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Two Concepts of Virtue

Concepts of virtue in Montesquieu's theory of democratic
government in *The Spirit of the Laws*

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Leonor Franco

Abstract

Montesquieu's concern about virtue is almost universally acknowledged, but not very well understood. The concept of virtue in *The Spirit of the Laws* is as significant in implications as it is mystifying in meaning; it is both a feeling and a constraint. This thesis aims to understand what Montesquieu means with his idea of virtue and why this discussion matters. Specifically, it investigates Montesquieu's *Spirit of the Laws* and the relevant literature on the arrangements and developments of virtue in the democratic government.

This thesis looks at Montesquieu's governance, including his intention, method and the central concepts of the author's theory. To its comprehensive aim, it studies the structures of the democratic republican government, as well as the features of virtue. The results show their improbable goals, their immoderate effects and their incapability to assure individual security and liberty.

Based on this thesis' findings, this study concludes that by the establishment of extreme solutions, the democratic government depends on a motivational force which endangers the survival of the regime, in which political virtue is devised by a love and constraint that enforces itself to its corruption. Virtue is not a feasible solution to assure good governance and to regulate men's relations with each other, precisely in the government's concern about men's desire of domination over others. On this basis, a different constitutional foundation grounded in moderation is proposed. It combines individual free human agency and one's natural passions while conceding controlling features; finally, tranquillity is achieved.

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I am lost for words.

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Abbreviation

The following abbreviation will be used to refer to Montesquieu's *Spirit of the Laws*, followed by book, chapter and page number.

EL

Montesquieu, Charles de, et al. Montesquieu: *The Spirit of the Laws* (Cambridge University Press, 1989).

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Chapter One:

Introduction

The Spirit of the Laws (1748) was one of the most relevant, influential and important pieces of political philosophy written in the XVIII century. Its saliency is esteemed in a time of remarkable fellow great authors such as Kant, Burke, Rousseau Hume and among impactful many others. The *Spirit's* length in pages, around one thousand, seems to coincide with the range of time which took to be written - twenty years. Indeed, it is a work of a matured lifetime, and it was also the final composition of the author's life, besides the *Defence of Spirit*, taken place soon after, due to *The Spirit of the Laws'* controversial impact and reach; it was placed on the Librorum Prohibitorum. Moreover, its dimension is also not far from its extensive effects in both social, political and economic domains; it is "the most comprehensive of modern books on politics"¹. And, for example, the spirit of Montesquieu's work was materialized and still can be seen in liberal constitutions of today, for example in the United States of America; "the shadow of Montesquieu projected throughout the 19th century".²

One of Montesquieu's objects of deliberation in *The Spirit of the Laws* is virtue or, in turn, political virtue. Virtue has consistently been a central concept and preoccupation within the heritage of political philosophy and, in Montesquieu's *Spirit*, it takes a vital role within the democratic government structure and the whole encompass of the work, despite its uncertainty in meaning and initial enigmatic implications. Alternately to traditional considerations, rather than representing a maxim towards superiority and even excellence, political virtue is introduced as the renunciation of oneself. Instead of revealing a fruit of knowledge, it is a feeling, the love for the laws and the homeland and it represents one's only preference. Moreover, a government constituted on its grounds demands the continuous sacrifice to the state and one's aversions, as virtue represents the

¹ Harvey Mansfield, *Taming the Prince* (London: The Johns Hopkins University Press, 1993), p.215.

² See Morgado, Miguel. Introduction. In *Montesquieu Do Espírito Das Leis* (Lisboa: Edições 70, 2017), p. 13, my translation.

motive that suffices in itself and excludes other passions. However, also as a comprehensive maxim, Montesquieu presents man as a feeling and flexible creature, and it is particularly of one's nature to act by oneself and not to follow the laws that one establishes; one falls subject to a thousand passions.

This is where the problem lies. Political virtue seems to be devised by opposing forces: virtue as a passion that inspires itself while political virtue ceases its zeal. Those tensions are presented to "astonish our small souls" (EL, IV, IV, p.35) while justifying that the love for order "comes from the same thing that makes their order intolerable to them" (EL, V, II, p.43). What are the implications of this combination? The same contradiction seems to appear in the governmental structure in which virtue, as the motivation of one's behaviour, operates. Although the institutional purpose of the democratic government is to ensure one's security, further examination seems to show otherwise. It is a government that limits individual liberties and endangers one's security. Is there a viable constitutional solution? Chiefly, despite Montesquieu's apparent allegiance to virtue and the democratic government, inconsistencies and tensions in their descriptions are found. Therefore, it is necessary to investigate this mystifying concept of political philosophy. Accordingly, in a first part, to answer this problem statement, this thesis settles to investigate what Montesquieu means with his idea of virtue. Moreover, to incorporate the future findings with Montesquieu's comprehensive work, this thesis is also set to answer why this discussion matters. Consequently, the research question that this thesis ought to respond to is the following: What does Montesquieu mean with his idea of virtue in democratic government and why does it matter?

To answer the problem statement and the research question presented above, this dissertation is based on the qualitative analysis on the relevant literature and uses as the primary source Montesquieu's *Spirit of the Laws*. The thesis input will thus gather, comment and compare the theoretical grounds in Montesquieu's *Spirit of the Laws*. Moreover, due to the thesis foundation in *Spirit's* accounts, comparing it with the secondary literature will contribute to the existing debate by

arriving at similar, or contrasting, conclusions on the same topic. It either solidifies the current literature or goes against them by using the source which inspired their reasoning. Indeed, by focusing on the primary source, it provides a new light and understanding on the existing arguments. Overall, it will comment on the present theory on the characteristics of [political] virtue in the democratic government in *The Spirit of the Laws*, and thus devise why it matters. In this note, it is important to consider two bounds in this study. Due to the scope and length of this dissertation, this study is narrowed to Montesquieu's grand work - *The Spirit of the Laws*. Particularly, this analysis is limited to the study of the democratic government, leaving aside the inquiry of the aristocratic regime.

For the thesis aim, this dissertation is set to displace the following structure: Chapter two is designated "Montesquieu's Governance" and it will present the central concepts of the author's theory. Section one will consider the intention and the method of the author. Due to purpose of manifesting an underlying organization of the people by the study of individual and political motivation, a brief examination on Montesquieu's governmental typology will also be converted into an object of analysis. Consequently, to study these relations and dynamics, section two will conduct the study of the government's 'nature' and 'principle', as the two classifying concepts of Montesquieu's governmental typology. Section three will assess the concepts of natural and positive law and its role on Montesquieu's work. Despite the scholarly acknowledgement on the presence of natural law, two lines of thought are established in its regard; the first is grounded in an interpretation which limits the justness of laws to be relatively enforced according to particular physical and sociological factors, and the second conceives justice by being wholly derived from nature. This section concludes that by the relation between natural and positive law, it is exposed the purpose of political institutions – men's natural need for security and one's preservation. Considering this debate, section four is the examination of David Williams' theory on what he calls indeterminate transcendent constraint. He is a professor of Political Science and Philosophy with an extensive

literature about the Great Books which is to assist in this thesis aim. This particular argument is outlined since this thesis believes his argument is a middle approach to the two prevailing theories of the previous section, however adds to the debate by framing Montesquieu's political ontology. Overall, this chapter will lay the conceptual foundations of Montesquieu's theory, in order to further comprehend what virtue means and why it matters.

Chapter three will devise Montesquieu's democratic constitution and the motivational force between the individual and government. The first section assesses the descriptions of the 'nature' of the regime – the democratic government's structure. As previously mentioned, tensions in Montesquieu's narratives will be the object of inquiry and, due to this thesis contribution, further arguments will be proposed to consolidate or disagree with the existing literature. Section two examines the characteristics of the 'principle' of the government. In particular, the study of a new meaning of virtue, as a renunciation and passion are carried out. Also, a comparison with Machiavelli's *virtù* is made, as it will help devise virtue's instrumental role for the preservation of government, despite Montesquieu's deceitful explanation in this regard. Moreover, the relation of virtue with the importance of education, with equality and frugality and its capability to develop immoderate effects are exposed. As in the previous section, further comments grounded in Montesquieu will be proposed to the relevant literature with the same aim. This chapter concludes that despite Montesquieu's initial allegiance to democratic freedom and virtue, they are limited as it endangers one's individual liberty and security. Both these sections become twofold, as they will devise what Montesquieu means with his notion of virtue, while also laying the foundation for why this discussion matters.

Henceforward chapter four is called "Moderation in Liberty". As it will become apparent, it will help answer why the considerations above matter; it is constituted by four main arguments explicitly presented. This chapter turns out to be the appropriate solution to the conditions presented in chapter two, which could only be understood by the tensions exposed in the third chapter. It thus

encompasses the problem statement. After all, the following question will be answered: What does Montesquieu mean with his idea of virtue in the democratic government and why does it matter?

Chapter Two:

Montesquieu's Governance

This chapter aims to explain the central concepts of Montesquieu's political theory. The first section examines the intention and method of the author. Also, the object of inquiry for Montesquieu's aim is presented. Section two addresses the concepts of the 'nature' and 'principle' of government as the author's approach to classifying the government typology. Section three analyses Montesquieu's concept of natural and positive law and exposes to the purpose of political institutions. Section four puts forward David Williams' theory on indeterminate transcendent constraint in light of the debate of the previous section.³ Overall, this chapter lays the conceptual foundations of Montesquieu's theory, in order to further comprehend what virtue means and why it matters.

1. Intention, Motivation and Government

The mainstream scholarly reading of *The Spirit of the Laws* has been that the book lacks a unifying structure, order and consistency. It seems as if it has been written as randomly dispersed notes in a notebook⁴; "we have in our hands an indecipherable work as it is confused, and confused because it is inconsistent".⁵ However, D'Alembert, one of the writers of the encyclopedia, holds an opposite interpretation of the general view. It is argued that while reading *Spirit* one ought to "distinguish apparent disorder from real disorder", in which "voluntary obscurity" is distinct from obscurity itself.⁶ Consequently, to grasp Montesquieu's political philosophy, it requires one's awareness that its complexity is not limited by aesthetic or rhetorical ambitions, but rather it is established by a deliberate intricacy in both structure and its argument⁷; "It is not a question of making him read but of making him think" (EL, XI, XX, p. 186). Thereupon, the author binds the reader to uncover the

³ See Williams, David Lay. "Political Ontology and Institutional Design in Montesquieu and Rousseau." *American Journal of Political Science* 54, no. 2 (2010). Accessed November 20, 2020. <http://www.jstor.org/stable/25652221>.

⁴ See Pangle, Thomas L. "The History of Political Thought." In *Montesquieu's Philosophy of Liberalism: a Commentary on The Spirit of the Laws* (Chicago: University of Chicago, 1973), p. 11.

⁵ Morgado, p. 14, my translation.

⁶ D' Alembert, *Oeuvres completes*, 5 vols. (Paris: A. Berlin, 1821), III, p. 450-51 cited by Pangle, p.11.

⁷ See Carrese, Paul. "Montesquieu's Complex Natural Right and Moderate Liberalism: The Roots of American Moderation." *Polity* 36, no. 2 (2004): 230. Accessed November 3, 2020. <http://www.jstor.org/stable/3235480>.

design of his work, if one is to uncover his concealed intentions. Indeed, as Montesquieu emphasises in the preface of the *Spirits of the Laws*, “many of the truths will make themselves felt here only when one sees the chain connecting them with others” (EL, Preface xliii-xliv). Consequently, the reader should also be willing to trust the author’s deliberate contradictions and, henceforward, consider them, compare each one with others and reason with the presumed defiance.⁸ Moreover, considering one of Montesquieu’s intentions to replace traditional prejudices with modern apprehensions, and particularly to avoid political and religious persecution, a deliberate equivocality is noted by Thomas Pangle in *Montesquieu’s Philosophy of Liberalism*, along with Pierre Manent’s observation on Montesquieu’s “clandestine persuasion”.⁹ As a consequence of these, Montesquieu commends careful reading and one’s consideration in the *Spirit’s* details, guiding that the more one reflects on them, “the more one will feel the certainty of the principles” (EL, Preface xliv). Indeed, Montesquieu’s work is one to awaken the reader’s meditation rather than to feed one’s prejudices.¹⁰

Following this, Montesquieu’s purpose was to make clear that the organization of people, one’s beliefs, ‘manners’ and ‘maxims’ were not dependent on, as the author describes, a “blind fate” (EL, I, I, p. 3). Rather, underneath the cosmic diversity and heterogeneity were ‘principles’ of order that transcended human will and passions; the author would thus make visible an unseen order.¹¹ Montesquieu’s approach is therefore marked by an interest and acceptance of the complexity of the human world, the acknowledgement of the immense possibilities of human relations as well as an awareness and appreciation of its limits.¹² Particularly, in the preface of *The Spirit of the Laws*, Montesquieu himself underlined that men will be its object of inquiry, and despite one being bound by the “infinite diversity of laws and mores”, one was truly “not led by their fancies alone” (SL, Preface xliii). For its purpose, Montesquieu intends to examine the relation that laws establish with a

⁸ See Morgado, p. 15, my translation.

⁹ See Pangle, p. 80 and Manent, Pierre. “Montesquieu and the Modern Experience.” *Government and Opposition* 29, no. 3 (1994): 379. <https://doi.org/10.1111/j.1477-7053.1994.tb01228.x> and see Morgado, p. 15

¹⁰ See Schackleton, Robert, Montesquieu. *A Critical Biography* (Oxford: Oxford University Press, 1961), p. 897.

¹¹ See Morgado, p. 22, my translation.

¹² See Morgado, p. 21, my translation.

specific constitution.¹³ Particularly, it is argued that Montesquieu's method is not limited to observing empirical descriptions, but seeks to derive 'principles' from evidence that are seen and felt.¹⁴ Thereupon, the study of the laws, mores, climate, religion, the quality of soil and the degree of commerce is conducted; "the various societies differ radically along lines that largely shocked his contemporaries."¹⁵ All these constituents became part of Montesquieu's science of politics.¹⁶

Individual dispositions and Government:

For the direction presented above, the study of both individual and political motivations became Montesquieu's purpose; in the words of the author, of one's "dispositions" (EL, I, III, p. 8). This objective is not far from Michael Oakeshott's interpretation on Montesquieu, which although not focused on Montesquieu's theory seems to cover the overall debate. He assesses Montesquieu's aim to investigate and understand the inclinations of a "political character". That is, to reveal and analyse specific dispositions in the pursuit and engagement of government.¹⁷ Accordingly, the role and the form of government appear to correspond to specific humankind, whose capacity is to ensure and to enable men to follow one's dispositions or, one could argue in Oakeshott's words, one's "character".¹⁸ In turn, the latter implies a distinct manner of governing and, in contrast, when one clashes with the "disposition" of the government, one conforms to the character of the majority by suppressing the self.¹⁹

Consequently, the study of government converts into a crucial object in his analysis for the comprehensive aim. Albeit the word "government," Émile Durkheim, a famous XIX French

¹³ See Williams, p. 527.

¹⁴ See Williams, p. 528.

¹⁵ Williams, p. 527.

¹⁶ See Williams, p. 527.

¹⁷ See Oakeshott, Michael, and Shirley Robin, Letwin. "The Investigation of The 'Character' of Modern Politics: Montesquieu. "Essay. In *Morality and Politics in Modern Europe: the Harvard Lectures* (New Haven: Yale University Press, 1993), p. 40-41.

¹⁸ See Morgado, p. 16 and forward.

¹⁹ See Oakeshott, p. 35-37 and see Aktoudianakis, Andreas. "Virtue, Honour and Moderation: the Foundations of Liberty in Montesquieu's Political Thought," 2016. <https://research-repository.st-andrews.ac.uk/>. p. 15.

sociologist and philosopher, advocates that Montesquieu's view is more extensive than it is initially proposed.²⁰ Montesquieu was not limited by the connotation of "political regimes", but rather considered "types of society", whose "character" in Oakeshott's expression, diverge not only in the organization of public affairs or in the number of rulers and the ones ruled, but also in their nature.²¹ Indeed, as Montesquieu affirms, "I did not draw my principles from my prejudices but from the nature of things" (EL, Preface xliii). In addition, Peter T. Manicas, an American philosopher which wrote extensive pages on the relationship between governance and power, adds to the debate by considering that Montesquieu was not simply devising societies - as its connotation was subject to rapid change in the author's time - but "societies as politically organized".²² Indeed, "a society could not continue to exist without a government", says Montesquieu (EL, I, II, p. 8). Furthermore, it is important to note the ineffability to use the word "state" in Montesquieu's *Spirit*, as it had not yet received its modern meaning.²³

Thereupon, Montesquieu associates his typologies of government to a particular motivation. Consequently, it is established an engagement between individual actions with the particular former. However, despite this association, it is opened the possibility that one's motivations and actions are not bound to reconcile with that of the government.²⁴ In this sense, Oakeshott argues how Montesquieu's reasoning referred merely to tendencies found in each government, which if conducted, would express one typology.²⁵ Similar to this thought is Nannerl O. Keohane's comparison to a "Weberian-ideal types", in which one's government's conception might approach its

²⁰ See Durkheim, Émile. "Montesquieu's Classification of Societies: To What Extent Did Montesquieu Believe That Social Phenomena Are Subject to Definite Laws?" In *Montesquieu and Rousseau: Forerunners of Sociology* (Ann Arbor: Univ. of Michigan Press, 1965), p. 25.

²¹ See Durkheim, p. 25.

²² See Manicas, Peter T. "MONTESQUIEU AND THE EIGHTEENTH CENTURY VISION OF THE STATE." *History of Political Thought* 2, no. 2 (1981): 314. Accessed November 18, 2020. <http://www.jstor.org/stable/26211802>.

²³ See Manicas, p.314-315.

²⁴ See Aktoudianakis, p. 45.

²⁵ See Oakeshott, p. 41.

ideal form, but never completely embody it.²⁶ Nevertheless, it is argued how the preservation of the government is secured by the accordance of one's motivation and the one of the government; "but that one ought to be... that unless it is there, the government is imperfect" (EL, XI, p. 30). In contrast, "the government most in conformity with nature is the one whose particular arrangements best relates to the disposition of the people for whom it is established", says Montesquieu (EL, I, III, p. 8).

2. Government's Nature and Principle

To study these relations and dynamics, Montesquieu devised his governmental typology based on two concepts: 'nature' and 'principle'. Briefly, the former is "what makes it [government] what it is", whereas its principle is "what makes it act"; the 'nature' represents the government's particular structure, and the latter refers to the "human passions that set it in motion" (EL, III, I, p.21). Mainly, every government is defined by its 'nature' and preserved by its 'principle'.²⁷

It is the location where the sovereign power resides and the number of people who hold power that prescripts the 'nature' of the government.²⁸ As a consequence of this, Montesquieu asserts that "there are three kinds of government: REPUBLICAN, MONARCHICAL, and DESPOTIC" (EL, II, I, p.10). The republican government bifurcates into two governments: a democracy and an aristocracy. Montesquieu describes the 'nature' of the former when the people - as "a body" - hold sovereign power (EL, II, I, p.10). This particular government will be the scope of inquiry in this thesis. In turn, the aristocratic 'nature' is when only a part of the people possesses it. The monarchical government's 'nature' is initially described as being set by fixed and established laws; nevertheless, it is later adjusted that the monarch had also under him intermediate and dependent powers, which are also the

²⁶ See Keohane, Nannerl O. "Virtuous Republics and Glorious Monarchies: Two Models in Montesquieu's Political Thought." *Political Studies* 20, no. 4 (December 1972): 383. <https://doi.org/10.1111/j.1467-9248.1972.tb01431.x>

²⁷ See Goldzink Jean, "Principles", translated by Philip Stewart, in *A Montesquieu Dictionary* [online], directed by Catherine Volpillhac-Auger, ENS Lyon, September 2013. URL: <http://dictionnaire-montesquieu.ens-lyon.fr/en/article/1377621398/en>

²⁸ See Aktoudianakis, p. 32.

