

A HISTORY OF WESTERN POLITICAL THOUGHT

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London and New York

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THE POLITICS OF ENLIGHTENMENT

Enlightenment as an intellectual movement eventually covered the whole of Europe and America, but it really began in the more liberal political climate in France after the death of Louis XIV. His successors quickly lost his reputation for grandeur and piety. The Divine Right monarchy in France still had the same theoretical pretensions to absolute sovereignty, but with the state increasingly in debt to its subjects and decreasingly successful in foreign affairs the pretensions of the monarchy began to distance themselves from the realities of French government. That, and a genuinely secular and materialist philosophy, began the process by which all authority—intellectual, religious and secular—came under a concerted attack on a pan-European scale. This is not to say that all enlightened thinkers were political radicals, but they were radicals in the sense that they tried to get to the root of things. At first, they had to tread gingerly in a world still subject to royal and ecclesiastical censorship. The political and social message of the materialist philosophy which Enlightenment took and developed from the seventeenth-century science of Descartes and Newton was deeply coded, but, for those with eyes to see it, it had a profoundly radical message. Eighteenth-century materialism accepted the idea of the naturalness of motion, and built on it a view of the social and political worlds which effectively banished God from his own creation. It had long been regarded as convincing proof of God's existence (the idea is as old as Aristotle) that bodies were naturally at rest and therefore needed a First Cause to set them in motion, and that First Cause was called God. If, however, physical bodies were naturally in motion, as seventeenth-century physics taught, then the whole of the natural world (including the biological and botanical worlds) could be adequately understood without any references to the miraculous intervention of the Deity.

No theory of special creation was necessary to explain the origins of nature's crowning glory, man. It became fashionable in advanced intellectual circles in France to refer to the human body as a 'machine' to show that its workings could be explained by the same mechanical principles according to which the rest of nature operated. The springs of human behaviour (the phrase is Bentham's) were the passions, or, as in the primmer language of utilitarianism, the desires to seek pleasure and avoid pain. The passions were implanted by nature. They were what gave human life its vital motion, and the operation of the passions could ultimately be explained in physical, that is, physiological, terms. The faculty of reason which nature had implanted in the minds of men had as its function the direction of the human passions towards the accomplishment of desirable ends, though there was in fact no agreement in the Enlightenment about what the relationship between reason and the passions exactly was. Some thought, like Rousseau, that all natural desires were naturally virtuous, and that only living in a corrupt society implanted

'unnatural', that is wicked, desires. Others, like Hume, thought that reason was the slave of the passions, by which he meant that the ends of human conduct were provided by the desires, and all that reason could do was to show given desires how to accomplish their ends. The consensus of Enlightenment opinion seems to have been that reason could in some sense control and direct the passions towards ends which were ethically desirable. The passions were by their nature blind, even part of brute nature, and they were certainly shared by the other animals. Natural reason must therefore have been given to man to counterpose itself to the passions, either because the passions themselves could not know how to satisfy themselves without guidance, or because the passions themselves became fixed on ends which were undesirable on a rational view of the matter.

In the field of moral philosophy, Enlightenment's goal was a rational system of ethics which would at the very least modify, and perhaps completely replace, the existing systems of ethics derived from religion, custom, and accident. Some forms of human conduct, and some of the ends of human conduct it was hoped, could be rationally demonstrated to be preferable to others. Reason must have been implanted by nature to point these differences out. There must be a way of showing that true human happiness was attainable only through the attainment of virtuous human ends. The culminating point of moral philosophy would be reached when reason could demonstrate that the truest form of human happiness consisted of the encouragement and spectacle of the happiness of others. It is notorious in the history of ethics that the Enlightenment project failed to show that it was in fact possible to derive from reason a set of ethical principles capable of sustaining the loyalty of all rational men, and there is a notable irony in the fact that it was Hume, at the very heart of Enlightenment, who showed why the enlightened project in ethics was bound to fail.

Enlightenment only sought after the rational *principles* of ethical conduct, and was prepared to concede that there was a wide variety of admissible ethical conduct in practice. This sense of effective ethical relativism came naturally out of the Enlightenment's steps towards materialism. Just as the actions of physical bodies in the universe depend on the circumstances in which they move, so the conduct of human beings is bound to vary with the conditions of the social and political world in which they find themselves. The fact that human beings conduct themselves in different ways in different circumstances no more invalidates the general laws of human nature than the fact that physical matter works in different ways in different circumstances vitiates Newton's Laws of Motion. The rational principles of human conduct could be very generalised indeed, and, *pace* Hume, Enlightenment never stopped looking for them.

Implicit in that view of things was a certain spirit of broad-mindedness and toleration which characterised Enlightenment at its best. Physical matter in identical circumstances would always behave in the same way: all stones dropped from a great height fall to the ground. What applied to the physical world applied to the human world too. All human beings in human circumstances other than their own would act in very different ways. How human beings conducted themselves was not accidental, but the accident of birth into particular societies at particular moments in those societies' development determined what kinds of people they would eventually turn out to be. The implications of that view were clear: if you were born in Persia, instead of France, you would have been a Muslim,

not a Catholic; if you had been born poor and brought up in bad company you would probably end up a thief; if you had been born a Protestant in northern Europe, rather than a Catholic in southern Europe, then you would be tolerant and love liberty, whereas southerners tended to be intolerant and to put up with autocratic government. If what human beings were like was the necessary effect of the circumstances they were born to, then nobody had a right to be too censorious about anybody else. A certain toleration of other ways of doing things, and a certain moderation in the criticism of social and political habits, customs and institutions, seemed the natural corollary of the materialistic view of humankind.

