Legislating Free Commercial Societies: Montesquieu on the Nature and Morality of Commerce

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LEGISLATING FREE COMMERCIAL SOCIETIES:
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This dissertation aims to understand the origins, effects, and limits of commerce in the modern world, taking Montesquieu as a guide in *The Spirit of the Laws*. It asks: To what extent is commerce natural, and how does commerce shape or constrain our understanding of happiness? I consider the extent to which commerce changes our nature, how it effects this change, and why it might fail to effect this change universally or permanently. Finally, I give an account of the best remedies or solutions for the problems we necessarily encounter in free commercial societies.

We moderns are superior to the ancients, Montesquieu claims, on account of the knowledge we have gained concerning commerce. I argue that this epistemic superiority consists in knowledge concerning the best arrangement between the two sexes: "a kind of equality between the two sexes" that attaches men for the first time to "commerce with women." Against standard readings that put forth political liberty or moderation as Montesquieu's standard of the good in *The Spirit of the Laws,* I argue that Montesquieu also points to equality between the sexes as an alternative standard of the good. To show why and how his idea of sexual equality emerges with commerce, I begin by examining the natural origins of modern commerce.

Modern commerce originates in the diversity of non-human nature, or a diversity of climates; so I begin by arguing that climate, Montesquieu's new understanding of

nature, is the natural basis of modern commerce. After elaborating on this new natural philosophy, I show how commerce, amidst this nonhuman natural diversity, paradoxically results in human uniformity or homogeneity: "everywhere there is commerce, there are gentle mores." Commerce revolutionizes our mores by appealing to human flexibility and the ease of changing manners and mores rather than laws. Commerce does not result in a political universalism but a consensus concerning the most desirable sexual mores. Equality between the sexes is introduced by nature (as an accident of the physical environment), but a moral consensus only emerges through "history": by comparing mores across time and place we see which mores are most desirable. However, neither reason nor passion is sufficient to secure these mores. Only by unleashing the imagination can we introduce equality between the sexes and attach men to "commerce with women" not by love itself, but by the "illusions" and "accessories" of love.

The nature and history of commerce show, however, the limits of this human flexibility and this new standard. After all, why does sexual inequality persist, not least in despotisms and republics? On the one hand, humans are not only flexible and imaginative but also inflexible and attached to virtue in accord with "pure mores." On the other hand, commerce is not, in fact, necessarily accompanied by gentle mores (and the luxury and vanity that accompany these mores): in contradistinction to "commerce of luxury," "economic commerce" depends less on the imagination than on reason. These two alternatives (the life of virtue and that of economic commerce) not only show the limits of universalizing this new morality rooted in sexual equality but also clarify the

challenges of reconciling the realms of domestic and political governance, or commerce at home with commerce abroad.

Nonetheless, anyone unwilling or unable to retreat from the "worldliness" of modern commerce or insufficiently lucky to be born in a commercial republic should heed Montesquieu's advice for how best to live rationally and freely in commercial societies. Thus I turn to his solutions for how to reconcile an openness to human diversity and strangers (as commerce consists of communication among diverse peoples) with a preservation of natural differences and "strength." By conceiving of gentleness as a political virtue and cultivating a conventional form of jealousy, we can reconcile the demands of commerce with those of the virtue of humanity properly understood.

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I have had new ideas; new words have had to be found or new meanings given to old ones. Those who have not understood this have made me say absurdities that would be outrageous in every country in the world, because in every country in the world *morality is desired*.

Charles Louis de Secondat Montesquieu, *The Spirit of the Laws*

Do you want to know men? Study women.

Jean-Jacques Rousseau, *Letter to M. d'Alembert on the Theatre*

INTRODUCTION

Recovering Montesquieu's Liberalism

Recent debates question to what extent liberal democracy, a government devoted to the twin ideals of liberty and equality, is still desirable today. Even though we live in a time with unprecedented opportunity and liberty for women and other minority groups in liberal democracies everywhere, liberal democracy is attacked both from the left and the right—progressives who believe that forms of inequality still unjustly persist and conservatives who claim that liberal democracy does not make adequate space for non-secular ideas of the good. Given rampant economic inequality and the rise of populism, scholars and pundits alike are beginning to wonder how to balance liberty and equality in commercial societies. In contemporary political theory, critics of liberalism argue that the thinkers of the classical liberal tradition pose a false opposition between equality and liberty.[1] Equality and liberty are mutually dependent, and this view asserts that equality is the necessary condition for liberty. Liberalism is also under attack by those on the right: conservatives are critical of liberalism's apparently neutral yet exclusive conception of the public sphere and claim that liberal goods hinder the pursuit of happiness among religious communities.[2] These orthodox practitioners generally hold ideas of the good that cannot coexist with liberal commitments to diversity, liberty conceived as individual rights, and an extreme attachment to humanity. Both critiques of liberalism point to the need to recover a liberalism with an adequate response to the critiques from both sides of the political spectrum: a longing for extreme egalitarian outcomes on the left and a

[1] Allen, Danielle, *Our Declaration, A Reading of the Declaration in Defense of Equality* (Liveright, 2015).
[2] Deneen, Patrick, *Why Liberalism Failed* (Yale University Press, 2019).

demand for a liberal society truly inclusive of diverse conceptions of the good life on the right.

I turn to Montesquieu not simply to recover his liberalism but also to illuminate how his liberalism might enable us to forge a new path for liberal democracy today. There is already an implicit consensus between those concerned with equality and those concerned with ordered liberty that the arrangements in accord with our commercial activity do not adequately support the conditions necessary for their respective conceptions of the well-ordered society. Put a different way, critics of free commercial societies from both the right and left claim that free markets do not create the sufficient conditions for the pursuit of liberty among working families in particular.[3] We continue to grapple with the effects that modern commerce has had on our mores, and it becomes increasingly urgent to understand the origins, character, and revolutionary effects of modern commerce.

The broad contours of this debate extend to recent scholarship on Montesquieu's liberalism, as Montesquieu scholars seek to recover an account of his moderation as a way to navigate critiques of our liberal democracy today.[4] The virtue of moderation enables us to recover a liberalism that includes the pursuit of happiness of all citizens. Indeed, Montesquieu calls moderation a virtue and moderate government (a republic, a monarchy, or a mixture of both) emerges as the most rational, desirable, and feasible standard of good governance in *The Spirit of the Laws.* This defense of moderate governance results in a defense of the diversity of political goods, which has dominated

[3] Pappin, Gladden and Molla, Maria, "Affirming the American Family," *American Affairs*, Vol, 3, Issue 3, Fall 2020.
[4] Craitu, Aurelian, *A Virtue for Courageous Minds, Moderation in French Political Thought, 1748-1830* (Princeton University Press, 2016).

the scholarly conversation among Montesquieu's readers since the publication of Montesquieu's *magnum opus*.[5] Although scholars disagree concerning the precise character of Montesquieu's defense of the diversity of political goods, these disputes, at least among Montesquieu's readers, resemble family disagreements that take for granted despotism as the negative standard of good governance: To what extent are modern political liberty and commerce superior to the equality and virtue of ancient republics? Are the liberty and honor of monarchies superior to the love of equality common to democratic and aristocratic republics? Students of Montesquieu aim not only to understand the political and economic thought of Montesquieu but also to make interventions in contemporary debates concerning the contested status of liberalism. With his insight into the inextricable relation between modern commerce and liberty, Montesquieu challenges us to examine the place of commerce in liberal democracies today, which, I argue, is essential to understanding adequately the secular attachments to diversity, sexual equality, and humanity in liberal commercial societies.

This tension between liberty and equality perhaps intrinsic to liberal democracy is complicated, hence, by the challenge that modern commerce poses to liberal democracies today. Even if we all agree that a liberal democracy prizes political equality and liberty (rather than economic equality), we still need to investigate the ways in which commerce might permanently modify modern peoples. How do commercial societies characterized by inequality and luxury permanently change the mores of its people? To what extent do liberal democracies engaging in commerce carve out sufficient room for the pursuit of

[5] Berlin, Isaiah, *Against the Current: Essays in the History of Ideas* (Princeton University Press, 2013) and Callanan, Keegan, *Montesquieu's Liberalism and the Problem of Universal Politics* (Cambridge University Press, 2018).

happiness of all communities (including religious ones)? Similarly, in respect to free trade, there is disagreement concerning the advantages of free trade policies or those of a protectionist economic nationalism: To what extent does free trade promote or constrain the flourishing of citizens at home? Most importantly, to what extent do commercial societies (characterized by luxury) tacitly introduce a morality originating in the erasure of differences between the two sexes? Given these revolutionary changes in the economic and domestic arrangements introduced by modern commerce, scholars and pundits both question to what extent liberal democracy can respond sufficiently to the most urgent questions of our time.

By investigating the complexity of Montesquieu's treatment of commerce, my project aims to illuminate the origins of our commitments to diversity, equality between the two sexes, and humanity. Montesquieu's treatment of commerce enables us to see why these commitments originate in what Cheney has called revolutionary commerce.[6] That is, we hold sacred diversity, sexual equality, and humanity not simply because we are moved by a passion for equality that induces us to forget about liberty, as Tocqueville argues. Instead, Montesquieu's new political science investigates how the diversity (of human goods) and equality (between the two sexes) necessarily originate with modern commerce. Only by attending to Montesquieu's insights into a radically new understanding of non-human nature and the flexibility of human nature, we can begin to grasp how commerce encourages and constrains human flourishing today.

Montesquieu on the Diversity of Political Goods

[6] Cheney, Paul, *Revolutionary Commerce: Globalization and the French Monarchy* (Harvard University Press, 2010).

Montesquieu's readers are immediately struck by his attentiveness to human diversity. The central question that Montesquieu presents to political theorists is the tension between human diversity and natural right. In Isaiah Berlin's study of Montesquieu, for example, he argues that an irreconcilable tension emerges between diversity and natural justice.[7] More recent scholarship on Montesquieu also invites readers to reflect on the limits of liberalism and the pre-political factors that constrain liberal goods.[8] In contrast to his predecessors such as Hobbes and Locke, Montesquieu pays more attention to the physical causes that account for human diversity, which in turns constrains the cultivation of the goods in accord with liberalism. Accordingly recent scholars draw our attention to physical causes such as climate, terrain, and geography more broadly to illuminate the accidental origins of modern liberty.[9]

In Keegan Callanan's *Montesquieu's Liberalism and the Problem of Universal Politics*, Callanan aims to recover a liberalism rooted in Montesquieu's political particularism and liberal constitutionalism. According to Callanan Montesquieu defends what he calls regime pluralism, or a diversity of political goods that can promise political freedom and moderation. By attending to the importance of liberal culture and social change, Callanan shows that there is no "essentialist" character to modern liberalism.

My project builds on the work of these scholars who have persuasively argued that Montesquieu in no way prescribes a political universalism. Indeed, political

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[7] Berlin, Isaiah, *Against the Current: Essays in the History of Ideas* (Princeton University Press, 2013).
[8] Keegan, *Montesquieu's Liberalism and the Problem of Universal Politics* (Cambridge University Press, 2018).
[9] Pangle, Thomas, *Montesquieu's Liberalism: A Commentary on The Spirit of the Laws* (University of Chicago Press, 1989); Rahe, Paul, *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* (Yale University Press, 2010).

particularism is compatible with a defense of natural right that serves as the standard for Montesquieu's critique of legislators who lack wisdom or prudence. I argue, however, that Montesquieu believes that commerce radically changes mores, and more generally, commerce limits the scope of morality not only unleashing unnecessary desires but by attaching us to the diversity of human goods, equality between the two sexes and humanity. In praising England's ability to take advantage of political liberty, religion, and commerce, Montesquieu invites the reader to reflect on why these three "great things" are the new standards by which we ought to order our common way of life in modernity. Although this project does not adequately treat political liberty or religion, I aim to show why Montesquieu's treatment of commerce sheds the greatest light on the moral dilemmas and mores of our contemporary political moment.

In accord with standard readings of Montesquieu's defense of human diversity, my dissertation begins from Montesquieu's defense of the diversity of goods; it turns, however, to his treatment of commerce as a universal possibility resulting in the following goods: 1) an explicit version of human freedom rooted in work and activity, 2) the almost universalization of commercial sociability, 3) an expansion of female liberty concomitant with commerce of luxury, and 4) a moral commitment to humanity properly understood. In examining Montesquieu's advice to legislators of free commercial societies across the globe, we gain insight into why liberal democracy remains so contested today: Despite our shared commitments to equality before the law and liberty, we continue to face challenges that necessarily arise from commerce – both commerce with nations abroad and commerce with women at home. As Rousseau argues, our

dependence on people (nations and women) rather than things comes at a steep cost to our liberty and happiness.

Montesquieu: Legislator of Commercial Societies

Today we live with a heightened sense that we are living in an unprecedented age of new economic and domestic arrangements marked by female liberty and sexual equality. As societies become more developed economically, the question of the best economic and domestic arrangement emerges as one of the most urgent questions for free commercial societies. On the one hand, market democracies are confronting challenges (real or perceived) originating from the costs of immigration. Citizens who perceive the disadvantages of immigration challenge their leaders to rethink the status of immigration in a healthy commercial society. On the other hand, in both the US and the global economy, there is unprecedented economic inequality between the ultrawealthy and working classes. Inequality has resulted in not only a gross divide between the elite and working classes but also a divide between proponents of free trade and defenders of economic nationalism. Finally, there is a quiet yet persistent sense that liberal democracy does not adequately furnish the necessary conditions for the domestic and economic arrangements in accord with the health of the family and women. The boons of capitalism—economic growth, increased productivity, and innovation—appear now to be at odds with the flourishing of the domestic economies of both families and nations.[10]

Montesquieu's account of commercial societies presents both the complexity of physical causes and their moral effects, thereby inviting us to see more clearly the

[10] For example, we are now debating the merits of the gender pay gap, universal day care, and the dual-earning family.

physical and historically contingent origins of the most fundamental commitments liberal democracies still hold dear today: our commitments to political diversity abroad, sexual equality at home, and humanity, or what Mahoney has called "the idol of our age."[11] For Montesquieu, commerce is neither simply an economic arrangement nor an economic theory akin to "capitalism" or "socialism" but a revolution that *has already happened*—suggesting that commerce has already and continues to revolutionize our mores, manners, and civil laws.[12] The term "commerce" is especially important in investigating Montesquieu's political and economic thought because he uses it in a broad sense to capture its irrevocably revolutionary character. Indeed, Montesquieu describes the revolution of commerce with fresh eyes akin to the way that Tocqueville describes the democratic revolution. In contrast to his early modern English predecessors such as Hobbes and Locke who aim to investigate the relation between an asociable understanding of human nature and a legitimate state, Montesquieu aims to illuminate our ordinary experience by observing and reflecting on a complex of natural and historically contingent causes.

In *Mes Pensées*, Montesquieu boldly declares that he offers both a new "natural philosophy" and a "new morality" for modernity. This dissertation investigates both these new understandings of nature and morality. It aims to show that Montesquieu believed our new knowledge concerning commerce, not the political liberty of England's constitutional monarchy, has furnished the necessary conditions for his new ideas of both

[11] Mahoney, Daniel, *The Idol of Our Age: How the Religion of Humanity Subverts Christianity* (Encounter Books, 2018).
[12] The most immediate advantage of using the term "commerce" (rather than capitalism or even political economy) is that it is faithful to Montesquieu's own language, as well as the language "political economists" such as Rousseau and Smith use.

nature and morality broadly construed. I thus begin from the premise that Montesquieu's turn to "history" is inextricable from his key insight that modern commerce presents a new set of opportunities and constraints, or new promises and problems, for legislators of commercial societies everywhere.[13]

Commerce for Montesquieu is revolutionary because commerce consists of "commerce with women" as well as commerce with nations. As many readers of Montesquieu have noted, commerce for Montesquieu is not simply economic exchange but also includes communication, social interaction, and an inevitable familiarity and openness to the way of life (diet), manners, and mores of strangers. While Montesquieu's contemporaries and readers have often investigated commerce in terms of trade among nations, no study (to my knowledge) has focused on the significance of "commerce with women" in Montesquieu's political thought. It is indisputable that women play a central role in Montesquieu's political economy, even if "commerce with women" is mentioned only once in *The Spirit of the Laws*. In monarchies wherein women's status is most elevated (compared to their status in despotisms and republics), women are "enlightened judges" of merit, exercise their liberty, and are fit for imperial rule. Even in despotisms, women activate change to introduce new manners and mores in accord with liberty (economic). The greatest vulnerability of republics is perhaps the overwhelming effort republics must devote to censor the mores of women (especially in prohibiting their access to wealth with constant vigilance). By investigating the complexity of Montesquieu's treatment of commerce, my project aims to illuminate why the newly

[13] Rasmussen, Dennis, *The Problems and Promises of Commercial Society, Adam Smith's Response to Rousseau* (Penn State University Press, 2008).

elevated status of women in societies with luxury call into question the inclusive character of liberal democracies.

The Nature of Commerce

Perhaps the most famous interpreter of Montesquieu's treatment of commerce is Rousseau. As Kelly has shown, Rousseau calls into question the defense of commerce advanced by "the illustrious Montesquieu."[14] Rousseau calls into question Montesquieu's assertion concerning the natural status of commerce and challenges us to rethink whether the mores of commerce, in fact, debilitate and corrupt humanity rather than promote human flourishing. Among Montesquieu scholars, there is interest in understanding the purpose and rhetoric of Montesquieu's treatment of commerce.[15] These readers take for granted that commerce itself is best understood as a political project of the expansion of unnatural needs or political ambition rather than the necessary result of a genuine need that emerges in the modern world. All of these studies generally follow Rousseau's own reading that commerce is not strictly natural and instead emerges as a historical development through a mix of human intervention and unintended consequence.

In contrast to these interpretations of modern commerce, this project begins with the idea that commerce for Montesquieu is natural. In contradistinction to a thinker like Rousseau who asserts that it is possible for most humans to live happily in accord with nature without the development of commercial society in its fullness, Montesquieu presents commerce as a natural accompaniment to human existence everywhere.

[14] Kelly, Christopher and Grace, Eve, *The Challenge of Rousseau* (Cambridge University Press, 2012).
[15] Pangle, Thomas, *The Theological Basis of Liberal Modernity in Montesquieu's "The Spirit of the Laws"* (University of Chicago Press, 2010).

Commerce for Montesquieu is not distinctive to "civilized" peoples whose way of life chronologically or historically succeed those of hunters, shepherds, gatherers, or even farmers. This genealogical account of commerce as a sign of civilization (or corruption of nature) is common to thinkers such as Rousseau and Smith: in primitive societies men subsist on gathering, hunting, or shepherding, whereas more advanced societies rely on agriculture. These pre-commercial societies are marked by the absence of the arts and sciences, which develop from the division of labor and trade distinctive to commercial societies. In contrast, commerce for Montesquieu is neither exclusively conventional nor historical; commerce cannot be reduced to an aggregate, complex, or culmination of historical accidents. Montesquieu instead treats commerce as a natural force independent of political rule: commerce will wander and roam the entire earth when rulers attempt, in vain, to constrain it. Commerce, in other words, is natural to human existence, as even despots engage in commercial activity. The history of commerce is also a history of luxury, for a despot can engage in commerce of luxury without reason or prudence. Luxury is natural and common to despotisms, monarchies, and aristocratic republics (and unnatural in democratic republics), although the status of luxury is more ambiguous in the state of nature.

Commerce for Montesquieu is not reducible to economic activity, as there are different kinds of commerce. In addition to "commerce with nations" and "commerce with women," Montesquieu distinguishes between commerce of luxury and economic commerce. Commerce with women exists in the state of nature although only in monarchies commerce of luxury necessarily accompanies commerce with women. Economic commerce and commerce of luxury depend on political forms; commercial

activity itself takes a particular form in political states.[16] Commerce of luxury is natural in the same way that despotism is the most natural form of government: one sees it everywhere because neither commerce of luxury nor despotism requires the sophisticated artfulness common to prudence and reason. Commerce of luxury is common to despotisms and monarchies, as both forms of political rule are animated by the excessive self-indulgence of despots and monarchs. Whereas the key political difference between despotism and monarchy for Montesquieu is the rule of law (even the monarch must submit to the rule of law lest he become a despot), the key difference between a despot's commerce of luxury and that of a monarch's pivots on the status of women: in despotisms women themselves tend to be the objects of luxury, whereas women use their liberty for objects of luxury in monarchy (women are consumers of luxury in monarchies).

Even if we begin from the premise that commercial activity is natural to man, it is necessary to remember that modern commerce is something new in Montesquieu's view. The ancient Greeks and Romans, on different grounds, held commerce in contempt. A military republic such as Sparta prohibited commerce in order to attach its citizens to civic virtue, whereas ancient Rome feared giving its enemies the means of conquest, which might empower their enemies to challenge or overthrow their empire. The fundamental difference between the ancients and moderns, Montesquieu claims, concerns the ancients' lack of knowledge concerning commerce broadly understood. Upon the discovery of the trade routes around Africa, the world looks not only bigger but radically

[16] I do not mean to assert that the political is prior to the economic in Montesquieu's political economy, as the complexity of his treatment of commerce instead illuminates the interwoven relation between politics and commerce.

different in terms of the possibilities for navigation and transport with a view to commerce.

It is not surprising, therefore, that Montesquieu claims that a new natural philosophy is necessary for the modern world. Before the discovery of the trade routes around Africa, the East Indies, and the Americas or the migration to northern Europe, nature (in respect to differences in climate and terrain) appears sufficiently similar. In the modern world, differences in geography especially between extreme climates make commercial activity not only desirable but necessary. The extreme cold of the northernmost regions results in a dependence on the fertility and abundance of southern climes. Strictly speaking, commerce is more natural in modernity than in the ancient world in Montesquieu's view: as people migrate to the uninhabited regions of extreme climates, trade between nations becomes more necessary. There is a natural basis for trade, in other words, between northern and southern hemispheres, which had remained irrelevant in the ancient world. In addition to this natural basis for modern commerce, commerce of luxury awakens the imagination to multiply desires so that trade among nations becomes increasingly desirable and attractive.

Nature understood as geography is so important for Montesquieu because one's natural environment shapes one's needs, pleasures, feelings, and idea of happiness. A people's diet and clothing are shaped by climate; climate also shapes one's beliefs concerning cleanliness and happiness, which in turn shape religious dogmas and beliefs concerning leisure. Pigs do not fare well in hot climates, for instance, and working the land does not coincide with happiness in extremely hot climates. Although Montesquieu is not a determinist, he pays attention to the ways in which a pre-political physical cause

such as our natural environment can have moral effects. Any legislator who aims to promote the prosperity and happiness of a people must attend to this new natural philosophy that conceives of nature as the natural environment (consisting of accidental physical causes with observable effects on morality broadly construed). Although our contemporary concerns such as climate change and the sustainability of the environment lie outside Montesquieu's own outlook, Montesquieu invites all legislators to attend to the relation between climate and commercial activity.

The Morality of Commerce

The most famous theory about the morality of modern commerce is that of *doux commerce:* commerce moves nations away from war and towards peace. This is a theory expounded not only by Montesquieu but by his contemporaries such as Fénelon, Voltaire, and Hume. Indeed, scholars situate Montesquieu as a proponent of *doux commerce*, as he explicitly claims that commerce leads almost everywhere to gentle mores. Commerce increases communication across the globe, destroying prejudices and increasing our knowledge of customs. The standard reading of *doux commerce* explains how commerce increases dependence, trade, and communication among nations, but it does not sufficiently describe the effects that commerce has on the habits, dispositions, and attitudes of individuals who compete and thrive in commercial societies. As Kelly has shown, if commerce softens the spiritedness of nations, it also makes individuals more harsh and calculating.[17]

[17] Kelly, Christopher, "Rousseau and the Illustrious Montesquieu" in *The Challenge of Rousseau* edited by Eve Grace and Christopher Kelly, (Cambridge University Press, 2012) 23-24.

My project builds on this more complex reading of the effects of commerce on nations and on individuals by investigating the mores, manners, and spirit of commerce. In contrast to thinkers who aim to give a universal or monolithic account of the "morality" of commerce (or in today's literature, the virtues and vices of market liberals), Montesquieu distinguishes between different *kinds* of commerce: commerce of luxury, economic commerce, commerce with nations, and commerce with women. In his political economy, these different kinds of commerce engender distinctive moralities. Commerce of luxury, for example, forms individuals who are free, unrestrained, and cultivated; economic commerce shapes citizens to be industrious, rational, and frugal. Commerce with other nations softens our local or nationalist prejudices, whereas commerce with women elevates and refines what Rousseau calls the excellences of female nature: taste and ethics.

The most important question that Montesquieu's treatment of commerce raises is the extent to which commerce somehow changes what is natural to man. Montesquieu's insight into the inextricable relation between the legislator's prudence and accidental causes in his new political science applies to humans as well: humans are at once flexible and thus susceptible to self-forgetting yet resistant to changing the manners or customs (to which they are generally attached). Depending on whether they have a more laconic or communicative turn, peoples likewise are flexible to varying degrees. Women in Montesquieu's account are especially flexible, as legislators can appeal to their vanity and love of beauty. Indeed, Montesquieu's political science appeals to this human flexibility: although humans are not sufficiently flexible to universalize political

liberalism, commerce successfully appeals to this human flexibility to soften mores (almost) everywhere.

My dissertation investigates this human flexibility directly and argues that the greatest good that emerges with modern commerce for Montesquieu is "a kind of equality between the two sexes." On the one hand, this new morality rooted in equality between the two sexes is not natural (in the weak sense), as extreme sexual inequality is generally coeval with the most prevalent political arrangement: despotism. Like political despotism, sexual despotism requires only passion. On the other hand, "equality between the two sexes" is not simply a historical accident, as Montesquieu indicates that it emerges as the most attractive and desirable arrangement between the two sexes once we begin to compare mores across nations. Equality between the two sexes, hence, emerges as a universal global standard originating in a complex of historical accident, comparative political theory in its inchoate form, and the legislator's intervention.

The Mores of Economic Commerce v. Commerce of Luxury

The idea that commerce promotes certain virtues or vices is not unfamiliar to us today. Defenders of free market societies, for instance, argue that capitalism cultivates virtues such as moderation, justice, charity, or philanthropy. Critics of capitalism, on the other hand, argue that liberal capitalism encourages individual acquisition and excessive consumption without carving out sufficient space for a concern for common goods. In contrast, Montesquieu distinguishes between the excess of commerce and its rational self-interest by treating two different kinds of commerce: economic commerce and commerce of luxury. Economic commerce cultivates industriousness, thrift, frugality, and

consistency. Commerce of luxury cultivates flexibility, liberty, politeness, and frankness. If economy shapes the soul of commerce in republics, refinement and taste adorn commerce of luxury.

Only economic commerce is compatible with Montesquieu's notion of virtue, as virtue is only proper to republics (whether they are democratic or aristocratic). Economic commerce is in accord with the good mores of republics, as economic commerce also demands self-restraint. Hence, it is possible for small communities (both public and private) to cultivate a way of life devoted to common goods. Small commercial republics such as Holland, Marseilles, or Florence, for example, illustrate a viable economic alternative to that of commerce of luxury (or even a martial republic that prohibits or limits commercial activity among its citizens). If the military republic relies primarily on spiritedness, the republic engaging in economic commerce relies on a rational principle of necessity. This necessity informs habits of saving, gaining incrementally, prioritizing self-sufficiency, and managing undue riskiness.

Economic commerce is intrinsic to republics, as commerce of economy is in accord with the virtue of republics: a love of equality. Republics such as Florence, Venice, Marseilles, and Holland engaged in commerce by eyeing all the nations of the world and bringing goods to them. All of these commercial republics have a status of an intermediary of transcontinental trade between Europe, the Middle East, and Asia. Montesquieu admires the self-sufficiency of the maritime commerce of port cities whose merchant ships travel around the world to acquire and sell goods. These activities of export and import enable merchants to establish a city as an *entrepôt* and directly to engage in navigation and seafaring and cultivate their knowledge of astronomy, winds,

and currents. Economic commerce demands excellence in shipbuilding, and a willingness to travel to faraway continents (in contrast to a feudalist economy that is bound to the homeland). In contrast to commerce of luxury, economic commerce prizes self-sufficiency and the willingness to travel across the globe.

Economic commerce and commerce of luxury cultivate divergent goods, and it is not surprising that small republics tend to engage in economic commerce, whereas despotisms and monarchies generally engage in commerce of luxury. Despotism is natural in the weak sense insofar as only passion is required for it to emerge; despotism is the prevailing political arrangement across the globe and history. Similarly, commerce of luxury is more natural in this weak sense, whereas economic commerce, like moderate government, requires virtues such as prudence and moderation.

Commerce of luxury is common to monarchies and despotisms, and Montesquieu certainly points to the despotic tendencies of the French monarchy and its apparent or explicit resemblance to Asian despotism. Commerce of luxury, in contradistinction to economic commerce, is sufficiently flexible to accommodate either the frank mores of monarchy or the pure mores of Asian despotisms (as it is the despot, not the people, who engage in commerce of luxury). As luxury is common to monarchies and despotisms, there is a natural affinity between monarchy and despotisms, even though in respect to the political constitution, monarchy is a moderate government ruled by law and despotism is an immoderate lawless state. In monarchies wherein liberty and luxury prevail, manners are constantly changing, as the branches of commerce multiply. In contrast to economic commerce motivated by necessity, commerce of luxury is less rational and more imaginative. Economy and luxury generally correspond, respectively,

to the necessity of reason narrowly understood and the excess of the imagination. Hence luxury expands with the unraveling of a commercial society in its constantly changing fashions fueled by an infinitely developing imagination (and thus infinitely multiplying desires). Insofar as commerce of luxury depends on manners (our outward behavior), it is possible for manners to change continually without limit. As luxury is common to monarchy and commerce of luxury, the political economy of monarchy elevates liberty and superfluity.

Commentators have presented ancient republics or England's modern constitutional monarchy as Montesquieu's preferred standards of good governance. Although I generally agree that Montesquieu's definition of good governance consists in "moderate government" (either a republic or monarchy rather than a despotism), it is also important to remember that republics in Montesquieu's view result in a deep self-forgetting concerning our deepest natural affections for the family. Montesquieu discerns, for example, an affinity between the republic of Sparta and Chinese despotism, as both demand that citizens forgo natural affections for family for the sake of the state. This raises questions concerning the advantages of the greatest goods that emerge from commerce of luxury: To what extent might commerce of luxury restore the loss of natural affections in republics? To what extent does commerce (as Montesquieu conceives it) expand our horizons so that we might enlarge the possibilities of freedom in its fullness, domestic prosperity, a humaneness towards strangers, and equality between the two sexes?

In contradistinction to the political diversity of commercial societies, modern commerce tends towards a kind of homogeneity. While it is true that Montesquieu has

reservations concerning universalizing political liberty across the globe, he also foresees the homogeneity of mores that emerges in free commercial societies (with luxury). The mores of free societies engaging in commerce of luxury mirror the mores of monarchy: gentle, humane, and free. The manners of commercial societies are formally similar insofar as manners in these societies constantly change as individuals across nations communicate more frequently. Finally, women play an indispensable role in commercial societies, as they do in monarchies wherein their expansion of freedom elevates them as imperial rulers and enlightened judges of merit.

Overview of Argument

This dissertation begins from Montesquieu's bold claim that we moderns are radically different from our predecessors. We are, he says, small-souled, acquisitive, and calculating compared to the spirited ancient warriors who aspired to greatness. The pettiness of our souls, however, originates in the progress of modern political science. Like the Federalist who insists on the progress we moderns have made in political science, Montesquieu also claims that we moderns have knowledge in human things that the ancients lacked. Standard readings of Montesquieu present the primary difference between the ancients and moderns in terms of politics: the virtue of ancient republics vs. the liberty of England's constitutional monarchy. Indeed, Montesquieu insists that England best combines the advantages of the following things: political liberty, commerce, and religion. However, these standard readings ignore Montesquieu's own claim that the most important difference between the ancients and the moderns originates in knowledge concerning commerce. We cannot immediately recover the virtue of

ancient republics, as this newly acquired knowledge has already changed us. What is this new knowledge that has fundamentally changed us moderns, and to what extent has it changed us for good?

In addition to claiming that the greatest difference between the ancients and moderns is in respect to commerce, Montesquieu also makes claims concerning natural philosophy, the corruption of modern men, the knowledge gained from comparing mores across cultures, and the new challenges presented to legislators by the gentle dogmas of Christianity. In my four chapters, I examine these four new aspects of modernity and argue that the key to Montesquieu's new political science is what he views as the greatest good of modern commercial societies: comparative knowledge of the mores of all peoples and a consensus concerning the most desirable domestic arrangement between the two sexes.

In each of my chapters, I argue that the most urgent reason to read Montesquieu is to recover a liberalism that illuminates our own political situation more clearly so that we might forge a new path for our political situation today. In attending to the origins and effects of commerce in its broadest scope, Montesquieu aims simultaneously to inspire and caution legislators everywhere: commerce explicitly promises the honor and rewards of a freedom rooted in work yet this freedom is necessarily cultivated by the unleashing of the imagination through sociability and vanity. The key to Montesquieu's political science, I argue, is his insight into human flexibility. Montesquieu's investigation into human diversity not only culminates in a political particularism circumscribing the limits of political liberty but also illuminates the revolutionary character of commerce: the unleashing of the imagination is almost universal, and commerce of luxury changes

manners and mores ubiquitously. The dissertation investigates the basis of Montesquieu's new political science in legislating free commercial societies everywhere.

Although the project is animated by contemporary debates concerning the desirability of capitalism and its bearing on the proper place of human diversity, religious freedom, sexual equality, and philanthropy, it remains faithful to the language of Montesquieu and his contemporaries also interested in political and domestic economies: commerce, the mores and manners of commerce, the spirit of commerce, commerce of luxury, and economic commerce. The project investigates Montesquieu's treatment of commerce not simply because the term "capitalism" is anachronistic to Montesquieu's thought but because it is animated by the belief that Montesquieu's complex treatment of commerce enlarges and illuminates our own questions: To what extent are commercial activity and trade among nations natural and desirable? To what extent does our commercial sociability carve out adequate space for differences in politics, religion, and culture both at home and across the globe? To what extent do women necessarily enjoy more liberty in modern commercial societies, and at what cost? If commercial societies demand more interaction and communication among different peoples, how can we better balance a love of country and the welfare of citizens with a commitment to humanity?

In my first chapter, entitled "The Natural Origins of Modern Commerce: Montesquieu on the Diversity of Climates as a Basis of Modern Commerce," I argue that if we do not attend to Montesquieu's treatment of climate and commerce, it becomes impossible to see why his political thought necessarily gives rise to a defense of political diversity. I argue that the tension between diversity and justice necessarily emerges in Montesquieu's thought because he begins by investigating the possibility that climate

accounts for different ideas of happiness that severely constrain universalizing political liberty. Although I agree that Montesquieu does not believe that it is possible to replicate liberal political states everywhere, I argue that commerce in his view enables all nations to move away from domination and servitude towards a version of freedom rooted in work. Accordingly, Montesquieu elaborates a new natural philosophy that is contingent on modernity's newfound knowledge of the world, which enables him to articulate a *natural* basis for modern commerce hitherto unknown. While scholars generally ignore climate as the theoretical basis of Montesquieu's defense of the diversity of political goods, I show why climate becomes the necessary lens of his new natural philosophy rooted in his insight into the necessary relation between climate and commerce.

In my second chapter entitled "The Homogeneity and the Revolutionary Effects of Commerce: Montesquieu on the Flexibility of Modern Commercial Peoples" I investigate the basis of this commercial revolution. Although recent scholarship has begun to appreciate the revolutionary character of modern commerce, there is no adequate account of the conditions necessary for the commercial revolution nor the distinct flexibility of commercial peoples. I argue that the sociability of commercial peoples is accompanied by a luxury and vanity that is absent in religions and cultures characterized by "unity." By attending to Montesquieu's distinction between commerce of economy and commerce of luxury, I argue that it is not commerce *as such* that is in tension with virtue (republican, religious, or filial). In attaching women to vanity by multiplying desire and detaching women from the nature of their bodies, commerce of

luxury cannot coexist with female virtue traditionally conceived.[18] In contrast, economic commerce does not necessarily disrupt the nature of human dependence and paternal authority, which enables us to recover a new path for reconciling religion with modern commerce.[19]

In my third chapter entitled "'The Luxury of Commerce with Women': Montesquieu on 'A Kind of Equality between the Two Sexes'" I argue that an inextricable relation between luxury and sexual equality emerges in Montesquieu's political economy. In light of Montesquieu's claim that commerce homogenizes and softens mores almost everywhere, I investigate why differences in mores persist among despotisms, monarchies, and republics. The key to understanding differences in mores is what he calls the link between domestic and political governance: in despotisms women are the objects of luxury, resulting in polygamy; in monarchies wherein monogamy prevails, women use their liberty for luxury; in republics men are the administrators of virtue or political liberty, keeping luxury abroad and remaining separate from women. I argue that Montesquieu does not condemn luxury, or commerce of luxury more generally as Rousseau does, because he believes that luxury necessarily accompanies "commerce with women." Once we see the intrinsic relation between luxury and commerce with women in Montesquieu's political economy, we can see why Montesquieu praises vanity (rooted in the natural female desire to preserve beauty) despite his claim that the love of equality is the love of frugality. In contrast to Rousseau who yokes vanity with *amour-propre*, Montesquieu employs vanity rhetorically to defend a new understanding of "a

[18] After all, pre-modern peoples also engaged in commerce, and Montesquieu points to pre-moderns republics such as Athens and Carthage as exemplary. In general commerce of luxury is intrinsic to monarchy, but monarchy properly understood is new to modern political science.
[19] For an alternative interpretation that reads commerce as religion, see Pangle.

kind of equality between the two sexes" and happiness in accord with the female liberty (enlarged by commerce of luxury). By illuminating the *necessary* relation between Montesquieu's defense of luxury and the elevated status of women in his political economy, I argue that "a kind of equality between the two sexes" emerges as a universal standard in his political economy common to despotisms and monarchies engaging in commerce of luxury.

In my fourth and final chapter entitled "Reexamining *Doux Commerce:* Montesquieu on the Jealousy of Political Liberty and Commerce" I argue that although commerce results in gentle mores, commerce also cultivates a kind of spiritedness among individuals in accord with their self-interest. In light of Montesquieu's defense of luxury, the liberty of women, and even vanity, I call into question critiques of the supposedly corrupt and "soft" character of free commercial societies.[20] Standard critiques of commercial societies pose a necessary tension between national self-interest (or more generally a kind of spiritedness) and a principled defense of humanity understood as love of all. This is not surprising in light of Montesquieu's claim that commerce results in gentleness, and love of humanity is even presented as a virtue in *The Spirit of the Laws.* These readings, however, overlook that the primary purpose of Montesquieu's political science is to cultivate a nationalism across the globe: "a love of laws" of one's own country. By investigating the jealousy common to Montesquieu's conceptions of political liberty and commerce, I argue that Montesquieu presents humanity as a virtue to counteract the natural opposition between commerce and a moral commitment to

[20] In Judith Shklar's influential reading of Montesquieu, for example, she argues that Montesquieu defends a liberalism that posits humanity as a virtue, and cruelty as a negative standard of the good. Similarly, Rousseau attacks Montesquieu for his defense of modern commerce, as commerce for Rousseau necessarily leads to effeminacy, softness, dependence, and the unhappy pursuit of frivolous goods.

humanity. Against standard readings attributing the lens of humanity to *doux commerce*, I argue that Montesquieu aims to reconcile the tension between the "spirit of commerce" at home and the universalization of *doux commerce* among nations. Once we attend to Montesquieu's preoccupation with jealousy, we can recover a liberalism sufficiently prudential to balance the demands of commerce and liberty with those of a commitment to humanity properly understood.

Conclusion

Montesquieu's new understanding of nature anticipates the migration of peoples across the globe in our contemporary world, which makes the "environment" of one's experience much more fundamental than a biological understanding of nature (culminating in an "essentialist" view of race). Similarly, Montesquieu in the 18th century correctly predicts that in highly developed commercial societies, the two sexes turn away from nature and towards the arbitrary erasure of any natural difference between the two sexes. The equality between the two sexes, in practice, means that the two sexes become more like each other, and sex is merely arbitrary (culminating today in "performative gender"). Hence, we can say that Montesquieu's key insight into human nature is its flexibility. While humans are not sufficiently flexible to live in states devoted to political liberty, humans are sufficiently flexible to be shaped by their physical environment and the constantly changing "fashions" of commercial societies.

Finally, Montesquieu's rich and subtle treatment of commerce refutes any idea that commerce is at odds with traditional understandings of virtue. By distinguishing commerce of luxury from economic commerce, Montesquieu's liberalism carves out

space for commercial republics and traditional communities to engage in economic commerce and live in accord with virtue. Commerce of luxury, on the other hand, promises female liberty, equality between the two sexes, and the cultivation of taste. Although modern commerce carves out sufficient space for both kinds of societies, we might still wonder whether commerce of luxury will one day permanently change our understanding of nature (especially the natures of female and male), given the flexibility of human nature.

