Baltimore, 2001), 78-82; Banning, *Sacred Fire of Liberty*, 348-49; Paul Rahe, *Inventions of Prudence: Constituting the American Regime* (Chapel Hill, 1994), 18; Colleen A. Sheehan, "Madison and the French Enlightenment:

Madison of the *Federalist Papers* did indeed consider the multitude to be a dangerous threat to the wealthy classes of the nascent American republic. In *Federalist 10*, after listing several different types of potentially oppressive factions, he declared “the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society.”⁹⁰ Madison then proceeds to frame the protection of the propertied classes within a meritocratic argument that indicates a perpetual struggle between an undeserving poor and a deserving rich: “The first object of government” is the protection of “unequal factions of acquiring property” and “the possession of different degrees and kinds of property” that result from this inherent inequality.⁹¹ It was precisely this constellation of ideas and arguments that I alluded to earlier in this chapter when I suggested *Federalist 10* may have been influenced by Montesquieu.⁹² The American thinker nevertheless rejected the Frenchman’s solution of a “hereditary or self-appointed authority” and opted instead for institutions and provisions more “reconcilable with the genius of the people of America.”⁹³ Speaking directly to this point, Pangle says the Founders relied on “institutions like the presidency, the Senate, and the Supreme Court” which through their “modes of selection,” tenure specifications, and officially defined functions were intended to “approximate the performance of monarchs

The Authority of Public Opinion,” *The William and Mary Quarterly*, Third Series, Vol. 59, No. 4 (Oct., 2002).

⁹⁰ Madison, *Federalist 10*.

⁹¹ The term “undeserving poor” may be deceiving, as it signifies an impoverished class that is rendered poor through its own ineptness or bad choices.

⁹² See page 195 of this dissertation.

⁹³ Madison, *Federalist 51*, 39.

and nobles.”⁹⁴ Yet the Federalists understood these substitutes were inadequate on their own to stabilize the struggle between the few and the many.

The mechanism proposed by the authors of the *Federalist Papers* to shore up this deficiency was the weakening of the multitude with the extended sphere, i.e., the “enlargement of the orbit.”⁹⁵ Madison theorized that ratification of the Constitution would establish a federal government beyond the reach of a majority faction because the extensive size of the Union would split the nation “into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority.”⁹⁶ Citizens so divided would be less likely to “have a common motive to invade the rights of other citizens,” and if such a motive did indeed exist, it would “be more difficult for all who feel it to discover their own strength, and to act in unison with each other.”⁹⁷ Simply put, geographic distance and the distraction of competing identities, loyalties, and interests would make it very difficult for a majority faction to coalesce around a single issue long enough to wield oppressive power. Madison also postulated that such a coalition would likely turn on itself because “where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is

⁹⁴ Pangle, *Montesquieu’s Philosophy of Liberalism*, 130, 124-6. Pangle also refers his readers to Madison’s remarks during the Constitutional Convention in which he argues against a larger Senate. See: *Records of the Federal Convention*, ed. Max Farrand, 4 vols. (New Haven: Yale University Press, 1966), I, 151-56 (debate of June 7, 1787).

⁹⁵ Madison, *Federalist* 10; Hamilton, *Federalist* 9.

⁹⁶ Madison, *Federalist* 51. Scholars have disagreed about Madison’s belief that the legislatures of an extended republic would represent distinct interests or rise above the fray of factions and impartially govern the nation. For an excellent summary of this debate, see: Alan Gibson, “Madison’s ‘Great Desideratum’: Impartial Administration and the Extended Republic,” *American Political Thought*, Vol. 1, No. 2 (September 2012), especially 183-5.

⁹⁷ Madison, *Federalist* 51, 10.

necessary.”⁹⁸ The political outcome of the extended sphere would therefore be the protection of the few against the many.⁹⁹

Extending the sphere was for Madison the best possible answer to the “great desideratum” that had “not yet been found for Republican Governments.”¹⁰⁰ Hamilton similarly related that “enlargement of the orbit” was “a great improvement” to the “science of politics.”¹⁰¹ Contemporary scholars have been equally impressed by the theory of the extended sphere. Madison is declared to have “turned Montesquieu on his head” because he suggested the extensive size of the American republic would be its

⁹⁸ Madison, *Federalist* 10. Madison’s thinking here is perplexing because all factions, regardless of the size of the country, would be undermined by the distrustfulness associated with unjust motives. His argument therefore seems to be that distance and diversity exacerbate this inherent distrust. On a related note, is interesting to consider that Madison assumes factions are conscious of their “unjust or dishonorable purposes.” Yet the truly dangerous factions would seem to be those groups that are unaware of their unjustness or are capable of expediently rationalizing their dishonorable purposes as the common good.

⁹⁹ Holton has argued that the extended sphere was the answer Madison and other elites were looking for “to modify the state governments’ approach to two critical issues: taxation and debt.” He contends that: “Almost without exception the admirers of large polities and districts wanted the states to crack down on delinquent debtors and tax- payers, whereas Americans who wished to shrink the sphere of government or maintain its current size were advocates for debt and tax relief.” See: Woody Holton, “Divide et Impera’: ‘Federalist 10’ in a Wider Sphere,” *The William and Mary Quarterly*, Third Series, Vol. 62, No. 2 (2005), 179. He cites: James Madison, June 26, 1787, in Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1911), I: 431; Beard, *An Economic Interpretation of the Constitution of the United States*, Ch. 6. For more on the issue of taxation and debt, see Woody Holton, “From the Labours of Others’: The War Bonds Controversy and the Origins of the Constitution in New England,” *William and Mary Quarterly* 61, no. 2 (April 2004), 271-316.

¹⁰⁰ Madison to George Washington, April 16, 1787, in *PJM*, IX. Madison in his original formulation of the extended sphere also proposed equipping the federal government with the power to veto all state legislation, a provision he thought would be particularly useful for striking down unjust laws passed by factious majorities. Most likely inspired by the British monarch’s absolute negative, this recommendation was defeated at the Constitutional Convention. See: Madison to George Washington, April 16, 1787, in *PJM*, IX; Madison to Thomas Jefferson, October 24, 1787, in *PJM*, X. Holton has noted that this power was instead quietly given to the federal courts. See: Woody Holton, “Divide et Impera,” 176. For more on the connection between the extended sphere and universal veto, see: James Madison, *The Papers of James Madison. Congressional Series*, ed. William T. Hutchinson, et al. 17 vols. (Chicago: University of Chicago Press, 1962-91) 9: 347-8, 10:205-6; Charles Hobson, “The Negative on State Laws: James Madison, the Constitution, and the Crisis of Republican Government,” *William and Mary Quarterly* 36, (1979); Michael Zuckert, “The Political Science of James Madison,” *In History of American Political Thought*, ed. Bryan-Paul Frost and Jeffrey Skikkanga, (Lanham: Lexington Books, 2003), 149-66; Alan Gibson, “Madison’s ‘Great Desideratum.’”

¹⁰¹ Hamilton, *Federalist* 9.

salvation rather than its destruction.¹⁰² In the words of Gordon Wood: “What Madison and the Federalists did was turn all the old assumptions about republicanism around in order to create and justify their enlarged republic with its new kind of ‘mixed character.’”¹⁰³ There can be little doubt that Madison and the Federalists presented a serious challenge to Montesquieu’s assessment of republics, but a precise interpretation of the extended sphere reveals that the basic premise of Montesquieu’s theory of size holds true in Madison’s analysis: *In the balance of power between the few and the many, the few are generally more powerful in large countries than small countries.*¹⁰⁴ Nevertheless, the American thinker did part ways with the Frenchman in two important ways that gave him a fundamentally different perspective of republican regimes. The first of these departures was his evaluation of political virtue. The second was his assessment of political vigilance and its requirements in a republic.

¹⁰² See footnote 1 on page 191 of this dissertation. One distinct voice on this topic has been Gibson who asserts: “Madison is typically and correctly credited with turning Montesquieu on his head,” but “Madison did not disagree with the logic underlying Montesquieu’s analysis. Like Montesquieu and earlier theorists who wrote about the relationship of size and government, Madison believed that governments that extend over large territories were more likely to become monarchies. He disagreed that this natural tendency reflected the form of government that was best for that society.” See: Alan Gibson, “Veneration and Vigilance: James Madison and Public Opinion, 1785–1800,” *The Review of Politics* 67, no. 01 (2005), 22. Gibson cites: Madison, “British Government,” *PJM*, 14:201-202.

¹⁰³ Gordon S. Wood, *The Creation of the American Republic: 1776-1787* (University of North Carolina Press: Chapel Hill, 1998), 504.

¹⁰⁴ It is noteworthy that Hamilton suggested the converse in *Federalist* 28: “The obstacles to usurpation and the facilities of resistance increase with the increased extent of the state, provided the citizens understand their rights and are disposed to defend them.” This claim was disputed by the Federal Farmer who argued, “Is not directly the opposite true? The people in a small state can unite and act in concert, and with vigour; but in large territories, the men who govern find it more easy to unite, while people cannot; while they cannot collect the opinions of each part, while they move to different points, and one part is often played off against the other.” See: Federal Farmer XVII, January 23, 1788, in Storing, 2.8.212.

Madisonian Virtue

Scholars have varied widely in their interpretation of the meaning of political virtue for Madison and the Federalists. Bailyn and Wood maintain that the ideology of the founding period elevated individualism and property rights over the public-spiritedness of classical republicanism.¹⁰⁵ By contrast, Wills asserts civic virtue to be “at the very heart of *The Federalist*” and Epstein takes a middle path in arguing that both civic virtue and property rights were important.¹⁰⁶ Other scholars like Beer and McMillan understand the *Federalist Papers* to be a nationalistic project which rejects “states sovereignty” and emphasizes a powerful centralized government joined with populism.¹⁰⁷ A critical question within this debate is whether Madison believed the American political system required the United States to be a commercial republic. Diamond argues that Publius envisioned a commercialized nation where citizens are animated by “the ceaseless striving after immediate private gains.”¹⁰⁸ He concedes that Publius “counts on a portion of patriotism and wisdom in the people and especially in their representative rulers,” but “it is primarily their private passions and interests that render them useful to the republic.”¹⁰⁹ Sheehan considers Diamond’s analysis to be more reflective of Hamilton than Madison, and though she dodges the question of

¹⁰⁵ Bernard Bailyn, *The Ideological Origins of the American Revolution*; Gordon S. Wood, *Creation of the American Republic 1776-1787*.

¹⁰⁶ Garry Wills, *Explaining America*, 20; David F. Epstein, *The Political Theory of the Federalist* (Chicago: University of Chicago Press, 1984).

¹⁰⁷ Samuel H. Beer, “Liberalism and the National Idea,” in *Left, Right, and Center: Essays on Liberalism and Conservatism in the United States*, ed. Robert A. Goldwin (Chicago: Rand McNally, 1965), 154; Edward Millican, *One United People: The Federalists Papers and the National Idea*, (Lexington: University Press of Kentucky, 1990).

¹⁰⁸ Martin Diamond, “The Federalist,” 648-50.

¹⁰⁹ *Ibid.*, 650.

politically virtuous citizens, she nevertheless asserts that Madison thinks Americans have “consecrated their union” with a common defense of the nation, a shared past, and the intellectual refinement of patriotic intelligentsia.¹¹⁰ Gibson also disputes Diamond’s interpretation, arguing instead that Madison thought political virtue was essential to the American republic and that Madison fearfully believed advanced commercialization would lead to high levels of urbanization and wealth inequality that would intensify the struggle between the few and the many.¹¹¹

Textual evidence for the classical republican interpretation of Madison appears in *Federalist 51* where he argued that concern for “justice and the general good” was the only motivation capable of uniting a majority coalition whose members would otherwise be alienated by distance, diversity, and the in-group distrust generated by unjust causes. Evidence can also be found in *Federalist 10* where Madison speaks of factions threatening “the permanent and aggregate interest of the community.” Gibson claims this precise choice of words disproves the pluralist interpretation of Madison because it evidences his belief in a public good to be strived for that is “prior to and distinct from the various private interests of groups and individuals.”¹¹² However, even if this is true, the general thrust of *Federalist 10* indicates Madison’s lack of faith in the multitude. He postulated that just legislation is more likely to be arrived at if public views are refined and enlarged by trustee representatives “whose wisdom may best discern the true

¹¹⁰ Colleen Sheehan, *James Madison and the Spirit of Republican Self-Government* (New York: Cambridge University Press), 122, note 50, 123, 97, 104-5.

¹¹¹ Alan Gibson, “The Commercial Republic & the Pluralist Critique of Marxism,” 512-14, 523-24, 526-27.

¹¹² Gibson, “The Commercial Republic & the Pluralist Critique of Marxism,” 512-13. Gibson notes that he has appropriated Wood’s description of Whig republicanism. See: Gordon Wood, *The Creation of the American Republic, 1776-1787*, 58.

interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.”¹¹³ Zuckert in contrast to Gibson argues that Publius underscored the importance of virtuous leaders, and unlike Montesquieu, “never affirmed the need or likelihood for virtue in the people in the American republic.”¹¹⁴ But a different picture emerges in *Federalist 55* and Madison’s speech at the Virginia Ratifying Convention, both of which indicate the American thinker shared Montesquieu’s optimism that citizens were at least virtuous enough to select competent rulers and hold them accountable.¹¹⁵ Madison declared in *Federalist 55* that “republican government presupposes the existence of...sufficient virtue among men for self-government.” And in his speech at the Virginia Ratifying Convention, after conceding to the opposition that some legislatures will undoubtedly prove to be dishonest men, he affirmed his faith in the “great republican principle” that citizens will have the “virtue and intelligence” to elect enough men of “virtue and wisdom” to overrule those who fail in their duties:

Is there no virtue among us? If there be not, we are in a wretched situation. No theoretical checks—no form of government can render us secure. To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea. If there be sufficient virtue and intelligence in the community, it will be exercised in the selection of these men. So that we do not depend on their virtue, or put confidence in our rulers, but in the people who are to choose them.¹¹⁶

¹¹³ It is interesting to note that Madison makes no mention of virtuous trustee representatives in *Federalist 51*.

¹¹⁴ Michael P. Zuckert, “The Virtuous Polity, the Accountable Polity: Liberty and Responsibility in ‘The Federalist’”, *Publius*, Vol. 22, No. 1 (1992), 136.

¹¹⁵ *SL*, II.2. Perhaps more significantly, Madison trusted citizens to be armed which indicates some level of trust in their political virtue. See: Madison, *Federalist 46*.

¹¹⁶ James Madison, Virginia Ratifying Convention, June 20, 1788, in *PJM*, vol. 11. Hamilton makes a similar argument in *Federalist 76*.

Critics of the classical republican interpretation of Madison need only point to *Federalist 51* and his assertion that government itself was “the greatest of all reflections on human nature,” for “if men were angels, no government would be necessary.”¹¹⁷ Instead of accentuating public-spiritedness in this essay, Madison outlined a system of checks and balances that maintained liberty by relying on “the defect of better motives,” i.e., the private interests of men. The classical republican interpretation of Madison is also weakened by the vagueness of his references to virtue. Unlike Montesquieu, he never offered an explicit definition of political virtue or provided a comprehensive analysis of its requirements.¹¹⁸ Further evidence against the republican interpretation can be found in his memorandum “Vices” where he disputed Montesquieu’s assessment of political virtue. It was the Frenchman’s belief that political virtue could protect the wealthy and talented members of society from an otherwise envious multitude because it inspired frugality, directed personal ambition towards the common good, and imbued the common folk with an esteeming but cautious respect for great men.¹¹⁹ Madison rejected this evaluation, contending instead that regard for the “general and permanent good of the Community” is “found by experience to be too often

¹¹⁷ Madison, *Federalist 51*.

¹¹⁸ One explanation for this vagueness may simply be strategic argumentation. If Madison did indeed understand virtue to be the political virtue of Montesquieu, then revealing this without ambiguity would have exposed his theory of the extended sphere to heavy criticism. For if he accepted Montesquieu’s definition of virtue, then critics would allege that he must also accept the conditional requirements the Frenchman placed on virtue, i.e., a small homogenous republic. See for example: *SL*, VIII.16; *CR*, IX, 92-3.

¹¹⁹ *SL*, III.5; V.3, *Considerations*, IX, 93. Interestingly, Madison would in a letter to Jefferson seem to suggest that American citizens had too much reverence for the great man that was Washington and that the Federalist Party was able to manipulate the masses using his name. See: James Madison to Jefferson, 1793. Incidentally, the Anti-Federalists during the Constitutional Debate repeatedly complained that the Federalists were prostituting for their cause the names of men like Washington and Franklin. See for example: Centinel I, October 5, 1787, in Storing, 2.7.3; Centinel II, October 24, 1787, in Storing, 2.7.32; Centinel IV, November 30, 1787, in Storing, 2.7.83; Centinel XIII, January 30, 1788, in Storing, 2.7.146; Centinel XV, February 22, 1788, in Storing, 2.7.165.

unheeded.”¹²⁰ Those who thought otherwise were deceiving themselves or had formed this opinion by analyzing republics where the avarice of the multitude was restrained “by apprehensions of external danger.”¹²¹ Madison in this essay also disputed Montesquieu’s claims that “national pride” and religious conviction were dependable restraints on the multitude.¹²² When it came managing their reputations, Madison thought citizens were more likely to be influenced by the shallow fashionableness of public opinion than concern for global respect.¹²³ In the case of religion, he argued that its salutary benefits were only temporary and could just as easily “become a motive to oppression...as a restraint from injustice.”¹²⁴

We should not misunderstand Madison’s distrust for political virtue and other higher motives as a rejection of Montesquieu’s belief that citizens of a republic were required to be vigilant and politically assertive to defend the general interest. On the contrary, he declared in his essay *Charters* that “every citizen” should “be an Argus to

¹²⁰ Madison, “Vices.” See also: Madison to Thomas Jefferson, October 24, 1787, in *PJM*, X, 213.

¹²¹ Madison, “Vices.” Madison’s assertion here corresponds with Montesquieu’s postulation that republics need the fear of an external “Other” to help cultivate political virtue. Rome was the exemplary case study since it was a republic constantly at war. See: *SL*, VIII.4; *Considerations*, I, 27-8. Madison’s analysis is interesting to juxtapose with repeated assertions made in the *Federalist Papers* that European nations would be a threat to the individual states if they did not unite their strength by ratifying the Constitution. These warnings would seem to suggest that the individual states in Madison’s estimation would be capable of cultivating a sufficient level of political virtue to subdue majority factions. See for example: *Federalist*, 4, 8, 11, 24. Another relevant passage occurs in notes Madison jotted down on extensive government: “A Govt. of the same structure, would operate very differently...over a nation secure agst. foreign enemies, and over one in the midst of formidable neighbours.” See: James Madison, “Notes on the Influence of Extent of Territory on Government,” December, 1791, in *PJM*, vol. 14.

¹²² Madison, “Vices.” See also: Madison, *Federalist* 10; James Madison to Thomas Jefferson, October 24, 1787, in *PJM*, X. Montesquieu’s thoughts on religion and national pride can be found here: *SL*, V.3; VIII.13; *Considerations*, I, 27; VIII, 85.

¹²³ Madison, “Vices.”

¹²⁴ Madison, “Vices.” See also: Madison, *Federalist* 10; James Madison to Thomas Jefferson, October 24, 1787, 213-14; James Madison, Popular Election of the First Branch of the Legislature,” Speech at the Constitutional Convention, June 6, 1787, in *PJM*, X, 33.

espy, and an Aegeon to avenge” the violation of our “dearest rights.”¹²⁵ He spurned the notion that citizens of a republic should submit with complete confidence to their elected officials, arguing instead that citizens “ought to be enlightened, to be awakened, to be united,” and “that after establishing a government they should watch over it, as well as obey it.”¹²⁶ The appreciation Madison had for a vigilantly assertive population is perhaps best demonstrated in a *National Gazette* article in which he proclaimed that federalism and other divisions of power were “neither the sole nor the chief palladium of constitutional liberty.”¹²⁷ Rather, it was “the people” who must “be its guardians...ever ready to repel or repair aggressions on the authority of their constitution.”¹²⁸

Madison’s endorsement of assertive political vigilance ultimately begs the question: What would animate the people if he regarded political virtue as unreliable? The answer he provided was a potpourri of interests and passions. In *Federalist 51*, Madison suggested that something akin to England’s “spirit of watchfulness” would prevail in the American republic.¹²⁹ He was speaking of representatives in this instance, but his postulation that “the private interest of every individual may be a sentinel over

¹²⁵ James Madison, “Charters,” *National Gazette*, January 18, 1792, in *PJM*, vol. 14.

¹²⁶ Ibid. See also: James Madison, Speech at the Virginia Ratifying Convention, 163; James Madison, “Political Reflections,” *Aurora General Advertiser*, February 23, 1799, in *PJM*, XVII, 238-39.

¹²⁷ James Madison, “Government of the United States,” *National Gazette*, February 6, 1792, in *PJM*, vol. 14.

¹²⁸ Ibid. Madison in another essay offers the same assessment of the British government: “THE boasted equilibrium of this government, (so far as it is a reality) is maintained less by the distribution of its powers, than by the force of public opinion.” See: Madison, “British Government,” *National Gazette*, January 30, 1792, in *PJM*, vol. 14, 6 April 1791–16 March 1793. Sheehan understands Madison to be attacking Montesquieu with this statement, but Montesquieu himself argued that what made the English system wise was the “spirit of watchfulness” which included a vigilant and politically assertive population. See: Sheehan, *James Madison and the Spirit of Republican Self-Government*, 60-1; *Considerations*, VIII, 87-8. See also: *SL*, XIX.27.

¹²⁹ *Considerations*, VIII, 87-8.

the public rights” seems to have much wider application. Indeed, several years later he asserted in similar language that “every good citizen” should be “a centinel over the rights of the people; over the authorities of the confederal government; and over both the rights and the authorities of the intermediate governments.”¹³⁰ Yet the Virginian thought citizens would also have to be stimulated by something nobler than the individual acquisitiveness discussed in Chapter 3, or what Diamond calls “the ceaseless striving after immediate private gains.”¹³¹ In *Federalist 57*, Madison declared the greatest protection of liberty to be “the vigilant and manly spirit which actuates the people of America, a spirit which nourishes freedom, and in return is nourished by it.” Zuckert asserts this spirit to be different “from virtue in that it is a form of self-assertion, whereas virtue is a form of self-denial.”¹³² However, I will demonstrate below that Madison’s understanding of the “manly spirit” indicates a much stronger resemblance to political virtue than Zuckert recognizes. Other scholars have also discussed Madison’s “manly spirit” as the animating force of political vigilance, but none have offered a comprehensive analysis of what Madison precisely means by this term.¹³³ The findings

¹³⁰ Madison, “Government,” *National Gazette*, December 31, 1791, in *PJM*, vol. 14.

¹³¹ Martin Diamond, “The Federalist,” in Leo Strauss and Joseph Cropsey, eds., *History of Political Philosophy* (Chicago: Rand McNally, 1972), 650.

¹³² Michael P. Zuckert, “The Virtuous Polity,” 137. It is noteworthy that the rough draft of the “Declaration of Independence” originally made use of the term “manly spirit.” Referring to “our British brethren,” the document stated: “At this very time too they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch & foreign mercenaries to invade & destroy us. These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends.” In this context, manly spirit seems to denote the will of a people to exclude and treat outsiders as an external “Other.” See: Thomas Jefferson, *The Works of Thomas Jefferson*, Volume 2, edited by Paul L. Ford (G.P Putnam’s Sons: New York, 1904), 214-15. Montesquieu’s insight on exclusion may also be relevant. See: *SL*, VIII.4.

¹³³ See for example: Banning, 222; Robert W. T. Martin, “James Madison and Popular Government: The Neglected Case of the ‘Memorial’”, *Polity*. Vol. 42, No. 2, (2010), 192; Colleen A.

of this investigation will therefore contribute new insight to the scholarly debate pertaining to Madison's alleged republicanism.

The Manly Spirit

In *Federalist 14*, Madison uses the term “manly spirit” to describe the courage of Americans in following their own good sense and not suffering “a blind veneration for antiquity, for custom, or for names.” At first glance, this would seem to suggest the “manly spirit” for Madison was indeed something different than the political virtue of republics like Rome which strictly adhered to the ancient customs.¹³⁴ However, the reason Madison downplayed the importance of tradition here is because he was discussing the innovation that is “the experiment of the extended republic.”¹³⁵ The “manly spirit” was thus not actualized in the abandonment of America's cultural heritage. We should further note that Madison in this same essay proclaimed the “manly spirit” to be “the glory of the people of America,” and that posterity will be indebted to citizens of this republic for its revolution and subsequent display of “numerous innovations...in

Sheehan, “Public Opinion and the Formation of Civic Character in Madison's Republican Theory,” *The Review of Politics*, Winter 2005; Vol. 67, Issue 1, 38.

¹³⁴ See for example: *SL*, V.2, 7.