‘nature’ of the regime. Finally, the despotic governance is where only one governs, not by established laws, but by momentary wills and caprices in the place of constant rule (see EL, II, I, p. 10 and 18).

Accordingly, each particular ‘nature’ will establish different social provisions. Andreas Aktoudianakis, in his extensive and deep dissertation about *The Spirit of the Laws*, argues that since political power is diffused among individuals, republics, in turn, will establish and encourage equality. In contrast, social distinctions and hierarchies are enhanced in the monarchical government, provided by the different proportions of power that one receives based on the distance one is to the sovereign. As for despotism, it is also established equality; one is equally a slave to the despot, which the latter dominates over one’s fortune and life.²⁹ Chiefly, “men are all equal in republican government; they are equal in despotic government; in the former, it is because they are everything; in the latter, it is because they are nothing,” says Montesquieu (EL, VI, III, p. 75).

There are three passions that are in agreement with their ‘nature’. Pangle notes that it is the ‘principle’ that derives from the government’s ‘nature’, rather than defining its structure.³⁰ Accordingly, one’s agency will preserve the government’s ‘nature’. The ‘principle’ moves the government as its dynamic element, since it represents the source of inspiration and motivation of one’s action in their engagement with the defined political context. Hence, this moving force reflects the agency between rulers and the ruled.³¹ Moreover, the principle not only represents the motivational source of political action but it also constitutes the criteria according to which all public life is judged.³² Based on this description, this is how virtue takes a decisive role in Montesquieu’s theory, as the source of motivation – the ‘principle’ – of the democratic government (see EL, III, III, p. 22). Moreover, Aktoudianakis demonstrates that, for example, in the case of the republican

²⁹ See Aktoudianakis, p. 33.

³⁰ See Pangle, p.45.

³¹ See Morgado, p. 35.

³² See Morgado, p. 39.

government, as its principle enforces the “renunciation of oneself”, virtue will enhance equality in the political setting.³³ This thesis will analyse its role in the following chapter. Additionally, honour and fear appear as the corresponding guiding forces of the monarchical and despotic state respectively (see EL, III and V-X).

3. Natural and Positive Legislation and the Purpose of Political Institutions

The following section will explore Montesquieu’s concepts of natural and positive law. The first part examines the distinction between natural and positive laws, followed by a debate on the former’s role in political and social contexts to determine Montesquieu as a natural law thinker. By examining the role of law on natural and positive grounds, this section considers the purpose of political institutions to assure men’s natural need for security and self-preservation, and briefly touches upon the importance of liberty. This last point will be important in the study of chapter three.

Most scholars acknowledge the presence of natural laws in Montesquieu, as the author himself emphasises that the motions of the world must have invariable laws (see EL, I, I, p. 3). However, there are contrasting views on their role. For example, David Williams addresses this confusion by the different ranges of natural laws employed by Montesquieu. He describes how the former encompasses natural laws of science, social laws of nature and moral laws.³⁴ Also, Donald Desserud, in his detailed Ph.D. on Montesquieu’s theory, approached this diversity in thought by recognizing that natural law is either interpreted as a normative standard, which all positive laws should be measured from, or are received by readers as an explanation for the forces that determine one’s behaviour.³⁵

³³ See Aktoudianakis, p. 33-34.

³⁴ See Williams, p. 527.

³⁵ See Desserud, Donald Anton, "Beyond Virtue And Honour: Montesquieu And The Problem Of England In The "Spirit Of The Laws"" (1989). *Digitized Theses*. 1814. P. 76.
<https://ir.lib.uwo.ca/digitizedtheses/1814>

This debate brings us to the concepts of natural and positive law that must be presented before delving into its consequences. Natural law is presented by Montesquieu as being prior to all laws and, because of this, it is thus required to devise men before the establishment of societies to fully understand them; they “derive uniquely from the constitution of our being” (EL, I, II, p. 6). Considering Montesquieu’s description of men’s weakness in the state of nature - hence one’s fixation for nourishment, self-preservation and security - Aktoudianakis concludes that the establishment of societies encompasses and answers to those aims.³⁶ In other words, by recognizing men’s original dispositions - or what was previously presented as one’s inclinations or characters - and individual natural necessities, Montesquieu conceives the construction of societies to provide security and one’s self-preservation. Accordingly, positive laws come as a necessary legislative apparatus to regulate men’s social engagements.³⁷ Or, one could add, they are the regulation of one’s motivations in the defined political context, due to men’s inability to interact peacefully once societies are established, despite peace being found in the first state of men (see EL, I and II-III). Also, even to regulate nation’s relations with each other (see EL, I, III, p. 7). In view of this, Sarah MacDonald, a Montesquieu commentator and a recognized professor of the Great Books, justifies this provision by granting a “natural desire for honour”. It is argued that through the establishment of societies and by the association with others, to one’s natural weakness is added the recognition of one’s differences with others; “there are those who are weaker than they”. One’s desire for distinctions is thus endowed and, consequently, “equality ceases [in the state of nature] and the state of war commences”.³⁸ It was due to mutual fear that peace prevailed in the state of nature, which

³⁶ See Aktoudianakis, p. 38.

Considering men’s timidity and weakness, men would not attack one another, hence peace as the first natural law. Moreover, due to the same natural conditions, men look for mutual nourishment to assure one’s self-preservation and, as the third natural law, due to one’s awareness of mutual fear, men are thus inclined to become social. Finally, the fourth natural law is set as a consequence of men’s social activity, in which men start enjoying the benefits of security together, which inclines men to engage in organized societies (see EL, I, II).

³⁷ See Fekete, Balázs. “THE UNKNOWN MONTESQUIEU: An Essay on Montesquieu’s Intellectual Background.” *Iustum Aequum Salutare* 1 (2009): 157.

³⁸ MacDonald, Sara. “PROBLEMS WITH PRINCIPLES: MONTESQUIEU’S THEORY OF NATURAL JUSTICE.” *History of Political Thought* 24, no. 1 (2003): 112. Accessed November 21, 2020. <http://www.jstor.org/stable/26219936>.

now under these different circumstances is lost. In contrast, Paul Carrese, also a Montesquieu commentator and a renowned American professor of Political Science, notes the individual desire for peace and sociability, as well as one's "naturally and freely" share of affections; it is nature that leads men to freedom and security.³⁹

Despite the apparent contrast described above, it seems to me that Montesquieu combines both MacDonald's interpretation with Carrese's argument. Indeed, men are led to establish secured and peaceful living conditions due to both the awareness of the individual's desire to dominate others, as MacDonald affirms, but also due to social, nourishment and mating inclinations, as Carrese had suggested. Nevertheless, despite this apparent distinction, the establishment of societies is due to one's natural desire for self-preservation, as mentioned in the previous paragraph. Indeed, this longing is presented as the driving force that induces the transition from the initial feeling of fear – "the primitive passion" – to pride and the desire to dominate others.⁴⁰ Accordingly, positive laws come to enforce men's natural need for security and preservation, which were established and lost due to those same necessities.⁴¹ Indeed, positive laws appear to regulate Montesquieu's intelligent world, as one is endowed with free will.⁴² Or, one could add in Montesquieu's words, "it is in their nature to act by themselves", while being limited by passions and thus subject to error (see EL, I, I, p. 4). Chiefly, "the intelligent world is far from being as well governed as the physical world...the intelligent world also has laws that are invariable by their nature, unlike the physical world, it does not follow its laws consistently" (EL, I, I, p. 4).

Universally and Relatively Just:

Considering the debate on natural and positive laws briefly presented above, MacDonald notes two lines of interpretation that will now be the scope of inquiry. The first interpretation is a view in which

³⁹ See Carrese, p. 243.

⁴⁰ See Morgado, p.33.

⁴¹ See Aktoudianakis, p. 38.

⁴² See Fekete, p. 157.

the justness of the laws will be relatively enforced according to particular physical and sociological factors.⁴³ This reasoning is grounded in Montesquieu's assessment that positive laws conform to people's nature, as it is affirmed the legislative difficulty of one nation to suit another; "laws should be so appropriate to the people for whom they are made"(EL, I, III, p. 8). Consequently, republics, monarchies and despotic governments will be erected by particular circumstances.⁴⁴ Thereupon, MacDonald concludes how this line of thought rejects Montesquieu's as a natural law thinker to determine the proper purpose of government.⁴⁵ Indeed, Montesquieu himself also affirms that his writings are not to censure what is established in any particular country (see EL, Preface, xlv). On the other hand, the second interpretation conceives justice being wholly derived from nature, rather than being relative to each particular circumstance. Thus, although positive laws ought to adjust to the particular destiny, they also must be in accordance with natural law.⁴⁶ This thought grounds its reasoning on Montesquieu's affirmation that all beings are governed by invariable laws, which exist regardless of one's disposition to rule and be ruled, thus implying a natural definition of justice;⁴⁷ "to say that there is nothing just or unjust but what positive laws ordain or prohibit is to say that before a circle was drawn, all its radii were not equal", says Montesquieu (EL, I, I, p. 4). Align with this second line of argumentation is C.P. Courtney's description of natural law as a universal legality flowing from the nature of things.⁴⁸

Accordingly, C.P Courtney, a regarded commentator on Montesquieu's theory, argues how Montesquieu detached his theory from modern natural law thought by reconstructing the principles of natural law based on the study of positive laws, rather than devise a rational structure of the

⁴³ See MacDonald, p. 110.

⁴⁴ See MacDonald, p. 110.

⁴⁵ See MacDonald, p. 110.

⁴⁶ See MacDonald, p. 110.

⁴⁷ See MacDonald, p. 110.

⁴⁸ C. P. COURTNEY: Montesquieu and Natural Law. In DAVID W. CARRITHERS—MICHAEL A. MOSHER—PAUL A. RAHE (eds.): Montesquieu's Science of Politics. Essays on The Spirit of Laws. Lanham—Boulder— New York—London: Rowman & Littlefield, 2001, 43-46.

cosmos to deduct natural principles.⁴⁹ In this note, Simone Goyard-Fabre, a French Philosopher known for her extensive work on Montesquieu and other Enlightenment great authors, adds to the debate by observing that it is the “nature of things” which judges good governance.⁵⁰ The topic on good governance will be studied in more detailed in chapter four. Nevertheless, this chapter briefly touches upon this matter to study the purpose of political institutions. Accordingly, to study the role of natural and positive laws and to arrive at the purpose of governance, it is vital to indicate the following: Montesquieu’s requires regulatory rules in both societies and in one’s behaviour and that laws demand the ultimate authority of justice, instead of grounding its justification in human judgment⁵¹. For this reason, it is affirmed that positive laws assist in the realization of natural law following superior justice.⁵²

These considerations described above seem to agree with MacDonald’s affirmation that justice requires positive laws in order to embody the laws of nature.⁵³ Indeed, they are viewed as “relations of fairness prior to positive law” in Montesquieu’s words (EL, I, I, p. 4). Moreover, Paul Carrese adds to the debate by also prescribing natural law as a standard of justice to measure law and politics. Natural law provides a framework and an “internal logical relationship” for the different arguments in *Spirit*; “every part of the book is in a closer or a farther relation to natural law.”⁵⁴ Lastly, this ground follows Robert Shackleton’s assessment that Montesquieu described the relationship between men and nature based on natural law.⁵⁵ Consequently, it is natural justice which must recommend, rather than compel, political organizations and their institutions.⁵⁶ Chiefly, Montesquieu bounds laws as the “necessary relations deriving from the nature of things” (EL, I, I, p. 3).

⁴⁹ See Courtney, p. 43.

⁵⁰ See Goyard-Fabre, Simone. Essay. In *Montesquieu: La Nature, Les Lois, La liberté* (Paris: Presses universitaires de France, 1993), p. 85.

⁵¹ See Goyard-Fabre, p. 72 and forward.

⁵² See Fekete, p. 157.

⁵³ See MacDonald, p.112.

⁵⁴ See Carrese p. 231 and See Fekete, p. 156.

⁵⁵ See Shackleton, p. 252.

⁵⁶ See Morgado, p. 32, my translation.

The Purpose:

Thereupon, from the relation between natural law and positive law, one arrives at the founding of the purpose of political institutions and good governance.⁵⁷ Pangle approaches this institutional mission to assure one's security and, particularly, freedom from the domination and threat from others; "to use the power of the state to suppress the natural war among individuals."⁵⁸ Consequently, despite Montesquieu's relevance on the contrasting 'principles' or motivating passions among political and social contexts, they are a derivation and means to the different forms of structuring sovereign power to assure peaceful relations, emphasises Pangle.⁵⁹ Indeed, what defines and confirms the different types of government is the structure of sovereign power.⁶⁰ Similarly, MacDonald considers the institutional purpose by stressing that a good government ought to assure one's security by both the establishment of laws and by following the requirements of natural justice.⁶¹ Indeed, by the natural authority of justice, the just government will enforce and encourage one's security and liberty, says Pangle.⁶² Thereupon, it is argued how the realization of the purpose of politics serves as the precursor to the individual pursuit of liberty.⁶³ This will be further analysed in chapter four.

4. Indeterminate Transcendent Constraint

This thesis presented two lines of interpretation on the role of natural laws; one which considers justice to be particular to each circumstance, hence rejecting Montesquieu as a natural law thinker that imposes the proper end of government and, in contrast, a different view which advocates justice as being derived from nature. Henceforward, the latter argues how positive laws ought to adjust to the particular setting, but also conform to natural law. This thesis will now introduce David

⁵⁷ See Fekete, p. 15.

⁵⁸ Pangle, p. 49.

⁵⁹ See Pangle, p. 48-49.

⁶⁰ See Pangle, 49.

⁶¹ See MacDonald, p. 112.

⁶² See Pangle, p. 9.

⁶³ See Aktoudianakis, p. 46.

Williams' argument, as it seems to me that despite aligning with the second line of thought, it adds to the debate by articulating what the author believes to be Montesquieu's "political ontology" in governmental constitution.⁶⁴ Moreover, this theory will help devise a framework to later assess why Montesquieu's notion of virtue matters. The author presents his argument as an indeterminate transcendent constraint.

Williams advocates for a dimension of eternal moral truths in Montesquieu, positioned on what he prescribes as Montesquieu's political ontology.⁶⁵ It is described as the compound of an inconclusive set of laws and political institutions applicable to all circumstances while preserving the existence of preceding and fixed standards; however, the latter are "somewhat indeterminate".⁶⁶ Firstly, to arrive at this founding, Durkheim is interpreted to describe Montesquieu as a "metaphysical dualist" whose primary concern according to Williams is the endurance of morality by the requirements of one's free agency.⁶⁷ This is achievable by incorporating one's materiality, determined by the natural laws of science, with the need for an immaterial substance which allows the resistance of impulses. Hence, it enables virtue and moral actions; "to preserve the immaterial will even if it threatens the immutability of his social laws."⁶⁸ Indeed, Montesquieu's normativity required one's agency founded on immateriality, says Michael Masterson cited by Williams.⁶⁹ Mere materiality would deny human agency and make morality inconceivable.⁷⁰ Although Durkheim denied Montesquieu's reconciliation of free agency with physical and natural laws, Williams breaks this tension by granting that one is free to deviate from the laws of nature, although one is still bound by them; "morality required choice – and choice required escaping the laws of determinacy."⁷¹ Thereupon, one can assume that morality demands the link between human agency and legislative apparatus while

⁶⁴ Williams, p. 526.

⁶⁵ Williams, p. 526.

⁶⁶ Williams, p. 527.

⁶⁷ See Williams, p. 530.

⁶⁸ Williams, p. 530.

⁶⁹ See Williams, p. 530.

⁷⁰ See Williams, p. 530.

⁷¹ Williams, p. 530.

assessing the constitution and purpose of political institutions. Secondly, Montesquieu's ontology of political practices and institutions is grounded by the independence of justice from convention;⁷² it is "eternal justice".⁷³ In Montesquieu's words, "before laws were made, there were possible relations of justice" (EL, I, I, p. 4). In contrast, materialistic political concepts could only be determined from artifice (convention) since it rejected human agency.⁷⁴ Consequently, despite an initial consideration on the limited moral content of the laws of preservation – a subdivision of the laws of nature, argues Williams – which are described by Pangle as being limited to rules of conduct as the necessary minimum to preserve the existence of society, a closer examination at Montesquieu's judgments over slavery and despotic governance show otherwise:⁷⁵ "...I hear the voice of nature crying out against me" (EL, VI, XVII, p. 93). Thereupon, Williams concludes how those judgments require an additional realm of a natural moral rule rather than being sustained by the laws of preservation.⁷⁶ That is how Williams's indeterminate transcendent constraint appears as the formulation to address Montesquieu's political ontology.

On one hand, it is constraint by the existence of limiting factors ruling the regime's choices, and transcendent by allowing external critiques and grating universal values that ought to be embodied in those same decisions.⁷⁷ However, it is also indeterminate by upholding a degree of indeterminacy in universal political truths. That is, it emphasises "a vagueness" in, for example, the principles of "justice", "liberty or "equality", rather than specific rules and particular sets of institutions. Williams addresses this indeterminacy to allow adaptability and flexibility.⁷⁸

⁷² See Williams, p. 530.

⁷³ Williams, p. 531.

⁷⁴ See Williams, p. 529.

⁷⁵ See Pangle, p. 28.

⁷⁶ See Williams, p. 531.

⁷⁷ See Williams, p. 535.

⁷⁸ Williams, p. 535.

Thereupon, for one to materialize what Williams describes as being “opaque by nature”, in turn similar to Mark Hulliung’s “abstract and shadowy notion of justice”⁷⁹, Montesquieu devises negative implementation of justice, like the case of despotism and slavery, and by positive conceptions by granting contextualization; “justice demands different laws for different peoples”.⁸⁰ However, one could indicate an arguable condition in this positive notion of justice. When Williams argues that “the relative virtue of a people eliminates the need for multiplying laws”, one could claim that his notion of justice seems to be associated with one’s relative or proportionate virtue.⁸¹ Meaning, one’s virtuosity will henceforward endow more or less restrictive laws.

Overall, Williams’ indeterminate transcendent constraint requires a transcendent validity and normative inclusion of some universal principles, while not obliging them to specific laws, regimes or institutions; “a democratic, aristocratic, monarchic, or other regime type may all be just and good - but only under the right circumstances.”⁸² This theory seems to me to concur with Montesquieu’s theory. It is guarded the author’s combination between consenting the importance of circumstances for translating laws into positive laws with the recognition that all injustice serves as an affront to human nature and a distortion to the immaterial natural order.⁸³ Indeed, Montesquieu’s difficulty to address a philosophical treatment of nature is found in the flexibility and plasticity of men; one adapts to the circumstances in which one grows.⁸⁴

To Conclude:

This chapter demonstrated the deliberate complexity, equivocality and clandestine writing in Montesquieu’s work. A curiosity and justification to explore Montesquieu’s initial claims in this thesis are therefore made. Montesquieu’s purpose is to manifest an unseen order in diverse relations

⁷⁹ Hulliung, Mark L. In *Montesquieu and the Old Regime* (Berkeley (CA): University of California Press, 1976), p. 113.

⁸⁰ Williams, p. 536.

⁸¹ Williams, p. 535.

⁸² Williams, p. 535.

⁸³ See Morgado, p. 32, my translation.