1.0 THE NATURAL ORIGINS OF MODERN COMMERCE: MONTESQUIEU ON THE DIVERSITY OF CLIMATES AS A BASIS OF MODERN COMMERCE

1.1 INTRODUCTION

Popular treatments of the place of geography in politics often cite Montesquieu, but contemporary debates among commentators largely ignore his treatment of climate.[21] Although Montesquieu does not use the term "geography" he treats extensively climate and terrain as accidental physical causes that constrain and shape political life everywhere. Despite this way in which Montesquieu departs from Machiavelli, Hobbes, and the ancients in his presentation of nature, political theorists have repeatedly rejected connecting his attention to climate to his liberalism, reducing his natural philosophy to a climatic or structural determinism.[22] Previously his natural philosophy has been discussed in relation to the concept of orientalism,[23] but more recent scholarship omits his inquiry into climate and instead treats his thought in terms of his defense of the diversity of political norms, pluralism, or political moderation.[24] Some commentators agree that nature broadly understood persists as a standard in Montesquieu's thought, yet disagree

[21] Robert Kaplan, *The Revenge of Geography: What the Map Tells Us about Coming Conflicts and the Battle Against Fate* (New York: Random House, 2012); Adam Gopnik, *The New Yorker*, "Faces, Places, Spaces," October 29, 2012. For treatments of climate in the Montesquieu scholarship, see Louis Althusser, *Politics and History: Montesquieu, Rousseau, Hegel, and Marx* (New York: Verso, 2007), 54; Thomas Pangle, *The Theological Basis of Liberal Modernity in Montesquieu's Spirit of the Laws* (Chicago: University of Chicago Press, 2010), 98; Stanley Rosen, "Politics and Nature in Montesquieu" in *The Elusiveness of the Ordinary* (New Haven: Yale, 2002).
[22] See Michael Mosher "The Judgmental Gaze of European Women: Gender, Sexuality, and the Critique of Republican Rule" *Political Theory* 22, No. 1, 1994: 31 who defines Montesquieu's natural law as "the physical domination of climate and terrain."
[23] See Mosher 28 wherein he argues that the East "simply meant everywhere else."
[24] Keegan Callanan, "Liberal Constitutionalism and Political Particularism in Montesquieu's *The Spirit of the Laws," Political Research Quarterly*, 67.3 (2014).

sharply concerning the political significance of his view of natural right. Accordingly there is a debate concerning whether Montesquieu is best understood in the tradition of natural right thinkers or the Greek tradition.[25] Whether one reads Montesquieu as a liberal republican, monarchist, or a pluralist, commentators generally agree that his natural philosophy bears no necessary connection to his political and economic thought.[26] Among political theorists, there is a general consensus that the conditions of political liberty or commerce in *The Spirit of the Laws* can be investigated without considering the proper place of climate in Montesquieu's political philosophy or political economy.

In the history of political thought, theories or speculations concerning the effects of climate have appeared in the works of Aristotle, Caesar, Galen, Herodotus, Hippocrates, Livy, Pliny, Ptolemy, Tacitus, and many others.[27] In the Arabic tradition, writers such as al Kindi, al Massoudi, ibn Sina, al Farabi, and ibn Khaldun all refer to climate theory.[28] In the Renaissance, theories of environmental determinism were commonplace, and as Johnston emphasizes, "Montesquieu's theory is by no means original."[29] Nonetheless Montesquieu's contemporaries such as Hume, Burke, and Smith who praised Montesquieu's political theory, remained skeptical of what they considered his climatic determinism.[30]

In interpreting the basis of Montesquieu's climate theory, Isaiah Berlin observes

[25] Zuckert 247. For a reading that places Montesquieu in the Greek tradition see Eric Nelson *The Greek Tradition in Republican Thought* (Cambridge; New York: Cambridge University Press 2004)
[26] Pangle, *The Theological Basis*; Annelien de Dijn, *French Political Thought in from Montesquieu to Tocqueville: Liberty in a Leveled Society?* (Cambridge; New York: Cambridge University Press 2008); Sharon Krause, *Liberalism with Honor* (Cambridge, MA: Harvard University Press, 2002)
[27] Keith Johnston, *Eighteenth-Century Life*, Volume 40, Number 3, 2016, pp. 36-9.
[28] Johnston 39.
[29] Johnston 39.
[30] Johnston 44.

that Montesquieu's arguments "rest on aperçus and unsystematic observations."[31] One commentator follows Isaiah Berlin, concluding, "There is no argument, no empirical evidence, only anecdotal evidence."[32] Montesquieu, for example, claims that he has seen the same opera in England and Italy and has observed the different audience reactions, what Johnston calls "a seemingly scientific and controlled experiment."[33] Indeed, immediately before describing his experience at the opera in *The Spirit of the Laws*, Montesquieu claims that he has seen nerve cells contract in the cold and expand in the heat; he has examined the papillae of a frozen sheep's tongue and observed how they expanded and relaxed as it thawed. Johnston concludes, "But these, in fact, are isolated examples that illustrate Montesquieu's purely materialist explanation for climatic determinism,"[34] or Montesquieu's "soft determinism."[35]

In general, these commentators focus on the general claims that Montesquieu makes about climate and human nature. Latitude, for instance, is generally connected to one's sensitivity in Montesquieu's view: "As one distinguishes climates by degrees of latitude, one can also distinguish them by degrees of sensitivity, so to speak" (XIV.2).[36] There is also a direction relation between latitude and sobriety: "As you go from the equator to our pole, you will see drunkenness increase with the degree of latitude. As you go from the same equator to the opposite pole, you will find drunkenness to the south, as

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[31] Isaiah Berlin, "Montesquieu," in *Against the Current: Essays in the History of Ideas*, ed. Henry Hardy (New York: Viking, 1980), 140.
[32] Johnston 55.
[33] Johnston 55.
[34] Johnston 55-56.
[35] Johnston 41.
[36] Edition cited, unless otherwise noted, is Montesquieu, *The Spirit of the Laws*, trans. Anne Cohler, Basia Miller, and Harold Stone (Cambridge, UK: Cambridge University Press, 1989). Hereafter references to *The Spirit of the Laws* will be inserted parenthetically and noted with Roman numerals first indicating the book, then Arabic numerals indicating the chapter.

on our side to the north" (XVI.10). Similarly, he asserts that those in northern climates exhibit more courage than those in southern climates, even claiming that the "the peoples of southern Korea are not as courageous as those of the north" (XVII.1), which is apparently also applicable to Africa: "This is what I can say about Asia and Europe. Africa has a climate like that of southern Asia, and it has the same servitude" (XVII.7). Northerners suffer from an insensitivity: "A Muscovite has to be flayed before he feels anything" (XIV.2), and harsh winters shape a culture's appreciation for drink: "A German drinks by custom, a Spaniard by choice" (XIV.10). Finally, he attributes conceptions of happiness to northern, temperate, and hotter climates: "In northern climates, the physical aspect of love has scarcely enough strength to make itself felt; in temperate climates, love, accompanied by a thousand accessories, is made pleasant by things that at first seem to be love but are still not love; in hotter climates, one likes love for itself; it is the sole cause of happiness it is life" (XIV.2).

The terrain also has effects on liberty, as "island peoples are more inclined to liberty than continental peoples" (XVIII.5).[37] In general, there is an inverse relation between the fertility of the terrain and human productivity and liberty on the other: "The goodness of a country's lands establishes dependence there naturally. The people in the countryside, who are the great part of the people, are not very careful of their liberty; they are too busy and too full of their individual matters of business" (XVIII.1). Indeed, fertile lands tend to establish monarchic, despotic, or aristocratic states, whereas barren

[37] Montesquieu also claims that liberty reigns more frequently in mountainous countries: "The fertile countries have plains where one can dispute nothing with the strong man; therefore, one submits to him; and, when one has submitted to him, the spirit of liberty cannot return; the goods of the countryside are a guarantee of faithfulness. But in mountainous countries, one can preserve what one has, and one has little to preserve. Liberty, that is, the government they enjoy, is the only good worth defending. Therefore, it reigns more frequently in mountainous and difficult countries than in those which nature seems to have favored more" (XVIII.2).

countries establish popular government: "Thus, government by one alone appears more frequently in fertile countries and government by many in the countries that are not, which is sometimes a compensation for them" (XVIII.1). And, "The barrenness of the Attic terrain established popular government there, and the fertility of the Lacedaemonian terrain, aristocratic government" (XVIII.1).

While most commentators thus read Montesquieu's climate theory as deterministic, Diana Schaub argues that Montesquieu is preoccupied with the relation between the natural environment and politics: "Montesquieu is concerned with the elements and their enduring effect on individuals and institutions. He shows us to be formed by and adapted to our natural environment."[38] In this chapter, I argue that Montesquieu turns to climate in order to elaborate a new understanding of nature to confront the conflict between diversity and a universal standard of justice in a new way. Specifically, I argue that the tension between diversity and justice necessarily emerges in Montesquieu's thought because he begins from the possibility that the diversity of climates engenders a human diversity incompatible with universal political liberty. Stated differently, the diversity of human goods originates in non-human nature, making impossible a universal political liberalism. In the first section, I argue that Montesquieu turns to climate as a thought experiment to inquire into the extent to which the natural environment constrains or even modifies human nature. Once we see the hypothetical character of Montesquieu's treatment of climate, we can recover the possibility that laziness is not natural (contra justifications for an account of natural laziness) but primarily acquired and habituated through bad laws that do not sufficiently incentive the

[38] Schaub, Diana, *Erotic Liberalism: Women and Revolution in Montesquieu's "Persian Letters."* Lanham, MD: Rowman & Littlefield Publishers, 1995, 71.

necessity to work, especially in extremely hot climates. In the second section, I argue that when we read his treatment of climate more closely, we see that Montesquieu inquires into how climate might constrain our ability and willingness to work in order to furnish a concept of nature to confront the tension between diversity and justice intrinsic to modern commercial societies. Because he remains unconvinced that either nature or history can sufficiently account for differences in one's capacity for productivity, he aims to attend to the effects of both the natural environment and history without dogmatically settling the question of natural differences among peoples across climates. In the final section, I argue that Montesquieu turns to the lens of climate in order to investigate the political significance of the necessary relation between climate and commerce. Climate enables him to account for the diversity of political goods on the one hand and the possibility of universalizing commerce on the other. Because the nature of a climate might render some peoples dependent and others self-sufficient, the universalization of commerce rests on the expanding community of "needs." Against readings that dismiss climate as deterministic or ignore climate as a necessary basis of his political science, I argue that climate becomes the necessary lens of his turn to political economy.

1.2 MONTESQUIEU'S THOUGHT EXPERIMENT CONCERNING CLIMATE AND HUMAN DIVERSITY

When Montesquieu arrived in Rome on January 19, 1729, one of the first things that struck him was "the unwholesome nature of the air of Rome;" "the problem of the air

of Rome" even preoccupied him during the rest of his visit.[39] In *Mes Pensées* Montesquieu "beg[s] that [he] not be accused of attributing to moral causes the things which depend on climate alone."[40] When he evokes "nature" in *The Spirit of the Laws*, "nature" is likewise used interchangeably with "climate" (XXI.1). Climate, in contradistinction to nature, is not only quantifiable for Montesquieu, but there also exists a finite range of temperatures: "freezing, torrid, or temperate," apparently corresponding to a range of passions (I.3). As Schaub points out, "Montesquieu's "nature" is the real thing, not that logical construct, "the state of nature" wherein man lives in the absence of government.[41]

According to this view of nature, humans are generally responsive to the climate whose temperature gives shape and force to their passions. It is thus unsurprising that the students of Montesquieu most interested in his treatment of climate historically have been Marxists or sociologists who attribute to Montesquieu a "climatic determinism" compatible with a materialist or structural understanding of politics.[42] Given his frequent insistence on climate as an irreducible physical cause shaping politics, Montesquieu's treatment of climate lends itself to such materialist readings.

In this first section, I argue that Montesquieu instead turns to climate as a thought experiment to inquire into the extent to which the natural environment constrains, shapes, or even modifies human nature. Once we see the hypothetical character of Montesquieu's treatment of climate, we can recover the possibility that laziness is not natural to some

[39] Robert Shackleton, "The Evolution of Montesquieu's Theory of Climate," *Revue Internationale de Philosophie*, 9.33/34 (1955): 319.
[40] Charles de Secondat Montesquieu baron de, 1689-1755. *My Thoughts,* transl. Henry C Clark (Indianapolis, Ind.: Liberty Fund, 2012). Hereafter references from this text will be abbreviated to *Mes Pensées.*
[41] Schaub 71.
[42] Althusser 29-30, 34, 44.

peoples (who are supposedly naturally inferior in their productivity) but primarily acquired through bad laws that do not sufficiently incentive the necessity to work, especially in extremely hot climates. By situating my reading between standard interpretations of Montesquieu's climatic determinism and a liberal pluralism severed from his conception of nature, I attempt to shed light on the *necessary* relation between climate and Montesquieu's liberal political economy.

First, commentators overlook the fact that when he begins his investigation into climate in Book XIV of *The Spirit of the Law*s, Montesquieu hypothesizes a theoretically causal relation between legal relativism and human diversity across climates: "*If* it is true that the character of the mind and the passions of the heart are extremely different in diverse climates, *laws should be relative* to the difference of these passions, and to the difference between these characters" (XIV). "If" casts a hypothetical dimension to his entire supposedly deterministic (and also relativistic) treatment of climate, calling into question standard readings that interpret his treatment of climate more unambiguously. While commentators take for granted that his conclusions concerning the effects of climate lead to a kind of materialism incompatible with the universal standard of liberty, Montesquieu's introductory statement suggests that his turn to climate is a thought experiment. That climate *definitively* accounts for human diversity, is a thought experiment that Montesquieu conducts in these central books of his *magnum opus*.[43]

Secondly, whereas readings of Montesquieu (such as Isaiah Berlin's) pit the diversity of political goods against justice, Montesquieu's articulation is simultaneously more specific and speculative: If there are differences in human minds and hearts across

[43] It is entirely possible, hence, that human reason and passions are sufficiently similar everywhere so that lawmakers do not need to take the natural environment into account in legislating free societies.

climates, are these differences sufficiently extreme to warrant different laws?[44] While commentators treat the question of natural right independent of his treatment of climate, To be sure, as he proceeds, it becomes clear that Montesquieu is primarily interested in whether there is any plausible relation between the natural environment and the natural status of laziness. More specifically, to what extent might climate constrain one's understanding of happiness conceived as activity? If extreme heat constrains one's ability to labor outside, climate might also shape, Montesquieu speculates, one's understanding of the good or happiness. In general, nature can have physical effects, which in turn shapes the extent to which one is by nature "active" or "passive:" "The heat of the climate can be so excessive that the body there will be absolutely without strength. So, prostration will pass even to the spirit; no curiosity, no noble enterprise, no generous sentiment; inclinations will all be passive there; laziness there will be happiness; most chastisements there will be less difficult to bear than the action of the soul, and servitude will be less intolerable than the strength of spirit necessary to guide one's own conduct" (XIV.2). Living in extremely hot climates means one is more likely to equate happiness with inactivity or idleness. Not only does the heat incline one to be more passive, one is even more willing to bear punishment than to "bear the action of the soul," making servitude that much more attractive than self-rule. The heat can significantly decrease not only energy but also one's desire to work and live productively, opening the gates for despotism.

Even if extreme heat might incline one towards the passivity and servitude necessary for despotism, Montesquieu believes that a wise legislator can introduce

[44] Again, it is possible that even if differences in reason and/or passions exist across climates, they might not be sufficiently different to warrant radically different laws.

liberty. Nature in extremely hot climates favors human vices such as idleness, but a legislator has the effective power to exacerbate or minimize the pernicious effects of nature through institutions and incentives. The primary constraint of hot climates is that one is naturally attracted to rest and relaxation. The Indians, insofar as their religion is in harmony with the climate, believe that the highest good is inaction, even conceiving their God as "the unmoving one: "Indians believe that rest and nothingness are the foundations of all things and the end to which they lead. Therefore, they consider total inaction as the most perfect state and the object of their desires. They give to the sovereign being the title of the unmoving one. The Siamese believe that the supreme felicity consists in not being obliged to animate a machine or to make a body act" (XIV.5). The legislator of the Indies followed the pleasure of his feelings rather than the rationality of his prudence: "In these countries where excessive heat enervates and overwhelms, rest is so delicious and movement so painful that this system of metaphysics appears natural; and Foë, legislator of the Indies, followed his feelings when he put men in an extremely passive state; but his doctrine, born of idleness of the climate, favoring it in turn, has caused a thousand ills" (XIV.5). Nature, insofar as some parts of the earth must suffer excessive heat, favors passivity and inaction incompatible with work understood as activity, as it is understandably more pleasant to rest than to move in extremely hot climates.

Although Montesquieu does not theorize about the nature of work and the right to property in the fashion of Locke, he argues that politics, philosophy, and even religion should all incentivize work and the duties of their this-worldly lives: "The legislators of China were more sensible when, as they considered men not in terms of the peaceful state in which they will one day be but in terms of the *action* proper to making them fulfill the

duties of life, they made their religion, philosophy, and laws all practical" (XIV.5, emphasis added). Indeed, rest is especially pernicious in climates favoring idleness: "The more the physical causes incline men to rest, the more the moral causes should divert them from it" (XIV.5). Three chapters later, Montesquieu again praises Chinese ceremonies that motivate and reward work: "The accounts of China tell us of the ceremony that the emperor performs every year to open the cultivation of the fields. By this public and solemn act one has wanted to rouse the peoples to their plowing" (XIV.8). Finally, Montesquieu again praises Chinese laws and institutions incentivizing a work ethic: "Thus, in spite of the climate of China, where one is by nature inclined to servile obedience, in spite of the horrors that tend an excessively large empire, the first legislators of China were obliged to make very good laws, and the government was often obliged to observe them" (XVIII.6). If the first legislators make excellent laws and institutions specifically cultivating a taste and love for work, it is possible to overturn the effects of the climate and terrain.[45] When he singles out countries that have been "made inhabitable by the industry of men" and thus demand "moderate government," he singles out "the two find provinces of Kinagsu and Chekiang in China, Egypt, and Holland" (XVIII.6). China is Montesquieu's chief example wherein the first legislators were sufficiently prudent in aiming to overcome the constraints of the climate and terrain to secure a moderate government (XVIII.6).

[45] Even if Montesquieu here is silent on the question of which particular political state is compatible with this practical morality that conceives of happiness as an activity, commercial activity or economic productivity in his view is not compatible with the diversity of political goods. To name a few reasons: Despotisms hamper exchange, lack a civil society, and do not establish laws establishing private property. While it is not the scope of this chapter to investigate the question of the necessary political conditions for a nation's economic productivity, it is worthwhile to note that Montesquieu praises China for moderating its otherwise despotism with the conditions necessary for commerce.

In contrast to the prudent Chinese legislators who introduce incentives to motivate work, bad legislators compose laws that do not oppose the effects of extreme heat to their citizens' ability and willingness to work (XIV.5). Laziness originating from extreme heat is natural, but laziness rooted in religion or politics is not inevitable in the same way because it is an accident of "morality," i.e. human intervention. In contrast to Locke who justifies ownership of land through labor, Montesquieu is less interested in defending the natural right to property here than distinguishing between the necessary and unnecessary causes that might constrain one's ability or willingness to labor. Indeed, Montesquieu considers the possibility that accidental causes such as the oppressive climate, religions neglecting to attach followers to work, and laws failing to incentivize labor only exacerbate laziness originating in climate. Unless despotisms cultivate sufficient honor (akin to a work ethic) to attach individuals to work and own the land, there is no possibility of introducing liberty in these oppressive climates (XIV.6).

Indeed, Montesquieu attacks laws that present the contemplative life in an attractive light in warm climates, even attaching wealth to a life of contemplation: "In order to conquer the laziness that comes from the climate, the laws must seek to take away every means of living without labor, but in southern Europe they do the opposite: they give to those who want to be idle places proper for the speculative life, and attach immense wealth to those places. These people who live in an abundance that is burdensome to them correctly give their excess to the common people: the common people have lost the ownership of goods; the people are repaid for it by the idleness they enjoy and they come to love their very poverty (XIV.7). Attaching wealth to the speculative life only results in a radical fulfillment of the worst vices of hot climates: the

enjoyment of idleness and a love of poverty. As Catherine Larrère argues, "*La valorization du travail, chez Montesquieu, est donc economique et non morale: ce n'est ni un devoir, ni une punition*."[46] The absence of work, not the absence of patrimony, leads to poverty.[47] Poverty in Montesquieu's view originates not in the lack of wealth but in the lack of labor.

While Montesquieu's treatment of climate is often interpreted to illustrate his climatic determinism, Montesquieu sees climate not simply as a constraint but also as an opportunity to cultivate honor, or at least a sense of honor, everywhere. In a chapter entitled "A means of encouraging industriousness" Montesquieu claims natural laziness is not inevitable: "I shall show in Book 19 that, ordinarily, lazy nations are arrogant. One could turn effect against cause and destroy laziness by arrogance. In southern Europe, where peoples are so impressed by *the point of honor*, it would be well to give prizes to the plowmen who had best cultivated their lands and to the workers who had been most industrious. *This practice will succeed in every country*. In our time it has been used in Ireland to establish one of the largest textile mills in Europe" (XIV.9, emphasis added). If laziness and arrogance are somehow necessarily intertwined, one can appeal to this very arrogance in order to cultivate industriousness. Even though climate constrains the desire to work, climate does not sufficiently destroy the sense of honor that attaches men to work. Especially in southern climates, men are so "impressed" by honor that a legislator can appeal to this sense of honor afforded by work. Although this honor does not simply coincide with the passion that animates monarchies, it is worthwhile to note that

[46] Catherine Larrère, "Montesquieu et les pauvres," *Papers in Political Economy*. 59, (2010), 31.
[47] Larrère 25.

Montesquieu uses the word "honor," suggesting that there is a kind of honor common to the industrious workers of republics or despotisms and the courtiers of monarchies.

In this section, I begin from the hypothetical character of Montesquieu's treatment of climate to argue that rather than taking his conclusions for granted, it is more illuminating to see the purpose of the thought experiment: the natural environment itself is a source of the diversity of political goods, religions, and moralities constraining productivity and shaping happiness.[48] Indeed, far from deterministic, his conclusions point to the ways in which wise legislators can reverse and even eradicate the most illiberal effects of extreme heat, which for Montesquieu is a kind of monkish inwardness. In the next section, I argue that although Montesquieu discerns that industriousness is necessary to introduce liberty, especially in despotic countries, he refrains from asserting whether natural differences in productivity or activity originate primarily from nature or history. This enables us to see why nature understood as climate enables him to find a new way to articulate what Berlin calls the irreconcilable tension between diversity and justice.

1.3 REEXAMINING DIVERSITY AND JUSTICE: CLIMATE AND THE NATURAL RIGHT OF SLAVERY

As I argued in the previous section, Montesquieu begins Book 14, his treatment of climate, with a general hypothesis. Whereas we might be tempted to read this as a nod to modern natural science, it also casts light on the character of his new political science or

[48] This rests on the premise that politics, religions, and moralities should aim at "productivity."

political economy. Because he remains unconvinced that either nature or history alone can *sufficiently* account for differences observable among peoples in respect to their capacity for liberty and productivity, he aims to attend to the effects of both nature and history without dogmatically settling the question of the nature and origin of human diversity.

Reconceiving nature as climate, Montesquieu articulates the tension between diversity and justice in a new way. Readings that focus exclusively on Montesquieu's treatment of the diversity of political goods overlook his preoccupation with an articulation of human diversity stripped of justifications for natural inequality or servitude. While climate is generally interpreted to illuminate Montesquieu's turn to some variation of determinism (structuralism, materialism, or orientalism), I argue that the lens of climate enables him to reject race both as a fixed concept with no relation to one's sensitivity to the natural environment and as a social construct stripped of nature. As Diana Schaub argues, "Montesquieu's achievement in these chapters deserves the appellation 'Lincolnian'. His moral education of his readers is an example of philosophic statesmanship."[49] Unless commentators take Montesquieu's interest in the natural environment seriously, it remains impossible to see the way in which Montesquieu elaborates a new natural philosophy to reject the consequences of what he calls Hobbesian complex of "domination and empire" (I.2): "For I am convinced," he writes, "that species undergo extraordinary change and variation, that some are lost and new ones formed. The earth is changing so markedly every day that it will give constant employment to natural philosophers and naturalists."[50]

[49] Schaub 71.
[50] *Mes Pensées* 102.

Initially in *The Spirit of the Laws* Montesquieu attributes the natural diversity of peoples to the sheer size of the planet Earth: "Considered as inhabitants of a planet so large that different peoples are necessary, they have laws bearing on the relation that these people have with one another, and this is the right of nations" (I.3). In Book IV, however, he identifies diversity as a central feature of large, commercial societies: "But in large societies, the number, the variety, the press and the importance of business, the ease of purchases, and the slowness of exchanges, all these require a common measure. In order to carry one's power everywhere or defend it everywhere, one must have that to which men everywhere have attached power" (IV.7). Commercial transactions among a diverse group of peoples demand "a common measure," i.e. a form of currency that is easily transportable. In his systematic treatment of commerce in Part IV, he attributes the diversity of peoples specifically to commerce: "Plato says that, in a town where there is no maritime commerce half the number of civil laws are needed, and this is very true. Commerce brings into the same country different sorts of peoples, a great number of agreements (conventions), kinds of goods, and ways of acquisition. Thus, in a commercial town there are fewer judges and more laws" (XX.18). While Plato himself does not explicitly identify diversity or "different sorts of peoples" as the necessary middle term connecting commerce to the expansion of civil society, Montesquieu indicates that inter-continental commerce is not possible without diversity. Maritime commerce, hence, requires more laws to adjudicate among different "goods," for in a commercial society, there is a great number of literal "goods" within a country. According to this elaboration, the emergence of civil laws becomes necessary when different kinds of people need to make contracts despite differences among their goods

and ways of acquisition. Although commerce introduces a multiplicity of conventions, its multiplication of laws facilitates agreements, i.e. contractual or formal, among different sorts of peoples. In contrast to the slow deliberation of judgment common to non-commercial political states, commerce presupposes the expedient decisions facilitating its "daily fluctuations."

Given the necessarily diverse character of large, commercial societies, Montesquieu attends to this diversity without appealing to natural differences to justify servitude or reducing natural diversity (and the possibility of natural inequality) to mere historical invention. The migration of commercial peoples requires a new understanding of human diversity: "Indians are by nature without courage; even the children of Europeans born in the Indies lose the courage of the European climate" (XIV.3). If commerce results not only in peoples living in foreign physical environments but also children born in non-native climates, the question of human diversity necessarily accompanies commercial societies. More importantly, the question of human diversity must be framed in terms of how humans are shaped by their natural environment.

That Montesquieu is primarily interested in articulating this tension between diversity and justice is corroborated by his sustained inquiry into the origin of slavery in his treatment of climate. First, Montesquieu deepens his investigation into the proper relation between nature and politics by examining the ways in which one employs claims concerning human diversity in order to justify slavery. For example, Montesquieu satirizes arguments that radicalize or exaggerate differences in customs to justify slavery: "I would as soon say that the right of slavery comes from the scorn that one nations conceives of another, founded on the difference in customs" (XV.3). Differences in

customs such as smoking tobacco and not cutting beards in the Spanish fashion are employed to justify servitude. Such scorn for national differences in order to justify servitude is incompatible, or should be incompatible, with modern commercial societies.

Knowledge, gentleness, and humanity result in the renunciation of local prejudices: “Knowledge makes men gentle, and reason inclines toward humanity; only prejudices cause these to be renounced” (XV.3). Although he does not say so explicitly here, later he claims that commerce leads to knowledge, gentleness, and humanity: “Commerce cures destructive prejudices, and it is an almost general rule that everywhere there are gentle mores, there is commerce and that everywhere there is commerce, there are gentle mores” (XX.1). Commerce, indeed, leads to knowledge of the mores of all cultures: “Commerce has spread knowledge of the mores of all nations everywhere; they have been compared to each other, and good things have resulted from this” (XX.1). The renunciation of local prejudices necessarily demands modern commercial societies to confront the question of human diversity in a new way.

Secondly, Montesquieu mocks differences in religion as a justification for servitude: “I would as soon say that religion gives to those who profess it a right to reduce to servitude those who do not profess it, in order to work more easily for its propagation” (XIV.4). The supposed importance of religious conversion is also used as a disguise to justify slavery: “Louis XIII was extremely pained by the law making slaves of the Negroes in his colonies, but when it had been brought fully to his mind that this was the surest way to convert them, he consented to it” (XV.4). The moral enlightenment supposedly afforded from religious conversion is used to justify the inhumanity of enslavement.

Third, Montesquieu satirizes justifications for servitude that abstract from the economics of sugar production: "Sugar would be too expensive if the plant producing it were not cultivated by slaves" (XV.5). In order to keep sugar profitable and extract cheap manual labor, it becomes necessary to reduce humanity to skin color: "One cannot get into one's mind that god, who is a very wise being, should have put a soul, above all a good soul, in a body that was entirely black" (XV.5). The color of one's skin should be no less a compelling lens to define humanity than the color of one's hair:

> It is so natural to think that color constitutes the essence of humanity that the peoples of Asia who make eunuchs continue to deprive blacks of their likeness to us in a more distinctive way.
>
> One can judge the color of the skin by the color of the hair, which, among the Egyptians, who are the best philosophers in the world, was of such great consequence that they had all the red-haired men who fell into their hands put to death. (XV.5)

Although Montesquieu does not speak explicitly of race, he satirizes those who reduce the "essence of humanity" to "the color of the skin." Those who judge humanity by the color of the skin are equally sensible as those who judge the color of one's skin by the color of one's hair. In Schaub's reading, Montesquieu here deliberately illustrates reverse discrimination: "Montesquieu shows that racism is not unidirectional; because it is a matter of perspective, the ascription of inferiority may strike any group."[51] In her reading, one of the characters in *The Persian Letters* explains the phenomenon of reverse discrimination:

> It seems to me, Usbek, that we judge things only by a covert reference that we make to ourselves. I am not surprised that Negroes paint the devil in dazzling white and their gods in carbon black; or that the Venus of certain peoples has breasts that hang to her thighs; . . . It is well said that if triangles were to create a god, they would describe him with three sides. (#59)[52]

[51] Schaub 73.
[52] *Persian Letters*. Translated by C. J. Betts. London: Penguin Books, 2004.

Attentive to the questions of the nature and history of slavery, Montesquieu rejects standard justifications for servitude. As Schaub argues, "Natural aesthetic self-preference leads men of one race to demonize men of other races, in effect reading them out of humanity while at the same time projecting themselves into the heavens. Men deny similarity where it exists (namely, among human beings) and ascribe similarity where there is none (that is, between men and the divine)."[53] The preference for one's own race might be natural and aesthetic, but it is less clear whether even the natural status of this aesthetic preference should justify servitude.

After satirizing justifications rooted in differences in customs, religions, and skin color, Montesquieu argues that the right of slavery originates in the nature of despotism, or political situations characterized by extreme inequality in liberty so that liberty is worth nothing. In despotism, liberty is worth so little, that there is a rational basis for voluntary servitude: if one's liberty is worth nothing, it is reasonable to sell oneself into servitude (XV.6). Extreme inequality in political power leads not only to tyranny but more importantly, voluntary servitude: "In these states, the freemen, who are too weak to oppose the government, seek to become the slaves of those who tyrannize the government" effectively (XV.6). An extremely unequal political constitution that renders a class of citizens too weak even to oppose the government results in a necessary alliance between "slaves" and those who seize the government. Tyranny is a threat to liberty insofar as it creates the sufficient conditions for voluntary servitude as a rational choice in accord with one's interest. If the alternative is resigning to one's inability to oppose the

[53] Schaub 73-74.

tyrannical government, servitude looks more just. Indeed, Montesquieu even goes so far to claim that slavery resulting from extreme inequality is not only just and rational (in accord with natural right) but is also gentle, free, mutually voluntary, and self-interested: "*Here lies the just origin*, the one conforming to reason, of the very gentle right of slavery that one sees in some countries, and it has to be gentle because it is founded on the free choice of a master, a choice a man makes for his own utility and which conforms a reciprocal agreement between the two parties" (XV.6). Insofar as despotism is natural in some climates, slavery is natural, reasonable, and just wherein the subjects of despotism voluntarily ally themselves with those who tyrannize the government in extremely despotic or tyrannical states. Hence, this "true origin of the right of slavery" lies in despotic governments wherein citizens live in a kind of "political slavery" that annihilates "civil liberty" (XV.6). The instability of the despotic state originates from "a free choice of a master, a choice a man makes for his own utility and which forms a reciprocal agreement between two parties" (XV.6). If one's liberty is worth nothing, it is in one's interest to enslave oneself to the government.

In addition to this true origin, there is explicitly "another origin of the right of slavery." Although the right of slavery originates in the nature or logic of despotism, it is also necessary, in Montesquieu's view, to take into account the diversity of climates. It is both natural and reasonable to avoid physical labor in extremely hot climates. The question of the proper relation between nature and politics demands taking climate into account because excessive heat hinders one's ability to work:

> Here is another origin of the right of slavery and even of that cruel slavery seen among men.
>
> There are countries where the heat enervates the body and *weakens* the courage so much that men come to perform an arduous duty only from fear of

> chastisement; slavery there runs less counter to reason, and as the master is as cowardly before his prince as his slave is before him, civil slavery there is again accompanied by political slavery. (XV.7, emphasis added)

Climate is central to Montesquieu's new natural philosophy not only because the spirit of modern commerce presupposes industriousness as a virtue in the fashion of Locke (which extreme heat might constrain) but also because the question of human diversity should explicitly take into account the constraints of the natural *environment* on strength, courage, liberty, and a willingness to work. Nature understood as *physis* is insufficient to account for the nature of domination and servitude: "Aristotle wants to prove that there are slaves by nature, and what he says scarcely proves it. I believe that, if there are any such, they are those whom I have just mentioned" (XV.7). Montesquieu critiques Aristotle's treatment of natural slavery by claiming that Aristotle neglected to take into account the ways in which nature (climate) and politics (despotism) properly understood might lead to the natural right of slavery. By taking seriously the possibility that men are receptive to their natural and human environment, Montesquieu furnishes a new concept of nature also accounting for exogenous physical causes: nonhuman physical causes (such as extreme heat) incline peoples towards laziness, and legislators often make bad laws that fail to counteract the effects of the climate on human activity. The lens of climate, hence, enables Montesquieu to make claims about why differences in productivity might lead to servitude without making ontological claims about the natural inferiority or superiority of individuals or of an entire race.

While commentators contest the status of natural right or history in Montesquieu's thought, Montesquieu speaks of "the laws that were badly made" to

account for the accidental and contingent causes of laziness.[54] As Larrère claims, for Montesquieu "laziness is an effect, it is never a characteristic proper to human nature nor a particular social category."[55] Larrère ignores, however, that Montesquieu finds in climate the natural causes inducing laziness or the extreme heat constraining one's ability and willingness to work. Those who read his treatment of climate through a structural lens, hence, do not see that climate enables him to account for politically significant physical differences *without* committing to a strict understanding of nature that ignores the effects of history:[56] "I do not know if my spirit or my heart dictates this point. Perhaps there is no climate on earth where one could not engage freemen to work. Because the laws were badly made, lazy men appeared; because these men were lazy, they were enslaved" (XV.8). That the appearance of lazy men is exclusively a historical phenomenon might be irrational or rational. In Schaub's reading, Montesquieu's ambivalence indicates a cautious optimism concerning the art of the prudent legislator: "Ever cautious, Montesquieu hints that he may be overly optimistic; it may be his heart that speaks. Nonetheless, his inability in this case to distinguish between head and heart is itself grounds for reasonable hope. In the end, moral factors outweigh physical factors. The art of legislation can counteract the force of the climate. If the air is bad, we need more than air-conditioning; we need a kind of soul-conditioning."[57] Whereas Schaub emphasizes Montesquieu's inability to distinguish between his reason and feeling, it is also possible that his new natural philosophy offers a new understanding of nature that

[54] Cf. XV.5 for a parody of claims about skin color.
[55] Larrère 31
[56] See Paul Cheney, *Revolutionary Commerce: Globalization and the French Monarchy* (Harvard University Press, 2010), 124 for the historical context of the philosophic preoccupation with laziness.
[57] Schaub 75.

explicitly remains unwilling to commit to either dogma, opening up a new natural basis for modern equality. At the end of the day, Montesquieu is more interested in how wise legislators might incentivize free citizens in commercial societies to work: "Therefore, natural slavery must be limited to certain particular countries of the world. In all the others, it seems to me that everything can be done by freemen, however arduous the work that society requires" (XV.8). Hence, he attempts to elaborate a new natural philosophy that can account for the historical causes of human laziness by attending to the accidents of the natural environment.

Rejecting an inquiry into the nature of slavery in the spirit of Aristotle, Montesquieu does not abandon the possibility of the natural right of slavery but presents it as an alternative that is the result of a historical accident originating in the extremes of an illiberal natural or political environment. This decisively shifts the question of natural inequality to natural diversity for his political economy. Accordingly Montesquieu identifies three possible causes for servitude: the nature of climates making work oppressive, the historical effects of imprudent laws failing to stimulate productivity in such climates, or laws depriving civil liberty that impel citizens to choose to sell themselves to those sufficiently strong to "tyrannize" the government. As Schaub argues, "We hear little of the movement from a state of nature to a state of civil society; instead we encounter nature as a central fact, a massive interruption, an outcropping."[58] Nature for Montesquieu, hence, is ambiguous and double because the natural inequality or diversity of nonhuman nature must be reconciled with the ideal equality of human nature: "We see again the doubleness or ambiguity of nature; physical nature here fails to support

[58] Schaub 71.

or vindicate human nature and its equality.[59] Berlin ignores this possibility that the lens of climate enables Montesquieu to begin from the fact that extreme differences in climate exist while avoiding claims radicalizing simply nature (reducible to race) or history (reducible to historical invention).

1.4 MONTESQUIEU'S NEW NATURAL BASIS OF COMMERCE

In this section, I argue that Montesquieu finds a new way to articulate the proper relation between nature and politics by attending to commerce.[60] Commerce for Montesquieu is not simply trade and exchange among nations but communication among peoples, not least communication between the two sexes. Montesquieu distinguishes between the spirit and the mores of commerce and presents commerce as a wandering force of the earth. In this section, I argue that modern commerce in Montesquieu's view requires a new understanding of nature (climate) because people who inhabit different climates confront a different set of constraints, contingent on the climate and terrain. Standard readings that focus on the diversity of political norms obscure Montesquieu's effort to elaborate the way in which the lens of diversity *naturally* yet accidentally emerges in modernity (insofar as climate is an accidental cause external to human nature simply), in necessary connection to climate and commerce. Once we see that there is a necessary connection between Montesquieu's treatment of climate and that of commerce,

[59] Schaub 74.
[60] For a different interpretation of Montesquieu's attempt to popularize economics, see Thomas Pangle, *Montesquieu's Philosophy of Liberalism* (Chicago: University of Chicago Press, 1989), 202.

we can better discern why the question of diversity necessarily accompanies all commercial societies.

One of the primary differences between the ancients and moderns, for Montesquieu, is that we moderns are different from the ancients as a result of "the lack of knowledge that has since been gained about commerce" (XXI.24). Montesquieu repeatedly calls attention to the new status that commerce has in modernity. Citing Xenophon, for instance, he reminds us that the Greeks believed that "most arts . . .corrupt the body of the one who practices them; they oblige one to sit in the shade or near the fire; one has no time for one's friends, no time for the republic" (IV.7). Similarly, agriculture, especially in contradistinction to war, was "a servile profession" and "all *common commerce* was disgraceful to the Greeks" (IV.7, emphasis added). Greek liberty in Montesquieu's view is not compatible with commerce; accordingly "Plato in his *Laws* wants any citizen who engages in commerce to be punished" (IV.7). Commerce and its necessary place in modern political life means that our politicians do not speak of virtue but manufacturing and even luxury (III.3). To be sure, the military feats of the ancients astonish our petty souls (IV.4).

While it is true that Montesquieu is a modern insofar as he does not defend a self-sufficient political community devoted to the common good as a natural way of life, he also departs from Machiavelli, Hobbes, and even Locke in his attentiveness to the nature of commerce. In his account of the state of nature, Montesquieu explicitly corrects Hobbes, asserting that the idea of empire and domination is not natural to man: "Hobbes gives men first the desire to subjugate one another, but this is not reasonable. The idea of empire and domination is so complex and depends on so many other ideas, that it would

not be the one they would first have" (I.2). Indeed, Montesquieu rejects Hobbesian fear and domination as naturally simply to man, connecting them to despotism in its various forms—political, religious, and sexual.

In contrast to Aristotle who speaks of household management or Locke who treats the natural right to private property, Montesquieu speaks instead generally of commerce. If economics in the narrower sense presupposes the residential character of domestic life, commerce is, in contrast, nomadic and fleeting: "Commerce, sometimes, destroyed by conquerors, sometimes hampered by monarchs, wanders across the earth, flees from where it is oppressed, and remains where it is left to breathe: it reigns today where one used to see only deserted places, seas, and rocks; there where it used to reign are now only deserted places" (XXI.5). Commerce is susceptible to destruction, intervention, and oppression, and just as it is natural for peoples to migrate from their native lands to look for freedom on account of political violence, commerce also flees and wanders to free itself from conquest and monarchy. Interestingly enough, commerce is sometimes forced to flee monarchs. Accordingly, commerce, unlike conquest, changes man's relation to nature understood as his native physical environment. Nature understood as the climate and terrain shapes human desires and constrains needs. In contrast to religions that legislate a way of life in accord with the natural environment, commerce disrupts man's relation to nature by introducing arts, luxury, and as a last recourse, metals (opening the gates for the introduction of money).