¹³⁵ Madison, *Federalist 14*. He is likely responding to the Anti-Federalist Centinel's claim that: “The late revolution having effaced in a great measure all former habits, and the present institutions are so recent, that there exists not that great reluctance to innovation, so remarkable in old communities, and which accords with reason, for the most comprehensive mind cannot foresee the full operation of material changes on civil polity; it is the genius of the common law to resist innovation...The wealthy and ambitious, who in every community think they have a right to lord it over their fellow creatures, have availed themselves, very successfully, of this favorable disposition; for the people thus unsettled in their sentiments, have been prepared to accede to any extreme of government.” These extremes included the extended sphere and the greater reliance on private interests. Interestingly, whereas Centinel had accused the Federalists of using names like Washington to curry public support, Madison argues that the Anti-Federalists were also relying on “names,” to persuade their audience—namely Montesquieu. See footnote 119 on page 221 of this dissertation.

favor of private rights and public happiness.”¹³⁶ National glory, providing for the descendants of the republic, and demonstrating concern for the common good were all associated with the political virtue described by Montesquieu.¹³⁷

Another occasion in which Madison used the term “manly spirit” was a published letter written to John Dunlap, the owner of the *American Daily Advertiser*. Madison was responding to criticism leveled against Jefferson by Hamilton.¹³⁸ He declared this defamation to be part of a larger attack by despotic interests on “that free and manly spirit of enquiry, which...demonstrated the mischievous tendency of some of the measures of government.”¹³⁹ In other words, the manly spirit of Americans included their willingness to investigate and publicly criticize the rulers and governance of the nation. This is akin to the political virtue Montesquieu described that inspired an esteeming but cautious regard for great men of the republic.¹⁴⁰ When rulers or their policies failed the republic, Montesquieu believed politically virtuous citizens had an obligation to engage in criticism.¹⁴¹

Madison also used the term “manly spirit” in an editorial written for the *National Intelligencer* in which he promoted an embargo as the appropriate response to British internment of American sailors during the Chesapeake–Leopard Affair (1807). Madison

¹³⁶ Madison, *Federalist* 14.

¹³⁷ *SL*, III.5; V.3; IV.5.

¹³⁸ Alexander Hamilton, “An American” articles, in *Papers of Hamilton*, Syrett and Cooke eds., (New York: Columbia University, 1961), XII, 157–64, 188–93, 224.

¹³⁹ James Madison, For Dunlap’s *American Daily Advertiser*, September 22, 1792, in *PJM*, XIV, 368.

¹⁴⁰ *Considerations*, IX, 93. See also: *Considerations*, VIII, 85; *SL*, II.2.

¹⁴¹ *SL*, XII.13; VI.8.

acknowledged that American citizens would suffer the loss of superfluities because of this defensive economic policy, but he believed an embargo would injure British commerce and have the advantage of forcing self-sufficiency and frugality on the American nation.¹⁴² Equally important would be the embargo's demonstration of American perseverance to the world. Madison was concerned that American citizens were perceived by Europeans to be consumed by luxury and that "neither injury nor insult" could rouse "the virtue of the nation."¹⁴³ This assessment bears a striking resemblance to Montesquieu's analysis of the decadent Athenians who were conquered by the Macedonians because they feared more for their superfluities than their sovereignty.¹⁴⁴ Madison believed the Chesapeake–Leopard Affair was an ideal opportunity to invalidate a similar view of America's national character:

Let the example teach the world that our firmness equals our moderation; that having resorted to a measure just in itself, and adequate to its object, we will flinch from no sacrifices which the honor and good of the nation demand from virtuous and faithful citizens. This manly spirit will ensure success, and success in this case will be our defence, and the cheapest of all defences against a repetition of wrongs which might provoke a repetition of such a remedy.¹⁴⁵

¹⁴² James Madison, Editorial, *National Intelligencer*, December 28, 1807, as quoted in Patricia L. Dooley, *The Early Republic: Primary Documents on Events from 1799 to 1820* (Santa Barbara: Greenwood Publishing Group, 2004), 207-208.

¹⁴³ James Madison, "Embargo," *Pittsburgh Weekly Gazette*, January 12, 1812, at Pittsburgh Post-Gazette Archives, <http://archives.post-gazette.com/newspage/96060341>, accessed September 25, 2015.

¹⁴⁴ SL, III.3, and footnote g. This was discussed in Chapter 1. See pages 49-50 of this dissertation.

¹⁴⁵ Madison, Editorial, 208. The historian Brian Arthur reveals that the sacrifice Americans were forced to endure because of this embargo was significant: "After December 1807 Jefferson's export embargo and non-importation legislation, collectively known as the 'restrictive system', had damaged most sectors of the American economy. Officially recorded American total exports fell by almost 80%, from \$108.3m in 1807 to \$22.4m in 1808; they recovered by 1811, but to only \$61.3m. More importantly...imports fell by almost 60%, from \$144.7m in 1807 to \$58.1m in 1808." See: Brian Arthur, *How Britain Won the War of 1812: The Royal Navy's Blockades of the United States, 1812-1815* (Woodbridge, Suffolk, Boydell & Brewer, 2011), 53. He cites: Curtis P. Nettels, *The Emergence of a National Economy 1775–1815, The Economic History of the United States* vol. II (New York and London: Harper & Row, 1962), 396, table 17, 'Total Foreign Trade of the United States,'; Douglass North, "United

Madison's newspaper editorial was preceded by a confidential statement he drafted for a special committee of the Senate investigating the Chesapeake–Leopard Affair. He speculated in this correspondence that an embargo would “be supported by all the manly virtue which the good people of the United States have ever discovered on great and patriotic occasions.”¹⁴⁶ Madison's use of the term “manly virtue” here instead of “manly spirit,” his mentioning of patriotism and virtue in the editorial, and his laudatory assessment of frugality all suggest the “manly spirit” he thought to be actuating the citizens of America was akin to the political virtue of Montesquieu's ancient republics.¹⁴⁷ Such an interpretation is supported by another letter Madison wrote in response to the Chesapeake–Leopard Affair in which he declared “the spirit excited throughout our nation, by the gross attack on its sovereignty, is that of the most ardent and determined patriotism.”¹⁴⁸

Madison would once again use the term “manly spirit” in his second inaugural address of 1813.¹⁴⁹ America was now at war with Britain because the sanctions had

States Balance of Payments 1790–1860’, in *Trends in the American Economy in the Nineteenth Century, Studies in Income and Wealth*, 24; National Bureau of Economic Research, (Princeton: Princeton University Press, 1960), reprinted (New York, Arno Press: 1975), 591–2, table A-2, Appendix A.

¹⁴⁶ James Madison, Confidential Statement to Senate Committee, April 16, 1807, as quoted in: Robert Allen Rutland, *James Madison: The Founding Father* (Columbia: University of Missouri Press, 1997), 199. See also: Henry Adams, *History of the United States*, Vol. 4 (New York: Charles Scribner's Sons, 1909), 233.

¹⁴⁷ Madison, *Federalist* 57. A comparable appeal to the “manly spirit” of the American people was Jimmy Carter's infamous MEOW speech in which he argued that gasoline rationing in America was a “moral equivalent of war.” See: C. Caplinger, “The Politics of Trusteeship Governance: Jimmy Carter's Fight For a Standby Gasoline Rationing Plan,” *Presidential Studies Quarterly*, 26.3 (1996), 778-794.

¹⁴⁸ James Madison to John Armstrong and James Bowdoin, July 15, 1807, in *The Writings of James Madison*, ed. Gaillard Hunt, (G.P. Putnam's Sons: New York, 1908), VII, 462.

¹⁴⁹ James Madison, “Second Inaugural Address,” March 4, 1813, in *Inaugural Addresses of the Presidents of the United States: From George Washington, 1789 to George H.W. Bush, 1989* (New York: Cosimo, Inc., 2008), 31.

failed to stop the impressment of American sailors and Parliament had passed the Orders in Council which authorized the Royal Navy to avert trade between France and America.¹⁵⁰ In reference to the war, Madison declared “the patriotism, the good sense, and the manly spirit of our fellow-citizens are pledges for the cheerfulness with which they will bear each his share of the common burden.”¹⁵¹ The “manly spirit” in this instance resembles what Montesquieu understood to be the equal willingness of politically virtuous citizens to make sacrifices for the national cause.¹⁵² Madison would similarly use this term in a letter sent to the governor of Georgia. The president was responding to a letter from the governor in which the latter proclaimed the “readiness of that State to make any sacrifice necessary to a vigorous prosecution of the war.”¹⁵³ Madison wrote in reply that “the patriotism and magnanimity of a people are put to the severest trial; and it will be a lasting honor to those of Georgia that the trial bears testimony to the manly spirit presiding in their public Councils.”¹⁵⁴ His reference to patriotism and sacrifice here demonstrates once again that Madison thought political virtue was an important component of the “manly spirit he thought to be animating the

¹⁵⁰ Richard W. Maass, “Difficult to Relinquish Territory Which Had Been Conquered: Expansionism and the War of 1812,” *Diplomatic History*, Volume 39, Issue 1, 75-76. Bickham notes that the maritime restrictions of the Orders in Council “received the most attention by far in the American press, diplomatic correspondence, and Congress.” See: Troy Bickham, *Weight of Vengeance: The United States, the British Empire, and the War of 1812* (New York: Oxford University Press, 2012), 24, as cited in: Maass, 77-78, footnote 41.

¹⁵¹ James Madison, “Second Inaugural Address,” March 4, 1813, in *Inaugural Addresses of the Presidents of the United States: From George Washington, 1789 to George H.W. Bush, 1989* (New York: Cosimo, Inc., 2008), 31.

¹⁵² *SL*, V.2.

¹⁵³ James Madison to Governor Early of Georgia, December 18, 1814, in James Madison, *Letters and Other Writings of James Madison: Fourth President of the United States, In Four Volumes*, (Philadelphia, J.B. Lippincott & Col, 1865), II, 597-98.

¹⁵⁴ *Ibid.*

American people.¹⁵⁵

What may be evident to the reader is that many of the references Madison makes to the “manly spirit” appear in statements pertaining to international politics. This is unsurprising, given that Montesquieu himself argued that a republic needs the fear of an external “Other” to sustain political virtue.¹⁵⁶ However, it would be a mistake to discount Madison’s appeal to the “manly spirit” as nothing more than an expedient effort to rally the country around the flag with trepidation of the British. An examination of other key statements Madison makes about the war reveals that he was endeavoring to tap into something far more meaningful to the American people. Consider the themes he invoked in his official war declaration and a private message he sent to Congress:

...I do moreover exhort all the good people of the United States, as they love their country, as they value the precious heritage derived from the virtue and valor of their fathers...that they exert themselves in preserving order, in promoting concord, in maintaining the authority and efficacy of the laws, and in supporting and invigorating all the measures which may be adopted by the constituted authorities for obtaining a speedy, a just, and an honorable peace.¹⁵⁷

The contest in which the United States are engaged, appeals for its support to every motive that can animate an uncorrupted and enlightened people; to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence, by a successful vindication of its violated attributes; to the gratitude and sympathy which demand security from the most degrading wrongs of a class of citizens, who have proved themselves so worthy of the protection of their country, by their heroic zeal in its defence; and, finally, to the sacred obligation of transmitting entire, to

¹⁵⁵ Madison, Federalist 57.

¹⁵⁶ *SL*, VIII.5.

¹⁵⁷ James Madison, Presidential Proclamation, June 19, 1812 in *The Papers of James Madison, Presidential Series*, IV, V November 1811–9 July 1812 and supplement 5 March 1809–19 October 1811, ed. J. C. A. Stagg, Jeanne Kerr Cross, Jewel L. Spangler, Ellen J. Barber, Martha J. King, Anne Mandeville Colony, and Susan Holbrook Perdue. Charlottesville: University Press of Virginia, 1999, 489–490. Hereafter cited as PJMPS.

future generations, that precious patrimony of national rights and independence which is held in trust by the present, from the goodness of Divine Providence.¹⁵⁸

We can see in both passages many of the most important aspects of political virtue discussed by Montesquieu—love of country, communal fellowship, love of the laws, heroic and glorious sacrifice, pride of national independence, and the national mythology of a sacred founding. Perhaps most significant of all, Madison appealed to the sentiment Montesquieu considered to be the foundational equality of a republic—the mutual dependency that exists between each citizen and the historical nation.¹⁵⁹ He says that Americans derived a “precious heritage” from their forefathers and they have a “sacred obligation” to transmit this gift “to future generations.”¹⁶⁰ It would be a mistake to dismiss these two passages as wartime propaganda because if Madison thought these critical themes of political virtue would resonate with the country, then there is good reason to believe he thought Americans were indeed politically virtuous in the manner described by Montesquieu. Such a claim must be qualified, for Madison did not understand the political virtue of America to be the extreme political virtue of an expansionist Rome. He makes this clear in his Fourth State of the Nation address when he says America is fighting a war provoked by a violation of her national rights.¹⁶¹ This

¹⁵⁸ James Madison to Congress, May, 25, 1813, in *PJM*, vol. 6.

¹⁵⁹ Pangle argues in contrast to this view that, “The primary sense in which virtue is ‘love of equality’ is that virtue is love of the sense of equal sharing in the ownership of the government.” See: Thomas Pangle, *The Theological Basis of Liberal Modernity in Montesquieu’s Spirit of the Laws* (Chicago: University of Chicago Press, 2010), 54.

¹⁶⁰ Madison, Presidential Proclamation; Madison to Congress.

¹⁶¹ In this regard, the historian Brian Arthur observes: “Although visions of acquiring Canadian land inflamed public opinion in the northwest territories and a handful of Congressmen, the majority of U.S. leaders firmly opposed annexation.” See: Brian Arthur, *How Britain Won the War of 1812 : The Royal Navy’s Blockades of the United States, 1812-1815* (Woodbridge: Boydell & Brewer, 2011), 72.

passage is also illuminating because it mentions once again the manliness of the American people, the virtue of the nation, and the supertemporal connection that citizens maintain with the ancestors and descendants of the republic:

...we have the inestimable consolation of knowing that the war in which we are actually engaged is a war neither of ambition nor of vain glory; that it is waged not in violation of the rights of others, but in the maintenance of our own...To have shrunk under such circumstances from manly resistance would have been a degradation blasting our best and proudest hopes; it would have struck us from the high rank where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations.¹⁶²

Historians contend that Madison was ultimately incorrect in his judgment of American political virtue, as popular support for the war varied in accordance with economic interests.¹⁶³ Richard Maass relates that the “British restriction of maritime trade,” which ultimately provoked the war, caused significant economic hardship to the agricultural producing states, but the commercial interests of the Northeast through smuggling efforts were “making ample profits from the wartime carrying trade.”¹⁶⁴ Thus, when America officially declared war on the British, “the majority of New England flatly refused to recognize it, let alone contribute to the war effort. Instead, merchants continued to trade with the British while governors refused to contribute militia to the federal army.”¹⁶⁵ Most telling of all was the behavior of the Connecticut General Assembly which “went so far as to reject the notion that cooperation was required by the

¹⁶² James Madison, “Annual Message to Congress,” Washington, DC, November 4, 1812, in *PJMPS*, V, 427-35.

¹⁶³ See for example: Reginald Horsman, *The Causes of the War of 1812* (A. S. Barnes: Philadelphia), 175-6, 266; Reginald Horsman, “Western War Aims, 1811-1812,” *Indiana Magazine of History* 53, no. 1(1957), 5-8; Bradford Perkins, *Prologue to War: England and the United States, 1805-1812*, (Los Angeles: University of California Press, 1961), 77, 409.

¹⁶⁴ Maass, 77-78.

¹⁶⁵ *Ibid.*, 91.

Constitution, declaring that “the state of Connecticut is a free sovereign and independent state; that the United States are a confederacy of states; that we are a confederated and not a consolidated republic.”¹⁶⁶ This historical analysis suggests that a political virtuous concern for the national interest is incapable of resisting economic interests that push hard enough in the opposite direction.

That Americans did not uniformly rally around the flag may seem remarkable given that America’s war grievances included the coercive restriction of American trade by the British Navy, the impressment of some 6,000 American sailors, and British incitement of Indian violence on the Western frontier.¹⁶⁷ Yet the reason this conflict was not supported in New England may be more complex than economic determinism. Another explanation is that the yeoman farmer thesis advanced by Madison and Jefferson had been proven correct.¹⁶⁸ Essentially, the states heavily populated by yeoman farmers could be relied upon to be politically virtuous whereas the states dominated by merchant interests had no real love for country. The yeoman farmer thesis will be examined in greater detail below, but it is worth noting now that Montesquieu also spoke highly of small farmers and thought artisans were cowardly soldiers, were corrupted by urban luxury, and lacked patriotism “since they had no

¹⁶⁶ Ibid. 91-2; “Report and Resolutions of Connecticut on the Militia Question,” August 25, 1812, in Herman V. Ames, *State Documents on Federal Relations: The States and the United States* (Philadelphia, PA, 1911), 59–61

¹⁶⁷ Maass, 75-8, 94-5; Robert Malcomson, *Historical Dictionary of the War of 1812* (Lanham, Scarecrow Press, 2006), 255.

¹⁶⁸ James Madison, “Republican Distribution of Citizens,” *National Gazette*, March 3, 1792, in *PJM*, XIV; Thomas Jefferson, *Notes on Virginia*, (W.W. Norton & Company: New York, 1982), Query XIX, 164-5; Thomas Jefferson to John Jay, August 23, 1785, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1953), VIII, 426–428; Thomas Jefferson to Horatio G. Spafford, March 17, 1814, in *The Papers of Thomas Jefferson, Retirement Series*, ed. J. Jefferson Looney, (Princeton: Princeton University Press, 2010) VII, 248–249.

country in the proper sense of the term,” and because they “could pursue their trade anywhere, they had little to lose or to preserve” by fighting.¹⁶⁹ If this thesis is correct, then economic professions and the distinct passions they fostered may help explain the anti-war sentiment in New England.

Another reason why the War of 1812 was not as widely supported as Madison’s speeches anticipated may have been that the Anti-Federalists were correct when they argued that America was too large and heterogeneous for political virtue to be sustained. Agrippa believed an extensive republic of political virtue defied human nature, for “the principles which bind [people] together as parents, citizens, or men...are, in their exercise, like a pebble cast on the calm surface of a river the circles begin in the center, and are small, active and forcible, but as they depart from that point, they lose their force, and vanish into calmness.”¹⁷⁰ The Anti-Federalists in the manner of Montesquieu had also warned that American virtue was corrupted by the luxury acquired through commerce.¹⁷¹ Such a people were unlikely to sacrifice their superfluous comforts in support of the war effort.¹⁷² Indeed, as was already mentioned, this very concern was an unfavorable perception of America that Madison himself sought to rectify with the trade embargo.¹⁷³

Yet another explanation for the divided war support among Americans is that the

¹⁶⁹ See: *Considerations*, III, 40, 39-41.

¹⁷⁰ Cato III, *The New York Journal*, October 25, 1787, in Storing, 2.6.19.

¹⁷¹ Cato, V, *The New York Journal*, November 22, 1787, in Storing, 2.6.27; Centinel VI, December 25, 1787, in Storing, 2.7.103; Centinel XVIII, April 9, 1788, in Storing, 2.7.178; Alfred, December 13, 1787 [*Philadelphia*] *Independent Gazetteer*; in Storing, 3.10.5; *SL*, V.6.

¹⁷² *SL*, III.3, and footnote *g*.

¹⁷³ See pages 226-28 of this dissertation. See also: James Madison, “Embargo.”

Federalist critique of the confederate system endorsed by Montesquieu and the Anti-Federalists was correct. The Federalists repeatedly warned that a decentralized confederation would be subjected to the meddling of foreign powers that would divide the American states against one another.¹⁷⁴ The Federalists ultimately won this debate, but the Union they established was still relatively new and perhaps had not yet solidified the collective understanding of the national interest the Federalists thought would eventually emerge with communicative activities and the “much better administration” of an energetic federal government.¹⁷⁵ If this thesis is correct, then the divided American reaction to the War of 1812 was a consequence of the confederated system that operated prior to the Union. This analysis seems particularly applicable to the behavior of the New England states in light of Jay’s prescient warning:

If one [state] was attacked, would the others fly to its succor, and spend their blood and money in its defense? Would there be no danger of their being flattered into neutrality by its specious promises, or seduced by a too great fondness for peace to decline hazarding their tranquility and present safety for the sake of neighbors, of whom perhaps they have been jealous, and whose importance they are content to see diminished? Although such conduct would not be wise, it would, nevertheless, be natural. The history of the states of Greece, and of other countries, abounds with such instances, and it is not improbable that what has so often happened would, under similar circumstances, happen again.¹⁷⁶

Private Interest and Political Virtue

To briefly recapitulate what has just been discussed, I argued that Madison like Montesquieu believes the citizens of a republic must be assertive and politically vigilant when it comes to defending their liberty. I also argued that the animating passion of the

¹⁷⁴ Jay, *Federalist* 4, 5, 6; Hamilton, *Federalist* 8, 11, 15, 59.

¹⁷⁵ Jay, *Federalist* 2; Madison, *Federalist* 14; Hamilton, *Federalist* 17.

¹⁷⁶ See: John Jay, *Federalist* 4.

people is a combination of private interest and the “manly spirit,” a sentiment that is strongly related to political virtue. The upshot of this analysis is that Madison thought political virtue was necessary for the American republic but was nevertheless insufficient on its own to stabilize the struggle between the few and the many. *Political virtue had to be supplemented with private interest to vitalize the common folk with assertive political vigilance—and because political virtue could not be relied upon to protect the wealthy elite from an overly ambitious multitude—the sphere had to be extended to prevent majority factions.* What remains to be explained is how Madison thought private interest and political virtue could harmoniously operate in republic. We learned in Chapter 1 that Montesquieu believed these two passions were generally incompatible unless virtue was incentivized and a certain floor level of equality was maintained with progressive taxation, inheritance laws, and job training.¹⁷⁷ Madison’s philosophy also suggested an incongruity between political virtue and private interest, but his staunch support for wealth inequality and property rights in the *Federalist Papers* seem to preclude Montesquieu’s solution.¹⁷⁸ However, five years later he would recommend two economic measures that did indicate a correspondence of thought with Montesquieu.

Conceding that parties were unavoidable “in every political society,” Madison thought this evil should be combatted: “By withholding *unnecessary* opportunities from [the] few, to increase the inequality of property, by an immoderate, and especially an unmerited, accumulation of riches;” and “By the silent operation of laws, which, without

¹⁷⁷ See pages 34-35 of this dissertation. See also: *SL*, III.3; V.3, 6; VII.2; XXIII.29.

¹⁷⁸ Madison, *Federalist* 10, 51, 55, 57.

violating the rights of property, reduce extreme wealth towards a state of mediocrity, and raise extreme indigence towards a state of comfort.”¹⁷⁹ The first of these recommendations was most likely crafted in response to Hamilton’s economic program which endorsed government subsidization of manufacturers and other moneyed interests.¹⁸⁰ The second provision indicates a progressive tax system that would maintain a sufficient level of economic equality. Although Douglass Jaenicke attributes Madison’s thinking here to the influence of Rousseau rather than Montesquieu, he is undoubtedly correct when he says “Madison’s new concern with attaining a rough substantive equality is apparently traceable to a recognition that large economic inequalities might impede the creation of genuine political community with its inner bonds of affection and trust.”¹⁸¹

Madison’s political philosophy also offered two more solutions to the contradiction between private interest and political virtue. First, he seemed to suggest that self-interest rightly understood can bridge these opposing passions. In the *National Gazette* essay “Charters,” he declared that vigilant citizens will regard “every public usurpation” as “an encroachment on the private right, not of one, but of all.”¹⁸² Put

¹⁷⁹ James Madison, “Parties,” January 23, 1792, in *PJM*, XIV, 197. These two provisions are actually listed as number 2 and 3 of a list of 5 provisions he recommends for combatting the evil of parties. The other provisions listed are political equality, an equal application of the laws, and party checking.

¹⁸⁰ Banning, *The Sacred Fire of Liberty*, 356; Sheehan, *James Madison and the Spirit of Republican Self-Government*, 19-27. See also: Alexander Hamilton, *Report on Manufacturers*, December 5, 1791.

¹⁸¹ Douglas W. Jaenicke, “Madison v. Madison: The Party Press Essays v. The Federalist Papers,” in *Reflections on the Constitution: The American Constitution After Two Hundred Years*, ed. John Zvesper and Richard A. Maidment (Manchester: Manchester University Press, 1989), 122. He cites: Jean Jacques Rousseau, *The Social Contract and Discourses*, translated by G. D. H. Cole (New York: E. P. Dutton, 1950), 50. I discussed Montesquieu’s understanding of the interactive relationship between patriotism and equality on pages 36-37 of this dissertation.

¹⁸² James Madison, “Charters,” *National Gazette*, January 18, 1792, in *PJM*, XIV. Madison does at times question the reliability of this motivation. Consider his observation that citizens often lack a

differently, citizens will defend the general interest against political abuses because they realize this same abuse could one day be delivered upon them. Sheehan contends that Madison envisioned a citizen population that is guided towards this perspective by the literati, men that Madison referred to as “philosophic and patriotic citizens who cultivate their reason.”¹⁸³ However, the Virginian also indicated a natural convergence of private interest with the common good when he asserted that the “manly spirit” actuating the American people is “a spirit which nourishes freedom, and in return is nourished by it.”¹⁸⁴ The implication of this statement is that political virtue can become self-perpetuating. Essentially, the vigilant and political assertiveness of politically virtuous citizens secures an enjoyable life, and this, in turn, inspires a passionate love of country which continues to motivate citizens to attentively defend the freedom and national independence of the republic. Political virtue sustained in this manner would thus be an actualization of the Greek proverb: “to make the city loved we must make it lovely.”¹⁸⁵ This argument is supported by the two block quotes above where Madison asserted that Americans wanted to defend the freedom and heritage they regarded as “precious.”¹⁸⁶ In other words, they would defend their way of life because they believed it the best way of life and presumably enjoyed it. Madison thus understands politically virtuous republics similarly to the Montesquieu we discovered in Chapter 2. Citizens may be

“prudent regard to their own good as involved in the general and permanent good of the Community.”
See: Madison, “Vices.”