Enlightenment attempted to expand the principles of toleration and moderation into general principles of individual life and the life of society and politics, and it is no exaggeration to say that all that is best in the Western liberal tradition comes from Enlightenment. Enlightenment, it might be said, disappears as a separate identity into what came to be known as civilisation in nineteenth-century Europe. Enlightenment believed in institutionalism and in civil liberties; in the abolition of slavery; in gradualism and moderation; in the reform of manners, morals and politics; in peace and internationalism; in social and economic progress with due respect for national and local tradition; in justice and the rule of law; in freedom of opinion and association; in the balancing of the powers of government and the division of political authority between different agencies of government as a weapon against despotic rule by individuals, groups or majorities; in social equality but not to the extent that it threatened liberty, and above all Enlightenment believed in liberty under an enlightened system of law so that liberty would not disturb the orderly processes of government. This list is Isaiah Berlin's, and he points out that, by the middle of the nineteenth century, most of these ideals were, at least in theory, shared by the civilised governments and peoples of Europe.

Of course, not all of these values were emphasised equally by all the thinkers of the Enlightenment, and there were always individual thinkers, of which the most obvious is Rousseau, who struck discordant notes, but there is none the less an implicit appeal to moderation in the very plurality of enlightened values. No one value dominated all the rest, not even liberty. This implied that, in concrete social and political circumstances, values would have to be traded off against each other, because it is only in an ideal world that all values are ultimately reconcilable.

In his famous essay *What is Enlightenment?* of 1784, Kant offered a celebrated definition of what it was to be enlightened: to be enlightened was to 'dare to know'. Kant chose to regard the whole of eighteenth-century thought as a revolt against ignorance and superstition. Knowing was to know the basis of things, how things really worked. Kant's is a very tempting definition of Enlightenment. It readily brings to mind some of the great intellectual battles of the age. Biblical criticism, for example, began to ask seriously what kind of record of the past the Old and New Testaments actually provided (the measurements of Noah's ark described a vessel much too small to contain all the animals mentioned in Genesis). In France, there was a battle over the superstitious influence of the Jesuits, especially in education. Voltaire attempted to popularise and spread the teachings of Newtonian physics as the true constitution of the universe (and called his mistress Madame Venus-Newton). One thinks of the tremendous growth of interest in

accounts of other, non-Christian, civilisations like Ancient Egypt, Persia and China, from which the Christian West perhaps had something to learn. Coupled with this concern with other civilisations went a genuine attempt to write 'philosophical' history, what we would now call comparative cultural sociology. This was a vast intellectual enterprise designed to show that all societies left to themselves were necessarily bound to go through the same processes of growth, maturity and decline. I say 'left to themselves' because an important part of Enlightenment consisted of devising ways in which that apparently ineluctable process of development could in fact be changed into necessary and inevitable progress, and all this without a word from God.

Enlightenment also meant an enquiry into the means of knowing itself: what we call epistemology. The great harbinger was Locke's *Essay Concerning Human Understanding* (1690), which showed that there was nothing particularly mysterious about how the human mind came to know what it did in fact know. Sensory perception was a full and sufficient cause of the mind's understanding of the world outside itself, and the senses really did understand the world about which they relayed information to the mind. The world was really there, and what the senses grasped about it was all that there was to know. There was to be none of that medieval mysticism which regarded the world as we see it as some kind of complicated metaphor of a deeper reality behind the appearance, accessible only to the theologically learned. Not that theology was to disappear, though it is still a matter of dispute how many enlightened thinkers were in fact atheists. Knowledge of God, and God's purpose for the world, was to be found in the world. That was why God made man in his own image by giving him natural reason. God was a rational God who meant men to understand at least part of His purpose for mankind. Locke's own claims for his epistemology and his natural religion were characteristically modest. Much of the work remained to be done, but it was plain in which direction Locke was leading. Lockian epistemology took literally the injunction to 'know thyself'. Knowing oneself implied understanding how what the human mind contains actually got there. Only then could minds be sure that they understood the world in which minds lived. Epistemology was the royal road to political science and to sociology.

Kant did not, of course, mean that the Age of Enlightenment was an enlightened age. Enlightenment's progressive discoveries had yet to make their way properly in the world. An enlightened age would come about when Enlightenment's rays had illuminated the last dark corner of the world. None the less, the implications of Kant's 'dare to know' are clear enough. A better world would be created if all the discoveries of Enlightenment to date were to be spread far enough. Enlightenment had become a reforming programme at least by 1784. Kant seems to be saying that all now agree about what Enlightenment is, and that from now on we had better get on with the propagandist job of increasing the number of the enlightened. Of course, Enlightenment could know no frontiers, though there was a tendency for the language of Enlightenment to be French. The *lumières* of Paris, the *philosophes*, would speak the same clear language as *Aufklärer* in Germany, *illuministi* in Italy and what Gibbon called the enlightened or philosophical part of mankind in Britain. The 'party of humanity', as they liked to be called, was a European fellowship in civilisation waiting for that civilisation to be fully realised in practice.