⁸⁴ See Morgado, p. 26, my translation.

and behaviours. For that aim, one's dispositions, character and motivations - as the relation of laws with specific constitutions - is examined. Montesquieu's work is the examination of all those relations as "THE SPIRIT OF THE LAWS" (EL, I, III, p. 9). Consequently, the study of government converts into a crucial object in his analysis, in which the former implies a particular motivation between the government and the governed, despite the possibility that one's impulses are not bound to reconcile with that of the latter. Nevertheless, it is asserted that the preservation of government is assured by their accordance. What defines the distinctive factors on the types of government is the structure of sovereign power. Besides, it was shown Montesquieu's definition of government based on the concept of 'nature' and 'principle'. Based on this study, he distinguished the democratic government out of the three types of government. Montesquieu describes its 'nature' when the people as "a body" (EL, II, I, p.10) hold sovereign power. It fosters equality. Virtue is the individual's driving force in one's relation with the democratic government. Virtue is its 'principle'.

The concepts of natural and positive law were described above. It was noted two lines of interpretation considering the former's role. First, an approach that is relative to context, in which the justness of laws concerns with particular factors, thus rejecting Montesquieu as a mere natural law thinker when discussing the purpose of government. Second, a line of thought in which justice derives from nature, combining the idea of a particular destiny while asserting conformity with natural law. Good governance is therefore derived from the nature of things and positive laws assist in its realization following superior justice.

By Montesquieu's recognition of men's natural dispositions and the necessity for security, the purpose of political institutions is set, in which positive laws come as a legislative regulation to men's incapability to foster peaceful relations once in society, despite peace being endowed in the state of nature. In relation to this, it was presented Sarah MacDonald's justification conceded on men's natural desire for honour, in which distinctions are set and consequently equality ceases in men's first state. Paul Carrese's argument on one's desire for sociability and share of affections was

set as a contrast to the former. However, both these arguments come together when one considers that men are led to establish secured and peaceful living conditions due to both the awareness on the individual's desire to dominate others and also due to social, nourishment and mating inclinations. Moreover, it was briefly noted Pangle's institutional purpose to assure one's security and, particularly, one's freedom from interference.

Finally, it was introduced David Williams' argument on Montesquieu's political ontology. Williams' reconciles Montesquieu's importance of free agency with natural laws by granting that the former requires the escape from determinacy, thus one is free to deviate from the laws of nature, despite also being bound by them. It also mentioned the institutional founding by the independence of justice from convention. Overall, it was interpreted Montesquieu's concern with a normative incorporation of indeterminate universal maxims, while not obliging them to specific laws, regimes, or institutions.

Chapter Three:

Democratic Virtue in Montesquieu

This chapter looks to the democratic constitution and the motivational virtuous force between the individual and government. To this end, we will consider Montesquieu's work to identify the types of regimes that assure good political institutions as laid down in chapter two. Section one assesses the descriptions of the 'nature' of the government. Tensions in Montesquieu's narratives of the government's structure will be identified both in *Spirit* and the relevant literature, and further arguments for their solidification or disagreement proposed. In particular, the statements presented will be addressed in the first section. Therefore, section two justifies the previous exposure and examines the characteristics of the 'principle' of the government. Further comments grounded in Montesquieu will be proposed to the literature with the same aim. This chapter concludes that despite Montesquieu's initial allegiance to democratic freedom and virtue, they are limited as it endangers individual liberty and security. Both these sections become twofold, as they devise what Montesquieu means with his idea of virtue, while also laying the foundation to why it matters.

1. The Nature – Republic Government

Let's turn to the idea of the democratic republican government. Pangle presents it as a government of self-rule.⁸⁵ This understanding appears to be related to one's natural need for security, previously explained in the former chapter. In this sense, freedom emerges when one does not live under the will of another, as a result of one's desire for self-preservation and to set the means to one's security; one thus rules oneself. This is the natural source of freedom, says Pangle, since it is only attained when one rules oneself. Consequently, the good republican life is constructed to endow the individual capacity for determination and the control of one's destiny. Not quite, the republican

⁸⁵ See Pangle, p. 80.

government's mission is to establish the participation of all citizens in "political self-rule".⁸⁶ To achieve this purpose, the democratic governance depicted by Montesquieu appears as one where the commitment to public life, despite not total, is extensive.⁸⁷

For this reason, Pangle implies some deliberate hesitation in Montesquieu's description on democratic freedom's true worth, in spite of Montesquieu's apparent allegiance. Indeed, Pangle concludes that despite his first assessment presented above, it is later confirmed that the degree of self-renunciation and limited liberty is rather severe.⁸⁸ This condition is justified due to one's participation in self-government.⁸⁹ To support his observation, Pangle argues how one is constrained to defer almost everything personal, albeit "freedom originally meant personal freedom".⁹⁰ Also, its reluctance to the democratic government is reinforced by the difficult exercise of democratic structures, due to the insufficient examples provided by Montesquieu; "he does not give a single example of a republic that even approximates the conditions he sees as best".⁹¹ More importantly, to justify his statement, it is affirmed that despite freedom - as self-rule - being presented as a means to individual security, Pangle's final estimation is that self-rule becomes an end in itself.⁹²

Militaristic Ancient Dimension:

It is of the nature of this government to be only exclusively of a small territory (see EL, VIII, XVI, p. 124). Indeed, if its extension grew, so would the private fortunes, the depositories, and the particular interests, explains Montesquieu (see EL, VIII, XVI, p. 124). Consequently, one would feel happy, great and glorious without one's homeland, culminating in the feeling that one could only become great on its ruins (see EL, VIII, XVI, p. 124). Accordingly, it is indicated the natural property of small territories only to be governed as a republic, as the public good is better felt and known (see

⁸⁶ Pangle, p. 53-54.

⁸⁷ See Pangle, p. 80.

⁸⁸ See Pangle, p. 80.

⁸⁹ See Pangle, p. 8.

⁹⁰ Pangle, p.80.

⁹¹ Pangle, p. 85.

⁹² See Pangle, p. 80.

EL, VIII, XX, p. 126). In contrast, it is described how in large republics the common good is sacrificed to several considerations and subordinated to exceptions (see EL, VIII, XVI, p. 126). Mainly, Montesquieu prescribes this condition to equal the preservation of the government's 'principle' (see EL, VIII, XVI, p. 126). Indeed, as previously affirmed in the former chapter on the 'nature' and 'principle' of government, the soul of government is derived from its body.⁹³ Precisely, "it will change its spirit to the degree to which its boundaries are narrowed or extended," says Montesquieu (EL, VIII, XVI, p. 126).

Despite the fact of its necessary small dimension, the democratic government is noted by its militaristic essence; "its end is war".⁹⁴ Pangle justifies this description by the fundamental democratic selfless devotion to the fatherland, in which one's energy has been constrained only to the necessary things.⁹⁵ Consequently, fostering the glory of the homeland supplies one's happiness which is absent within the community; "the citizens' love of the fatherland becomes identical with their devotion to the glory of the fatherland."⁹⁶ Chiefly, Montesquieu asserts "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" (EL, VII, II, p. 98). Thereupon, Montesquieu's descriptions of the democratic "tremendous forces" (EL, III, p.22) that employ the desire for military mastery appear to Pangle as the ultimate test of the government's 'principle'.⁹⁷ Indeed, citizens of a particular republic will engage in all war brutalities by limiting the love for "fellow men" to the love for "fellow citizens".⁹⁸ Overall, the democratic republican government either takes the path of war and glory or the acquisition of private

⁹³ See Pangle, p. 45.

⁹⁴ Morgado, p. 46, my translation.

⁹⁵ See Pangle, p. 83.

⁹⁶ Pangle, p. 83.

⁹⁷ See Pangle, p. 84.

⁹⁸ Pangle, p. 84.

aims; consequently, a sense of humanity is lost, says Pangle⁹⁹ This thought seems to me that it could be aligned with the difficult exercise of democratic practices, previously introduced.

Montesquieu also seems to suggest another distinctive property of the democratic republic; republics are found in the antiquity of the ancient (see EL, III, III, p. 22). Additionally, it seems to me that a republican government represents a lost past. To justify this argument, one can consider the following: by describing the people who lived in a government that had virtue as its ‘principle’, Montesquieu emphasises how they did things “that we no longer see and that astonish our small souls” (EL, IV, IV, p. 35). He contrasts this condition by defending that “those [political men] of today speak to us of manufacturing, commerce, finance, wealth, and even luxury” (EL, III, III, p. 23). Moreover, one can assume that the democratic republican government not only represents a lost past, but one that cannot be restored. Indeed, Montesquieu phrases the “impotent attempts” of the English to establish a democracy, as the government’s ‘principle’ had been replaced by success and audacity (EL, III, III, p. 22).

The Equal Rule of the People:

The democratic government is also described as simply being the government of the people, says Pangle.¹⁰⁰ As a consequence of democracy’s ‘nature’, its natural tendency is to vote by lot (see EL, II, II, p. 13). It is a way of electing which does not afflict anyone; “it leaves each citizen a reasonable expectation of serving his country” (EL, I, II, p. 13). Consequently, Pangle notes the apparent access to leadership positions.¹⁰¹ For these reasons, Montesquieu emphasises the democratic importance of establishing the right to vote: firstly, it appears as a crucial legislation to regulate by whom, for whom, and in what matters the votes are attributed (see EL, II, II, p. 11). Indeed, it is a government

⁹⁹ See Pangle, p. 84 and 85.

¹⁰⁰ See Pangle, p. 52.

¹⁰¹ See Pangle, p. 52.

where each citizen is inclined to have a direct and equal voice in the government's affairs.¹⁰² For this reason, it is also affirmed the legislative importance for votes to be made public, as its transparency enlightens the populace not to fall into their ruin (see EL, II, II, p. 14). Also, there ought to be a certain balance between this condition and not redundant secrecy when the senate casts the votes; "for here the only issue is to guard against intrigues" (EL, II, II, p. 14).

Montesquieu emphasises the necessary existence of intrigues and accusations and, in a political context that it comes as a fundamental constitution that the people alone make the laws, one could suppose the requirement for further legislative apparatus (see EL, II, II, p. 14). Indeed, the laws ought to establish the number of citizens that should form the assemblies, as a means to indicate whether the popular will have spoken or only one part (see EL, II, II, p. 11). Consequently, in matters that the people's power cannot do well, it must be done through their ministers; thus, it comes as a fundamental law that the people appoint their magistrates (see EL, II, II, p. 11). Moreover, as Montesquieu affirms that a council or senate lead the people, for the popular body to have confidence in these bodies, it is thus also a necessary law that they elect its constituents (see EL, II, II, p. 11). Overall, the disposition of laws in the democratic government is such that Montesquieu insists that "[the people] can be the monarch only through their votes which are their wills" (EL, II, II, p. 10).

However, Montesquieu also seems to affirm some objections to his initial reasoning just presented above: "just as most citizens, who are competent enough to elect, are not competent enough to be elected, so the people, who are sufficiently capable to call others to account for their management, are not suited to manage by themselves" (EL, II, II, p. 12). These incongruities are addressed by MacDonald, advocating that, in contrast to Montesquieu's initial statement, the rule of the people is rather limited.¹⁰³ Firstly, MacDonald justifies her claim by emphasising one's lack of expertise to

¹⁰² See Pangle, p. 52.

¹⁰³ See MacDonald, p. 122.

conduct public business, albeit one's capacity to choose one's authority and to elect.¹⁰⁴ To explain this condition, Montesquieu affirms that the public administration requires a pace that is neither too slow nor too fast and, contrarily, "the people always act too much or too little" (EL, II, II, p. 12). To add to MacDonald's argument on the popular limited rule, one could also suggest Montesquieu's assessment on the democratic manner of forming judgments. Before coming to the final proposed idea, a previous description of Montesquieu in regards to this matter is presented.

When addressing the importance of laws, Montesquieu argues how penalties, expenses, delays or even the dangers of justice correspond to the price each citizen pays for one's liberty (see EL, VI, II p. 74). For this reason, formalities increase in proportion to the importance given to honour, fortune, life and the citizen's liberty. It represents the constitution of a moderate government (see EL, VI, II p. 75). Indeed, as a consequence of these reasons, Montesquieu distinguishes that men are equal in the republic because they are everything and in the despotic government because they are nothing (see EL, VI, II p. 75). Moreover, to illustrate the legislative relevance and guidance in the democratic government, Montesquieu explains how the more the government approaches a republic, the manner of judging also becomes more fixed; it is of its nature for judges to be guided by the law (see EL, VI, II p. 76). However, the manner of forming judgments is limited. Rather than deliberating together or sharing one's thoughts, judges reduce themselves to condemn, absolve or remand judgment; "because the people judged or were thought to judge. But the people are not jurists" (EL, VI, II p. 76-77). Thereupon, to make a further comment to MacDonald's argument on the seemingly limited popular rule, not only one is not capable to be elected - due to one's lack of expertise, hence the popular body's constraint to choose who will rule - but also "people are not jurists". Moreover, because Montesquieu justifies this condition by affirming that people either act "too much or too little", not only people cannot rule, but also "people judged or were thought to judge." Thereupon, the apparent rule of the people is much more limited than it was initially presented.

¹⁰⁴ See MacDonald p. 121 and see EL, II, II, p. 12.

Secondly, the rule of the people is limited due to Montesquieu's emphasis on the admirable popular capacity to choose to whom they entrust part of their authority, says MacDonald.¹⁰⁵ Montesquieu explains how they only have to base their decisions on "things which they cannot be unaware and on facts that are evident to the senses" (EL, II, II, p. 11). These come as a result of people's natural ability to perceive merit (see EL, II, II, p. 12). Accordingly, MacDonald believes that some people are rather unaware and do not have keen senses, hence Montesquieu's prescription on the limited number of citizens for suffrage and magistracy.¹⁰⁶ However, a contrasting consideration to MacDonald's argument could be proposed. It seems to me that despite the democratic government being presented as one constituted by equals, it appears to be founded by individual differences. For example, a distinction is observed between "most citizens" who are not capable to be elected and "the people" who are not able to manage themselves. Consequently, one could rather interpret Montesquieu's previous quotation – "things which they cannot be unaware and on facts that are evident to the senses" (EL, II, II, p. 11) – to demonstrate that one's differentiations are inherently known and aware between those involved. To demonstrate this argument, Montesquieu affirms that in Athens, although magistrates could be drawn from every class, the common people never turned to classes that could threaten their "well-being and glory" (EL, II, II, p. 12). While MacDonald interprets this as a result of the system of voting, rather than a description of the most virtuous electors, one could instead argue that not only the popular body recognizes that one is not capable to elect, but that others are better suited to be elected;¹⁰⁷ indeed, the people chose specifically not the classes that could bring them some kind of inferiority.

Consequently, and as a third argument, although MacDonald asserts that people are rather unaware and do not have keen senses - hence democracy's limited number of citizens for suffrage and magistracy - she argues that it is the inconvenience of an extensive electorate, rather than the

¹⁰⁵ See MacDonald, p. 121 and see SL II, II, p. 11.

¹⁰⁶ See MacDonald, p. 121.

¹⁰⁷ See MacDonald, p. 120.

citizen's character, that prevents them from voting. Thereupon, despite the democratic 'nature' to vote by lot, MacDonald affirms the existence of class divisions in this government.¹⁰⁸ This argument approves the previous paragraph's suggestion on the existence of distinctions. Indeed, Montesquieu himself prescribes that voting by lot is not perfect by itself (see EL, II, II, p. 13). It is affirmed that this division - between not those who could be elected but those who could elect - serves as a correction of the natural democratic way of voting. Moreover, this separation settles the distinctions of great legislators, in which the duration and prosperity of the democratic government depended on.¹⁰⁹ Thereupon, MacDonald emphasises the establishment of objective distinctions for one to be able to participate directly in public affairs.¹¹⁰ However, one could add, due to what was described, that not only there is a certain requirement for one to be able to vote, but also the founding of some kind of distinction, or even competition, for the role of the legislator or senators. Indeed, they "would be examined by judges, and that each judge could accuse him of being unworthy", says Montesquieu (EL, II, II, p. 13). Consequently, Pangle's previous assessment of the accessible access for posts of leadership tends perhaps to lose force when one considers the requirement of individual distinctions. The apparent rule of the people and their equal condition is one more time showed limited.

Finally, people cannot rule due to the inherent democratic requirement to vote publicly, which leads to the misfortune of the republic; that is, people being gained through bribery, says MacDonald.¹¹¹ However, she also stresses that requiring a public ballot is itself a form of bribery.¹¹² Consequently, it is affirmed that votes will be conducted to achieve one's private interest rather than the public good.¹¹³ In one case, it is due to one's desire to gain, by bribing people, and the other out of fear to lose, as one is at least not punished to vote in a determined manner.¹¹⁴ Mainly, in both cases "he

¹⁰⁸ See MacDonald, p. 120-122.

¹⁰⁹ See MacDonald, p. 120-122 and see EL II, II, p. 12-13.

¹¹⁰ See MacDonald, p. 120-122.

¹¹¹ See MacDonald, p. 122.

¹¹² See MacDonald, p. 122.

¹¹³ See MacDonald, p. 122.

¹¹⁴ See MacDonald, p. 122.

misfortune of the republic is always met, affirms MacDonald.¹¹⁵ In contrast, Montesquieu prescribes the secrecy of votes to disturb the enlightenment and the control of the principal and eminent men to the lesser people (see EL, II, II, p. 14). This Montesquieu assessment confirms the previous paragraph's argument on the awareness and the establishment of distinctions. However, it seems to me that it is also suggested how the popular body, in these circumstances, is not guided by the democratic legislative relevance, but rather one is contained by "eminent men". To conclude, in contrast to Montesquieu's initial affirmation, it is also asserted that the disposition of laws in the democratic government is such that "the people are, in certain respects, the monarch; in other respects, they are the subjects" (EL, II, II, p. 10).

These inconsistencies noted by MacDonald are in agreement with Pangle's estimation that considerable concessions to inequality are required for magistrates and officials to be of the necessary capacity to conduct public business.¹¹⁶ However, both diverge, as the latter qualifies the different qualifications to allow a possible government devoted to egalitarian self-rule, while the former recognizes that an egalitarian rule by equal virtuous men is impossible.¹¹⁷ Nevertheless, despite these inequalities, Alan Gilbert, in his extensive book on Montesquieu's theory, proscribes an egalitarian common good that provides the elicited participation of the citizens; it is the object of the democratic republican administration.¹¹⁸

In addition, notwithstanding the apparent existence of inequalities and distinctions, communal property is fostered in the democratic government; by equal and small portions of land.¹¹⁹ Particularly, this condition comes as a solution to prevent one's desire for private property and

¹¹⁵ See MacDonald, p. 122.

¹¹⁶ See Pangle, p. 52.

¹¹⁷ See Pangle, p. 53 and see MacDonald, p. 58.

¹¹⁸ See Gilbert, Alan. "'Internal Restlessness': Individuality and Community in Montesquieu." *Political Theory* 22, no. 1 (1994): 51. Accessed November 11, 2020. <http://www.jstor.org/stable/192132>

¹¹⁹ See Pangle, p. 77.

acquisition which, according to Pangle, damages the “public spiritedness”.¹²⁰ To add to the present literature, Pangle’s idea of communal ownership could be reinforced by a further statement of Montesquieu: the surrender of goods is specifically of the nature of the democratic republic (see EL, V, XV, p. 64). Indeed, it is a government in which there ought to be a high degree of trust in the citizen’s integrity (see EL, V, XV p. 64). Accordingly, ways of preventing inequality are embraced and are reinforced in the democratic government: On one hand, the preservation of the democratic public treasure is constituted by both heavy taxation and great public expenditure.¹²¹ On the other hand, by public inspections of manners and morals.¹²²

The Equal Popular Accusations:

This thesis is investigating the settings of the democratic republican government in which virtue operates. To continue what was briefly introduced above, Pangle precepts Montesquieu’s moral supervision as a necessary condition to establish equality, rather than to develop one’s greatness.¹²³ Indeed, in the democratic government, the existence of censors is enforced, as the ‘principle’s’ extinction occurs not only by the existence of crimes, but chiefly by the disregard for the love of the homeland; censors ought to correct it, says Montesquieu (see EL, V, XIX, p. 69). However, one could argue the opposite to Pangle’s affirmation. In comparison, MacDonald’s argues that positive laws are established as the necessary legislative bound to counteract human’s inability to interact peacefully in society due to, explicitly, one’s “natural desire for honour”.¹²⁴ Moreover, as MacDonald leads this condition to enable the desire for individual distinctions, it seems to me that Montesquieu’s moral supervision - as a means to equality in Pangle’s words - rather provides the establishment for different accomplishments. In other words, it seems to me that the increase of

¹²⁰ Pangle, p. 77.