¹⁸³ Sheehan, *James Madison and the Spirit of Republican Self-Government*, 104; Madison to Benjamin Rush, March 7, 1790, in *PJM*, XIII, 93.

¹⁸⁴ Madison, *Federalist* 57.

¹⁸⁵ See: *The Annals of the American Academy of Political and Social Science*, Volumes 51-53 (Philadelphia: American Academy of Political and Social Science, 1914), 197.

¹⁸⁶ Madison, “Proclamation of a State of War with Great Britain,”; Madison, “Message to the Special Session of Congress.”

willing to sacrifice their safety and property for the sustainment of the republic, but there are self-interested reasons for doing so intertwined with their public-spiritedness.

The conflict between private interest and political virtue is also resolved by Madison's belief that America's agrarian economy endowed the country with virtuous farmers whose private interests coincidentally aligned with the broader, long-term interests of the nation. Jefferson is better known for advancing yeoman farmer thesis, but Madison also considered "the life of the husbandman" to be naturally favorable to political virtue.¹⁸⁷ He declared the virtue of a yeoman farmer to be a "part of his patrimony, and no less favored by his situation."¹⁸⁸ In other words, the husbandman had a vested interest in the future of the country because of the meaningful connection he maintained with the land, with his forefathers who plowed it, and with his descendants who would do so after him.¹⁸⁹ While this sentiment is not exactly the disinterested political virtue of men supertemporally obligated to the ancestors and progeny of the collective nation, this sentiment is nevertheless far more noble and sacrificing than the passions motivating commercialized citizens who prioritize the material interests of the self in the here and now.

Gibson has also noted that Madison in his essay *Republican Distribution of*

¹⁸⁷ Madison, "Republican Distribution of Citizens." See also: Gibson, "The Commercial Republic & the Pluralist Critique of Marxism." Jefferson declared that: "Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue." He also referred to yeoman farmers as "the most valuable citizens," and "the most vigorous, the most independant, the most virtuous, & they are tied to their country & wedded to it's [sic] liberty & interests by the most lasting bonds." See: Thomas Jefferson to John Jay, August 23, 1785, in *The Papers of Thomas Jefferson*, VIII, 25 February–31 October 1785, ed. Julian P. Boyd, (Princeton: Princeton University Press, 1953), 426–428.

¹⁸⁸ Madison, "Republican Distribution of Citizens."

¹⁸⁹ I may be guilty of imposing Jefferson's or even Tocqueville's view on Madison, but Madison's use of the word "patrimony" does indicate a genealogical connection to the land that inspires political virtue. See footnote 187 on page 239 of this dissertation and page 199.

Citizens wanted “to perpetuate an agrarian republic” because he thought “landed farmers were beholden to neither an employer nor the government” and were thus, in Madison’s words, “the best basis of public liberty, and the strongest bulwark of public safety.”¹⁹⁰ Madison argued this same point in a *National Gazette* article when he compared the American yeoman farmer to English manufacturers involved with industries “depending on mere fashion.”¹⁹¹ He called the latter occupation the “least desirable in a free state” because their livelihood was subject to the “caprices of fancy.”¹⁹² On the other hand, he viewed the self-sufficient yeoman farmers with great approval:

What a contrast is here to the independent situation and manly sentiments of American citizens, who live on their own soil, or whose labour is necessary to its cultivation, or who were occupied in supplying wants, which being founded in solid utility, in comfortable accommodation, or in settled habits, produce a reciprocity of dependence, at once ensuring subsistence, and inspiring a dignified sense of social rights.¹⁹³

Yeoman farmers in Madison’s assessment could thus provide the same vital service to a republic that a monarch and hereditary noble class did for Montesquieu’s hybrid republic—they would hold in check the “men of large fortunes” who attempt to raise themselves “to grandeur on the ruins of the country.”¹⁹⁴ This was especially true of the wealthy landed interests that Madison in *Federalist 10* called one of the most

¹⁹⁰ Gibson, “The Commercial Republic,” 526; Madison, “Republican Distribution of Citizens,” March 5, 1792. Papers 14: 244-46.

¹⁹¹ James Madison, “Fashion,” *National Gazette*, March 20, 1792, in *PJM*, vol. 14.

¹⁹² *Ibid.*

¹⁹³ *Ibid.*

¹⁹⁴ *SL*, VIII.16.

powerful economic groups vying for political dominance.¹⁹⁵ The other groups he listed were manufacturing interests, mercantile interests, moneyed interests, and “many lesser interests.”¹⁹⁶ Because he endorsed the yeoman farmer thesis, Madison had an optimistic view that landed interests would check these other groups when their private interests conflicted with the common good.¹⁹⁷ To be clear, Madison did concede that farmers might collectively advance their own factious interests, but he nevertheless seemed to think this economic class because of their virtue, self-sufficiency, and perpetual familial dependency on the land were far more trustworthy than other interest groups like merchants.¹⁹⁸ In taking this view, he shared the opinion of Jefferson who famously warned: “merchants have no country. The mere spot they stand on does not constitute so strong an attachment as that from which they draw their gains.”¹⁹⁹

¹⁹⁵ Madison indicates a distinction between wealthy landed interests and commoners when he says landed interests are “subdivided according to the different productions of different situations & soils.” To my knowledge, he does not believe individuals from either group were more likely to be virtuous than the other. See: James Madison to Thomas Jefferson, October 24, 1787, in *PJM*, X.

¹⁹⁶ Madison, *Federalist* 10.

¹⁹⁷ In this regard, it is noteworthy that scholars contend Madison eventually grew wary of Hamilton’s politics and the New York lawyer’s apparent favoritism towards manufacturers and moneyed men. See for example: Sheehan, *James Madison and the Spirit of Republican Self-Government*, 15-30. Yet even in the *Federalist Papers* does Madison indicate his concern for the economic transformation of the republic away from agrarianism towards commercialism. See: Madison, *Federalist* 55-57. He was nevertheless hopeful that “settlement of the Western country” would delay the inevitable transition of America into a manufacturing nation.” See: James Madison to Thomas Jefferson, August 20, 1784, in *Letters and Other Writings of James Madison* (R. Worthington: New York, 1884), I, 96.

¹⁹⁸ For example, Madison speculates that if economic policy was “decided by the landed and the manufacturing classes,” then neither would probably legislate “with a sole regard to justice and the public good. See: Madison, *Federalist* 10.

¹⁹⁹ See: Thomas Jefferson to Horatio G. Spafford, March 17, 1817, in *The Papers of Thomas Jefferson, Retirement Series*, VII, 248-49. Jefferson was likely influenced by Montesquieu in this view. See pages 239-240 of this dissertation. See also: *Considerations*, III, 39-41.

Diversity and the Practical Sphere

The second major departure Madison took from Montesquieu was his postulation that citizens could maintain vigilant political assertiveness in much larger republics than the Frenchman surmised. Montesquieu believed the complexities and subnational divisions of an extensive republic would overwhelm the citizen population, erode political virtue, and incapacitate the “spirit of the people.”²⁰⁰ Madison argued in contrast that assertive political vigilance could operate in a larger republic if a “contraction of territorial limits” was actuated by “whatever facilitates a general intercourse of sentiments.”²⁰¹ This included federalism which allowed most political life to take place in the smaller forum of the state; and also helped facilitated public vigilance with state legislatures who for reasons of virtue or private interest would jealously guard against an overreaching federal government.²⁰² Also important to Madison’s “contraction of territorial limits” were rotating representatives, education, “good roads, domestic commerce, a free press, and particularly a circulation of newspapers through the entire body of the people.”²⁰³ Madison postulated that a “vigilant and manly” citizen population in a large republic could, with these provisions, engage in a sufficient level of communicative activity to effectively monitor their government and protect the general interest.²⁰⁴ Nevertheless, Madison ultimately conceded in his theory of the “practical

²⁰⁰ See for example: *SL*, VIII.6; *Considerations*, IX, 92-3; VIII, 87.

²⁰¹ Madison, “Concerning Public Opinion.”

²⁰² Madison, *Federalist* 10, 46, 51.

²⁰³ Madison, *Federalist*, 51, 63; James Madison to W. T. Barry, December 19, 1791, in *PJM*, XIV, 170.

²⁰⁴ Madison, *Federalist* 51.

sphere” that an enlargement of a republic could extend only so far.²⁰⁵ More significantly, on the question of ethnic and cultural diversity, the Father of the Constitution capitulated almost completely to Montesquieu.

Madison’s theory of the “practical sphere” is partially explored in a letter written to Jefferson outlining the major discussion points of the Constitutional Convention. After discussing the problem of majority factions and the solution of the extended sphere, he declared: “Divide et impera, the reprobated axiom of tyranny, is under certain qualifications, the only policy, by which a republic can be administered on just principles.”²⁰⁶ He then went on to argue that such a strategy was unsuitable for an excessively large country because “a defensive concert may be rendered too difficult against the oppression of those entrusted with the administration.”²⁰⁷ That is to say, if citizens were too alienated from one another by distance or diversity, then the collective body of the nation would be unable to cohesively pressure their rulers into governing in accordance with the general interest.²⁰⁸ The “practical sphere” or the “sphere of a mean extent” as Madison called it in his letter to Jefferson, was the ideal size of a republic to stabilize the struggle between the few and the many. It was not so large that the assertive political vigilance of the people would be debilitated, but neither was it so

²⁰⁵ James Madison to Thomas Jefferson, Oct. 24, 1787, in *PJM*, X; Madison, *Federalist* 14, 51. Hamilton also mentioned the “practicable sphere,” though he offered little by way of explanation. See: Hamilton, *Federalist* 24.

²⁰⁶ James Madison to Thomas Jefferson, Oct. 24, 1787, in *PJM*, X.

²⁰⁷ *Ibid.*

²⁰⁸ Miller also notes that “a people’s vigilance is hampered by the ease with which a physically distant government can conceal its designs from their ‘eyes.’ This difficulty plainly hinders popular control as the people can hardly be expected to respond to something about which they are unaware.” See: Tiffany Jones Miller, “James Madison’s Republic of ‘Mean Extent’ Theory: Avoiding The Scylla and Charybdis of Republican Government,” *Polity* 39.4 (2007), 558.

small that a majority faction could oppress individuals and minority groups.

Madison also discussed the concern of an excessively large republic in a *National Gazette* article where he said “public opinion sets bounds to every government, and is the real sovereign in every free one.”²⁰⁹ The trouble with larger countries, he argued, was that it was difficult for the “real opinion to be ascertained” and easier for it to be counterfeited.²¹⁰ Or as he related in *Federalist 63*, the extended sphere will expose citizens “to the inconveniency of remaining for a longer time under the influence of those misrepresentations which the combined industry of interested men may succeed in distributing among them.”²¹¹ These “interested men” were not the demagogues Madison and Hamilton warned about that could stir up a majority faction in a popular government.²¹² Instead, they were the “interested men” Madison mentioned in the preceding *Federalist Paper* essay: “the sagacious, the enterprising, and the moneyed few” who take advantage of general public confusion and enrich themselves through legal loopholes and corrupt economic practices the people can neither comprehend nor monitor.²¹³

Wittingly or not, Madison’s thinking here is a recapitulation of Montesquieu’s

²⁰⁹ James Madison, “Public Opinion,” *National Gazette*, December 19, 1791. See also: James Madison, “Constitution,” *National Gazette*, January 19, 1792; James Madison, “Who Are the Best Keepers of the People’s Liberties?” *National Gazette*, December 22, 1792. Arguing in a similar vein, Hamilton declared the people to be “the natural guardians of the Constitution” and said public opinion would be particularly effective at restraining the executive. See: *Hamilton, Federalist 16*, 70.

²¹⁰ *Ibid.*

²¹¹ Madison, *Federalist 63*.

²¹² See for example: Hamilton, *Federalist 1*; Madison, *Federalist 55*, 58.

²¹³ Madison, *Federalist 62*. Madison’s concerns about these financial interests can also be observed in his *National Gazette Essays*. See for example: James Madison, “The Union: Who Are Its Real Friends?” *National Gazette*, March 31, 1792, in *JPM*, XIV, 274; James Madison, “Spirit of Governments” *National Gazette*, February 18, 1792 in *JPM*, XIV, 233-34; Madison, “A Candid State of Parties,” in *PJM*, XIV, 371-72.

assessment that citizens will be politically overwhelmed in large republics and easily manipulated by a wealthy elite class that advantages itself by establishing a corrupt system of laws.²¹⁴ Madison's mentioning of "divide et impera" also seems to be a reiteration of the Frenchman's warning that ambitious men will empower themselves by exacerbating the subnational divisions of a large country.²¹⁵ Madison would assert elsewhere that when the people are "divided—the yoke has been forced upon them."²¹⁶ And in another article discussing political parties, he was even more specific about the plutocratic threat facing the citizens of the large American nation:

The antirepublican party, as it may be called, being the weaker in point of numbers, will be induced by the most obvious motives to strengthen themselves with the men of influence, particularly of moneyed, which is the most active and insinuating influence. It will be equally their true policy to weaken their opponents by reviving exploded parties and taking advantage of all prejudices, local, political, and occupational, that may prevent or disturb a general coalition of sentiments.²¹⁷

Scholars have offered competing interpretations of Madison's theory of the "practical sphere" as it relates to the requirements of political vigilance. For example, Banning's analysis emphasizes the importance Madison places on the "compound, partly federal features" of the American political system.²¹⁸ By contrast, Sheehan underscores newspapers, communicative activity, and the guiding influence of

²¹⁴ See for example: *SL*, VIII.16; X.4.

²¹⁵ *Considerations*, IX, 93; XIII, 121.

²¹⁶ James Madison, "Who Are the Best Keepers of the People's Liberties?" *National Gazette*, December 22, 1792, in *PJM*, XIV, 426–427.

²¹⁷ Madison, "A Candid State of Parties."

²¹⁸ See: Banning, *The Sacred Fire of Liberty*, 211, 211-12. Publius understands this system to be considerably more centralized than Montesquieu's confederate republic discussed in Chapter 3. See: Madison, *Federalist* 18, 19, 20, 43. See also: Hamilton, *Federalist* 8, 9, 11, 59.

intelligentsia.²¹⁹ The diverging analysis of these two scholars likely owes to Banning's narrower understanding of the "practical sphere" as a mechanism to prevent majority factions that still allows citizens to monitor their rulers.²²⁰ Sheehan's contribution is to highlight the importance Madison also placed on citizens maintaining a bond with one another.²²¹ She also offers unique insight on Madison's view of public opinion and its refinement through the interactive political discourse of citizens, statesman, and the literati.²²² Gibson rejects Sheehan's claim that Madison perceived "statescraft as soulcraft," arguing instead that Madison envisioned a free thinking population of far greater intellectual independence.²²³ Teena Gabrielson also argues in contrast to Sheehan that Madison thought the functionality of "enlightened public opinion" was limited to defending the Constitution rather than actively directing the government.²²⁴

A major gap in the research of all these scholars is their under-appreciation for Madison's belief that political vigilance required a homogeneous republic. Of the scholars investigating the "practical sphere," Tiffany Miller has given this important

²¹⁹ Sheehan, *James Madison and the Spirit of Republican Self-Government*, 103-6, 167, 170; See also: 80-1. Hamilton also envisioned an important role for the "learned professions," believing they were more likely than other classes of men to be impartial public officers. See: Alexander Hamilton, *Federalist* 35; Alexander Hamilton, *Alexander Hamilton, The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University, 1961-79), IV, 480; Darren Staloff, *Hamilton, Adams, Jefferson: The Politics of Enlightenment and the American Founding* (New York: Hill and Wang, 2005), 86-88.

²²⁰ Banning, *The Sacred Fire of Liberty*, 213.

²²¹ Colleen Sheehan, *James Madison and the Spirit of Republican Self-Government*, 96-106; Colleen Sheehan, "The Politics of Public Opinion," *The William and Mary Quarterly*, Third Series, Vol. 49, No. 4 (1992), 611-20.

²²² Sheehan, "The Politics of Public Opinion," 620; Sheehan, *James Madison and the Spirit of Republican Self-Government*, 105.

²²³ Gibson, "Veneration and Vigilance," 9.

²²⁴ Teena Gabrielson, "James Madison's Psychology of Public Opinion," *Political Research Quarterly* (2009) Vol. 62, no. 3, 434.

subject the greatest consideration.²²⁵ She contends that Madison's "extended sphere offers a twofold protection against majority faction based upon the heterogeneity of the people as well as the practical difficulties attending communication and concert among a more numerous and widely distributed majority."²²⁶ On the specific question of Madison's "practical sphere" and heterogeneity, she writes:

...as the extent of the sphere increases and thus takes in increasingly diverse people, they become progressively more vulnerable to those who would turn the various "prejudices and interests" among them against each other. The more diverse a people becomes, in other words, the more prone it is to division. As the people's influence over government depends upon its ability to act collectively, a propensity to divide undermines the unity required to sustain popular control. Even if the people strive to remain informed of the actions taken by a distant government, in short, the obstacles impeding popular communication, concert, and unity would eventually prevent them from exerting control effectively over those in government.²²⁷

The textual evidence Miller relies upon is limited to notes Madison composed in 1791 pertaining to the topic of territorial size.²²⁸ Madison theorized that a government operates very differently "over a people homogeneous in their opinions & pursuits" than it does "over a people consisting of adverse sects in religion, or attached to adverse theories of Govt," or if the society is "composed wholly" of poor farmers rather than

²²⁵ Another scholar addressing this topic is Jaenicke whose analysis of Madison emphasizes "social homogeneity," which he understands to be an approximation of wealth equality and self-sufficient professions, i.e., yeoman farmers. See: Jaenicke, "Madison v. Madison," 121-3.

²²⁶ Miller, "James Madison's Republic of 'Mean Extent' Theory," 557, footnote 28.

²²⁷ *Ibid.*, 558.

²²⁸ Miller simply refers to this source as: "a note written in late 1791." However, her reference to "prejudices and interests" is taken directly from this document. See: Miller, 557-8; James Madison. "Notes on the Influence of Extent of Territory on Government, [ca. December] 1791," in *The Papers of James Madison*, vol. 14, 6 April 1791–16 March 1793, ed. Robert A. Rutland and Thomas A. Mason, (Charlottesville: University Press of Virginia, 1983), 132–133.

being a society of polarized wealth.²²⁹ He further postulated that governments in small countries were controlled by “the facility of popular combinations and the force of public opinion & feeling.”²³⁰ Conversely, in large countries where citizens are more likely to be heterogeneous, Madison thought the people would be less capable of controlling their government because of “the difficulty of concerting popular plans & movements.”²³¹ In addition to the logistical impediments of coalescing a majority consensus, Madison said it was easier for a government to veil “its designs from distant eyes” and turn “the prejudices and interests real or imaginary of the parts agst each other.”²³²

Miller’s thesis can be considerably improved upon by examining other key statements Madison and the Federalists made about heterogeneous republics. At around the same time Madison’s notes on territorial size were drafted, he was also composing notes for the *National Gazette* articles that would be published in 1792. He related in these pages that: “The extent of France & heterogeneousness of its component provinces have been among the principal causes of the monarchical usurpations.”²³³ Citing William Robertson as his source of influence, Madison was most likely referring to the historian’s observation that France was “broken into so many independent baronies” that “every district was governed by local customs,

²²⁹ James Madison, “Notes on the Influence of Extent of Territory on Government.”

²³⁰ Ibid.

²³¹ Ibid.

²³² Ibid.

²³³ James Madison, “Notes for the *National Gazette* Essays, [ca. 19 December 19, 1791–March 3 1792],” in *The Papers of James Madison*, vol. 14, 6 April 1791–16 March 1793, ed. Robert A. Rutland and Thomas A. Mason. Charlottesville: University Press of Virginia, 1983, 157–169.

acknowledged a distinct lord, and pursued a separate interest.”²³⁴ The long-term outcome of this diversity, Robertson observed, was that “hardly any common principle of union remained,” and the legislative authority of the general assembly was eventually assumed by the king.²³⁵ The deductions Madison arrived at in these two different set of notes clearly informed his *National Gazette* essay “Consolidation” where he praised the communicative benefits of homogeneity:

...the greater the mutual confidence and affection of all parts of the Union, the more likely they will be to concur amicably, or to differ with moderation...

...the less the supposed difference of interests, and the greater the concord and confidence throughout the great body of the people, the more readily must they sympathize with each other, the more seasonably can they interpose a common manifestation of their sentiments, the more certainly will they take the alarm at usurpation or oppression, and the more effectually will they consolidate their defence of the public liberty.²³⁶

Madison’s thinking here resembles Montesquieu’s argument that citizens of the Roman Republic were able to vigilantly defend themselves against political abuse because they “had but a single spirit, a single love of liberty, and single hatred of tyranny.”²³⁷ The reason for this cohesive sentiment, Montesquieu explained, was because the Romans were a people united by ethnicity and culture.²³⁸ That Madison shared this favorable view of homogeneity is indicated by his assertion in this essay that

²³⁴ William Robertson, *The History of the Reign of the Emperor Charles V*, The second American, from the tenth London edition, (Philadelphia: John Bioren, Tho. L. Plowman, A. Fagan, 1812), Volume 1, Section 3, 134. Madison does not provide a page number in his reference, but Robertson’s writing here is the most relevant section to Madison’s notation.

²³⁵ *Ibid.*, 135.

²³⁶ “Consolidation,” *Essays for the National Gazette*, December 3, 1791.

²³⁷ *Considerations*, IX, 92-3.

²³⁸ *Ibid.*

a harmonious national interest could be obstructed by “local prejudices.”²³⁹ This interpretation is also supported by his statement that state governments are necessary to represent the diverse “latitudes,” of the country, i.e., the climatic induced variations in culture and economic interests permeating the extensive American nation.²⁴⁰ We should further note Madison’s use of the term “mutual confidence,” a term Montesquieu employed to describe the social capital of people “connected by custom, marriages, laws, associations, and by a certain conformity of disposition.”²⁴¹ Madison’s choice of words here could have been influenced by David Hume who used the term “mutual confidence” less restrictedly to describe the trust engendered by the “warm attachment of love and friendship.”²⁴² Nevertheless, even if Hume was Madison’s source of intellectual influence, the American thinker undoubtedly seemed to share Montesquieu’s assessment that “mutual confidence” is better achieved with cultural homogeneity and the ties of ethnic kinship. Indeed, a thorough textual analysis of the writings and speeches of all three authors of the *Federalist Papers* reveals they had a very qualified understanding of the type of heterogeneity that a republic could sustain. This is perhaps most evident in the nationalist thinking of John Jay:

With equal pleasure I have as often taken notice that Providence has been pleased to give this one connected country to one united people—a

²³⁹ “Consolidation,” *Essays for the National Gazette*, December 3, 1791.

²⁴⁰ *Ibid.*

²⁴¹ *Ibid.* SL, X.3.

²⁴² David Hume, *The Philosophical Works of David Hume*, Volume 4 (Boston: Little, Brown and Company, 1854), 323. Hume’s use of the term “mutual confidence” here is comparable to another instance of Madison using this term. The latter delivered a speech calling for a national day of prayer so that the Almighty Power would “inspire all citizens with a love of their country and with those fraternal affections and that mutual confidence which have so happy a tendency to make us safe at home and respected abroad.” See: James Madison, “Proclamation - Recommending a Day of Prayer,” July 23, 1813, in *PJMPS*, VI, 458–460.

people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established general liberty and independence.²⁴³

Jay clearly did not identify America as a nation of significant heterogeneity. Factions might have indeed existed, but none were of a serious kind because: “To all general purposes we have uniformly been one people...united to each other by the strongest ties” and this will prevent Americans from ever “splitting into a number of unsocial, jealous, and alien sovereignties.”²⁴⁴ Madison and Hamilton both seemed to share Jay’s nationalist political views. Madison claimed the American people could be “mutual guardians of their mutual happiness” because they were “knit together...by so many cords of affection.”²⁴⁵ This included the “kindred blood” that flowed in their veins that would permit them to be true citizens capable of living “together as members of the same family.”²⁴⁶ Writing in response to President Jefferson’s message to congress about naturalization, Hamilton argued that it was essential for America to preserve the “national spirit” and the “national character” of the people, both of which he thought to be under threat from a government that failed to properly regulate immigration.²⁴⁷ He

²⁴³ John Jay, *Federalist 2*. It is interesting to note that this paragraph immediately follows a discussion of America’s rivers and streams which Jay says are useful for facilitating communicative activities. It may be that homogeneity was important for Jay specifically because he thought it would facilitate communication between citizens.

²⁴⁴ Ibid.

²⁴⁵ Madison, *Federalist 14*.

²⁴⁶ Ibid. Madison’s mentioning of family here smacks of political virtue. Consider Montesquieu’s statement that the education of political virtue can only occur in a small state where you can train “up the people like a single family.” See: *SL*, IV.7.