Commerce necessarily changes man's relation to his natural environment, as there is an inverse relation, according to Montesquieu, between nature's generosity and human liberty. Great peoples, akin to the nomadic spirit of commerce, wander and flee

specifically in order to seek liberty: “Countries are not cultivated in proportion to their fertility, but in proportion to their liberty, and if one divides the earth in thought, one will be astonished to see that most of the time the most fertile parts are deserted and that great peoples are in those where the terrain seems to refuse everything” (XVIII.3). Although Montesquieu does not go so far to claim that migration is a natural right, he claims that “it is *natural* for a people to leave a bad country in search of a better and not for them to leave a good country in search of a worse” (XVIII.3, emphasis added). The happiness promised by the natural environment is at odds, at least in the modern world (on account of the desirability and thus conquest of the “good” countries), with the desire for human liberty. Distinguishing between good and bad countries, Montesquieu begins from the observation that nature distributes happiness unequally among countries: “Therefore, most invasions occur in countries where nature had made to be happy, and as nothing is nearer to devastation than invasion, the best countries most often lose their population, whereas the wretched countries of the north continue to be inhabited because they are almost uninhabitable” (XVIII.3). The natural inequality between happy and wretched countries, however, results in the invasion of fertile terrain and the depopulation of “happy climates” (XVIII.3). The Scandinavian peoples, for instance, crossed the Danube not as a result of conquest but in order to migrate into deserted lands: “Historians’ account of the crossing of the Danube by the Scandinavian people show that it was not a conquest but only a migration into deserted lands. Therefore these happy climates had been depopulated by other migrations, and we do not know what tragic things occurred”

(XVIII.3). Migration to cold climates or infertile lands is animated by the natural desire for liberty.

In contrast to Locke who asserts that man is by nature rational and industrious, Montesquieu is interested in investigating the complex relation between non-human nature (understood as the natural environment) and human nature. For instance, in Montesquieu's view there is generally an inverse relation between the fertility of the terrain and human industriousness: "The barrenness of the land makes men industrious, sober, inured to work, courageous, and fit for war; they must procure for themselves what the terrain refuses them. The fertility of a country gives, along with ease, softness and a certain love for the preservation of life" (XVIII.4). Only necessity induces work; the choice to work leads to ease. In light of the dispersion of modern peoples to cold climate and infertile terrains, industriousness emerges as an indispensable modern virtue. Industriousness is not strictly natural and rational universally, as it is in Locke's political economy, but the conquest and inhabitation of fertile terrain and warm climates make living in cold, infertile lands necessary, thus necessitating industriousness. In these naturally harsh countries, moderate government is especially necessary: "Countries which have been made inhabitable by the industry of men and which need that same industry in order to exist call for moderate government" (XVIII.6). Moderate government is necessary in cold climates wherein nature makes industriousness and productivity necessary (especially in the north).

The insufficiency of the earth, hence, makes commerce natural insofar as human industriousness and prudence are necessary to make the earth more inhabitable. In a

chapter entitled “On the works of men” Montesquieu argues that industrious nations execute projects that nature maintains:

> Men, by their care and their good laws, have made the earth more fit to be their home. We see rivers flowing where there were lakes and marshes; it is a good that nature did not make, but which is maintained by nature. When the Persians were the masters of Asia, they permitted those who diverted the water from its source to a place that had not yet been watered to enjoy it for five generations, and, as many streams flow from the Taurus mountains, they spared no expense in getting water from there. Today one finds it in one’s fields and gardens without knowing where it comes from.
>
> Thus, just as destructive nations do evil things that last longer than themselves, there are industrious nations that do good things that do not end with themselves. (XVIII.7)

Nature rewards human effort insofar as it maintains the works of men. In contrast to Locke who justifies the accumulation of wealth and industriousness, Montesquieu praises care, good laws, and “good things that do not end with themselves.”

In addition to changing man’s relation to nature by its nomadic pursuits and flights, commerce changes man’s relation to nature by introducing desires foreign to his native environment. Because the physical environment—either the terrain or climate—can constrain commerce so that there is no possible convergence between the needs of different peoples (e.g. Europeans and Indians), commerce rests on the expansion of human needs or the artificial supplementation of desires or goods foreign to one’s native clime:

> Though commerce is subject to great revolutions, it can happen that certain physical causes, the quality of the terrain or of that climate, fix its nature forever.
>
> Today we engage in commerce with the Indies only through the silver we send there. The Romans took about fifty million sesterces there every year. Just as with our silver today, this silver was converted into commodities that they brought back to the West. All peoples who have traded with the Indies have always taken metals there and brought back commodities.
>
> Nature herself produces this effect. The Indians have their arts, which are adapted to their manner of living. Our luxury cannot be theirs, nor our needs their needs. Their

> climate requires and permits them to have almost nothing that comes from us. They generally go naked; the land has furnished them suitably with the clothes they have; and their religion, which has such empire over them, makes repugnant to them the things that serve as food for us. Therefore, they need only our metals, which are the signs of value and for which they give the commodities that their frugality and the nature of their land procure for them in great abundance. The ancient authors who mentioned the Indies depict them as we see them today in respect to police, manners, and mores. The Indies have been, the Indies will be, what they are at present, and in all times those who deal with the Indies will take silver there and bring back none. (XXI.1)

In extremely hot climates, there is no natural need for European luxury, fashion, or food, theoretically precluding the possibility of commerce of luxury. In these tropical climes without European arts, the natives do not naturally have the same needs as Europeans do. Accordingly it is rational for religions in these climates to prohibit foods that do not preserve in extreme heat, and to proscribe frugality in order to sustain a self-sufficient way of life. As he elaborates elsewhere in *The Spirit of the Laws,* certain food or drink is less natural in extremely hot climates, as only cold climates require wine and meat for restoration. The only thing the self-sufficient people of the Indies need from trading with Europeans, hence, is metals. This invites us to question the status of metals and the possible introduction of money in the Indies, as long as Europeans are bringing metals rather than goods. Indeed, Montesquieu repeatedly emphasizes the divergence of needs between Europeans and Indians based on differences in their physical environment: "All peoples who have traded with the Indies have always taken metals there and brought back commodities." Again: "The Indies have been, the Indies will be, what they are at present, and in all times those who deal with the Indies will take silver there and bring back none." Finally: "This is not in contradiction with what I have said about our commerce in the Indies; the difference in climates is so extreme that there is no relation between their

need and ours" (XXI.4).[61] On the one hand, there is no natural basis (rooted in the environment) for the possibility of a global common good across climes in Montesquieu's view. Indeed, the very self-sufficient character of the Indian way of life precludes the possibility of a mutual dependence between Europe and the Indies. On the other hand, if the religious attachment to frugality were somehow undermined or overturned (XXI.1), this would open the possibility of a convergence of "needs" to facilitate commerce of luxury between Europe and the Indies.

Modern commerce for Montesquieu is primarily different from that of the ancients on account of this global scope. As he emphatically states, we moderns are different from the ancients on account of "the lack of knowledge that has since been gained about commerce" (XXI.24). Because peoples have migrated north to infertile terrains and cold climates, this historical fact, Montesquieu asserts, makes commerce *necessary* within Europe. On account of the migration of European peoples to the infertile terrain, moderns who engage in commerce live in various climates – north, south, temperate, whereas the ancients all lived in similar climes. In a chapter entitled "The principal difference between the commerce of the ancients and that of today," he explicitly asserts that the primary difference between the commerce of the ancients and

[61] Such general assertions concerning the utter gap between European and Indian needs approach what Edward Said has argued is the lens of the orientalist (the presumption of a radical ontological difference between Europeans and Indians), spurring debate concerning the status of orientalism in Montesquieu's thought. Passages such as this one lend it self to orientalist readings that point to the way that Montesquieu radicalizes the differences between Europeans and non-Europeans. That he has no intention to draw such stark differences between Europe and the Indies is confirmed by allusions elsewhere likening Indians to Europeans overlooked by commentators: "The peoples who follow the Khan of Malacamber, those of Carnataca and Coromandel, are proud and lazy; they consume little because they are miserably poor; whereas the Moguls and the peoples of Hindustan occupy themselves with and enjoy the commodities of life, like Europeans" (XIX.9, footnote 9). While commentators focus on his most general remarks concerning Indians, he also speaks of "the Indians of the cold countries" who "continually fish and hunt" (XXIV.23); he also alludes to "a caste of nobles" in India (XXIV.23).

that of the moderns lies in "the difference in climates": "From time to time the world meets with situations that change commerce. Today the commerce of Europe is principally carried on from north to south. However, the difference in climates makes people have *a great need* for each other's commodities. For example, the beverages of the South carried to the North form a kind of commerce scarcely pursued by the ancients. Thus the capacity of ships formerly measured by hogsheads of grain is measured today by casks of liquor" (XXI.4, emphasis added).[62] Contrasting the ancients and the moderns, Montesquieu describes what is distinctive to modern Europe in terms of "commerce" and "climate." Montesquieu's new natural philosophy departs from the *physis* of the ancients because it is contingent on the accidental discoveries of history, i.e. the migration to northern climes. Had the cold, sterile north not become inhabited by the impatient migrants willing to abandon nature's promise of happiness for human liberty, commerce would still primarily take place in Mediterranean ports in the southern hemisphere.

Evoking differences between northern and southern climates, Montesquieu asserts that moderns have a greater need for commerce because people living in different climates need to engage in commerce with each other: "As the ancient commerce that is known to us was from one Mediterranean port to another, it was almost entirely in the South. But, as peoples of the same climate have almost the same things, they do not *need* commerce with one another as much as do peoples of differing climates. Therefore, commerce in Europe was less extensive formerly than it is at present" (XXI.4, emphasis added). Those who live in similar climates do not need to engage in commerce in the same way that peoples in different climates do. Since modern Europe now includes the

[62] The north "needs" liquor; a German does not drink by choice.

north (the infertile terrain and cold harshness presumably beyond the northernmost border of the Roman Empire), the north depends on the goods of the southern climate, making commerce necessary, or at least more desirable for modernity. The diversity of climes makes commerce of economy more extensive and more necessary.

The natural environment engenders a kind of human diversity that is the necessary basis of modern commerce. Peoples across climates have different needs, comforts, levels of productivity, and necessity to work: "The differing needs of differing climates have formed different ways of living, and these differing ways of living have formed the various sorts of laws. If men communicate much with each other in a nation, there must be certain laws; there must be others for a people where there is no communication" (XIV.10). Differences in the natural environment result in a diversity of needs and resources:

> The first have all sorts of the comforts of life and few needs; the second have many needs and few of the comforts of life. To the former, nature had given much, and they ask but little of it; to the others nature gives little, and they ask much of it. Equilibrium is maintained by the laziness it has given to the southern nations and by industry and activity it has given to those of the north. The latter are obliged to work much; if they did not, they would lack everything and become barbarians. What has naturalized servitude among the southern peoples is that, as they can easily do without wealth, they can do even better without liberty. But the northern peoples need liberty, which procures for them more of the means of satisfying all the needs nature has given them. The northern peoples are, therefore, in a forced state unless they are either free or barbarians: almost all the southern peoples are, in some fashion, in a violent state unless they are slaves. (XXI.2)

In Montesquieu's view the self-sufficiency of a closed political community in the fashion of Aristotle is utterly impossible in northern climates. Indeed, Montesquieu's treatment of

commerce rests on the premise that peoples in cold, northern climates *necessarily* depend on engaging in economic commerce with peoples in the south.

On the surface, this passage sounds deterministic and "orientalist." After all Montesquieu seems to assert that southerners are lazy, in contrast to their industrious northern counterparts, and that southerners are even doomed to servitude. Yet, the passage invites us to question the presuppositions it makes about commerce, and more importantly, to what extent Montesquieu would agree with said assumptions. It is *only if* the purpose of commerce were simply conceived of as an "equilibrium" rather than a jealousy of one's liberty and one's commerce that we would not need institutions that incentivize labor and liberty in the south. Differences in human needs can only result in a kind of commercial activity leading to "an equilibrium," *only if* we assign liberty to one and servitude to another and treat this as fixed. Maintaining such "an equilibrium" between north and south rests on the (rather dubious) premise that there exists, by necessity, an indirect relation between nature and human activity that necessarily remains fixed: those who are given little *must* cultivate industry and activity, whereas those to whom much is given *must* fall into idleness. If those to whom are given much were also industrious and active, however, this might increase liberty in these hot climates.

Although one might read this passage as evidence of Montesquieu's determinism (people in hot climates are destined to slavery), he points to the possibility of disrupting this very equilibrium (an equilibrium in accord with a deterministic relation between the natural environment and human nature). Accordingly, it is necessary to expand, albeit artificially, the desire for liberty in hot climates. Commerce is not rooted in the intersection of genuine, natural needs but the convergence of the expansion of needs. The

purpose of commerce is not an equilibrium but what Rousseau calls the multiplication of desire. This results not only in luxury but also in justifications for servitude because slavery or servitude accompanies luxury: “Simple peoples have only real slavery because their women and children do the domestic work. Voluptuous peoples have personal slavery, because luxury requires the service of slaves in the house” (XV.10). Hence, it is necessary to look at the effects of commerce because the natural environment can affect one’s ability and willingness to labor.

In *Mes Pensées* Montesquieu connects lassitude with unhappiness, identifying “two types of unhappy people:” “the lassitude of soul and the opposite, impatience” (*Pensées* 30). In contrast to the extremes of servitude or the spirit of conquest, the nomadic pursuits and risks of commerce promises a life of possibilities and delights: “But the simple desire to make a fortune, far from making us unhappy, is, on the contrary, a game that delights us with a thousand hopes. A thousand routes seem to lead us there, and scarcely is one closed off before another seems to open up” (*Pensées* 30). Climate becomes a necessary lens for modern commerce insofar as extreme heat not only constrains the ability to work but also transforms the freedom to work through the history of bad laws encouraging a version of happiness in accord with the climate.

1.5 CONCLUSION

What is the new articulation of the tension between diversity and justice rooted in Montesquieu’s new natural philosophy? The diversity of the natural environment initially engenders different understandings of happiness and the good. Specifically, in extremely

hot climates, one conceives of happiness as inactivity, as it is so arduous to labor in the heat. To make things worse, imprudent legislators (of politics and religion alike) have exacerbated the bad effects of the natural environment by encouraging passivity and contemplation instead of incentivizing productivity. Once we take seriously the constraints on productivity and the discomfort and pains of laboring in extreme heat, we can recover the philosophic possibility that slavishness is not in accord with human nature anywhere but that the mix of extreme heat and absence of liberal political institutions incentivizing work results in individuals who choose servitude over labor. Recovering this fundamental position that bad men do not exist but appear through their susceptibility to bad laws rooted in the literal heat of their passions, we not only have a new idea of the natural right of slavery but a new understanding of natural diversity rooted in the natural diversity of commercial societies. Specifically, the diversity of climates renders commerce not only desirable but also necessary for modern peoples inhabiting the northern hemisphere. Against readings that either see climate as deterministic or dispensable to his new political science, I argue that we cannot understand why Montesquieu defends the diversity of political goods unless we begin from his natural philosophy of climate.

When we consider climate as the basis of Montesquieu's new natural philosophy, we gain insight into the explicit ways in which he responds to the limits of Aristotle's natural and political science. First, looking at climate enables Montesquieu to consider the possibility that what Aristotle considered natural slavery originates in the accidental causes such as bad laws and extreme heat. Secondly, Montesquieu's new natural philosophy enables him to consider that it is natural for peoples to migrate in search of

liberty. As many modern peoples end up settling in infertile terrains in the extreme climates of the north, this leads to the possibility of a mutual dependence (rooted in the impossibility of self-sufficiency in northern climes) among peoples across climates that Aristotle had not considered. This new common good does not rest on Aristotelian ideas of self-sufficiency and natural needs but on dependence (on other nations) and the artificial multiplication of needs.

In this chapter, I present a case for taking seriously Montesquieu's turn to climate in order to understand his "Lincolnian" attempt to articulate the tension between diversity and justice in a new way. Against readings that read Montesquieu's treatment of climate as deterministic or readings that attend to liberty without connecting his liberalism to his natural philosophy, I argue that the lens of climate helps to see what Schaub has called his "philosophic statesmanship." Although differences in political liberty are in no way simply reducible to differences in climate, the natural environment poses obstacles for introducing a kind of liberty rooted in the desire to work and a version of happiness constituted by activity. By leaving open the question whether lazy men appear by nature or history, Montesquieu elaborates a new natural philosophy that conceives a new understanding of nature for modern commercial societies.

2.0 THE HOMOGENEITY AND REVOLUTIONARY EFFECTS OF COMMERCE: MONTESQUIEU ON THE FLEXIBILITY OF MODERN COMMERCIAL PEOPLES

2.1 INTRODUCTION

In the previous chapter, I argued that Montesquieu's natural philosophy is not deterministic but instead invites us to clarify to what extent commerce can be universalized in conjunction with a diversity of political states (despotisms, monarchies, and republics). On the one hand, commerce is not sufficiently strong to homogenize politics or to universalize liberal constitutionalism everywhere. As I argued, climate and the physical environment can "fix" or constrain commerce so that there is no genuine intersection of needs. The people of the Indies, for example, have no "need" for the food or clothing of Europe, not least because their religion attaches them to frugality and prohibits consuming certain foods. Metals are necessary, hence, to overcome the gap for Europeans to engage in commerce with the people of the Indies.

Secondly, there is a new natural basis for commerce between southern and northern climates because the inhabitable, stingy terrain of the north makes commerce with the south necessary. The asymmetry of the climates (the abundant south v. the uninhabitable north) is "balanced" by the asymmetry of the way humans respond to their physical environment: northerners are by necessity industrious whereas southerners live in ease and servitude. We thus have an "equilibrium" between north and south, despite the inequality of their natural environments.

In this chapter, I investigate the limits of such an "equilibrium" and argue that although Montesquieu claims that the physical causes such as the climate and terrain can "fix" the nature of commerce "forever" (XXI.1), he shows that commerce is, in fact, revolutionary. The world of luxury introduces and changes manners and mores in accord with commerce without explicitly changing the political constitution. Modern man living in commercial societies with luxury, hence, is distinctly characterized by a fundamental disunity, because the worldliness of commercial societies with luxury contradicts what he learns from his family and religion. Although recent scholarship has begun to appreciate the revolutionary character of modern commerce, there is no account of the conditions necessary for the commercial revolution and the distinct character of commercial peoples. In this chapter, I argue that the sociability of commercial peoples is accompanied by a luxury, vanity, and industriousness that results in the forgetting of traditional religion and culture. By attending to Montesquieu's distinction between commerce of economy and commerce of luxury, I argue that it is not commerce *as such* that is in tension with virtue (republican, religious, military, or filial) but commerce of luxury, as the latter kind of commerce multiplies desire, attaches women to vanity, and detaches women from the nature of their bodies.

2.2 ECONOMIC COMMERCE AND COMMERCE OF LUXURY

In Book XX of *The Spirit of the Laws*, Montesquieu treats "economic commerce," which is distinct from commerce of luxury. The primary difference between economic commerce and commerce of luxury is that economic commerce is founded on

"economy": "Traders, eyeing all the nations of the earth, take to one what they bring from another. This is how the republics of Tyre, Carthage, Marseilles, Florence, Venice, and Holland engaged in commerce" (XX.4). In contrast, monarchs generally engage in commerce of luxury: although commerce of luxury is founded "on real needs, its principal object is to procure for the nation engaging in it all that serves its arrogance, its delights, and its fancies" (XX.4).

Montesquieu emphasizes that commerce is intertwined with politics: "Commerce is related to the constitution" (XX.4). Monarchy is generally found on commerce of luxury, whereas republics are founded on economic commerce (XX.4). Economic commerce generally tends to thrive in republics, whereas monarchies engage in commerce of luxury: "I do not mean that any monarchies are totally excluded from economic commerce, but they are less inclined to it by its nature; I do not mean that the republics we know are entirely without the commerce of luxury, but it is less related to their constitution" (XX.4).

Economic commerce accumulates wealth incrementally yet continuously and prioritizes saving to spending: "For, as it is founded only on the practice of gaining little and even of gaining less than any other nation and of being compensated only by gaining continually, it is scarcely possible for it to be done by a people among whom luxury is established who spend much and who see only great objects" (XX.4). In contrast commerce of luxury is inextricably tied up with spending much and seeing "great objects." Although one would think that only monarchies would undertake great enterprises and undertakings that are necessarily accompanied by expenditures,

Montesquieu claims that it is those who subsist on economic commerce who undertake the greatest enterprises:

> Yet *the greatest enterprises* are also undertaken in those states which subsist by economic commerce, and they show a daring not to be found in monarchies: here is the reason for it.
>
> One commerce leads to another, the small to the middling, the middling to the great, and he who earlier desired to gain little arrives at a position where he has no less of *a desire to gain a great deal.*
>
> Moreover, the great enterprises of the traders are always necessarily mixed with public business. But, public business is for the most part as suspect to the merchants in monarchies as it appears safe to them in republican states. *Therefore, great commercial enterprises are not for monarchies, but for the government by many*. (XX.4, emphasis added)

Economic commerce multiplies the desire for *great* gain, whereas commerce of luxury focuses on seeing great objects. In praising England's commerce, for instance, Montesquieu distinguishes between "solid luxury" founded on "real needs" and the luxury founded on "the refinement of vanity": "There would be a solid luxury, founded not on the refinement of vanity, but on that of real needs, and one would scarcely seek in things any but the pleasures nature had put there" (XIX.27).[63] Indeed, the soul of economic commerce is "the frugality of individuals," which is also accompanied by a wealth founded on habits of industriousness (XX.11). Montesquieu reasons that in monarchy, the state imposes taxes on luxury goods to profit from the taste for and consumption of luxury: "But in monarchical government such establishments would be contrary to reason; their only effect would be to relieve luxury of the weight of imposts. It would deprive itself of the sole good this luxury can procure and of the only bridle that,

[63] Montesquieu also claims that in England men are judged by "real" rather than frivolous talents: "Men would scarcely be judged there by frivolous talents or attributes, but by real qualities, and of these there are only two, wealth and personal merit" (XIX.27).

in such a constitution, it can have" (XX.11). In attending to this distinction between economic commerce and commerce of luxury, we can better understand Montesquieu's treatment of the flexibility of man and the homogeneity in manners and mores that accompany not all commercial activity but commerce of luxury.

2.3 MONTESQUIEU ON THE FLEXIBILITY OF MAN

In this section, I argue that Montesquieu's conception of human flexibility accounts for how commerce homogenizes mores. Republics engaging in commerce of economy, however, can preserve their frugality and simplicity precisely on account of their inflexibility, as they remain too fixed to adopt new manners and mores. Once we investigate the ways in which commerce of luxury for Montesquieu presupposes a human flexibility fundamentally incompatible with an aversion or resistance to changing manners and mores, we can more clearly understand the complex way in which his political economy aims to balance commerce, liberty, and religion. Commerce is *almost* everywhere accompanied by gentle mores, which means that commerce is *almost* always sufficiently powerful to soften the harshness common to despotisms and republics inspired by fear and virtue respectively. In refraining from making an absolute statement about the gentle effects of commerce, however, Montesquieu invites us to investigate the exception to this rule: commercial republics engaging in economic commerce not only ward off luxury and softness in mores, but the commercial republic, I argue, opens the possibility of best reconciling religion with modern commerce and liberty.

In *The Spirit of the Laws*, Montesquieu repeatedly alludes to man as a flexible being. In the Preface, for instance, he emphasizes man's tendency to forget himself: "Man, that flexible being who adapts himself in society to the thoughts and impressions of others, is equally capable of knowing his own nature when it is shown him, and of losing even the feeling of it when it is concealed from him" (xliv-xlv). That is, it is possible and perhaps not even difficult for a legislator to conceal man's feeling of his own nature from him.[64] Beasts and men are more flexible than plants because plants lack knowledge and feeling (I.1). Indeed, human flexibility originates from the fact that men make such *bad use* of their passions (I.1). Beasts, hence, have advantages that men do not have: "They do not have our expectations, but they do not have our fears; they suffer death as we do, but without recognizing it" (I.1). In fact, beasts are better at self-preservation despite not having "the supreme advantages" that men have (I.1). Human passions render man flexible, making him especially prone to forgetting himself.

This raises the question: To what extent does this distinctively human capacity for self-forgetting *necessarily* turn commercial peoples away from religion? Indeed, inviting people to *forget* about religion by offering comfort or wealth is the most effective strategy to become indifferent to religion in Montesquieu's view: "Therefore, one does not succeed in detaching the soul from religion by filling it with this great object,[65] by bringing it closer to the moment when it should find religion of greater importance; a more certain way to attack religion is by favor, by the comforts of life, by the hope of

[64] As he emphasizes: "I would consider myself the happiest of mortals if I could make it so that men were able to cure themselves of their prejudices. Here I call prejudices not what makes one unaware of certain things but what makes one unaware of oneself" (xliv, emphasis added).
[65] This invites us to consider to what extent monarchies depend on religion insofar as they are attached to great objects.

fortune, not by what reminds one of it, but by what makes one forget it; not by what makes one indignant, but by what leads one to indifference when other passions act on our souls and when those that religion inspires are silent. General rule: in the matter of changing religion, invitations are stronger than penalties" (XXV.12). This raises the question: To what extent is it possible to reconcile the pursuit of wealth and the enjoyment of comfort with the soul's attachment to a religion such as Christianity?

In his treatment of the ways in which the commerce in general appeals to (male) honor and commerce of luxury appeals to (female) vanity, Montesquieu precisely outlines how commerce might appeal to the human flexibility, so that a legislator might effectually introduce new manners and homogenize mores. First, it is worthwhile to note that the standard reading of Montesquieu's treatment of honor is that it is a passion akin to a noble ambition unique to the monarchies of Europe. Indeed, in his typology of constitutions and passions, Montesquieu identifies honor as the passion animating monarchy. In a chapter entitled "How virtue is replaced in monarchical government," Montesquieu defines honor as "the prejudice of each person and each condition, [that] takes the place of the political virtue of which I have spoken and represents it everywhere" (III.6). Honor is a more suitable passion for modernity than virtue, in Montesquieu's view, because honor inspires nobility by appealing to "the prejudice of each person" rather than demanding self-sacrifice to the good of the community. In respect to the "goal of government," honor is even equally effective as virtue: Honor "can inspire the finest actions; joined with the force of the laws, it can lead to the goal of government as does virtue itself" (III.6). Accordingly, honor is rooted in an individual's preference for oneself and sense of superiority: "the nature of honor is to demand

preferences and distinctions; therefore, honor has, in and of itself, a place in [monarchy]" (III.7). If courage is necessary in military republics, honor is necessary in monarchies. Honor, the passion distinctive to monarchies, is a cousin of the courage and greatness exhibited among ancient deeds. As Sharon Krause has shown, although honor "has roots in the martial valor of feudal warriors and the piety of Christian knights," the modern class of honorable men "now includes not just soldiers but administrators and judges."[66]

As I will argue in the next section, both the virtue of republics and the fear of despotisms require a singular unity of laws, manners, and mores inspiring a respect for paternal authority incompatible with this individualist scope of modern honor. Moreover, Montesquieu repeatedly asserts that the honor of monarchy is in tension with the fear and obedience presupposed by despotic states. Because Montesquieu asserts that honor originates in monarchy and is absent in Asian despotism, he sharply distinguishes the moderation common to republics and monarchy from despotic ideas of punishment: "It is all very well to say that in China the father is punished for not having used that paternal power established by nature and augmented by the laws themselves; this always assumes that there is *no honor* among the Chinese. Among ourselves, fathers whose children are condemned to punishment and children whose fathers have met the same fate are punished as much by shame as they would be in China by the loss of life" (VI.20, emphasis added). Shame in moderate governments supplants the despotic rage punishing the loss of life. When the good of the family precedes that of the individual, honor is not possible in Montesquieu's view, as honor properly understood presupposes the priority of the individual.

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[66] Sharon R. Krause, *Liberalism with Honor* (Cambridge and London: Harvard University Press, 2002), 42-43.

On the other hand, against this idea that there is an irreconcilable difference between the honor of monarchy and the fear of authoritarian states, Montesquieu also claims that in southern Europe, the appeal to one's "honor" can overturn natural laziness to encourage industriousness. In a chapter entitled "A means of encouraging industriousness" Montesquieu boldly claims that it is possible for *all* commercial peoples to become industrious precisely because they are so impressed by honor: "I shall show in Book 19 that, ordinarily, lazy nations are arrogant. One could turn effect against cause and destroy laziness by arrogance. In southern Europe, where peoples are so impressed by the point of honor, it would be well to give prizes to the plowmen who had best cultivated their lands and to the workers who had been most industrious. *This practice will succeed in every country*" (XIV.9, emphasis added). Although this honor does not simply coincide with the passion that animates a monarchy such as France, it is telling that Montesquieu uses the word "honor," indicating that there is a kind of honor common to the industriousness of commercial societies and the courtiers of monarchies.

In providing an additional example of southern receptivity to honor, Montesquieu analyzes the success of the establishment of Catholic Christianity in the south: "By the nature of human understanding, we love in religion everything that presumes and effort, just as on the subject of morality, we love in theory all that has the character of severity" (XXV.4).[67] Honor conceived more narrowly as a means to encourage industriousness appeals to the natural human desire for effort or severity. In this way, honor and self-

[67] He does not attribute celibacy in the south to religious faith or virtue but claims, "Celibacy has been more pleasing to the peoples whom it seemed to suit the least and for whom it could have the most grievous results. In the countries of southern Europe, where by the nature of the climate the law of celibacy is the most difficult to observe, it has been retained; in those of the north, where the passions are less lively, it has been proscribed. Furthermore, in countries that have few inhabitants, it has been admitted; in those that have many, one has rejected it. One senses that all these reflections are only about the too great pretension of celibacy and not about celibacy itself" (XXV.4).

denial are intrinsically intertwined in Montesquieu's moral economy, despite his explicit claims that honor is foreign to despotisms, and that honor is antithetical to the pain of self-renunciation. While he claims that commerce generally turns people away from religion, he also indicates that there is a *natural* desire for effort, self-denial, repression, and even for a kind of austerity that the luxury, sociability, and liberty of these commercial societies (engaging in commerce of luxury) cannot sufficiently satisfy. Although Montesquieu explicitly claims that the souls of modern peoples are too petty to appreciate the strength of ancient virtue, he also indicates that religion will be necessary in modern commercial societies with luxury in order to respond to the natural human desire for a kind of austerity appealing to the desire for self-denial.

While commentators have devoted much attention to Montesquieu's treatment of honor in *The Spirit of the Laws*, the account of vanity as a primary passion animating commercial peoples has remained overlooked. Vanity for Montesquieu is not the undeserved desire for praise from others as it is for Rousseau but the engine of industriousness and a cure for laziness (cf. the idleness of Montaigne). Vanity is useful for commercial peoples insofar as it effectively staves off idleness and any "arrogant" aversion to work.[68] Vanity is "good" inasmuch as it begets luxury, industry, the arts, fashions, politeness, and taste:

> Vanity is as good a spring for a government as arrogance is a dangerous one. To show this, one has only to imagine to oneself, on the one hand, the innumerable goods resulting from vanity: luxury, industry, the arts, fashions, politeness, and taste, and, on the other hand, the infinite evils born of the arrogance of certain nations: laziness, poverty, the abandonment of everything, and the destruction of the nations that chance has let fall into their hands as well as their own nation. Laziness is the effect of arrogance; work follows from vanity:

[68] Cf. My previous chapter wherein I argue that Montesquieu does not think that one can change natural differences in courage among men across climates and cultures.

> the arrogance of a Spaniard will incline him not to work; the vanity of a Frenchman will incline him to try to work better than the others. (XIX.9)

Vanity effects a kind of homogeneity among commercial peoples engaging in commerce of luxury, as it enables a legislator to introduce new manners and mores without changing the constitution or resorting to tyranny. In Book XIX Montesquieu clarifies how a legislator must proceed in aiming to change not laws but manners and mores, especially those of despotic states (presumably because despotic states have no laws or constitutions, properly understood). In chapter 12 entitled "On manners and mores in the despotic state," Montesquieu asserts that in general, "the mores and manners of a despotic state must never be changed" since "nothing would be more promptly followed by a revolution" (XIX.12).[69] If we recall, despotisms do not have a constitution or laws properly understood, so the introduction of new manners and mores, indeed, would result in a revolution. Since the introduction of new manners and mores by changing laws would "appear to be too tyrannical," Montesquieu advises, "it would be better to change them by *other* mores and other manners" (XIX.14, emphasis added). The people's attachment to familiar customs means change must necessarily be democratic: "In general, peoples are very attached to their customs; taking their customs from them violently makes them unhappy: therefore, one must not change their customs, but engage the peoples to change them themselves" (XIX.14). The key to changing manners is through non-violent examples (opposed to penalties) and "gentleness" (XIX.14). For

[69] Because there are no laws in despotic states, changing the mores and manners effectually amounts to changing the whole state (XIX.12). As he explains earlier, "in despotic states, where there are no fundamental laws, neither is there a depository of laws. This is why religion has so much force in these countries; it forms a kind of permeant depository, and if it is not religion, it is customs that are venerated in the place of laws" (II.4).

instance, Montesquieu explains that Peter I was able to change Russia simply by having women dress in the German way, since women immediately appreciate "a way of life" flattering their "taste, their vanity, and their passions, and they made the men appreciate it" (XIX.14). The presentation of European fashion to women living in despotic countries is effective, Montesquieu claims, because this engages the people to change the customs themselves. That is, women themselves are the generators of change in despotic states, and they are sufficiently persuasive or influential to make the men appreciate it. Although he claims that in despotic states women are separated from men and "have no tone to give" (XIX.12), he indicates that women are sufficiently flexible when a legislator gently appeals to female taste and vanity.

Accordingly these commercial peoples are flexible and become homogeneous in their mores insofar as they easily adapt new manners and assume mores that are in accord with commerce of luxury. Not only the ambition to work but also the desire to please is central to commerce of luxury. Most importantly, these commercial peoples exhibit a desire to change their manners *constantly*. Although commercial peoples live in a diversity of political states—despotisms, monarchies, and republics (that are democratic to varying degrees), commercial societies engaging in commerce of luxury must be open to changing their manners constantly.

More specifically, commercial societies with luxury share a capacity to change their manners easily because they are more communicative, and especially more communicative with strangers. If we recall, peoples who live in despotic states tend to be less communicative because each man "exercises and suffers an arbitrary power" (XIX.12), suppressing the possibility of seeing the singularity of individuals. In

Montesquieu's view, commercial peoples change so easily because commercial peoples tend to be visual creatures. Even the mere activity of "people watching" can induce a change in manners: "The more communicative peoples are, the more easily they change their manners because each man is more a spectacle for another; one sees the singularities of individuals better. The climate that makes a nation like to communicate also makes it like to change, and what makes a nation like to change also makes its taste take form" (XIX.8). In this respect, commerce is at odds with the kind of nationalism or republican patriotism of republics that limits communication with strangers. Commerce requires communication not simply among citizens but among different peoples: "The history of commerce is that of communication among peoples. Its greatest events are formed by their various destructions and certain ebbs and flows of population and of devastations" (XXI.5). That is to say, communication for Montesquieu is not a rational exchange of opinions among citizens but a predominantly visual interchange of visible and external manners among diverse groups of peoples. Manners easily change because the most decisive kind of communication in the commercial world is visual: men communicate simply by looking at each other, which in turn modifies manners. Insofar as people communicate through acting as a spectacle for others, they are more likely to change their manners.

Montesquieu's explanation for why these peoples (engaging in commerce of luxury) are more open to change is because their desire to communicate with others is, in fact, rooted in a desire for change. In this respect, these commercial peoples are utterly un-conservative insofar as they not only remain receptive to but actively desire change. As the desire for change and communication cultivates taste in Montesquieu's view, this

suggests that conservatives who resist change ought to lack and deliberately *resist* the cultivation or refinement of taste. Insofar as commerce of luxury depends on the cultivation of taste, commerce (or perhaps the culture of commercial societies) might constrain the possibility of a conservative way of life. Indeed, worldliness in Montesquieu's view is more deeply rooted in what he calls "a taste for the world and above all for commerce with women" (XIX.6). The formation of taste originates in "the society of women" that "spoils mores" (XIX.8). The corruption of mores, commerce with women, and the formation of taste are all necessarily intertwined with commerce of luxury because commerce is ultimately rooted in the "desire to please more than oneself" (XIX.8) resulting in a kind of commercial sociability or a "sociable humor" paradoxically opposed to the individualism generally attributed to early modern liberal thought. When he assesses the advantages and disadvantages of the French way of life, Montesquieu invites us to think about the extent to which the worldliness of commerce of luxury is interchangeable with or inextricably tied up with what he calls French vivacity and a sociable humor:

> May we be left as we are, said a gentleman of a nation closely resembling the one of which we have just given an idea. Nature repairs everything. It has given us a vivacity capable of offending and one apt to make us inconsiderate; the same vivacity is corrected by the politeness it brings us, by inspiring us with a taste for the world and above all for commerce with women.
>
> May we be left as we are. Our discretions joined to our harmlessness make unsuitable such laws as would curb our sociable humor. (XIX.6)

Nature pairs vivacity with politeness and taste so that it remains unclear whether a legislator ought to curb the effects of commerce and luxury.

Moreover, women in these commercial societies are not only flexible but also changeable and inconstant in their manners, resulting in an erosion of sexual difference.

More precisely, in commercial societies, both sexes are so receptive to change that they even become like each other, losing their essence. In countries wherein the two sexes mingle, women's desire to please and men's desire to please prompt one to change manners continually (XIX.12). The sexual homogeneity (between men and women) of commercial societies with luxury results in a kind of despotism insofar as arbitrary standards supplant those of nature: "The two sexes spoil each other [*se gâtent*]; each loses its distinctive and essential quality [*leur qualité distinctive et essentielle*]; arbitrariness is put into what was absolute [*absolu*], and manners change every day" (XIX.12). In commercial societies, the two sexes interact so much that they both lose their essential character. By virtue of merely changing their external conduct, the nature of sexual difference erodes in commercial societies. Whether or not sexual difference is natural, changing manners, albeit outward, causes the two sexes to lose their distinctiveness.

This raises the question of to what extent Montesquieu believes that changing manners and mores will eventually change politics, perhaps even resulting in a homogeneity of political constitutions akin to a liberal universalism (albeit originating in culture). Indeed, he discerns the necessary relation between the mores of women and politics: "This change in the mores of women will no doubt affect [politics] very much. Everything is closely linked together: the despotism of the prince is naturally tied with the servitude of women; the liberty of women, with the spirit of monarchy" (XIX.15). On the one hand, he observes that changing mores will eventually change the constitution; on the other hand, he expresses reservations about simply introducing European mores to the East: "Let us assume for a moment that the fickleness of spirit and indiscretion of our women, what pleases and displeases them, their passions, both great and small, were

transferred to an Eastern government along with the activity and liberty they have among us: what father of a family could be tranquil for a moment? Suspects everywhere, enemies everywhere; the state would be shaken, one would see rivers of blood flowing" (XVI.9). It is not possible, Montesquieu suggests, to change mores in the East without necessarily introducing inconstancy and indiscretion to traditional cultures, religions, and families. It is not even possible to introduce more liberty in despotic states without creating a political revolution leading to violence.

Finally, commerce can homogenize manners and mores despite differences in politics and religion because the flexibility most distinctive to humans in Montesquieu's view is the flexibility of female fertility: "The fertility of female animals is virtually consistent. But in the human species, the way of thinking, character, passions, fantasies, caprices, the idea of preserving one's beauty, the encumbrance of pregnancy, that of a too numerous family, disturb propagation in a thousand ways" (XXIII.1). While it is true that it is possible to censor, police, and restrain mores in accord with a conception of female virtue to encourage early marriage and having a large family, it is also possible to appeal to the female imagination, mind, and passions (including the natural desire to preserve one's beauty) to encourage women to marry later and have fewer children. Female fertility, in contrast to the fertility of non-human animals, is contingent on the passions and ideas of women, as women can choose to marry later and bear (fewer) children in a way that animals cannot.

Although Montesquieu claims that it is dangerous to change the manners and forms that are beloved by the people, he also points to the human tendency to forget oneself, make bad use of the passions, and the natural desire to communicate with, and

especially, please others. The inconstancy of manners in commercial societies with luxury reflects man's particular tendency to forget and become distracted by change and novelty, thus rendering him more susceptible to change.

By overcoming the lack of communication, the separation of the two sexes, and the enclosure of women in illiberal states, commerce of luxury inspires a love of change especially among women through the cultivation of taste and fashion. Vanity is an indispensable passion in Montesquieu's moral economy because women's passions, imagination, and love of beauty render them particularly flexible. Women accordingly play an indispensable role in Montesquieu's new political economy because their "inconstancy" of manners opens the gates for the legislator to introduce new manners.[70] The question for Montesquieu is not the abstract contradiction between commerce and liberty on the one hand and religion on the other but the concrete task of how to best reconcile commerce, liberty, and religion. In the next section, I will show why Montesquieu believes constitutions that do not distinguish among commerce, the family, and politics are governed by "confused" principles and hence, fail to balance liberty and commerce with religion.