Yet Kant's essay, *What is Enlightenment?*, should give us pause. Kant assumes that the question: What is Enlightenment? is worth asking, and perhaps he assumes that it needs to be asked urgently. But Kant's own answer is suspiciously formulaic, automatic even. What Kant is doing is summing up for his age what that age already thinks about itself. He is inviting enlightened Europe to admire itself in its own gilded mirror. The essay is not smug. Enlightenment still has a long way to go before it penetrates its own world completely, but the tone of the essay is confident, and it is also intimate. *We* know what *we* are talking about. It is almost like a chairman's report about the progress of an enterprise or about the present condition of a club. In this sense, the essay may not be a public essay at all, or it may be public only in the sense that chairmen's reports are often published. This alone should be enough to make us slightly suspicious of the essay. There is something too self-conscious about the essay, too deliberate and too generalised. What Kant is asking us to do is to take the Age of Enlightenment at its own estimate of itself, something which we should do only with the greatest caution.

Perhaps Kant's definition of Enlightenment is not really a definition at all, but a translation or a synonym. The age is characterised as being in revolt against 'ignorance and superstition', but that formula is very wide-meshed indeed, and it is meant to be. It is an umbrella opened so wide that as many thinkers as possible can shelter under it. After all, it creates a fine feeling inside to be told that you have disassociated yourself from ignorance and superstition, and it creates an even finer feeling to be told that you are actually in revolt against them. Thinkers from Edinburgh and Stockholm to Madrid and Naples could share in the dare-devilry of being in the forefront of human knowledge. But perhaps the very generalised formula may be explained as a call to party unity. To change the metaphor, Kant might be casting the net of Enlightenment so wide because differences between the members of the party of humanity had become so great by 1784 that the net had to be cast very wide indeed to include them all. If all that enlightened thinkers could find to agree about was that they were against ignorance and superstition, then they could not have been agreeing about very much beyond clichés. (And who ever claimed to be on the side of ignorance and superstition anyway?) And it might very well be that the things enlightened thinkers disagreed about are more interesting than the things they agreed about.

One of the things enlightened thinkers disagreed about was politics. The date of Kant's essay, 1784, may in itself be revealing. It comes eight years after the American Declaration of Independence and five years before the French Revolution, yet on the face of it Kant's essay is very unpolitical, and what politics it does contain is extremely conservative. Kant was a citizen of a Prussia ruled by Voltaire's favourite enlightened despot, Frederick the Great. Kant draws a very odd moral for intellectual liberty from enlightened despotism. He says that only an enlightened despot with an efficient army at his back would ever dare to allow freedom of thought and discussion to his subjects, because his possession of physical force means that at the end of the day he can be sure of his subjects' obedience. Kant's own political position can be generalised. The traditional reason given for the unpolitical, or supinely political, position of German *Aufklärer* is that they, and the German bourgeoisie from which they came, were politically scared, or bought off, by the princes of Germany, or that they were politically

without ambition or even hope. The assumption is that because Kant came from that class, he too was unpolitical, unlike enlightened men elsewhere in Europe.

There may be something very wrong about that kind of argument. Everything it has to say about the German bourgeoisie might be true, and everything it has to say about Kant may be true, but what has to be questioned is the existence of a bourgeoisie elsewhere in Europe which was as intensely political, perhaps even as revolutionary, as the German bourgeoisie was supinely passive. In the Enlightenment it was the French *philosophes* who made the most noise. That the enlightened party in France wanted changes is not in question. They wanted a rationalisation of the legal system, the abolition of legal torture and an end to barbarous punishments; they wanted an overhaul of the system of taxation, notably the abolition of the tax farmers; they wanted an end to the backstairs influence of the Jesuits, the abolition of outmoded forms of seigneurial privilege, and so on. None the less, Kant's distinction between the Age of Enlightenment and an enlightened age might be telling us something about the politics of the French *philosophes* which might not be obvious at first sight. Kant may be hinting that all is not as it might be in France, despite the fact that it was France which produced the real stars of Enlightenment and provided its universal language. Where, it might be asked, are the equivalents in France of the reforms of the enlightened Frederick the Great? France is behind. Voltaire may have corresponded with Frederick, but Kant lives in his kingdom and enjoys the benefits of his rule. Where, now, is the contrast between a muted German bourgeoisie and that confident enlightened French bourgeoisie out to change the world?