²⁴⁷ Alexander Hamilton (Lucius Crassus), “Examination of Jefferson’s Message to Congress, IX” January 18, 1802, in *The Works of Alexander Hamilton*, ed. Henry Cabot Lodge (Federal Edition) (New York: G.P. Putnam’s Sons, 1904), VIII.

warned the American people that certain foreigners harbored anti-liberal customs, manners, and opinions. Naturalizing people such as these was likely to “produce a heterogeneous compound” that would “complicate and confound public opinion” and “introduce foreign propensities.”²⁴⁸ Madison shared these concerns, and like Hamilton and Montesquieu before him, placed a strong emphasis on cultural assimilation.²⁴⁹ He declared on the floor of Congress that citizenship was a privilege that should be restricted to “the worthy part of mankind” that would “increase the wealth and strength of the community.”²⁵⁰ This meant, in part, restricting naturalization to only those immigrants who “really meant to incorporate [themselves] into our society.”²⁵¹ Madison did not mention the importance of ethnicity or cultural background during this speech, but he offered no objections to the bill under review which limited naturalization to “free white persons.”²⁵² Known to be an avid opponent of slavery, he nevertheless believed the long-term solution to this contemptible institution was the recolonization of freed slaves.²⁵³ Madison’s regard for Indians was equally pessimistic: “Next to the case of the

²⁴⁸ “Examination of Jefferson’s Message to Congress, VIII” January 12, 1802. This was not an uncommon view of immigrants at this time. For example, Benjamin Franklin and the Anti-Federalist thinker Agrippa expressed similar concerns about German immigrants in Pennsylvania. See: Glenn Weaver, “Benjamin Franklin and the Pennsylvania Germans,” *The William and Mary Quarterly*, Third Series, Vol. 14, No. 4 (Oct., 1957), 536 – 559. See also: Agrippa, December 28, 1787. Jefferson also raised concerns that unfettered immigration from absolute monarchies would infuse into government “their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass.” See: Thomas Jefferson, *Notes on the State of Virginia*, Query 8, 84-85.

²⁴⁹ *Ibid.*, SL, X.3.

²⁵⁰ Madison, “House of Representatives, Rule of Naturalization,” February 3, 1790.

²⁵¹ *Ibid.*

²⁵² *Ibid.* See also: Naturalization Act, in *The Documentary History of the First Federal Congress of the United States of America, March 4, 1789-March 3, 1791*, Charlene Bangs Bickford and Helen E. Veit, Eds. (Baltimore: The Johns Hopkins University 1986), 1516.

²⁵³ James Madison, Memorandum on an African Colony for Freed Slaves, October 20, 1789, in *PJM*, XII, 437-38. See also: James Madison to Marquis de LaFayette, November, 1826, in James

Black race within our bosom, that of the red on our borders, is the problem most baffling to the policy of our Country.”²⁵⁴

The importance of ethnic and cultural homogeneity for the Federalists may explain why Madison in his various explanations of the “practical sphere” never mentioned the political virtue that Montesquieu thought was essential for the “spirit of the people” to operate. Political virtue could have been a moot point for Madison in the sense that America met what he considered to be the core requirements of political virtue outlined by Montesquieu—shared ancestors, same religion, same culture, a shared history, and a shared “Other.”²⁵⁵ Madison’s esteemed regard for homogeneity may also be an additional reason why he believed private interest and political virtue could harmoniously operate in the same republic. Citizens of the same ethnicity and culture would in a free republic undoubtedly divide into various interest groups, but the “mutual confidence” citizens had in one another because of their ethnic and cultural homogeneity meant they were less likely to develop linked fate attitudes that assertively or defensively elevate subnational loyalties above love of country.²⁵⁶

Madison, *The Writings of James Madison*, ed. Gaillard Hunt, (New York: G.P. Putnam’s Sons, 1910), IX, 265-66.

²⁵⁴ James Madison to Thomas L. McKenney, February 10, 1826, in *Letters and Other Writings of James Madison*, III, 516. Madison at least considered the possibility of resettling freed slaves on the frontier, but concluded that such a settlement “would be destroyed by the Savages who have a peculiar antipathy to the blacks.” Such a claim indicates that Madison thought the racial problem in America extended beyond a Black-White dichotomy. See: James Madison, Memorandum on an African Colony for Freed Slaves, October 1789. Implementing this plan would have also conflicted with his recommendation for Westward expansion. See: James Madison, *Letters and Other Writings of James Madison* (R. Worthington: New York, 1884), I, 96

²⁵⁵ Consider also the external enemies discussed in *Federalist Papers*, 4, 8, 11, 24.

²⁵⁶ *SL*, X.3. The term “linked fate” was first used by Dawson to articulate the political solidarity and strong sense of collective dependency that African Americans experience as a racial group. See: Michael C. Dawson, *Behind the Mule: Race and Class in African American Politics* (Princeton, New Jersey: Princeton University Press, 1994).

Irrespective of these possibilities, the foregoing analysis suggests that Madison's lauded defeat of Montesquieu has been significantly exaggerated by contemporary scholars. The American thinker did persuasively challenge the Frenchman's assertion that political virtue could protect the few from the many. He also presented innovative ways to enlarge the sphere and still maintain the communicative activity necessary for the people to be vigilant and politically assertive. Yet in spite of these contrapositions, Madison ultimately conceded to Montesquieu that both excessive size and high levels of cultural and ethnic diversity would overwhelm the nation and enable the few to oppress the many.

Conclusion

This chapter investigated the theoretical challenge presented to Montesquieu's theory of size by Madison and his coauthors in the *Federalist Papers*. I demonstrated that the extended sphere is best understood as a mechanism devised by these American thinkers to shore up the deficiencies of a republic that did not have a monarch or hereditary nobility to protect the few from the many. I argued that Madison rejected the Frenchman's claim that political virtue can restrain the multitude from oppressing the few, but he nevertheless considered this passion an important component of the assertive political vigilance American citizens needed to defend the general interest. I also argued in contrast to other scholars that Madison's alleged defeat of Montesquieu has been significantly exaggerated. The father of the Constitution did argue in contrast to Montesquieu that political vigilance could be maintained in a larger republic if citizens were animated by a "vigilant and manly spirit" and a sufficient level of communicative

activity was effectuated with federalism, rotating representatives, education, transportation networks, commerce, and newspapers. However, Madison ultimately conceded to Montesquieu that excessive size or high levels of cultural and ethnic diversity would overwhelm the nation and enable the few to oppress the many. The importance of this chapter is that it suggests the possibility that the diverse American republic of today may indeed be exposed to the existential threat anticipated by Montesquieu's theory of size—the plutocratic oppression of society by an elite class that employs the strategy of *divide et impera*.

EPILOGUE

The foregoing analysis has sought to contribute new insight on the question of diversity in America by investigating two competing theories of modern republicanism: Montesquieu's theory of size and Madison's theory of the practical sphere. Pondering this intellectual debate hundreds of years later, we may be tempted to dismiss the critical opinions these political thinkers harbored for diversity as bigoted, archaic, or unfashionable. We might also reject Montesquieu's analysis of the extensive republic because it relies so heavily on the experience of the Roman Republic. Americans tend to view their nation as exceptional with its own distinct history and its own unique destiny.¹ Consider the viewpoint of the intellectual historian Richard Weaver:

...the United States is somehow exempt from the past and present fate, as well as from many of the necessities, of other nations. Ours is a special creation, endowed with special immunities. As a kind of millennial [sic] state, it is not subject to the trials and divisions that have come upon others through time and history. History, it is commonly felt, consists of unpleasant things that happen to other people, and America bade good bye to the sorrows along with the vices of the Old World.²

The enlarged sphere that is the American republic today has certainly proved to be far more resilient than either Montesquieu or Madison could have ever imagined. It may therefore be that the Federalists were correct about the method for dealing with factions and wrong about the limitations imposed on this mechanism by a heterogeneous society. Yet it would be imprudent to simply dismiss the counsel of these great thinkers as irrelevant to politics today. For if Montesquieu and Madison were not

¹ Madison himself considers the possibility that America was exceptionally unique, but concludes that ancient and modern republics can still guide the American experience. See: *Federalist* 63.

² Richard M. Weaver, *Ideas Have Consequences* (Chicago: University of Chicago Press, 1948), 113.

altogether misguided in their view of heterogeneous republics, then contemporary America may indeed be exposed to the existential threat anticipated by Montesquieu's theory of size—the oppression of society by a plutocratic class that employs a strategy of *divide et impera*.

Concern for this possibility may be especially warranted if the real test of the American extended sphere has yet to come. Scholars like Samuel Huntington and pundits like Kevin Phillips and Patrick Buchanan contend that for most of its history, the United States has been largely homogenous in terms of its race and Anglo-Saxon culture.³ Other scholars like Gary Segura and Luis Fraga question the importance and reality of American cultural homogeneity, but even if the predominance of Anglo-Saxonism is questionable, it seems difficult to dispute that America for most of its history has been a Eurocentric nation devoted to Western ideals, values, beliefs, laws, and practices.⁴ More significantly, the Pew Hispanic Center reports that since as late as 1960, America was a country whose population was 85% White, 3.5% Hispanic, 11% Black, and 0.6% Asian.⁵ Huntington and Buchan are thus likely correct when they argue that the United States, because of the Civil Rights movement, the 1965 Immigration and Naturalization Act which abolished the quota system of American immigration, and the popularization of multiculturalism, took a radically different path into territory unknown to

³ Huntington, *Who Are We*; Kevin Phillips, "Balkanization of America,"; Buchanan, *The Death of the West*. See also: Kevin P. Phillips, *The Cousins' Wars: Religion, Politics, and the Triumph of Anglo-America* (New York: Basic Books, 1999).

⁴ Luis R. Fraga and Gary M. Segura, "Culture Clash? Contesting Notions of American Identity and the Effects of Latin American Immigration," *Perspectives on Politics*, Volume 4, Issue 2281, June 2006. See also: Ronald Takaki, *A Different Mirror: A History of Multicultural America* (New York: Back Bay Books, 2008); Susan L. Mizruchi, *Rise of Multicultural America* (Chapel Hill: University of North Carolina Press, 2008).

⁵ Jeffrey Passel and D'Vera Cohn, "U.S. Population Projections: 2005-2050," *Pew Hispanic Center*, Washington D.C., February, 2008.

earlier generations of Americans—high levels of integrated racial and cultural diversity.⁶ Indeed, the Pew Hispanic Center reported that by 2010 the White population had shrunk to 63% whereas Hispanics now comprised 17% of the population, Blacks 13%, and Asians 9%.⁷ Moreover, if population projections by the Census Bureau are accurate, then non-Hispanic, White Americans will cease to compose a majority of the population in 2043.⁸ The United States will thus, for the very first time, be a majority-minority nation which means that many of the challenges anticipated by Montesquieu and Madison in this dissertation may still be encountered by the American republic if they have not already arrived.

Empirical studies indicate that ethnic groups within nations become far more polarized when they approach numerical parity. For example, Monica Toft in an investigation of ethnic population shifts and civil wars found evidence supporting intrastate power transition theory. Demographic changes result in power transitions where “rising ethnic groups, unhappy with the status quo, may destroy the state’s equilibrium by seeking a change in the distribution of valued goods within the state commensurate with their new and growing power.”⁹ The rising majority may resort to violence if they believe their demands will not be met, or alternatively, the incumbent majority may preemptively attack the rising group before they are powerful enough to

⁶ Huntington, *Who Are We*, Buchanan, *The Death of the West*. See also: Patrick J. Buchanan, *Suicide of a Superpower: Will America Survive to 2025?* (New York: St. Martin’s Press, 2011).

⁷ Passel and Cohn, “U.S. Population Projections: 2005-2050.”

⁸ “2012 National Population Projections,” *The United States Census Bureau: U.S. Department of Commerce*, at: <http://www.census.gov/newsroom/releases/archives/population/cb12-243.html>, accessed June 9, 2013.

⁹ Monica Duffy Toft, “Population Shifts and Civil War: A Test of Power Transition Theory,” *International Interactions*, 2002, Volume 33, Issue 3, 248.

leverage their claim. Tanja Ellingsen investigated the relationship between ethnic group sizes and conflict, finding that civil wars are more likely to occur when the largest group is less than eighty percent of the total population.¹⁰ Interestingly, Ellingsen also found evidence that civil wars are more likely to occur in countries with fewer numbers of ethnic groups rather than greater which supports Madison's theory that higher levels of diversity weakens factions.¹¹ However, another explanation for Ellingsen's discovery can be inferred from Robert Putnam's controversial study that found racial diversity in America increases out-group distrust *and* in-group distrust.¹² Thus, instead of merely partitioning the citizens of a nation into less threatening fluid majorities or smaller factions that wield little power, racial diversity reduces social capital among all citizens and essentially atomizes society.¹³ With this possibility in mind, we should recall that the principal concern that emerged from this dissertation was not that a heterogeneous republic would violently balkanize, but that diversity will confuse and divide the citizen population, diminish the "mutual confidence" of the people, erode political virtue, and thus incapacitate the assertive political vigilance necessary to guard the republic against plutocracy.¹⁴

¹⁰ Tanja Ellingsen, "Colorful Community or Ethnic Witches' Brew?" *Journal of Conflict Resolution*, Vol. 44, No. 2 (2000).

¹¹ Madison, *Federalist* 10, 51.

¹² Robert D. Putnam, "E Pluribus Unum: Diversity and Community in the Twenty-First Century: The 2006 Johan Skytte Prize Lecture," *Scandinavian Political Studies* 30, no. 2 (2007).

¹³ Putnam also attributes the demise of social capital in America to a number of other causes, including economic pressures that reduce free time, mobile citizen populations that live in sprawling suburbs, leisure activities like television, and the rise of cynicism and libertarianism among younger generations. See for example: Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community*, (New York: Simon and Schuster, 2000); Robert D. Putnam, "Bowling Alone: America's Declining Social Capital," *Journal of Democracy* 6, no. 1 (1995).

¹⁴ *SL*, VIII.16; X.4; *Considerations*, 92-3; James Madison to Thomas Jefferson, October 24, 1787, in *PJM*, X; 1787; Madison, "Public Opinion,"; Madison, *Federalist* 62, 3.

Linking the empirical studies of Toft, Ellingsen, and Putnam with the theoretical views of Montesquieu and Madison ultimately begs the question: Does such a threat exist in the diverse republic that is America today?

Comprehensively investigating this puzzle would expand this project well beyond the scope of a dissertation. The objective of this epilogue will therefore be to offer the reader some preliminary considerations by investigating three interrelated questions: (1) Is plutocracy emerging in America today? (2) If this appears to be the case, is plutocratization caused by or reinforced by heterogeneity? And if so, what would Montesquieu and Madison offer us by way of a solution?

American Plutocracy

We learned in Chapter 4 that both Montesquieu and Madison viewed merchants and moneyed interests as potential threats to a republic. We also learned that the danger these economic groups presented was especially pronounced when contrasted with the monarch, nobleman, and yeoman farmers who because of their economic self-sufficiency and dependency on the land, and in the case of the yeoman, their virtue, were far more reliable actors when it came to guiding the nation towards its broader, long-term interests. If Montesquieu and Madison observed the American republic today, they might have good reason to believe their analysis has been confirmed: Because we are a heterogeneous republic, and because we lack the monarch and hereditary nobility of Montesquieu's hybrid republic, America is increasingly dominated by oligarchs who operate without the collectively imposed restraints of a vigilant and politically assertive

population.

Scholarship today abounds with research investigating government corruption, oligarchs, and the economic betrayal of the national interest. For example, the libertarian Hans-Hermann Hoppe shares the view of Montesquieu and Madison that a monarch is more likely than other political actors to have selfish interests that coincidentally align with the long-term interests of the nation.¹⁵ The reason for this, he explains, is that hereditary monarchies are “privately-owned” governments that operate with “future-orientedness,” whereas democracies are “publicly-owned” governments that operate with “present-orientedness.”¹⁶ Hoppe believes this conceptual distinction explains the extraordinary national debt and or the inflationary monetary policy that is so prevalent in contemporary democracies. Essentially, the temporary caretakers of democratic governments irresponsibly enjoy the benefits of deficit spending and expanding the money supply because the long-term costs of this behavior will fall upon others.¹⁷ Conversely, when a monarch engages in these policies, he and his family dynasty will have to personally pay creditors and will also suffer the reduced power of the national currency.¹⁸ Hoppe concludes that government debt and inflation are therefore likely to be much greater in democracies than monarchies. However, instead of proposing a return to monarchy or a fix more in line with Madison, he recommends an even more radical solution of “anarcho-capitalism” that completely dismantles the State

¹⁵ *SL*, V.9; XXIII.24; Hamilton and Madison, *Federalist* 19, 20.

¹⁶ Hans-Hermann Hoppe, *Democracy-The God That Failed: The Economics and Politics of Monarchy, Democracy, and Natural Order* (Piscataway: Transaction Publishers, 2001), xix.

¹⁷ *Ibid.*, 84.

¹⁸ *Ibid.*

and privatizes all public services, including internal policing, judicial services, and national defense.¹⁹

Other scholars concur with Montesquieu and Madison's assessment that merchants and moneyed interests advance their self-interest through political corruption.²⁰ For example, Randall Holcombe contends that oligarchs "influence the government's economic policies to use regulation, government spending, and the design of the tax system to maintain their elite status in the economy."²¹ Members of government are thereafter rewarded with financial support to "maintain their status; an exchange relationship that benefits both the political and economic elite."²² In evidence of his thesis, Holcombe points to the 2008 government bailouts, the subsidization of the politically connected, and monetary policy that aids the banking industry.²³ He also understands the Occupy Wall Street movement to have been a reaction against this corruption. A recent empirical study from Princeton University validates some of Holcombe's concerns. Martin Gilens and Benjamin Page measured the influence of various actors on the American government and found that "economic elites and organized groups representing business interests have substantial independent impacts on U.S. government policy," whereas "mass-based interest groups and average citizens

¹⁹ See for example: *Ibid.*, xxi, 236-8, 132, 230, Chapter 12.

²⁰ *SL*, VIII.6; X.4; Madison, *Federalist* 62. Madison's concerns about these financial interests can also be observed in his *National Gazette Essays*. See for example: "The Union: Who Are Its Real Friends?"; "Spirit of Governments"; "A Candid State of Parties"; "Parties."

²¹ Randall G. Holcombe, "Political Capitalism," *Cato Journal* 35 (2015), 41.

²² *Ibid.*

²³ *Ibid.*, 43.

have little or no independent influence.”²⁴

Other voices sounding the alarm seem to support Montesquieu’s thesis that large republics are inevitably dominated by “men of large fortunes” who raise themselves to greatness on the ruination of the country.²⁵ For example, William Robinson theorizes that a “transnational capitalist class” emerged towards the end of the twentieth century whose prosperity and power was achieved by breaking “free of the class compromises and concessions that had been imposed by working and popular classes and by national governments in the preceding epoch.”²⁶ Far more mobile than its predecessors, transnational capitalism generates profits by searching the world for the cheapest labor, the lowest taxes, and the laxest “environmental and labor laws.”²⁷ Robinson argues that outsourcing was initially restricted to low-skilled manufacturing in poorer nations, but massive investment in education by countries like China and India has also generated a significant relocation of higher skilled jobs in research and development.²⁸ The Economic Policy Institute substantiated Robinson’s concerns when it reported that the United States between the years 2001 and 2013 outsourced 3.2 million jobs to China alone.²⁹ As a figure of comparison, the Bureau of Labor Statistics reported “the number

²⁴ Martin Gilens and Benjamin I. Page, “Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens,” *Perspectives on Politics* 12 (3), (2014): 565.

²⁵ *SL*, VIII.16.

²⁶ William I. Robinson, “Global Capitalism Theory and the Emergence of Transnational Elites,” *Critical Sociology* 38, no. 3 (2012), 352.

²⁷ *Ibid.*, 354.

²⁸ *Ibid.* 360. He cites: Richard Freeman, “China, India and the doubling of the global labor force: who pays the price of globalization? The Asia-Pacific Journal: Japan Focus, (2005), Available (consulted 23 April 2012) at: <http://www.japanfocus.org/-Richard-Freeman/1849>.

²⁹ Will Kimball and Robert E. Scott, “China Trade, Outsourcing and Jobs,” *Economic Policy Institute*, December 11, 2014, at: <http://www.epi.org/publication/china-trade-outsourcing-and-jobs>, accessed July 16, 2015.

of unemployed persons” in America in June of 2015 as 8.3 million.³⁰ Robinson’s thesis of the transnational class concludes that “labor is increasingly only a naked commodity, no longer embedded in relations of reciprocity rooted in social and political communities that were historically institutionalized in nation-states.”³¹ In other words, the wealthy elite are no longer dependent upon American workers and thus have little concern for their well-being.³² We might compare the indifference transnationalists have for citizens to the vested interests of monarchs and nobles who Montesquieu said were “neither great, rich, powerful, nor even safe but by the number of [their] subjects,” and thus had “a singular attention to make [their] little country flourish.”³³

Buchanan has similarly criticized America’s economic policies which have resulted in “mammoth trade deficits, a falling dollar, deindustrialization, [and] growing dependency on foreign nations for the necessities of our national life and the weapons of our national defense.”³⁴ He concedes that America has always been influenced by self-interested members of the wealthy elite, but argues that the robber barons and tycoons who dominated earlier eras “were something that few of our superrich are today. They were nation builders.”³⁵ They became rich in ways that strengthened the infrastructure of the nation and put money into the pockets of ordinary Americans.

³⁰ “Employment Situation Summary,” *Bureau of Labor Statistics*, Department of Labor, July 2, 2015, at: <http://www.bls.gov/news.release/empisit.nr0.htm>, accessed July 16, 2015.

³¹ *Ibid.*, 361.

³² Presidential candidate Bernie Sanders recently leveled a similar charge against the Koch brothers and other right-wingers who endorse pro-immigration policies so they can benefit from cheap labor. See: Bernie Sanders, Interview, by Ezra Klein, *The Vox Conversation*, July 28, 2015, at: <http://www.vox.com/2015/7/28/9014491/bernie-sanders-vox-conversation>, accessed August 9, 2015.

³³ *SL*, XXIII.24.

³⁴ Patrick Buchanan, *Day of Reckoning* (New York: St. Martin’s Press, 2007), 221.

³⁵ *Ibid.*, 209.

Buchanan contrasts the trickledown economics of America's former protectionist economy with today's free trade economy which he says corporations enthusiastically support because it amounts to freedom from employing American workers, freedom to move factories abroad, and freedom "to export back to the United States, free of charge."³⁶ He observes that "for the first seventy years of the twentieth century, we ran trade surpluses every year. We have now run trade deficits for thirty five years."³⁷ The Economic Policy Institute has similarly reported that "U.S. trade and investment deals such as the North American Free Trade Agreement and the U.S.-Korea Free Trade Agreement, and China's membership in the World Trade Organization, have resulted in growing U.S. trade deficits and job losses and downward pressure on U.S. wages."³⁸ Another study from this organization found that trade deficits contributed to the loss of some "5.7 million manufacturing jobs between March 1998 and 2013."³⁹

Joel Kotkin contends that new "tech Oligarchs" operating in places like Silicon Valley threaten "to accelerate the consolidation of wealth, power, and influence in ways unprecedented since the height of the industrial revolution."⁴⁰ Unlike "the old plutocracy"

³⁶ Ibid., 230. See also: Ha-Joon Chang, *Bad Samaritans: The Myth of Free Trade and the Secret History of Capitalism* (London: Bloomsbury Publishing, 2007); Sherrod Brown, *Myths of Free Trade: Why American Trade Policy Has Failed* (New York: New Press, 2006).

³⁷ Ibid., 204.

³⁸ Robert E. Scott, "Increased U.S. Trade Deficit in 2014 Warns Against Signing Trade Deal without Currency Manipulation Protections," *Economic Policy Institute*, February 5, 2015, at: <http://www.epi.org/publication/increased-u-s-trade-deficit-in-2014-warns-against-signing-trade-deal-without-currency-manipulation-protections>, accessed July 10, 2015.

³⁹ Robert E. Scott, "The Manufacturing Footprint and the Importance of U.S. Manufacturing Jobs," *Economic Policy Institute*, January 22, 2015, at: <http://www.epi.org/publication/the-manufacturing-footprint-and-the-importance-of-u-s-manufacturing-jobs>, accessed July 10, 2015.

⁴⁰ Joel Kotkin, *The New Class Conflict* (Candor: Telos Press Publishing, 2014), 5. He cites: "A Wealth of Influence," *Financial Times*, October 8, 2005; "Bloomberg Billionaires: Today's Ranking of the World's Richest People," Bloomberg, at <http://www.bloomberg.com/billionaires/2014-01-02/cya/aaaac>.

of “oil barons, the heads of major manufacturing firms, [and] the owners of major utilities,” these new oligarchs employ “relatively few Americans, and those that are critical to their operations are largely drawn from the ranks of the very educated.”⁴¹ In demonstration of this point, Kotkin relates that “Google at the end of 2013 had a market cap six times that of General Motors while having one-fifth as many American workers.”⁴² He further notes that “tech Oligarchs” because they manufacture relatively inexpensive products like smart phones and video games are far less dependent on the consumption of a “large and thriving middle class.”⁴³

Kotkin contends the political influence wielded by this class is observable in their promotion of green policies in areas of energy and climate which incidentally squares them off with members of the old oligarchy who derived their profits from fossil fuels.⁴⁴ The “tech Oligarchs” have also demonstrated considerable influence on immigration policies like the 2013 Gang of Eight bill that would have, according to the New York Times, expanded “guest worker visa programs” and allowed companies like Facebook and LinkedIn “to fill thousands of vacant jobs with foreign engineers.”⁴⁵ Kotkin believes these lobbying efforts are better explained by the desire for cheap labor than “a critical

⁴¹ Kotkin, 6-7. He cites Max Green, *Epitaph for American Labor: How Union Leaders Lost Touch with America* (Washington, DC: AEI Press, 1996), 14-15; Matthew Josephson, *The Money Lords: The Great Finance Capitalists, 1925-1950* (New York: Weybright and Talley, 1972), vii.