¹²¹ See Pangle, p. 77.

¹²² See Pangle, p. 77-78.

¹²³ See Pangle, p. 77-78.

¹²⁴ MacDonald, p. 112.

moral supervision - necessary in the equal democratic government - might endeavour a way to establish distinctions.

Following the importance and authority of censors in the democratic government, Pangle appoints the preservation of equality and the government's 'principle' to what he describes as the "harsh inhumanity and arbitrariness of such regulations and sacrifices"; including, particularly, the death penalty.¹²⁵ However, although this body ensures simplicity and constraint in public life and within family aggregations, Pangle stresses the rule of law in the punishment of crimes.¹²⁶ Indeed, when describing the severity of penalties, Montesquieu stresses how in moderate governments the love of the homeland, shame and fear of blame restrain many crimes; the greatest penalty is to be convicted of it (see EL, VI, IX, p. 82). Particularly, it is enforced that one fears the loss of life more than one dreads death itself, says Montesquieu (see EL, VI, IX, p. 82). Additionally, Montesquieu proscribes that the good legislator instead of punishing crimes and inflicting punishment will rather prevent them and turn anything into penalties (see EL, VI, IX, p. 83). As a consequence of all this, Montesquieu asserts how punishments that suppress life are sufficient (see EL, VI, IX p. 82). Chiefly, "gentleness reigns in moderate governments" (see EL, VI, IX, p. 82).

However, Montesquieu's exposed uncertainty leads this thesis to further analyse this topic, as it will help assess what virtue means and why it matters. When comparing Pangle's emphasis on the rule of law in the punishment of crimes - rather than the arbitrariness and inhumanity of censors - with the importance and the deliberate role of accusations in the democratic government, a contrasting implication could be established. Firstly, it is important to note that the role of accusations is decisive in a government where each citizen ought to have "boundless zeal for the public good" as it is assumed that each citizen has all the rights of the homeland in one's hands, says Montesquieu (EL, VI, VIII, p. 81). Consequently, although the rule of law is an important element for the constitution

¹²⁵ Pangle, p. 78-79.

¹²⁶ See Pangle, p. 78-79.

of moderate governments, in which “gentleness reigns”, it may be enforced that not only censors induce the death penalty, but one can also suppose that every citizen could imperil other’s security; each one “has all the rights of the homeland in his hands.” Also, one could reference that, despite the good legislator appears not to punish crimes or inflict punishment, he precisely turns everything into penalties. Moreover, although in despotic countries one fears more death than cherishes life, in the democratic government life seems to be also suppressed (see EL, VI, IX, p. 82). Indeed, Montesquieu emphasises how “extremely happy men and extremely unhappy men are equally disposed to harshness” (EL, VI, IX, p. 83). This is an essential addition to Pangle’s assessment because, as Montesquieu insists, “the laws that send a man to his death on the deposition of a single witness are fatal to liberty” (EL, XII, III, p. 189). Accordingly, one’s security or the opinion of one’s security is never more attacked than by public or private accusations, says Montesquieu (see EL, XII, III, p. 189). Consequently, it is acknowledged how the citizen's liberty depends principally on the goodness of the criminal laws, which seems to me to lack in democratic structures (see EL, XII, III, p. 189). Overall, Montesquieu grants that the failure of liberty is when arbitrariness endures, when a penalty comes from the legislator’s capriciousness and violence among men remains (see EL, XII, III, p. 189). Indeed, the failure of liberty seems also to cease in the democratic government when one also considers the prevalence of eminent men - and perhaps its capricious says - rather than the command of legislative regulations.

To conclude the inquiry on the democratic government’s ‘nature’, a final claim is presented. Although not affirmed by Montesquieu, Pangle believes in the auxiliary role of divine sanctions in the regulation of individual behaviour in the democratic government; the most religious republics appear as the most virtuous.¹²⁷ This argument on the association between democratic structures and religion is also affirmed by MacDonald’s description of the senate as “statues of gods”.¹²⁸ Particularly, it is also stressed the democratic republican resemblance to the despotic governance; the

¹²⁷ See Pangle, p. 78-79.

¹²⁸ See MacDonald, p. 124.

despot, similarly to the senate, in order to establish the citizen's subordination, uses religion to cultivate fear in its subjects.¹²⁹ Thereupon, one could align Pangle's "auxiliary role of divine sanction" with MacDonald's comparison between democratic republic and despotic governance. For both their reasoning, one could add the importance of the oath given by Montesquieu to the democratic government. Indeed, "nothing attached them more to the laws", as "the fear of breaking their oath overcame every other fear" (EL, VIII, XIII, p. 122). Particularly, Montesquieu describes how one felt "restrained" by the oath, as by reason to obey it, "they often did what they would never have done".¹³⁰ Chiefly, a republic - seemingly like the despotic governance in which fear reigns - "must dread something", says Montesquieu (EL, VIII, V, p. 115).

To Conclude:

The democratic republics are to be found in antiquity and it was also suggested a lost past that can't be restored once the 'principle' has been replaced by success and audacity.

Tensions in Montesquieu's and the literature's narratives of democratic government were found. Despite Pangle's description of a government of self-rule as a means to security and freedom, in which its institutional purpose is to establish the participation of citizens, democracy will instead endow self-rule as an end in itself. Consequently, Montesquieu's allegiance to democratic freedom is challenged due to individual self-renunciation and lack of liberty. Militaristic aspirations, despite the government's requirement to be of a small dimension, are also found. This is particularly troubling as the government's structure equals the preservation of its 'principle'. This expansion is justified due to the inherent democratic constraint to necessary needs, which fosters the glory of the homeland as a means to supply one's fulfilment. This tension appears to be the ultimate test to the government's 'principle'.

¹²⁹ See MacDonald, p. 124.

¹³⁰ MacDonald, p. 124.

Also, as a consequence of democracy's 'nature', despite the apparent equal voice in the government's affairs, it was shown the limited rule of the people. In this regard, it is emphasised the presence of class divisions, individual differentiations and distinctions between the citizens. It was suggested that these dissimilarities are known among them and the advance of competitions in these matters. Indeed, due to the previous chapter's emphasis on one's natural desire for honour. Moreover, it was noted the democratic requirement to vote publicly to lead to the government's failure and to be conducive to personal achievements rather than the public good. This is aligned with the affirmation that the governmental participatory structures lead self-rule to become an end in itself. It was suggested that despite the democratic legislative relevance, one is rather contained by important men. This condition explains the impossibility of the secrecy of votes as it would threaten the citizen's control.

It was affirmed the role of public surveillance to prevent inequality rather than to develop one's greatness. However, one's natural desire for honour and the presence of distinctions in this government suggests the contrary: what is supposed to be a means to equality rather provides further differentiations. Considering the role of criminal laws, Montesquieu's distinction between the democratic republic and despotic governance was affirmed; however, a closer examination can suggest otherwise. Firstly, the auxiliary role of divine sanctions attributes the latter's element of fear to the former. Also, the role of accusations in the democratic government can increase resemblances with the despotic government. Moreover, it was appointed the preservation of the government's structure and 'principle' to the arbitrariness and cruelty of democratic regulations. Consequently, despite the gentleness and rule of law in the punishment of crimes as a fundamental constitution for moderate governance, democratic structures fail to do so; it imperils one's security by the presence of censors. Particularly, by inducing the death penalty and indeed the presence of public accusations. Also, although in despotic governance one fear death more than one cherishes life, under democratic structures life seems to be suppressed as well. Finally, even legislators who do not inflict punishment

precisely turn everything into penalties. Overall, the democratic government appears not as a commendation, but as a denunciation of the premises that it establishes; it imperils one's security and liberty.

2. The Principle – Virtue

Virtue is democracy's 'principle', and in the popular state, it is indispensable (see EL, III, III, p. 22). It opposes the monarchical or despotic government, in which the force of the laws in the former and the momentum of the prince's arm in the latter regulate and contain everything (see EL, III, III, p. 22). Singularly, Montesquieu addresses this democratic 'principle' as an additional element; "...there must be an additional spring which is virtue" (EL, III, III, p. 22). To illustrate its importance, Montesquieu asserts that "the political men of Greece who lived under popular government recognized no other force to sustain it than virtue" (EL, III, III, p. 22).

While Montesquieu grants virtue as indispensable, the author creates a new understanding of its meaning.¹³¹ Political virtue replaces the traditional canon, both pagan and Christian.¹³² This deviation is indicated by Montesquieu when asserting that it is not a moral virtue or a Christian virtue but the spring that compels the democratic government is political virtue (see EL, Author's foreword, xli). The grounds for this differentiation are seen in the author's emphasis that virtue is a "feeling", a passion for the general order, rather than the guidance of behaviour towards excellence, a representation of the quality of a few men of exceptional talents or a derivation of God's faith for the attainment of a moral end.¹³³ Accordingly, this new understanding also diverges from specific knowledge. Desserud also assesses this distinction by affirming that Montesquieu's virtue is comprehensible to the least instructed, contrasting with classical descriptions as an unattainable

¹³¹ See Pangle, p. 58.

¹³² See Aktoudianakis, p. 147.

¹³³ See Aktoudianakis, p. 147-148.

ideal.¹³⁴ Indeed, no citizen in a democratic republic could associate virtue with intellectual pursuits.¹³⁵ Particularly, this condition is confirmed by comparing it with the classical idea of virtue as superior knowledge, whereas the concept of democracy in Montesquieu is grounded in popular opinion.¹³⁶ Thereupon, this new understanding of virtue can be experienced by all the citizens of the homeland; “virtue, in a republic, is a very simple thing”, says Montesquieu (EL, V, II, p. 42).

Renunciation:

Chiefly, rather than being a moral end, political virtue is the “renunciation of oneself” (EL, IV, V, p. 35). A government constituted on its grounds dismisses everything else, as it appears as a motive that suffices in itself and excludes all others, says Montesquieu (see EL, V, XVIII, p. 68). It seems to me that virtue is the only impulse, excluding all other passions with no other prospect; virtue demands the continuous sacrifice to the state of oneself and one’s aversions, says Montesquieu (see EL, V, XIX p. 69). Indeed, political virtue forces that every citizen ought to “live, act, and think only for the city’s sake” (EL, V, XIX p. 68). Gilbert interprets Montesquieu’s description by prescribing the “renoncement à soi-même” as the “diminution of individuality”.¹³⁷ Its denial, although a great human addition for public deliberation, was also a sacrifice of humanity; a “sacrifice to an externally-defined common.”¹³⁸ Moreover, this limitation on one’s individuality represents the composition of ancient freedom.¹³⁹ Consequently, in a government constricted by the supremacy of legislation, the freedom of ancient citizens and the ‘principle’ of its politics were uniform “self-consuming” and “self-consuming virtue” respectively, says Gilbert.¹⁴⁰ Likewise, Pangle perceives Montesquieu’s

¹³⁴ See Desserud, p. 16 and forward.

¹³⁵ See Pangle, p. 65.

¹³⁶ See Desserud, p. 16 and forward.

¹³⁷ Gilbert, p. 52.

¹³⁸ See Gilbert, p. 52 and p.58.

¹³⁹ See Gilbert, p.52.

¹⁴⁰ Gilbert, p. 52 and p. 57.

political virtue as a force of mere restraint, which establishes the relation between the individual and the government as a blind devotion; “self-renunciation for the sake of self-renunciations”.¹⁴¹

Pangle approaches this new virtuous understanding by following Montesquieu’s description of the purpose of the democratic government, previously described in the last section. Virtue appears not to be the goal of the government, but rather as a means to one’s self-rule and thus to freedom as the overall goal;¹⁴² “the fatherland does not exist for the sake of virtue, but rather virtue for the sake of the fatherland”.¹⁴³ Accordingly, the preservation of the city endures as long as one identifies one’s good with the one of the whole, so all citizens rule and none explore the others.¹⁴⁴ That is how security is established. Or, in other words, political virtue restricts one’s desire for personal freedom, self-determination and one’s aspiration to that of the collective body; “the self-rule of all”.¹⁴⁵ It is a desire capable of becoming the aim of all citizens of the republic, of being shared by all and generalized in law.¹⁴⁶ Accordingly, political virtue enforces that public administration grants the fulfilment of one’s particular desires.¹⁴⁷ However, as it was previously exposed, despite this initial description, Pangle’s final assessment shows otherwise; as previously exposed, it becomes an end in itself.

Instrumental:

Because Montesquieu’s political virtue does not inspire a precise conduct to materialize a moral end, distinctively from traditional notions of virtue, Aktoudianaki compares Montesquieu’s political virtue with Machiavelli’s virtù. This thesis introduces this comparison as it will help devise what Montesquieu means with his idea of virtue. Montesquieu’s resemblance with Machiavelli could not be established directly. Robert Shackleton notes how French thought was “completely opposed to

¹⁴¹ See Pangle, p. 83.

¹⁴² Pangle, p. 57.

¹⁴³ See Pangle, p. 57.

¹⁴⁴ See Pangle, p. 57.

¹⁴⁵ Pangle, p. 57.

¹⁴⁶ See Pangle, p. 57.

¹⁴⁷ See Pangle, p. 57.

Machiavellianism”, hence the importance of ambiguity in writing, already emphasised in the previous chapter.¹⁴⁸ However, Aktoudianaki suggests that both authors coincide in their utilitarian ground, framed as a means to an end.¹⁴⁹ Moreover, it is argued the instrumental role of virtue in which its engender and intrinsic self-renunciation among citizens provide the preservation of the government.¹⁵⁰ Also, both converge in their estimation on the perverse and immoderate elements of the individual;¹⁵¹ “the soul takes such delight in dominating other souls”, says Montesquieu (EL, L, XXVIII, XLI, p. 595).

Additionally, Aktoudianaki exposes specific characteristics of Machiavelli’s virtù which seems to me that further comparisons with Montesquieu’s virtue can be proposed. Firstly, it is described how virtù should be regarded and acted equally by every citizen, hence not only fostering the preservation of the state but also serving to accomplish its greatness.¹⁵² In Machiavelli’s words, “to advance not his own interests but the general good, not his own posterity but the common fatherland.”¹⁵³ This seems to me that it can be compared with at least two former arguments. On one hand, it seems to be aligned with Gilbert’s description of the democratic purpose to establish an egalitarian common good and equal participation.¹⁵⁴ On the other hand, it also seems to agree with the democratic republic’s military aspirations. Indeed - due to what now one can consider as political virtue - by an equal constraint, the preservation of the government is also followed by the desire for the glory of the homeland. In Montesquieu’s words, “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” (EL, VII, II, p. 98). Secondly, Aktoudianaki indicates the artificial and dictating essence of virtù, due to one’s incapability to naturally renounce one’s interests, specifically for the advantage of the state; “nothing is done by

¹⁴⁸ Shackleton, Robert. In *Montesquieu and Machiavelli: a Reappraisal*, 5. S.l.: Comparative literature studies, 1964.

¹⁴⁹ See Aktoudianaki, p. 147.

¹⁵⁰ See Aktoudianaki, p. 147.

¹⁵¹ See Aktoudianaki, p. 152.

¹⁵² See Aktoudianaki, p. 155.

¹⁵³ Aktoudianaki, p. 151.

¹⁵⁴ See Gilbert, p. 51.

necessity”.¹⁵⁵ In contrast, it is described the ambitious and suspicious human nature; one “does not know to set a limit to its own fortune”, says Machiavelli.¹⁵⁶ Similarly, MacDonald had indicated the individual’s natural desire for honour, in which legislative enforcements - or Montesquieu’s ‘positive laws’ - regulate men’s social inability to interact in peaceful engagements once societies are established; that is, “limits its own fortune” in Machiavelli’s words, one could suggest. Also, due to what Aktoudianaki notes as being the impossibility of a “self-imposed virtue”, Machiavelli proscribes two institutional and constitutional bounds to enforce virtù upon the citizens of a state.¹⁵⁷ That is, due to one’s “natural desire for honour”, one could propose in MacDonald’s words. The first is the role of religion. This institution is also noted with a utilitarian quality, in which by being concerned in the role of sentiments rather than the truth, it aims to “inspire – and if necessary to terrorise – the ordinary populace in such a way as to induce them to prefer the good of their community to all other goods”¹⁵⁸, says Quentin Skinner. Identically, this condition had been previously mentioned by Pangle when affirming the role of religion as an auxiliary force to regulate one’s behaviour. Moreover, considering virtù’s contribution in the inquiry of what Montesquieu means with his idea of virtue, MacDonald’s previous comparison between the power of religion with the analogy between republican and despotic governance is now reinforced. Consequently, religion is administered to establish fear and provide both the preservation and the glory of the government by both Machiavelli and Montesquieu. The second bound is the establishment of specific political institutions.¹⁵⁹ Particularly, Aktoudianaki notes in Machiavelli the enforcement of virtù through the coercive power of the law and the specific importance of a good education; indeed, the latter’s efficacy depends on the former.¹⁶⁰ That is, virtù establishes the institutionalization of one’s self-

¹⁵⁵ Aktoudianaki, p.151.

¹⁵⁶ See Aktoudianaki, p.151.

¹⁵⁷ Aktoudianaki, p.151.

¹⁵⁸ Quentin Skinner in Aktoudianaki, p.151.

¹⁵⁹ See Aktoudianaki, p. 151

¹⁶⁰ See Aktoudianaki, p. 151.

renunciation as a means to limit one's interest for the common good, says Aktoudianaki.¹⁶¹ As it will become apparent, this similarity also seems to be found in future paragraphs of this thesis about the prominence of education to establish virtue.

A final comparison could be proposed. According to Aktoudianaki, Machiavelli's *virtù* appears as a "political construct" to command the state's preservation and lead it to greatness.¹⁶² That is, it is devised as a means to a specific end. Likewise, Pangle had affirmed how virtue appears not as the goal of the republican government, but rather as a means to self-rule, as the natural source of freedom. Besides, another instrumental connotation was exposed in Pangle's previous affirmation: the fatherland did not exist for virtue, but rather virtue for the sake of the fatherland.¹⁶³ It is thus suggested virtue as a means for preservation. However, despite this alignment, Pangle goes further to indicate that, although political virtue is introduced as a means to preserve the city, his final assessment is that it becomes an end in itself, as previously exposed. Following this, one could assume how Aktoudianaki's interpretation of Machiavelli's *virtù* and Pangle's political virtue could coincide again when indicating *virtù*'s force not only for the self-preservation of the government but also to accomplish its greatness. This similarity was already proposed in a previous argument.

Consequently, considering virtue's instrumental role, one could argue the opposite of Pangle's initial description of virtue as a means to self-rule by exposing MacDonald's affirmation on one's desire for honour. It seems to me that one's ambition for distinctions would imperil one's renunciation. Indeed, Pangle notes that self-rule becomes an end in itself rather than a way to achieve personal security and freedom. Moreover, despite Montesquieu's devotion to virtue's utilitarian prospect, its "uncompromising character" threatens both the preservation and security of the government and one's liberty, concludes Aktoudianaki.¹⁶⁴ This ending will be further analysed in the last paragraphs

¹⁶¹ See Aktoudianaki, p. 151.

¹⁶² See Aktoudianaki, p. 152.

¹⁶³ See Pangle, p. 57.