There is also something *dated* about Kant's essay. The distinction between the Age of Enlightenment and an enlightened age is meant to tell us that the Age of Enlightenment is complete, that Enlightenment has come of age, that it has really discovered all or nearly all that has to be known. No doubt there were details still to be filled in, but the intellectual programme of Enlightenment is substantially complete. For the enlightened party, the possibilities of its own given intellectual world are already fixed in 1784, eight years after the American and five years before the French Revolution. Enlightenment from then on is simply an exercise in propaganda, spreading the word in a more or less recalcitrant world. Revolution came as a bit of a shock to Enlightenment, especially when revolution took on a popular tone, and it is easy to see why. The Enlightenment was proud to call itself the Age of Reason (though there was no consistency about what reason meant), but a fundamental belief in the power of reason to change men's lives was perfectly compatible with an effective contempt for the ignorant and irrational multitude. Believing that all men at birth received the gift of reason sat easily with the counter-belief that the world's circumstances prevented most men's reason from working properly. Natural reason might work automatically in a world which was itself perfectly natural, but an important part of Enlightenment consisted of pointing out just how unnatural most of the world's institutions and practices were. Irrational institutions and practices perverted natural reason, the habits of deference to aristocratic superiors and adherence to Catholic superstition being the chief culprits. There was therefore no contradiction in saying that most men would have to be taught to use their natural reason all over again, and, granted the actual state of the world, that was a programme which stretched well into the future.

The improvement of the world's institutions and the improvement of its inhabitants would have to proceed together. Locke had said that at birth the mind was a blank sheet (*tabula rasa*) waiting to receive the impressions of the outside world, but this was a very double-edged psychological doctrine for believers in human progress. On one level the doctrine of the *tabula rasa* could give rise to considerable optimism. If the mind received the right impressions from a benevolent world then the mind itself would be benevolent. There were no innate ideas to complicate things, and certainly no trace of that original sinfulness upon which the repressive institutions of the social world relied so much for their basic justification. On the other hand, the *tabula rasa* theory of mind was a disturbingly passive theory. Minds were almost infinitely receptive, sensitive and perhaps even over-sensitive to the impressions of a world which, according to the doctrine of Enlightenment, was just the sort of place to pick up bad ideas. Everything depended on what got into the mind first, and, in a world in which Enlightenment was at best an affair of a philosophic and political elite, there could be little doubt that the world's irrational impressions would beat philosophy in the race to fill most men's minds. Much better, then, to trust a wise legislator to reorganise state and society, which would in its turn change men, but only in the long term.

Enlightenment's view of human nature was thus optimistic and pessimistic at the same time. In substance, it did not differ very much from the old Christian view that human life was lived between the polarities of good and evil, except that Enlightenment offered a very different explanation of how good and evil 'got there'. There was always a tendency to think that what was good about men came from themselves and what was bad about them came from society, a conclusion which does not seem to follow very easily from Lockian premises. It was left to Hume to point out in the second volume of his *Treatise of Human Nature* (1740) that there was no reason in principle, and every reason in practice, to believe that our impressions of good and evil both come from the society which surrounds us. Hume's argument was deadly, because it meant that ideas of goodness which come to us from the socialising agencies of contemporary society cannot then be used as a lever against that society, but Hume's was a lone voice amid a generalised belief that right reason could be used to find out what it was about justice that was independent of the special circumstances of a particular society at a particular time and place.

A true view of human nature was supposed to yield up a true view of what the human institutions should be like within which human nature could reach its fulfilment. The question then was: How do we find out what human nature in its natural state is really like? All enlightened thinkers could agree that 'mankind are so much the same, in all times and places, that history informs us of nothing new in this particular' (the expression is Hume's), but the problem was that human nature wrote very different histories in the different human and geographical landscapes in which it happened to find itself. The differences between those histories was the clue to unravelling the mystery of the real nature of man. The idea was in essence very simple. Collect as many accurate accounts as possible of contemporary societies as unlike European societies as it is possible to be, and collect as many accounts as possible of societies in the past as different from the present as it is possible to be. Then, by comparison, cancel out what seems peculiar to men living

in any particular society, and what you are left with is human nature as it universally is. This was a vast intellectual enterprise carried on with great seriousness by enlightened thinkers. Eighteenth-century social science has often been accused of superficiality, but there was nothing superficial about its comparative cultural sociology or about its comparative history. Of course, travellers' tales from the Pacific islands and North America, or accounts of the harems of Persia and the burial customs of the ancient Egyptians, fed a certain superficial curiosity and a childish desire for novelty, but behind the taste for exotic detail lay a perfectly serious search for natural man. Perhaps he should be called Natural Man, because he was probably to be found nowhere but in the assumptions of the thinkers who went looking for him, and it was certain that he would not be found at the centre of one of the sophisticated European societies where most enlightened thinkers lived.

There does not even seem to have been any agreement about what the term 'natural man' actually meant. Sometimes, but only sometimes, natural meant primitive. Travellers brought back stories, some of them tall, about noble savages living lives of uncomplicated virtue without ever having heard the name of Christ or knowing anything like the institution which Europeans called the state. Perhaps European men might revert to the simple state of rustic virtue if their complex social, political and ecclesiastical institutions were to be dismantled. Rousseau thought something very close to that, though his was certainly never a majority view. None the less, primitive societies did have something to teach the more advanced. The thinkers of the eighteenth century did not make the automatic assumption of superiority over non-European societies which was later to become commonplace. On the contrary, societies at an earlier stage of development might well have important lessons for societies at later stages of development, by showing those more sophisticated societies where they might have taken the wrong turnings which made life in them less than satisfactory. And contemplation of the differences between 'rude' and 'polished' societies could provide insights into the political and social mechanisms which made progress from rudeness to civility possible in the first place. Comparative sociology made a theory of history possible.