⁴² *Ibid.*, 7. He cites: Adrian Wooldridge, “The Coming Tech-lash,” *Economist*, November 18, 2013.

⁴³ *Ibid.* He cites: James Freeman, “How Washington Really Redistributes Income,” *Wall Street Journal*, October 21, 2012.

⁴⁴ Kotkin, 38.

⁴⁵ See for example: Eric Lipton and Somini Senguptamay, “Latest Product From Tech Firms: An Immigration Bill,” *New York Times*, May 4, 2013, at: <http://www.nytimes.com/2013/05/05/us/politics/tech-firms-take-lead-in-lobbying-on-immigration.html>, accessed July 15, 2015.

shortage of skilled computer workers.”⁴⁶ He supports this position with a report from the Economic Policy Institute that found “the country is producing 50 percent more IT professionals each year than are being employed.”⁴⁷ He also highlights a report from the “economic consulting firm EMSI” which “estimates that there are now three times as many new IT graduates as job openings.”⁴⁸

Kotkin in a manner reminiscent of Madison contrasts the increasing wealth and power of the “tech Oligarchs” with a struggling “Yeoman class” of “small business owners, sole proprietors, and those with small property holdings.”⁴⁹ He contends that “throughout at least the last two decades, economic change has benefited top workers at financial services companies, technology firms, and the highest-end business, while incomes for the middle and working classes have suffered as wage jobs have proliferated.”⁵⁰ The result of this disparate economic impact is that “overall median incomes for Americans” have fallen “seven percent for the decade since 2000.”⁵¹ Kotkin’s answer to the tech oligarchy which in 2014 alone saw the emergence of “at least ten new billionaires,” includes: (1) a reevaluation of the capital gains tax that advantages the super-rich and hurts small business owners; (2) more infrastructure

⁴⁶ Kotkin, 42.

⁴⁷ Ibid. He cites: “EPI Analysis Finds No Shortage of STEM Workers in the United States,” *Economic Policy Institute*, press release, April 24, 2013, at:<http://www.epi.org/press/epi-analysis-finds-shortage-stem-workers>.

⁴⁸ Ibid. He cites: Joshua Wright, “Supply of Tech Workers Greater Than Estimated Demand,” *New Geography*, September 1, 2011, <http://www.newgeography.com/content/002411-supply-tech-workers-greater-than-estimated-demand>.

⁴⁹ Ibid., 12; Madison, “Republican Distribution of Citizens.”

⁵⁰ Ibid., 13. He cites: Richard Henderson, “Industry Employment and Output Projections to 2020,” *Monthly Labor Review*, vol. 125, no. 1 (January 2012), 65-83.

⁵¹ Ibid. He cites: Phil Izzo, “Bleak News for Americans’ Income,” *Wall Street Journal*, October 14, 2011.

spending by government which research shows has been particularly beneficial to middleclass employment; (3) and more government spending on job training and education.⁵² Kotkin is also hopeful that opportunities for self-employed workers operating from home will continue to expand, essentially establishing “something of a digital version of the rural homestead.”⁵³

Diversity and Plutocracy

Providing evidence that plutocracy has emerged in America does not by itself validate the concerns of Montesquieu and Madison explored in this dissertation. Corroborating their central thesis also requires the demonstration of evidence that plutocracy is caused by or reinforced by heterogeneity. Putnam’s aforementioned findings about racial heterogeneity and diminished levels of social capital does seem to support Montesquieu’s and Madison’s thesis that diversity will reduce “mutual confidence” among citizens and thus incapacitate the assertive political vigilance citizens need to collectively defend the general interest against plutocracy.⁵⁴ However, Montesquieu and Madison believed this outcome was far more likely to occur if the wealthy elite deliberately exacerbated the preexisting tensions of a diverse society.

⁵² Ibid., 140-42. He cites: Alex Morrell, “Billionaires 2014: record Number of Newcomers Includes Sheryl Sandberg, Jan Koum, Michael Kors,” *Forbes*, March 3, 2014, at: <http://www.forbes.com/sites/alexmorrell/2014/03/03/billionaires-2014-record-number-of-newcomers-includes-sheryl-sandberg-jan-koum-michael-kors>; U.S. Department of the Treasury, “A New Economic Analysis of Infrastructure Investment,” report, March 23, 2012, <http://www.treasury.gov/resource-center/economic-policy/Documents/20120323InfrastructureReport.pdf>.

⁵³ Ibid., 146. For example, “between 2005 and 2010...the percentage of” self-employed workers “in the information sector grew 15%.” He cites: Economic Modeling Specialists, Intl., April 29, 2011, <http://www.economicmodeling.com/2011/04/29/independent-contractors-other-noncovered-workers-on-the-rise>.

⁵⁴ Putnam, “E Pluribus Unum: Diversity and Community in the Twenty-First Century: The 2006 Johan Skytte Prize Lecture.”

Substantiating oligarchic manipulation of this kind removes us from the realm of the empirical to the anecdotal, speculative, and even conspiratorial. Interestingly, the most articulate critique of this variety has arisen from Marxists or those who seem to make Marxists arguments.

One of the most provocative voices has been that of Daniel Brandt, a former member of Students for Democratic Society and somewhat controversial figure on the internet.⁵⁵ Brandt posits that America is dominated by a ruling elite that “transcends right and left” and “finds diversity useful” because it knows “how to divide and conquer.”⁵⁶ Essentially, as inequality between the very rich and everyone else “becomes increasingly obvious,” the ruling elite through control of academia and the media emphasize issues of race, culture, and gender which divide the nation instead of focusing the people’s attention on the struggle between the few and the many. For example, he argues that “one can hardly get through the day without being reminded that race is something that matters, from TV sitcoms all the way down to common application forms...we are not fighting the system anymore, we're fighting each other.”⁵⁷ The problem with multiculturalism, Brandt continues is that it “fails to challenge the underlying assumption of all affirmative action rationales, namely that opportunities are scarce and there's not enough for everyone.”⁵⁸ Like some of the previously scholars

⁵⁵ Brandt achieved notoriety on the internet because of Namebase, an information database he compiled on the Central Intelligence Agency. He is also known for his criticism of Google and Wikipedia. See: Phil Ebersole, “A Watchdog and Iconoclast of the Internet,” January 30, 2013, at: <https://philebersole.wordpress.com/2013/01/30/a-watchdog-and-iconoclast-of-the-internet>, accessed June 9, 2015.

⁵⁶ Daniel Brandt, “Multiculturalism and the Ruling Elite,” From *NameBase NewsLine*, No. 3, October-December 1993, at: <http://www.namebase.org/news03.html>, accessed June 9, 2015.

⁵⁷ Ibid.

⁵⁸ Ibid.

discussed, he attributes this economic disparity to free trade, immigration, global outsourcing, and a transnational elite—all of which reduces the importance, power, and wages of American workers. Brandt is particularly frustrated with the campus Left he says “speaks of equality,” but has forsaken economic class and has been complicit in the manipulative effort of the wealthy elite to balkanize the people.⁵⁹ David Steigerwald and Heather McDonald have also noted the vested interest that advocates and consultants of diversity have in emphasizing identity politics rather than economic class.⁶⁰ When corporations and universities make commitments to diversity and inclusion, this coincidentally expands the number of programs, workshops, and new offices that are staffed by well-paid diversity specialists. Brandt further notes that America’s power elite are more than willing to endorse affirmative action and multiculturalism, but this has not stopped the rich from getting richer and thus “doesn’t pass the smell test.”⁶¹ Although Brandt provides little by way of empirical evidence to substantiate his provocative thesis, he does raise the important issue that racial and cultural divisiveness in America may hurt the economic interests of the multitude and benefit the interests of the wealthy elite.⁶²

⁵⁹ Ibid.

⁶⁰ David Steigerwald, *Culture's Vanities: The Paradox of Cultural Diversity in a Globalized World* (Lanham: Rowman & Littlefield Publishers, 2004), 85-86; Heather MacDonald, “The Diversity Industry,” *The New Republic* 5 (1993). Of course, a similar critique could be leveled against Brandt. Yuen has noted that “elite white male leaders of the early New Left” like Todd Gitlin “personally lost a tremendous amount of power” because of Leftism’s shift away from economic class issues to identity politics.” See: Edward Yuen, “Social Movements, Identity Politics and the Genealogy of the Term ‘People of Color,’” in *The Promise of Multiculturalism: Education and Autonomy in the 21st Century*, New Political Science Reader, (London: Routledge, 1998), 89.

⁶¹ Ibid.

⁶² For another perspective on inequality and the disputed primacy of class or race, see: Nancy Fraser and Axel Honneth, *Redistribution or Recognition?: A Political-Philosophical Exchange* (London: Verso, 2003).

One of Brandt's chief intellectual influences is the political analyst David Rieff who has criticized the notion that capitalism and multiculturalism are opposed. Rieff rhetorically asks, "If multiculturalism is what its proponents claim it is, why has its moment seen the richest one percent of Americans grow richer and the deunionization of the American workplace? There is something wrong with this picture."⁶³ Rieff does not go as far as Brandt in suggesting that multiculturalism is an ideological weapon used by the elite to divide and weaken the multitude, but he does believe the revolutionary disposition of multiculturalism is exaggerated since multiculturalists are not calling for "a radical revision of class relations."⁶⁴ Rieff observes that multiculturalists may "appear to be radical and can feel themselves to be radical," but they are advancing "a program that, stripped of its adorning rhetoric, is little more than a demand for inclusion, for a piece of the capitalist pie."⁶⁵ He further contends that America's income gap has been masked by the overt success of "multiculturalism and identity politics" on college campuses, in charitable foundations, and in museums.⁶⁶ Shifting the central analysis away from class to "notions of race and gender" has essentially made things "even safer for the sole hierarchy that really counts—the hierarchy of wealth."⁶⁷

Berndt Ostendorf in a manner similar to Rieff also speculates that identity politics conveniently distracts citizens from economic inequality. One reason for this diversion is

⁶³ David Rieff, "Multiculturalism's Silent Partner: It's the Newly Globalized Consumer Economy, Stupid." *Harper's*, August 1993, 63.

⁶⁴ *Ibid.*, 71.

⁶⁵ *Ibid.*

⁶⁶ David Rieff, "Therapy or Democracy? The Culture Wars Twenty Years On," *World Policy Journal* (1998), 68.

⁶⁷ *Ibid.*

that issues of gender, race, and ethnicity are exciting for “postmodern, poststructuralist Americans,” whereas the complex and difficult problems “of income division and poverty” seem “intractable and boring.”⁶⁸ Another reason identity politics distract citizens from class politics is that “compassion for the economically disadvantaged is held in check by a tacit belief in achievement oriented individualism and the attendant anarchism (of doing your own thing) of which even the hardest leftist is not quite immune.”⁶⁹ What Ostendorf seems to be arguing here is that inequalities faced by identity groups are perceived to be the result of victimization whereas economic class inequalities are more likely to be viewed as self-inflicted.

Another member of the Marxist Left who emphasizes the importance of economic class over identity politics has been Todd Gitlin, the former president of Students for a Democratic Society. Gitlin considers identity politics to be a betrayal of Leftism which has traditionally affirmed “values of solidarity, of social responsibility, of commitment to the common good.”⁷⁰ He contends that many on the Left today are more concerned about “what divides them than what they have in common with the rest of humanity.”⁷¹ Gitlin compares these individuals to right-wing identitarians who are similarly committed to narrow group interests: “But the left-wing version of it takes an insight into the fact that certain groups have historically been kept down, and then it overplays what they

⁶⁸ Berndt Ostendorf, “The Costs of Multiculturalism,” Working Paper no. 50, J.F. Kennedy Institut, Berlin, 1992, as quoted in Berndt Ostendorf, “The Politics of Difference,” in *Multiculturalism in Transit: A German-American Exchange* (Berghahn Books: New York, 1998), 62.

⁶⁹ Ibid.

⁷⁰ Todd Gitlin, “A Conversation with Todd Gitlin,” Interview by Ben Wattenberg, *Think Tank*, PBS Television Network, November 23, 1995, transcript, at: <http://www.pbs.org/thinktank/transcript235.html>, accessed July 7, 2015. See also: Todd Gitlin, *The Twilight of Common Dreams: Why America is Wracked by Culture Wars* (New York: Metropolitan Books, 1995).

⁷¹ Ibid.

think ought to be done as a result, so that you get this obsession with being marginal, this obsession with rewriting history to make it look prettier.”⁷² Gitlin also parts company with Brandt’s thesis that multiculturalism is a conspiratorial effort by plutocrats to divide and conquer the larger citizen population. Nevertheless, he does share the view of Rieff and Ostendorf that identity politics are a distraction from more consequential issues. For example, he contends that polemical debates over affirmative action produces “a zero-sum game between the whites who are least prosperous fighting with other people who are not prosperous over who gets to be a fireman or who gets into a college.”⁷³ And no matter who emerges victorious, what you ultimately get is a “tremendous squabble over very scarce resources among people who can ill afford to be confronting each other in this way.”⁷⁴ In other words, rather than fighting one another, Gitlin thinks both sides of this debate would be better off forming a defensive concert against the wealthy elite.

Protectionism and Progressive Taxation

Having corroborated at least the possibility that plutocracy is emerging in America and that heterogeneity may be a contributing factor, we turn now to the solutions that Montesquieu and Madison would likely offer us today. It is interesting to consider what Madison would think of Kotkin’s “yeoman class” of small business owners and professionals. While the American thinker seemed generally suspicious of all commercial forms of employment, he might have a different opinion today given the analysis of Robinson, Holcombe, and Buchanan who distinguish between a

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Ibid.

transnationalist commercial elite and middleclass commercial groups whose interests are more representative of the broader American public.⁷⁵ In this regard, it is noteworthy that Montesquieu seemed to have far more respect than Madison for the “middling” class of commerce.⁷⁶ Indeed, in his private notes, Montesquieu said this class was the salvation of commercial England which he thought would otherwise be overcome by luxury, corruption, and plutocracy in spite of its monarch and nobility.⁷⁷ We also learned in this dissertation that Montesquieu was a protectionist, that he strongly valued trickledown economics, and that both he and Madison endorsed a progressive tax system to prevent an excessive polarization of wealth.⁷⁸ To combat plutocracy in America, these thinkers might therefore recommend a return to protectionism and higher taxes on the super-rich. Americans who gorge on low-costing imported goods would, at least in the short-term, suffer the pains of this deprivation if protectionism was reinstated. Nevertheless, Madison would likely counsel us in a manner similar to the editorial we examined in Chapter 4 in which he promoted a trade embargo with Britain. Essentially, he asserted that this suffering would have the advantage of forcing self-sufficiency and frugality on the American nation and would also demonstrate to the world that Americans are not a soft people enslaved to their superfluous desires.⁷⁹

Another reason Montesquieu might endorse protectionism is because it could

⁷⁵ See for example: James Madison to Thomas Jefferson, August 20, 1784, in *PJM*, VIII, 100–11; Madison, *Federalist*, 55-57; Madison, “Republican Distribution of Citizens.”

⁷⁶ *SL*, V.6.

⁷⁷ Montesquieu, “Preparation Notes for Letter to William Domville.”

⁷⁸ *SL*, V.5; XIX.27; XX.6; XX.11-12; Montesquieu, “Preparation Notes for Letter to William Domville,”; Madison, “Parties.”

⁷⁹ Madison, “Embargo.”

very well increase the political virtue he thought would be deficient in a heterogeneous republic like America. I discussed this possibility in chapters Chapter 2 and 3. In essence, the diverse citizens of America could engage in high levels of commerce to homogenize their interests and beliefs, but to prevent the erosion of political virtue that results from commercial activity and the acquisition of wealth, they would also engage in the politics of “Otherness” through global economic competition.⁸⁰ Future studies will investigate economic patriotism as a mechanism for enabling the coexistence of commerce, diversity, and political virtue. This research effort will include evaluating with contextual depth Montesquieu’s view of mercantilism, protectionism, and trickledown economics. I will also investigate why he declared in his private notes that virtue still persisted in England in spite of this regime’s unabashed commercialism.⁸¹

Montesquieu, Diversity, and Tolerance

Perhaps the most sanguine reflection Montesquieu would offer the diverse American republic can be inferred from his assessment that political virtue must be subjected to moderation. Because of the fate of expansionist Roman Republic, I speculated in Chapter 2 that the sources of political virtue identified by Montesquieu are best understood as overlapping influences that can sustain virtue in a moderate republic through their redundancy. Thus, if heterogeneity does indeed negatively impact the sources of political virtue, but enough of these influences still function at sufficient levels, then the required level of political virtue for a moderate republic can actually be

⁸⁰ *SL*, XIX.27; XX.4, 6, 8, 23; XI.7; XXIII.17; XX.8, 23.

⁸¹ Montesquieu, “Preparation Notes for Letter to William Domville.”

sustained. This supposition certainly gives us a more optimistic assessment of the diverse republic that is America today, but is unfortunately of little practical use to scholars and politicians because it lacks the specificity needed to guide real world politics. Future research efforts will investigate this thesis with greater exactitude. Specific questions to be pursued include: How much political virtue does a moderate republic actually require? Do some of these sources of political virtue matter more than others? Do some of these sources work in combination better than others? And can any of these questions be subjected to empirical testing?

Perhaps a more concrete recommendation Montesquieu would offer the American republic today would be to increase our number of interracial marriages.⁸² We learned in Chapter 2 that intermarriages were important for Montesquieu because they would help establish the “mutual confidence,” i.e., the social capital necessary for citizens to trust and defend republican forms of governance.⁸³ I also argued that Montesquieu thinks interethnic marriages can cultivate political virtue by establishing a supertemporal connection with the republic based on their mutual obligation to the posterity of the country. Montesquieu would for these reasons approve that interracial marriages are on the rise in America. A 2010 U.S. Census Bureau report showed that “interracial or interethnic opposite-sex married couple households grew by 28 percent over the decade from 7 percent in 2000 to 10 percent in 2010.”⁸⁴ Another study found

⁸² *SL*, X.4; V.8; X.13; XV.13; *Considerations*, I, 24.

⁸³ *SL*, X.3.

⁸⁴ “2010 Census Shows Interracial and Interethnic Married Couples Grew by 28 Percent over Decade,” *United States Census Bureau: News Room Archive*, April 25, 2012, at: https://www.census.gov/newsroom/releases/archives/2010_census/cb12-68.html, accessed June 17, 2015. See also: Joshua R. Goldstein, “Kinship Networks That Cross Racial Lines: The Exception Or The Rule?” *Demography* 36(3), 1999.

that “Black-White intermarriage increased threefold over 1980—2008, independent of changing socioeconomic status,” which suggests a decline in “social distance between Blacks and Whites.”⁸⁵ Given Montesquieu’s analysis of Roman efforts to increase birthrates with an incentivizing system of privileges and distinctions, perhaps he would advise the American republic to offer similar incentives for interracial marriages.⁸⁶

Montesquieu would be far less impressed by America’s ideological shift away from assimilation toward multiculturalism. Nevertheless, we learned in Chapter 2 and 3 that he did offer two recommendations in the event that a republic becomes culturally diverse: (1) tolerance should be extended to tolerant cultures and harmless beliefs and practices; (2) and tolerance does not mandate approval. The first of these recommendations requires little explanation. Montesquieu believed intolerant cultural beliefs and dangerous cultural practices would, in addition to harming other citizens, generate a reciprocating aversion that erodes the “mutual confidence” of diverse peoples.⁸⁷ He thus endorsed government enforced toleration and thought government leaders and elite members of society should use their influence to discourage harmful cultural practices.⁸⁸ However, because people are strongly inclined towards their own ways and may violently resist this coercion, he cautioned that modification should be limited to only what is “requisite.”⁸⁹ In today’s political climate, this would likely mean that innocuous manifestations of culture like Muslim headscarves should be regarded

⁸⁵ Qian Zhenchao and Daniel T. Lichter, “Changing Patterns of Interracial Marriage in a Multiracial Society. *Journal of Marriage and Family*,” vol. 73, (2011), 1065.

⁸⁶ *SL*, XXIII.17, 21-22; *Considerations*, VIII, 86.

⁸⁷ *SL*, XXV.9; X.4.

⁸⁸ *SL*, XXV.9; XIX.14.

⁸⁹ *SL*, XXIV.22-3.

as “things indifferent,” but that cultural practices that hurt in-group members like domestic abuse and female genital mutilation should be prohibited.⁹⁰

More controversial is Montesquieu’s assertion that tolerance does not require approval which puts him at odds with multiculturalists like Charles Taylor who contend that impartial tolerance does not go far enough towards a just treatment of minority cultural groups because each culture has its own dignity requiring respect.⁹¹ I demonstrated in Chapter 3 that Montesquieu thinks free societies should permit citizens to criticize everyone and everything, including native and foreign cultures.⁹² He postulated that “the greatest advantages” are conferred to a citizen population that dispassionately evaluates different ideas, beliefs, and practices and then selects that which best facilitates the good life of comfort, security, and individual acquisition.⁹³ Unless the good life Americans have chosen is unconditional tolerance and equal respect for all things, then Montesquieu would similarly advise us to reject ethnocentrism and political correctness, and critique all cultures in accordance with the

⁹⁰ *SL*, X.4; XXIX.18. For more on female genital mutilation and domestic abuse, see: A. E. White, “Female Genital Mutilation in America: The Federal Dilemma,” *Texas Journal of Women and the Law*, 10(2), (2001), 129-208; Nawal Ammar, Amanda Couture-Carron, Shahid Alvi, Jaclyn San Antonio, “Experiences of Muslim and Non-Muslim Battered Immigrant Women With the Police in the United States,” *Violence Against Women*, vol. 19, no. 12, (2013), 1449-1471; HM Salihu, EM August, JL Salemi, H Weldeselasse, YS Sarro, & AP Alio, “The Association Between Female Genital Mutilation and Intimate Partner Violence,” *BJOG*, Vol. 119, Issue 13, (2012), 1597–1605.

⁹¹ *SL*, XXV.9; Charles Taylor, “The Politics of Recognition,” in *Multiculturalism: Examining the Politics of Recognition*, edited by Amy Gutmann (Princeton: Princeton University Press, 1994), 25-74. See also: Will Kymlicka, *Multicultural Citizenship*. Kautz contends that Montesquieu believes moderate criminal laws and tolerance rather than approval is what is required. p 626-7. See: Steven Kautz, “Liberalism and the Idea of Toleration,” *American Journal of Political Science*, Vol. 37, No. 2 (1993), 626-27.

⁹² *SL*, XII.13; XIX.27; Montesquieu, *Notes on England*, text between note 79 and 83; Montesquieu, *Notes on England*, text between note 114 and 115. See also: Rahe, *Montesquieu and the Logic of Liberty*, 113.

⁹³ *SL*, XX.1.

good life we intend to pursue as a nation.⁹⁴ The importance of self-critique has been commented on by Arthur Schlesinger who in spite of his preference for cultural homogeneity praises the willingness of Americans since the founding to engage in self-evaluation.⁹⁵ Luis Fraga and Gary Segura have also emphasized this noble characteristic of the historical American nation, positing that “it may be that both self-critique and the capacity for change have been more fundamental to the longevity of the American republic than has the maintenance of Anglo-Protestant cultural domination.”⁹⁶ Nevertheless, Montesquieu would remind us that “political, like moral good” is always found lying “between two extremes.”⁹⁷ He would therefore agree with at least the sentiment, if not the factuality, of Schlesinger’s assessment that multicultural education today perilously offers a biased account of history that favors non-Western peoples and unfairly denigrates Euro-American culture.⁹⁸ Montesquieu would also warn against multicultural policies that in an effort to protect designated victims’ cultures inadvertently consecrate them beyond critique.⁹⁹ However, as I discussed in Chapter 3, some minority cultures without state protection may not be given a fair assessment because of ethnocentric cultural hegemony or because powerful self-interested actors have a

⁹⁴ Montesquieu would likely agree with Piccone’s assessment that “Political correctness is just another name for a very old phenomenon: dogmatism. If one thinks he has access to ‘truth,’ all other alternative accounts can only appear as errors, sins, or crimes. All religions—and the kind of cultures that they generate—fall into this category.” See: Jorge Raventos, “From the New Left to Postmodern Populism: An Interview with Paul Piccone,” *Telos* 122 (2002).

⁹⁵ Arthur Schlesinger, *The Disuniting of America: Reflections on a Multicultural Society* (New York: W. W. Norton & Company, 1998), 132.

⁹⁶ Fraga and Segura, “Culture Clash?,” 282.

⁹⁷ *SL*, XXIX.1. See also: *SL*, XI.6.

⁹⁸ Schlesinger, *The Disuniting of America*, 72, 74, 98, 106, 127-9, 132-4.

⁹⁹ Alvin J. Schmidt, *The Menace of Multiculturalism: Trojan Horse in America* (Westport: Praeger Publishers, 1997), 16.

vested interest in perpetuating some cultures and rejecting others. One solution to this problem Montesquieu might recommend is simply to have faith in reason which he says “has a natural, and even a tyrannical sway; it meets with resistance, but this very resistance constitutes its triumph; for after a short struggle it commands an entire submission.”¹⁰⁰ In other words, if given enough freedom to do so, citizens are likely to collectively evaluate cultures and eventually settle on what will best advance their self-interest as a people.