[70] If this inconstancy consists in a changeability of fashion and taste, this again invites us to question to what extent the inconstancy of manners can coexist with the constancy that religions might presuppose. Montesquieu's tripartite distinction among laws, manners, and mores suggests that laws and mores are difficult to change; he makes contradictory statements, however, concerning manners. For instance, he repeatedly claims that people are attached less to laws than customs or manners: "Such a people felt tyranny more vividly when a buffoon was driven out than when all their laws were taken from them" (XIX.3). Furthermore, he clarifies that the ancient Roman resistance to monarchy was motivated by a love of their own manners in contradistinction to the manners of African and Eastern peoples. That is, he identifies a resistance among the Romans (and more broadly Europeans) to assume the manners of Africans and Asians.

2.4 THE LIMITS OF FLEXIBILITY AND MONTESQUIEU'S RHETORICAL ATTACK ON SPARTA AND CHINA

In this section, I argue that Montesquieu's peculiar comparison of Sparta and China illuminates the limits of human flexibility. In the previous section, I argued that appealing to honor and vanity, introducing new manners and luxury, and appealing to female agency in respect to childbearing can effect what Montesquieu calls revolutions, not least in despotic states. The introduction of luxury and new manners, however, presupposes a disjunction between manners and mores on the one hand and laws on the other. Stated differently, if there is no "separation" between manners and mores on the one hand and laws on the other, or a separation between the civil and the political, it is not clear how commerce can effect change in such societies. Indeed, it is necessary to separate the political constitution on the one hand and manners and mores (or what we would call the aesthetic and civil on the other) to effect change.

Indeed, this separation is possible because manners and mores are distinct from laws: Manners are exclusively outward, external forms of behavior in Montesquieu's view, whereas mores concern what one owes oneself as a human (rather than what one owes others or one's political community). However, the separation of manners and mores from laws, Montesquieu claims, is incompatible with constitutions lacking a proper separation among laws, manners, and mores. Put differently, political constitutions that do not separate politics from religion and commerce, Montesquieu asserts, are "confused." I argue that Montesquieu asserts that it is necessary to separate manners and mores from laws to illuminate the limits of both the effects of commerce and human

flexibility. Once we see why he recommends separating laws, manners, and mores, we see more clearly why he calls "confused" societies that aim to unify or integrate laws, manners, and mores.

Montesquieu repeatedly emphasizes that legislators must not put "confusion into the principles that should govern men" (XXVI.1). In Book XIX, in a chapter entitled "How some legislators have confused the principles that govern men," Montesquieu compares the confusion of Lycurgus to that of the legislators of China: "Lycurgus made *a single code* for the laws, the mores, and the manners, and the legislators of China did the same" (XIX.16, emphasis added).[71] Manners govern the Chinese, whereas mores set the tone in Lacedaemonia: "Nature and climate almost alone dominate savages; *manners govern the Chinese*; laws tyrannize Japan; *in former times mores set the tone in Lacedaemonia*; in Rome it was set by the maxims of government and the ancient mores" (XIX.16, emphasis added). Chinese manners are contradicted by neither mores nor laws; similarly, neither laws nor manners undermined the mores of Lacedaemonia. This raises the question: What are the correct principles that govern men in Montesquieu's view, and

[71] Before his provocative claim in Book XIX concerning the shared confusion of Lycurgus and the legislators of China, there is even no explicit allusion to both Sparta and China; each constitution is treated as case studies either among other constitutions or exclusively. Previously, the Chinese are briefly compared to the Spanish to illustrate that neither "good" nor "bad" character is sufficient to result in "great goods" (XIX.10). In fact, the earlier comparison Montesquieu makes is between Lycurgus and William Penn, or between Sparta and a Quaker colony: "We can see that which was extraordinary in the Greek institutions in the dregs and corruption of modern times. A legislator, an *honnete homme*, has formed a people in whom integrity seems as natural as bravery was among the Spartans. Mr. Penn is a true Lycurgus; and, though he has had peace for his object as Lycurgus had war, they are alike in the unique path on which they have set their people, in their ascendancy over free men, in the prejudices they have vanquished, and in the passions they have subdued" (IV.6). Despite the difference in the ends or purposes of their political vision, Lycurgus and Penn have successfully created political communities of a freedom that requires the renunciation of prejudices and passions. One difficulty of making sense of this comparison, therefore, lies in putting together this comparative insight in the context of his respective treatments of Sparta and China elsewhere in the text.

why are these principles incompatible with a single, unified code of laws, mores, and manners?[72]

First, Montesquieu distinguishes between the citizen and man, or laws and mores, which is central to Montesquieu's liberalism. Laws concern the citizen, whereas mores concern the man: "The difference between laws and mores is that, while laws regulate the actions of the citizen, mores regulate the actions of the man" (XIX.16). Human laws in Montesquieu's view are distinct from manners, mores, and most importantly, religion. Human laws concern not the highest standards of virtue but "the good": "Human laws enact about the good; religion, about the best" (XXVI.2). The good for Montesquieu is fundamentally different from the best. The primary distinction between laws and mores is that "laws are established" whereas "mores are inspired" (XIX.12). Mores depend on the general spirit of the nation; laws depend on institutions (XIX.12). In fact, those who have mores sometimes do not need laws: "Mores were enough to maintain the fidelity of slaves; they did not have to have laws" (XIV.15). Indeed, preserving good mores dispenses with the need to have extensive laws: "When a people have good mores, laws

[72] In the only study of this perplexing comparison to my knowledge, Diana Schaub argues that Sparta and China are mirror images of each other: "In one sense, Sparta and China are opposites: one disfavors commerce and encourages politics, the other favors commerce and discourages politics. But the differences come down to that between force and fraud… As mirror-images of one another, republics and despotism are fundamentally alike." Indeed, if Sparta mistakes the city for the family, China mistakes the family for the city. In Sparta "one had natural feelings, but was neither child, husband, nor father" (IV.6). In contrast, the Chinese government "should be less a civil government than a domestic government" because the Chinese must work tirelessly to make the lands produce enough to feed themselves (VIII.21). Schaub takes this convergence between republics and despotism further to illuminate the "passion for unification" common to ancient military republics, Asian despotism, and revealed religion: "The ancient republics, revealed religion, and despotism are united in their passion for unification." Indeed, Montesquieu sharply contrasts the glory and honor of monarchy to republican virtue rooted not only in glory but a fear of the enemy: "A certain kind of confidence is the glory and security of a monarchy, but by contrast, a republic must dread something" (VIII.5). While I agree with Schaub that Montesquieu points to an unnatural desire for unity in his presentation of ancient republics, despotisms, and revealed religion, I will argue in the next chapter that Montesquieu conceives of a new political order compatible with a worldly education that modifies mores and manners by creating a civil society in which the two sexes communicate and mingle.

become simple" (XIX.22).[73] For example, laws against corruption multiply once mores are *already* corrupt: "At the time when the mores of the Romans were pure, there was no specific law against embezzlement. When this crime began to appear, it was deemed so infamous that to be condemned to restore what one had taken was regarded as a great penalty: witness the judgment against L. Scipio" (XIX.23). It is only when mores are already corrupt that laws become necessary (*Persian Letters* 60, Letter 14). Accordingly, in a good republic devoted to virtue, mores are necessary above all else, even above laws (XXVI.5).

It is dangerous "to overturn the general spirit" in order to change institutions (XIX.12). Laws are "the particular and precise institutions of the legislators," and mores and manners are "the institutions of the nation in general" (XIX.14). When he talks about the importance of "having" mores, it primarily concerns one's dispositions concerning the proper status of pleasures and pains: "The slaves were the meanest part of the [Roman] nation, but mean as they were, it was good for them to have mores, and further, by denying them marriages, one corrupted the marriages of the citizens" (XIV.12).[74] Indeed, mores by definition concern "how one should enjoy the pleasures associated with the use of one's senses and with corporal union" (XII.4).[75]

[73] Cf. "Mores were enough to maintain the fidelity of slaves; they did not have to have laws" (XIV.15).
[74] In an effort to seize power, it is absolutely necessary not to violate the mores of another nation: "The French were driven out of Italy nine times because, say the historians, they were insolent to women and girls. It is too much for a nation to have to suffer not only the conqueror's pride but also his incontinence; not only both these but also his indiscretion, probably the more trying because it multiplies outrages to infinity" (X.11).[74]
[75] Cf. "Deprivation of the advantages that society has attached to the purity of mores, fines, shame, the constraint to hide oneself, public infamy, and expulsion from the town and from society; finally, all the penalties within the correctional jurisdiction suffice to repress the temerity of the two sexes. Indeed, these things are founded less on wickedness than forgetting or despising oneself" (XII.4).

The primary way Montesquieu distinguishes between manners and mores is that manners are concerned with appearances whereas mores are concerned with internal conduct: "The difference between mores and manners is that the first are more concerned with internal, and the latter external, conduct" (XIX.16). In large, commercial societies, manners of politeness, or perhaps what we today call civility reign: "The more people there are in a nation who need to deal with each other and not cause displeasure, the more politeness there is. But we should be distinguished from barbarous peoples more by the politeness of mores than by that of manners" (XIX.27). In diverse commercial societies, polite *mores*, rather than polite manners, Montesquieu claims, should distinguish the behavior of civilized peoples.

Modern commercial societies demand what Montesquieu calls a necessary contradiction among laws, manners, and mores. The separation of powers necessary to a constitutional, limited government also informs a broader separation of politics not only from the household but from both the economy and religion (or what we now call civil society). The absence of civil society is common to ancient republics and Asian despotisms; a civil society, Montesquieu suggests, excludes the possibility of a harmoniously unmediated union between the family and the city.[76] Commercial societies also tend to have extensive civil laws because "it is the division of lands that principally swells the civil code" (XVIII.13). The absence of the division of lands and private property necessarily means "there will be civil laws;" such non-commercial countries are governed less by laws than mores (XVIII.13).

[76] In contemporary politics, conservatives endorse strengthening civil society because civil society, rather than the state, is the proper domain for private associations and pursuits of common goods.

The necessary separation or disunity among laws, manners, and mores that Montesquieu claims is at the heart of modernity enables us to understand why he surprisingly compares Sparta and China, characterizing their shared passion for unity as "confused:" "Only singular institutions thus confuse laws, mores, and manners, things that are *naturally separate*; but, even though they are separate, they are still closely related" (XIX.21, emphasis added). Sparta and China lack a civil government because everything is either exclusively political (Sparta) or radically domestic (China) in Montesquieu's view. That is, there is no proper separation among the state, family, and economy. In fact, in China there is no separation between family and politics:[77] "This empire is formed on the idea of family government" (XIX.19). In both China and Sparta, the family and city coincide in the spirit of Plato's *Republic*. The modern separation among family, the state, and civil society precludes the possible isolation that characterizes Chinese domestic life: "Each household is a separate empire. Therefore, *education, which comes mainly from living with others,* is quite limited there; it is reduced to putting fear in the heart and in teaching the spirit a few very simple religious principles" (IV.3, emphasis added). Each family lives self-sufficiently, recalling Aristotle's treatment of the distinction between household management and political rule in Book I of the *Politics*. Modern education according to Montesquieu, however, does not culminate in philosophic study or leisure but a worldliness that comes mainly from living with others, e.g. a narrower education in worldly honor. For Montesquieu education in commercial societies with luxury is intrinsically sociable: it consists of learning to live with others.

77 Cf. V.7: Besides the Areopagus, Athens had guardians of the mores and guardians of the laws. In Lacedaemonia all the old men were censors. In Rome, two of the magistrates were the censors.

The equality of ancient military republics limiting ambition and the desire to please, furthermore, is incompatible with a certain kind of liberty that is accompanied by luxury, frank mores, and vanity characteristic of commerce of luxury. As Rasmussen rightly notes, "In [the view of the pragmatic Enlightenment thinkers], participatory republics on the model of ancient Sparta and Rome—the apogee of the civic republican ideal—tend to require a great deal of sacrifice and self-renunciation; to cultivate an excessively militaristic and xenophobic spirit; to rely on slavery in order to afford citizens the time and opportunity to devote themselves whole-heartedly to the republic; and, somewhat ironically, to produce a divided, factious citizenry."[78] Republican virtue, hence, is incompatible with honor (as Montesquieu conceives it), luxury, and liberty, as ancient virtue is directed away from one's own good or happiness and instead towards the good of the political community: "Honor in monarchies is favored by the passions and favors them in turn; but political virtue is a renunciation of oneself, which is always a very painful thing" (IV.5).

Similarly, Chinese morality is incompatible with the passions that commerce of luxury encourages or even presupposes. In a chapter entitled "How this union of religion, laws, mores, and manners was made among the Chinese," Montesquieu argues that a "respect for fathers" lies at the heart of "the general spirit of the nation" of China. Such reverence for fathers necessarily demands honoring dead fathers on the one hand, as well as "old men, teachers, magistrates, and the emperor." In general, the honor for fathers "implies that a love be returned to children and, as a consequence, implies the return of love from the elders to the young people, from the magistrates to those who were subject

[78] Dennis Rasmussen, *The Pragmatic Enlightenment: Recovering the Liberalism of Hume, Smith, Montesquieu, and Voltaire* (Cambridge: Cambridge University Press, 2014), 263.

to them, from the emperor to his subjects" (XIX.19). If we recall, the Chinese empire is "formed on the idea of family government" (XIX.19); hence, both Chinese morality and politics are rooted in paternal authority. If the city supplants the family in the ancient republic, the family supplants, or precludes the possibility of, the city in Asian despotism.[79] The despotic ruler is at once the father and ruler, effectually eliding Aristotle's distinction between household management and political rule.

This lack of separation among laws, manners, and mores hinges on paternal authority, which makes these communities closed, inflexible, and unified. Such communities also tend to be so communitarian and resistant to the kind of pursuit of honor or ambition that Montesquieu finds characteristic of worldly monarchies or other commercial societies engaging in commerce of luxury. The purpose of the laws in China, for instance, is in accord with its manners. Indeed, the purpose of the laws of China, Montesquieu repeatedly emphasizes, is "tranquility" (XIX.16): tranquility in China is "not a peace; it is the silence of the towns that the enemy is ready to occupy" (V.14). This tranquility is different from the tranquility animated by the spirit of commerce, which is closer to peace (XX.2). In contrast, the legislators of China, Montesquieu elaborates, "wanted men to have much *respect* for each other; they wanted each one to feel at every instant that *he owed much to the others*; they wanted every citizen *to depend*, in some respect, on another citizen" (XIX.16, emphasis added). In other words, Chinese

[79] This spirit of unification is not only common to Asian despotisms and ancient republics but also to revealed religions, as Schaub persuasively argues**.** Indeed, Christian morality legislates with a view not to the good but to the best understood as perfect, even resulting in an idea of perfection leading to "a speculative life" distancing itself from the cares and encumbrance of a family, e.g. the class of individuals called to a religious vocation (XXIII.21). Accordingly, Montesquieu contrasts the perfection of Christian virtue to the pragmatic this-worldly moralities common to Sparta and China. Hence, it is not simply that the worldly education of commerce is incompatible with the otherworldly views of revealed religions, but that it is incompatible with even this-worldly understandings of morality (military virtue or Chinese morality).

"confusion" originates in its dependence on paternal authority to cultivate respect among citizens, a sense of obligation to others, and mutual dependence among citizens. Feelings of respect, duty, and dependence form the basis of Chinese governance. In Montesquieu's view, virtue, respect for others, obligation to fellow citizens, and dependence on others are common to illiberal governance (compatible with republicanism yet antithetical to honor and the natural separation of laws, manners, and mores).[80] The laws of China, hence, do not exactly disfavor politics, as Schaub claims, but they disfavor political liberty; respect according to Montesquieu is incompatible with what William Galston calls the liberal virtues of diversity and autonomy.[81]

Accordingly, Chinese morality sustains paternal authority through manners—external practices or forms. Montesquieu calls attention to the indestructibility of Chinese manners, as this supposedly means it is impossible to change Chinese morality: "But in China manners are indestructible. *Not only are the women completely separated from the men there,* but one teaches manners as well as mores in the schools. A lettered person is

[80] The alternative to Montesquieu's solution, i.e. the attempt to separate the spirit of commerce from the mores, is the solution described in Plato's *Republic*, requiring the community of goods, "the respect for the gods, the separation of strangers in order to preserve the mores, and commerce done by the city, not by the citizens" (IV.6). If Nelson is right, Montesquieu advocates such a republic that produces the arts without our luxury and our needs without our desires (IV.6). As Montesquieu emphatically states, however, such institutions are "singular institutions" in the fashion of Lacedaemonia whose principle is "political virtue" not political liberty (IV.7). More importantly, "they can have a place only in a small state, where one can educate the general populace and raise a whole people like a family" (IV.7, emphasis added). In large societies, however, "the number, the variety, the press and the importance of business, the ease of purchases, and the slowness of exchanges, all these require a common measure" (IV.7). At the very least, republics require not only equality as Nelson emphasizes but small fortunes: "As the equality of fortunes sustains frugality, frugality maintains the equality of fortunes. These things, although different, are such that they cannot continue to exist without each other; each is the cause and the effect; if one of them is withdrawn from democracy, the other always follows" (V.6). As he indicates, "equal division of lands" might be impractical and dangerous in some democracies: "One is not always obliged to take extreme courses. If one sees that this division, which should maintain the mores, is not suitable in a democracy, one must have recourse to there means" (V.7). The primary question for Montesquieu is: Is it possible to conceive of a commercial republic sufficiently democratic to cultivate and sustain a love of frugality despite the luxury, liberty, and inequality that commerce of luxury encourages?

[81] William A. Galston, *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*. Cambridge: Cambridge University Press, 1991.

known by his fashion of bowing graciously. These things, once given as precepts by grave scholars, are fixed as principles of morality and *no longer change*" (XIX.13, emphasis added). Chinese morality coincides completely with virtue, since the moral code demands one's one's youth to learn it and then "all of one's life practicing [the code]" By unifying laws, manners, and mores, the Chinese have effectively institutionalized a morality immune to change. The unification of laws, manners, and mores, in other words, effectively preserves a conservative way of life not only for the few but for an entire people. As Chan confirms, "For Confucians, governance must be based on benevolence and a kind of moral cultivation promoted through rites and education."[82] If paternal authority is natural, Chinese rites constantly cultivate, strengthen, and preserve this natural feeling of paternal respect.

Similarly, ancient virtue depends on strict censorship, pure mores, and above all, paternal authority, or more generally, a respect for seniority: "The Romans, who came for the most part from the Latin towns, which were Lacedaemonian colonies, and who had even drawn a part of their laws from these towns, had, like the Lacedaemonians, the respect for old age that gives it all honors and all precedence" (XXIII.21). Ignominy, Montesquieu emphasizes, is considered the greatest misfortune in military republics: "Plato's law was formed along the lines of the institutions of the Lacedaemonians, where the orders of the magistrate were completely absolute, where ignominy was the greatest misfortune, and weakness the greatest crime. Roman law abandoned all these *fine* ideas; it was a fiscal law only" (XXIX.9, emphasis added).

[82] Joseph Chan, *Confucian Perfectionism: A Political Philosophy for Modern Times* (Princeton and Oxford: Princeton University Press, 2014), 191.

In contradistinction to the confusion of Lycurgus, the confusion of the Chinese, Montesquieu argues, is even more extreme. The morality of Asian despotism is even more unified than the ancient military republic: the legislators of China confused "religion, laws, mores, and manners": "*all* was morality, *all* was virtue" (XIX.17, emphasis added). If there is no distinction between domestic governance and political governance, or the family and the city in Sparta, there is no morality distinct from religion in China.[83] The all-encompassing virtue of Chinese morality is not sufficiently flexible to tolerate a discrepancy among religion, laws, mores, and manners. In other words, the unity of moral virtue (in its religious, military, or filial versions) is somehow "unworldly." In contrast to Joseph Chan's recent argument concerning the harmony between Confucian morality and liberalism,[84] no separation between the moral and political, religion or politics, or the good and right *should* exist if we properly understand the necessary conditions for Chinese virtue. The republican unity of virtue is mirrored in the simplicity or uniformity of governance that is central to Montesquieu's conception of despotism. In despotic states, paternal authority, however, does not originate from the republican devotion to virtue but from "despotic ideas" of punishment, e.g. fathers are even punished for the offenses of their children (VI.20).[85] What is more, there is no disjunction between political rulers and moral educators: "The scholars taught them; the magistrates preached them. And, as these rites encompassed all the minor activities of life, China was well governed when a way was found to make them be observed exactly"

[83] The love of pure morality is not particular to the Chinese but is universal: "In order for a religion to attach men to it, it must have pure morality. Men, rascals when taken one by one, are dry honest as a whole; they love morality; and if I were not considering such a serious subject, I would say that this is remarkably clear in the theaters: one is sure to please people by the feelings that morality professes, and one is sure to offend them by those that it disapproves" (XXV.2).
[84] Chan 191.
[85] Wives and children are also punished for the father's disgrace (XII.30).

(XIX.17). As long as a life-long education through cultivating the intellectual faculties, i.e. a specific art of writing, remains unchallenged, it is possible for the state to remain immune to any commercial activity that would introduce new manners and soften its mores.[86]

In this section, I argue that Montesquieu's assertion concerning the natural separation of manners and mores from laws illuminates why a kind of separation or disunity lies at the heart of his understanding of free societies with luxury. Specifically, he rejects ancient military republics and despotisms alike because their conception of virtue is incompatible with the worldliness that upsets the authority of the family, especially that of fathers. While commentators of Montesquieu present his political thought as a defense of virtue or political liberty,[87] his critique of Sparta and China illuminates why modern liberty is at odds with the unity and strength of virtue, as practiced by the ancient Spartans and Chinese alike.[88] Modern liberty generally requires living amidst the contradictions stemming from the "natural separations" of laws, manners, and mores. Without investigating why Montesquieu singles out and attacks the "unity" of laws, manners, mores, and religion common to Sparta and China as fundamentally misguided, we cannot see why a legislator cannot introduce new manners

[86] The morality common to Lacedaemonia and China is contrasted to that of Europe: "Therefore, let us not compare the morality of China with that of Europe. Everyone in China has had to be attentive to what was useful to him; if the rascal has watched over his interests, he who is duped has had to think of his own. In Lacedaemonia, stealing was permitted; in China, deceit is permitted" (XIX.20, emphasis added). Neither republican military virtue nor paternal authority can secure the liberal standard of right because it refuses to be supplanted by the "law" necessary to a constitutional republic. Yet, he emphatically concludes that the legislator's wisdom consists in "confusing all virtues" and that such confusion and mixing led Sparta to "greatness and glory" (IV.6).

[87] While commentators such as Eric Nelson rightly point to Montesquieu's admiration for ancient republican virtue, they ignore Montesquieu's critique of the confusion common to Lycurgus and Confucius.

[88] Cf. The modern commercial republic is a complex combination of expansion and peace: "The spirit of monarchy is war and expansion; the spirit of republics is peace and moderation. The only way these two sorts of governments can continue to exist together in one federal republic is by force" (IX.2).

everywhere. In the next section, I argue that the education of "the world" is more influential in monarchy and its commercial culture than the education one receives in the family or religion because there is a necessary tension between the possibility of the *lasting* authority of fathers (parents) and religious leaders on the one hand and the attractions of worldliness on the other.

2.5 THE DISUNITY OF WORLDLY EDUCATION

In the previous section, I argued that Montesquieu's critique of the passion for unity among ancient republics and despotisms enables us to understand more clearly the challenges of introducing commerce of luxury to these political states, cultures, and even religions that aim to unify laws, manners, and mores. In this section, I argue that in contrast to these moralities animated by a love of unity, commerce of luxury undermines this very unity, as it multiplies desire through the imagination, cultivates honor among men, attaches men to commerce with women, and enlightens women concerning the unique nature of their bodies. Modern commercial societies, hence, become homogenous in their mores by way of what Montesquieu calls the education of the "world" characteristic of commerce of luxury that monarchies presuppose. I argue that this education in worldliness disrupts and even supplants the "unworldly" teachings of the family and religion alike, not because worldliness presupposes new manners and mores incompatible with restraint and constancy but because it contradicts a constancy of manners that pure mores presuppose. Despite differences in family upbringings, religious formations, and even political constitutions, the "world" can sufficiently form

homogeneous modern liberal individuals by constantly introducing new mores constantly. This worldliness upsets what one learns in the family and in religion, Montesquieu claims, because there is a necessary opposition between the worldliness on the one hand and pure mores on the other. The specific source of this tension, I argue, does not originate in commerce simply nor in Christianity, but in the worldliness characteristic of commerce of luxury that demands turning away from pure mores to gentle mores in accord with the liberty of women, luxury, and vanity. By attending to Montesquieu's distinction between commerce of economy and commerce of luxury, I argue that it is possible to recover the possibility of a harmonious coexistence between commerce and Christianity intrinsic to Montesquieu's political philosophy hitherto unexamined.

In studying Montesquieu's political thought, commentators generally identify the following contradictions—that between diversity and justice, liberty and virtue, and modern commerce and ancient republican virtue. According to Montesquieu, however, the contradiction at the heart of modernity, originates in the plurality of educations. In a chapter entitled "The difference in the effect of education among the ancients and among ourselves," Montesquieu claims that the plurality of educations modern peoples receive results in a contradiction that fundamentally distinguishes the moderns from the ancients:

> Most of the ancient peoples lived in governments that had virtue for their principle, and when that virtue was in full force, things were done in those governments that we no longer see and that astonish our small souls.
>
> Their education had another advantage over ours; it was never contradicted. In the last year of his life, Epaminondas said, heard, saw, and did the same things as at the time that he was first instructed.
>
> Today we receive three different or opposing educations: that of our fathers, that of our schoolmasters, and that of the world. What we are told by the last upsets all the ideas of the first two. This comes partly from the opposition

> there is for us between the ties of religion and those of the world, a thing unknown among the ancients. (IV.4)

On the one hand, Montesquieu claims that "for us" moderns, there is an opposition between religion (i.e. Christianity) and the world. As commentators of this passage have pointed out, Christianity creates an opposition between religion and the world, hitherto unknown to the ancient pagan world, resulting in an irreconcilable tension between Christianity and worldliness. Commentators, at least to my knowledge, do not attend to his *other* claim that the world opposes not simply Christianity but more generally, paternal authority. This leads us to conclude, hence, that it is not simply that Christianity is utterly unworldly, but more generally, there is an opposition between worldliness on the one hand and religion and the family (or even non-Christian Eastern cultures rooted in paternal authority) on the other. Finally, this invites us to consider the possibility that commerce (of economy) that does not depend on a worldly education would be compatible with communities that reject worldly honor and cultures rooted in paternal authority.

Indeed, the education of the world (*du monde*) in modernity opposes the education we receive from our fathers and from our schoolmasters in Montesquieu's view. Moral virtue properly understood only survives in governments that have virtue as their principle. The "full force" (*dans sa force*) of ancient virtue, hence, astonishes our small souls. The strength of ancient deeds originates, Montesquieu claims, from the *unchallenged* unity of their virtue in the course of an entire lifetime: it was possible for Epaminondas to say, hear, see, and do the same things at the last year of his life as his first. This suggests that modern Christians cannot live in the world without having their

conceptions of virtue or way of life challenged. This raises the question, "What precisely is it that challenges the unity of Christian virtue?"

Although standard readings attribute Christianity as the cause of the opposition between the world and religion, Montesquieu speaks here of three distinct sources of moral authority in modernity: fathers, schoolmasters, and the world. As Shklar observes, "Montesquieu's *three* educations were not synchronized (emphasis added)."[89] This raises the possibility that the opposition between the religion and the world does not neatly coincide with the more general opposition between the world on the one hand and the family and religion on the other. This raises the questions: Why does modernity necessarily suffer from an opposition between the teachings common to fathers and schoolmasters on the one hand and that of the world on the other? Put differently, if paternal authority for Montesquieu is natural, why is the authority of modern fathers necessarily supplanted by the "authority" of the modern world? Finally, supposing that Christianity necessarily engenders a tension between religion and worldliness, what is the precise character of this contradiction in Montesquieu's view?[90]

That the education of the world contradicts the authority of modern fathers is especially perplexing, as both paternal authority and commerce in Montesquieu's view are natural. As I elaborated in the previous chapter, commerce is natural insofar as it wanders across the earth until it can finally breathe and flourish: "Commerce, sometimes, destroyed by conquerors, sometimes hampered by monarchs, wanders across the earth,

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[89] Judith N. Shklar *Montesquieu*. Oxford: Oxford University Press, 1987, 109.

[90] Elsewhere in *The Spirit of the Laws* Montesquieu indicates that in the ancient world, the primary contradiction is one between the family and the city: "…There is a tension between and "the attachment to a family and cares of a household" and the military spirit (XVI.5). But it is not clear why there is a necessary tension between the family and commerce. If the worldliness of modern commercial societies is necessary to the universalization of commerce of luxury, this invites us to wonder why the education of the "world" necessarily contradicts the education one receives in the family.

flees from where it is oppressed, and remains where it is left to breathe: it reigns today where one used to see only deserted places, seas, and rocks; there where it used to reign are now only deserted places" (XXI.5).[91] Indeed, Montesquieu explicitly claims that monarchs often constrain the flourishing of commerce with their policies. Conquerors and monarchs alike destroy and constrain commerce respectively. If commerce in general is natural, this invites us to consider whether a *specific* kind of commerce, namely the commerce of luxury engaged in by monarchs, is incompatible with paternal and ecclesial authority alike.

When Montesquieu describes the passion of honor animating monarchy, it becomes clear why the worldliness of monarchy usurps paternal and religious authority. First, honor is in opposition to the family and religion because it is fundamentally individualistic. In contrast to virtue that demands self-sacrifice and repression of the individual, honor stubbornly prefers oneself to others. Paradoxically, the inflexibility of honor originates in its principled attachment to itself: honor has "laws and rules and is incapable of yielding, as it depends on its *own caprice* and not on that of another, honor can be found only in states whose constitution is fixed and whose laws are certain" (III.8, emphasis added).[92] Honor cannot be the predominant passion in republics insofar as the worldly ambition of individuals is in tension with the self-sacrifice presupposed by the

[91] In *Mes Pensées* Montesquieu connects lassitude with unhappiness, identifying "two types of unhappy people:" "the lassitude of soul and the opposite, impatience" (*Mes Pensées* 30). In contrast to the extremes of servitude or the spirit of conquest, the nomadic pursuits and risks of commerce, however, promises a life of possibilities and delights: "But the simple desire to make a fortune, far from making us unhappy, is, on the contrary, a game that delights us with a thousand hopes. A thousand routes seem to lead us there, and scarcely is one closed off before another seems to open up" (*Mes Pensées* 30).

[92] Nonetheless, despite its self-referential character, honor in Montesquieu's view can take the place of political and moral virtue; it can even "inspire the finest actions" (III.6). Although "ambition is pernicious in a republic," it "has good effects in monarchy; it gives life to that government; and it has this advantage, that it is not dangerous because it can constantly be repressed" (III.7).

common good and political virtue of republics. In despotic states the seeds of honor generally cannot even be sown, as fear is deployed to suppress ambition and despotic states lack a fixed constitution. The rule of law in Montesquieu's view is the necessary condition for the pursuit of honor.

Secondly, the world undermines the authority of fathers and schoolmasters insofar as worldly ambition is at odds with families and religions that depart from modern autonomy. The world of honor makes it impossible to sustain paternal authority, for the honor animating monarchies explicitly dispenses with paternal authority: "In monarchies the principal education is not in the public institutions where children are instructed; in a way, education begins when one enters the world" (IV.2). If military republics and despotisms require public education and ignorance of the world respectively (to support the laws and mores necessary for the unity common to their constitutions), monarchies rely on the education one receives by entering "the world," which demands a departure from one's family and religion. Here it is necessary to note that it is *not* the case that there is simply a tension between worldly ambition on the one hand and family and religion on the other; instead, the education of the world prevailing in monarchies engaging in commerce of luxury supplants the education one receives in the family and religion. Hence, if it were possible to preserve the most important core of one's moral upbringing informed by one's family and religion when one enters "the world," one could not exactly circumvent yet remain steadfast in confronting the opposition between worldliness on the one hand and family and religion on the other. In addition, it is possible that economic commerce does not necessarily result in an opposition between worldliness on the one hand and family and religion on the other.

By rejecting a version of honor upholding paternal authority, Montesquieu conceives of a version of honor more compatible with the worldly manners and mores of commerce undermining the authority of modern fathers. Honor in this less noble modern reincarnation, as Krause has shown, is closer to ambition: "The heart of honor in Montesquieu is principled desire, or ambition (*l'ambition*), defined as "the desire to do great things."[93] That is, Montesquieu rejects the traditional version of honor generally associated with military constitutions and Chinese morality honoring fathers, the elderly, and the dead. Following Machiavelli, he separates "political virtue" from moral or Christian virtue, also stipulating that "honor is the spring that makes monarchy move" (xli).[94] The honor of European monarchy is also incompatible with punishment, which from the perspective of honor is "giving offense": "This is why the genius of the Tartar or Getae nation has always been similar as that of the empires of Asia…what the peoples of Asia have always called punishment, the peoples of Europe have always called gross offense" (XVII.5).[95] The honor of European monarchy, hence, is fundamentally different from ancient military virtue or Chinese honor and is more akin to pride or Aristotelian magnanimity .

The education of the world aims to ennoble the virtues, embolden mores, and polish manners: "The world is the school of what is called honor, the universal master that should everywhere guide us. Here, one sees and always hears three things that a certain nobility must be put in the virtues, a certain frankness in the mores, and a certain

[93] Sharon R. Krause, *Liberalism with Honor* (Cambridge and London: Harvard University Press, 2002), 43.
[94] See Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge: Cambridge University Press, 2004) for a different interpretation of the relation between political and moral virtue in Montesquieu's thought.
[95] In contrasting despotism to moderate states, he claims that "in despotic countries one is so unhappy that one fears death more than one cherishes life" whereas "in moderate states one fears the loss of life more than one dreads death as such" (VI.9).

politeness in the manners" (IV.2). Noble virtues and polite manners are not animated by a love of the good or even a kind of consideration of others but the elevation of the self. Similarly, frank mores reflect a desire to call attention to oneself rather than aiming to conceal one's vices. In distinguishing politeness from civility, Montesquieu claims that politeness characterizes corrupt societies insofar as politeness originates in a lack of self-restraint and the absence of shame concerning the transparency of one's vices. Politeness is generally the mode of despotism or monarchy rather than that of republics: "The epoch of Roman politeness is the same as that of the establishment of arbitrary power. Absolute government produces idleness, and idleness gives birth to politeness" (XIX.27). As I mentioned in the previous section, in large, commercial societies, for instance, manners of politeness, or perhaps what we today call a civility akin to political correctness reign (XIX.27). Indeed, Montesquieu even claims that French politeness is what attract foreigners to France (XIX.5). Politeness aims to please, as politeness tends to accompany frivolity, taste, expenditure, and idleness (XIX.27). In England, for instance, as one is occupied with one's interests, there is no politeness that is founded on idleness, as citizens simply have no time for it (XIX.27).

The manners and mores of commerce of luxury oppose the pure mores cultivated in traditional families, orthodox religions, and political states whose constitutions rely on pure mores, i.e. ancient military republics and despotisms. Indeed, the mores proper to ancient republics and despotisms are pure, restrained, and unfree. Paternal authority in monarchies is undermined not only by a worldliness that encourages honor, ambition, a desire to see great objects but also by frank mores that are "soft," gentle, and free. This raises the question: To what extent does commerce necessarily presuppose a kind of

worldly ambition or honor that is necessarily incompatible with the paternal authority common to religion and the family?

2.6 THE NATURE OF HUMAN DEPENDENCE AND PATERNAL AUTHORITY

In this section, I argue that there is an apparent tension between commerce and religion because it is no longer possible for fathers to pass on their passions, art, and knowledge in free societies engaging specifically in commerce of luxury. This is problematic because on the one hand, humans, in contradistinction to other animals, necessarily remain dependent on their parents for a protracted period of time. This in turn authorizes fathers to nourish, educate, guide, and marry off their children. On the other hand, the fathers of modernity in Montesquieu's view lack the very desire to seek immortality in their children, and more precisely, pass on their knowledge and passions, to their children. If the perpetuation of any republic decisively depends on the paternal desire to cultivate love of country and love of virtue in their children, the republic cannot survive in modernity without the institutions and religions that support the nature of paternal authority and human dependence.

Montesquieu boldly claims that the fathers of modernity are themselves corrupted insofar as they are specifically unable to pass on their passions to their children. For a republic to survive, it is especially necessary for fathers to pass on their love of virtue and love of the homeland to their children: "Therefore, in a republic, *everything depends on establishing this love*, and education should attend to inspiring it. But there is a sure way

for children to have it; it is for the fathers themselves to have it" (IV.5, emphasis added). If the primary purpose of paternal authority is to shape the passions or aims of their children by directing them to the love of virtue and love of country, it seems necessary for fathers not only to possess this virtue but also to understand this to be their primary virtue or purpose *qua* fathers. Montesquieu invites us to question whether corruption consists not simply in the loss of virtue (love of homeland) but in the self-forgetting of their central responsibility as fathers: "It is not young people who degenerate; they are ruined only when grown men *have already been corrupted*" (IV.5). Paternal authority in republics is not simply rooted in the possession of virtue (love of the homeland) but in a father's knowledge that his primary responsibility is to preserve and pass on the love of the republic and love of virtue to his children. If fathers or parents fail to pass on their knowledge and passions to their children, their education at home cannot withstand the force of the world (IV.5), which implies that effectual, "uncorrupted" fathers in Montesquieu's view must possess a kind of aristocratic or conservative outlook concerning the desirability of preserving their knowledge and passions in their progeny.

In his investigation into the nature of paternal authority, Montesquieu presents man not as an autonomous individual but as a dependent, needy, and vulnerable part of the family. For example, Montesquieu argues that marriage is rooted in a father's responsibility to provide for his children: "The natural obligation of the father to nourish his children has established marriage, which declares the one who should fulfill this obligation" (XXIII.2).[96] The integrity of the institutions of marriage and the family, hence, assumes what Montesquieu calls "good mores"; among peoples with good mores,

[96] See XXVI.5 where Montesquieu repeats again the father's "natural obligation."

"the father is the one whom the laws in the ceremony of marriage declare to be such because they find in him the person they seek" (XXIII.2).[97] That is, good mores ought to declare formally fathers in matrimonial ceremonies. Among animals the mother, without the assistance of the father, can meet this obligation to nourish and raise her offspring (XXIII.2). Although Montesquieu explicitly states that nature "has given milk to mothers" (XV.2), he claims that human mothers are dependent on fathers to nourish and raise children. Hence, human coupling is natural in the narrow sense insofar as a mother cannot nourish and raise children without the assistance of the father. As Schaub has argued, Montesquieu departs from the lens of the individual characteristic of his early modern predecessors such as Hobbes and Locke and instead recovers the nature of human coupling. Whereas Schaub emphasizes the erotic character of Montesquieu's liberalism, Montesquieu also points to the necessity of human coupling with a view to parenting: mothers cannot sufficiently nourish and raise their children without the assistance of fathers. If Montesquieu defends paternal authority, he does so with a view to his moral vision of the family consisting of humans as dependent beings with needs.

Montesquieu's moral vision of fathers is also rooted in the radical dependence of the cultivation of human reason and self-rule: in humans, "the obligation is much broader among men: their children partake of reason, but it comes to them by degrees; it is not enough to nourish them, they must also be guided; even when they can sustain their lives, they cannot govern themselves" (XXIII.2, emphasis added). Human reason, especially given the gradual process of its acquisition, requires proper paternal guidance and

[97] Cf. Illicit unions contribute little to the propagation of the species. In them the father, whose natural obligation is to nourish and raise the children, is not fixed, and the mother, on whom the obligation falls, meets thousands of obstacles: in shame, in remorse, in the constraints her sex imposes, in the rigor of the laws, and she generally lacks means of support" (XXIII.2).

governance. Paternal authority rests not only on the premise that children are imperfectly irrational or unable to govern themselves (Montesquieu at one point even asserts that their "age keeps them in a state of ignorance" and their "passions keep them in a state of drunkenness" (XXIII.7)[98] but also because reason and the gradual character of its acquisition render children in their ignorance even more dependent.[99] The natural right of fathers over mothers, hence, is in accord not simply with good mores but also in accord with reason: "Reason dictates that children follow the condition of the father when there is a marriage, and when there is no father, they can only be the concern of the mother" (XXIII.3).[100] If the father's obligation to nourish the children is in accord with human nature (i.e. the dependence of mothers on fathers), his obligation to educate the children is in accord with reason (i.e. the dependence of children on paternal reason and guidance). Again, good mores (in contradistinction to the frank mores of monarchy and more generally, commercial societies with luxury) should privilege paternal authority to oversee the children's acquisition and cultivation of reason.