¹⁶⁴ See Aktoudianaki, p. 147.

of this section, however, it was relevant to indicate this reasoning now. To conclude, MacDonald seems to recognize Montesquieu's political virtue as self-renunciation and Pangle's assessment on self-rule by affirming that virtue is specifically required in citizens of a government in which they rule themselves, so they apply the harshest laws to themselves.¹⁶⁵ However, both MacDonald and Pangle establish a negative conclusion to their observations. The latter was already exposed – it becomes an end in itself – and, as for the former, it is affirmed that people cannot be made virtuous; “due to the improbable goal required by the principle of the regime”.¹⁶⁶

Passion:

To continue the study on what Montesquieu means with his idea of virtue, it has been mentioned that it is affirmed as a passion. Indeed, virtue in the political state is described as “the love of the laws and the homeland” whose emphasis lays on being “only that preference” (EL, IV, V, p. 36). It is experienced equally by everyone, as the love of an egalitarian fatherland, says Pangle.¹⁶⁷ Moreover, this love is not deliberate or of one's awareness.¹⁶⁸ Indeed, Montesquieu insists on how one is pledged on devoting one's passions for this only love, as it requires the continuous preference of the public interest over one's own (see EL, IV, V, p. 36). It is a passion to satisfy the general order.¹⁶⁹ For these reasons, Pangle approaches this by affirming that one's renunciation is not a “matter of calculation” but is only possible due to this love of the laws and the republic;¹⁷⁰ singularly, as Montesquieu affirms, “it is a feeling” which produces all other virtues (EL, IV, V, p. 36 and see EL, V, II, p. 42). Also, this love is particular to democracies, as it is only in this government's typology that one identifies with the community and hence one does not envy others or lives differently.¹⁷¹ Considering what has just been described, it seems to me that the requirement of this love, for the

¹⁶⁵ See MacDonald, p. 122.

¹⁶⁶ MacDonald, p. 122.

¹⁶⁷ See Pangle, p. 58.

¹⁶⁸ See Aktoudianaki, p. 148.

¹⁶⁹ See Aktoudianaki, p. 148.

¹⁷⁰ See Pangle, p.58.

¹⁷¹ See Pangle, p. 58.

continuous preference of the public's interests over one's own, suggests an antecedent or the inherent need of one's renunciation. In other words, the establishment of virtue seems to suggest the need for an antecedent formation of political virtue. Indeed, "only that preference" presumes a renunciation of one's multiple desires. This is in agreement with Montesquieu's emphasis that virtue demands the "continuous sacrifice to the state of oneself and one's aversions" (EL, V, XIX, p. 69).

The previous descriptions are based on Montesquieu's chapter "on education in the republican government", however, further considerations could be suggested in the analysis of the chapter "What virtue is in the political state". Specifically, Montesquieu affirms that by depriving of one's particular passions, "the more we give *ourselves up to passions for the general order*" (EL, V, II, p. 43, my italics). In a first interpretation, it seems that the less one can satisfy one's particular passions, by the renunciation of oneself, the more one gives to the general order in return. However, it seems to me that it can be interpreted differently. It appears to be suggested that the less one is able to satisfy one's particular passions - due to political virtue - one will use those passions not towards the self, but for the republic; "the general order". In other words, one's particular passions are repressed for the self but are realized and used in the name of the common. Consequently, Pangle's previous assessment of democratic self-renunciation for its own sake loses its force. Indeed, this argument is solidified by Pangle's conclusion that self-rule becomes an end in itself and by a future affirmation that unless some kind of satisfaction is created in one's constraint, it will be deeply unsatisfying. This new interpretation thus creates something satisfying, particularly when considering the republic's inclination for military aspirations.

Montesquieu seems to address this feeling created by virtue by resolving why monks love their order. It is justified as follows: "their love comes from the same thing that makes their order intolerable to them. Their rule deprives them of everything upon which ordinary passions rest; what remains, therefore, is the passion for the very rule that afflicts them. The more austere it is, that is, the more it curtails their inclinations, the more force it gives to those that remain" (EL, V, II, p. 43).

In this regard, Pangle sees this answer to indicate the “questionableness, even the emptiness” of the life of virtue in the democratic republican government.¹⁷²

Institutional Love:

Consequently, the role of education appears as a crucial element for the establishment of virtue. Indeed, the reality of a democratic republic was only made possible by the priority and full power of education, says Montesquieu (see EL, IV, V, p. 35). Pangle approaches this requirement by associating the enforced individual devotion to the community with one’s natural inclinations, in which the love for the homeland represents an enlargement of one’s capacity to love one’s family. Also, it is understood to resemble one’s sense of “humanity” towards the fellow members.¹⁷³ Or, in Gilbert words, “that quasi-regime resembles a single family as Socrates’ republic does a single person”.¹⁷⁴ Moreover, Montesquieu seems to suggest an education that was never contradicted, when describing the education of the Greeks.¹⁷⁵ This point brings us to a brief character of the laws of education before delving into its consequences. Essentially, Montesquieu asserts how the laws of education have each government’s ‘principle’ as their object and, correspondingly, education in the republican government will have virtue as its aim (see EL, IV, I, p. 31); “education addresses passions, not the intellect.”¹⁷⁶ Following this, Montesquieu bounds the role and the importance of education regarding virtue as follows: as mentioned, virtue is defined as the love of the laws and the homeland, and political virtue is the renunciation of oneself; “which is always a very painful thing” (EL, IV, V, p. 35-36). Particularly, one’s inclinations for the love of the community, as the enlargement of one’s family and as a sense of humanity, are much weaker than man’s natural egoism, says Pangle.¹⁷⁷ Consequently, it is emphasised that this love requires the continuous

¹⁷² Pangle, p. 82.

¹⁷³ See Pangle, p.72.

¹⁷⁴ Gilbert, p. 53.

¹⁷⁵ “[Eparninondas] heard, saw, and did the same things as at the time that he was first instructed.” EL, IV, IV, p. 35.

¹⁷⁶ Morgado, p. 37, my translation.

¹⁷⁷ See Pangle, p. 72.

preference of the public interest over one's own (see EL, IV, V, p. 36). Indeed, men's selfishness will tempt to neglect one's political duties based on the pursuit of one's pleasures.¹⁷⁸ Henceforward, one could suppose, considering that the democratic government is entrusted to each citizen, the preservation of the state requires its love and devotion by the popular body; "like all things in the world" (EL, IV, V, p. 36). Thereupon, everything in the democratic government depends on two elements: firstly, the establishment of that love in the republic and, secondly, an education that inspires this love for the homeland (see EL, IV, V, p. 36). In other words, Pangle notes that the fatherland ought to guide and restrict its citizen's individual and private lives and, moreover, the latter "must be enthusiastic about such restrictions and control."¹⁷⁹ In contrast, when this ceases to happen, it is due to "impressions from the outside" (EL, IV, V, p. 36).

However, MacDonald notes that the education of a republic is not successful by Montesquieu's reckoning on specific institutions to ensure this education.¹⁸⁰ This education is of precise provision because, in contrast to honour as the education of the world, in a republic, it is derived from one's family.¹⁸¹ Thus, institutions reinforce the education given in one's family and, one could add, does not develop a tension between both realities.¹⁸² Accordingly, Montesquieu tries to convert the education of the world by eliminating the desire for inequality.¹⁸³ This is aligned with MacDonald's first assessment of one's natural desire for honour. Also, it can be compared with Pangle's emphasis that the direction of the republican education is in the elimination of influences that might contradict the education within the family;¹⁸⁴ indeed, of the fatherland, which ceases with impressions from

¹⁷⁸ See Pangle, p. 72.

¹⁷⁹ Pangle, p. 72.

¹⁸⁰ See MacDonald, p. 122.

¹⁸¹ See MacDonald, p. 122.

¹⁸² See MacDonald, p. 122.

¹⁸³ See MacDonald, p. 122.

¹⁸⁴ See Pangle, p. 73-74.

outside. For all those reasons, Gilbert notes how republican citizens are shaped to the regime's needs, not the latter to the former; "the noble lie was not so noble."¹⁸⁵

Frugal and Equal Love:

Consequently, to strengthen the democratic republican education, virtue enforces the love for equality and frugality. Although hundreds of pages were dedicated to the interpretation of the democratic 'nature' and 'principle', the analysis of its meaning considering the love of equality and frugality seems to be limited. Consequently, the focus will be grounded in more detail on the primary bibliography. By focusing specifically on Montesquieu, it attempts to give a new understanding which is lacking in the literature.

This analysis is given in the book referring that the laws given by the legislator to the society should be relative to the principle. Their disposition, Montesquieu argues, gives a new force to the 'principle', in which this relation "tightens all the springs of the government" (EL, V, I, p. 42). In this book, it is also explained what the love of the republic is in a democracy by establishing a simple equation; however, it soon bifurcates to other relations. Accordingly, the love of the republic is the love of democracy, in which the latter, in addition, exemplifies the love for frugality and the love for equality (see EL, V, I, p. 43). Chiefly, it is an essential component of this government that each one should have the same happiness, the same advantages, to taste the same pleasures and form the same expectations, says Montesquieu.¹⁸⁶

Regarding the love for equality, it limits the ambition to the single desire, the single happiness "of rendering greater services to one's homeland than other citizens" (EL, V, I, p. 43). Indeed, as previously exposed, virtue is the love of an egalitarian fatherland.¹⁸⁷ Montesquieu justifies this importance by asserting that as everything in the republic depends on establishing the love for one's

¹⁸⁵ Gilbert, p. 53.

¹⁸⁶ See Gilbert, p. 53.

¹⁸⁷ See Pangle, p. 58.

homeland, men ought to equally render it services. However, it is also affirmed that “men may not render it equal services” (EL, V, I, p. 43). In other words, this love ensures that no citizen deems one’s particular interests as superior than those of one’s equals.¹⁸⁸ However, despite the apparent capability of the love of equality to represses individual distinctions from fellow citizens, MacDonald affirms that it devised in a manner to not make one’s inequality obvious.¹⁸⁹ Chiefly, distinctions in a democracy arise from the principle of equality, says Montesquieu (see EL, V, I, p. 43).

Due to this description, further considerations can be proposed. It seems to me that one’s love for equality, which limits one’s ambition to render “greater services to one’s homeland *than other citizens*” (EL, V, I, p. 43, my italics) may establish an observation or even comparison with fellow citizens; henceforward, achievements that enhances the possibility of distinctions in a government of supposed equals. Moreover, considering that the love of equality “limits the ambition to the single desire and happiness” (EL, V, I, p. 43), one could argue that virtue leads exactly to the single desire and happiness that is to give greater services to one’s homeland than others. Consequently, considering MacDonald’s previous affirmation, one could add that virtue may force one’s desire and one’s happiness to establish distinctions by serving one’s homeland better than others. That is, in the name of one’s homeland or due to one’s love of the republic – virtue.

Considering virtue’s requirement for equality, Pangle notes that the latter also demands one’s aversion to gain and spend private wealth.¹⁹⁰ Virtue represents the love for individual poverty and frugality, says Pangle.¹⁹¹ Thereupon, regarding the love for frugality, it is described as the love that limits the desire to possess to the point of mindfulness required to perceive what is necessary for one’s family, and to what is superfluous to one’s homeland, says Montesquieu (see EL, V, III, p. 43).

¹⁸⁸ See MacDonald, p. 123.

¹⁸⁹ See MacDonald, p. 122.

¹⁹⁰ See Pangle, p. 58.

¹⁹¹ See Pangle, p. 58.

In contrast, wealth appears as an enhancement of power that one is not capable to use for oneself, as one would stop being equal (see EL, V, I, p. 43). Following this, Montesquieu asserts that by the establishment of frugality in domestic life, good democracies opened the gate to public expenditures (see EL, V, I, p. 43). For example, Athens's magnificence and abundance had its source in frugality itself, says Montesquieu; particularly, "the laws wanted frugal mores so that one could give to one's homeland" (EL, V, I, p. 43).

Considering Montesquieu's description of the love of frugality - as a passion that limits the desire to possess - it seems to me that it suggests the establishment of a superfluous desire for the homeland, although it limits oneself to what is necessary for one's family. Indeed, political virtue is the "renunciation of oneself" and, henceforward, one can consider that the love of frugality endows political virtue for one's family, although the same exercise towards the republic does not seem to take effect; "even to what is superfluous to one's homeland." Indeed, Pangle's former observation emphasises the "individual" love for poverty and frugality, rather than of the city.¹⁹² Also, considering the previous argument on the presence of distinctions, one can suppose that this desire enforces superfluous distinctions to what is superfluous to the homeland, due to the love that is virtue. Moreover, further consideration can be made. Considering Montesquieu's passage that wealth gives a power that one cannot use for oneself, it seems to me that it gives strength to a previous reasoning that such power may serve to be realized and used by the city. Meaning, although political virtue enforces one's renunciation, hence the incapability of individual benefit, the love of the homeland (virtue) compels one to use it in the name of the city. Indeed, although wealth gives a power that a citizen cannot use for himself, Montesquieu also asserts that one should have the same happiness and taste the same pleasures (see EL, V, I, p. 43). Following this, one may assess that wealth could be equally used when in the name of the city, although not for the particular self. Not only is this argument aligned with Pangle's description of an egalitarian fatherland, but also with

¹⁹² See Pangle, p. 58.

MacDonald's affirmation that the love of equality represses distinctions, specifically, in a manner that makes one's inequality obvious. It also provides a different connotation to Gilbert's assessment that austere citizenship requires not just frugality but uniformity.¹⁹³ Instead, frugality by the name of the city would give the republic a glorious and wealthy uniformity. Indeed, the republican noble lie was not so noble, says Gilbert.¹⁹⁴ Chiefly, it is in agreement with Montesquieu's emphasis that to taste the same pleasures and have the same happiness is "something that can be anticipated only from the common frugality" (EL, V, I, p. 43). To illustrate this argument, Montesquieu describes how the establishment of frugality "in domestic life" allowed the reality for "good democracies" to open the "gate to public expenditures"; the Athenians' "magnificence and abundance had their source in frugality itself" (EL, V, I, p. 43). Indeed, the laws wanted frugal mores, presumed in the domestic life, so one could give to one's homeland, to the city. Overall, as Montesquieu had exposed, distinctions in a democracy arise from equality (see EL, V, I, p. 43).

The link between the love of equality and frugality with education is thus established since, in regards to the former, to love it, one must practice it, says Montesquieu (see EL, V, IV, p. 44). Indeed, it is asserted that just like in the case of equality in the monarchical and despotic state, nobody aspires to frugality in the popular government; if frugality was "natural and ordinary, Alcibiades would not have been the wonder of the universe" (EL, V, I, p. 44). Consequently, the love of equality and love of frugality are dependent and enhanced by one another when, specifically, both are established by the laws (see EL, V, I, p. 44).

Immoderate effects:

The democratic republican organization is structured by "harsh institutions" in the words of Montesquieu and, accordingly, it is warned for the possible immoderate developments of virtue; "one is always correcting or being corrected, always instructing and being instructed, as simple as

¹⁹³ See Gilbert, p. 53.

¹⁹⁴ Gilbert, p. 53.

they were rigid, these people practices virtues for each other, rather than showing them regard” (EL, XXIX, XVI, p. 318). In this regard, Aktoudianakis argues how political virtue has the potency to develop a severe civic mentality, in which by exciting one’s virtue it leads to the individual advantages and one’s recognition.¹⁹⁵ Moreover, the pursuit to condemn others, to accomplish acknowledgments and particular realization seems to be justified by Montesquieu; it is something found on one’s mere ordinary and natural ambition (see EL, VI, VIII, p. 81).

In this note, considering Aktoudianakis’ acknowledgment of the role of accusations and the emphasis on distinctions, further assessments could be made. Montesquieu observes how the republican spirit of accusations was again followed under emperors; “dreadful kind of a man, a band of informers” (EL, VI, VIII, p. 81). This is a means, it is continued, to advance to honours and to fortune, says Montesquieu. Particularly, it is noted how this maxim is not found among his monarchical present. Thereupon, due to these conditions, it seems to me that virtue, as the love of the laws and the homeland, may enforce and legitimize the existence of accusations; indeed, a description of accusations are described in the chapter particular to the consequence of virtue in the laws. Moreover, considering the exposed love of equality as the passion that limits one’s ambitions of rendering greater services to one’s homeland, it also seems to me that one will be virtuous by accusing others. In other words, due to one’s love of the homeland (virtue), one will accuse others, as one would be serving better services than other fellow citizens. Consequently, one can assume the development of distinctions rested on accusations. Indeed, one may consider that one will advance to honour and fortunes by accusing others, as the distinction of serving the homeland better than others. Overall, one could argue how virtue, the love of the laws and homeland, will enforce the advancement for honours and fortunes. This argument seems to follow MacDonald’s previous argument about one’s natural preposition to desire honour, and thus the development of political institutions. However, Aktoudianakis concludes by emphasizing the corruptive character of this

¹⁹⁵ See Aktoudianakis, p. 154.

mentality, which by leading injustices against the citizen of the democratic republic, virtue threatens one's security and one's liberty.¹⁹⁶

Another immoderate effect of virtue is noted by Aktoudianakis, which seems to be related to a previous argument on the republic's militaristic essence previously addressed by Pangle. Although noted the requirement to be of a small dimension, it was exposed that due to the government's limitation for the necessary things - at this point accessed as political virtue - it commands the homeland's glory as a means to grant one's fulfilment, which is absent within its community and, one could add, within its borders. In this regard, Aktoudianakis aligns with Pangle's assessment by addressing Montesquieu's justification that war and athletic exercises also are employed as a means to satisfy one's natural selfishness.¹⁹⁷ However, Aktoudianakis seems to add to Pangle by granting that the "disunity and social tumult", as a consequence of virtue's incapability to assure one's security, enforces the democratic republican government towards expansion and warlike estimations to strengthen the homeland's identity by the creation of enemies; it thus diverts the citizen's thought from the disunity within borders.¹⁹⁸

In addition, concerning Montesquieu's observation that the democratic republic maxim of accusation was again followed under emperors as a way to advance to honour, it seems to me that a further brief consideration could be made. It seems to be proposed a comparison between democratic governance with an empire, whose dimension is to be governed by a despotic state. That is, a resemblance between democratic and despotic behaviours seems to take place. This similarity had already been proposed on the role of religion; however, it will soon be reinforced by further literature. Chiefly, as previously exposed when noting the latter's role, fear is once again described; "the more secure these states are, the more, as with tranquil waters, they are subject to corruption" (EL, VIII, V, p. 116).

¹⁹⁶ See Aktoudianakis, p. 153-154.

¹⁹⁷ See Aktoudianaki, p. 155.

¹⁹⁸ See Aktoudianakis p. 154-155.

Limitations:

As a consequence of the previous descriptions, in the overall literature, it is believed that virtue appears not as a commendation, but rather as a denunciation of the effects that it enables. In particular, it is noted Montesquieu's candid intention to demonstrate virtue's inadequacy in the protection of one's natural inclinations, one's life and security; "Montesquieu has made perfectly clear the inadequacy of the republic's protection of the individual".¹⁹⁹

On one hand, the presence of legal enforcements to establish equality resembles the equality of the state of nature, says Pangle; "no man is ruled by the arbitrary will of another."²⁰⁰ The republic moved by virtue does guarantee a certain degree of comfort, it is indicated.²⁰¹ Nevertheless, for its founding, it threatens one's security and freedom for the dominance of constraint.²⁰² Chiefly, virtue exists for the community and for the common good, not for each individual and one's private goods;²⁰³ it is a living passion that feeds on itself and affects all other impulses.²⁰⁴ As Gilbert had noted, it is a "sacrifice to an externally-defined common."²⁰⁵ Also, if the democratic government was to embody a large family, as the enlargement of one's natural attraction to other men, and as an extension of one's sense of humanity and love for others, it could solve one's inability to interact peacefully once societies are established, says Pangle; "the political problem."²⁰⁶ However, any social passion is overthrown by one's inherent selfish desire for security and preservation. Conflictingly, the passion which animates this government structure is described by Montesquieu as self-constrained; "a distortion of human nature."²⁰⁷ Except if some kind of satisfaction is created in one's restriction, it is rather deeply unsatisfying, says Pangle. Consequently, the political role and the governance

¹⁹⁹ Pangle, p. 102.