Another solution can be inferred from Montesquieu’s argument in Chapter 3 that government leaders and the cultural elite should use their influence to promote the acceptance of certain beliefs, behaviors, or practices that might otherwise be shunned because of bigotry.¹⁰¹ However, Montesquieu also warned that a population exposed to prolonged cultural heterogeneity would lose its parochial loyalties and thus become utterly malleable to the cultural preferences of their rulers who may not have their best interest at heart.¹⁰² A relevant case study is the recent Supreme Court ruling on gay marriage, a political issue which has experienced a significant change in public support over the past two decades because of a concerted promotion effort by elite members of government, media, and the Academy.¹⁰³ For example, Gallup found that support for

¹⁰⁰ *SL*, XXVIII.38.

¹⁰¹ *SL*, XIX.14; *SL*, V.7; Montesquieu à J.-J. Bel, 29 September 1726, *Oeuvres complètes*, ed. M. André Masson, 3:862–3. Cited in: Downing A. Thomas, *Eighteenth-Century Studies*, Volume 39, Number 1, (John Hopkins University Press: Baltimore, 2005), 85.

¹⁰² *Considerations*, XVI, 149. See also: *SL*, II.4, III.10, V.14.

¹⁰³ P.R. Brewer, “Public Opinion About Gay Rights and Gay Marriage,” *International Journal of Public Opinion Research*, Vol. 26, Issue 3.

gay marriage in America has more than doubled from 27% in 1996 to 60% in 2015.¹⁰⁴ It is also interesting to note that President Barack Obama, for apparently politically expedient reasons, chose to endorse “sacred unions” rather than gay marriage during his election campaign of 2008, but by 2012, what may have once “been a fatal liability...was one of Obama's top talking points during the 2012 campaign.”¹⁰⁵

Whether one celebrates the Supreme Court ruling on gay marriage as a victory or not, Montesquieu would likely caution us to consider that there is something deeply troubling about the capacity of the elite to so expeditiously shift public opinion away from supporting what he would regard as an ancient custom. I speculated in Chapter 3 that Montesquieu would approve of this kind of influence in a republic only if its leaders were men of political virtue and moderation who could be trusted to use this power to benefit the nation. Incidentally, if these qualities were embodied by America’s political and cultural elite, then Montesquieu would likely advise these men and women to the use their influence in the style of Roman senators to foster a patriotic sentiment that transcends subnational divisions.¹⁰⁶ However, he might view an event like the Iraq War as example of a citizen population becoming manipulated by a self-interested or overambitious elite class that cultivated extreme levels of political virtue in reaction to an

¹⁰⁴ Gallup Poll, Marriage, (2015), at <http://www.gallup.com/poll/117328/marriage.aspx>, accessed July, 13, 2015.

¹⁰⁵ Zeke Miller, “Axelrod: Obama Misled Nation When He Opposed Gay Marriage In 2008,” *Time* (2015), at <http://time.com/3702584/gay-marriage-axelrod-obama>, accessed July 13, 2015; David A. Graham, “Yes, Obama Was Lying About Opposing Same-Sex Marriage,” *The Atlantic*, February, 2015, at <http://www.theatlantic.com/politics/archive/2015/02/yes-obama-was-lying-about-opposing-same-sex-marriage/385333>, accessed July 13, 2015.

¹⁰⁶ *SL*, V.7.

Islamic “Other.”¹⁰⁷

Communications and the Free Press

In terms of combatting plutocracy, Montesquieu would also emphasize the importance of maintaining a free press which he said was necessary to attack ministers of the state and hold government officials accountable in the eyes of the public.¹⁰⁸ Madison also regarded a free press with great respect. We saw in Chapter 4 that he thought “a circulation of newspapers through the entire body of the people,” would be particularly effective at facilitating the communicative activity necessary to maintain the assertive political vigilance of the people.¹⁰⁹ We can therefore presume that Madison would likely have been pleased by many of the technological developments of the contemporary world that can help effectuate a “contraction of territorial limits,” including plane travel, texting, Skype, and internet news sources.¹¹⁰ Because of his unequivocal respect for the free press, Madison would likely oppose efforts to censor extreme ideas like hate speech laws, the shutting down of comment sections on online news website, and restrictions that prevent users from commenting with anonymity.¹¹¹ For example, in

¹⁰⁷ *SL*, XIII.1; *SL*, VIII.5; *Considerations*, I, 26-27. For more on the Iraq War and manipulation of the American public, see the research of Bonn who conducted an empirical examination of presidential rhetoric and public opinion and found that “shifts in support for invasion directly mirrored presidential rhetoric.” See: Scott Bonn, “How an Elite-Engineered Moral Panic Led to the U.S. War on Iraq,” *Critical Criminology*, 2011, Vol. 19 Issue 3. See also: Scott A. Bonn, *Mass Deception: Moral panic and the US War on Iraq* (New Brunswick: Rutgers University Press, 2010).

¹⁰⁸ *SL*, XII.13. See also: *SL*, II.2; XII.12; *Notes on England*, footnote 76.

¹⁰⁹ Madison, *Federalist*, 51, 63; James Madison to W. T. Barry, December 19, 1791, in *PJM*, XIV, 170.

¹¹⁰ Madison, “Concerning Public Opinion.”

¹¹¹ Consider Madison’s declaration that “among those sacred rights considered as forming the bulwark of their liberty...there is no one of which the importance is more deeply impressed on the public

August of 2013 the state legislature of New York considered a bill that would have prohibited comments from “social networks, blogs forums, message boards or any other discussion site where people can hold conversations in the form of posted messages.”¹¹² Some online news sources like CNN and the Huffington Post have also autonomously shut down their comments sections or prohibited anonymous comments because of the inflammatory nature of these posts.¹¹³ That Madison would have rejected measures like these is indicated by his use of the pseudonym Publius to advance his own arguments in the *Federalist Papers*.¹¹⁴ Consider also his reasons for condemning the Sedition Act:

It has accordingly been decided by the practice of the States, that it is better to leave a few of its noxious branches to their luxuriant growth, than, by pruning them away, to injure the vigour of those yielding the proper fruits. And can the wisdom of this policy be doubted by any who reflect that to the press alone, chequered as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity over error and oppression; who reflect that to the same beneficent source the United States owe much of the lights which conducted them to the ranks of a free and independent nation, and which have improved their political system into a shape so auspicious to their

mind than the liberty of the press.” See: James Madison, “Address of the General Assembly to the People of the Commonwealth of Virginia,” January 23, 1799, *Writings* 6:333-36.

¹¹² Kevin Wallsten and Melinda Tarsi, “It’s time to end anonymous comments sections,” *Washington Post*, August 19, 2014, at <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/08/19/its-time-to-end-anonymous-comments-sections>, accessed July 1, 2015.

¹¹³ Doug Gross, “Online Comments are Being Phased Out,” *CNN*, November 24, 2014, at: <http://www.cnn.com/2014/11/21/tech/web/online-comment-sections>, accessed July 17, 2015; Jimmy Soni, “The Reason HuffPost Is Ending Anonymous Accounts,” *Huffington Post*, August 26, 2013, at http://www.huffingtonpost.com/jimmy-soni/why-is-huffpost-ending-an_b_3817979.html, accessed July 1, 2015. Incidentally, the Anti-Federalists complained that newspapers were refusing to publish their publications because they used pseudonyms. See for example: An Old Whig V, *Philadelphia Independent Gazetteer*, November 1, 1787; Philadelphiensis, *Independent Gazetteer*, November 07, 1787; A Farmer (Maryland), *Maryland Gazette*, February 15, 1788, Storing, 5.1.3.

¹¹⁴ For more on the use of pseudonyms by the Founding Fathers, see: Douglass Adair, “A Note on Certain of Hamilton’s Pseudonyms,” *The William and Mary Quarterly* 12 (1955).

happiness?¹¹⁵

Montesquieu because of his favorable view of censorship in republics might take a different position on these issues than Madison.¹¹⁶ If the social capital of the diverse American republic was threatened by free speech that antagonized the relations of diverse peoples, then perhaps he would support hate speech laws and other such censorial measures. However, provisions like these might prove difficult to square with Montesquieu's strong endorsement of free speech and press to evaluate cultures and criticize politicians. For example, if the politics of a diverse republic do become racially polarized, then it may in some cases be difficult to distinguish between political criticism and criticism that is motivated by racial animus.¹¹⁷

Montesquieu might also be significantly less enthused than Madison about the technological developments of the contemporary world. Because he favored the intimacy of small republics that permitted face to face human interaction, he might believe television and the internet have atomized citizens rather than strengthen their capacity for political vigilance.¹¹⁸ And though I did not explore this subject matter in this

¹¹⁵ James Madison, "Report on the Virginia Resolutions," January, 1800, in *Writings* 6:385-401. See also: James Madison, "Address of the General Assembly to the People of the Commonwealth of Virginia," January 23, 1799, *Writings* 6:333-36.

¹¹⁶ *Considerations*, VIII, 86-7; *SL*, II.4; XIX.3.

¹¹⁷ See for example: Jonathan Capehart, "Yes, You Can Criticize Obama and Not Be Racist," *Washington Post*, October 31, 2012, at: http://www.washingtonpost.com/blogs/post-partisan/post/yes-you-can-criticize-obama-and-not-be-racist/2012/10/30/30d6d6d0-22eb-11e2-ac85-e669876c6a24_blog.html, accessed July 11, 2015; "Carter Again Cites Racism as Factor in Obama's Treatment," *CNN*, September 17, 2009, at: http://www.cnn.com/2009/POLITICS/09/15/carter.obama/index.html?eref=ib_us, accessed July 11, 2015.

¹¹⁸ *SL*, IV.6-7; VIII.16. Several empirical studies indicate a contrary assessment of the internet. See for example: Marc Hooghe and Jennifer Oser, "Internet, Television and Social Capital: The Effect of 'Screen Time' on Social Capital," *Information, Communication & Society* (2015); Thierry Pénard and Nicolas Poussing, "Internet Use and Social Capital: The Strength of Virtual Ties," *Journal of Economic Issues* 44, no. 3 (2010); Barry Wellman, Anabel Quan Haase, James Witte, and Keith Hampton. "Does

dissertation, it is important to note that Montesquieu indicated that citizens of his day were more vulnerable to despotism because of improvements in communication. More precisely, he asserted that revolutions were more difficult to orchestrate because newspapers exposed the secret activities of citizens; and conspiracies would be quickly discovered and put down by the government because “the invention of the postal service makes news spread like lightning and arrive from all places.”¹¹⁹ We can surmise from these observations that Montesquieu would express strong reservations about the ability of government agencies like the National Security Agency through data collection and other intelligence gathering activities to monitor and subdue a potentially rebellious population.¹²⁰ Madison might also share this concern, as both thinkers on some level endorsed the idea that assertive political vigilance could, in some cases, require armed insurrection.¹²¹

We can also presume that Montesquieu and Madison would view the concentration of the media with deep suspicion. It has been reported that six corporations own 90% of the media in America which presumably advantages the wealthy elite.¹²² Given their proclivity for a stable balance of power between the few and

the Internet Increase, Decrease, or Supplement social capital? Social Networks, Participation, and Community Commitment,” *American Behavioral Scientist* 45, no. 3 (2001).

¹¹⁹ *Considerations*, XXI, 198-99.

¹²⁰ Randy Barnett, “Why the NSA Data Seizures Are Unconstitutional,” *Harvard Journal & Public Policy*, Vol 38, Issue 1, (2015); George R. Lucas, “NSA Management Directive # 424: Secrecy and Privacy in the Aftermath of Edward Snowden,” *Ethics & International Affairs* 28, no. 1 (2014); Daniel J. Solove, “Data mining and the security-liberty debate,” *The University of Chicago Law Review* (2008): 343-362.

¹²¹ *SL*, VIII.11; Madison, *Federalist* 46.

¹²² Ashley Lutz, “These 6 Corporations Control 90% Of The Media In America,” *Business Insider*, at: <http://www.businessinsider.com/these-6-corporations-control-90-of-the-media-in-america-2012>, accessed July 11, 2015. See also: Edwin C. Baker, *Media Concentration and Democracy: Why Ownership Matters* (New York: Cambridge University Press, 2006).

the many, both these thinkers would likely view with much approval the rise of alternative media sources on the internet which provides a greater diversity of viewpoints. On a related note, the Anti-Federalists were also deeply suspicious that the press was more likely to serve the interests of the wealthy and powerful than the multitude. Centinel had argued during the ratification debate that ambitious and villainous supporters of the Constitution were, with the help of the Post Office, suppressing the newspaper articles of the opposition and were counterfeiting the perception that public opinion was unanimously in favor of ratification.¹²³ He speculated that this abuse of the press was a good indication of what could be expected in the future if the Constitution was established.¹²⁴ Robert Rutland's extensive research on this topic suggests that America's power elite was indeed dominating the press:

Except for the New-York Journal, the Philadelphia Independent Gazetteer, and the Boston American Herald, newspaper opposition [to ratification] was sporadic, scattered along the Atlantic seaboard, and never exceeded a score of printing establishments...The list of opposition newspapers might have been longer but for the economic facts of life. Economic pressure could be and was exerted by the merchant-banker-lawyer community that was anxious for quick ratification. The Philadelphia Freeman's Journal and Pennsylvania Evening Herald were among the earliest casualties to Federalist pressure as canceled advertisements and discontinued subscriptions took their toll.¹²⁵

Political Parties

¹²³ See for example: Centinel IX, January 08, 1788, in Storing, 2.7.133; Centinel XV, February, 22, 1788, in Storing, 2.7.165, Centinel XVIII, April 9, 1788, in Storing, 2.7.182. See also: Federal Farmer V, October 13, 1787, in Storing, 2.8.63.

¹²⁴ Centinel XVIII, April 9, 1788, in Storing, 2.7.178.

¹²⁵ Robert Allen Rutland, "The First Great Newspaper Debate: The Constitutional Crisis of 1787," *American Antiquarian Society*, (1987), 50.

Madison reveals another solution to plutocracy in a *National Gazette* article he wrote discussing the emergence of two political parties in America. The first was an “anti-republican party” allied with the moneyed men that would use divide and rule tactics to oppress a population regarded as “incapable of governing” itself.¹²⁶ The latter was a republican party representing “mass of people in every part of the union, in every state, and of every occupation.”¹²⁷ Madison believed the republican party could protect the multitude by promoting “a general harmony” among citizens that would diminish “prejudices, local, political, and occupational” that would otherwise prevent “a general coalition of sentiments.”¹²⁸ The one societal division Madison thought this political party should emphasize would be the distinction “between enemies and friends to republican government.”¹²⁹ In other words, instead of quarrels over petty subnational issues, he envisioned a struggle between the lovers of freedom and the men of ambition who seek to eject the multitude from politics and advance the interests of the opulent. Madison’s thinking here strongly resembles Montesquieu’s evaluation of citizens in the politically virtuous republics. The latter declared these men and women to be united by “a single love of tyranny,” and “a single hatred of tyranny,” and said “there reigned an implacable hatred in the breasts...against those who subverted a republican government.”¹³⁰

One cannot help but speculate with amusement what Madison would think of

¹²⁶ Madison, “A Candid State of Parties.”

¹²⁷ Ibid.

¹²⁸ Ibid. One cannot help but notice how very different this position seems to be than the multiplicity of factions he argued for in the *Federalist Papers*. See: *Madison*, *Federalist* 10. See also: *Madison*, *Federalist*, 51.

¹²⁹ Ibid.

¹³⁰ *Considerations*, IX, 92-3; *SL*, VIII.2.

America's political parties today. In this regard, it is noteworthy that members of the radical Left and populist Right seem to be converging on the view that both major political parties are controlled by the wealthy elite and cannot be relied upon to protect the general interest. For example, Buchanan contends that both parties are held captive to "the political contributions of corporate America and its K Street auxiliaries."¹³¹ The socialist professor Dan Brook similarly asserts that Democrats and Republicans comprise a duopoly that "competes more on style than substance, and effectively cooperate with each other against any other alternatives."¹³² He further contends that both parties are guilty of supporting, among other things, "manic speculation on Wall Street at the expense of the continuing desperation on Main Street," and "corporate control of NAFTA, the IMF, and World Bank."¹³³ The solution Brook proposes is for "new political factions" to employ populist rhetoric similar to movements like the "American Tea Party and the new Radical Left of Spain and Greece."¹³⁴ Incidentally, this actually seems to be the 2015 presidential campaign strategy of Donald Trump and Bernie Sanders, who regardless of what one may think of their politics, are forcing the media, politicians, and beltway pundits to address economic issues that receive relatively little attention or never seem to get resolved, like immigration reform, trade deals, and "billionaire power over the government."¹³⁵ The Madison of the *Federalist Papers* would

¹³¹ Buchanan, *Day of Reckoning*, 223.

¹³² Dan Brook, "Democracy and its Discontents," *Socialist Review*, Vol. 28, 3/4 (2001), 165.

¹³³ *Ibid.*, 165-6.

¹³⁴ Daniel Smith, "Radical Populism: A New Pragmatic Revolt in Politics," presented at the State University of New York, (forthcoming, 2015).

¹³⁵ Glenn Reynolds, "The Donald and Bernie Show," *USA Today*, at <http://www.usatoday.com/story/opinion/2015/07/12/bernie-sanders-donald-trump-political-parties-column/30048791>, accessed July 14, 2015.

likely consider provocative figures like Trump and Sanders to be demagogues, but if he believed the wealthy elite today are entrenched oligarchs that control both political parties, then perhaps he would consider these men in a more favorable light.¹³⁶

The Literati

Madison would also offer counsel to contemporary America that speaks directly to the readers and author of this dissertation. In his essay *Property*, the Father of the Constitution discusses the important role that literati can play in guiding the citizens of a republic. He calls these individuals the “cultivators of the human mind—the manufacturers of useful knowledge—the agents of the commerce of ideas—the censors of public manners—the teachers of the arts of life and the means of happiness.”¹³⁷ Madison today would likely emphasize the important role these intellectuals have to play as sentinels of the general interest.¹³⁸ If oligarchic forces are indeed oppressing society and doing so with a strategy of *divide et impera*, then Madison would likely tell us that the literati have a patriotic duty to generate public awareness about this duplicity and direct the masses towards the real concerns that threaten the common good. Guidance from an independent thinking intelligentsia would be essential for disempowering the type of man who, in the words of Montesquieu, raises “himself to grandeur on the ruins

¹³⁶ Madison, *Federalist* 55, 58. See also: Hamilton, *Federalist* 1.

¹³⁷ Madison, “Property,” *Madison Papers*, 14:266. Sheehan and Finlay have also noted that Hume is the likely source of Madison’s term “commerce of ideas.” See: Sheehan, *James Madison and the Spirit of Republican Self-Government*, 104; Christopher J. Finlay, “Hume’s Theory of Civil Society,” *European Journal of Political Theory* 3:4 (2004), 384; David Hume, “Of Essay Writing,” *Essays, Moral, Political, and Literary* (New York: Cosimo, 2006), III.I.5.

¹³⁸ Madison, *Federalist* 51.

of his country.”¹³⁹

An example of the kind of “sentinel” Madison hoped for might be Ralph Nader whose newest book contends that there are multiple issues on which a political convergence can occur between “persons of the Right and Left” who care about the common good.¹⁴⁰ This includes “the deep aversion many people have to the wars of empire and corporate control over their lives, particularly the ever-tightening influence of Big Business on the mainstream media, elections, and our local, state, and federal governments.”¹⁴¹ He is also hopeful that alliances can form in opposition to the Federal Reserve, Monsanto, trade agreements like NAFTA, government surveillance programs, and the concentration of media ownership.¹⁴² Unfortunately, Nader’s analysis is utterly silent on the polemical and sensational issues of diversity that can distract citizens from these other issues and break apart the “strange bedfellows” coalitions he thinks are necessary to institute real change.¹⁴³ In this respect, Brandt and the camp of Marxist scholars discussed earlier in this chapter may be better examples of literati because they raise the important issue that racial and cultural divisiveness in America hurt the economic interests of the multitude while benefiting the interests of the wealthy elite.

¹³⁹ *SL*, VIII.16.

¹⁴⁰ Ralph Nader, *Unstoppable: The Emerging Left-Right Alliance to Dismantle the Corporate State* (New York: Nation Books, 2014), x.

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*, 5, 10, 12, 50.

¹⁴³ *Ibid.*, 1. For more on diversity and sensationalism in the media, see Branstetter’s case study analysis of the Duke Lacrosse case. See: Heather Lee Branstetter, “Reflections on the Duke Lacrosse Case - Toward an Ethic of Empathy,” *Harlot: A Revealing Look at the Arts of Persuasion* 3 (2009), at: <http://harlotofthearts.org/index.php/harlot/article/view/28/25>.

The Educated Republic

Madison would also advise us that it is not enough to simply have political parties and the literati vigilantly directing the attention of the people towards plutocratic threats. Madison also thought it necessary for the population to be educated. We learned in Chapter 4 that Madison thought a “contraction of territorial limits” could be effectuated by “whatever facilitates a general intercourse of sentiments” and this included education.¹⁴⁴ Two letters authored by Madison demonstrate why he thought this was so. In a letter written to the Kentucky statesman W.T. Barry, Madison endorsed “a general system of Education” for the people because “knowledge will forever govern ignorance” and those who possess “superior information” will monopolize public influence.¹⁴⁵ He therefore called it “enlightened patriotism” for Kentucky to offer expansive public education to “every class of Citizens.”¹⁴⁶ In a letter to George Thompson, Madison praised Jefferson for “bequeathing to his Country a Magnificent Institution for the devotion to institutions of higher learning for the advancement & diffusion of Knowledge, which is the only Guardian of true liberty.”¹⁴⁷ And he agreed with Jefferson that institutions of higher education like the University of Virginia should be “a nursery of Republican patriots as well as genuine scholars.”¹⁴⁸ We can presume from these statements that Madison would endorse efforts today to cultivate patriotism and civic

¹⁴⁴ Madison, “Concerning Public Opinion.”

¹⁴⁵ James Madison to W. T. Barry, August 4, 1822, in *PJMRS*, II, 555-58.

¹⁴⁶ *Ibid.*

¹⁴⁷ James Madison to George Thompson, June 30, 1825, in James Madison, *Letters and Other Writings of James Madison*, III, 492.

¹⁴⁸ James Madison to Samuel Harrison Smith, November 4, 1826, in *Madison, Letters and Other Writings of James Madison*, III, 533.

responsibility through public education. For example, he would likely recommend all colleges in America replicate the state of Texas in mandating that college students attending public universities complete 6 hours of credit in American Government and 6 hours of credit in American History.¹⁴⁹

Madison also believed education could serve another important purpose. In his letter to W.T. Barry, Madison recommended an education system that imparted knowledge of the “Globe we inhabit, the Nations among which it is divided, and the characters and customs which distinguish them.”¹⁵⁰ If people became acquainted with “foreign countries in this mode,” then Madison believed they would experience a “kindred effect “that could “weaken local prejudices” and “enlarge the sphere of benevolent feelings.”¹⁵¹ Madison was speaking here in terms of understanding the diverse cultures of foreign nations, but it seems likely he thought the same kindred effect could apply to cultural divisions in America that inhibited the communicative activity of the people. We can therefore presume that Madison would endorse language training, high school foreign exchange programs, student visas, and cultural studies programs aimed at exposing college students to diverse ways of life.¹⁵²

Madison the Youth and Madison the Elder

Perhaps the most thought-provoking counsel Madison would offer the diverse American republic can be inferred from two letters he wrote at very different periods of

¹⁴⁹ See for example: General Degree Requirements — University Core Curriculum, University of North Texas, at: <http://catalog.unt.edu/content.php?catoid=3&navoid=211>, accessed July 19, 2015.

¹⁵⁰ James Madison to W. T. Barry, August 4, 1822, in *PJMRS*, II, 555-58.

¹⁵¹ *Ibid.*

¹⁵² See for example: “Education and Cultural Studies,” *Cultural Studies*, Volume 25, Issue 1 (2011).

his life. The first of these letters was drafted in 1774 by a twenty-four year old Virginian with limited political experience. Writing to William Bradford Jr., his former classmate from Princeton, the young Madison expressed his vexation with sectarian persecution in Virginia, praised the “rights of conscience,” and declared to Bradford:

“You are happy in dwelling in a land where those inestimable privileges are fully enjoyed; and the public has long felt the good effects of this religious as well as civil liberty. Foreigners have been encouraged to settle among you. Industry and virtue have been promoted by mutual emulation and mutual inspection; commerce and the arts have flourished; and I cannot help attributing those continual exertions of genius which appear among you to the inspiration of liberty, and that love of fame and knowledge which always accompany it. Religious bondage shackles and debilitates the mind, and unfits it for every noble enterprise, every expanded prospect.¹⁵³

Madison’s description of Pennsylvania resembles Montesquieu’s commercial regime discussed in Chapter 3. Citizens are granted freedom of belief. They intermingle with diverse people, they observe and learn from one another, and through careful inspection, they adopt the beliefs and practices they judge to be best. The result of this respectful cultural exchange is that citizens are more efficient and more productive. Citizens are also more virtuous because their tolerance and their willingness to learn from one another engenders social capital.