Secondly, although he argues against early marriage among girls and sexual despotism, Montesquieu insists that a father's duty and interest in marrying off his children is rooted in the natural right of property: "The consent of fathers is founded on their power, that is, on their right of property" (XXIII.7). A father's "right of property" is the natural basis for his authority over marriage, as fathers are generally expected to "give dowries to their daughters" (XXI.21). When mores remain uncorrupted, fathers do

[98] Montesquieu even calls childhood a "continuous illness:" "How could they raise creatures who are in that continuous illness which is childhood" (XXIII.11).
[99] Because Montesquieu attributes reason and strength to men, and charms to women, he does not seem to believe that it is at all natural for mothers to give their children an education rooted in reason.
[100] If girls were educated as mothers capable of guiding and governing them, however, this would not only weaken paternal authority but equally connect marriage to mothers as well as fathers.

not even distinguish between their property and family, which suggests that in republics without luxury, there is no distinction between the family and property. It is only when luxury is introduced that fathers distinguish between their property and family, even abandoning their obligation to marry their daughters off. When the Julian laws were established in Rome to encourage marriage, for example, the laws ensured that "fathers who did not want to marry their children or give dowries to their daughters were constrained to do so by magistrates" (XXIII.21). In contrast, marriages are costly in monarchies, which discourages not only fathers from fulfilling their obligation to marry their daughters but also generally dampens male desire to marry (XXIII.9).

In governments with uncorrupted mores in accord with nature (or more precisely, the nature of paternal authority), paternal prudence concerning procuring heirs for their children is *always* unmatched, Montesquieu claims, by any other prudence. Such prudence even transcends self-interest narrowly understood, as a father's natural idea of his immortality is tied up with his heirs, or even his children's spouses, rather than his own: "But in ordinary institutions, it is for the fathers to marry their children; their prudence in this regard will always be greater than any other prudence. Nature gives fathers a desire to procure heirs for their children, which they scarcely feel for themselves; in the various degrees of primogeniture, they see themselves gradually advancing toward the future" (XXIII.7).[101] If women in Montesquieu's view are animated by their caprices, passions, and fantasies concerning the natural desire to preserve their beauty (XXIII.1), men, specifically fathers, are animated by their natural desire for self-

[101] Inheritance, however, should be regulated by society: "Natural law orders fathers to feed their children, but it does not oblige them to make them their heirs. The division of goods, laws concerning this division, inheritances after the death of the one who made this division, all this can only be regulated by the society and consequently, by political and civil laws" (XXVI.6).

advancement, broadly construed to include their immortality.[102] Paternal authority is rooted in the noble insofar as a father's desire for immortality is intertwined with a desire to exercise their prudence concerning the marriage of their children. Contra Locke, Montesquieu does not strictly deny the natural human longing for immorality.[103]

While the father's natural right to marry off his children is rooted in his superior prudence animated by a desire for immortality, the general authority of parents (fathers and mothers) concerning marriage of their children is rooted in the preservation of modesty, or the preservation of pure mores. Specifically, parental authority concerning marriage is naturally rooted again in the inescapable dependence of human bodies: Female bodies and minds take years to mature before girls are ready to marry. Hence, laws should constrain the freedom to marry: "Much has been said of a law in England that let a seven-year-old girl choose her husband. This law was outrageous in two ways; it had regard neither for the time set by nature for the maturation of the spirit nor for the time it sets for the maturation" (XXVI.3). The female body, like the acquisition of (male)

[102] This paternal desire for self-advancement, however, becomes complicated with the Christian lens of celibacy, as daughters have an alternative choice to marriage. The legal establishment of celibacy in Montesquieu's view should strengthen paternal authority over marriage. The possibility of female monastic celibacy offers a viable alternative to marriage and should make laws ordering daughters to await the consent of their fathers for marriage more "suitable" (XXIII.8). In contrast, such a law is less suitable, Montesquieu hypothesizes, in England where "daughters often abuse the law in order to marry according to their fancy without consulting their parents" and "monastic celibacy" is not established by law (XXIII.8). Finally, "the usage in Italy and Spain would be the least reasonable in respect to this idea; monasticism is established there, and one can marry without the fathers' consent" (XXIII.8). The natural relation between paternal authority and female modesty is complicated by religion, as monasticism weakens paternalism even though religion strengthens marriage.

[103] Despotisms and republics, however, deprive or suppress this natural paternal desire by depending on censors to regulate marriages among citizens. In small republics or in singular institutions (e.g. Lacedaemonia), however, censors or assigned seniors supplant the nature of paternal duty by inspecting marriages between the children of citizens—"a thing nature had already assigned to fathers" (XXIII.7). Republican virtue can demand that virtue surpass the natural right of paternal love: "The love of the public good can be such that it equals or surpasses any other love. This is why Plato wanted magistrates to regulate marriages; this is why the Lacedaemonian magistrates directed them" (XXIII.7). Although nature according to Montesquieu assigns prudence concerning marriages to fathers, the love of the republic or the fear of the despot constrains the nature of paternal obligation and affection.

reason, matures gradually. The extremely long dependence of children on parents distinctive to humans (XXI.21) constrains the freedom to marry and upholds paternal authority.

If human reason legitimizes the natural right of fathers in order to impart reason to their children, the nature of female modesty also justifies parental authority over the marriage of their daughters. The father, hence, has a natural duty to preserve modesty within his house:

> It has always been natural for fathers to watch over the modesty of their children. As fathers are charged with the care of settling them in life, they have had to preserve in them both the most perfect body and the least corrupt soul: all that can better inspire desires and all that most properly produces tenderness. Fathers, ever occupied in preserving the mores of their children, should be at a distance that is natural from everything that could corrupt them. (XXVI.14)

The tension that Montesquieu confronts is that parents are the natural guardians of their children's mores (up to a point) but marriage also should be the freest action in the world (XXIII.8). In addition to the fact that the fathers of modernity are corrupted, the world of honor cultivates a version of female freedom in accord with frank mores (rather than in accord with pure or good mores).

The opposition between the religion and the world for Montesquieu cannot simply be resolved by or even understood in terms of the separation of Caesar from God, or politics from religion. Montesquieu does not speak of the separation of Church and State but the fundamental tension between religion and "the world." In evoking "the world" as the primary educator of monarchy, Montesquieu calls attention to the ways in which the worldliness of monarchy necessarily contradicts the educations one receives in the family and in religion. As Montesquieu asserts that modern fathers are particularly impotent in

effectively forming their children, this raises the deeper question of why the fathers of modernity in Montesquieu's view have forgotten the natural desire to pass on their knowledge, passions, and art to their children, assuming this desire is, indeed, natural. The smallness of modern souls originates not simply in their disunity—that the education we receive in the family is contradicted by the education of the world by hearing contradictory things during the entirety of our lives. On the other hand, the smallness of modern souls also originates in the "corruption" or self-forgetting of fathers in monarchies who are moved by ambition. In other words, the extreme liberty of monarchy inhibits any paternal longing among fathers to pass on their passions, knowledge, and art to their children.[104]

Political and civil governance, or more specifically, the separation between state and civil society, however, is only possible when paternal authority is effectively undermined or even contradicted. The idea of family government means that manners and mores will not contradict laws, which enables a unity of outward forms and inner feeling or subjectivity: "It is quite *indifferent* in itself whether a daughter-in-law gets up every morning to perform such and such duties for a mother-in-law; but if one notes that these external practices constantly call one back to a feeling, which it is necessary to impress on all hearts, and which comes from all hearts to form the spirit that governs the empire, one will see that it is necessary for a certain particular action to be performed" (XIX.19, emphasis added). Montesquieu believes it is possible to separate manners and mores from laws, or give people new manners because although manners appear to be

[104] As monarchy cannot exist without aristocracy, this raises the question of why fathers in monarchies lack the desire to pass on their knowledge, passions, and arts to their children.

indifferent or fungible in respect to their "content," as they are external forms, but observing manners consistently cultivates feelings and makes an impression on all hearts. Forms, in other words, generate inner or psychic content. Although manners appear simply formal, it is necessary to perform manners consistently to cultivate the feelings and spirit in accord with the political state.

The manners of commerce of luxury, in contrast to the manners of republican and despotic states, are necessarily inconstant. The manners of commerce of luxury, hence, are anti-conservative insofar as they change daily, inspiring a love of change. The morality of commercial societies engaging in commerce of luxury excludes the possibility of a version of virtue that unifies one's habits and sense of purpose in the political, domestic, civil (including economic) spheres. Worldliness is less a corruption than the assumption of an alternative perspective (that of individual ambition and honor) that is distinct from that of religion or even politics. This raises the possibility that manners in commercial societies with luxury *must* be inconstant because the inconstancy inspires a feeling of restlessness necessary to industriousness, ambition, and love of change. Hence, one question that Montesquieu's political and economic thought raises is whether the constantly changing manners results in an inconstancy that is still compatible with the constancy that moral seriousness presupposes (at least among exceptional individuals or outstanding traditional communities that choose to engage in commerce of economy rather than commerce of luxury).

In his critique of China and Sparta, Montesquieu also points to the importance of paternal authority for political and filial virtue. Montesquieu identifies paternal authority as *the* principle of illiberal governance. It is the common mechanism to cultivate fear in

despotisms, virtue in republics, and obedience in orthodox religions. Manners are necessarily used to cultivate and reinforce the necessary feelings, sensibilities, and habits in accord with moral principles, and the morality common to traditional families and religions is not simply "otherworldly" but decisively set apart from and immune to worldliness. Commerce of luxury is at odds with paternal authority because it invites one (especially fathers) to pursue honor and live for oneself. Yet commerce is not simply individualistic—indeed, commerce of luxury demands a taste for the world, commerce with women, and a kind of distinction akin to prestige, rendering one dependent on social conventions and standards. More precisely, the *education* of monarchy is deeply individualistic not because it is an individualistic education (the cultivation of honor requires learning to live with others and navigating the norms and constraints of society) but insofar as the moral authority of "the world" opposes paternal authority or the enduring authority of the family, as it habituates and encourages one to prefer oneself to others. As despotism appeals to the principle of paternal authority by integrating politics, the family, and religion, worldliness necessarily competes with the enduring authority of fathers.

2.7 CONCLUSION

When we think of "the celebrated Montesquieu" of *The Federalists*, we generally think of the separation of powers that consists of sharing powers among the executive, legislative, and judicial branches. In Montesquieu's unexpected comparison of Sparta to China, Montesquieu formulates an alternative version of the correct principles of governance: specifically, he speaks in the language of laws, manners, and mores, and

asserts that there should be no single code unifying laws with manners and mores. This separation of the conventions (laws and manners) from nature (mores) is not only natural but also necessary because commerce in its broadest sense softens mores by introducing new mores.

Mores range from "pure" and "good" to gentle (sweet, soft) and frank. If mores for Montesquieu originate in nature, manners are exclusively conventional; moreover, laws concern citizens, whereas mores concern humans. If a people have sufficiently good mores (by nature), laws are unnecessary. If laws are not simply universal but also particular to the climate, history, religion, and culture of a people, laws are less flexible than mores, as mores are softened by commerce. This would seem to imply that mores are universal, but Montesquieu also speaks of the way in which peoples are attached to the particular character of their own manners (cultural or national) (XIX.3), which suggests that mores are also partly conventional insofar as manners and mores are inextricably intertwined. In contradistinction to manners to which people are attached simply because they are their own, the "inner" or psychic dimension of mores renders them more susceptible to change.

The teachings of fathers and schoolmasters in Montesquieu's view can only remain unchallenged in political states wherein the family and religion coexist in unity in isolation of or the absence of the "world." Specifically, the education common to the family and religion must not be challenged by "the world," i.e. individual honor and ambition. The unity of virtue, in other words, is possible only in commercial societies wherein a separation between the state and civil society, or what Rousseau calls the separation between a private economy and public economy, does not exist. The absence

of commerce (i.e. the absence of what we now call the economy or civil society) is the necessary condition for not only a harmonious coexistence between the family and religion but also for the preservation of paternal authority in accord with good, pure mores.

In monarchy, the world contradicts the authority of both the family and religion insofar as it increases liberty to loosen pure mores. If the lens of honor is the spring of monarchy, honor supplants the father's natural right to educate his children (through an entire lifetime), as the gentle, frank mores of monarchy weaken the natural right of fathers to preserve good mores.[105] In contrast to republics wherein fathers are animated by a love of the homeland and a desire to pass on this passion to their children, men in monarchies are attached instead to honor and commerce with women. Accordingly, the honor of monarchy and its worldly education make impossible, in Montesquieu's view, a conception of virtue rooted in the preservation of pure mores. In contrast to Rousseau who assigns the power not to old men but the people in his new understanding of a democratic republic, Montesquieu upholds neither paternal authority nor the people as a guiding source for his new commercial republic and instead espouses a constitutionalism to secure equality before the law.

In this chapter, I argue that commerce is revolutionary in Montesquieu's view not because it leads to a universalization of a political good (e.g. political liberty) or a universal religion but specifically because it gives us *new* manners and softens mores to replace more traditional mores and manners reinforcing these mores. By illuminating the worldliness of commerce (or at least the commerce founded on luxury), Montesquieu

[105] Indeed, military republics, despotisms, and traditional religions all aim to preserve pure mores, albeit for different purposes.

shows how commerce itself is an educator of all modern peoples who live in free societies with luxury. Worldliness appeals to "self-preservation" broadly understood: it appeals to the male desire to preserve "honor" (to pursue their desire for advancement and immorality) and the female desire to preserve beauty. However, it generally contradicts the education one receives in the family prior to entering the "world." This raises the following questions, which the next chapter will investigate: Why is there a necessary contradiction between the family and religion on the one hand and the worldliness of commerce on the other in Montesquieu's view, and to what extent is this intertwined with his idea of "a kind of equality between the two sexes"? If the worldliness of commerce only characterizes the commerce of luxury and not the commerce of economy that commercial republics (such as England, Holland, and Marseilles) practice, to what extent is commerce of economy compatible with otherworldly commitments, not least a way of life devoted to Christian holiness?

THE LUXURY OF "COMMERCE WITH WOMEN": MONTESQUIEU ON "A KIND OF EQUALITY BETWEEN THE TWO SEXES"

3.1 INTRODUCTION

In the Preface to *The Spirit of the Laws* Montesquieu boldly declares that he has a new morality for modernity: "I have had new ideas; new words have had to be found or new meanings given to old ones. Those who have not understood this have made me say absurdities that would be outrageous in every country in the world, because in every country in the world *morality is desired*" (xli, emphasis added). We moderns are different from the ancients on account of "the lack of knowledge that has since been gained about commerce" (XXI.24). Indeed, the new morality for modernity originates in our knowledge concerning commerce. As I argued in the previous chapter, Montesquieu attempts to combine a political particularism with a universal homogeneity accompanying commerce: on the one hand, he defends the diversity of political goods because he does not believe that it is possible to universalize political liberty given differences in climate, culture, religion, and political history. On the other hand, commerce of luxury can introduce *more* liberty (broadly construed) almost everywhere by appealing to honor and vanity and soften mores (almost) everywhere. In light of this human flexibility, it is possible for laws and institutions to cultivate a sense of honor rewarding industriousness and productivity. I also argued that Montesquieu elevates vanity by opposing vanity to arrogance: vanity is instrumentally good insofar as it inspires industriousness, whereas arrogance results in laziness. Vanity is also necessary in order to introduce new manners and soften mores.

In this chapter, I focus on the significance of vanity for women in commercial societies with luxury. I argue that in contrast to Rousseau who condemns luxury and vanity, Montesquieu defends vanity because he believes that luxury and vanity are necessary to attach men to "commerce with women," and more importantly, to introduce equality between the two sexes. Luxury necessarily accompanies "commerce with women" because mores in free societies with luxury hinge on what Montesquieu calls the illusions and accessories of love.[106] Hence, it is not surprising that in contradistinction to Rousseau and the ancients, Montesquieu presents luxury of commerce in a favorable light: luxury awakens the imagination to attach men to "commerce with women" to engender a new kind of happiness. Although it is possible to view *both* women and material objects as luxury goods, the commercial culture of monarchies necessarily privileges female liberty. While commentators do not connect Montesquieu's claims concerning the European origins of monogamy to his treatment of commerce,[107] there is a necessary convergence among European monogamy, the luxury of monarchy, and as we will see, "a kind of equality between the two sexes" in Montesquieu's political economy. As Diana Schaub has argued, "According to Montesquieu, man is not a solitary being, but a coupling being. . .Montesquieu's treatment of women is considerably more complex: more aware of the pivotal role of women more appreciative of sexual differences, and at the same time more impressed with the difficulties of harmonizing the domestic and political realms."[2]

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[106] Polygamy prevailed as an "accidental necessity," for instance, among the ancient Germans, who took multiple wives not because they viewed their wives as objects of luxury but because they considered this necessary to mark their nobility, so to speak; in contrast to the Asians who view their multiple wives as objects of luxury, the Germans view their wives as symbols of rank (XVIII.24). The inequality of aristocratic cultures without luxury leads to the multiplication of wives as objects to mark status.
[107] See Thomas Pangle, *The Theological Basis of Liberal Modernity in Montesquieu's* Spirit of the Laws (Chicago: University of Chicago Press, 2010).

3.2 MONTESQUIEU'S CRITIQUE OF LUXURY?

In his study of Montesquieu's appraisal of the Greek republics, Nelson argues that despite Montesquieu's treatment of the diversity of climates and political states, moral laws originating in nature still have an objective status in his thought.[108] Attentive to the peculiar treatment of Plato in *The Spirit of the Laws*, Nelson argues that "the central problem for republics is luxury, the existence of disproportionate wealth."[109] Indeed, in the foreword to *The Spirit of the Laws* Montesquieu emphatically states that what he calls "virtue in a republic is love of the homeland, that is, love of equality" (xli). According to Nelson Montesquieu sees Plato's philosophy as the operational principles of Greek republics, e.g. Sparta (170) and the moderate proposal of the *Laws* in which private property is not abolished but intricately regulated to equalize holdings.[110] In Nelson's view Montesquieu emerges as a participatory republican and admirer of Sparta much closer to a thinker such as Rousseau. In this section, I investigate Montesquieu's treatment of the status of luxury in republics in order to call into question whether Montesquieu really believed that nothing could remedy the pernicious effects of luxury in republics.

First, it is true that the "perfect" or "excellent" republic cannot have any luxury: "I have just said that in republics where wealth is equally divided, *there can be no luxury*; and, as one has seen in Book 5 that this equality of distribution made the excellence of a

[108] Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge: Cambridge University Press, 2004).
[109] Nelson 172.
[110] Nelson 172.

republic, it follows that the less luxury there is in a republic, the more perfect it is. There was none among the first Romans; there was none among the Lacedaemonians; and in republics where equality is not altogether lost, the spirit of commerce, of work, and of virtue makes each one there able and willing to live from his own goods; consequently, there is little luxury" (VII.2, emphasis added).[111] The absence of luxury sustains an appetite for work and self-sufficiency, which is necessary for the perfection of republican virtue. If liberty is at odds with equality, luxury is at odds with equality of fortune: "Luxury is always proportionate to the inequality of fortunes. If wealth is equally divided in a state, there will be no luxury, for luxury is founded only on the comforts that one can give oneself from the work of others" (VII.1).[112] If the perfection of republics excludes luxury, it is possible that the excellence of Montesquieu's new commercial republic aims to transform its virtue to accommodate luxury.[113]

Secondly, the laws of republics focus on giving citizens "only the physical necessities" to secure the necessary conditions for glory. Obtaining more than what one needs turns citizens away from glory towards acquisitiveness: "if men have more than [only the physical necessities], some will spend, others will acquire" (VII.1). Luxury at home corrupts the passions of citizens: "For people who have to have nothing but the necessities, there is left to desire *only the glory of the homeland and one's own glory.* But a soul corrupted by luxury has many other desires; soon it becomes an enemy of the laws

[111] While he alludes to the equal division of lands in Sparta and Rome, he also states that "this could happen only at the founding of a new republic; or when the old one was so corrupt and spirits so disposed that the poor believed themselves obliged to seek, and the rich obliged to suffer, such a remedy" (V.5).
[112] Cf. In a republic "wealth gives a power that a citizen cannot use for himself, for he would not be equal. It also procures delights that he should not enjoy, because these would likewise run counter to equality" (IV.3).
[113] See Nelson 210 for his argument concerning the ambivalent status of luxury in the British empire: While it demands frugality, industry, and simplicity of manners from its own citizens, it encourages luxury among the American colonies.

that hamper it" (VII.2, emphasis added). Luxury turns citizens away from glory and more generally, love of the homeland.

Finally, only hunters, warriors, or nomads can live without luxury.[114] These peoples neither cultivate the land nor dispute over inheritances: "Peoples who do not cultivate the land do not have even the idea of luxury. The admirable simplicity of the Germanic peoples must be seen in Tacitus; art did not fashion their ornaments, they found them in nature. If the family of their leader was to be marked by some sign, it was again in nature that they had to seek it; the kings of the Franks, Burgundians, and Visigoths wore their long hair as a diadem" (XVIII.23). This also means that nomadic peoples also lack the conditions necessary for securing marriage: Among nomads "marriage will not be as secure as among ourselves, *where it is fixed by the home and where the wife is attached to a house*; they can more easily, therefore, change wives, have several of them, and sometimes mingle indifferently like beasts" (XVIII.13, emphasis added).

While Nelson rightly points to Montesquieu's analysis of the absence of luxury and equal distribution of wealth in excellent, virtuous republics, he neglects Montesquieu's treatment of the necessary link between luxury and "commerce with women" in monarchies. Indeed, for Montesquieu there is a necessary relation between the mores of women and politics: "This change in the mores of women will no doubt affect [politics] very much. Everything is closely linked together: the despotism of the prince is naturally united with the servitude of women; the liberty of women, with the spirit of monarchy" (XIX.15). Republics prohibit luxury and constrain women even though this

[114] Similarly, the nomadic life of fishing excludes luxury (XVIII.12).

undermines its attachment to equality. In contrast to despotisms, republics do not exercise "empire over women": "In a republic, the condition of the citizens is limited, equal, gentle, and moderate; the effects of public liberty are felt throughout. Empire over women could not be as well exercised; and, *when climate required this empire*, the government of one alone was the most suitable. This is one of the reasons it has always been difficult to establish popular government in the East" (XVI.9, emphasis added).

Republican liberty in the spirit of the Greeks in Montesquieu's view necessarily requires not simply virtue but a version of virtue that presupposes illiberal mores. Republics prohibit luxury by depriving women of liberty and equality. In republics "luxury is banished there and with it, corruption and vices" because "in republics women are free by the laws and captured by the mores" (VII.9). Indeed, luxury was banished in ancient Greek republics, as the Greek ancient republics had an excellent police concerning "women's virtue, simplicity, and chastity" (VII.9) while "the Romans had no special magistrates to inspect women's conduct" (VII.10). The Greek magistracy was replaced by the Roman institution of a domestic tribunal responsible for maintaining mores in the republic (VII.10).[115] In addition to the strict inheritance laws severely constraining the wealth of women, the spirit of republican expansion excludes extreme harshness towards women, or put positively, republican expansion tends to soften mores:

[115] An effective police is only possible in a small republic such as among the Samnites whose "young people were assembled and judged" (VII.16). The dowry of virtue were the conditions of virtue itself: "The Samnites had a custom, which in a small republic and especially on in the situation theirs had, produced admirable effects. All the young people were assembled and judged. The one who was declared best took for his wife the girl he wanted; he who had the next largest vote then chose; and so on. It was admirable to consider among the goods of the boys only the fine qualities and the services rendered to the homeland. He who was the richest in these sorts of goods would choose a girl from among the whole nation. Love, beauty, chastity, virtue, birth, even wealth, all were, so to speak, the dowry of virtue. It would be difficult to imagine a reward that was nobler, greater less burdensome to a small state, or more able to have an effect on both sexes" (VII.16).

"When the Franks had acquired extensive lands after the conquest, it was found harsh that the daughters and their children could not have a share" (XVIII.22).[116]

Accordingly, a republic demands strict inheritance laws, precisely because such laws deprive women of their liberty: "These laws were very much in conformity with *the spirit of a good republic, where one should make it so that this sex cannot avail itself, for the sake of luxury, either of its wealth or of the expectation of wealth.* By contrast, as the luxury of a monarchy renders marriage burdensome and costly, one must be invited to it, both by *the wealth that women can offer and by the expectation of inheritances they can receive.* Thus, when the monarchy was established in Rome, the whole system of inheritances was changed" (XXVII, p. 531, emphasis added).[117] Even if republics do not exercise tyranny over women, they necessarily limit female inheritance and liberty; regulating all "dowries, gifts, inheritances, testaments, in sum, all the kinds of contracts" (V.5) limits the accumulation of wealth among wives by limiting access to inheritance to the sisters of the father's side. A woman inherits wealth not by virtue of being a mother or wife, but by virtue of her blood relations as a sister.[118] In contrast to the Greeks, "the laws of the first Romans concerning inheritances thought only to observe the spirit of the division of lands; they did not sufficiently restrict the wealth of women and thereby left a door open to luxury, which is *always inseparable* from this wealth" (XXVII, emphasis

[116] If commerce with women is not strictly natural, female wealth and liberty are necessary to encourage marriage in monarchy. This casts shade on the status of "a kind of equality between the two sexes" in Montesquieu's political economy.
[117] In general, Montesquieu connects "equal division of lands" necessary to republics with limits on inheritance (V.5).
[118] See Rahe 883 n 58 and n60 for the prohibition against dowries in earlier Sparta (Plut. *Mor.* 227f-228a), Justin 3.3.8) and that "it is worth nothing that Justin explicitly links the prohibition of dowries with the husband's capacity to keep his wife under control.

added).[119] In democratic republics in the pre-modern tradition, hence, sumptuary laws demand equal distribution of wealth in order to prohibit luxury, necessitate work, and above all, prize self-sufficiency, decisively constraining the luxury, inheritance, wealth, and liberty of women.[120]

While Nelson correctly claims that frugality is "the republican watchword" for Montesquieu,[121] he does not connect this problem of preserving frugality to the mores necessary for domestic and political governance in a republic. It is the establishment of frugality in domestic life, Montesquieu argues, that opened the gates for public expenditures in good democracies: "The good Greek republics spent their wealth in public enterprises such as "festivals, musical choruses, chariots, race horses, and onerous magistracies" (VII.3). Likewise, in Sparta, frugal mores make possible Spartan glory (V.3). The magnificence of political or religious authority is rooted in the frugality of those who "give." In Rome, laws were also explicitly established in order to preserve the frugality of women: "We have spoken of public incontinence because it is joined to luxury; *it is always followed by luxury, and always follows luxury*. If you leave the impulses of the heart at liberty, how can you hamper the weaknesses of the spirit? In Rome, in addition to the general institutions, the censors had the magistrates make several particular laws *to keep women frugal*" (VII.14, emphasis added).[122] Republican

[119] As Montesquieu elaborates: "In the Roman senate, composed of serious magistrates, jurists, and men filled with the idea of the earliest times, one proposed, under Augustus, the correction of the mores and luxury of women. It is interesting to see in Dio the art with which Augustus evaded the importunate demands of these senators. This is because he was founding a monarchy and dissolving a republic" (VII.4).
[120] See Rahe 173 for the Spartan ephors' enforcement of sumptuary laws and judgment concerning which music and poetry would be permitted within the community.
[121] Nelson 172.
[122] In contrast to the Greek republics, it was only in the earliest times of the Roman republic that the mores and luxury of women were checked: "It is known that Romulus divided the lands of his small state among its citizens; it seems to me that the Roman laws on inheritance derive from this." (XXVII).

virtue necessarily demands illiberal mores, which raises the question of how Montesquieu's new liberal constitutionalism resolves this tension.

3.3 THE LUXURY OF "COMMERCE WITH WOMEN"

In addition to his critique of the pernicious effects of luxury in perfect republics, Montesquieu also investigates the positive effects of luxury in monarchies and despotisms. While Montesquieu concedes that virtue and equality are not the primary "springs" in a monarchy, luxury can nonetheless have an equalizing effect in societies characterized by inequality. In contrast to small republics, large commercial societies cultivate and intensify both ambition and hope: "If their number is so great that most are unknown to one another, the desire to distinguish oneself redoubles because there is more expectation of succeeding" (VII.1). This expectation or hope for success is generated by luxury: as luxury is necessarily accompanied by inequality, "each man takes the marks of the condition above his own" (VII.1). Although luxury animates the desire for distinction, it results, however, in more equality and anonymity, creating "general distress" (VII.1).[123] The paradoxical effect of the modern desire for distinction is that it results in anxiety concerning one's anonymity: "by dint of wanting to distinguish themselves, all became equal, and one is no longer distinct; as everyone wants to be looked at, no one is noticed" (VII.1).

"It also followed that the relatives on the women's side, called cognate, should not inherit; they would have transferred the goods to another family, and it was established thus" (XXVII).

[123] Anticipating Tocqueville, Montesquieu claims that luxury in great cities, at least the kind resulting from vanity, indeed, has an equalizing effect: "The more men there are together, the more vain they are, and the more they feel arise within them the desire to call attention to themselves *by small things*" (VII.1, emphasis added).

Montesquieu would certainly agree with Rousseau that modern cities give rise to *amour-propre*: "Some people have thought that gathering of so many people in a capital has diminished commerce because men are no longer a certain distance apart. I do not believe it; men have more desires, more needs, and more fancies when they are together" (VII.1). Luxury thrives in large commercial cities, as crowded cities awaken the imagination to multiply desires and "needs." Indeed, luxury multiplies desire (XVI.6), but contra Rousseau, Montesquieu pays more attention to the fact that awakening the imagination results in both a luxury accompanying "commerce with women" and a modern version of happiness rooted in equality between the two sexes.

In this section, I argue that Montesquieu does not condemn luxury because he believes that luxury necessarily accompanies "commerce with women." On the one hand, luxury, even more than commerce and finance, is opposed to the virtue of ancient republics in Montesquieu's view: "The political men of Greece who lived under popular government recognized no other force to sustain it than virtue. Those of today speak to us only of manufacturing, commerce, finance, wealth, and *even luxury*" (III.3, emphasis added). On the other hand, Montesquieu does not at all condemn luxury, even though he discerns that luxury opposes the virtue and love of equality necessary for republics. The puzzle at the heart of his treatment of luxury is this: If the love of frugality and love of equality are antithetical to luxury, to what extent is luxury really necessary for female liberty?

In weighing the despotic tendencies of French monarchy against its advantages, Montesquieu concedes that monarchy leads to corrupt mores, luxury, and indiscretions. Nonetheless, he also connects luxury inextricably to the cultivation of taste, politeness,

and above all, the freedom of women, which one cannot separate from the wealth of France: "One could constrain its women, make laws to correct their mores, and limit their luxury, but who knows whether one would not lose a certain taste that would be the source of the nation's wealth and a politeness that attracts foreigners to it?" (XIX.5). Although Montesquieu would agree with Rousseau that luxury corrupts mores and leads men away from an attachment to common goods to private ones, Montesquieu is open to the possibility that preserving the advantages of the "corrupt" mores of sociability is superior to correction. In the voice of "a gentleman" of a nation not radically different from his depiction of France, Montesquieu writes:

> May we be left as we are, said a gentleman of a nation closely resembling the one of which we have just given an idea. Nature repairs everything. It has given us a vivacity capable of offending and one apt to make us inconsiderate; the same vivacity is corrected by the politeness it brings us, by inspiring us with a taste for the world and *above all for commerce with women.*
>
> May we be left as we are. Our discretions joined to our harmlessness make unsuitable such laws as would curb our sociable humor. (XIX.6, emphasis added)

This particularly sociable humor inspires a taste for the world and commerce with women. Commerce with women is rooted in a sociability whose vices such as impertinence and inconsideration remain unchecked.

In monarchies, Montesquieu asserts that liberty excludes frugality. Luxury not only sustains the working classes economically (VII.4) but is necessary to liberty: "Luxury is, therefore, *necessary* in monarchical states; it is also necessary in despotic states. In the former, it is *a use of the liberty one possesses;* in the latter, it is an abuse of the advantages of one's servitude, when a slave, chosen by his master to tyrannize over the other slaves, uncertain of enjoying each day's fortune on the following day, has no

other felicity than that of sating the arrogance, desires, and voluptuousness of each day. All this leads to a reflection: republics end in luxury; monarchies, in poverty" (VII.4, emphasis added).[124] In monarchies luxury is necessary "because the individual wealth of wives produces luxury" (VII.15), which suggests that women use their liberty in monarchies only with a view to luxury.[125] Liberty in monarchies consists in paradoxically managing the "necessity" of luxury.[126]

Although luxury is pernicious in a republic, it is necessary in despotic and monarchic states, albeit for different reasons. In monarchies women have "so little restraint," as "the spirit of liberty" is the only one tolerated in the courts (VII.9). Charms and passions reign over virtue in monarchies: "Each man uses their charms and their passions to advance his fortune; and as their *weakness* allows them not arrogance but vanity, *luxury always reigns there* with them" (VII.9, emphasis added). Vanity is rooted in weakness (although it is not clear whether this weakness is natural and/or conventional) and relies on the charms and passion for strength. Weakness for Montesquieu results either in arrogance or vanity—the latter is not only necessary for commerce of luxury (industriousness, luxury, fashion) but far superior to arrogance.[127] Indeed, industriousness is necessary for greatness: "…Just as destructive nations do evil things that last longer than themselves, there are industrious nations that do good things that do not end with themselves" (XVIII.7).

[124] The use of liberty is luxury, but is this the *only* use of liberty in monarchic states?
[125] In despotic states the advantages of marriage should be the wife's sustenance and nothing more (VII.15).
[126] "As wealth is unequally divided in accord with the constitution of monarchies, *there must be luxury*" (VII.4, emphasis added).
[127] In his comparison of Spain to France, he contrasts the pernicious effects of arrogance to those of vanity more in accord with commerce (XIX.9).

The introduction of luxury also enlarges female liberty insofar as it is even more natural for women to rule an empire than to rule a household: "It is against reason and against nature for women to be mistresses in the house, as was established among the Egyptians, but not for them to govern an empire" (VII.17).[128] As I argued in the previous chapter, even though Montesquieu believes that the work of women and children in uncorrupted societies (i.e. societies without luxury) is primarily domestic, it is not strictly natural in his view for mothers to rule over their children (as it is more natural for fathers than mothers to govern their children by reason alone). Accordingly as long as luxury is not introduced, women should work at home (XV.10).[129] Luxury requires "personal slavery," or at any rate, a servitude marked by gross inequality between the status of women and children on the one hand and those working to serve these women and children on the other.[130] The emancipation of women from the domestic sphere necessitates an unnatural, gross inequality characteristic of "voluptuous peoples." Luxury unnaturally removes not only women but also children from their domestic work, presumably placing them in the civil or economic sphere (that accompanies the spirit of expansion and the swelling of the civil code). This does not mean, however, that women lose interest in domestic governance in commercial societies with luxury, especially since monarchy generally gives women a claim to inheritance. In the French monarchy, for instance, the loosening of inheritance laws, in fact, interested women in domestic management: "The community of goods between husband and wife introduced by French

[128] This again raises the possibility that a few women might not necessarily love glory more than luxury.
[129] "Reason wants the power of the master not to extend beyond things that are of service to him; slavery must be for utility and not for voluptuousness. The laws of modesty are a part of natural right and should be felt by all the nations in the world" (XV.12).
[130] "Simple peoples have only real slavery because their women and children do the domestic work. Voluptuous people have personal slavery, because luxury requires the service of slaves in the house." (XV.10).

laws is very suitable to monarchical government because it interests women in domestic business and recalls them *as if in spite of themselves*, to the care of their households" (VII.15, emphasis added). Indeed, the luxury of commercial societies enables women to fulfill both their domestic and civil roles in society.

In despotic states, women themselves are the objects of luxury: "In despotic states women do not introduce luxury, *but they are themselves an object of luxury*. . ." (VII.9). While it is not surprising that female liberty is a threat to the despotic state, it is worth noting that luxury in despotisms consists of "accumulating" female bodies; hence, polygamy tends to prevail in these despotic states. From an economic standpoint, polygamy is not irrational insofar as it costs less to support a wife and children in despotic states: "In powerful nations polygamy is less a luxury than the *occasion for great luxury.* In hot climates, one has fewer needs; it costs less to support a wife and children. Therefore, the number of wives one can have is greater there" (XVI.3, emphasis added).[131] The hot climate reduces the "needs" of women, opening up the gates for a despot's "great luxury" consisting in accumulating wives.

Debates concerning Montesquieu's republicanism present the most central problem as the tension between republican virtue and commerce, or that between his admiration for the ancient republic and his praise for the modern commercial republic of England.[132] Anticipating Rousseau's attack on the arts and sciences in the *First Discourse* and his investigation into the nature of commerce in *The Second Discourse,* Montesquieu

[131] The people of the Indies, for example, are singled out for their "manner of living" and "frugality" whose extremely hot climate lacks any natural basis for luxury (or at least European luxury) (XXI.1). Although there is no luxury in the Indies, there is a rather a kind of chaos: "It seems that in these countries (extremely hot countries), the two sexes lose everything, including the laws proper to them" (XIX.9).
[132] Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge: Cambridge University Press, 2004); Thomas Pangle, *The Theological Basis of Liberal Modernity in Montesquieu's "The Spirit of the Laws"* (Chicago: The University of Chicago Press, 2010).

spells out the necessary effects of commerce: wealth, luxury, and the perfection of the arts: “The effect of commerce is wealth; the consequence of wealth, luxury; that of luxury, the perfection of the arts” (XXI.6). What Montesquieu also explicitly omits here is the idea that luxury necessarily accompanies commerce with women and female liberty. In this section, I have argued that Montesquieu approaches the question of the status of women and inequality more generally through the lens of luxury, as extreme sexual inequality in commercial societies generally results in an illiberal version of luxury (e.g. polygamy). In the next section, I show why the necessity of luxury in these commercial societies originates in Montesquieu’s understanding of the nature of sexual difference that elevates vanity in Montesquieu’s political economy.

3.4 MONTESQUIEU’S PRAISE OF VANITY

Montesquieu treats the nature of sexual difference extensively from the beginning of *The Spirit of the Laws*. In Book I, in his inquiry into the state of nature, for instance, the third law of nature is that of coupling rooted in the charms of sexual difference: “I have said that fear would lead men to flee one another, but the marks of mutual fear would soon persuade them to approach one another. They would also be so inclined by the pleasure one animal feels at the approach of an animal of its own kind. In addition, the charm that the two sexes inspire in each other by their difference (*ce charme que les deux sexes s’inspirent par leur différence*) would increase this pleasure, and the natural entreaty they always make to one another would be a third law” (I.2). In contrast to Hobbes’ state of nature, natural man in Montesquieu’s view becomes sociable not only

because he senses that such fear is mutual, but also because natural man is simultaneously pleased by likeness (in kind with a view to animality) and difference (between the two sexes). In this section, I argue that it is necessary to investigate Montesquieu's treatment of the nature of sexual difference in *The Spirit of the Laws* in order to understand why he presents luxury in a favorable light and praises vanity. In addition to connecting commerce of luxury to "commerce with women," Montesquieu elevates luxury in his political economy. Specifically, I argue that Montesquieu believes vanity is necessary to avoid the extremes of sexual inequality and sexual sameness, both different versions of sexual despotism. Given the natural differences between the two sexes, luxury and vanity are necessary to introduce a kind of equality between the two sexes in illiberal cultures and despotic states.

In contrast to Rousseau who explicitly presents an illiberal version of female happiness and virtue rooted in the nature of sexual difference, Montesquieu's conception of female happiness (and happiness more generally) is attached to female liberty. The extent to which this female liberty is more natural than female virtue traditionally conceived emerges as the central question of his treatment of women. Women in Montesquieu's view are not only physically encumbered by pregnancy but also psychologically or morally preoccupied with the preservation of their beauty and charms, especially as their nature leaves them vulnerable in their old age (they become infertile much earlier than men). On the one hand, Montesquieu asserts that "the laws of modesty are a part of natural right and should be *felt* by all the nations in the world" (XV.12, emphasis added). Women are generally held to a higher standard of self-restraint, as

modesty is central to female virtue and any state characterized by the natural dependence of women on men:

> They have required a degree of restraint and continence from women that they do not require from men, because *the violation of modesty presupposes in women a renunciation of all virtues*, because a woman in violating the laws of marriage leaves the state of natural dependency, because nature has marked the infidelity of women by certain signs; besides, the bastard children of a wife belong necessarily to the husband and are the husband's burden, whereas the bastard children of a husband neither belong to his wife nor are her burden. (XXVI.8, emphasis added)

On the one hand marriage as an institution seems to perfect or complete the "natural dependence" of women. On the other hand, Montesquieu is quick to acknowledge that the standard of female modesty has been used to justify sexual despotism: "In the Mohammedan states, one is not only the master of the life and goods of the female slaves, but also of what is called their virtue or their honor" (XV.12). Despotism not only deprives women of liberty and property but attempts to legislate and guard mores, thereby making claims concerning a woman's honor.