Natural man more often meant man as he was meant to be. In one sense it was impossible to know what man was meant to be, because the way the world was organised had never allowed man to reach his full potential. Nevertheless, if it was possible to distil out the basic constitution of man from the multifarious manifestations of his nature in the world, then in principle it should be possible to infer from human nature what the social and political institutions of humanity ought to be like. Critics of Enlightenment have always had a field day with this aspect of its social science. Enlightened thinkers, the critics have always said, knew what they were looking for all along. Enlightenment had no feeling for the uniqueness of given examples of social experience; men do not exist for Enlightenment, only Man. For all its erudition, Enlightenment was not really interested in the facts of human experience (the exception is Montesquieu), but only in a supposed uniformity of human nature that lay behind them. Given an accurate account of the constitution of man, the construction of the political constitution was a straightforward matter of simple deduction. Enlightened political thinking loved nothing so much as a few simple axioms from which to build up architectonic social and political

systems of considerable formal elegance but which had very little purchase on the real world.

These axioms could be of various kinds, but in the main they were what we would now call psychological: all men had the same sensory equipment for dealing with the world, or all men possessed a kind of natural reason or common sense, or all men possessed certain elementary rights by nature, or all men sought pleasure and avoided pain, or simply that all men would react to the same physical and social environment in the same way. Whatever the fundamental axioms of human nature were, they served the same purpose of bringing some kind of intellectual order into those human phenomena which there had always been a tendency to attribute either to the obscure workings of divine providence, or to pure chance. It is easy to see that the inspiration for this enterprise was Newtonian and Cartesian, and the rationalism of seventeenth-century science in general. What Newton and Descartes did in their different ways was to judge all human knowledge claims in the court of mathematics. As with the Plato of old, mathematical truths were thought to 'g correspond to the nature of things. (In the Enlightenment there was only the Neapolitan recluse Vico to argue that mathematics was a radically created human invention, but almost nobody read him.) Mathematical truths were ideal truths, and any other branch of knowledge with pretensions to scientific rigour would do well to imitate mathematical procedures. Mathematical arguments were ideal arguments because they were either demonstrably true or demonstrably false; they also began somewhere and ended somewhere: mathematics was the one science in which it could truly be said that an argument was either true or false, and therefore over.

The mathematical method of deduction from axioms had a decisive effect on the social sciences of the Enlightenment. Newtonian physics reduced the apparently chaotic behaviour of matter in the universe to one simple principle, gravity, and a few simply and mathematically stated laws of motion. In the Enlightenment, everybody wanted to be the Newton of the social sciences. Find the axioms of human nature, deduce from them in the approved Newtonian manner, and a complete science of man became a possibility.

Enlightenment's enemies had no doubt about what such a view of the world would do to revealed religion. There had always been a strand in Christian theology which emphasised that God was a rational God, and Newtonian physics showed rational men what God's rationality actually meant. God was a transcendent watchmaker who had created a mechanical universe whose laws were God's Laws. That universe worked automatically; bodies were naturally in motion until their motion was regulated by the motion of other bodies. What this meant was that God had no real motive for interfering with his own creation. Why should God break the laws which He Himself had made? Why should He not be satisfied with what He had made? God must have meant rational men to find out how He had ordered His universe, and He can't have meant to deceive them. God breaking 'g the physical rules of His own universe is what Christians call a miracle. That the miraculous happens from time to time is proof, for those who believe in miracles, that God continues to reveal Himself bit by bit and from time to time. The God of miracles moves in a mysterious way, so that miracles have to be interpreted by those specially qualified to do so. Men do not have direct access to divine knowledge, which they can never know completely anyway, so a special institution, the Church, must exist

in order to explain continuing revelation to the faithful. The Church is therefore uniquely capable of telling men truths about God's creation. Hence, anybody who claims to be telling truths about God's creation which are at variance with what the Church has to say must at best be mistaken or at worst telling deliberate lies; hence the case for censorship. Newtonian physics and the social theories which modelled themselves on it were dynamite for the Roman Catholic Church as an institution claiming a share of the control over men's lives, and especially for the censorship of books, which the Church always supported. If God never broke His rules, or if, as Dr Johnson sensibly said, God *used* to do miracles, then there was no need at all for a special agency to interpret God's purpose for the world. This did not, of course, mean that there could be no churches, simply that those churches could advance no claims to a special knowledge denied to ordinary reasonable men. Natural religion was a deism stripped of all its supernatural trimmings. All there was to know about God could be found out by examining His creation. The God of the deists was not in fact very interesting, being little more than a formal first cause of the universe, a cause so rationally pure that Voltaire could say he did not believe in God but agreed with Him.