²⁰⁰ Pangle, p. 102.

²⁰¹ See Pangle, p. 81.

²⁰² See Pangle, p. 102.

²⁰³ See Pangle, p. 81

²⁰⁴ See Morgado, p. 39, my translation.

²⁰⁵ Gilbert, p. 58.

²⁰⁶ Pangle, p. 82

²⁰⁷ Pangle, p. 82.

structures for which one renounces under virtue emerge as deeply ambiguous.²⁰⁸ As exposed, the democratic republic has a desire for militaristic mastery, a dubious rule of the people and an unclear equality among men. Thereupon, virtue appears as a means with no consistent and expected object.²⁰⁹ Chiefly, it becomes an end in itself, for which in its pursuit one sacrifices one's freedom, one's desires, one's security and, in Gilbert's words, one's individuality.²¹⁰

Additionally, it is argued that the citizen's pursuit of virtue, or virtue animating one's character, leads to the corruption of the government; "the force of the principle pulls everything along" (EL, VIII, XI, p. 119). MacDonald adds to the debate by granting that the democratic republic collapses into despotic rule as its citizen's lack of security and dependency on the legislative regulations and the institutions that enforce them; "it seems impossible that even free men would believe that they are secure."²¹¹ Whereas Pangle had noted the unsatisfying individual renunciation, MacDonald replies that those conditions are impossible to achieve.²¹² Indeed, MacDonald believes that Montesquieu admits to the difficulty of implementing these frameworks, even if they would develop virtuous citizens.²¹³ Chiefly, in the republican government under virtue, one could not rule in a government which is the rule of all, or be made virtuous due to the 'principle's' "improbable goal".²¹⁴ And, chiefly, "the corruption of each government almost always begins with that of its principles", says Montesquieu (EL, VIII, II, p. 112).

It seems to me that further considerations to MacDonald's previous argument could be proposed by focusing on Pangle's affirmation that the democratic legal enforcements resemble the equality of the state of nature. However, Montesquieu's distinction between independence and liberty is crucial here; liberty was never found in the state of nature and thus, one could argue, not in the democratic

²⁰⁸ See Pangle, p. 89.

²⁰⁹ See Pangle, p. 89.

²¹⁰ See Pangle, p. 81 and see Gilbert, p. 52.

²¹¹ MacDonald, p. 124.

²¹² See MacDonald, p. 125.

²¹³ See MacDonald, p. 124.

²¹⁴ MacDonald, p. 120-122.

government.²¹⁵ Although Pangle is correct in noting that no man is ruled by the arbitrary will of another, as in the state of nature, and despite extreme legal enforcements, one is still constraint despite having apparent power. In contrast, liberty appears as “the right to do everything the laws permit; and if one citizen could do what they forbid, he would no longer have liberty because the others would likewise have this same power” (EL, XI, III, p. 115). Thereupon, it seems that the same extortion of the state of nature occurs in the republic, which, by now going back to MacDonald’s view, could fall into despotic rule.

The resemblance between the republican and despotic government was previously mentioned in past arguments. Keohanne also notes this parallel when comparing republican virtue, specifically as the only passion of monks for their order, with despotism.²¹⁶ The analogy between the love of monks to their order and the democratic government had been previously assessed when describing what virtue is in the political state. At the time, it had seemed to me that Montesquieu’s description meant the less one is able to satisfy one’s particular passions, despite being repressed for the self, they would be used and accomplished in the name of the homeland. Likewise, Keohanne seems to follow this argument; “... a monestary in which ordinary human passions are denied, and only the obedient love of the order itself is let, partaking the fierceness of other passions that have been channelled into this one love.”²¹⁷ Consequently, it had been argued how virtue’s energy would thus imperil itself, forced by its same demands. For example, it was exposed the endangerment of the government due virtue’s demands for military mastery, despite the requirement to be of a small dimension; indeed, the public good is better felt and known and it ceases due to the impressions from outside (see EL, VIII, IIIXX, p. 126 and see EL, IV, V, p. 36). Now, considering MacDonald’s reasoning, once can assume that virtue’s dynamic leads the ‘principle’ to its corruption; “the stability of a regime

²¹⁵ See Morgado, p. 77-78.

²¹⁶ Keohane, Nannerl O. In *Philosophy and the State of France: the Renaissance to the Enlightenment* (Princeton, NJ: Princeton University Press, 1980), p. 410.

²¹⁷ Keohane, p. 410.

absolutely depends on the constancy of its principle.”²¹⁸ Overall, although Montesquieu’s has admired virtue and ancient republics, it is argued that the author was equally realistic to note that virtue cannot be the source to create a just and stable government.²¹⁹

To conclude:

Virtue is democracy’s ‘principle’, and in the popular state, it is indispensable. It is described as an additional spring and political virtue is founded as a new understanding. It is the renunciation of oneself, a motive that suffices in itself and demands the continuous sacrifice to the state of oneself and one’s aversions. It is interpreted as the diminution of individuality, represented as a sacrifice to an externally defined common, despite being grounded in the popular opinion. It is a force of mere restraint, self-consuming blind devotion limited in itself. It represents the freedom of ancient citizens and the principle of its politics.

Virtue is also a passion, the love of the laws and the homeland, the only preference, which requires the continuous preference of the public interests over one’s owns. It is a feeling which produces all other virtues and satisfies the general order. It was proposed the antecedent requirement of political virtue to establish this love, and also a new interpretation for its meaning: political virtue will repress one’s particular passions for the self, although they are realized and used in the name of the general order, instead of being a limited renunciation for its own sake. It thus creates a satisfaction in one’s constraint rather than being limited in itself and also justifies the republic’s militaristic ambitions.

Virtue’s purpose follows that of the democratic republican government. It is first described virtue’s existence for the sake of the fatherland, exposed as a means to self-rule and freedom; by the individual’s restriction of freedom and self-rule to that of the collective body, is assured the self-rule of all. The preservation of the city endures as long as one identifies one’s good with of the whole, so

²¹⁸ Morgado, p. 72, my translation.

²¹⁹ See MacDonald, p. 125.

all citizens rule and none exploit others. However, the self-rule of all becomes an individual end in itself, considering its instrumental connotation and one's desire for honour.

In this regard, similarly to Machiavelli, it was exposed one's perverse desire for the domination of others and, like *virtù*, virtue's utilitarian ground for the preservation of the government. The resemblance to the republican purpose was suggested to endow egalitarian participation for a common good, yet virtue also enforces military aspirations in which self-renunciation is an additional instrument for the homeland's glory. Also, despite virtue's description as a simple thing, and also as a not deliberate feeling, the requirement of legislative enforcements to regulate men's desire for honour and due to the incapability to interact peacefully, suggests an artificial construct and dictating elements of virtue, like *virtù*. One does not set limits on one's fortune. To virtue's instrumental role was concluded how it again becomes an end in itself due to one's desire for distinctions which imperils one's renunciation. Similar to Machiavelli, institutional enforcements are established to respond to one's incapability to self-impose virtue. The role of religion is compared, and again reinforced for both the government's preservation and its glory. Fear is an auxiliary force to regulate men's behaviour. The similarity between democratic and despotic governance is again reinforced. Despite virtue as a simple thing, like *virtù*, it demands a specific education, in which its engender provides the inspiration and enthusiasm for the restrictive love of the homeland which one ought to have and on which the democratic republic depends. The impressions from the outside cease the forces of education, thus justifying the republic's militaristic essence as the ultimate test of virtue. This education is not successful due to virtue's requirement of specific institutions for its realization, although presented to be comprehensible to the least instructed. Institutions reinforce education given in one's family and converting the one of the world by eliminating the desire for inequalities. However, individual's natural desire for honour and distinctions and one's requirement

to provide the homeland's glory leads republican men to explore the world and discard the teachings of the family. It thus imperils the requirements of virtue propelled by its same demands.²²⁰

It was presented the requirement for the love for equality as the limitation of one's ambition to the single desire to render greater services than others to one's homeland. It was also presented the love of frugality described as the love that limits the desire to possess to the point of mindfulness required to [perceive] what is necessary for one's family and to what is superfluous to one's homeland. None of them are natural to the individual, hence the dependence on laws and a specific education for the government's preservation. Due to the lack of literature, a new interpretation was proposed. Despite equality, it was demonstrated that the love of the republic leads to the single desire that is to give greater services to one's homeland *than others*, hence the attraction to establish distinctions, in a manner that is not obvious. Despite frugality, virtue imposes superfluous desires for the homeland, although limiting oneself to what is necessary for one's family. Because wealth cannot be used for individual benefit, frugality in the name of the city gives the government a glorious uniformity. It helps to devise how virtue's demand for frugality can lead to its opposite and command the militaristic ambition which imperils itself.

Despite the establishment of political institutions to counteract one's natural desire to dominate others, the love enforced by virtue develops immoderate effects. It was pointed out the establishment of a severe civic mentality in which its corrupt character threatens one's security and liberty. It was suggested that virtue legitimizes the existence of this incorporation by its demand for accusations. Also, its perpetuation endured as, by accusing others, one is serving the government better than others. Virtue will enforce distinctions, the advancement for honours and one's fortune. Virtue also reinforces the immoderate effect of expansion to strengthen the homeland's identity and divert the

²²⁰ Aktoudianakis also seems to approximate this thought when affirming: "Indeed, by feeding on men's passions, Montesquieu deemed that republican virtue often leads them to extremes that threaten the republic's security." Aktoudianakis, p. 156

citizen's perception from the disunity found within the republic. The similarity between republican and despotic governance is proposed due to the similar maxim of accusations found in despotic governance which is to be governed by the latter.

Virtue appears not as a commendation but as a denunciation of the effects that it enables. Virtue is a distortion of human nature. Despite guaranteeing a degree of comfort of self-rule, virtue exists for an externally defined common rather than for one's private aims. Although the love for the homeland represents an enlargement of one's capacity to love one's family as the solution to the political problem, men's natural egoism for the pursuit of one's pleasures and selfish desire for security is much stronger; disunity is found. Indeed, although virtue aims to represent one's sense of humanity, it is lost. Despite Montesquieu's devotion to virtue's utilitarian prospect, its uncompromising character appears as a means with no consistent object. It is reinforced virtue as an end in itself for which one sacrifices one's freedom, security and individuality. Virtue leads to the corruption of the government to despotic rule due to one's lack of security and the dependency on the legislative regulation and institutions on which it depends. Despite being specifically required in a government whose citizens rule themselves so they apply themselves the harshest laws, not only virtue is unsatisfying, but impossible to achieve due to its improbable goal.

The legal enforcements to establish equality in the democratic republican government resembles the equality of the state of nature, hence the proposal to lead to despotic rule since, similar to the latter, liberty was never established in the former. Despite no man being ruled by the arbitrary will of another, one is constrained. Virtue cannot be the source to create a just and stable government. The virtuous noble lie was not so noble.²²¹

²²¹ Gilbert, p. 53.

As both the democratic 'nature' and virtuous 'principle' fail to accomplish the purpose of political institutions and good governance, as they are inadequate to assure one's security and liberty, the right structure and motivational solution will be the scope of inquiry in the next chapter.

“Who would think it! Even virtue has need of limits.”

(EL, XI, IV)

Chapter Four:

Moderation in Liberty

This thesis established the debate surrounding Montesquieu as a natural law thinker and devised men's natural need for security as the purpose of political institutions. The last chapter exposed the democratic republic and virtue's limitations for that aim. By laying the foundation to answer what Montesquieu means with his idea of virtue, this chapter looks to respond to the question of why it matters. Its purpose is not to conduct an extensive analysis of the matter, but rather to associate what was described in the previous chapters with Montesquieu's concern. It is argued that the complexity between the different relations, as well as the ambit of *The Spirit of the Laws*, is grounded in a spirit of moderation to enable constitutional and individual liberty.²²²

Particularly and universally just:

Montesquieu is marked by an openness and curiosity to the extensive human and immaterial world, the possible relations constructed by human actions and behaviours, as well as a consistent awareness of one's limits. In this consideration, despite the study of government as an essential scope of inquiry, particularly the relation between the former and the individual, Montesquieu renounced the search for the best form. Instead, the extensive and complex principles of *Spirit* seem to expose the demands of moderation.²²³ This new solution appears to be the guiding principle on good government, defends Carrese.²²⁴ Because of this argument, it appears to follow the second line of interpretation on Montesquieu's notion of natural right and, particularly, David Williams' argument. Indeed, natural right encompasses the diverse dimensions of human relations, while granting universal principles of natural justice, says Carrese.²²⁵ Consequently, moderation appears as

²²² See Carrese, p.236.

²²³ See Morgado, p.21.

²²⁴ See Morgado, p. 228.

²²⁵ See Morgado, p. 228.

the defining element of the latter, which embodies a measure of justice for politics and law.²²⁶ Indeed, the results from a legislation according to the “nature of things” is the spirit of moderation.²²⁷

Consequently, the political and moral aspects of moderation within Montesquieu’s work appear as a cautionary writing for the inhumanity that is reducing human phenomena to singular, simplistic foundations.²²⁸ Pangle seems to address this idea by noting that simplicity endorses the establishment of an inconsiderate universalism in institutional structures and, accordingly, the individual will look to compensate the imprudence and arbitrariness of the law’s universality in one’s behaviour.²²⁹ Accordingly, rather than moral virtue, political virtue or philosophical maxims, the heterogeneity of human agency is the driver for moderation, and it ought to be endowed in a constitutional framework.²³⁰ Thereupon, Carrese defends that the true and natural comprehension of politics is obtained by the consideration of the various ethos which embodies laws, constitutions and civilizations;²³¹ “mankind’s evident political diversity and an essential humanity.”²³² This line of thought had already been referred to when describing the method of the author; the study of individual and political motivation, of one’s ‘dispositions’. Chiefly, Montesquieu emphasises that “laws must be considered from all points of view”, hence his work as the examination of all those relations as “THE SPIRIT OF THE LAWS” (EL, I, III, p. 9).

Unravelling the limitations:

It had been established that, for Montesquieu’s purpose, the analysis of government became the author’s crucial object of inquiry. Moreover, in the previous chapter, it had been affirmed that despite an initial admiration with the democratic government and virtue, limitations and

²²⁶ See Carrese, p. 228- 231.

²²⁷ See Morgado, p. 34, my translation.

²²⁸ See Carrese, p. 232.

²²⁹ See Pangle, p. 91.

²³⁰ See Carrese, p. 236.

²³¹ See Carrese, p. 234.

²³² Carrese, p. 240.

inconsistencies in their dynamics are found. Chiefly, both the ‘nature’ and ‘principle’ of the government don’t succeed in proving the purpose of political institutions.²³³ Moreover, considering the previous paragraphs, MacDonald notes that the republic’s legislative and institutional enforcements imperilled the government’s course to follow the principles of natural justice, and thus to be just.²³⁴ Consequently, Montesquieu’s establishment of a moderate government comes as the governmental solution that transcends the limitation of the democratic republican government.²³⁵

This governmental departure is due to the government’s dependence on the individual’s self-restraint – virtue - rather than in constitutional arrangements to prevent abuses that would threaten one’s security, notes Pangle.²³⁶ In this process, the government structures demanded too much of its citizens to act virtuously.²³⁷ Indeed, Montesquieu’s description of the republican government addresses the imbalanced effects of relying solely on human passions or denying and restricting their existence, to achieve one’s security and for the attainment of natural justice once in government, says Carrese.²³⁸ Consequently, the democratic republic is thus required to depend on political virtue and its effects, while at the same time undermining it.²³⁹ Indeed, it seems that the ‘principle’ of the republican government is devised by a love that enforces itself while political virtue ceases its same forces.

Additionally, it appears that the departure correlates to the republic’s limited duration. What seems to be in agreement with Pangle’s comparison between the state of nature and the democratic republican government, Judith Shklar, a renowned philosopher from Latvia specialized in the Enlightenment period, justifies the republican existence to be in the past by emphasising the conditions which made

²³³ See Pangle, p. 89 and see Aktoudianakis, p. 155.

²³⁴ See MacDonald, p. 123.

²³⁵ See MacDonald, p. 123.

²³⁶ See Pangle, p.102.

²³⁷ See Pangle, p.102.

²³⁸ See Carrese, p. 235.

²³⁹ See Pangle, p. 106.

one happy could no longer continue in a wealthy society.²⁴⁰ Accordingly, the fatal moment for this government occurs when the popular body loses its inner balance;²⁴¹ “nothing seems to fail like republican success.”²⁴² To add to this reasoning, one could relive this thesis’ argument on the incapability to restore the republican government; indeed, virtue had been replaced by success and audacity, hence Montesquieu’s emphasis on the “impotent attempts” of the English to re-establish democratic conditions (see EL, III, III, p. 22). Also, to solidify this previous argument and Shklar’s, one can recall the people’s “great successes” as a particular cause of the corruption of the people according to Montesquieu (EL, VIII, IV, p. 115). It is argued, it turns the popular body arrogant, and thus it is no longer possible to guide them; “enemies of those who govern, they soon become enemies of the constitution” (EL, III, III, p. 22). Indeed, imbalances on the forces of virtue, between the love of the homeland and one’s constraint, are found.

MacDonald seems to cover the debate by justifying the constitutional change due to the problematic actions of the ‘principle’ of the regime; due to virtue’s denial of one’s inherent passions and its incapability to be conductive to natural justice.²⁴³ In the previous chapter, it was established the initial ground of MacDonald’s argument on virtue’s potency to corruption and the resemblance with despotic governance; particularly due to its institutional enforcement and legislative regulations. However, further arguments could be added to MacDonald’s assessment about the limitation of the government, hence the need to devise a new constitutional and institutional check. As a crucial idea to take into consideration, it seems that in *Spirit* there is not only a relation between the ‘nature’ of the government with its ‘principle’, but also the dimension of territory with the latter. Indeed, despite the necessarily small dimension of a democratic republic, it was previously exposed that the preservation of the ‘principle’ changes in the degree to which the government boundaries evolve.

²⁴⁰ Shklar, Judith N. “The Persian Letters: How Others See Us .” Essay. In *Montesquieu* (Oxford: Oxford Univ. Press, 1987), p. 38.

²⁴¹ Shklar, p. 78.

²⁴² Shklar, p. 38.

²⁴³ See MacDonald, p. 111.

The first argument proposed is related to the republic's dimension. Following the relation that was just described, it seems that not only a governmental structure is constituted by solid boundaries, but also the 'principle' has no solid frames. Taking this into account, and Montesquieu's assessment that the relation between the laws and the 'principle' contracts "all the springs of the government" (EL, V, I, p. 42) - thus suggesting the possibility of multiple 'principles' in one government - not only MacDonald's virtue's "improbable goal" will lead to its corruption, but one can assume that its forces are already corrupt by the presence of not virtuous 'principles' in its engender. Indeed, "it was always as easy to triumph over the forces of Athens as it was difficult to triumph over its virtue", says Montesquieu (EL, III, III, p. 23). The second argument combines the republic's necessary small dimension with its militaristic essence. It was previously argued that it was due to the democratic government's and virtue's incapability to ensure security that enforced the former towards expansion and war and, consequently, to begin both its corruption by expanding in territory.²⁴⁴ In this note, Montesquieu's emphasis on moderation seems to appear as a counterbalance to what Fekete describes to be the "main law of history" as the law of necessary decadence.²⁴⁵ Accordingly, it is by following Montesquieu's "nature of things", and thus retuning to the fundamental principles, that one can avoid the general abuses of power. That is, the decline which follows the high point of a nation's development in accordance to their nature, explains Fekete.²⁴⁶ Indeed, Montesquieu grants the preservation of Lacedaemonia to its containment between its borders (see EL, VIII, XVI, p. 124). And, also, MacDonald affirms that each government has an end that is particular to itself, thus not all societies conform to what is naturally just.²⁴⁷ Consequently, one could argue how it will be moderation and the mixture of good and bad fortune which will provide gentleness, rather than the harshness equally disposed on extremely happy and extremely unhappy monks and conquerors

²⁴⁴ See Aktoudianakis, p. 155.