In describing the nature of sexual difference, Montesquieu assigns beauty and charms to women, and reason and strength to men. Rejecting a dichotomy between reason and passion corresponding to men and women respectively, Montesquieu instead articulates the nature of sexual difference in terms of male strength and reason on the one hand and female charms on the other: "Nature, which has distinguished men by strength and by reason, has put no term to their power but the term of their strength and their reason. She has given women charms and has wanted their ascendancy to end with these charms, but in hot countries these are found only at the beginning and never through the course of their lives" (XVI.2). The moral (rooted in the imagination) dimension of love

(illusions and accessories) consists of beauty and charms. Montesquieu asserts that many women, especially when they marry at a young age, permanently lose their charms, whereas men preserve both their strength and reason. It is necessary for women to preserve their charms throughout the course of their lives to avoid falling into a dependence on men that opens the gates for sexual despotism. If it were possible for women to preserve their charms, it would be possible to remedy or at least counteract, the unequal effects of natural differences on the two sexes over the course of an entire lifetime. If women were to "manage" their charms and preserve their beauty, women might rule over or enlighten the natural strength and reason of men. This raises the question: To what extent is a woman's art of preserving her charms and beauty dependent on awakening male imagination to attach men to "commerce with women" so that women can somehow transcend their natural dependence on men?

Montesquieu's presentation of the "charms" of women raises the question of the relation between a woman's charms and her fertility. Indeed, women do not naturally stay fertile as long as men do: Female fertility, though flexible, is not infinitely malleable, as "nature has set the time earlier for women to have children; it has set it later for men; and, for the same reason, the woman ceases earlier to have this faculty and the man later" (XXVI.14). The possibility of equality between the two sexes is constrained by the nature of female fertility: men are fertile into their 60s; women only into their 40s.[133] Nature constrains female fertility so that there is a shorter window for women to reproduce.[134] It

[133] Northern women, Montesquieu asserts, stay fertile longer than southern women do: "All these provisions were more in conformity with the climate of Italy than with that of the north, where a man of 60 is still strong and women of 50 are not grown barren" (XXIII.8).
[134] In ancient Rome, for instance, when the legislators aimed to encourage marriage, "A man of sixty years was prohibited from marrying a woman of fifty. As one had given great privileges to married people, the law did not want useless marriages" (XXIII.21).

is in advanced age, hence, that the natural inequality between the sexes becomes most pronounced—men remain fertile, (or "strong" as Montesquieu writes) but women have become infertile (i.e. lost their youthful charms).

Hence, nature constrains the possibility of equality between the two sexes and female liberty insofar as women cannot equally or in the same manner leave their spouses in their old age, as husbands can: "But a wife who repudiates her husband exercised only a sad remedy. *It is always a great misfortune* for her to be constrained (*C'est toujours un grand Malheur pour elle d'etre contrainte d'aller chercher un second mari*) to go and look for a second husband where she has lost most of her charms while married to another" (XVI.15, emphasis added).[135] Montesquieu goes so far to conclude that one of the advantages of youthful charm in wives is that at an advanced age, a husband is inclined to kindness by the memory of his pleasure (XVI.15).[136]

It is not surprising, hence, that the primary problem monarchy poses for Montesquieu is the asymmetry in the desire to marry between the sexes in monarchies. Boys and girls, especially in monarchies, are not equally attracted to marriage. Girls in Montesquieu's view are lead to pleasure and liberty only by marriage, whereas it is possible for boys to exercise liberty outside of the conjugal sphere: "Girls, who are lead

[135] Montesquieu's view of the unequal effects of aging on the two sexes similarly informs his view of divorce. Whereas he asserts that it is not natural for women to rule the household in the fashion of the ancient Egyptians (VII.17), he concludes that husbands should not have the unregulated power to leave their wives in all cases: "A husband is the master of the house; he has a thousand ways to hold his wives to their duty or to return them to it, and it seems, that in his hands, repudiation is only a new abuse of his power" (XVI.15). As he asserts the nature of paternal authority and the domestic rule of men within the family, Montesquieu also concludes that divorce should not be accessible to men and women equally, although "repudiation by reason of barrenness can occur only in the case of a single wife" (XVI.15). Nature does not sufficiently secure a wife's liberty, as it is neither easy nor desirable for wives to look for a second husband.

[136] In *The Spirit of the Laws* Montesquieu suggests that among intelligent beings, kindness and gratitude supplant justice: "…if there were intelligent beings that had received some kindness from another being, they ought to be grateful for it. . ." (I.1). Indeed, if men are by nature strong and reasonable and women full of charms, men ought to be grateful in their old age.

to pleasure and liberty only by marriage, whose spirit dares not think, whose heart dares not feel, whose eyes dare not see, whose ears dare not hear, who are introduced only to show themselves dull-witted, and who are condemned without respect to trifles and to precepts are quite drawn to marriage; it is the boys who must be encouraged" (XXIII.9). In this passage, it remains ambiguous whether this unequal attraction to marriage is more in accord with nature or is an accidental effect of history. Montesquieu claims elsewhere, for instance, that women are already "sufficiently inclined to marriage" but he attributes the cause to "their state," which could be natural, historical, or a combination of both: "Since women are, by their state (*par leur état*), sufficiently inclined to marriage, the advantages the law gives them over their husbands' goods are useless. But such advantages would be very pernicious in a republic, because the individual wealth of wives produces luxury. In despotic states the advantages of marriage should be the wife's sustenance and nothing more" (VII.15). In political states such as ancient republics and despotisms wherein women lack the right to property or inheritance, it is natural for women to be inclined to marriage. In political states that do not limit luxury, however, it is neither necessary nor desirable to deprive women of access to wealth.

If commerce with women presupposes the cultivation of female charms, this raises the possibility that vanity is necessary to introduce "a kind of equality between the two sexes." In light of Montesquieu's ideas concerning the nature of female charms, fertility, beauty, and vulnerability in their old age, it is possible that he elevates vanity, or even rhetorically praises vanity in order to illuminate how to avoid the sexual inequality characteristic of despotisms. Indeed, when Montesquieu speaks of the major effects of commerce, he includes taste, vanity, fashion, and luxury. Commercial societies with

luxury result in constantly changing manners and homogeneous mores, which erodes the nature of sexual difference: "The two sexes spoil each other [*se gâtent*]; each loses its distinctive and essential quality [*leur qualité distinctive et essentielle*]; arbitrariness is put into what was absolute [*absolu*], and manners change every day" (XIX.12). This raises the question: To what extent does this erosion of sexual difference necessarily presuppose the cultivation of vanity? More importantly, to what extent is the cultivation of vanity a permanent corruption of female nature (rather than an ornamental supplementation of the weakness or limits of female nature) in Montesquieu's view?[137]

Although Montesquieu emphatically claims that appealing to the vanity and passions of women is the key to revolutionizing despotism, commentators do not take his treatment of vanity seriously. Understandably, how can we take vanity and fashion seriously and view them as the necessary and proper mechanisms of correcting the extreme effects of despotic cultures and states? Especially from a contemporary egalitarian or feminist perspective, the very appeal to the nature of female vanity or worse, to women's fashions, seems not only counterproductive to achieving sexual equality but also demeaning, misguided, and sexist. Montesquieu anticipates such objections from the serious-minded, generally defending the serious pursuit of frivolous things and the frivolous pursuit of the serious: "If one gives a pedantic spirit to a nation naturally full of gaiety, the state will gain nothing, either at home or abroad.

[137] As I argued in the previous chapter, the passions of commerce of luxury, vanity and honor, beget luxury, industry, the arts, fashion, politeness and taste. These branches of commerce in Montesquieu's view, however, are "things *indifferent by their nature*" (*les choses indifférentes par leur nature*) disconnected from any kind of necessity (XIX.14, emphasis added). Manners for Montesquieu are not necessarily morally corrupting because they are "indifferent." Against Rousseau and republican critiques of luxury, inequality, and commerce, Montesquieu claims that even though taste, vanity, fashion, and luxury are not strictly natural, they can exist in a realm that is "indifferent." Commerce thus moves us away from wealth founded in solid luxury towards the refinement of vanity and frivolous talents and pleasures (XIX.27), but such refinement and frivolity for Montesquieu is not necessarily morally corrupting.

Let it do frivolous things seriously and serious things gaily" (XIX.5). The luxury of "commerce with women" is necessarily accompanied by a frivolousness or playfulness characteristic of free societies engaging in commerce of luxury. On the one hand, frivolity is rooted in the natural desire to please. On the other hand, frivolity is rooted in the desire to exceed or conceal the limits or weakness of one's nature. Taste, ornamentation, and fashion all aim to supplement nature: "The society of women spoils mores and forms taste; the desire to please more than others established ornamentation, and the desire to please more than oneself establishes fashions. Fashions are an important subject; as one allows one's *spirit* to become frivolous, one constantly increases the branches of commerce" (XIX.8, emphasis added). Indeed, frivolity is akin to honor and ambition insofar as it is a desire to please *more* than others (i.e. lay claim to one's deserved or imagined superiority). Vanity is rooted in the desire to be superior in respect to beauty.

Vanity also requires a certain disposition that makes one sociable and communicative, which is necessary for commerce. Montesquieu thus identifies a kinship between the French and the Athenians in their shared humor and manner: "The Athenians put gaiety in their public business; a joke from the rostrum pleased them as much as one in the theater. The vivacity they put into counsels was carried over into their execution" (XIX.7). If we recall, in his defense of French vivacity, Montesquieu claims that whereas vivacity might result in offense and inconsideration, such vivaciousness is also naturally corrected by a kind of politeness, taste, and above all, commerce with women (XIX.6). Hence, commercial life requires not exactly superficiality but vivaciousness, sociability, frivolity of spirit, and playfulness. Vanity

is suitable for monarchies wherein the two sexes mix, especially in contradistinction to despotic states or republics demanding the separation of the two sexes to preserve pure mores. Seriousness in Montesquieu's view leads to a disposition accompanied by arrogance and idleness: "Examine all the nations and you will see that in most of them gravity, arrogance, and laziness go hand in hand" (XIX.9). In despotisms, laziness is also disguised as apparent rule over those who work: "Every lazy nation is grave; for those who do not work regard themselves as sovereigns of those who work" (XIX.9). Vanity for Montesquieu is not simply the undeserved desire for praise as it is for Rousseau but the necessary and instrumental engine of commercial virtues and a superior alternative to arrogance, inactivity, or even military conquest.

Although Montesquieu concedes that such frivolity results in spoiled or corrupted mores that erode sexual difference, he nonetheless defends the mores, taste, and fashions in accord with commerce because contra Rousseau, he believes commerce promises liberty, industriousness, and modern happiness. The alternative to vanity is not pure mores, ancient republican virtue, and the separation of the two sexes in accord with pure mores, but idleness and other "infinite evils." Unlike Rousseau, Montesquieu does not see the choice for moderns as one between virtue and the corrupting effects of commerce but that between vanity and idleness:

> Vanity is as good a spring for a government as arrogance is a dangerous one. To show this, one has only to imagine to oneself, on the one hand, the innumerable goods resulting from vanity: luxury, industry, the arts, fashions, politeness, and taste, and on the other hand, the infinite evils born of the arrogance of certain nations: laziness, poverty, the abandonment of everything, and the destruction of the nations that chance has let fall into their hands as well as their own nation. Laziness is the effect of arrogance; work follows from vanity: the arrogance of a Spaniard will incline him not to work; the vanity of a Frenchman will incline him to try to work better than the others. (XIX.9)

By yoking vanity simultaneously to work and politeness, arts, fashions, industry, taste, and luxury, Montesquieu here excludes the possibility of an industriousness uncorrupted by luxury, taste, and commerce with women.[138] Vanity is effective and even salutary insofar as it begets luxury, industry, the arts, fashion, politeness, and taste.[139] Moreover, vanity is a better spring to motivate women to work and educate themselves, whereas idleness encourages them to "use slaves," "consider work a dishonor" and "believe it shameful to learn to read" (XIX.9). In monarchies, appeals to vanity are necessary to encourage marriages, which are more burdensome and costly. Finally, in respect to the inequality rooted in differences between the two sexes, vanity is necessary to supplement the weakness or dependence of female nature.

In this section, I have argued that in addition to presenting vanity as a superior alternative to the arrogance of idleness, Montesquieu shows the complex convergence of luxury, vanity, and female liberty in commercial societies with luxury. Vanity not only increases industriousness but also increases the luxury and commercial activity accompanying female liberty. In short, Montesquieu praises vanity because vanity is necessary to supplement the limits of female nature and fertility to alter mores between the two sexes in accord with sexual equality.

[138] However, he treats the industriousness intrinsic to what he calls "the spirit of commerce" and "economic commerce" in *The Spirit of the Laws.*

[139] Idleness is not only antithetical to commerce but a constraint of the extreme heat in some climates. As Montesquieu repeatedly points out, some climates especially constrains the ability and willingness to work effectively everywhere, which is why it is necessary for a legislator to discern that vanity is much less pernicious than idleness.

3.5 MONTESQUIEU ON "A KIND OF EQUALITY BETWEEN THE TWO SEXES"

Commerce is natural in Montesquieu's view but it is less clear whether the morality presupposed by commerce of luxury is natural.[140] Although Montesquieu asserts that equality between the two sexes is "naturally introduced" in temperate climates, he also offers an explanation of how commerce necessarily enlarges female liberty in non-temperate climates. By presenting equality between the two sexes also as a historical fact of the modern commercial world rather than simply a normative standard characteristic of monarchies with luxury, Montesquieu shows how an attractive social norm can be revolutionary without immediately altering the political constitution. While this standard of equality between the two sexes in respect to female liberty clearly falls short of an egalitarian understanding of equal rights rooted in political liberty, I argue that Montesquieu's idea of equality between the two sexes is the key to understanding how commerce can introduce liberty and equality, even in illiberal political states and cultures, without imposing a universal homogeneity in politics and religion.

One reason commentators may have overlooked Montesquieu's treatment of "a kind of equality between the two sexes" is that in a frequently cited passage concerning the relation between commerce and mores, Montesquieu connects commerce to gentle mores rather than explicitly to equality between the two sexes. Pierre Manent, for example, argues that the key to Montesquieu's interpretation of European history is that mores have softened over time: "Montesquieu's prosaic and modest observation that

[140] Indeed, Montesquieu indicates that the extreme sexual sameness of temperate climates is unnatural.

commerce softens mores is the starting point and the focal point of his interpretation of European history." In this passage, Montesquieu connects commerce to gentle mores:

> Commerce cures destructive prejudices, and it is an almost general rule that everywhere there are gentle mores, there is commerce and that everywhere there is commerce, there are gentle mores.
>
> Therefore, one should not be surprised if our mores are less fierce than they were formerly. Commerce has spread knowledge of the mores of all nations everywhere; they have been compared to each other, and great goods (*grands biens*) have resulted from this.
>
> One can say that the laws of commerce perfect mores for the same reason that these same laws ruin mores. Commerce corrupts pure mores, and this was the subject of Plato's complaints; it polishes and softens barbarous mores, as we see every day. (XX.1)

In general, commerce is incompatible with "destructive prejudices," thus softening mores. Accordingly commentators focus on the pernicious effects of commerce on military virtue or strength, and neglect Montesquieu's precise explanation for why and how we lose such ferocity. In other words, Montesquieu's readers focus on this claim identifying this general correlation between commerce and gentle mores, thereby neglecting Montesquieu's explanation of *how* commerce softens our hitherto ferocious mores. Commerce, Montesquieu contends, *has already* spread knowledge of the mores of "all nations everywhere," resulting in a comparison of mores. This comparison has resulted in "great goods" (*grands biens*). In a puzzling remark in the Preface of *The Spirit of the Laws* that has not been connected to this passage, he also alludes to "doing the greatest goods:" "In a time of ignorance, one has no doubts even while doing the greatest evils; in an enlightened age, one trembles even while doing the greatest goods" (xliv). Likewise, he warns the reader, "It is not a matter of indifference that the people be enlightened" (xliv). Yet, commentators, following Rousseau, appeal to standard critiques

of *doux commerce,* overlooking Montesquieu's claim concerning the "greatest goods" of modernity.

But what are these greatest goods? My contention is that a kind of equality between the sexes is the greatest good of free commercial societies with luxury in Montesquieu's view. This is not easy to prove, especially since Montesquieu alludes to "a kind of equality between the two sexes" only once in *The Spirit of the Laws*. Accordingly, not a single commentator (to my knowledge) examines the significance of equality between the two sexes as a normative standard in Montesquieu's thought. In fact, Montesquieu alludes to "a kind of equality between the two sexes" fleetingly and does not treat it systematically in the form of a philosophic argument. Montesquieu presents it rather astonishingly as a historical "fact" and accident: rather than making a case for the goodness or desirability of equality between the two sexes, Montesquieu tells us that something historic *has already occurred*. The most decisive kind of "comparative" political theory has already happened: "Commerce has spread knowledge of the mores of all nations everywhere; they have been compared to each other, and great goods have resulted from this" (XX.1). The use of the perfect tense in this sentence emphasizes that the comparison has been completed; more importantly, great goods have already resulted from this. These great goods, the rest of the passage suggests, generally consist in "gentle mores": the great goods shift societies away from "destructive prejudices," "fierce mores," and "pure mores" towards soft and polished mores in accord with commerce with luxury. This raises the question: What exactly are the "great goods" in Montesquieu's view?

Although this passage presents the gentle mores of commerce primarily as a historical fact, or a necessary accompaniment of commerce of luxury, Montesquieu also treats equality between the two sexes as a normative standard. He offers arguments for why and how the introduction of equality between the two sexes should succeed almost everywhere in juxtaposition to his defense of the diversity of political goods. When we pair this passage with his treatment of the diversity of mores across climates and cultures, we see that standard treatments of *doux commerce* ignore the possibility that what is at stake for Montesquieu is the complex yet necessary convergence between domestic and political governance (or the necessary link between mores and laws). Because scholars focus either on gentle mores (*doux commerce*) or the diversity of political goods (political particularism), they do not consider the possibility that equality between the two sexes is a standard that is at once historical and normative in Montesquieu's liberalism. Equality between the two sexes (perhaps similar to Tocqueville's account of the eminently democratic social state of America) is *introduced* as a historical accident but then revolutionizes society to emerge as a normative standard for free commercial societies with luxury. Without directly changing the political constitution, equality between the two sexes introduces new manners and mores in accord with commerce of luxury. European mores have softened over time, and indeed, as Manent observes, this is the most radical historical claim Montesquieu makes about the effects of commerce in Europe. Manent overlooks the possibility, however, that the standard of equality between the two sexes emerges as a positive good not accidental and unique to the temperate climates of Europe but a universal standard accessible even

to despotic states.[141] While the gentle mores characteristic of *doux commerce* are not simply interchangeable with equality between the two sexes, Montesquieu sees the softening of mores as a necessary accompaniment, I argue, to what he considers the great good of modernity: "a kind of equality between the two sexes."

Whereas he asserts that the spread of commerce has already resulted in a comparison of the mores of all nations, Montesquieu himself also compares mores in *The Spirit of the Laws* by connecting domestic arrangements between the sexes either to climate or politics. Indeed, he compares the possible arrangements and rejects the alternatives to monogamy as either unnatural or undesirable. According to Montesquieu there are four possible arrangements: male dominance (sexual despotism accompanied by polygamy), female dominion (polyandry), the separation of the sexes, and equality between the sexes.[142] Of these possible arrangements, male dominance in the form of polygamy is presented as the prevailing arrangement across climates and cultures. Polygamy, like despotism, is natural in the weak sense, as it is the most common arrangement across climates and history. Polygamy is also the most simple arrangement in Montesquieu's view because it requires neither reason nor charms (XVI.12). Hence, it is not surprising, Montesquieu claims, that polygamy, sanctioned by Judaism, Islam, Mormonism, Confucianism, as well as other Eastern religions or cultures, is the prevailing arrangement between the sexes for humans. Despotisms corrupt marriage, as polygamy is sanctioned by religion: "In despotic states princes have always abused

[141] In my second chapter, I argue that republics engaging in economic commerce are able to preserve pure mores and resist the effects of "*doux commerce.*"

[142] In extremely hot climates, women are by nature characterized by "disorder," "strength," or "lust" ("need for men"), neither equality between the two sexes nor equilibrium would emerge, but rather a kind of chaos: "It seems that in these countries (extremely hot countries), the two sexes lose everything, including the laws proper to them."[142]

marriage. They usually take several wives, especially in that part of the world, Asia, where despotism is, so to speak, naturalized. They have so many children that they can scarcely have any affection for them, nor can the children have any for their brothers" (V.14).[143]

Without the intervention of prudence or reason, the prevailing arrangement between the sexes, even among the free nobility, is that of polygamy. Nonetheless, polygamy, like luxury, does not enlighten but multiplies desire: "Possessing many wives does not always prevent one from desiring the wife of another; with avarice as with luxury, thirst increase with the acquisition of treasures" (XVI.6). Montesquieu does not think that polygamy is in accord with nature in the strong sense: "In addition, as the princes in these [despotic] states trifle with human nature, they have several wives, and a thousand considerations oblige them to enclose their women" (VII.9). Not only does sexual despotism unnaturally enclose women from the civil sphere, but it also enables men to make authoritative claims concerning female virtue or honor (XV.12). Furthermore, polygamy is in tension with the proper education of the children: fathers not only have a natural obligation to educate their children but they have a natural prudence concerning procuring heirs for their children and preserving modesty in the household (as I argued in the previous chapter). In short, polygamy is useful to neither sex nor to the children, as only monogamy secures sufficient affection between parents and children. Indeed, marriage in the form of monogamy only comes into fullness among civilized peoples: "These peoples wander and scatter over pastures or in the forests. Marriage will

[143] Even the admirable ancient Germans, whom Montesquieu praises for their simplicity, frugality, courage, and above all, liberty, had polygamous arrangements, albeit out of their nobility (XVIII.24).

not be as secure as among ourselves, where it is fixed by the home and where the wife is attached to a house; they can more easily, therefore, change wives, have several of them, and sometimes mingle indifferently like beasts" (XVIII.13).

If polygamy is problematic on account of its inability to secure affection to educate the children or to treat women humanely, polyandry is problematic insofar as it radicalizes the natural advantages women have over men. For Montesquieu, polyandry is unnatural, as women in Montesquieu's view already have "so many other natural advantages" over men: "It must be noted that, except in cases which certain circumstances have brought forth, women have hardly ever claimed equality. *For they already have so many other natural advantages that equality of power is always dominion for them*" (*Pensées* 1726, emphasis added). Polyandry was the prevailing arrangement between the sexes among the ancient Egyptians, whom Montesquieu ironically calls "the best philosophers in the world" (XV.5). Polyandry, however, is against nature and reason because domestic governance, if we recall, belongs to men (XV.5). Women by their nature lay claim to imperial rule because ruling an empire demands gentleness and moderation (although such gentleness and moderation are neither necessary nor fitting in household management). Female liberty and the possibility of female glory, hence, accompany the expansion of commerce, specifically as a necessary condition to rule an empire (VII.17). For Montesquieu there is no mirrored relation between the family and the city (VII.17).[144]

[144] Equality between the two sexes within the household is also directly in tension with the preservation of families in Montesquieu's view. As he points out in Book XVIII, the historical origin of equality between the two sexes is at odds with the aristocratic interest in preserving the male line: "As the Salic law did not have as its purpose a preference for one sex over another, it had still less that of perpetuating a family" (XVIII.22). If the preference for male heirs is aristocratic, the lack of preference for one sex over another is democratic.

While the Greeks were neither polygamous nor polyandrous, ancient military republics necessarily excluded the mixing of the two sexes, hindering any equality between the two sexes.[145] Warlike peoples and military republics demand celibacy for soldiers or even polyandry: "In Europe one keeps soldiers from marrying; in Malabar, where the demands of the climate are greater, one has been content to make marriage as slight an encumbrance as possible for them; one wife has been given to several men, which diminishes to that degree the attachment to a family and the cares of a household and leaves these people their military spirit" (XVI.5).[146] This raises the question of whether modern commerce, or more precisely, commerce of luxury, necessarily excludes the separation of the sexes (which in Montesquieu's view is necessary for military virtue). Against the undesirable alternatives of polygamy and polyandry, monogamy is characteristically European in Montesquieu's view. As Thomas Pangle acutely observes, monogamy for Montesquieu is not distinctly Christian but European.[147] Although Montesquieu acknowledges that Christianity "forbids having more than one wife" (XXIV.3), he attributes neither equality between the two sexes nor even monogamy to Christianity. Polygamy and sexual despotism are foreign to Europe insofar as a republic

[145] "I shall assert that the crime against nature will not make much progress in a society unless the people are also inclined to it by some custom, as among the Greeks, where the young people performed all their exercise naked, as among ourselves where education at home is no longer the usage, as among the Asians where some individuals have a large number of wives whom they scorn while others can have none. Do not clear the way for this crime, let it be proscribed by an exact police, as are all the violations of mores, and one will immediately see nature either defend her rights or take them back. Gentle, pleasing, charming, nature has scattered pleasures with a liberal hand; and by overwhelming us with delights, she prepares us with our children through whom we are born again, as it were, for satisfactions greater even than those delights" (XII.6).

[146] Cf. "In the Greek towns where one did not live under the religion which established that even among men the purity of mores is a part of virtue; in the Greek towns where a blind vice reigned unbridled, where love took only a form one dare not mention while only friendship was to be found within marriages, women's virtue, simplicity, and chastity were such that one has scarcely ever seen a people who had a better police in this regard" (VII.9).

[147] See Thomas Pangle, *The Theological Basis of Liberal Modernity in Montesquieu's Spirit of the Laws* (Chicago: University of Chicago Press, 2010), 171n15.

dignifies women: “In a republic, the condition of the citizens is limited, equal, gentle, and moderate; the effects of *public liberty* are felt throughout. *Empire over women could not be as well exercised*; and, when climate required this empire, the government of one alone was the most suitable. This is one of the reasons it has always been difficult to establish popular government in the East” (XVI.9, emphasis added). Republican liberty is sufficiently liberal to exclude “empire over women” but not sufficiently liberal to grant women liberty in respect to mores. Republican liberty is *public* liberty of citizens.

In addition to the republican tradition, there is a kind of nobility distinctive to European mores in Montesquieu’s view: “Most European peoples are still governed by mores. But if, by a long abuse of power or by a great conquest, despotism became established at a certain time, neither mores nor climate would hold firm, and in this *fine* part of the world, human nature would suffer, at least for a while, the insults heaped upon it in the other three” (VIII.8, emphasis added).[148] European mores are contrasted to “the usages of the East”: according to the ancient Roman prejudice it is objectionable for a husband to chastise “his wife in the manner unworthy of a freeborn person” (XIX.26). It is un-European to treat women as children, which suggests that both Christianity and despotism do not sufficiently or properly distinguish between those born free and those born unfree.[149] That is, in addition to connecting commerce to gentle mores, Montesquieu also connects European freedom to a humane conjugal bond that does not neatly coincide with the Christian understanding of marriage. In contrast to Rousseau, Montesquieu

[148] While Pangle argues the commercial republic of England is Montesquieu’s idea of the best form of government, Montesquieu does not defend the domestic arrangement between the sexes in England, as I will show in the final section.
[149] See also XVI.11 where he connects climate to mores and also indicates that the modern woman reconciles monogamy with the diversion of all.

believes that the kind of domestic happiness consisting of one's exclusive attachment to one's family originates from a principle of morality in the East supporting if not polygamy, the separation of the two sexes and a singular attachment to one's family: "Women's entire practice of morality, modesty, chastity, discretion, silence, peace, dependency, respect, love derives from this; in sum here their feelings are universally directed to that which is best in the world by nature, which is one's exclusive attachment to one's family" (XVI.10). A woman's *exclusive* attachment to family, or the domestic sphere, according to Montesquieu, is not rooted in the nature of the love of one's own or the nature of motherhood but in the Eastern convention of confining women within the domestic sphere and excluding them from the civil, economic, and political spheres. Whether or not Montesquieu truly considers an "exclusive attachment to one's family" the "best in the world by nature," this morality (cultivating illiberal practices such as silence, dependency, and respect) is necessary to deprive women of civil, political, and economic liberties. The unity of the family requires monogamy; a woman's exclusive attachment to the family, however, requires circumscribing female liberty.

That monogamy is distinctive to Europe is neither simply a natural nor historical accident, as equality between the two sexes requires a convergence of nature and history, so to speak. In fact, if the temperate climate is defined by the absence of the extreme effects of heat and cold, it would be the most suitable place to look for Montesquieu's standard for the superior arrangement between the sexes to emerge in the absence of the extreme effects of the climate.[150] If monogamy is distinctively European, equality between the two sexes is also distinctive to temperate countries: "In temperate countries,

[150] For a different interpretation of the relation between climate and political norms in Montesquieu's thought, see Cheney 129.

where women's charms are better preserved, where they become marriageable later, and where they have children at a more advanced age, their husbands' old age more or less follows on their own; and, as they have more reason and knowledge there when they marry, if only because they have lived longer, *a kind of equality between the two sexes has naturally been introduced,* and consequently the law permitting only a single wife" (XVI.2, emphasis added). At first glance, it seems that Europe's temperate climate is the necessary condition for equality between the two sexes, especially since Montesquieu connects the European climate to monogamy: "Thus, the law permitting only one wife has more relation to the physical aspect of the climate of Europe than to the physical aspect of the climate of Asia" (XVI.2). Upon closer reading, however, the sufficient condition for Montesquieu's standard of equality between the two sexes depends simply on one condition unrelated to the climate: women marrying later.

When we investigate the conditions for this natural introduction of "a kind of equality between the two sexes," we see that Montesquieu identifies the following possibilities as necessary conditions for the introduction of equality between the two sexes: 1) temperate climates, 2) the preservation of women's charms, 3) women marrying later, 4) women having children later, 5) women marrying men of comparable age, and 6) women having more reason and knowledge when they marry. To be sure, monogamy originates in Europe and not in the Middle East: the temperate climate for Montesquieu is a necessary, physical cause for the accidental introduction of "a kind of equality between the two sexes." Although it is in the temperate climates that equality between the two sexes is first introduced as a historical accident, Montesquieu does not rule out the possibility that women in non-temperate, non-European climates cannot marry and bear

children later to establish the sufficient condition for equality between the two sexes (despite differences in climate). Indeed, the first condition apparently localizes equality between the two sexes to the temperate climates of Europe, but the other five conditions do not necessarily presuppose anything particular to Europe. In fact, the sufficient condition for this inchoate version of equality between the two sexes, Montesquieu indicates, is simply women having more knowledge and reason before they marry, which consists merely of having "lived longer" before marriage. In other words, the necessary conditions for equality between the two sexes can be introduced almost everywhere, even if the initial natural introduction of equality between the two sexes was originally an accident of temperate climates.

That monogamy in Montesquieu's view arises naturally in Europe is correct, but commentators such as Pangle overlook Montesquieu's preoccupation with equality between the two sexes. Furthermore, even if monogamy is the prevailing arrangement between the two sexes in Europe, monogamous arrangements can often exclude the version of sexual equality that Montesquieu finds compatible with the mores of commerce (for instance, monogamous arrangements in northern European climates that are not rooted in equality between the two sexes).[151] In contrast to such monogamous arrangements in the north, the mores of temperate climates presuppose the imagination, or what Montesquieu also calls the "accessories" and "illusions" of love, which equate happiness with the pursuit of the illusions of love: "In northern climates, the physical

[151] In northern countries, there is a natural basis, Montesquieu asserts, for good mores: "What would be the use of enclosing wives in our northern countries, where their mores are naturally good, where all their passions are calm, scarcely active where love has such a regulated empire over the heart that the slightest police is sufficient to lead them?" (XVI.11). In cold climates, women are "naturally good" and easily manageable, presumably because of their "timidity." Naturally good mores consist of calm, scarcely active passions; more importantly, such natural goodness, Montesquieu asserts, does not exist by nature everywhere but exclusively in northern countries.

aspect of love has scarcely enough strength to make itself felt; in temperate climates, love, accompanied by a thousand accessories, *is made pleasant by things that at first seem to be love but are still not love*; in hotter climates, one likes love for itself; it is the sole cause of happiness; it's life" (XIV.2). If happiness and love are reducible to the physical aspect of love in the south, northern happiness is severed from its physical aspect and more importantly, from the imagination; in temperate climates, however, the illusions of love are what provide pleasure. This version of equality between the two sexes depends on the imagination insofar as it depends on the illusions of love.[152] Although Montesquieu clearly connects the mores distinctive to the diversity of climates to differing conceptions of happiness, Montesquieu scholars focus exclusively on his analysis of the diversity of political goods, thereby concluding that he defends a political pluralism or particularism incompatible with any positive conception of the good that might revolutionize the mores of free commercial societies with luxury.

[152] Northern calm is contrasted to southern imagination, and to be sure, the imagination generally triumphs over the conservative bent of reason in Montesquieu's view. In contrasting northern calm and rationality to southern imagination, for example, Montesquieu identifies "the ancient Germans" as "our fathers" whose "laws found in things only what they saw, and they imagined nothing more" (XIV.14). Despite their noble ranks, the ancient Germans lacked the (irrational or imaginary) refinement of the imagination in respect to laws concerning the two sexes: "And just as these laws judged insults to men by the size of the wounds, they put no greater refinement in the offenses to women. . .The law, it seems, measured the size of the outrages done a woman's person as one measures a geometric figure; the law did not punish the crime of the imagination, it punished that of the eyes" (XIV.14). Calm passions are accompanied by the exercise of a judgment in accord with the spirit of geometry, which does not discriminate between offenses against men and those against women. In contrast to this spirit of geometry that treats men and women equally, the imagination in hot climates (e.g. Spain), disposes southerners to an excess of honor. The difference between the climate of Germany and that of Spain is sufficient to demand radically different laws: "But when a Germanic nation moved to Spain, the climate required quite different laws. . .The imagination of the peoples was fired, that of the legislators was likewise ignited; the law suspected everything in a people capable of suspecting everything (XIV.14). The imagination, not reason, attends to the nature of sexual difference: "Therefore, these laws gave an extreme attention to the two sexes. . . Thus these laws were more proper for the excessive refinement of a certain point of honor than for the formation of a good police" (XIV.14, emphasis added). Both excessive attention to honor and cold insensitivity to the natural differences between the two sexes inhibit the good regulation of mores.

It is not surprising, hence, that equality between the two sexes depends on neither passion nor reason but the imagination. If happiness and love are reducible to sex in the south, the illusions of love give pleasure in temperate climates; northern happiness is so rational that it is severed from sex. The illusions of love are superior to the alternative conceptions of love rooted either in the rule of physical pleasure (the south) or the rule of reason (the north), especially as women in commercial societies are the "enlightened judges" of personal merit: "Our connection with women is founded on the happiness attached to the pleasures of the senses, on the charm of loving and being loved, and also on the desire to please them because they are quite enlightened judges of a part of the things that constitute personal merit. This general desire to please produces a gallantry which is not love, but the delicate, flimsy, and perpetual illusion of love" (XVIII.22). Although monarchies do not depend on the censors of ancient republics to correct and preserve pure mores, they rely on the charms and judgment of enlightened women for at least "a part" (if not the whole) of what should constitute personal merit among men.

Accordingly, although equality between the two sexes does not demand one to sacrifice one's life for the country, it does require a moral (i.e. psychological) attachment to what Diana Schaub calls "coupling."[153] As Schaub argues, Montesquieu's erotic liberalism elevates the conjugal over the filial. This attachment to the conjugal, however, requires effort insofar as marriages in commercial societies accompanied by luxury are costly and raising children becomes more difficult and burdensome. The mere act of marrying and propagating (in contradistinction to rearing children well and marrying happily) are natural in the weak sense in Montesquieu's view, as only "passion" is

required (XXIII.10). Sufficient sustenance is the only condition for marriage among nascent peoples, and propagation increases unchecked. Indeed, in pre-commercial societies it is not a discomfort to have many children, as raising a child is not costly. Peoples whose civic identity is not formed through the modern nation-state marry easily and have large families (XXIII.10). In commercial societies with luxury the liberty of women undermines this natural, or more precisely, nascent desire to marry and have many children. If nature disposes nascent peoples towards marriage and large families, nature is in tension with the modern nation-state insofar as the artfulness, expense, and liberty of societies engaging in commerce of luxury constrain the desire to have many children (or perhaps to have a child at all). In monarchies, marriage is difficult or "uncomfortable" as it is costly. It is no longer necessary, hence, to delay the coming of age (and dependence of children) in societies with luxury, as it was the case in ancient republics such as Rome (V.7). In contrast, boys must be encouraged to marry (XXIII.9), whereas girls only need to marry later in monarchies.

That the mores of the temperate climate informs Montesquieu's standard of moderation and happiness amidst the diversity of political norms becomes evident in his treatment of Asia in Book XVII.[154] The charms of women (naturally introducing equality between the two sexes) not only distinguishes temperate Europe from its northern and southern counterparts in respect to its domestic arrangements, but it also provides insight into the most decisive political difference between Europe and Asia: "Asia has no temperate zone, properly so called, and the places situated in a very cold climate there are immediately adjacent to those that are in a very warm climate, that is, Turkey, Persia, the

[154] Cf. *Mes Pensées* 769.

Mogul Empire, China, Korea, and Japan" (XVII.3). As Montesquieu points out, he is the first to notice this difference: "This is the major reason for the weakness of Asia and the strength of Europe, for the liberty of Europe and the servitude of Asia: a cause that I think has never before been observed" (XVII.3). He identifies a physical cause, in other words, as a basis for sexual despotism and inequality in Asia.[155] The temperate zone is the physical cause that initially introduces the equality of the sexes as an "accident." However, does this lack of a temperate zone necessarily exclude the possibility of equipping Asian women with "charms" and the art of resistance?

Although he generalizes and subsumes all of Asia under the umbrella of "a very warm climate" he also indicates, if we recall, that extreme inequality precludes the possibility of popular government (XVI.9). Republican government is fundamentally incompatible with "empire over women" or extreme inequality between the two sexes. If economic commerce does not soften mores between the two sexes in the same way that commerce of luxury does, it might nonetheless be compatible with a kind of equality between the sexes that does not hinge on luxury and vanity.

Commentators who take England to be the best modern alternative do not sufficiently take into account that Montesquieu distinguishes sharply between the mores of northern European climates (e.g. England) and temperate climates (e.g. France) and instead presents two alternatives of the good life. Political liberty, indeed, promises the pursuit of ambition, the feeling of security and liberty, and the administration of liberal institutions. More importantly, the demands of self-governance in republican life preserve mores that do not necessarily result in the mixing of the two sexes in political and civil

[155] Contrary to Said's critique linking geography to empire, Montesquieu links climate to mores for the sake of commerce. See Edward Said, *Culture and Imperialism,* (New York: Vintage, 1994).

life in England. However, Montesquieu also makes clear that political liberty, if not balanced by gentle mores rooted in equality between the two sexes, constrains happiness, or at any rate, a happiness linked to "commerce with women." Those enamored with hunting, for instance, "acquire a certain roughness," leaving them in need of cultivating "a taste for music" which would immediately change their manners and mores (IV.8). If Montesquieu praises the political liberty of England's constitutional government, he speaks less favorably of their mores and the status of women there: "The English are calculators; this is because they have two ends that surround the middle: merchants and philosophers. Women are nothing there; here they are everything" (*Pensées* 1625). Akin to despotisms where women "have no tone to give,"[156] women play no influential role in England's political administration or economic commerce (even if they are suited to rule officially as monarchs). Indeed, Montesquieu contrasts the timid, modest, reserved women of England to the charming yet indiscreet women of France: "In a nation where each man in his own way would take part in the administration of the state, the women should scarcely live among men. Therefore, women would be modest, that is timid; this timidity would be their virtue, whereas the men, lacking gallantry, would throw themselves into a debauchery that would leave them their liberty as well as their leisure" (XIX.27). The liberty and leisure of men necessarily depend on a conception of female virtue in accord with as both timidity and modesty. In England women are supposedly necessarily timid and reserved on account of a political cause: "each man in his own way would take part in the administration of the state." Whereas men actively use their political liberty by deliberating and administering the state, women are separated not only

[156] Cf. XIX.12

in the political sphere but in the domestic realm as well. As Sullivan and Balch have showed, Montesquieu criticizes the debauchery of English men whose inebriation results in the need for self-defense among women.[157]

While commentators generally examine Montesquieu's treatments of England and France in terms of the best political alternative (the modern commercial republic or an aristocratic monarchy), they overlook Montesquieu's explicit critique of the effects of English liberty on happiness: "It is not for me to examine whether at present the English enjoy this liberty or not. It suffices for me to say that it is established by their laws, and I seek no further. I do not claim hereby to disparage other governments, or to say that this extreme political liberty should humble those who have only a moderate one. How could I say that, I who believe that the excess even of reason is not always desirable and that men almost always accommodate themselves better to middles than to extremities?" (XI.6). Extreme liberty driven by impatience in Montesquieu's view is incompatible with happiness: "There are two types of unhappy people…the lassitude of soul and the opposite, impatience" (*Mes Pensées* 30). Despite his explicit reluctance to pronounce judgment, Montesquieu's ambivalence concerning English liberty is clear. On the one hand, Montesquieu effusively praises the English know-how in taking advantage of religion, commerce, and liberty: "This is the people in the world who have best known how to take advantage of each of these three great things at the same time: religion, commerce, and liberty" (XX.7). On the other hand, extreme political liberty and the laws of the English constitution can also result in "the repugnance for all things," not least for

[157] See Vickie Sullivan and Katherine Balch, "Spectacles and Sociability: Rousseau‟s Response in his Letter to d'Alembert to Montesquieu‟s Treatment of the Theatre and of French and English Society," *History of European Ideas*, 41 (February 2015): 369.

life (XIV.13). Indeed, the laws of the English constitution are most suitable for such "people to whom everything can be intolerable" since "they could not be allowed to blame any one person for causing their sorrows" since "laws rather than men" govern (XIV.13). The English even “resolve to kill themselves when one can imagine no reason for their decisions; they kill themselves in the very midst of happiness” (XIV.12). The best political alternative does not necessarily furnish the necessary conditions for human flourishing.