If God had established laws for the physical universe, it seemed reasonable to suppose that he established similar laws for the human universe too. There seemed no reason in principle why moral causes should not work in ways which were more than analogous to Newton's Laws of Motion. Newton's Laws were sometimes called the Constitution of the Universe, so surely there also existed a constitution which was its moral equivalent. The Lockian version of Natural Rights became something of a cliché as the fundamental structure of the moral universe because it fitted the Newtonian model so well. The natural passions of men made them actively seek human ends, like Newtonian bodies naturally on the move. These bodies have their own moral space protected by their natural rights which invite human beings to live closely together, but not too close. Rational men were perfectly capable of understanding that the enjoyment of their natural rights implied the duty of respecting the exercise of those same natural rights by others, and for as long as that was true—and why should it not be true for ever?—then harmony would reign on earth as it did in the heavens. Of course, the theory of natural rights was a programme rather than an accomplished fact. Certain beliefs and customs in the social world as it actually was got in the way of the understanding of natural rights. Human rationality was incomplete, and a good deal would have to be done before an understanding of natural rights was available to the meanest of human intelligences, but that did not matter a great deal because the temper of Enlightenment was reformist rather than revolutionary. Of course things took time, though there was every reason for optimism. Knowledge of other cultures really helped, because the natural rights to life, liberty and property were respected in those of them which had yet to be corrupted by despotism and superstition.

The theory of natural rights made political theory easy. One only had to ask which form of government best protects natural rights for political theorising properly to begin. There was not, in fact, a single answer to this question in the Enlightenment. Natural rights could, for example, be protected by an ancient constitution, as French *parlements* and English Whigs thought, or natural rights could be secured by a civilised monarchy acting through law on the Aristotelian pattern. There was considerable enthusiasm for

constitutional contrivance as a way of guaranteeing natural rights from undue interference from government. Following Montesquieu's eccentric view of the English constitution, and from a 'scientific' view of the operations of human nature, came a taste for the constitutional engineering of 'checks and balances' as a means of ensuring that executive power would be kept in its proper sphere by the natural operation of other powerful institutions against it in the appropriate Newtonian manner. What there does not seem to have been until very late is much enthusiasm for republican government with wide exercise of political rights (Rousseau is again the exception), and this might at first sight appear surprising in an age which was fascinated by everything the ancient Greeks and Romans did, a fascination which even extended to the publication of ancient Roman cookery books and (frequently disgusting) experiments with ancient recipes.

That there was much admiration for ancient republics in the abstract is well known. There was probably general agreement that something like the early constitution of the Roman republic had been the ideal form of government. Its balance between consuls, senate and people was universally admired, and so was the political virtue which was supposed to be the result of that balance. Rousseau extended this admiration to the virtues of the Spartan constitution as described in Plutarch's *Life of Lycurgus*. But the problem with the ancient republics was that they had been both agrarian and poor, whereas the states of modern Europe were becoming increasingly commercial and opulent, and the ancient republics had been tiny by the standards of the population (and population increase) of modern states. Ancient institutions, especially direct democracy, just would not fit modern conditions unless, like Rousseau, you were prepared to consider the possibility of dismantling modern states, or to agree with him that, almost without exception, modern states were not really improvable as they were, so that ancient precedents were not much help. Nor were the republics of recent political experience. Venice, Genoa and the united provinces were widely regarded as corrupt merchant oligarchies, a view which could also be applied, with some justice, to Hanoverian England.

It was the exhaustion of the alternatives to republican government in the light of bitter political experience which turned men's attention again to the ancient republics, and which led them to revolution at the end of the eighteenth century. American disillusionment with the supposedly constitutional government of Britain, and French disillusionment with the failure of enlightened reform in France, seemed to leave no alternative to the republic where the widespread enjoyment of political rights was the surest guarantee that natural rights would be respected by government. Enlightenment learned its eventual politics the hard way.

Enlightenment was nothing if not historical in its view of politics. Enlightened historical thinking was meant to highlight the theme of progress, and to do this it rooted the theme of progress in a genuinely universal history, and it felt obliged to make its history universal because the views of history which it attacked were themselves universal. The alternative theories of history which Enlightenment implicitly or explicitly championed came in two versions: pagan and Christian, where Christian really meant Augustinian. The pagan view of history, as it was taken out of thinkers like Aristotle and Polybius, was the circular view of history familiar to Machiavelli. What attracted

enlightened historians like Montesquieu and Hume to Polybius in particular was his 'philosophic' quality. Polybius appeared to be the most reflective of the ancient historians because he was principally interested in how forms of government came to change. As we have already seen in the chapter on Machiavelli, Polybius followed Aristotle in his distinction between 'pure' and 'corrupt' forms of government, but, unlike Aristotle, Polybius had in the history of Rome an example of a state which had gone through all of the possibilities, pure and corrupt. In this sense, Polybius was more 'historical' than Aristotle, because the single case of Rome enabled him to connect together all the possible forms of government in a single historical narrative. What did not suit the enlightened temper was the ancient idea that the possible forms of government were reduced to six, because that made political history a closed system in which political change was the playing of endless variations on the same themes. There could be progress in the Polybian scheme, from anarchy to princely government, for instance, or from tyranny to aristocracy, but it was inevitably followed (though the time could be put off) by regression, as princely government degenerated into tyranny and aristocratic government into oligarchy. For the Enlightenment belief in progress to be sustainable, there had to be something which enabled political societies to break out of the cycle of Polybius.