²⁴⁵ See Fekete, p. 157.

²⁴⁶ See Fekete, p. 157.

²⁴⁷ See MacDonald, p. 112.

affirmed by Montesquieu when describing the democratic government (see EL, VI, IX, p. 83); “liberty could also be lost in the fury of conquest.”²⁴⁸

One could also suggest a continuous corruption course in MacDonald’s argument. Although on one hand Montesquieu affirms that when the democratic republican government has been corrupted the only solution is “removing the corruption and recalling the principles”, on the other hand the previous argument on virtue’s corruptive forces can also be recalled (EL, VIII, XII, p. 121). It seems that the “love of the homeland corrects everything” (EL, VIII, XI, p. 120) while at the same time undermines everything which it has established. A cyclical corruption, or a government already corrupted, could take place. Chiefly, “there were the same forces in Athens when it dominated with so much glory and when it served with so much shame”, says Montesquieu (EL, III, III, p. 23). Accordingly, Fekete’s previous argument on following the “nature of thing”²⁴⁹ as the return to the fundamental principles may require something else; perhaps, one could argue in David Williams’ sense, a normative indeterminate universal encompass that also provides principles of diversity in the government’s constitution.

Thereupon, the democratic republican solution, by the extreme subversion of human passions to achieve justice, is not a feasible solution to, one could assume, Pangle’s “political problem”.²⁵⁰ Rather, a governmental solution that transcends these limitations is required and, as Carrese had mentioned, a government must be designed to encompass humanity’s natural passions while granting controlling features.²⁵¹ This transition represents the grand issue of Montesquieu’s *Spirit of the Laws* - the relation between ancient republics and modern England.²⁵²

²⁴⁸ Desserud, p.21.

²⁴⁹ See Fekete, p. 157.

²⁵⁰ See MacDonald, p. 125 and see Pangle, p. 82.

²⁵¹ See Carrese, p. 234.

²⁵² See Pangle, p. 90-91.

Destination:

Since traditional forms of government fail to provide moderation and tranquillity in the purpose of political institutions and hence embody good governance, the transition from Montesquieu's three government typology to the dual distinction between moderate and despotic governance appears to give form to the ideal constitutional apparatus for Montesquieu's aim, represented by the English regime.²⁵³ As Carrese notes, by Montesquieu proposal of a new liberal constitution, moderation adapts the latter to modernity.²⁵⁴

As a result of the difficulty and the problem with 'principles' in governmental foundations, particularly in the democratic republican government, MacDonald suggests that Montesquieu leads his scope of inquiry to the English regime, as it appears to dispose of the 'principle's' force; it thus does not depend on a particular passion for its endurance.²⁵⁵ Rather, it is constructed by a combination of 'nature';²⁵⁶ that is, one could claim, of structures that make the regime what it is. Indeed, when analysing the purpose of political institutions to assure peaceful relations, in chapter two, it was exposed that what defines the distinctive factors in the types of government is the structure of sovereign power.²⁵⁷ Mainly, as the 'principle' of a government is derived from its 'nature', in view to impede the force of the former to corrupt the latter, only a mixture of nature(s) allow natural justice to occur; "the nature and resulting principles of one or the other does not dominate."²⁵⁸ Consequently, MacDonald grants the problem of the 'principle' to be reduced by the English constitution. The author commits the 'nature' of its regime to the combination between the

²⁵³ See Carrese, p. 234 and see MacDonald, p. 125.

²⁵⁴ See Carrese, p. 228 and 235.

²⁵⁵ See MacDonald, p. 130.

²⁵⁶ See MacDonald, p. 126.

²⁵⁷ See page 23 of this thesis.

²⁵⁸ MacDonald, p. 126.

republic and the monarchical government.²⁵⁹ By this association, both of their destructive forces are eliminated;²⁶⁰ there is “nothing from which a ‘principle’ can be derived.”²⁶¹

Accordingly, the English constitution ensures one’s security and the manifestation of natural justice maxims by the embodiment of a balance - or moderation - between forces which depend on human passions while being checked.²⁶² Indeed, Montesquieu’s work is also a warning on depending on human passions and to restrict them completely; “our passions lead to the destruction not only in the state of nature, but also in the political regime.”²⁶³ One’s passions are still part of one’s humanity in one’s activity and, in contrast to what occurs in the republican government, the English regime assures moderation between these two dimensions. Chiefly, by the design of a system of checks and balances, the separation between the legislative, executive and judiciary powers, ensures that no particular individual or a certain group may threaten the activities and the passions of others, says MacDonald. Overall, only in a regime in which sovereignty is divided can true liberty and true justice be obtained.²⁶⁴

Following this, a moderate government appears to have a constitution in which the ‘principle’ can be nulled or relaxed without threatening its capacity and the safety of its citizens.²⁶⁵ In contrast to what occurred in the democratic republican government, virtue could never cease to exist.²⁶⁶ Indeed, despite the difficulty to implementing virtuous behaviour by the requirement of specific institutions and education, if those who ruled were not guided by virtue, they would no longer apply themselves the harshest laws.²⁶⁷ Consequently, when the laws have ceased to be executed, says Montesquieu, it

²⁵⁹ See MacDonald, p. 130.

²⁶⁰ See MacDonald, p.126.

²⁶¹ MacDonald, p. 130.

²⁶² See MacDonald, p. 130.

²⁶³ MacDonald, p. 130.

²⁶⁴ See MacDonald, p. 130.

²⁶⁵ See MacDonald, p. 127.

²⁶⁶ See MacDonald, p. 130.

²⁶⁷ See MacDonald, p. 127 and EL, III, III, p.22.

comes from the corruption of the democracy, and thus the state is already lost.²⁶⁸ Accordingly, due to the inability to endure without their springs, it is noted the immoderate constitution of the republican government, similarly to despotic governance;²⁶⁹ “they are fragile; they require apprehension; they must remain tense.”²⁷⁰ In contrast, as the result of no guiding ‘principle’ and the moderation that conducts English governance, it is possible to relax its forces without pressuring its survival.²⁷¹

In comparison, despite Gilbert’s confirmation that *Spirit* commends English politics, and that the traditional ‘nature’ and ‘principle’ is avoided in Montesquieu’s constitutional proposal, it is suggested individuality as the principle of the English government; that is, “the passion of each to live a life of her own”.²⁷² However, similarly to the previous literature, it is asserted that this modern association diverges from the direction of the republic. In particular, its politics of uniformity, the subordination of the individual to an externally-defined common and a self-consuming virtuous ‘principle’.²⁷³ Instead, the preservation of English politics is derived from one’s individuality and the community from particularity, notes Gilbert, as it relies on individual independence and the heterogeneity of its citizens and constituents.²⁷⁴ Particularly, although a legislative account of this regime is provided, Gilbert emphasises that its legislation is given a less constrained role in its constitution; “[the laws] serve as an impersonal form for diverse, politically unformed, social activities.”²⁷⁵

Moreover, despite Gilbert noting diverging governmental structures and personal realities between the English regime and the republic government like the previous literature, he adds to the latter by asserting Montesquieu’s new approach of a modern liberal constitution as the reformulation of

²⁶⁸ See MacDonald, p. 127.

²⁶⁹ See MacDonald, p. 128.

²⁷⁰ See MacDonald, p. 128.

²⁷¹ See MacDonald, p. 128.

²⁷² Gilbert, p. 54 and 57.

²⁷³ See Gilbert, p. 57.

²⁷⁴ See Gilbert, p. 57.

²⁷⁵ Gilbert, p. 57.

traditional conceptions of common good found in a democratic republic.²⁷⁶ To illustrate, like communitarians, it is emphasised traditions and particular institutions that enforce one's individuality.²⁷⁷ However, politics replaces mere patriotism, as Montesquieu leaves republican subordination of the particular for a political association which draws its resilience from a deliberative citizenship and reflective patriotism; today's "communitarian individuality."²⁷⁸ Also, despite the English constitution to be devised by ranks and distinctions, similarly to traditional republics, elements of commerce and individuality foster a sense of equality;²⁷⁹ "in this free country, the great are closer to the people. Ranks are more separated but persons more mixed together", says Montesquieu.²⁸⁰ Consequently, within a diversity of thoughts, this equality incorporates a mutual recognition for one's moral capacity, rather than virtuous uniformity and restraint.²⁸¹ However, despite the English passions, and in contrast to democracy's extreme accusations in a controlled political and social context, this new approach doesn't grant political hatred. Indeed, in contrast to ancient republics, Gilbert notes that English citizens separate personal and political life. Finally, due to a more intricate and diverse nature, commerce fostered peace rather than war and conquest while still favouring the love of the homeland.²⁸²

Thereupon, in Montesquieu's new constitutional proposal, rather than the design on the location and number of people who hold power coupled with the government's 'principle', it is the governmental capacity to assure individual tranquillity that takes relevance.²⁸³ Indeed, the governmental inclination to promote a humane and gentler perception of human nature in which natural justice fosters moderation and tranquillity. It thus avoids the extremes and imbalances of extremes, of both

²⁷⁶ See Gilbert, p. 57.

²⁷⁷ See Gilbert, p. 62.

²⁷⁸ Gilbert, p. 61.

²⁷⁹ See Gilbert, p. 57.

²⁸⁰ See Gilbert, p. 57.

²⁸¹ See Gilbert, p. 62.

²⁸² See Gilbert, p. 62.

²⁸³ See Carrese, p. 234.

democratic republican and despotic governments.²⁸⁴ Chiefly, this new perception in governance is composed by Montesquieu's disposition of separated and balanced powers;²⁸⁵ or, in Montesquieu's words, "so that one cannot abuse power, power must check power by the arrangement of things" (EL, XI, IV, p. 155).

Moderation in Liberty:

Before continuing this study, one should retain that the scope of this thesis is neither to analyse the particular 'principle' or constitution of the English regime, nor to conduct a debate on whether virtue, honour or fear can be interpreted as the guiding 'principle' of the moderate English government. Rather, it is to consider the previous accounts in Montesquieu's importance in the extent of liberty considering to the limited role of virtue and the democratic government in its regard. Chiefly, considering the importance of natural justice and moderation presented above, liberty becomes a crucial focus in Montesquieu's objective, as the author's central concern is the preservation of liberty and to avoid despotic governance.²⁸⁶ Indeed, "the result of legislation according to the "nature of things" was the spirit of moderation and, indeed, liberty".²⁸⁷

So then, in contrast to what Pangle notes as the limited positive ends of virtuous government, the English regime provides the reliable purpose of government as the embodiment of the negative form of liberty; "the true negative goal".²⁸⁸ In order to understand this distinction, one must recall Isaiah Berlin's differentiation between positive and negative form of liberty. According to Berlin - a Latvian philosopher which, despite not being specialized in Montesquieu, was known for his work and dedication to Liberty - negative liberty is the absence of obstacles or constraints, while positive

²⁸⁴ See Carrese, p. 234.

²⁸⁵ See Carrese, p. 236.

²⁸⁶ Macfarlane, Alan. *Montesquieu and the Making of the Modern World*. (CreateSpace Independent Publishing Platform, 2013), p. 20.

²⁸⁷ Morgado, p. 34, my translation.

²⁸⁸ Pangle, p. 90.

liberty represents the possibility of acting as the expression of one's control over one's life.²⁸⁹ Accordingly, this description can be associated to Pangle's depiction of the democratic government as the governance of "self-rule". Moreover, as negative liberty is attributed to individual agency, positive liberty notes collective attributes.²⁹⁰ Subsequently, this description seems to be relevant to Gilbert's proposal of individuality as the passion of the English regime. Thereupon, despite democracy's presentation as the form of rule which is concerned with the domination of men's selfish desires over others, the former chapter's analysis on virtue's inconsistent object and, similarly, the uncertain democratic structures and political purposes, exposes the dubious aspects of positive aims.²⁹¹ Consequently, Montesquieu's goal, according to Pangle, becomes twofold. On one hand, Montesquieu affirms the traditional government's capacity to be conducive to security, while on the other hand uncovers the extent to which they fail to ensure negative liberty as one's security from fellow citizens.²⁹² Henceforward, this combination is the transition from participatory freedom in government to the display and identification of freedom as security; "especially protection from arbitrary injury by government."²⁹³ Indeed, Liberty should not be confused by the power of the people (EL, XI, II, p. 154). Indeed, as previously alluded to, the association between ancient republicanism and modern England is the ultimate issue of *The Spirits of the Laws*.²⁹⁴ Chiefly, this relation assumes the important negative sense of the word "Liberty".²⁹⁵

In fact, this negative understanding of liberty has been previously disclosed as the purpose of political institutions in relation to human nature's inclination and necessity to avoid displeasures and threat of death.²⁹⁶ However, Carrese notes that this natural requirement is assured by political and

²⁸⁹ Carter, Ian. "Positive and Negative Liberty." Stanford Encyclopedia of Philosophy. Stanford University, August 2, 2016. <https://plato.stanford.edu/entries/liberty-positive-negative/>.

²⁹⁰ Ibidem.

²⁹¹ See Pangle, p. 90.

²⁹² See Pangle, p. 90.

²⁹³ Pangle, p. 92.

²⁹⁴ See Pangle, p. 90-91.

²⁹⁵ See Pangle, p. 92.

²⁹⁶ See Pangle, p. 89.

social procedures different than contractual elements and fearsome sovereignty.²⁹⁷ Similarly, this distinction has also been implied in David Williams' argument that Montesquieu's ontology of political practices and institutions is grounded in the independence of justice from convention, rather than materialistic political concepts due to the rejection of human agency;²⁹⁸ it is "eternal justice".²⁹⁹ Likewise, Gilbert asserts that the English government's capacity to ensure one's security is not bound by belligerent and threatening constituents in the state of nature.³⁰⁰ Consequently, Gilbert aligns with the previous literature on Montesquieu's miss on the English government's 'nature' and the passion that drove it. Although he adds to the literature by affirming that the passion underlying English politics is not the anxiety of violent death. Instead, the object - rather than the 'principle' - of the English government is security as individual liberty.³⁰¹

In regards to liberty, Montesquieu's differentiates philosophical and political liberty (see EL, XII, II, 188). The former is described as "the exercise of one's will or, at least (if all systems must be mentioned), in one's opinion that one exerts one's will" and the latter "consists in security or, at least, in the opinion one has of one's security" (EL, XII, II, 188). Whereas the first paragraphs of this chapter alluded to liberty grounded in relation to the government's constitutional structure, Montesquieu also emphasises that the moderate regime will likewise ensure political liberty in the citizen's sphere (see EL, XII, I, 187). This thesis will now focus on the latter.

MacDonald approaches the debate over Montesquieu's focus on liberty by granting a null role of philosophical liberty in the state of nature, due to one's incapability to exercise one's will when liberty is considered as license;³⁰² "we must always be guarding against the honourable impulses of

²⁹⁷ See Carrese, p. 242-243.

²⁹⁸ See Williams, p. 529.

²⁹⁹ Williams, p. 531.

³⁰⁰ See Gilbert, p. 55.

³⁰¹ See Gilbert, p.55.

³⁰² See MacDonald, p. 112.

others.”³⁰³ Following this argument, it seems to me that it is aligned with a previous thesis’ reasoning grounded on Pangle’s similarity between republican legal enforcements and the equality in the state of nature. Likewise, due to Montesquieu’s description on philosophical liberty, particularly the emphasis on one’s opinion on the exercise of one’s will “if all systems must be mentioned”, seems to allude to the systems that were present in the republican government. Indeed, MacDonald had previously asserted, and other arguments were proposed in this regard, that despite the republican government’s rule of the people, the popular body could not in fact exercise one’s thoughts; one rather had the opinion that one was doing so. That is, philosophical liberty. Thereupon, to MacDonald’s previous description that in the state of nature one had to be “guarding against the honourable impulses of others”, one could assume that in the republican government one had to be guarding against the *virtuous* impulses of others; “liberty is invariably destroyed by its excess.”³⁰⁴ Following this, while societies checked by legislative forces were entrusted to alleviate the obstacles associated to one’s free agency, or Pangle’s “political problem”, one can also suggest that political liberty was never fostered in the republican government due to one’s free agency to lead to accusations, and thus affect one’s security. Indeed, political liberty is also described as “that tranquillity of spirit which comes from the opinion each one has of his security” (EL, XI, XI, p. 157); the government cannot allow one citizen to fear another (see EL, XI, XI, p. 157). This reasoning was previously referred to when assessing the role of accusations in the republican government. In contrast, despite the free English passions, modernity did not grant political hatred.³⁰⁵ Rather, to preserve and make use of liberty, “each must be able to say what he thinks”, says Montesquieu (EL, XIX, XXVII, p. 327). Thereupon one can suggest that when one’s opinion or philosophical liberty is considered as license, one’s security or political philosophy is threatened; “[political liberty] is never more attacked than by public or private accusations”, says Montesquieu (EL, XII, II, p. 188). In turn,

³⁰³ MacDonald, p. 114.

³⁰⁴ Morgado, p. 77, my translation.

³⁰⁵ See Gilbert, p. 62.

to MacDonald's argument that the moderate government will not only establish one's security, but also incorporate freedom in its dispositions - "justice lies not only in securing human's pleasurable lives, but instilling in them the confidence that they are secure" – one could argue that the moderate government transcends Montesquieu's duality between philosophical and political liberty. It is by following natural justice and checked free human agency that the just regime leads to liberty.³⁰⁶ Indeed, on one hand, MacDonald affirms the English government's capacity to ensure one's security and to enjoy the human pleasures without fear. On the other hand, Montesquieu's liberty is described as the following: "[it] can consist only in having the power to do what one should want to do and in no way being constrained to do what one should not want to do" (EL, XI, III, p. 155). The citizen therefore lives in a reciprocal association between what the law determined and what it allows, in which political liberty endows individual agency by personal will, not absolutely free, but tamed.³⁰⁷ Indeed, it seems that in the English regime one enjoys liberty because one does not have to worry about the potential extreme virtuous impulses of others; rather, moderation in [individual] liberty reigns.

Finally, although Montesquieu bounds his concept of liberty with normativity as something that citizens should do, it is noted how the author of *The Spirit of the Laws* abstains to depict what should be done.³⁰⁸ Significantly, this diverges from what occurred with the specific institutions and precise education in the republican government. Indeed, it seems that the realization of nature by men did not lead to a concrete destiny, but rather it is integrated in liberty itself; "men's humanization resides in one's liberty."³⁰⁹ Not because liberty appears as an end in itself - as it occurred in the republican government, according to Pangle - but because it reassures the individual spirit to pursue all other goods.³¹⁰ Nevertheless, similar to the democratic government, individuals in the English government

³⁰⁶ See MacDonald, p. 114.

³⁰⁷ See Morgado, p. 78-79, my translation.

³⁰⁸ See Williams, p. 536.

³⁰⁹ Morgado, p. 34.

³¹⁰ See Morgado, p. 34.

would sacrifice themselves to preserve liberty.³¹¹ However, a crucial distinction is made. Montesquieu grants that the English loved their liberty, not because it was enforced, indoctrinated or a constraint, but because it was true liberty.³¹² Consequently, as affirmed previously, modernity is seen as the reflection of one's individual activities in a diverse social and political context and, one could argue, as long as liberty and other just universal principles are presented. Thereupon, it is recognized that although the final aim of Montesquieu's purpose of government is liberty, moderation appears as an indispensable condition.