Critics might allege that Madison’s thinking here, especially as it relates to Pennsylvanian immigration, could be the notions of a young idealist who had not yet acquired real political experience, had not yet conducted his extensive study of ancient and modern republics, and had not yet authored the *Federalist Papers*—all of which

¹⁵³ James Madison to William Bradford, JR., April 1, 1774, in *PJM*, I, 111-14.

may have ultimately changed his mind about heterogeneity.¹⁵⁴ Indeed, the politically experienced Madison we encountered in Chapter 4 clearly harbored a far more negative view of cultural and racial diversity. Nevertheless, Madison would once again much later in his career express a view far more hospitable to diversity. The sixty-nine year old former president was responding to a letter written to him by Jacob De La Motta in which the latter described the successful integration of the Jewish people in Savannah. Madison in his response letter attributed this achievement to “equal laws protecting equal rights,” which he regarded as “the best guarantee of loyalty & love of country.”¹⁵⁵ The reason this was so, he proclaimed, was because equal laws and equal rights will cultivate the “mutual respect & good will among Citizens of every religious denomination which are necessary to social harmony and most favorable to the advancement of truth.”¹⁵⁶ Thus, in spite of his preference for cultural homogeneity, Madison may still have believed political virtue could be cultivated among culturally diverse peoples if they adhered to cultures that respected equal rights and were tolerant towards innocuous differences.

These two letters conceivably indicate that Madison’s demand for assimilation simply meant that immigrants had to embrace the democratic values codified in the Declaration of Independence and other such incarnations of the American Creed.¹⁵⁷ This interpretation of Madison is significantly weakened by the analysis of Chapter 4,

¹⁵⁴ Madison’s extensive study of ancient and modern republics was discussed in footnote 4 on page 2 of this dissertation.

¹⁵⁵ James Madison to Jacob De La Motta, August, 1820, in *PJMRS*, II, 81-82.

¹⁵⁶ *Ibid.*

¹⁵⁷ Madison, “House of Representatives, Rule of Naturalization.”

but these two letters nevertheless suggest that Madison the youth and Madison the elder may have been more receptive to cultural diversity than during other periods of his life. With this possibility in mind, it is noteworthy that two empirical studies seem to support the view that culture and race are less important to successful integration than critics like Montesquieu, Huntington, and Buchanan have alleged. The first of these studies found that recently arrived Mexican-Americans in the United States were not any less patriotic than Anglos when patriotism was measured with polling questions that asked: “How strong is your love for the United States, extremely strong, very strong, somewhat strong or not very strong?” and, “How proud are you to be an American, extremely proud, very proud, somewhat proud or not very proud?”¹⁵⁸ Another study looking at Latinos and American values found that most non-citizens, first generation citizens, and second generation citizens are in favor of equal rights and believe people can get ahead with hard work.¹⁵⁹ These two beliefs are probably exactly what Madison had in mind when he discussed the requirements of successful integration in his letter to La Motta. However, given that the primary concern of Montesquieu and Madison was that heterogeneous republics engender plutocratic oppression, it will be interesting to see if, in the decades ahead, Latinos develop a nationalist economic class consciousness in the manner of Caesar Chavez.¹⁶⁰ Montesquieu and Madison would

¹⁵⁸ Rodolfo O. de la Garza, Angelo Falcon and F. Chris Garcia, “Will the Real Americans Please Stand Up?” *American Journal of Political Science*, Vol. 40, No. 2 (May, 1996). The authors of this study do note that one partial explanation for this finding may be that Anglos tend to view their country more negatively than they used to. See page: 347.

¹⁵⁹ Luis R. Fraga et al., “Core Values: Beliefs and the American Creed,” in *Latinos in the New Millennium* (New York: Cambridge University Press, 2012), 56-75.

¹⁶⁰ See for example, “Confronting Cesar Chavez’s Stance On Illegal Immigration,” *Huff Post Latino Voices*, March 31, 2014, at http://www.huffingtonpost.com/2014/03/31/cesar-chavez-illegalimmigration_n_5065654.html, accessed July 10, 2015.

likely argue that Latinos along with all other cultural and racial groups in America must similarly develop an economic consciousness capable of transcending subnational loyalties if the multitude is to ever counter the wealthy elite class that will otherwise dominate the country with a strategy of *divide et impera*. Yet as Montesquieu warned, this economic consciousness would have to be moderate in its orientation or else the multitude would become infused with the “spirit of extreme equality” and ultimately oppress the few.

REFERENCES

“2010 Census Shows Interracial and Interethnic Married Couples Grew by 28 Percent over Decade,” United States Census Bureau: News Room Archive, April 25, 2012, at: https://www.census.gov/newsroom/releases/archives/2010_census/cb12-68.html.

“2012 National Population Projections,” *The United States Census Bureau: U.S. Department of Commerce*, at: <http://www.census.gov/newsroom/releases/archives/population/cb12-243.html>.

“A Wealth of Influence,” *Financial Times*, October 8, 2005.

“Bloomberg Billionaires: Today’s Ranking of the World’s Richest People,” *Bloomberg*, at <http://www.bloomberg.com/billionaires/2014-01-02/cya/aaaac>.

Abizadeh, Arash “Historical Truth, National Myths, and Liberal Democracy,” *Journal of Political Philosophy* 12, vol. 3, (2004), 291–313.

Adair, Douglass, “A Note on Certain of Hamilton's Pseudonyms,” *The William and Mary Quarterly* 12 (1955).

———, *The Intellectual Origins of Jeffersonian Democracy: Republicanism, the Class Struggle, and the Virtuous Farmer* (Lanham: Lexington Books, 2000).

———, “That Politics May Be Reduced to a Science,” in *Fame and the Founding Fathers* (Williamsburg: Institute of Early American History and Culture, 1974).

Adams, John, *The Works of John Adams*, Second President of the United States, ed. Charles Francis Adams, 10 Volumes., (Boston: Little, Brown and Co., 1850–56).

Adams, John, Abigail Adams, and Thomas Jefferson, *The Adams-Jefferson Letters: The Complete Correspondence between Thomas Jefferson and Abigail and John Adams*, ed. Lester J. Cappon (Chapel Hill: The University of North Carolina Press, 1987).

Ammar, Nawal & Amanda Couture-Carron, Shahid Alvi, Jaclyn San Antonio, “Experiences of Muslim and Non-Muslim Battered Immigrant Women With the Police in the United States,” *Violence Against Women*, vol. 19, no. 12, (2013), 1449-1471.

The Annals of the American Academy of Political and Social Science, Volumes 51-53 (Philadelphia: American Academy of Political and Social Science, 1914).

Ansart, Guillaume, “Variations on Montesquieu: Raynal and Diderot’s ‘Histoire des deux Indes’ and the American Revolution,” *Journal of the History of Ideas*, Vol. 70, No. 3,

(July, 2009).

Althusser, Louis, *Politics and History*, (NLB: London, 1977).

Aristotle, *Nicomachean Ethics* (New York: Modern Library, 1992).

———, *Politics*, translated by Benjamin Jowett Clarendon Press: Oxford, 1908).

———, *The Politics of Aristotle*, translated by Peter L. Simpson (University of North Carolina Press: Chapel Hill, 1997).

Arthur, Brian, *How Britain Won the War of 1812 : The Royal Navy's Blockades of the United States, 1812-1815* (Woodbridge: Boydell & Brewer, 2011).

Aubert, Jean-Jacques, "The Republican Economy and Roman Law: Regulation, Promotion, or Reflection?", in *The Roman Republic*, edited by Harriet I. Flower, (Cambridge University Press: New York 2004).

Bagehot, Walter, *The English Constitution*, Project Gutenberg Ebook, 2009, 39-54, at: www.gutenberg.org/files/4351/4351-h/4351-h.htm, accessed May 11, 2011.

Bailey, Jeremy, *James Madison and Constitutional Imperfection*, (Cambridge: Cambridge University Press, forthcoming 2015).

Bailyn, Bernard, *The Ideological Origins of the American Revolution* (Cambridge: Harvard University Press, 1992).

Baker, Edwin C., *Media Concentration and Democracy: Why Ownership Matters* (New York: Cambridge University Press, 2006).

Balsdon, J., *Roman Civilization* (Gretna: Pelican, 1965).

Banning, Lance, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic*, (Ithaca: Cornell University Press, 1998).

Bartlett, Robert C., *Idea of Enlightenment: A Post-mortem Study* (Toronto: University of Toronto Press, 2001).

Barnett, Randy, "Why the NSA Data Seizures Are Unconstitutional," *Harvard Journal & Public Policy*, Vol. 38, Issue 1, (2015).

Barry, Brian, *Culture & Equality* (Harvard University Press: Cambridge, 2001).

Braunstein, Elissa, "The Feminist Political Economy of the Rent-Seeking Society: An Investigation of Gender Inequality and Economic Growth," *Journal of Economic Issues*, 42(4) (2008).

- Brookhiser, Richard, *James Madison* (New York: Basic Books: 2013).
- Broughton, T. R. S., *Magistrates of the Roman Republic*, Volume II (New York: Oxford University Press, 1951).
- Beacham, Richard C., *Spectacle Entertainments in Early Imperial Rome* (London: Yale University Press, 1999).
- Beard, Charles, *An Economic Interpretation of the United States* (Dover Publications: Mineola, 2004).
- Beer, Samuel H., "Liberalism and the National Idea," in *Left, Right, and Center: Essays on Liberalism and Conservatism in the United States*, ed. Robert A. Goldwin (Chicago: Rand McNally, 1965).
- Bernstein, Richard, *Dictatorship of Virtue: Multiculturalism and the Battle for America's Future* (Alfred A. Knopf: New York, 1994).
- Bergman, Matthew P., "Montesquieu's Theory of Government and the Framing of the American Constitution," *Pepperdine Law Review* Vol. 18, Issue 1, 1990.
- Bickham, Troy, *Weight of Vengeance: The United States, the British Empire, and the War of 1812* (New York: Oxford University Press, 2012).
- Scott Bonn, Scott, "How an Elite-Engineered Moral Panic Led to the U.S. War on Iraq," *Critical Criminology*, 2011, Vol. 19 Issue 3.
- , *Mass Deception: Moral panic and the US War on Iraq* (New Brunswick: Rutgers University Press, 2010).
- Daniel Brandt, "Multiculturalism and the Ruling Elite," From *NameBase NewsLine*, No. 3, October-December 1993, at: <http://www.namebase.org/news03.html>.
- Branstetter, Heather Lee, "Reflections on the Duke Lacrosse Case - Toward an Ethic of Empathy," *Harlot: A Revealing Look at the Arts of Persuasion* 3 (2009), at: <http://harlotofthearts.org/index.php/harlot/article/view/28/25>.
- Brewer, P.R., "Public Opinion About Gay Rights and Gay Marriage," *International Journal of Public Opinion Research*, Vol. 26, Issue 3.
- Brook, Dan, "Democracy and its Discontents," *Socialist Review*, Vol. 28, 3/4 (2001).
- Brown, Sherrod, *Myths of Free Trade: Why American Trade Policy Has Failed* (New York: New Press, 2006).
- Buchanan, Patrick J. *Day of Reckoning* (New York: St. Martin's Press, 2007).

———, *The Death of the West: How Dying Populations and Immigrant Invasions Imperil Our Country and Civilization* (New York: St. Martin's Press, 2002).

———, *Suicide of a Superpower: Will America Survive to 2025?* (New York: St. Martin's Press, 2011).

Capehart, Jonathan, "Yes, You Can Criticize Obama and Not Be Racist," *Washington Post*, October 31, 2012, at: http://www.washingtonpost.com/blogs/post-partisan/post/yes-you-can-criticize-obama-and-not-be-racist/2012/10/30/30d6d6d0-22eb-11e2-ac85e669876c6a24_blog.html.

Caplinger, Christopher, "The Politics of Trusteeship Governance: Jimmy Carter's Fight For a Standby Gasoline Rationing Plan," *Presidential Studies Quarterly*, 26.3 (1996).

Carey, George W. "Publius: A Split Personality?," *The Review of Politics*, Vol. 46, No. 1 (1984).

"Carter Again Cites Racism as Factor in Obama's Treatment," *CNN*, September 17, 2009, at: http://www.cnn.com/2009/POLITICS/09/15/carter.obama/index.html?eref=ib_us, accessed July 11, 2015.

Chang, Ha-Joon, *Bad Samaritans: The Myth of Free Trade and the Secret History of Capitalism* (London: Bloomsbury Publishing, 2007).

Colburn, Trevor, ed. *Fame and the Founding Fathers: Essays by Douglass Adair*, (New York, 1974).

Courtney, C.P, "Montesquieu and Natural Law," in *Montesquieu's Science of Politics* (Lanham: Rowman & Littlefield, 2001).

"Confronting Cesar Chavez's Stance On Illegal Immigration," *Huff Post Latino Voices*, March 31, 2014, at http://www.huffingtonpost.com/2014/03/31/cesar-chavez-illegalimmigration_n_5065654.html.

Dawson, Michael C., *Behind the Mule: Race and Class in African American Politics* (Princeton, New Jersey: Princeton University Press, 1994).

Diamond, Martin, "The Federalist," in Leo Strauss and Joseph Cropsey, eds., *History of Political Philosophy* (Chicago: Rand McNally, 1972).

Diamond, Martin, "The Separation of Powers and the Mixed Regime," *Publius*, Vol. 8, No. 3, Dimensions of the Democratic Republic: A Memorial to Martin Diamond (Summer, 1978).

Diggins, John P., *John Adams: The American Presidents Series: The 2nd President, 1797-1801* (London: Macmillan, 2003).

The Documentary History of the First Federal Congress of the United States of America, March 4, 1789-March 3, 1791, Charlene Bangs Bickford and Helen E. Veit, eds. (Baltimore: The Johns Hopkins University 1986).

Dooley, Patricia L., *The Early Republic: Primary Documents on Events from 1799 to 1820* (Santa Barbara: Greenwood Publishing Group, 2004).

Douglass, Robin, "Montesquieu and Modern Republicanism," *Political Studies*, 2012, Volume 60, Issue 3.

Dower, John W., *War Without Mercy: Race and Power in the Pacific War* (New York: Pantheon Books, 1986).

Downing A. Thomas, *Eighteenth-Century Studies*, Volume 39, Number 1, (John Hopkins University Press: Baltimore, 2005).

Drake, H. A., "Constantine and Consensus," *Church History*, 64.1 (1995).

Drummond, Nicholas W., "Immigration and the Therapeutic Managerial Government," *Telos: A Quarterly Journal of Critical Thought*, issue no. 166.

Ebersole, Phil, "A Watchdog and Iconoclast of the Internet," January 30, 2013, at: [https:// philebersole.wordpress.com/ 2013/01/30/a-watchdog-and-iconoclast-of-the-internet](https://philebersole.wordpress.com/2013/01/30/a-watchdog-and-iconoclast-of-the-internet/), accessed June 9, 2015.

Economic Modeling Specialists, Intl., April 29, 2011, <http://www.economicmodeling.com/2011/04/29/independent-contractors-other-noncovered-workers-on-the-rise>.

"Education and Cultural Studies," *Cultural Studies*, Volume 25, Issue 1 (2011).

Edwards, Catharine, *Unspeakable Professions Public Performance and Prostitution in Ancient Rome* (Princeton: Princeton University Press, 1997).

Einhard, *The Life of Charlemagne*, Vol. 35 (University of Michigan Press: Ann Arbor: 1960).

Ellingsen, Tanja, "Colorful Community or Ethnic Witches' Brew?" *Journal of Conflict Resolution*, Vol. 44, No. 2 (2000).

Elliot, Jonathan, ed., *The Debates in the Several State Conventions on the Adoption of the Federal Constitution, as Recommended by the General Convention at Philadelphia in 1787*, 5 volumes, (Washington: United States Congress, 1836).

"Employment Situation Summary," *Bureau of Labor Statistics*, Department of Labor, July 2, 2015, at: <http://www.bls.gov/news.release/empstat.nr0.htm>, accessed July 16, 2015.

Epstein, David F., *The Political Theory of the Federalist* (Chicago: University of Chicago Press, 1984).

“EPI Analysis Finds No Shortage of STEM Workers in the United States,” press release, *Economic Policy Institute*, April 24, 2013, at: <http://www.epi.org/press/epi-analysis-finds-shortage-stem-workers>.

Falconer, William, *Remarks Influence Climate, Situation, Nature Country, Population, Nature Food, And Way Life*, (University of California Libraries: Oakland, 2012).

Finlay, Christopher J., “Hume’s Theory of Civil Society,” *European Journal of Political Theory* 3:4 (2004).

Fish, Stanley, “Boutique Multiculturalism,” in *Multiculturalism and American Democracy* (University Press of Kansas: Lawrence, 1998).

Fishkin, James S., *Democracy and Deliberation: New directions for Democratic Reform*, Vol. 217, (New Haven: Yale University Press, 1991).

Flower, Harriet I., editor., *The Roman Republic* (New York: Cambridge University Press, 2004).

Fraga, Luis R. et al., “Core Values: Beliefs and the American Creed,” in *Latinos in the New Millennium* (New York: Cambridge University Press, 2012).

Fraga, Luis R. and Gary M. Segura, “Culture Clash? Contesting Notions of American Identity and the Effects of Latin American Immigration,” *Perspectives on Politics*, Volume 4, Issue 2281, June 2006.

Fraser, Nancy and Axel Honneth, *Redistribution or Recognition?: A Political-Philosophical Exchange* (London: Verso, 2003).

Frederick, Douglass, *Life and Times of Frederick Douglass: An African American Heritage Book* (Radford: Wilder Publications, 2008).

Freeman, James, “How Washington Really Redistributes Income,” *Wall Street Journal*, October 21, 2012.

Freeman, Richard, “China, India and the doubling of the global labor force: who pays the price of globalization? The Asia-Pacific Journal: Japan Focus, (2005), Available (consulted 23 April 2012) at: <http://www.japanfocus.org/-Richard-Freeman/1849>.

Gabrielson, Teena, “James Madison's Psychology of Public Opinion,” *Political Research Quarterly* (2009) Vol. 62, no. 3.

Gallup Poll, Marriage, (2015), at <http://www.gallup.com/poll/117328/marriage.aspx>,

accessed July, 13, 2015.

Garza, Rodolfo O. de la, Angelo Falcon and F. Chris Garcia, "Will the Real Americans Please Stand Up?" *American Journal of Political Science*, Vol. 40, No. 2 (May, 1996).

General Degree Requirements — University Core Curriculum, University of North Texas, at: <http://catalog.unt.edu/content.php?catoid=3&navoid=211>, accessed July 19, 2015.

Gibson, Alan, "The Commercial Republic & the Pluralist Critique of Marxism: An Analysis of Martin Diamond's Interpretation of 'Federalist' 10," *Polity*, Vol. 25, no. 4 (1993).

———, "Madison's 'Great Desideratum': Impartial Administration and the Extended Republic," *American Political Thought*, Vol. 1, No. 2 (September 2012).

———, "Veneration and Vigilance: James Madison and Public Opinion, 1785–1800," *The Review of Politics* 67, no. 01 (2005).

Gilens, Martin and Benjamin I. Page, "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens," *Perspectives on Politics* 12 (3), (2014).

Todd Gitlin, "A Conversation with Todd Gitlin," Interview by Ben Wattenberg, Think Tank, PBS Television Network, November 23, 1995, transcript, at: <http://www.pbs.org/think-tank/transcript-235.html>, accessed July 7, 2015.

Todd Gitlin, *The Twilight of Common Dreams: Why America is Wracked by Culture Wars* (New York: Metropolitan Books, 1995).

Goldstein, Joshua R., "Kinship Networks That Cross Racial Lines: The Exception Or The Rule?" *Demography* 36(3), 1999.

Goldsworthy, Adrian, *Roman Warfare* (London: Cassell, 2000).

Gottfried, Paul, *Multiculturalism and the Politics of Guilt: Toward a Secular Theocracy*, (University of Missouri Press: Columbia, 2002).

Govan, Thomas P., "The Rich, the Well-born, and Alexander Hamilton," *The Mississippi Valley Historical Review* (1950).

Gowa, Joanne & Edward D. Mansfield, "Alliances, Imperfect Markets, and Major-Power Trade," *International Organization* (2004), 58(4): 775-805.

Graham, David A., "Yes, Obama Was Lying About Opposing Same-Sex Marriage," *The Atlantic*, February, 2015, at <http://www.theatlantic.com/politics/archive/2015/02/yes-obama-was-lying-about-opposing-same-sex-marriage/385333>, accessed July 13, 2015.

Green, Max, *Epitaph for American Labor: How Union Leaders Lost Touch with America* (Washington, DC: AEI Press, 1996).

Gross, Doug, "Online Comments are Being Phased Out," *CNN*, November 24, 2014, at: <http://www.cnn.com/2014/11/21/tech/web/online-comment-sections>, accessed July 17, 2015.

Hamilton, Alexander, *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University, 1961-79).

Hamilton, Alexander, James Madison, and John Jay, *The Federalist Papers* (New York: Signet Classic, 2003).

Hearit Diana Berkshire and Keith M. Hearit. 2011. "NPR Under Fire: On the Kategoria-Based Apologia of Juan Williams," *Journal Of Radio & Audio Media* 18, no. 1: 65-83.

Hendrickson, Randal R., "Montesquieu's (Anti-)Machiavellianism: Ordinary Acquisitiveness in The Spirit of Laws," *The Journal of Politics*, Vol. 75, No. 2, April 2013, 385–391.

Henderson, Richard, "Industry Employment and Output Projections to 2020," *Monthly Labor Review*, vol. 125, no. 1 (January 2012).

The Histories of Polybius, published in Vol. III of the Loeb Classical Library edition, 1922 thru 1927, VI.53. http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Polybius/6*.html, accessed August 17, 2014.

Hobson, Charles, "The Negative on State Laws: James Madison, the Constitution, and the Crisis of Republican Government," *William and Mary Quarterly* 36, (1979).

Holcombe, Randall G., "Political Capitalism," *Cato Journal* 35 (2015).

Holton, Woody, "'Divide et Impera': 'Federalist 10' in a Wider Sphere," *The William and Mary Quarterly*, Third Series, Vol. 62, No. 2 (2005).

-----, "'From the Labours of Others': The War Bonds Controversy and the Origins of the Constitution in New England," *William and Mary Quarterly* 61, no. 2 (April 2004).

Hooghe, Marc and Jennifer Oser, "Internet, Television and Social Capital: The Effect of 'Screen Time' on Social Capital," *Information, Communication & Society* (2015).

Hoppe, Hans-Hermann *Democracy-The God That Failed: The Economics and Politics of Monarchy, Democracy, and Natural Order* (Piscataway: Transaction Publishers, 2001).

Horsman, Reginald, *The Causes of the War of 1812* (A. S. Barnes: Philadelphia).

———, “Western War Aims, 1811-1812,” *Indiana Magazine of History* 53, no. 1(1957).

Horowitz, Donald L., “Democracy in Divided Societies,” *Journal of Democracy* Vol. 4, No 4, (Oct., 1993).

Howard, A.E. Dick, *The United States Constitution: Roots, Rights, and Responsibilities*, (Washington D.C, Smithsonian Institution Press, 1992), 50. Papers originally presented at the Ninth International Smithsonian Symposium, Charlottesville, VA and Washington, DC, May 1987.

Howatson, M. C., *Oxford Companion to Classical Literature* (Oxford: Oxford University Press, 1989).

Hueglin, Thomas O. & Alan Fenna, *Comparative Federalism: A Systematic Inquiry* (Toronto: University of Toronto Press, 2006).

Hullung, Mark, *Montesquieu and the Old Regime* (University of California Press: Berkeley, 1976).

Hume, David, “Of Essay Writing,” *Essays, Moral, Political, and Literary* (New York: Cosimo, 2006).

———, *The Philosophical Works of David Hume*, Volume 4 (Boston: Little, Brown and Company, 1854).

Huntington, Samuel P., *Who Are We: The Challenges to America's National Identity*, (New York: Simon & Schuster, 2004).

Inaugural Addresses of the Presidents of the United States: From George Washington, 1789 to George H.W. Bush, 1989 (New York: Cosimo, Inc., 2008).

Izzo, Phil, “Bleak News for Americans’ Income,” *Wall Street Journal*, October 14, 2011.

Jaenicke, Douglas W., “Madison v. Madison: The Party Press Essays v. The Federalist Papers,” in *Reflections on the Constitution: The American Constitution After Two Hundred Years*, ed. John Zvesper and Richard A. Maidment (Manchester: Manchester University Press, 1989).

Jefferson, Thomas, *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1953).

———, *The Papers of Thomas Jefferson, Retirement Series*, ed. J. Jefferson Looney, (Princeton: Princeton University Press, 2010).

———, *The Works of Thomas Jefferson*, Volume 2, edited by Paul L. Ford (G.P Putnam's Sons: New York, 1904).

Jollimore, Troy, "Why Is Instrumental Rationality Rational?," *Canadian Journal of Philosophy*, 35(2), (2005), 289-307.

Josephson, Matthew, *The Money Lords: The Great Finance Capitalists, 1925-1950* (New York: Weybright and Talley, 1972).

Kautz, Steven, "Liberalism and the Idea of Toleration," *American Journal of Political Science*, Vol. 37, No. 2 (1993).

Kiernan, Ben, "The First Genocide: Carthage, 146 BC," *Diogenes* 51, no. 3 (2004).

Kimball, Will and Robert E. Scott, "China Trade, Outsourcing and Jobs," Economic Policy Institute, December 11, 2014, at: <http://www.epi.org/publication/china-trade-outsourcing-and-jobs>.

Kotkin, Joel, *The New Class Conflict* (Candor: Telos Press Publishing, 2014).