3.6 CONCLUSION

Despite the singular explicit allusion to “a kind of equality between the sexes” in *The Spirit of the Laws*, Montesquieu’s preoccupation with “a kind of equality between the two sexes” permeates his treatment of commerce. To elaborate on liberal pluralist readings of Montesquieu pointing to his defense of diversity of political goods, I argue that equality between the two sexes emerges as a normative good in the realm of manners and mores in Montesquieu’s political economy for free commercial societies with luxury. The introduction of equality between the two sexes is compatible with the diversity of political goods because Montesquieu’s understanding of equality between the two sexes does not coincide with our egalitarian conception of sexual equality in accord with democratic practices and norms. Equality between the two sexes in Montesquieu’s view only demands that peoples everywhere are sufficiently flexible to assume the manners and mores in accord with *doux commerce.* Concretely, it demands that women marry later, cultivate the taste and make men appreciate it, and use their charms to attach men to

"commerce with women." Hence, Montesquieu opens the possibility of combining a liberal political particularism with a more widespread if not almost universally prevailing homogeneity in mores. In sum, he is optimistic concerning the flexibility of mores across climates and cultures, yet he remains sober concerning the limits of universalizing political liberty.

In contemporary politics, our debates concerning the proper relation between liberty and justice focus on arguments for or against capitalism or more recently, socialism. In *The Spirit of the Laws,* Montesquieu is also preoccupied with the status of economic inequality in commercial societies, but he examines this question in a different way. By using the language of commerce and distinguishing commerce of luxury from economic commerce, Montesquieu teaches us two things.

First, commerce is sufficiently capacious to accommodate two fundamentally different alternatives of the good life. Economic commerce demands good mores (in accord with modesty and timidity) that are opposed to the gentle mores and politeness that necessarily accompany commerce of luxury. Secondly, in addition to clarifying the way in which his liberalism preserves the possibility of maintaining mores in accord with virtue traditionally conceived, his analysis points to the necessity of evaluating "liberalism" on both political and economic grounds. That is, it is necessary to investigate the possibility of liberty and commerce together rather than simply looking at the conditions in which liberalism might constrain religion in modernity. More specifically, the opposition between economy and luxury, or necessity and extravagance (or perhaps even between saving and consuming) illuminates not only the origins of economic inequality but that the common critiques of "liberalism" or "capitalism" are already

embedded within Montesquieu's political economy. In the next chapter, I will investigate the possibility that the gentleness of Christianity demands the harshness and "exacting justice" of economic commerce and whether economic commerce, or "the spirit of commerce" and the "jealousy of commerce" are *necessary* supplements for Christianity insofar as Christianity does not sufficiently pay heed the question of justice.

4.0 REEXAMINING *DOUX COMMERCE:* MONTESQUIEU ON THE JEALOUSY OF POLITICAL LIBERTY AND COMMERCE

4.1 INTRODUCTION

In the previous two chapters, I argued that the homogeneity of commercial peoples engaging in commerce of luxury consists in a worldliness that undermines the principles common to traditional ways of life. In commercial societies with luxury, this worldliness results in the disunity of modern man hitherto unknown to pre-modern peoples: receiving an education "in the world" contradicts the education one receives in the family and religion. In the third chapter, I elaborated on this worldliness of commercial peoples and argued that Montesquieu defends luxury and vanity despite his clarity concerning the disadvantages of luxury. Commerce of luxury offers a version of happiness rooted in an equality between the two sexes in tension with the virtue common to traditional religions and ancient republics. Moreover, I argued that Montesquieu elevates equality between the two sexes insofar as commerce of luxury presupposes vanity, frivolity, taste, and finally attaches men to "commerce with women" in monarchies. In this chapter, I investigate Montesquieu's treatment of the harsh, self-corrective character intrinsic to the spirit of commerce in order to illuminate the limits of standard critiques of *doux commerce* and shed light on how to stave off weakness, softness, and corruption in commercial societies today.

Doux commerce, the most famous theory about the morality of commercial modernity, holds that commerce moves nations away from war and towards peace. Indeed, Montesquieu scholars situate Montesquieu as a proponent of *doux commerce*, as

he explicitly claims that commerce leads almost everywhere to gentle mores. Commerce increases communication across the globe, destroying prejudices and broadening our cultural literacy. The standard reading of *doux commerce* explains how commerce increases dependence, trade, and communication among nations, but insufficiently describes the effects commerce has on the habits, dispositions, and strength of individuals who freely compete and thrive in commercial societies.[158] Indeed, the soul of commercial peoples exhibits a moderation rooted in strength that aims to combine the advantages of liberty, commerce, and religion. If religion and politics for Montesquieu too often culminate in the harshness common to monks and conquerors, commerce takes the middle way to avoid these extremes. In short, commerce has a complex character for Montesquieu—gentle in its mores, harsh in its spirit, and flexible in its manners.

The spirit of commerce is opposed both to the hospitality practiced by bandits and the moral virtues in opposition to self-interest (XX.2). The spirit of commerce, in contradistinction to the mores of commerce, animates a concern for "exact justice" and recalls man to a jealous vigilance of one's interest (personal and national). Just as nationalism recalls citizens to defend their national interest against the claims of humanity, a "spirit of commerce" akin to economic nationalism employs a lens of humanity without losing sight of self-interest, or at least preserves the ability to discriminate between the claims of citizens and those of non-citizens. A genuine openness to learning more about human difference for Montesquieu is in no way incompatible with a heightened jealousy of our personal, local, and national interests on the one hand and a softened humaneness towards strangers on the other. Commerce thus

[158] As Kelly has pointed out, if commerce softens the spiritedness of nations, it makes individuals more harsh and calculating.

promotes both gentleness and harshness: knowledge of other cultures enlightens our prejudices and inclines us towards humanity yet our concern with justice also makes us more exacting of our self-interest. It is possible to renounce our irrational prejudices without abandoning our clarity concerning our self-interest. Accordingly Montesquieu presents us with a political economy wherein a normative commitment to humanity is not divorced from the spirit of commerce properly understood.

In the second section, I will also argue that jealousy is the passion that preserves the distinction between tolerance and a humanity severed from justice rightly understood. If humanity is an amorphous whole, jealousy erects walls of separation to give humanity a structure or form.[159] Jealousy functions to preserve differences among classes (the few and many), separation between peoples (national or ethnic), and division among rivals (in free commercial societies characterized by competition). The paradox of what Montesquieu calls a "conventional" form of jealousy (akin to indifference and scorn) is that it psychologically preserves or rehabilitates the differences natural to man (whereas the gentleness of commerce erodes natural differences between men and women) and weakens prejudices. Although jealousy is no substitute for the physical borders of the nation state that commerce intrinsically aspires to transcend in its nomadic flights, it can preserve the rightful claims of natural justice that humanity (radically conceived as extreme philanthropy or charity) forgets or ignores.

4.2 REEXAMINING *DOUX COMMERCE* IN *THE SPIRIT OF THE LAWS*

[159] Commerce of luxury also tends towards an amorphousness or formlessness as it erodes natural differences between the two sexes.

Montesquieu is often presented as one of the chief Enlightenment defenders of *doux commerce*. *Doux commerce*, indeed, was advocated by Jean-Francois Melon, Montesquieu, Voltaire, Hume, and a strong majority of the leading intellectuals of the time. Matthew Mendham, for example, argues that 18th century thinkers such as Montesquieu maintained that with commerce (construed broadly to include both economic exchange and social interaction), individuals and societies would become more *doux*.[160] As I mentioned in my previous chapter, Pierre Manent also argues that this insight is the key to Montesquieu's interpretation of European history: "Montesquieu's prosaic and modest observation that commerce softens mores is the starting point and the focal point of his interpretation of European history."[161]

Commerce in *The Spirit of the Laws* is generally connected to peace and gentle mores: "The natural effect of commerce is to lead to peace" (XX.2),[162] and commerce is almost always accompanied by gentle mores (XX.1). In contrast to Rousseau, Montesquieu seems to believe that gentleness is necessarily a result of civilization (rather than natural to man in the state of nature). For instance, he attacks the cruelty common to savages and despotic governments and instead praises the gentleness of moderate governments: "One can find in the various nations what one sees in men taken individually. There is equal cruelty among savage peoples, who lead a hard life, and among the peoples of despotic governments where fortune favors only one man exorbitantly and abuses all the rest. Gentleness reigns in moderate governments" (VI.9). Montesquieu wanted his readers to

[160] Matthew Mendham,"Enlightened Gentleness as Soft Indifference: Rousseau's Critique of Cultural Modernization." *History of Political Thought* 31.4 (Winter 2010): 605-37.
[161] See Pierre Manent, *The City of Man*. Translated by Marc LePain. Princeton, NJ: Princeton, 37.
[162] Shklar 27.

know and understand all cultures, Judith Shklar argues, because he really believed that knowledge makes men gentle as ignorance hardens us.[163] Paradoxically it is "not the primitive but the supracivilized who may recover from cruelty after all."[164] Commerce induces us to cooperate because we abandon our prejudices: "Knowledge makes men gentle, and reason inclines toward humanity; only prejudices cause these to be renounced" (XV.3).

Standard theories of *doux commerce* conclude that commerce softens, polishes, and even effeminates modern liberal societies, rendering modern peoples too philanthropic or cosmopolitan to serve their country well as citizens. In *Ordinary Vices* Shklar argues that the *summum malum* of Montesquieu's liberalism is cruelty. Cruelty "is often utterly intolerable for liberals, because fear destroys freedom."[165] In her influential reading of Montesquieu, she argues that Montesquieu thought "that only the claims of humanity as a whole should count, because the greater social unit must always have the prior claim on us."[166] The premise of her interpretation of Montesquieu's liberalism is that his political thought paradoxically attempts to use misanthropy towards humane ends: "If one puts cruelty first, however, one will control one's loathing or turn it to humane use. Montesquieu was able to provide an essentially misanthropic basis for a liberalism that was meant to reduce fear and to eliminate the grossest cruelties."[167] Montesquieu's primary contribution to American constitutional government for Shklar is "a diffuse distrust of

[163] Shklar 27: Shklar ignores Montesquieu's assertion that the people of the Indies are gentle. Not all savages lead a hard life.
[164] Shklar 2.
[165] Shklar 158.
[166] Shklar 194.
[167] Shklar 196-197.

humanity."[168] Liberal constitutional government aims to avoid "cruelty and injustice": "In underwriting his preferred free constitution, Montesquieu's moral psychology was thoroughly misanthropic. A government was to be designed so as to avoid its own worst vices, cruelty and injustice; and it was set up by and for people who could do no better than to indulge in lesser vices in order to avoid worse ones."[169] Shklar, like other contemporary political theorists who read Montesquieu as a liberal pluralist, argues that Montesquieu rejects cruelty and fear but does not defend a positive idea of the good.

However, Montesquieu's treatment of *doux commerce* in *The Spirit of the Laws* in fact shows the limits of such standard readings opposing Montesquieu's liberalism to cruelty and more generally, harshness. While I generally agree with Shklar that a kind of extreme despotism emerges as a negative standard of the good in Montesquieu's thought, I argue that Montesquieu rejects cruelty not because he puts cruelty first, but because gentleness is necessarily elevated in his political economy.[170] In *Mes Pensées,* he writes, "I said: Fortune is our mother; docility our governor."[171] Gentleness is common to all moderate governments, a standard that emerges in *The Spirit of the Laws* to evaluate more complex political states. But rather than opposing cruelty to gentleness, Montesquieu locates gentleness as a moderate standard to balance the claims of humanity and those of commerce. In the final section, once we see the necessarily harsh dimension of liberty and commerce in Montesquieu's view, we will see more clearly the proper place of gentleness in Montesquieu's political thought.

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[168] Shklar 196-197.
[169] *Mes Pensées* 1211.
[170] I would add, however, that extreme liberty is also a negative standard for Montesquieu.
[171] *Mes Pensées* 1935.

Montesquieu presents gentleness as a moderate alternative distinctive to "middling sorts" in contradistinction to the extremes of harshness: "Extremely happy and unhappy men are equally disposed to harshness: witness monks and conquerors. Only the middling sort, offer gentleness and pity" (VI.9).[172] Rather than presenting cruelty as a *summum malum*, Montesquieu locates gentleness as a moderate standard in terms of happiness: gentleness is an alternative to extreme happiness and extreme unhappiness. Such ways of life include religious contemplation and conquest. Gentleness is an alternative, in other words, to the spirit of conquest rendering men harsh and to otherworldly moralities that pit men against their self-interest. Deeply suspicious of the immoderation common to conquest and religion (exemplified by monks), Montesquieu believes that immoderation manifests itself in extreme virtue or vice: "It is only extremely vice-ridden and extremely virtuous people who have a certain energy, and just as this energy always goes too far in the first, it may fail to stop itself adequately in the second."[173] Equally skeptical of extreme virtue and vice, Montesquieu locates moderation with a gentleness free of excessive energy. By rejecting the extreme harshness common to religion and war, Montesquieu presents a more philosophic or "cool" way of life compatible with gentleness and moderation.

It is not surprising, hence, that Montesquieu prescribes moderation concerning penal laws. Rather than a principled rejection of cruelty, Montesquieu recommends a

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[172] The heights of extreme happiness might necessarily demand harshness.

[173] Montesquieu uses Japan as a case study to illustrate how "extravagant penalties can corrupt despotism itself" (VI.13). Despotism, which according to Montesquieu, is a political state intrinsically corrupt, can be even further corrupted by cruel punishments. Despotic ideas such as corporal punishment and disobedience to an emperor supposedly characterize Japanese penal laws: "In Japan almost all crimes are punished by death because disobedience to such a great emperor as Japan's is an enormous crime" (VI.13). Cruel punishments, Montesquieu argues, are less effective than the "long penalties that weary more than frighten;" they are more difficult to overcome because they seem less difficult" (XXV.12).

prudent mix of fiscal and corporal punishment.[174] In his comparative analysis of penal systems, for instance, Montesquieu opposes the moderation of German fiscal penalties to the despotic corporal penalties common to Spain and Japan.[175] The "ancient Germans," who in Montesquieu's view are "the fathers" of Europe, "admitted *almost none* but pecuniary penalties" (VI.18, emphasis added).[176] In contrast, the Japanese reject pecuniary penalties altogether "on the pretext that rich people would escape punishment" (VI.18). Justice for the Japanese entails vengeance in the form of corporal punishment. Such a principled rejection of fiscal punishment fails to consider that rich people fear not only the loss of their goods but also infamy; what is more, pecuniary penalties are useful because they can be "proportionate to fortunes" (VI.18). Montesquieu concludes: "A good legislator takes a middle way; he does not always order pecuniary penalties; he does not always inflict corporal penalties" (VI.18).

While it is true that Montesquieu rejects unnecessary punishment, he also argues that cruelty in the long run is simply ineffective. In addition to presenting gentleness as a mean, Montesquieu furthermore claims that cruelty is generally an ineffective exercise of imprudence on account of its inefficiency and impotence in carrying out justice: "Experience has shown that, in countries where penalties are gentle, the citizen's spirit is

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[174] Cf. XXIV.12 where Montesquieu emphasizes that penances should be joined with the idea of work, the idea of the good, and the idea of frugality.

[175] The ancient Germans enjoyed fiscal laws in accord with their liberty: "These men, who were both warriors and free, considered that their blood should be spilled only when they were armed" (VI.18).

[176] According to Montesquieu "the astonishing character of these opinionated, capricious, determined, eccentric [Japanese]" become habituated to such cruelty. Japanese legislators who enact atrocious laws fail to discern that "the continual prospect of punishments" cannot "correct or check" people who naturally despise death and who disembowel themselves at the slightest fancy" (VI.13). Rather than correcting or checking the opinionated, capricious, determined, and eccentric character of the Japanese, cruel punishment results in the acclimation to cruelty. While it may not be natural for men to be accustomed to cruelty, the unnatural, unwise, and imprudent laws that pose the continual threat of punishment appeal to the natural revulsion to death.

struck by them as it is elsewhere by heavy ones" (VI.12). Cruel punishments habituate citizens to cruelty, thus rendering force impotent. The use of cruelty paradoxically makes gentle treatment necessary because cruelty leads to resistance and self-defense (VI.13). Indeed, citizens inevitably become insensitive to cruelty. Montesquieu again uses the case of Japan and claims that in the case where gentleness no longer effectively checked the character of those accustomed to being checked only by cruel penalties (*une peine cruelle*), a prudent legislator would not resort to the shrillness of force (VI.13). If the Japanese legislators had been wise, they would not have enacted atrocious laws to punish resistance but "would have sought to lead men's spirits back by a just tempting of penalties and rewards; by maxims of philosophy, morality, and religion, matched to this character; by the just application of the rules of honor; by using shame as a punishment, and by the enjoyment of a constant happiness and a sweet tranquility" (VI.13).[177] Cruelty is imprudent insofar as it generally is often less effective, especially in the long run, than appeals to honor and shame. In short, punishment, at least over time, has no effect but destruction (XXV.12). Montesquieu rejects cruelty on prudential grounds as much as on normative ones. Rather than presenting cruelty as a negative standard, Montesquieu points to the imprudence and inefficacy of those who habitually resort to cruelty.

Once we see that Montesquieu rejects cruelty on these grounds, we can also recover the limits of his defense of humanity often associated with theories of *doux commerce*. Montesquieu aims to combine the exacting spirit natural to commerce with a normative commitment to the virtue of humanity properly understood. In Shklar's reading Montesquieu thought "that only the claims of humanity as a whole should count

[177] Shklar 158.

because the greater social unit must always have the prior claim on us."[178] Humanity for Montesquieu is indeed a virtue, but what it exactly demands of us is less clear. For instance, it does not necessarily result in the kind of cosmopolitanism that Rousseau attacks.[179] I would even go so far to say that in no way do the claims of humanity make a greater claim on us such that we become less nationalist or tribal. In the Preface to *The Spirit of the Laws*, for example, we learn that one practices "love of all" primarily through instructing others: "By seeking to instruct men one can practice the general virtue that includes love of all" (xliv). Similarly, he praises the Jesuits for spreading "the idea of religion joined with that of humanity (IV.6). The best thing the Jesuits could accomplish, Montesquieu elaborates, is increasing industriousness: "The Society's exquisite feeling for all it calls honor and its zeal for a religion that humbles those who listen far more than those who preach have made it undertake great things, and it has been successful. It has brought dispersed peoples out of the woods; it has assured their sustenance; it has clothed them; and if, in so doing, it has done no more than increase industry among men, it would have accomplished much" (IV.6). The best thing even a father can give his child as an inheritance is an art with which one can practice to work: "The worker who has given his art to his children for an inheritance has left them a good which multiplies in proportion to their number. It is not the same for the one who has ten

[178] Similarly, while he criticizes the Spanish for their treatment of the Mexicans, he praises Christianity as a gentle religion capable of doing good by defending the humanity of slaves: "What good could the Spanish not have done the Mexicans? They had a gentle religion to give them; they brought them a raging superstition. They could have set the slaves free, and they made freemen slaves. They could have made clear to them that human sacrifice was an abuse; instead they exterminated them. I would never finish if I wanted to tell all the good things they did not do, and all the evil ones they did" (X.4).

[179] The humanity of the moderate state, for instance, demands gentleness but not egalitarian freedom: "In the moderate state, the humanity one has for slaves will be able to prevent the dangers one could fear from there being too many of them. Men grow accustomed to anything, even to servitude, provided the master is not harsher than the servitude. The Athenians treated their slaves with great gentleness, one sees that the slaves did not disturb the state in Athens, whereas they shook it in Lacedaemonia" (XV.16).

arpents of land to live on and divides them among his children" (XXIII.29). The love of all for Montesquieu does not necessarily prefer the claims of an abstract humanity but aims to increase industriousness among peoples, assure them of their sustenance, and "clothe" them. Accordingly Montesquieu presents us with a political economy wherein a commitment to humanity is not divorced from the spirit of commerce properly understood.

The tension between the demands of commerce and those of the virtue of humanity originates from the spirit of commerce itself in Montesquieu's view. Commercial peoples seeking wealth and profit are not inclined to make humane laws. In fact, it was the ancient Romans (whom Montesquieu singles out as a people exhibiting a jealousy of conquest rather than jealousy of commerce) who made "humane ones" precisely because they "made laws for the whole universe:"

> Given the narrow bounds within which the northern peoples lived, everything was foreign to them; given their poverty, everything was an object of wealth to them. Established before their conquests on the shores of a confined sea full of reefs, they drew profit from the reefs themselves.
>
> But the Romans, who made laws for the whole universe, had made very humane ones, concerning shipwrecks; they restrained in that regard the banditry of those who inhabited the coasts, and furthermore, they restrained their rapacious fisc. (XXI.17)

Thus the lens of humanity for Montesquieu does not emerge with peaceful commerce, as standard accounts of *doux commerce* presuppose, but with the Romans whose spirit lacked any jealousy of commerce.[180] The Romans feared above all conquest and lacked any jealousy of commerce (XXI.14). Commerce in Montesquieu's view requires passions

[180] Montesquieu also claims that the Romans lacked jealousy of their wives: "Jealousy was so little known among the Romans that the surviving authors hardly ever speak of this passion. And the abuse went so far that the public authority was obliged to punish husbands for their excessive indulgence toward their wives" (*Mes Pensées* 499).

incompatible with a love of humanity because the spirit of commerce breeds "hatred, envy, jealousy, and the ardor for enriching and distinguishing oneself [which] appear to their full extent, and if this were otherwise, the state would be like a man who, laid low by disease, has no passions because he has no strength" (XIX.27). Commerce emancipates the passions, but this does not necessarily lead to corruption or weakness, but to a more intense yet narrow spectrum of human passions. The passions of commercial peoples in Montesquieu's view are not necessarily weak, gentle, or soft; indeed, the passions he singles out are harsh, cold, and strong. Contra *doux commerce* theories that emphasize the gentle, sweet, or soft character of commerce, Montesquieu in fact describes commerce—or at any rate its *spirit*—as by nature harsh.

Montesquieu is able to characterize the harsh nature of commerce by distinguishing between the spirit and mores of commerce: the spirit of commerce is harsh, whereas the mores are gentle. The spirit of commerce is mentioned six times in *The Spirit of the Laws*,[181] and these passages repeatedly emphasize the self-corrective, self-disciplined, and even harsh spirit. The spirit of commerce "brings with it the spirit of frugality, economy, moderation, work, wisdom, tranquility, order and rule" (V.6). This spirit of commerce is exhibited primarily in northern Europe: in Holland, among the Quakers, the Jesuits (IV.6), as well as in Switzerland, the Lowlands, the German republics, and England (V.19). As Shklar notes, "Montesquieu praised those ancient democracies whose frugality and equality made the citizens unable or unwilling to lord it

[181] Cf. "In the war Spain waged against the English in 1740, a law was made that punished with death those who introduced English commodities into the Spanish states; it imposed this same penalty on those who carried Spanish commodities to the English states. Such an ordinance can find, I believe no other model than the laws of Japan. It runs counter to our mores, to the spirit of commerce, and to the harmony that should prevail in proportioning penalties; it confuses all ideas, making a state crime of what is only a violation of the police." (XX.14).

over one another" (28). Commerce, however, does not unite individuals globally as cosmopolitans, as proponents of free trade (i.e. mercantilists) might hope: "But, if the spirit of commerce unites nations, it does not unite individuals in the same way. We see that in countries where one is affected *only* by the spirit of commerce, there is traffic in all human activities and all moral virtues; the smallest things, those required by humanity, are done or given for money" (XX.2, emphasis added). Without the influence of Christianity or monarchy, republics practicing economic commerce tend to be mercenary, or at least self-interested. The spirit of commerce, Montesquieu elaborates, "produces in men a certain feeling for exact justice" in opposition to banditry on the one hand and moral virtue understood as charity or self-sacrifice on the other (XX.2). That is, although he claims that knowledge and reason should make men gentle and humane (XV.3), commerce, or at least the *spirit* of commerce, in fact, makes men harsh and exacting.[182] As Kelly explains, "Although commerce may make nations prefer peaceful pursuit of wealth to war, it makes individuals harsher rather than gentler toward each other by making them concerned exclusively with their own interest, restraining themselves only to the extent required by business relations."[183] The extreme reign of the "spirit of commerce" subordinates the moral demands of humanity to mercenary exactions of justice narrowly construed.

[182] As his examples illustrate, commercial peoples treat others with more gentleness, as long as they are not yet corrupted by luxury. In his treatment of slavery among the ancients, for example, he praises the Athenians for their "great gentleness" towards their slaves and the first Romans for their "feeling of humanity" in contrast to the harsh mores of the Lacedaemonians (XV.16). In fact, gentleness and fairness are compatible with living, working, and eating among your slaves as long as one avoids "luxury and arrogance" (XV.16). Work preserves humane mores, whereas luxury and arrogance corrupt mores so that laws become necessary.
[183] Kelly 24.

Accordingly, Montesquieu's treatment of commerce calls into question the idea that Montesquieu wanted his readers to know and understand all cultures because he really believed that knowledge makes men gentle as ignorance hardens us.[184] Knowledge in modernity for Montesquieu results most importantly, as I have argued, in a consensus concerning the most attractive domestic arrangement between the two sexes: gentle mores compatible with the liberty of women and monogamy.[185] Commerce softens mores because we gain knowledge specifically concerning the *mores* of other peoples all over the world: "Therefore, one should not be surprised if our mores are less fierce than they were formerly. Commerce has spread knowledge of the mores of all nations everywhere; *they have been compared to each other,* and great goods (*grands biens*) have resulted from this" (XX.1, emphasis added). In Montesquieu's view, knowledge results not simply in humanity towards strangers but more decisively, gentle mores between the two sexes.[186] This knowledge originates from the comparison of mores and more importantly, from the mores distinctive to commerce of luxury: "Large societies had to be formed in order for certain prejudices to become general and to set the tone for all the rest."[187]

One might object that Shklar's liberalism aims to defend a *political* liberalism elaborating the conditions and limits of *political* liberty. Indeed, Montesquieu defines a citizen's political liberty as "that "*tranquility of spiri*t which comes from the opinion each

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[184] Shklar 27.

[185] Please see my previous chapter for this argument.

[186] While I agree with Manent that Montesquieu points to a historical dimension of commerce, I think what Montesquieu has in mind by "the great goods" is the triumph of gentle mores compatible with the liberty of women and what he also calls "a kind of equality between the two sexes." Cf. XIX.14 where Montesquieu talks about the uselessness of violent means and the efficacy of gentleness in changing sexual mores.

[187] *Mes Pensées* 1622.

one has of his security, and in order for him to have this liberty the government must be such that one citizen cannot fear another citizen" (XI.6, emphasis added). Political liberty for Montesquieu originates in the absence of fear, which accounts for readings that focus on negative liberty, or a liberalism of fear. My account in no way contests Montesquieu's condemnation of cruelty in the form of terror, violence against women, or in general, bloody violence (III.9). Instead, I aim to clarify misconceptions concerning Montesquieu's *doux commerce* theory by presenting gentleness as a *political virtue* compatible with the following necessary features of a moderate government: moderation, a principled obligation to humanity, and the spirit of commerce. On the one hand, commerce puts us more in contact with different kinds of peoples; on the other hand, the spirit of commerce fuels a harsh justice in tension with the humane treatment of strangers. In contrast to a liberalism of fear identifying cruelty as the antithesis to liberty, Montesquieu defends a kind of gentleness simultaneously compatible with a principled love of humanity and the harsh spirit of commerce. This calls into question standard readings of *doux commerce* that claim commerce makes us excessively weak, soft, or even cosmopolitan. When we investigate Montesquieu's insight into the jealousy common to commerce and political liberty, we can better understand why he conceives of gentleness as a necessary *remedy* to the harshness animated by liberty and commerce.

4.3 THE JEALOUSY OF POLITICAL LIBERTY AND COMMERCE

In the previous section, I argued that standard treatments pointing to Montesquieu's "liberalism of fear" miss the way in which he treats gentleness as a

political virtue compatible with commerce in its fullness in *The Spirit of the Laws*. Such readings claim that Montesquieu defends a liberal tolerance departing from the necessary harshness and cruelty of ancient republican virtue. In doing so, however, these standard interpretations overlook the harsh dimensions of the jealousy common to his conceptions of political liberty and commerce, which I will examine in this section. By investigating his treatment of jealousy, I aim to answer the following question: How should we interpret Montesquieu's preoccupation with jealousy, and how does it illuminate misconceptions of his treatment of *doux commerce*? In short, I argue that jealousy is central to his conception of the modern commercial republic because it animates a citizen's political liberty and a republic's economic commerce. The jealousy originating from the laws of commercial republics engenders a cold indifference, which indicates that there is a morality natural to modern commercial republics. Once we see why commerce by nature is not exclusively gentle, sweet, or soft but rather also fundamentally harsh, we will see in the final section why Montesquieu prescribes gentleness as a remedy to counteract the harsh spirit of commerce.

Montesquieu set out to write a book entitled *The History of Jealousy* that he never finished. As Istvan Hont elaborates in his historical study on the jealousy of trade, "Jealousy was a much more widely used term in the seventeenth and eighteenth centuries than today."[188] Hont defines jealousy as not simply vigilance but as "a competitive stance motivated by ambition, envy, and resentment."[189] Despite Montesquieu's preoccupation with the passion of jealousy, his readers have paid more attention to his

[188] See Istvan Hont, *The Jealousy of Trade: International Competition and the Nation-State in Historical Perspective*. Cambridge, MA: Belknap Press, 2010, 3.
[189] Hont 3.

treatment of honor, fear, and virtue in *The Spirit of the Laws*. Indeed, whereas honor, virtue, and fear are the springs proper to monarchies, republics, and despotisms respectively, jealousy is not explicitly a part of Montesquieu's typology of passions corresponding to the diversity of political constitutions (or, the diversity of political goods). Yet, Montesquieu attributes jealousy not only to humans but even to gods and philosophers. The Christian god is jealous of deeds and thoughts, whereas "Aristotle sometimes wanted to satisfy his jealousy of Plato, sometimes his passion for Alexander" (XXIX.19). Although jealousy is not systematically treated in Montesquieu's new political science, jealousy is nonetheless central to Montesquieu's conceptions of political liberty, religion, philosophy, and above all, commerce.

Montesquieu gives us some indication of why he is so preoccupied with jealousy, especially in his effort to conceive of a new liberal modern political state compatible with modern commerce. First, he distinguishes between two types of jealousy: 1) a natural kind of jealousy rooted in passion, and 2) a conventional form of jealousy rooted in customs, mores, or laws. "The former is an ardent fever that devours; the latter, cold, but sometimes terrible, can be joined to indifference and scorn" (XVI.13). Jealousy originating in passion is natural insofar as it is a corruption of love: "an abuse of love" and "born of love itself" (XVI.13). This kind of jealousy is intensely personal, and never satisfied: "Love wants to receive as much as it gives; it is the most personal of all interests. It is there that one compares, that one counts, that vanity mistrusts and is never adequately reassured."[190] When we suspect that we are not loved, we feel the pangs of what Montesquieu calls jealousy: "If, in the uncertainty or fear of being unloved, we

[190] *Mes Pensées* 509.

come to suspect someone of being loved, we feel a pain called jealousy. It is much more natural for us to relate the contempt that one shows toward us to the injustice of a rival than to our own defects."[191] The pains of jealousy originate in an experience of injustice severed from the clarity of self-knowledge.

The second kind of jealousy does not originate from nature; instead, this jealousy originating in human convention "depends solely on the mores, the national manners, the laws of the country, the morality, and sometimes even the religion" (XVI.13). This jealousy that is closer to indifference and scorn is neither a corruption nor illusion of love. In contrast to anger or indignation, this jealousy originates in a cold lack of feeling akin to indifference.[192] While he does not elaborate in this specific passage about this second kind of jealousy, he gives examples of how this new kind of jealousy animates commercial republics. Indeed, in diverse societies, for example, it is necessary to cultivate jealousy among diverse groups or factions: After the Tartars conquered China, the Tartar family "established that each body of troops in the provinces would be composed half of Chinese and half of Tartars, so that the jealousy between the two nations will hold them to their duty" (X.15). Jealousy between two nations constrains one another in order to preserve natural differences: "This is such a sensible institution, that the absence of a like one has led to the ruin of almost all the conquerors on earth" (X.15). Similarly, the Romans and Parthians, for instance, two rival empires, engaged in

[191] *Mes Pensées* 509.

[192] Similarly, in *The Persian Letters*, there are also two kinds of jealousy: 1) the first is a kind of violent jealousy that affects Usbek, 2) the second is a window that mediates the women's perception of men. Usbek's jealousy approximates a feeling of offense or insult that puts one in a state of dependence. As the protagonist Usbek pointedly remarks: he does not love his wives but suffers a secret jealousy rooted in his very lack of feeling or coldness (*Letter* 6). Indeed, jealousy presupposes utter dependence on another. The second kind of jealousy, however, is an artificially placed physical barrier that constrains one's ability to look outside.

neither commerce nor even communication with each other (XXI.16). Instead, "ambition, jealousy, religion, hatred, and mores completed the separation" (XXI.16). In large commercial societies wherein diverse peoples are necessarily communicating and interacting with one another, jealousy can secure a kind of separation, even attaching different factions that share freedoms to their duty. A prudent legislator ought to design institutions, hence, to cultivate jealousy among factions and different groups.[193]

Finally, in addition to describing the jealousy that preserves differences among groups, Montesquieu inquires into the citizen's jealousy of liberty and a commercial republic's jealousy of commerce. Jealousy in this sense denotes alertness or vigilance, especially vis-à-vis one's rivals or competitors. Jealousy is necessary to liberty and commerce, as both liberty and commerce require an alertness to one's competing factions in a republic in the case of political liberty, or vis-à-vis one's trading economic rivals in the case of commerce. Political liberty requires jealousy, as jealousy of one's liberty is necessary to the political states whose stability lies in the permanence and robustness of its factions. The ancient republic, for example, is divided between the few and the many, so that the people are jealous of their legislative power, and the few jealous of their executive power. Or, in Montesquieu's words, the plebeians are jealous of their liberty; the patricians are jealous of their glory. The respective jealousies of the two classes stabilize the republic insofar as the opposition between the factions endures, and "the hatred between the two parties would endure because it would always be powerless" (XIX.27). Stability paradoxically is a kind of powerlessness. Jealousy of liberty is necessary for a healthy, stable politics because the factions of the modern republic

[193] Cf. V.8: Hatreds and jealousies resulting from extreme inequalities between those who govern and those who are governed, however, must be checked.

require a citizen's alertness to encroachments to one's liberty and the corruption of power. Liberty demands impatience, intolerance, and obstinacy that is "apt to frustrate the projects of tyranny" (XIV.13). Indeed, political liberty requires constant vigilance, attention, and restlessness: "Servitude always begins with drowsiness. But a people who rest in no situation, who constantly pinch themselves to find the painful spots, could scarcely fall asleep" (XIV.13). Jealousy of liberty is not strictly natural, however, as it originates in the laws or political constitution securing the balance of powers entailing the citizens (of opposing factions) to share their freedoms.

When we speak of jealousy as jealousy of liberty, we might even go so far to say that jealousy is akin to political virtue (conceived as a concern for the good of the political community in spite of or for the sake of one's interest). Jealousy understood as vigilance is not only a necessary condition for political liberty; vigilance is also presented as a serious alternative to the fear necessary to recover political virtue in a corrupt society. Indeed, it is only when virtue ceases that "what was vigilance is now called fear" (VIII.5). Jealousy of liberty has two advantages over fear. First, although jealousy of liberty falls short of political virtue, it is not nearly as painful. Political virtue, or the love of the homeland, necessarily demands self-renunciation, which is "always a very painful thing" (IV.6). Jealousy of liberty requires the love of liberty, which does not necessarily exclude the love of country (insofar as this does not demand self-renunciation); in contrast to political virtue, however, it does not require "a continuous preference of the public interest over one's own" (IV.6). The second advantage of jealousy of liberty to political virtue is that it demands the fear of neither non-citizens nor enemies to sustain it. Fear, especially that of a common enemy, necessarily sustains political virtue: "Fear of

the Persians maintained the laws among the Greeks; Carthage and Rome intimidated one another and were mutually strengthened" (VIII.5). The jealousy of liberty, insofar as it is animated and sustained by the individual citizen's love of liberty, requires neither self-renunciation nor xenophobia.[194]

Similar to the jealousy of liberty necessary to a stable, free republic, jealousy of commerce is rooted not in the natural corruption of passion but in the laws or morality of a modern commercial society. In a large commercial nation, for example, interests are by nature particular; people have larger fortunes and less moderation, which means the general good is dependent on contingent causes (VIII.16). Jealousy of commerce, hence, is simultaneously more inclined to offend and more sensitive to offense because of the intrinsically narrow scope of commercial interests: "A commercial nation has a prodigious number of small, particular interests; therefore, it can offend and be offended in an infinity of ways. This nation would become sovereignly jealous and would find more distress in the prosperity of others than enjoyment of its own" (XIX.27). In fact, nations that negotiate with a singular view to their commercial interests might negotiate exclusively with their enemies because the laws properly governing commerce are by their nature rigid and inflexible. Accordingly jealousy of commerce reinforces the passion natural to monarchies engaging in a commerce of luxury: honor. Honor focuses on what one owes oneself (or doing justice to oneself), and similar to the jealousy of

[194] To be sure, Montesquieu emphatically states his preference for laws and institutions preserving the strength or roughness of victors: "I do not consider good the law that Cyrus made: that the Lydians could exercise none but vile or infamous professions. One attends to the most urgent; one thinks of rebellions and not invasions. But invasions will soon come; the two peoples unite; they corrupt each other. I should prefer that the laws maintained the roughness (*la rudesse*) of the victorious people than that they kept up the softness (*la molesse*) of the vanquished people" (X.12).

commerce, it is unyielding, dependent on its own caprice, and even stoically scorns life (III.8).

This jealousy of commerce, preoccupied with the prosperity of others, is fundamentally different from the fear of barbarians rooted in the fear of political conquest. It is possible to promote rationally the interests of commerce, in Montesquieu's view, in order to constrain the rights of non-citizens; this is rooted in a jealousy of commerce akin to an economic anxiety free of xenophobia. To illustrate this fundamental difference between economic anxieties and xenophobia, Montesquieu contrasts the ancient Romans to the Carthaginians. He emphatically repeats that the ancient Romans never exhibited any jealousy of commerce: "The Romans were never notable for jealousy over commerce. It was as a rival nation and not as a commercial nation that they attacked Carthage" (XXI.14). Instead, the Romans "feared everything from the barbarians, and nothing from a trading people" (XX1.14). In contrast to the jealousy of commerce, the fear of conquest views other nations as political rivals and accordingly fears barbarians (understood as foreigners especially from non-trading nations). The Romans had a policy of remaining separate from all the nations that had not been subjected to their vast empire because they feared giving these nations "the art of conquering" (XXI.15). The desire for conquest excludes engaging in commerce with rival nations (not because one is motivated by economic interests but because one fears strengthening one's political rivals).

Jealousy of commerce is no less competitive than the ambition to rule the world, opening up the possibility of conflating the jealousy of commerce with the fear of non-citizens. Jealousy of commerce, like political ambition, seeks to weaken one's rivals: the Carthaginians "in order to make the Sardinians and the Corsicans more dependent,

prohibited them from planting, sowing, or doing anything of the like on penalty of death; they sent them food from Africa" (XXI.21). Whereas the fear of political conquest seeks above all separation from non-citizens (out of fear of empowering one's political rivals), jealousy of commerce aims to render all rival nations more dependent on oneself. Montesquieu's admiration for England is rooted not simply in its constitutional separation of powers but also in England's willingness to prioritize commercial interests over political ones: "England has always made its political interests give way to the interests of its commerce" (XX.7). England's jealousy of commerce necessarily constrains it to commit to a few treaties: "Almost none of England's tariffs with other nations are regular; tariffs change, so to speak, with each parliament, as it lifts or imposes particular duties. England has also wanted to preserve its independence in this matter. Sovereignly jealous of the commerce that is done there, it binds itself with few treaties and depends only on its laws" (XX.7). Whereas elsewhere Montesquieu praises England for taking advantage of religion, commerce, and liberty, here he shifts his formulation to England's priority of commerce over politics. Jealousy of commerce requires a detachment from political alliances and obligations because the interests of commerce often diverge from one's political interests. More importantly, jealousy of commerce properly understood is incompatible with what we now call free trade: governed by the rationality of self-interest, a free, commercial nation remains wary of binding itself to too many treaties. Rather than starkly opposing the republican citizen to the humane bourgeois cosmopolitan in the fashion of Rousseau, Montesquieu illuminates the jealousy common to republican citizenship and commerce.