To conclude:

The complexity of different relations is grounded in moderation and embodies the aim of Montesquieu's work as the study of all those dispositions. Moderation appears as the guiding principle on good government, as the embodiment of natural right and a measure of justice for politics and law. In contrast, the republic's institutional enforcements imperilled the course of natural justice, and thus to be a just government. It is a warning of reducing diverse human relations to singular foundations. Rather than political virtue, heterogeneity ought to be endowed in a constitutional setting, as the driver for moderation. Moderation represents a sense of humanity, as the solution of political virtue's failure to embody it.

The republican limitations were exposed to devise the need for a new constitutional design. Considering the relation between the government's dimension with its 'principle' and the multiple principles in the democratic government, there seems to be already corrupted forces within virtue besides its improbable goal. Also, it is the middle and moderate approach that provides gentleness rather than the extreme happiness and un-satisfaction of conquerors and monks, whose similar character was exposed in the democratic republican government. Moderation, following the principles of natural justice, returns the government's 'principle' to the nature of things thus avoiding

³¹¹ See Gilbert, p. 61.

³¹² See Gilbert, p. 61.

its abuses, as the counterbalance to the law of necessary decline found in the republic government due to virtue's demand on militaristic ambitions. There is also a continuous corruption course from democratic republican to despotic governance, considering the recall of the 'principle' as the solution to remove the government's corruption, and also taking into account the corrupt forces within virtue. The requirement of a constitutional enforcement of universal principles with ones of diversity to check one's behaviour and as compensation to the law of necessary decline is remembered from past arguments and proposed as a solution.

The English regime is the reformulation of traditional conceptions of the common good found in the democratic republic. For example, politics replaces mere patriotism as deliberative citizenship, commerce and individuality foster a sense of equality and, despite free passions, it doesn't grant political hatred and imperilled one's security like republican accusations.

The moderate English constitution comes as the governmental solution to respond to the republic's limitations. Similarly to the state of nature, republican conditions could not endure in a wealthy society. Its limited duration and the incapability to be restored, like the former, are due to one's natural honour, desire for distinctions and people's great successes. It is a compensation for the imprudence and arbitrariness of the law's universality in one's behaviour. The democratic republic was dependent on one's virtuous motivations rather than constitutional enforcements to prevent one's desire to dominate others. Both the democratic republican government and virtue are not a feasible solution to good government and they enable immoderate effects by relying on human passions or denying their existence to achieve security and natural justice once in government. The English regime combines security with liberty, as it encompasses free humanity's natural passions while conceding controlling features. It assures moderation between these two dimensions. Rather than the location and number of people who hold power coupled with the government's 'principle', the English combination of structures ('nature') and the dismissal of a 'principle' of action - hence its independence from particular passions for its endurance - answers to the extreme actions of the

virtuous 'principle'. Considering that only in a regime in which sovereignty is divided can true liberty and true justice be achieved, by the design of a system of checks and balances, the English constitution assures that no individual or group threatens the activities and passions of others. Whereas the democratic virtue could never cease to exist and its citizens could never stop to be virtuous, a moderate government can null its 'principle' without threatening its capacity and the safety of its constituencies. The immoderate democratic republic constitution is again compared to despotic governance as both its structures are fragile and its 'principle' must remain tense. Considering individuality as the principle of the English government, which endows individual independence and the heterogeneity of citizens, it diverges from the republic's politics of uniformity, the subordination of the individual to an externally-defined common and a self-consuming virtuous 'principle'. Despite the democratic legislative importance with the requirement of specific institutions, the English legislative significance allows a less constrained form of diverse activities. The relation between ancient republics and the English regime represents the grand issue of *The Spirit of the Laws* and moderation adapts the latter to modernity.

This transition became a focus in Montesquieu's objective as his main concern was the preservation of liberty and to avoid despotic governance. By affirming the traditional government's capacity to assure good governance by mere self-rule and participatory freedom as positive ends of liberty, Montesquieu also uncovers the extent to which they fail to ensure negative liberty. The English regime provided the true negative goal, in which by the emphasis of individual free agency, freedom is identified as security, especially as protection from the government's arbitrariness; exactly in the government's concern about men's desire of domination over others. Despite liberty's negative understanding to reveal one's natural requirement to avoid the threat of death, it diverges from contractual element and fearsome sovereignty. Rather, a moderate government embodies eternal justice as it reconciles free agency with natural laws by granting that the latter allows the escape from the determinacy of the former, although being bound by them. The passion which moves the English

government is not the anxiety of violent death. Rather than a 'principle', it has as its object security as individual liberty.

It was distinguished philosophical and political liberty, in which the latter in the citizen's sphere became a central concern in the constitution of the moderate government. Not only will the moderate government establish one's security and incorporate freedom in its dispositions, but by following natural justice and checked free human agency, it leads to liberty. It was exposed that when philosophical liberty is considered as license, political liberty is threatened. Considering the in-existent role of philosophical liberty in the state of nature due to its plenitude, the similarity between the state of nature and the democratic republican government was reinforced; whereas in the former one had to be guarded against the honourable impulses of others, in the latter one had to protect against the virtuous behaviours of others. Also, despite the legislative bounds to alleviate the obstacles associated to one's free agency and one's natural desire to dominate over others, considering the role of accusations and its impact in one's security - for example with the death penalty - political liberty was not fostered in the republican government. Virtue has need of limits and Liberty means having the power to do what one should want to do and in no way being constrained to do what one should not want to do. Gentleness was not found in the democratic republican government and thus it was not a moderate government, whereas in the English regime one enjoys one's liberty because one doesn't have to be guarded against the potential extreme impulses of others. English love their liberty, because it is true liberty, thus one does not have to compensate any arbitrariness of the law's universality. Despite its universal encompass and normativity, it is not depicted what one should do. Diverse free agency in moderation is endured. Overall, although the final goal of Montesquieu's theory of government is its capacity to assure individual liberty, moderation – by following natural justice - appears as an indispensable condition to promote a gentler perception of human nature; it thus avoids the imbalances of extremes.

Concluding Remarks

I first started to study Montesquieu due to my curiosity in what I believe to be the author's classical awareness with modern understandings. It seems to me that his approach combines a classical apprehension of reality - namely the relation between a type of government with a human kind - which conveys to me an organic and modest picture of one's behaviours and motivations in a political and social context, while also conceding realistic and unromantic considerations of his time - the Enlightenment - such as the collective desire for the domination of others and power. What is the result of this combination? To study one of the authors in the tradition of great books, I would like to think that this consolidation matters in theory and is advantageous in practice. But in terms of institutional purpose and policymaking, I believe it provides something crucial - moderation. This idea will become clear in the following paragraphs.

This research aimed to understand what Montesquieu means with his idea of virtue and why this discussion matters. Based on the qualitative study of *The Spirit of the Laws* and the relevant literature on the arrangements and developments of both virtue and the democratic government, this thesis has shown their improbable goals, their immoderate effects and their incapability to assure one's security with liberty. Montesquieu means that virtue is not an achievable solution to assure good governance and regulate men's relations with each other. Moreover, it was shown that this discussion matters because these limitations to constructing a just motivation and regime lay the constitutional foundations to the ideal kind of government, which combines those universal principles by conceding one's free agency with legislative enforcements; it fosters one's liberty and ensures one's security.

Considering my previous interest in Montesquieu's approach, the author thus seems to devise a constitutional framework which adjusts the limited classical dependence on virtuous behaviours with modernity, by the reliance on the rule of law and separation of powers. Indeed, it seems to me that

Montesquieu embraces a classical vein in order to understand the foundations of modernity, indulging institutions of today to recognize, understand and comprehend why and how they exist; hence, to protect them against their abuses. In the progression of this research, I have been realizing that despite democracy's presentation as the form of rule which is concerned with men's desire of domination over others, the analysis on virtue's inconsistent object and, similarly, the unreliable democratic structures and political purposes were rather exposing their dubious aspects of positive aims. Later on, it was revealed that the true negative constitutional goal, presented in the last chapter, is the right and moderate answer to respond to the natural inclinations revealed in the second chapter; the third chapter was the bridge which uncovered immoderate and imbalance solutions.

In this thesis, I recognized how Montesquieu in *The Spirit of the Laws* wrote his principles not directly or transparently. It is also the role of the reader to respect ambiguity in writing, and thus to reason and connect particular details to others and the overall meaning of his work while being assured with imperative natural principles. When this is discarded, it marks one's behaviour, not as wrong or dishonoured, but as unjust. I believe this alliance provides one with both flexibility and caution, and consequently, it develops moderation. In addition, it was an influential finding for this research in two crucial aspects.

First, Montesquieu's vagueness gave a justification for this research. While reading *Spirit*, it seemed to me that Montesquieu was never speaking his thoughts directly as there were tensions and contrasting views on the same matter, as exposed during this inquiry. After analysing the secondary literature, the same curiosity on those inconsistencies and ambiguities was found. A motivation to conduct a more in-depth research on what Montesquieu means with his idea of virtue, rather than what was initially presented by the author, was thus established. As a final conclusion, I believe that Montesquieu's ambiguity was in fact not an ambiguity at all. Indeed, one must take into account the dangers of persecution, hence the author's requirement to speak his thoughts in a concealed way. However, I believe that this indirect declaration seems to be a warning for the instalment of

immediate answers to vital interrogations. Overall, this apparent vagueness is to me an exercise to improve one's awareness, to question and to reason.

In this note, to answer the research question of this thesis, my input was to solidify the existing debate, introduce new understandings or challenge the current findings by using the same source which inspired their reasoning; both took place in solving the problem statement presented in the introduction of this dissertation and contributing to the present literature. For example, this research illustrates a new interpretation of virtue. To see political virtue as a force or Montesquieu's plural connotation as "tremendous forces" that, despite repressing one's particular passions for the individual, are still realized and used in the name of the homeland, enables a supplementary understanding on the literature's interpretation about virtue's potency to become an end in itself. In this regard, it also contributes to explain the republic's militaristic essence. Moreover, this new insight expresses a satisfying sensation in virtue's painful constraint which, although briefly implied in the debate, lacked a precise demonstration. Thereupon, among other examples exposed in the discussion, this thesis solidified the current literature; however, the opposite also occurred and new observations were provided as well. While the current discourse suggests that citizens are unaware and do not have keen senses on how to vote, it was rather demonstrated how the differences in a democratic - supposedly equal - government are known and advantageous to those involved. Also, while the literature was limited in suggesting Montesquieu's public surveillance as a necessary condition to establish equality instead of developing one's greatness, it was revealed how the role of accusation and the presence of censors is a way of establishing distinctions. They are also perpetuated by virtue as, by accusing others, one is serving the government better than others. The development of this inquiry also contributed to an understanding that was lacking in the debate: the study of the role of accusation and censors, particularly their arbitrariness, violence and use of fear - which imperils one's security, liberty and the gentleness that should be implemented in the constitution of moderate governments. Additionally, this thesis raises the importance of the

unexplored area of equality and frugality, as it is given an emphasis on the role of distinctions, wealth and glory. Their consequences were established and, for example, despite virtue's demand for frugality, it tends to lead to its opposite; it thus instructs militaristic ambitions which imperils its existence due to the necessary small dimension of republics.

Following this, the research clearly illustrates virtue's requirements and demands – or its own existence - to lead to its corruption. Indeed, despite a precise education based on frugality and constraint, required by virtue, one's love to the homeland also demands that one provides it with glory. Moreover, the literature acknowledges one's natural desire for honour or its instrumental connotation which also leads the republic to explore the world and discard the teachings of the family. It thus endangers virtue's requirements forced by its same demands. This conclusion was only made possible by the analysis of the relation of the preservation of the 'principle' with the extension of the government.

Secondly, the combination of a deliberate unawareness with normative principles, seen in Montesquieu's method, seems to me to echo the author's object of inquiry, the idea of Liberty. That is, in this research, by devising what Montesquieu means with his idea of virtue in the democratic government, it was discovered its limited adequacy to assure good governance. Based on this study, it was revealed Montesquieu's ideal type, embraced by the English constitution, to attain and foster liberty. Liberty combines a thoughtful vagueness of what one ought to do with normative maxims that should be followed. Liberty also embraces legislative enforcements of universal principles with free and diverse individual agency. This contrast is important as I see Montesquieu's apparent ambiguity to instruct a moderate answer to the tension between one's inherent desire for freedom and self-rule while upholding one's natural commitment to security. Is it possible to have the latter without the former? What are the costs for liberty to endow security? It is a warning of simplistic solutions, in which these dilemmas could become the excuse for extreme solutions to natural inclinations, specifically in the government's concern about the domination of men's selfish desires

over others. Montesquieu, by reminding and emphasising human unawareness, but fostering individual reasoning, encourages thoughtfulness in action and in motivation.

Moreover, in the development of this research, it was being recognized that the relation and transition from ancient republics to the English regime represents the grand issue of *Spirit*, in which Montesquieu's main concern was the preservation of liberty, by conceding individual choice in the rule of law and avoiding despotic governance, based on either capricious desires or repressive legislation. By this consideration, *The Spirit of the Laws* remind oneself how the foundations and boundaries of contrasting governments and, specifically, ways of life, are delicate and misleading. That is, it shows Montesquieu's realization of the fragility of liberty, freedom as security and free agency. Consequently, in the development of this research, moderation appears as the solution which provides the individual with both a sense of security while being free.

Based on this thesis' conclusions and to better understand the implications of these findings, further research could consider what was being emphasised in the development of this thesis: the similarity between democratic republican and despotic governance. In this note, further similarities were proposed to the present discourse, however, instead of taking the current thought on the corruption course from republic to despotism or monarchy to the latter, compelling findings could take the approach of a corruption sequence from republic to monarchy and despotism. Indeed, to desire the homeland's glory, doesn't it presuppose one's honour and the government's? Is it possible to have the democratic military glory without the compelling force of honour? In turn, if the motivational force of monarchical honour is found in republican governance, is there any possibility that they are extremely similar? Perhaps the same? It was emphasised one's natural desire for honour, both in men's first state and in governmental apparatus, so to explore this topic would provide new insights into Montesquieu's theory. Also, to conduct a study on the aristocratic government, as this thesis is limited to the democratic apparatus, would enrich the research conclusions as the motivational force of the latter is virtue, grounded in moderation.

Finally, based on the findings of this research and following the research question, one can settle that by the establishment of extreme solutions, the democratic government depends on a motivational force which imperils the survival of the regime. Political virtue is devised by a love and restriction that enforces itself to its corruption; instead, moderation is required.

Bibliography:

Primary Bibliography:

Montesquieu, Charles de, et al. Montesquieu: *The Spirit of the Laws* (Cambridge University Press, 1989).

Secondary Bibliography:

Aktoudianakis, Andreas. "Virtue, Honour and Moderation: the Foundations of Liberty in

Montesquieu's Political Thought," 2016. <https://research-repository.st-andrews.ac.uk/>.

C. P. COURTNEY: Montesquieu and Natural Law. In DAVID W. CARRITHERS–MICHAEL A. MOSHER–PAUL A. RAHE (eds.): Montesquieu's Science of Politics. Essays on The Spirit of Laws. Lanham–Boulder– New York–London: Rowman & Littlefield, 2001.

Carrese, Paul. "Montesquieu's Complex Natural Right and Moderate Liberalism: The Roots of American Moderation." *Polity* 36, no. 2 (2004). Accessed November 3, 2020. <http://www.jstor.org/stable/3235480>.

Carter, Ian. "Positive and Negative Liberty." Stanford Encyclopedia of Philosophy. Stanford University, August 2, 2016. <https://plato.stanford.edu/entries/liberty-positive-negative/>.

Desserud, Donald Anton, "Beyond Virtue And Honour: Montesquieu And The Problem Of England In The "Spirit Of The Laws"" (1989). *Digitized Theses*. 1814.

Durkheim, Emile. "Montesquieu's Classification of Societies: To What Extent Did Montesquieu Believe That Social Phenomena Are Subject to Definite Laws?" In *Montesquieu and Rousseau: Forerunners of Sociology* (Ann Arbor: Univ. of Michigan Press, 1965).

- Fekete, Balázs. "THE UNKNOWN MONTESQUIEU: An Essay on Montesquieu's Intellectual Background." *Iustum Aequum Salutare* 1 (2009).
- Gilbert, Alan. "'Internal Restlessness': Individuality and Community in Montesquieu." *Political Theory* 22, no. 1 (1994) . Accessed November 11, 2020. <http://www.jstor.org/stable/192132>
- Goldzink Jean, "Principles", translated by Philip Stewart, in *A Montesquieu Dictionary* [online], directed by Catherine Volpilhac-Auger, ENS Lyon, September 2013.
URL: <http://dictionnaire-montesquieu.ens-lyon.fr/en/article/1377621398/en>
- Goyard-Fabre, Simone. Essay. In *Montesquieu: La Nature, Les Lois, La liberté* (Paris: Presses universitaires de France, 1993).
- Harvey Mansfield, *Taming the Prince* (London: The Johns Hopkins University Press, 1993).
Hulliung, Mark L. In *Montesquieu and the Old Regime* (Berkeley (CA): University of California Press, 1976).
- Hulliung, Mark L. In *Montesquieu and the Old Regime* (Berkeley (CA): University of California Press, 1976).
- Keohane, Nannerl O. "Virtuous Republics and Glorious Monarchies: Two Models in Montesquieu's Political Thought." *Political Studies* 20, no. 4 (December 1972): 383–96. <https://doi.org/10.1111/j.1467-9248.1972.tb01431.x>.
- Keohane, Nannerl O. In *Philosophy and the State of France: the Renaissance to the Enlightenment* (Princeton, NJ: Princeton University Press, 1980).
- MacDonald, Sara. "PROBLEMS WITH PRINCIPLES: MONTESQUIEU'S THEORY OF NATURAL JUSTICE." *History of Political Thought* 24, no. 1 (2003). Accessed November 21, 2020. <http://www.jstor.org/stable/26219936>

Macfarlane, Alan. *Montesquieu and the Making of the Modern World*. (CreateSpace Independent Publishing Platform, 2013).

Manent, Pierre. "Montesquieu and the Modern Experience." *Government and Opposition* 29, no. 3 (1994). <https://doi.org/10.1111/j.1477-7053.1994.tb01228.x>

Manicas, Peter T. "MONTESQUIEU AND THE EIGHTEENTH CENTURY VISION OF THE STATE." *History of Political Thought* 2, no. 2 (1981). Accessed November 18, 2020. [http://www.jstor.org/stable/26211802.](http://www.jstor.org/stable/26211802)

Morgado, Miguel. Introduction. In *Montesquieu Do Espírito Das Leis* (Lisboa: Edições 70, 2017).

Oakeshott, Michael, and Shirley Robin, Letwin. "The Investigation of The 'Character' of Modern Politics: Montesquieu. "Essay. In *Morality and Politics in Modern Europe: the Harvard Lectures* (New Haven: Yale University Press, 1993).

Pangle, Thomas L. "The History of Political Thought." In *Montesquieu's Philosophy of Liberalism: a Commentary on the Spirit of the Laws* (Chicago: University of Chicago, 1973).

Schackleton, Robert, Montesquieu. *A Critical Biography* (Oxford: Oxford University Press, 1961).

Shackleton, Robert. In *Montesquieu and Machiavelli: a Reappraisal*, 5. S.l.: Comparative literature studies, 1964.

Shklar, Judith N. "The Persian Letters: How Others See Us ." Essay. In *Montesquieu* (Oxford: Oxford Univ. Press, 1987).

Williams, David Lay. "Political Ontology and Institutional Design in Montesquieu and Rousseau." *American Journal of Political Science* 54, no. 2 (2010). Accessed November 20, 2020. <http://www.jstor.org/stable/25652221>.