Krause, Sharon, "The Spirit of Separate Powers in Montesquieu," *The Review of Politics*, Vol. 62, No. 2 (Spring, 2000).

———, "The Uncertain Inevitability of Decline in Montesquieu," *Political Theory*, Vol. 30, No. 5 (Oct., 2002).

Kymlicka, Will, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995).

Lagerlof, Nils-Petter, "Gender Equality and Long-Run Growth," *Journal of Economic Growth*, 8(4), (2003).

———, "Montesquieu and Liberalism," *Montesquieu and His Legacy* (Albany: SUNY, 2009).

Larrère, Catherine, "Montesquieu and the Modern Republic: The Republican Heritage in Nineteenth-Century France," in *Montesquieu and the Spirit of Modernity* (Oxford: Voltaire Foundation, 2002).

Larrère, Catherine, "Montesquieu on Economics and Commerce," in *Montesquieu's Science of Politics* (Rowman and Littlefield Publishers: Oxford, 2001).

Lentin, Alana & Gavan Titley, *The Crises of Multiculturalism: Racism in a Neoliberal Age* (Zed Books: London, 2011).

Letters and Other Writings of James Madison, Volume 1 (R. Worthington: New York,

1884).

Levy, J. T. "Beyond Publius: Montesquieu, Liberal Republicanism and the Small-Republic Thesis", *History of Political Thought*, 2006, 27 (1).

Lewis, Arthur W., "Economic Development with Unlimited Supplies of Labour," *Manchester School* 22 (1954), 139-81.

Lincoln, Abraham, Gettysburg Address, November 19, 1863, in *Lincoln Speeches (Penguin Civic Classics)*, edited by Allen C. Guelzo and Richard Beeman (New York: Penguin Books, 2012).

———, "The Perpetuation of Our Political Institutions: Address Before the Young Men's Lyceum of Springfield, Illinois," January 27, 1838, at: <http://www.abrahamlincolnonline.org/lincoln/speeches/lyceum.htm>, accessed November 10, 2014.

Lipton, Eric, and Somini Senguptamay, "Latest Product From Tech Firms: An Immigration Bill," *New York Times*, May 4, 2013, at: <http://www.nytimes.com/2013/05/05/us/politics/tech-firms-take-lead-in-lobbying-on-immigration.html>.

Locke, John, *Letter Concerning Toleration* (Hackett Publishing: Indianapolis, 1983).

Lodge, Henry Cabot, ed., *The Works of Alexander Hamilton*, 12 vols. (New York, 1904).

Lomas, Kathryn, "Italy During the Roman Republic, 338-31 B.C.," in *The Roman Republic*, edited by Harriet I. Flower, (Cambridge University Press: New York, 2004).

Long Michael G. and Tracy Wenger Sadd, eds, *God and Country? Diverse Perspectives on Christianity and Patriotism* (New York: Palgrave Macmillan, 2007).

Long, Andrew G., "Defense Pacts and International Trade," *Journal of Peace Research* (2003) 40(5).

Long, Andrew G. and Brett Ashley Leeds, "Trading for Security: Military Alliances and Economic Agreements," *Journal of Peace Research*, Vol. 43, No. 4, Special Issue on Alliances (Jul., 2006).

Lucas, George R., "NSA Management Directive # 424: Secrecy and Privacy in the Aftermath of Edward Snowden," *Ethics & International Affairs* 28, no. 1 (2014).

Lutz, Donald S., "The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought," *American Political Science Review*, 78 (1984).

Lutz, Ashley, "These 6 Corporations Control 90% Of The Media In America," *Business Insider*, at: <http://www.businessinsider.com/these-6-corporations-control-90-of-the-media-in-america-2012>.

- Maass, Richard W., "Difficult to Relinquish Territory Which Had Been Conquered: Expansionism and the War of 1812," *Diplomatic History*, Volume 39, Issue 1.
- MacDonald, Heather, "The Diversity Industry," *The New Republic* 5 (1993).
- Machiavelli, Niccolò, *Discourses on Livy*, translated by Harvey C. Mansfield & Nathan Tarcov (Chicago: University of Chicago Press, 1998).
- MacMullen, Ramsay, "Hellenizing the Romans (2nd century BC)", *Historia* 44 (1991).
- Macpherson, Crawford B., *The Political Theory of Possessive Individualism* (Oxford: Clarendon Press, 1962).
- Mader, Gottfried "Pax Duello Mixta: Demosthenes and the Rhetoric of War and Peace" *The Classical Journal*, vol. 101.1 (2005-6).
- Madison, James, "Embargo," *Pittsburgh Weekly Gazette*, January 12, 1812, at Pittsburgh Post-Gazette Archives, <http://archives.post-gazette.com/newspage/96060341>, accessed September 25, 2015.
- , *Letters and Other Writings of James Madison: Fourth President of the United States*, In Four Volumes, Vol. II, 1794-1815, (Philadelphia, J.B. Lippincott & Co., 1865).
- , *The Papers of James Madison*, eds. Robert A. Rutland et al., The Papers of James Madison, 17 vols. (Chicago and Charlottesville, 1962-1991).
- , *The Papers of James Madison. Congressional Series*, William T. Hutchinson, et al. (Chicago: University of Chicago Press, 1962-91).
- , *The Papers of James Madison, Presidential Series*, eds. J. C. A. Stagg et al. (Charlottesville: University Press of Virginia, 1999).
- , *The Papers of James Madison, Retirement Series*, eds. David B. Mattern et al. (Charlottesville: VA, 2013).
- , *The Writings of James Madison*, ed. Gaillard Hunt, (New York: G.P. Putnam's Sons, 1908, 1910).
- Malcomson, Robert, *Historical Dictionary of the War of 1812* (Lanham, Scarecrow Press, 2006).
- Mason, Alpheus T., "The Federalist—A Split Personality," *American Historical Review*, 5, 7 (1952).
- Martin, Robert W. T., "James Madison and Popular Government: The Neglected Case of the 'Memorial'", *Polity*. Vol. 42, No. 2, (2010).

McDonald, A. H., "Rome and the Italian Confederation (200-186 B.C.)," *The Journal of Roman Studies*, Vol. 34, Parts 1 and 2 (1944).

McDonald, Forrest, *Alexander Hamilton: A Biography* (New York: W.W. Norton Company, 1979).

———, *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* (University Press of Kansas: Lawrence, 1985).

———, *The Presidency of George Washington* (Lawrence: University of Kansas Press, 1974).

Merriam-Webster Online Dictionary," *Encyclopedia Britannica*, <http://www.merriam-webster.com/dictionary/compassion>.

Miller, David, *On Nationality* (Oxford: Oxford University Press, 1995).

Miller, Tiffany J. "James Madison's Republic of "Mean Extent" Theory: Avoiding The Scylla and Charybdis of Republican Government," *Polity* 39.4 (2007).

Miller, Zeke, "Axelrod: Obama Mised Nation When He Opposed Gay Marriage In 2008," *Time* (2015), at <http://time.com/3702584/gay-marriage-axelrod-obama>, accessed July 13, 2015.

Millican, Edward, *One United People: The Federalists Papers and the National Idea*, (Lexington: University Press of Kentucky, 1990).

Mizruchi, Susan L., *Rise of Multicultural America* (Chapel Hill: University of North Carolina Press, 2008).

Montaigne, Michel de, "On Moderation," in *Michel de Montaigne - The Complete Essays* (Penguin Group: London, 2003).

Montesquieu, Charles de Secondat, *Considerations on the Causes of the Greatness of the Romans and Their Decline* (Indianapolis: Hackett Publishing, 1999).

———, *My Thoughts* (Mes Pensées) [2012], translated by Henry C. Clark, <http://oll.libertyfund.org/titles/2534>, accessed January 3, 2015.

———, *Notes on England*, translated by Iain Stewart, (2000) Oxford U Comparative L Forum 1, at <http://ouclf.iuscomp.org/articles/montesquieu.shtml>.

Montesquieu à J.-J. Bel, 29 September 1726, *Oeuvres complètes*, ed. M. André Masson, III.

———, *Persian Letters* (Oxford: Oxford University Press, 2008).

———, *The Spirit of the Laws*, edited by Anne Cohler, Basia Miller & Harold Stone, (Cambridge University Press: NY, 1989).

———, *The Spirit of the Laws*, (Amherst: Prometheus Books, 2002).

———, *Reflections on Universal Monarchy in Europe*, in Charles-Louis de Secondat Montesquieu, baron de La Brède et de Montesquieu, *Œuvres complètes de Montesquieu*, eds. Jean Ehrard, Catherine Volpilhac-Augier, et al. (Oxford: Voltaire Foundation, 1998).

Morrell, Alex, “Billionaires 2014: record Number of Newcomers Includes Sheryl Sandberg, Jan Koum, Michael Kors,” *Forbes*, March 3, 2014, at: <http://www.forbes.com/sites/alexmorrell/2014/03/03/billionaires-2014-record-number-of-newcomers-includes-sheryl-sandberg-jan-koum-michael-kors>.

Morrow, James D. & Randolph M. Siverson & Tressa E. Tabares, “The Political Determinants of International Trade: The Major Powers, 1907-90,” *American Political Science Review* (1998) 92(4).

Most, Benjamin A. and Harvey Starr *Inquiry, Logic and International Politics*. (Columbia, SC: University of South Carolina Press, 1989).

Mosher, Michael, “Free Trade, Free Speech, and Free Love: Monarchy from the Liberal Prospect in Mid-eighteenth Century France,” in H. Blom, J.C. Laursen and L. Simonutti, eds., *Monarchisms in the Age of Enlightenment: Liberty, Patriotism, and the Common Good* (Toronto: University of Toronto Press, 2007).

Nader, Ralph, *Unstoppable: The Emerging Left-Right Alliance to Dismantle the Corporate State* (New York: Nation Books, 2014).

National Bureau of Economic Research, (Princeton: Princeton University Press, 1960), reprinted (New York, Arno Press: 1975).

Nettels, Curtis P., *The Emergence of a National Economy 1775–1815, The Economic History of the United States* vol. II (New York and London: Harper & Row, 1962).

North, Douglass, “United States Balance of Payments 1790–1860’, in *Trends in the American Economy in the Nineteenth Century, Studies in Income and Wealth*.

Norton, Anne, “The Virtues of Multiculturalism,” in *Multiculturalism and American Democracy* (University Press of Kansas: Lawrence, 1998), 130-138.

Ostendorf, Berndt, “The Costs of Multiculturalism,” Working Paper no. 50, J.F. Kennedy Institut, Berlin, 1992, as quoted in Berndt Ostendorf, “The Politics of Difference,” in *Multiculturalism in Transit: A German-American Exchange* (Berghahn Books: New York, 1998), 62.

Outram, Dorinda, *The Enlightenment* (Cambridge: Cambridge University Press, 2013).

Pangle, Thomas, "Montesquieu, Charles-Louis de Secondat (1689–1755)," in: *The Blackwell Encyclopedia of Political Thought*, edited by David Miller, (Hoboken: Wiley-Blackwell, 1991).

———, *Montesquieu's Philosophy of Liberalism* (Chicago: University of Chicago Press: 1973).

———, *The Spirit of Modern Republicanism: The Moral Vision of the American Founders and the Philosophy of Locke*, (University of Chicago Press: Chicago, 1990).

———, *The Theological Basis of Liberal Modernity in Montesquieu's Spirit of the Laws* (Chicago: University of Chicago Press, 2010).

Parekh, Bhiku, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (Harvard University Press: Cambridge, 2000).

Pascal, Blais, *Prière pour demander à Dieu le bon usage des maladies*.

Passel, Jeffrey and D'Vera Cohn, "U.S. Population Projections: 2005-2050," *Pew Hispanic Center*, Washington D.C., February, 2008.

Pénard, Thierry and Nicolas Poussing, "Internet Use and Social Capital: The Strength of Virtual Ties," *Journal of Economic Issues* 44, no. 3 (2010).

Perkins, Bradford, *Prologue to War: England and the United States, 1805-1812*, (Los Angeles: University of California Press, 1961).

Phillips, Kevin, "Balkanization of America," *Harpers* 256, no. 1536 (1978).

———, *The Cousins' Wars: Religion, Politics, and the Triumph of Anglo-America* (New York: Basic Books, 1999).

Plato, *The Republic*, translated by Allan Bloom, second edition, (New York: Basic Books, 1979).

Pocock, J.G.A., *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press, 1975).

Presser, Stephen, reviewer, "America's Civil Religion: The Fierce, And Still Vital, Arguments That Arose Over The U.S. Constitution," *Chicago Tribune*, July 4 1993.

Prindle, David, "The Invisible Hand of James Madison," *Constitutional Political Economy* 15, no. 3 (2004).

Putnam, Robert D., "Bowling Alone: America's Declining Social Capital," *Journal of Democracy* 6, no. 1 (1995).

———, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2000).

———, "E Pluribus Unum: Diversity and Community in the Twenty-First Century: The 2006 Johan Skytte Prize Lecture," *Scandinavian Political Studies* 30, no. 2 (2007).

Rakove, Jack N., *James Madison and the Creation of the American Republic*, ed. Oscar Handlin (Glenview, Ill., 1990).

Rahe, Paul, "Empires: Ancient and Modern," *The Wilson Quarterly*, 2004, 28.3.

———, *Inventions of Prudence: Constituting the American Regime* (Chapel Hill, 1994).

———, *Montesquieu and the Logic of Liberty: War, Religion, Commerce, Climate, Terrain, Technology, Uneasiness of Mind, the Spirit of Political Vigilance, and the Foundations of the Modern Republic* (London: Yale University Press, 2009).

———, "Montesquieu, Natural Law, and Natural Rights," *Natural Law, Natural Rights, and American Constitutionalism*, <http://www.nlprac.org/earlymodern/montesquieu>, accessed March 3, 2015.

———, "Montesquieu's Natural Rights Constitutionalism," *Social Philosophy and Policy* 29, no. 2, (2012).

———, *Soft Despotism, Democracy's Drift: Montesquieu, Rousseau, Tocqueville, and the Modern Prospect*, (Yale University Press, New Haven: 2009).

Raventos, Jorge, "From the New Left to Postmodern Populism: An Interview with Paul Piccone," *Telos* 122 (2002).

Records of the Federal Convention, ed. Max Farrand, 4 vols. (New Haven: Yale University Press, 1966).

"Report and Resolutions of Connecticut on the Militia Question," August 25, 1812, in Herman V. Ames, *State Documents on Federal Relations: The States and the United States* (Philadelphia, PA, 1911).

Reynolds, Glenn, "The Donald and Bernie Show," *USA Today*, at <http://www.usatoday.com/story/opinion/2015/07/12/bernie-sanders-donald-trump-political-parties-column/30048791>, accessed July 14, 2015.

Rieff, David, "Multiculturalism's Silent Partner: It's the Newly Globalized Consumer Economy, Stupid." *Harper's*, August 1993.

———, “Therapy or Democracy? The Culture Wars Twenty Years On,” *World Policy Journal* (1998).

Robertson, William, *The History of the Reign of the Emperor Charles V*, The second American, from the tenth London edition, (Philadelphia: John Bioren, Tho. L. Plowman, A. Fagan, 1812) Volume 1, Section 3.

Robins, Nick, *The Corporation that Changed the World: How the East India Company Shaped the Modern Multinational* (London: Pluto Press, 2006).

Robinson, William I., “Global Capitalism Theory and the Emergence of Transnational Elites,” *Critical Sociology* 38, no. 3 (2012).

Rousseau, Jean-Jacques, “Last Reply,” in *The Discourses and Other Early Political Writings*, edited by Victor Gourevitch (Cambridge University Press: Cambridge, 1999, second printing).

———, “On the Social Contract,” in *The Basic Political Writings* (Indianapolis: Hackett, 1987), II.8.

———, *The Social Contract and Discourses*, translated by G. D. H. Cole (New York: E. P. Dutton, 1950).

Robert Allen Rutland, “The First Great Newspaper Debate: The Constitutional Crisis of 1787,” *American Antiquarian Society*, (1987).

———, *James Madison: The Founding Father* (Columbia: University of Missouri Press, 1997).

Salihu, HM & EM August, JL Salemi, H Weldeselasse, YS Sarro, AP Alio, “The Association Between Female Genital Mutilation and Intimate Partner Violence,” *BJOG*, Vol. 119, Issue 13, (2012), 1597–1605.

Sanders, Bernie, Interview by Ezra Klein, *The Vox Conversation*, July 28, 2015, at: <http://www.vox.com/2015/7/28/9014491/bernie-sanders-vox-conversation>, accessed August 9, 2015.

Schaub, Diana J., *Erotic Liberalism: Women and Revolution in Montesquieu’s Persian Letters* (Lanham, MD: Rowman and Littlefield, 1995).

Schlesinger, Arthur, *The Disuniting of America: Reflections on a Multicultural Society* (New York: W. W. Norton & Company, 1998), 132.

Schmidt, Alvin J., *The Menace of Multiculturalism: Trojan Horse in America* (Westport: Praeger Publishers, 1997).

Scott, Robert E., "Increased U.S. Trade Deficit in 2014 Warns Against Signing Trade Deal without Currency Manipulation Protections," *Economic Policy Institute*, February 5, 2015, at: <http://www.epi.org/publication/increased-u-s-trade-deficit-in-2014-warns-against-signing-trade-deal-without-currency-manipulation-protections>.

———, "The Manufacturing Footprint and the Importance of U.S. Manufacturing Jobs," *Economic Policy Institute*, January 22, 2015, at: <http://www.epi.org/publication/the-manufacturing-footprint-and-the-importance-of-u-s-manufacturing-jobs>.

Shackleton, Robert, "Censure and Censorship: Impediments to Free Publication in the Age of Enlightenment," *The Library Chronicle of the University of Texas at Austin* 6 (1973).

———, *Essays on Montesquieu and on the Enlightenment*, eds. Gilson David and Smith Martin (Oxford: The Voltaire Foundation, 1988).

———, *Montesquieu: A Critical Biography* (Oxford: Oxford University Press, 1961).
Sheehan, Colleen, *James Madison and the Spirit of Republican Self-Government* (New York: Cambridge University Press, 2009).

———, "Madison and the French Enlightenment: The Authority of Public Opinion," *The William and Mary Quarterly*, Third Series, Vol. 59, No. 4 (Oct., 2002).

———, *The Mind of James Madison* (New York: Cambridge University Press, 2015).

———, "The Politics of Public Opinion," *The William and Mary Quarterly*, Third Series, Vol. 49, No. 4 (1992).

———, "Public Opinion and the Formation of Civic Character in Madison's Republican Theory," *The Review of Politics*, Winter 2005; Vol. 67, Issue 1.

Sheldon, Garrett Ward, *The Political Philosophy of James Madison* (Baltimore: John Hopkins University Press, 2001).

Shklar, Judith N., "Montesquieu and the New Republicanism," in *Machiavelli and Republicanism*, ed. G. Bock (Cambridge: Cambridge University Press, 1990).

Smith, Adam, *An Inquiry into the Nature and Causes of the Wealth of Nations*, (Edwin Cannan: London, 1904).

Smith, Daniel, "Radical Populism: A New Pragmatic Revolt in Politics," presented at the State University of New York, (forthcoming, 2015).

Solove, Daniel J., "Data Mining and the Security-Liberty Debate," *The University of Chicago Law Review* (2008).

Sonescher, Michael. *Before the Deluge: Public Debt, Inequality, and the Intellectual Origins of the French Revolution* (Princeton NJ: Princeton University Press, 2007).

Soni, Jimmy, "The Reason HuffPost Is Ending Anonymous Accounts," *Huffington Post*, August 26, 2013, at http://www.huffingtonpost.com/jimmy-soni/why-is-huffpost-ending-an_b_3817979.html.

Spector, Céline, "Montesquieu: Critique of Republicanism?" in *Republicanism: History, Theory and Practice*, edited by Christian Nadeau & Daniel Weinstock (London: Routledge, 2004).

Spurlin, Paul M., *Montesquieu in America* (Octagon Books: New York, 1940).

Staloff, Darren, *Hamilton, Adams, Jefferson: The Politics of Enlightenment and the American Founding* (New York: Hill and Wang, 2005).

Steigerwald, David, *Culture's Vanities: The Paradox of Cultural Diversity in a Globalized World* (Lanham: Rowman & Littlefield Publishers, 2004).

Strauss, Leo, *Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought* (Albany: SUNY Press, 1997).

———, *Lectures on Aristotle's Politics*, Lecture XI:12-14, University of Chicago, autumn 1967, unpublished.

Starr, Harvey, "Opportunity' and 'Willingness' as Ordering Concepts in the Study of War." *International Interactions* 4, 4 (1978).

Takaki, Ronald, *A Different Mirror: A History of Multicultural America* (New York: Back Bay Books, 2008).

Tansill, Charles C., ed., *Documents Illustrative of the Formation of the Union of the American States* (Washington: Government Printing Office, 1927).

Taylor, Charles, *Multiculturalism: Examining the Politics of Recognition* (Princeton University Press: New Jersey, 1994).

Thomas, Downing A. *Eighteenth-Century Studies*, Volume 39, Number 1, (John Hopkins University Press: Baltimore, Fall 2005), 71-90.

Tocqueville, Alexis de, *Democracy in America*, translated by Harvey Mansfield, and Delba Winthrop. (University of Chicago Press: Chicago, 2002).

Toft, Monica Duffy, "Population Shifts and Civil War: A Test of Power Transition Theory," *International Interactions*, 2002, Volume 33, Issue 3.

Turner, Bryan S. "In Defence of Monarchy," *Society*, (2012) Volume 49, Issue 1.
U.S. Department of the Treasury, "A New Economic Analysis of Infrastructure Investment," report, March 23, 2012, <http://www.treasury.gov/resource-center/economic-policy/Documents/20120323InfrastructureReport.pdf>.

Vile, John R., William D. Pederson, & Frank J. Williams, eds. James Madison: philosopher, founder, and statesman, (Athens: Ohio University Press, 2008).

Vile, M.J.C. *Constitutionalism and the Separation of Powers* (Liberty Fund: Indianapolis, 1967).

Wallsten, Kevin, and Melinda Tarsi, "It's time to end anonymous comments sections," *Washington Post*, August 19, 2014, at <http://www.washingtonpost.com/blogs/monkey-cage/wp/2014/08/19/its-time-to-end-anonymous-comments-sections>, accessed July 1, 2015.

Walzer, Michael, Menachem Lorberbaum, Noam J. Zohar & Ari Ackerman, eds., *The Jewish Political Tradition*, Volume Two: Membership (New Haven: Yale U. Press, 2003).

———, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983).

Ward, Lee, "Montesquieu on Federalism and Anglo-Gothic Constitutionalism," *Publius*, Vol. 37, No. 4 (Fall, 2007), 551-577.

Weaver, Glenn, "Benjamin Franklin and the Pennsylvania Germans," *The William and Mary Quarterly*, Third Series, Vol. 14, No. 4 (Oct., 1957).

Weaver, Richard M., *Ideas Have Consequences* (Chicago: University of Chicago Press, 1948).

Weintraub, Jeff, "Tocqueville On Mores," October 20, 1996, at: <http://jeffweintraub.blogspot.co.at/1996/10/tocqueville-on-mores.html>, accessed August 5, 2014.

Wellman, Barry, Anabel Quan Haase, James Witte, and Keith Hampton. "Does the Internet Increase, Decrease, or Supplement Social Capital? Social Networks, Participation, and Community Commitment," *American Behavioral Scientist* 45, no. 3 (2001).

White, A. E., "Female Genital Mutilation in America: The Federal Dilemma," *Texas Journal of Women and the Law*, 10(2), (2001), 129-208.

Wills, Garry, *Explaining America* (Garden City: Doubleday & Company, 1981).

Wolfe, Christopher "The Confederate Republic in Montesquieu," *Polity*, Volume 9, Issue 4.

Wood, Gordon S., *The Creation of the American Republic: 1776-1787* (University of North Carolina Press: Chapel Hill, 1998).

Wooldridge, Adrian, "The Coming Tech-lash," *Economist*, November 18, 2013.

Wright, Joshua, "Supply of Tech Workers Greater Than Estimated Demand," *New Geography*, September 1, 2011, <http://www.newgeography.com/content/002411-supply-tech-workers-greater-than-estimated-demand>.

Xenophon, *The Education of Cyrus*, translated by Wayne Ambler (Ithaca: Cornell University Press, 2001).

Yuen, Edward, "Social Movements, Identity Politics and the Genealogy of the Term 'People of Color,'" in *The Promise of Multiculturalism: Education and Autonomy in the 21st Century*, New Political Science Reader, (London: Routledge, 1998).

Zhenchao, Qian and Daniel T. Lichter, "Changing Patterns of Interracial Marriage in a Multiracial Society. *Journal of Marriage and Family*," vol. 73, (2011), 1065.

Zuckert, Michael, "Natural Rights and Modern Constitutionalism," *Northwestern Journal of International Human Rights* (2004) Volume 2, Issue 1.

Michael Zuckert, "The Political Science of James Madison," *In History of American Political Thought*, eds. Bryan-Paul Frost and Jeffrey Skikkanga, (Lanham: Lexington Books, 2003).

———, "The Virtuous Polity, the Accountable Polity: Liberty and Responsibility in 'The Federalist'", *Publius*, Vol. 22, No. 1 (1992).

Zvesper, John, *Political Philosophy and Rhetoric: A Study of the Origins of American Party Politics* (London: Cambridge University Press, 1977).