Similar to the complex way in which he treats commerce (in terms of its laws, manners, mores, and above all, commerce with women), Montesquieu treats jealousy in its natural and conventional forms. In contrast to the jealousy rooted in the nature of love, a conventional form of jealousy necessarily accompanies institutions cultivating political liberty and animating commercial activity. The jealousy common to political liberty and commerce clarifies why jealousy is the central passion of free commercial societies. On the one hand, jealousy of liberty is necessary for the modern commercial republic because a republic divided into two opposing factions requires an alertness to encroachments to a citizen's liberty. On the other hand, commerce also requires a vigilance concerning one's economic interests and advantages, especially as commerce precipitates a diversity of goods (accompanied by a diversity of peoples) in large, commercial republics. Against standard critiques of *doux commerce*, I argue that Montesquieu is preoccupied with the harsh passion of jealousy intrinsic both to political liberty and the spirit of commerce.

4.4 BALANCING *DOUX COMMERCE* WITH JEALOUSY

Recently, scholars of Rousseau have contrasted Montesquieu's defense of *doux commerce* to Rousseau's defense of the ferocity and harshness of ancient republican virtue.[195] Matthew Mendham, for instance, argues that Montesquieu believed commerce would soften both individuals and societies.[196] In "Rousseau and

[195] See Mendham 178: "Jealousy springing from new ideas of comparative merit, beauty, and romantic attraction also provided powerful new kindling for explosions of social violence."
[196] Mendham 606.

the Illustrious Montesquieu" Christopher Kelly also argues that in Montesquieu's view, "Those who under the influence of commerce or Montesquieu's account of it, compare morals, are lead to make the simple choice between pain and gentleness."[197] These treatments of Montesquieu find his defense of modern commerce incompatible with the harsh self-renunciation intrinsic to ancient republican virtue. In this section, I argue that to oppose Montesquieu's defense of commerce to Rousseau's defense of Spartan virtue obscures their shared preoccupation with the natural human attraction to the severity of virtue and a defense of humaneness originating in personal strength rather than softness or weakness. Serious religions in Montesquieu's view require, at least in theory, severity or effort: "By the nature of human understanding, we love in religion everything that presumes an effort, just as on the subject of morality, we love *in theory* all that has the character of severity" (XXV.4, emphasis added). Theoretically it is natural to love things that are difficult, at least in respect to religion and morality. Hence, accounts opposing Montesquieu to Rousseau concerning the gentleness of commerce overlook the true source of the disagreement between these two thinkers—*how* one ought to find freedom in free commercial societies. The true disagreement originates in Montesquieu's defense of moderation and as Kelly has shown, Rousseau's own rejection of moderation as a virtue. If we attend to Montesquieu's preoccupation of jealousy and his view of the proper balance between harshness and gentleness, we begin to understand more clearly his prescription for how one should remain free in commercial societies.

[197] Kelly 24.

First, republican critiques of Montesquieu's *doux commerce* theory overlook the fact that moderation in Montesquieu's view requires a balance among the following: liberty, commerce, and religion. Although commentators point to England as Montesquieu's idea of the best political alternative, they overlook the fact that England's primary strength for Montesquieu lies in its remarkable success in balancing liberty with commerce and religion. The English according to Montesquieu are "the people in the world who have best known how to take advantage of each of *these three great things* at the same time: religion, commerce, and liberty" (XX.7, emphasis added). As I mentioned in the previous section, in contrast to other nations whose commercial interests yield to political ones (such as Japan), Montesquieu claims that "England has always made its political interests give way to the interests of its commerce" (XX.7). Against Rousseau's disparaging critique of England, Montesquieu thinks that it is necessary for a modern republic to balance political liberty not only with religion but also with commerce. England in Montesquieu's view is admirable because it is the modern counterpart not to Rome but to the commercial republic of Athens. Montesquieu's modern republic, however, is a paradox insofar as it combines the spirit of monarchy with the form of a republic. Indeed, England in Montesquieu's view is a republic in monarchic disguise (V.19). But what this means—that England is a monarchy in external form *only*—remains a complex question. Indeed, England's ambition, audacity, and the spirit of faction are incompatible with virtue, the principle of a republic (III.3). Schaub correctly emphasizes that the modern republic promises above all liberty and commerce: "According to Montesquieu, modern republicanism differs from the ancient (and Christian) variety because it is based on liberty rather than

virtue, on commerce rather than constraint."[198] If England emerges as the modern commercial republic *par excellence*, its "virtue" departs from the virtue of ancient republics and consists in a moderation that lies in its ability to take advantage of religion, commerce, and liberty.

Moderation in Montesquieu's view is not rooted in weakness; rather, it must be compatible with a kind of gentleness not originating in weakness. As Brennan argues, Montesquieu praises gentleness (*douceur*) while criticizing softness (*molesse*) in both his early and later writings.[199] Similarly, true moderation is not weak but strong: "Therefore, *moderation* is the soul of these governments. I mean the moderation founded on virtue, not the one that comes from faintheartedness and from laziness of soul" (III.4). Similarly, it is fitting for women to govern an empire not because they are "weak" or "soft" but because imperial rule requires moderation and gentleness: "It is against reason and against nature for women to be mistresses in the house, as was established among the Egyptians, but not for them to govern an empire" (VII.17). Interestingly enough, although ruling a family (or the art of household management) does not require gentleness, ruling an empire requires gentleness in Montesquieu's view.

The modern departure from cruelty and espousal of gentleness, which is central to Shklar's reading of the *summum malum* of Montesquieu's liberalism, is inseparable from his insight into the possibilities of the modern monarchic state: European monarchy (or at least its constitutional form). In contrast to republics and despotism, monarchy furnishes

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[198] Schaub 70.

[199] Timothy Brennan, "Montesquieu's *Dur-Commerce* thesis," *History of European Ideas* (September 2020).

a new kind of moderate government *necessarily* accompanied by commerce of luxury, whether one engages in this commerce abroad, at home, or both. In contrast to the harshness and repression common to republics and despotisms, monarchies are not only free but also gentle: "Clemency is the distinctive quality of monarchs" (VI.21). Clemency is even advantageous to monarchs: "it is followed by such love, and they draw such *glory* from it, that it is almost always a fortunate thing for them to have occasion to exercise it; and one can almost always do so in our countries" (VI.21, emphasis added). Montesquieu argues that the gentleness of government, or more precisely, the people's *opinion* of such a gentle government, is intrinsic to happiness in monarchies: "In our monarchies, all felicity lies in the people's opinion of the gentleness of the government" (XII.28).[200] Nonetheless it is only in light of the dogmas of liberty and the spirit of commerce properly understood that Montesquieu defends a gentleness moderating the harshly exacting and mercenary aspects of commercial societies. Montesquieu goes even so far to claim that luxury makes commercial peoples who have renounced more harsh: "Simple nations who are attached to work are ordinarily gentler toward their slaves than those who have renounced work" (XV.16). The mores of societies with luxury are soft towards oneself yet harsh towards others: "The first Romans lived, worked, and ate with their slaves; they were gentle and fair to them…But when Rome expanded, when the slaves of the Romans were no longer companions in their work but instruments of their luxury and arrogance, laws were needed as there were no mores at all" (XV.16). Once we pay

[200] Because Shklar ignores this link between gentleness and monarchy, and more specifically, the gentleness intrinsic to commerce of luxury, she does not consider the possibility that republican liberty and commerce of economy in Montesquieu's view are intrinsically harsh and repressive. By ignoring Montesquieu's preoccupation with the need to balance harshness with gentleness, she misreads his liberalism as intrinsically gentle. In short, she mistakes the remedy for the purpose.

attention to the distinction between commerce of luxury and economic commerce, we see that citizens engaging in economic commerce are harsh towards themselves (in regulating or ordering the "economy" of one's passions) yet gentle towards others while those engaging in the latter become soft towards themselves yet harsh towards others.

That gentleness might be Montesquieu's remedy to the harsh character of the modern commercial republics is substantiated by his treatment of the proper relation between harshness and gentleness. In the spirit of Plato, Montesquieu argues that every successful political constitution must find the proper balance between harshness and gentleness, or politics and music broadly construed. In other words, the question of how to balance harshness and gentleness is a universal one pertinent to political life everywhere in Montesquieu's view. Among the ancient Greeks, for instance, it was necessary to balance the unnaturally harsh republican exercise of military virtue with soft mores (IV.8). Similarly, in places where cold and gloomy weather give inhabitants rough mores, it becomes necessary to cultivate music to moderate a predilection for cruelty (IV.8). In modern times, those enamored with hunting exhibit a certain roughness that ought to be balanced by a taste for music, which modifies manners and mores (IV.8). Similarly, even if commercial peoples do not exhibit cruelty in the form of extreme violence, this does not necessarily exempt them from a kind of ruthlessness in their acquisitiveness and efficiency. This raises the possibility that Montesquieu recommends gentleness because *doux commerce*, or at least the gentle mores of commerce (in contradistinction to the spirit of commerce), is necessary to his view of the proper relation, or mutual dependence between gentleness and harshness in his view.[201] All of

[201] Commentators of Rousseau, for instance, ignore the convergence between Montesquieu's understanding of the human attraction to effort and Rousseau's analysis and rhetorical presentation of

these examples illustrate the necessity to balance the harsh discipline (the pains of self-renunciation common to military exercise, bodily self-denial, or even a natural human inclination for cruelty) with music broadly construed that softens the mores and manners (or in Plato's terms, the proper relation between gymnastics and music).

Stated more generally, *doux commerce* is central to his view of the proper relation between music and politics in all free commercial societies because gentle mores accompany commerce almost everywhere. In contrast to Rousseau who writes explicitly about music, Montesquieu, like Plato, treats music in the broadest sense, inviting us to reflect on the complex character of commerce. If we recall, in beginning his investigation into commerce in Part 4 of *The Spirit of the Laws*, he invokes the Muses and asks for inspiration, a calm spirit, and gentleness. He pleads, "But if you do not want to soften the harshness of my labors, conceal the labor itself. Make it so that I meditate though I appear to feel. Make it so that one is instructed though I do not teach and that, when I announce useful things, one believes that I knew nothing and that you told me everything" (XX). Charm and music for Montesquieu are not stripped of reason: "Divine Muses, I sense that you inspire me, not just what is sung in Temple with the pipes or what is repeated at Delos on the lyre. You also want me to make reason speak. It is the noblest, the most perfect, the most exquisite of our senses" (XX). The question of how best to find liberty in commercial societies, hence, is inseparable from an investigation into the proper relation between music and politics for Montesquieu. Although the latter

virtue. In his analysis of why Christianity has successfully established itself in southern Europe, for instance, Montesquieu points to how Christianity appeals to the human attraction to severity: "By the nature of human understanding, we love in religion everything that presumes an effort, just as on the subject of morality, we love in theory all that has the character of severity" (XXV.4).

question is a universal one, the proper balance also depends on the particulars of history.

Commerce for Montesquieu has a complex character—its spirit, manners, and mores. As I mentioned above, the spirit is harsh and exacting, but the mores are free and gentle. All the allusions to the spirit of commerce repeatedly emphasize that a specific form of republican rule is particularly suitable for economic commerce. Commerce for Montesquieu "is the profession of equal people" (V.8). Accordingly "the spirit of commerce" excludes both gross inequality (accordingly nobles should be prohibited from engaging in commerce) and luxury. By focusing on *the spirit* of commerce, Montesquieu calls attention to the harsh dimensions of commerce equally incompatible with banditry and charity.[202] Even bandits are more open to the common good of humanity than are commercial peoples. The spirit of commerce, in contradistinction to the mores of commerce, animates a concern for "exact justice." Indeed, the spirit of commerce turns one away from banditry and hospitality towards work, tranquility, order, and rule; the spirit of commerce loves democracy insofar as it loves frugality and is sufficiently vigilant of one's self-interest not to neglect it on behalf of the interests of others.[203]

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[202] See also Rasmussen 263-264: "Similarly, these four thinkers did not support commerce solely, or even primarily, for the sake of the material well-being it creates, much less in order to encourage unbridled greed and selfishness. Rather, they supported commerce because they believed that it would provide a healthier way to unite people than the traditional bonds of blood, religion, and nationalism. Rather than atomizing people, they held, commerce draws them together, leading not only to greater prosperity but also to greater concord and civility by making people and nations interdependent. Extensive commerce might be incompatible with strict republican virtue, they acknowledged, but they also believed that a focus on material self-interest would help to replace dangerous and divisive passions such as xenophobia, religious intolerance, and the thirst for military glory. Moreover, they argued that commercial society helps to promote the "bourgeois" virtues of reliability, decency, cooperativeness, and so on—moral and social goods that were imperatively lacking in pre commercial societies. In a word, the support that these thinkers showed for negative liberty and commerce was not a support of atomism or selfishness; on the contrary, they supported negative liberty and commerce precisely because they saw them as prerequisites of a healthy community."

[203] This is in sharp contrast to his description of the courtiers in a monarchy: "ambition in idleness, meanness in arrogance, the desire to enrich oneself without work, aversion to truth, flattery, treachery,

Accordingly, gentleness for commercial societies is necessary because the spirit of commerce is harsh and exacting, as it requires discipline or what Montesquieu calls repression.

Thus the primary task of modern legislators in Montesquieu's view is not only to balance the conflicting demands of liberty, commerce, and religion in the fashion of England but also to find a proper balance between gentleness and harshness in light of the most significant historical contingencies. The more pressing question for Montesquieu is not the theoretical question of the proper relation between music and politics but how one ought to find the proper balance between gentleness and harshness in modernity. That is, what are the most pertinent historical constraints of modernity that one must consider in aiming to balance harshness with gentleness?

Montesquieu's response to this question focuses on how best to balance these three great things: religion, liberty, and commerce. Christianity, the prevailing religion of modernity, is simultaneously gentle yet harsh. On the one hand, Christian dogmas are theoretically gentle: "The Christian religion is remote from pure despotism; the gentleness so recommended in the gospel stands opposed to the despotic fury with which a prince would mete out his own justice and exercise his cruelties" (XXIV.3). Christianity is also gentle insofar as it "forbids having more than one wife," which has the effect of softening, at least in attaching them to commerce with women, the mores of men (XXIV.4). On the other hand, Christian justice is harsh insofar as the "gentle" practice of charity coexists, at least in practice, with a harsh understanding of justice

perfidy, the abandonment of all one's engagements, the scorn of the duties of citizens, the fear of the prince's virtue, the expectation of his weaknesses, and more than all that , the perpetual ridicule cast upon virtue" (III.5).

akin to vengeance. In a chapter entitled "Very humble remonstrance to the inquisitions of Spain and Portugal," Montesquieu presents a letter wherein a Jewish writer calls attention to the acts of cruelty, intolerance, persecution, and violent punishment by these allegedly Christian witnesses.[204] The writer appeals to the humanity, natural justice, and unaided reason of the reader: "But if you do not want to be Christians, at least be men; treat us as you would if, having only the feeble lights of justice that nature gives us, you had no religion to guide you and no revelation to enlighten you" (XXV.13). In theory Christianity is gentle, peaceful, and humane; in practice it can be harsh, violent, and intolerant.

Finding the proper balance between gentleness and harshness is prudent in Montesquieu's view because citizenship, or at least citizenship in a pre-modern commercial republic in the fashion of England, is necessarily repressive of the individual for the good of the political community. In a chapter entitled "How the force of religion bears on that of the civil laws," Montesquieu confronts the dilemma central to modern political philosophy: If virtue and good citizenship demand the pains of self-renunciation, how does a commercial republic devoted to liberty repress men to make them into good, law-abiding citizens? Good citizenship in Montesquieu's view is impossible without a source of repression: "As religion and the civil laws should aim principally to make good citizens of men, one sees that when either of these departs from this end, the other should aim more toward it: the less repressive religion is, the more the

[204] Cf. "In the war Spain waged against the English in 1740, a law was made that punished with death those who introduced English commodities into the Spanish states; it imposed this same penalty on those who carried Spanish commodities to the English states. Such an ordinance can find, I believe no other model than the laws of Japan. It runs counter to our mores, to the spirit of commerce, and to the harmony that should prevail in proportioning penalties; it confuses all ideas, making a state crime of what is only a violation of the police." (XX.14).

civil laws should repress" (XXIV.14). Furthermore, if Christianity does not make men into good citizens but into good Christians, a repressive civil religion is necessary to strengthen citizenship.[205] From the perspective of a legislator, it is possible that Christianity introduces the need for a source of repression (such as the spirit of commerce) in order to form good citizens. In this respect, economic commerce can supplement the gentleness of Christianity with a concern for exacting justice. Not only does economic commerce make room for a religion like Christianity possible (as I argued in my second chapter) but it is necessary to consider the possibility that in Montesquieu's view the gentleness of Christianity needs to be yoked dialectically with the harsh spirit of commerce.

Montesquieu gives us some further indication of his view of the proper relation between harshness and gentleness in the rest of this chapter entitled "The religion established in each country." Japan, for instance, has a dominant religion (i.e. Buddhism) with "almost no dogmas and proposes neither paradise nor hell" (XXIV.14). Japan fittingly has harsh civil laws using capital punishment because the dogmas of Buddhism depict neither reward nor punishment in its religious teachings. Japan's harsh civil laws, hence, "in order to supplement [its gentle religious dogmas], have been made with an extraordinary severity and have been executed with an extraordinary punctiliousness" (XXIV.14). The problem with Japan's religion, according to Montesquieu, is that it establishes "the dogma of the necessity of human actions" rather than "the dogma of liberty" (XXIV.14). All dogmas establishing the necessity of human

[205] A counter-argument to my reading would be Thomas Pangle's reading, who sees commerce as Montesquieu's religious project. Commerce itself is a religion that ought to supplant the religious dogmas of Christianity. Accordingly, Pangle argues that monogamy for Montesquieu does not originate in Christianity but in Europe.

actions (rather than liberty) must be supplemented with civil laws that are "more severe" and a police "more vigilant" "so that men, who without them would let themselves go, will base their decisions on these other motives" (XXIV.14). While critics of *doux commerce* focus on gentleness, Montesquieu contends that Japan's repressive penal laws are *necessary* in light of its gentle religious dogmas. That is, such critiques ignore the possibility that gentleness is a necessary prescription given Montesquieu's understanding of the proper dialectical relation between gentleness and harshness. Critiques of Montesquieu's departure from ancient republican virtue, hence, ignore the possibility that Montesquieu thinks that there is a *new* way to combine commerce and religion if we consider the extent to which they are gentle or harsh (and to what extent they are gentle or harsh towards oneself vs. towards others). It is possible, for instance, that the gentle mores of commerce of luxury is a *necessary remedy* to the exacting harshness of the spirit of commerce (as well as the cold, indifferent, and terrible passion of jealousy).[206]

Rousseau famously argues that commerce results in luxury, inequality, and vanity, which are all incompatible with virtue.[207] Before Rousseau's polemical attack and genealogical inquiries, Montesquieu investigates the nature, history, and passions of commerce, distinguishing its harsh spirit from its gentle mores. Montesquieu's defense of *doux commerce*, hence, must be interpreted in light of his view of the gentleness common to monarchies, Christianity, the dogma of liberty, and commerce of luxury as

[206] Cf. VII.4: "It was said that the examples of the harshness of the ancients had been changed into a more pleasant way of living. One felt that there had to be different mores."
[207] Mendham 178.

well as the harshness common to the spirit of commerce, the jealousy of liberty, the human predilection for cruelty, and economic commerce.

4.5 CONCLUSION

Commerce demands a tradeoff—the standard account of this tradeoff is that we forgo our strength for security. In doing so, we become excessively soft and weak so that we cannot undertake noble pursuits of glory or greatness as courageous citizens or admirable men. As Shklar argues, "Commerce does not promote those highest aristocratic virtues. It does not make good men or valiant patriots, but it does cure our public life of some of its worse ills. It reduces Machiavellianism, instability, and war. By exchanging valor for greed, we significantly reduce large-scale cruelty. The best modern state, in Montesquieu's view, had no more use for valor than for pity or for any other private virtue. It sticks to one and only one virtue: justice" (26). While commerce, indeed, radicalizes our attachment to justice narrowly conceived, it does not necessarily make us so humane toward strangers that we can no longer reckon with our interest (whether personal or national). This standard account of commerce, in the spirit of Rousseau, claims that modern commerce necessarily deprives us of our natural strength and independence. Once we attend to Montesquieu's complex account of the harsh spirit and gentle mores of commerce, however, we see that commerce does not necessarily lead to a kind of softness and dependence that are both unnatural. The harsh spirit of commerce enables us to secure and pursue justice and the good (albeit narrowly) conceived, whereas the soft and gentle mores of commerce rehabilitate the charms of sexual difference

distinctive to the state of nature. Finally, Montesquieu's treatment of the necessary dialectic between gentleness and harshness, or music and politics, invites us to examine more thoughtfully the ways in which Christianity, the prevailing religion of commercial modernity, might make necessary and desirable both a harsh spirit of exacting justice and gentle mores that enlarge female liberty. Once we attend to the distinctions Montesquieu makes between the necessarily interdependent relation between gentleness and harshness, we can see why and how Montesquieu believes that it is possible to preserve our strength in commercial societies.

CONCLUSION

Thirty years after the publication of Francis Fukuyama's *The End of History and the Last Man*, the heralded triumph of liberal democracy now feels precarious at best. In *The End of History and the Last Man*, Fukuyama argued that liberalism would become universally ascendant, in no small part because of free trade. Pointing to the fall of USSR and the liberalization of China's economy, Fukuyama argued that economic liberalization would inevitably ensure political liberalization. Thirty years later, these prognostications of the triumph of liberal democracy now feel optimistic. Hopes that China's capitalist economy might introduce a more humane and free culture have been dashed. With Russia's unilateral invasion of Ukraine in 2022, which commenced apace in spite of trade agreements and economic sanctions from both Europe and the US, we are left wondering whether trade can sufficiently secure even peace. At home, meanwhile, liberal democracy has increasingly come under attack from both progressives and conservatives as polarization and economic inequality increase. Critics of liberalism agree that liberal democracy has resulted in rampant inequality that renders abstract the twin pillars of liberty and equality for too many Americans. It is not surprising, hence, that Fukuyama has since argued for the importance of examining long-standing political institutions and cultures that are more influential for building a free society than free trade.

In recent years Montesquieu has emerged as something of a harbinger of the 21st century: In response to critiques of liberalism's global ambitions and universal scope, scholars of Montesquieu have recovered a liberalism that is anti-universal and particular. For while readers of Montesquieu remain divided as to whether he ultimately favored a

commercial republic, the ancient republic, or a monarchy as the best form of government, there is a broad consensus that Montesquieu defends a diversity of political goods across climates and cultures.

My dissertation aimed to understand this defense of the diversity of political goods by investigating the limits of the possibility of political liberty in East Asia in Montesquieu's political thought. My project, however, evolved into studying his account of commerce in relation to the possibility that equality between the two sexes emerges as a normative standard in *The Spirit of the Laws.* Although Montesquieu remains skeptical concerning the possibility of universalizing political liberty (i.e. political universalism), he clearly indicates that commerce can change manners and mores *almost* everywhere. Montesquieu's new political science in *The Spirit of the Laws* equips the legislator with principles aiming to strengthen the citizen's attachment to his own national customs and practice a love of humanity properly understood. This political science originates primarily with new knowledge available to moderns concerning commerce and the possibility of introducing more liberty and equality in commercial societies by supplanting traditional manners and mores with those in accord with commerce. Montesquieu's political economy, hence, raises the following questions: To what extent can we legislate free commercial societies given the limits of universalizing political liberty? To what extent is commerce compatible with traditional religions, cultures, and communities? How does commerce change our manners and mores, and more generally, to what extent does commerce constrain or encourage the love of equality and love of country that a healthy liberal democracy presupposes? And if inequality necessarily

accompanies free commercial societies, how does Montesquieu illuminate how best to counteract inequality and luxury?

The theoretical basis of Montesquieu's new political science is a new natural philosophy that elaborates a non-essentialist understanding of nature. While many today uncritically reject a non-essentialist understanding of human nature as the basis of identity (racial, sexual, gender), Montesquieu initiates this decisive departure from ontology with his investigations into the effects of climate on our human bodies. In contrast to a concept of nature rooted in biology, Montesquieu turns to climate as the basis of his new understanding of nature. Differences in the physical environment do not simply make commerce desirable; commerce or trade between northern and southern climates becomes *necessary* in the modern world once peoples migrate to less hospitable regions in extremely cold climates. Hence, Montesquieu begins not simply from the fact of human diversity but rather from the diversity of *non-human* nature (the basis for his defense of human diversity). This diversity of climates results in both a defense of political particularism and an inquiry into the conditions necessary for a commercial revolution.

In starting from the natural diversity of climates (the fertile south and inhospitable north), Montesquieu establishes not simply the necessity of trade across hemispheres but also the necessary diversity of political goods. For if the modern project of political liberalism is animated by a defense of the diversity of *human* goods, Montesquieu's understanding of nature anchors that defense in the observation that the diversity of physical causes results in different ideas concerning human happiness. Nature conceived as the natural environment moves us away from the essences of ontology to a physical

exogenous cause that has physical *and* moral effects on human bodies. Because Montesquieu begins from the fact that the physical environment can constrain one's ability and willingness to work, he recovers the philosophic possibility that slavishness is not in accord with *human* nature anywhere. The combination of extreme heat and bad laws encouraging idleness, for instance, engenders individuals who (understandably) prefer servitude to labor. Nature and political institutions, in other words, only beget *apparent* natural slavishness. At the end of the day Montesquieu remains agnostic about whether natural differences in peoples originate in nature or history. We must take seriously Montesquieu's turn to climate, hence, if we aim to understand why the tension between diversity and natural right necessarily emerges in his thought.

Once we discern this non-essential character of Montesquieu's new natural philosophy, we see more clearly that his turn to climate raises two important possibilities for modern liberalism. As explained above, human nature for Montesquieu cannot be examined abstractly independent of the contingencies of one's physical environment (i.e. pre-political factors). Whether this is a sound philosophic ground or not, we must nonetheless reckon with the reality that his new understanding of nature informs both contemporary attachments to equality and diversity. Secondly, this non-essentialist understanding of nature is indispensable for modern social science insofar as social scientists must take into account that modern peoples *necessarily* migrate to other climates in search of liberty and eventually assume identities originating in their physical, political, and cultural environment.

In accord with his new idea of non-human nature, Montesquieu also begins from the premise that humans are not fixed in their nature but flexible. Indeed, humans are

different from plants insofar as they exhibit the capacity to make bad use of their passions in countless ways. Similarly, humans are decisively different from animals, as women are more "flexible" than their animal counterparts insofar as innumerable causes render their fertility inconsistent. In contrast to their female animal counterparts, women's ideas, character, passions, and imagination disrupt their fertility, thereby making impossible the consistent propagation of the human species.

What is remarkable about this fact of human flexibility, however, is that Montesquieu also asserts that this possibility of human freedom will result in a homogeneity in mores. Although Montesquieu explicitly defends a diversity of *political* goods, he also points to the ways in which mores become increasingly similar in modern commercial societies. Peoples living in commercial societies are not homogeneous in their laws or political constitution, but their mores become increasingly homogeneous. Human flexibility paradoxically results in homogeneity.

Hence Montesquieu's defense of diversity is complicated by the fact that he furnishes both a political science and rhetoric for the legislator to change manners and mores. In general Montesquieu advises future legislators not to change laws but to introduce new manners, which will eventually change mores (and later laws). Although the language of manners and mores sounds abstract or formal, Montesquieu indicates that changing manners and mores is no less revolutionary than change accompanied by bloodshed and violence.

The legislator's power to change manners and mores specifically originates in female receptivity to assuming new manners. New manners can be introduced easily among women because manners, like clothing, are worn, put on, taken off, and changed.

There is an important outside-inside distinction that emerges with Montesquieu's distinction between manners and mores: manners are "external," whereas mores are "internal." The distinction is complicated, however, by the fact that manners have moral or psychological effects. For example, although it is apparently "indifferent" whether a daughter-in-law wakes up early to perform duties for her mother-in-law, the moral *effect* of these manners (what he also calls external practices and rites) is that performing these manners calls one back continually to a feeling (e.g. filial piety). Manners are apparently "indifferent" and "external," but their effects are moral (psychological). This insight into this double aspect of the realm of manners—apparently indifferent and thus easily changeable, yet effectually moral and revolutionary—enables the legislator to realize his ambition to homogenize mores everywhere.

In addition to the fact that manners are robed and disrobed as if they were vestments, manners are flexible because women by their nature are susceptible to vanity and the fashions it proliferates. Women by nature exhibit a desire to please, and the legislator can appeal to the desire—the desire to please *more* than one's nature permits, i.e. the desire for superiority. This desire to please *in excess* is the engine of commerce, as it stimulates the multiplication of the branches of commerce accompanied by fashions, luxury, taste, and ornamentation. If Montesquieu is right that manners (in contradistinction to laws or mores) are merely external to us and thus constantly changeable, we can begin to understand how it becomes possible for the apparently superficial realm of fashions to assume a kind of public authority in commercial societies with luxury.

This desire for superiority, or the desire to exceed the limits of one's nature, necessarily elevates vanity in Montesquieu's political science. Vanity is superior to

idleness, Montesquieu contends, because it leads to industriousness rather than "arrogance." The elevation of vanity is also accompanied by an assertion concerning the epistemic deficiency of legislators aiming at unity. Montesquieu's elevation of vanity, in other words, needs to be supplemented by a rhetorical attack on the "confusion" of traditional societies because their "unity" renders them outside the purview of the legislator's influence. This is substantiated by Montesquieu's rhetorical attack on the "confusion" common to the legislators of Sparta and China: despite differences in politics, religion, culture, and climates, Sparta and China similar in their legislators' ignorance concerning the need to separate laws, manners, and mores. In unexpectedly pointing to this similarity between Sparta and China (what Diana Schaub describes as a mirror image), Montesquieu furnishes a rhetoric against unity and for a kind of separation or disharmony. The unity of virtue common to Sparta and China (and Christianity) presents barriers (paternal authority and pure mores that support its laws) to any legislator's efforts to introduce new manners. Montesquieu singles out Sparta, China, and Christianity because military republics, liberal authoritarian cultures (what Fukuyama calls the cultures of East Asia), and authoritative religions (Christianity) combine pure mores with manners that render their citizens, adherents, and disciples impervious to the desires of the imagination that are generated through commercial sociability and vanity. By constantly engaging or occupying the energies and attention through the exercise of practices or manners (military exercises in Sparta, rites in China, or forms of religious observance in Christianity), these traditional societies remain impregnably aloof to the seductions of "soft power" and the fashions of commerce that eventually soften mores. Although the ambitious legislator

might succeed in introducing new manners and mores almost everywhere, Montesquieu nonetheless points to the limits of both human flexibility and commerce.

The limits of human flexibility, hence, point to the intransigence of an outlook, way of life, and an education devoted to unity (or what Montesquieu calls the "singularity" of the Spartans and the Chinese). Montesquieu's rhetorical attack on the confusion of the legislators, however, also points to the possibility of outstanding communities (not only individuals) that can successfully resist the artificial seductions of commerce. Whereas societies such as Sparta and China prohibit commerce or lack luxury respectively, there is also an alternative to these prohibitions: economic commerce. Economic commerce focuses on continuous, incremental gain and yet exhibits the capacity to undertake the greatest of human enterprises. Small republics such as Marseilles, Florence, Venice, Carthage, and Holland engage in such trade and commerce without depending on luxury. The soul of economic commerce, in contrast to the refinement, taste, and ornamentation cultivated with commerce of luxury, is a kind of simplicity: the frugality of individuals and habits of industriousness.

Commerce of luxury, in contradistinction to economic commerce, begins from the north's natural dependence on the south that *necessarily* introduces luxury and new desires in the south. If the south is characterized by abundance and self-sufficiency, it is only the introduction of luxury that creates a "balance" of trade between north and south. Only the artificial expansion of "needs" or desires can make trade between north and south possible. Commerce of luxury changes our habits so that we become more communicative (with strangers); we also spend more time watching others (i.e. their manners), as it is the spectacular character of commerce that constantly changes manners and refines taste.

Above all, commerce of luxury increases the inconsistency of female fertility, as luxury enables women to marry later and have fewer children, as luxury increases the costs of marrying and raising children. In contrast economic commerce is not only compatible with but also demands both a separation of the two sexes and female modesty to preserve mores in accord with simplicity. If commerce of luxury results in liberal goods such as female liberty, sexual equality, and the erosion of sexual difference, economic commerce appeals simultaneously to greatness (abroad) and simplicity (at home) without disrupting paternal authority and good mores in the domestic economy.

In recovering Montesquieu's complex treatment of commerce, we recover the possibility of a liberalism that is truly tolerant of the goods accompanying both kinds of commerce. If we can conceive of a liberal "framework" inclusive of the way of life in accord with both commerce of luxury *and* economic commerce, we see that it is not liberalism or commerce *as such* that excludes the possibility of traditional communities but more specifically commerce of luxury and its *necessary* attack on the strength and unity of virtue. Thus the deeper division that surfaces in Montesquieu's thought lies between traditional cultures rooted in paternal authority and a commercial culture rooted in worldliness. Secondly, in addition to clarifying the way in which Montesquieu's liberalism might preserve the possibility of maintaining mores in accord with virtue traditionally conceived, Montesquieu's analysis points to the necessity of evaluating "liberalism" on both political *and* economic grounds. That is, it becomes necessary to investigate the possibility of liberty and commerce concomitantly rather than simply looking at the conditions in which liberalism might constrain religion in modernity.

Confronted with the choice between economic commerce and commerce of luxury, it might seem that commercial republic's the way of life in accord with our self-preservation and reason is unambiguously preferable to the introduction of commerce of luxury. The standard critique of the commercial republic is its vulnerability to attack by allies, which might lead us to a textbook summary of the advantages and disadvantages of a federal republic such as the United States. Indeed, the standard account of the American republic is that the framers of the Constitution aimed to imitate the commercial republic of England in accord with the insights of "the celebrated Montesquieu." This is not surprising as many commentators of *The Spirit of the Laws* point to the commercial republic of England as Montesquieu's preferred political arrangement for modernity. To be sure, England best combines the advantages of three great things: religion, political liberty, and commerce. While these claims certainly contain a grain of truth, they all ignore Montesquieu's claims concerning the epistemic superiority of moderns to that of the ancients. Specifically, we have gained knowledge concerning commerce that the ancients lacked. This newly acquired knowledge concerns more than the discovery of new nautical routes and lands; nor does it simply amount to the fact that we moderns lack the passion and greatness of the ancients. The more decisive cause for why we moderns can no longer recover the virtue of the ancients is an epistemic one: the knowledge we have gained concerning mores. Thus we must ask: What is this new knowledge concerning our mores, and to what extent does this knowledge empower and/or constrain the legislator of commercial modernity?

The knowledge that distinguishes us moderns from the ancients is comparative in origin: by comparing mores across climates (cold, temperate, and hot) there emerges a

consensus concerning the most desirable arrangement between the sexes. Moreover, we can compare mores not only across climates but also across political constitutions, for mores are also necessarily linked to the political state (despotism, republic, monarchy). Indeed, the key to understanding differences in mores is the link between domestic and political governance. In despotisms, women are the objects of luxury, resulting in polygamy. In monarchies, wherein monogamy prevails, women use their liberty *for* luxury. In republics, men are the censors of virtue or administrators of political liberty, keeping luxury abroad and remaining separate Indeed, this is substantiated by Montesquieu's assertion concerning the epistemic "confusion" of legislators aiming at unity. from women at home.

The status of luxury, as strange as this may sound, *necessarily* determines the status of women in Montesquieu's political economy. In observing that women are treated as objects of luxury in despotisms, Montesquieu points to the connection between luxury and the status of women without distinguishing the chicken from the egg, or cause from effect. If Montesquieu's assumptions concerning luxury are correct, luxury is necessary to attach men to "commerce with women" in monarchies. Luxury paradoxically enlarges female liberty, shifting their status from objects of luxury to consumers of luxury. Put another way, a republic's prohibition of luxury necessarily hinders sexual equality, whereas luxury paradoxically makes desirable a version of happiness inextricably tied up with "commerce with women." Luxury is not simply the cause of weakness and moral dissolution in commercial society; it is the necessary means for introducing a way of life rooted in female liberty, conjugal love and sexual equality.

Since Rousseau's devastating critique of the debilitating effects of commerce on our mores, commerce is generally associated with moral laxity, dependence on others (or other nations), the loss of civic virtue proper to good citizens, and the dissolution of the family. All of these suggest that commerce leads to the loss of strength and self-sufficiency necessary for virtue. Indeed, standard accounts of *doux commerce* claim that commerce leads to peace among nations. Montesquieu discerns, however, that there is a disjunction among different *kinds* of commerce: commerce among nations, commerce with women, economic commerce, and commerce of luxury. He would also agree that commerce generally softens our dispositions towards strangers, especially since commerce in its broadest sense consists of increasing communication among strangers. The decisive way in which commerce renders us soft or gentle, however, is that the two sexes constantly intermingle and become increasingly similar with commerce of luxury, gradually eroding any vestige of sexual difference.

Above all, he would disagree with the general idea that commerce simply leads to peace, as what he calls the *spirit* of commerce among individuals renders them harsh, calculating, exacting, and competitive. Indeed, one of Rousseau's critiques of modern commercial societies is that it leads us to be increasingly more comparative and competitive, living for the esteem of others. We recall Bloom's definition of the bourgeois who thinks only of himself when he acts for others and only thinks of others when he acts for himself. Yet Montesquieu insists that we moderns possess an advantage through this very activity of comparing. In *The Spirit of the Laws* Montesquieu himself compares Sparta to China, France to England, republican Rome to imperial Rome, as well as mores across climates. And what is honor, the spring animating monarchy, if not

seeking the esteem of others? Indeed, Montesquieu explicitly states that we moderns are more gentle, soft, and weak; in contrast to the Greeks who depended on virtue to sustain its democracy, "those of today speak to us only of manufacturing, commerce, finance, wealth, and *even luxury*" (III.3). In addition to the narrowing and weakening of our souls on account of commerce, we are softened by religious dogmas that are not in accord with our self-preservation or reason.

Nonetheless it is important to note that Montesquieu does not leave his legislator unarmed against the debilitating effects of commerce or religious dogmas. While Montesquieu stopped short of writing his history of jealousy, his account of jealousy in *The Spirit of the Laws* aims to advise legislators how to cultivate a conventional form of jealousy to counteract the weakening effects of living in commercial modernity. This jealousy is not the jealous ardor natural to a lover but one originating from conventions, as it "depends solely on the mores, the national manners, the laws of the country, the morality, and sometimes even the religion" (XVI.13). Jealousy originating in convention is not an all-consuming passion but a cold, indifferent, scornful outlook animating both jealousy of commerce and jealousy of liberty. In diverse societies, jealousy of liberty is especially necessary to preserve differences among diverse groups of peoples. Similarly, in commercial societies, jealousy of commerce enables citizens to restore a kind of psychological indifference to others to guard their long-term interests and restore a psychological unity. Jealousy might make us more harsh, comparative, calculating, secretive, or competitive, especially if a legislator has paid attention to the need to balance gentleness with harshness, but cultivating jealousy for Montesquieu is the best remedy for peoples living in diverse commercial societies.

It is misguided, therefore, to conclude that commerce softens us to the extent that we forget our interest (individual or national). Such critiques of *doux commerce*, in the spirit of Rousseau, claim that commerce necessarily deprives us of our natural strength and independence. When we attend to Montesquieu's complex account of the harsh spirit, gentle mores, and jealousy of commerce, however, we see that commerce does not necessarily lead to unnatural softness and dependence. If liberal democracy indeed attaches us abstractly to humanity, a legislator who enacts laws, customs, and mores in accord with this conventional form of jealousy can restore the loss of strength necessary for civic virtue.

Reading Montesquieu today invites us to question to what extent our own liberal democracy resembles the commercial republic of England or the French monarchy of his time. If the commercial republic is the most rational form of government promoting self-interest and preservation, it is worth noting that the mores of monarchy, or at least those of commerce of luxury, promise the most desirable arrangement between the two sexes in accord with happiness. It is worth asking to what extent we have been able to overcome this contradiction between political and domestic governance. Indeed, our mores today closely mirror those of the French monarchy that Montesquieu depicts in *The Spirit of the Laws*: a breakdown of the traditional family, the enlightenment and liberty of women, women marrying later and having fewer children, the detachment of men from their paternal duties, and, perhaps above all, the erosion of the natural differences between the two sexes. Those who lament the loss of good mores in accord with the traditional family, however, point exclusively to our attachment to egalitarian ideas of progress, rather than to commerce of luxury, as the scapegoat.

In a way Montesquieu's treatment of commerce of luxury anticipates Tocqueville's treatment of democracy. An inquiry into the relation between the commercial revolution and the democratic revolution as analyzed by Montesquieu and Tocqueville respectively might be fruitful. Commerce is revolutionary for Montesquieu not because it leads to a universalization of a political good (liberal democracy) but specifically because it gives us *new* manners and mores to replace traditional manners and mores. What is it exactly that softens our mores in modernity—commerce of luxury or our love of equality? Is it our love of equality that renders us increasingly more similar or is it on account of commerce of luxury that introduces sexual equality? To what extent do the commercial and democratic revolutions permanently change human nature? Future work on these questions might help us understand more clearly the challenges posed by both commerce and democracy in the modern world.

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