Ancient historical theory was more than a historical curiosity in the Enlightenment, but it could hardly be said to impinge on men's daily lives. The case of the remnants of Augustinian theory was different because, at least in an attenuated form, it continued as the basis of the Church's historical teaching. Augustine, you will remember, hardly took human history seriously at all; nor was the state all that important. For Augustine, all the really important events which affect human life have either happened in the past or will happen in the future: the Creation, the Fall of Man, the life of Christ in the past, and the Second Coming of Christ to judge the nations at some time in the future. Compared to events like these, what importance can be attached to the paltry events of human life where those events are unconnected to the saving of souls? Unlike the ancient theory of history, Augustine's theory is linear, but he still thinks that the course of history is predetermined and so his theory is, in its way, just as closed as the circular theory of Polybius. In the Augustinian view, nothing significant could change very much in the human time-scale. History for him was literally one damned thing after another. Good princes and bad princes came and went and political rule was essentially carnal, corrupt and perishable, with no positive value at all. Thomism had made certain inroads into Augustinian pessimism, but the burden of sin which Adam caused to be placed on the backs of the human race set very definite limits on the amelioration of human life through political means.

It was this view of human history which the Enlightenment set out to disentangle, and it did it by devising a view of human history from the beginning from which the hand of God was notably absent. That was very far from saying that religion had no part to play in human history, but it did mean that the history of Christianity was to be treated in exactly the same way as any other aspect of history. Sacred history had no specially privileged status; it could be treated as sceptically as profane history, its sources critically examined, and extant versions of it challenged. Looked at as part of history in general,

the history of organised religion in the West was not an encouraging tale. Eras of clerical domination showed themselves to be ages of darkness and superstition. Civilisation in the past had reached its height in the ancient Greek city-states and at Rome before it was corrupted by its emperors. A period of darkness followed on from the conquest of the Roman Empire in the West with the foundation of the barbarian kingdoms, which were eventually to become Christian. That part of the Roman Empire which survived at Byzantium fell an easier prey to the impudent fanaticism of monks than it did later to the armies of the Turk. The Renaissance's rediscovery and revitalisation of what was best in the ancient world was a step in the right direction, the beginning of that progress which was to be continued by the great discoveries of seventeenth-century science. Reason was on the move, and it was left to the eighteenth-century Enlightenment to spread the gospel of science into all areas of human enquiry and activity.

Enlightenment, then, represented a state of human civilisation at least as advanced as the ancient world at its best. What happened in between had at best been patchy and at worst disastrous. This may not be the most sophisticated of historical schemes, though it was probably the most sophisticated to date, but what it importantly did was genuinely to historicise the human condition. Human history was not just one damned thing after another. The way human beings lived their lives was subject to real historical conditions, and differences in those conditions really mattered. The word 'alienation' had not yet entered the vocabulary of social and political theory, but the idea was already available that alienation in the Christian sense was not, so to speak, a fixed quality or condition which would permanently disfigure the life of the human race. The Augustinian view of the Fall of Man was predicated on the permanent alienation of man from God literally till the end of time, and in the Augustinian scheme of things it simply could not make sense to describe one age as 'more' or 'less' alienated than another. Some ages might be more wicked than others, but that difference was as nothing when compared to the stark fact of original sin which gave every age its fundamental character. Enlightenment eroded that view. History was a series of ups and downs, no doubt, but the past really was over. Periodisation was definitive. There was no more chance of a return to the Middle Ages than there was of reconstituting ancient Sparta. Battles of the books, in which the virtues of ancient authors were judged superior or inferior to the moderns, continued to be fought, but, Rousseau apart, no one seemed to doubt that the Age of Enlightenment was about to surpass all other previous civilisations, and all other civilisations in its own contemporary world.

The question was: How? And how in particular were those conditions to be brought into being which would make possible a dismantling of a repressive social and political order? The old Augustinian view that human nature was fundamentally anti-social because of original sin had received a notable boost in the seventeenth century from the political theory of Hobbes. Hobbesianism was the old Augustinian theory dressed up in the very latest concepts of seventeenth-century rationalism. God did not get a look-in with Hobbes except as an afterthought; his was an Augustinianism expressed in the clear language of reason, the language of Enlightenment itself. Eighteenth-century enlightened thinkers had to dig very deep into the Augustinian and Hobbesian view of the human condition to come up with an answer to the assertion of the natural unsociability of man.

Why is it, enlightened thinkers began to ask, that human beings have this tendency to prey on one another which makes social and political repression so apparently necessary? They found the answer in economics. Original sinfulness was really a theological gloss on a scarcity economy. The first thing God did after the Fall was to proclaim the brute fact that man was always going to find it hard to get his sustenance out of a barely yielding nature. Work was a curse laid on mankind. Bread was going to be earned in the sweat of men's faces. There was always going to be barely enough to go round, and human covetousness was going to extend beyond neighbours' wives to neighbours' goods. Therefore, a repressive social order was required to make men labour, and a repressive state order was required to batten down the effects of human envy.

The antidote to this appeared to be straightforward. Technology, the application of reason as science to nature, could show that scarcity was not a brute fact at all but the product of particular human circumstances. Economic change lay at the bottom of political change. The merest glance at Diderot's *Encyclopedia*, the great intellectual compendium of the age, shows how much Enlightenment wanted to spread the latest technical accomplishments in agriculture and industry. The thrust was profoundly political. Control of industry and trade by the state, and of agriculture by the servants of the aristocracy, was a bar to those improvements without which the creation of vastly increased national wealth was made immeasurably more difficult. Britain took the lead largely by ignoring in practice the superstructure of laws which was meant to regulate economic life, though it was the attempt to put them rigorously into practice again which was to cause the trouble with her American colonies. There seemed to be a growing consensus among advanced thinkers that the way to wealth lay with the freeing of trade and the gradual emancipation of economic life from state encumbrances, so that when Adam Smith published the first volume of *The Wealth of Nations* in 1776 he was speaking with something like the voice of the whole Enlightenment. (Again, the dissenter was Rousseau, who argued that increased wealth, even if widely spread, was not the road to human happiness.)

The enquiry into the causes of what we would now call economic growth was part of a wider inquiry into the causes of the development of all human societies from 'rudeness' to 'civility', and economic development was a fundamental part of economic progress. Human societies painfully dragged themselves in their different ways through the necessary stages of development from hunting and gathering through the agricultural stage and then on to the more developed stages of arts and crafts and so on to the modern stage of modern commerce and opulence. At each stage of the process societies developed the appropriate social and political institutions. By the second half of the eighteenth century the progress of the human race could be taken so much for granted, though that progress was very uneven, that attention shifted to the causes of what prevented further progress. Hence the extremely critical temper of Enlightenment and its suspicion of existing institutions.

In political terms, the story of human progress was not all that straightforward. The standard Enlightenment terms for characterising governments were 'free' and 'unfree', but it was far from being the case that the terms 'rude' and 'polished' meshed easily with the terms 'free' and 'unfree'. The ancient Greek cities had been polished and free,

whereas the early Roman republic had been rude and free. The Roman Empire had been polished and unfree, and the barbarian successor kingdoms had been rude and free at least to begin with, and so on. In the modern world, civilised monarchy, that is monarchy ruling according to law, was unfree but polished, whereas constitutional monarchy of the British type was widely considered to be a successful hybrid balancing monarchical with republican institutions. The question, then, of what form of government was natural to man at what particular stage of his development offered no very easy answer. Probably the only way of telling would be to replant people from a polished society in a virgin physical and moral landscape and wait and see what happened. Of course, Englishmen and Frenchmen replanted in North America took their native institutions with them, but scientific curiosity interested itself in how those institutions would develop far away from their native soil, and in whether transplanted Europeans would develop a different character from their brothers left behind in the homeland.

Perhaps the American Revolution, despite the parochialism of its immediate causes, was proof that such a transformation had taken place. By the 1780s the quest for the 'American character' was already far advanced. In his *Letters from an American Farmer* (1782) Crèvecoeur thought he had an answer to the question 'What is an American?' Crèvecoeur in fact cast his net fairly wide, identifying not one but several American characters depending, Montesquieu-like, on the climate and soil of the region in which they lived; but there was no mistaking the general themes of liberty and opportunity which ran like a thread through the whole of American life (though slavery was a blight on the South). Europeans in America seemed to slough off the habits of cringing deference and the sense of their own limitations which characterised the Old World, and there was no reason to suppose that the process would not continue into the future.

The question of whether an American character existed was a deeply political question. Montesquieu had made it a commonplace that 'laws', by which he meant a constitution, or what we would call a political system, were characterised by a particular animating 'spirit' and that spirit comes very close to meaning what was later to be called 'national character'. Without a 'spirit of the laws' a constitution was at best an empty shell; without a distinctive national character a country could not properly be said to have its own constitution at all. From the enlightened point of view, it was literally impossible for a people to give itself laws unless that people had a settled character out of which those laws could come and which would give those laws their energising principles afterwards. In 1789, the Americans gave themselves a new constitution, and that constitution was republican. Human nature, partially corrupted at least by the manners and morals of Old Europe, had begun to write a new story in the very different circumstances of America, and in political terms that story was to be a republican story. Perhaps, after all, men were republicans by nature.

ENLIGHTENMENT'S CRITICS

Enlightenment's critics seem to be unanimous that the Enlightenment was deeply subversive. Burke was already saying that in the early 1790s, and it became the

commonplace nineteenth-century view. Enlightenment came to be a byword for shallow and pretentious over-intellectualism, naively deductive, geometrical in spirit, indifferent to anything about men except their natural rights. It was this superficiality which led enlightened thinkers to attack, or at least ridicule, all existing forms of authority in the name of the individualism which the idea of Natural Rights implied, without having anything very definite to put in the place of the institutions of authority it so roundly condemned. Yet we have seen that the temper of Enlightenment was reformist rather than revolutionary, and even Rousseau, in a sense the most radical of enlightened thinkers, was really rather timid when it came to matters of practical reform. Revolution came to Enlightenment by surprise, and, while there can be no doubt that the slogans of revolution were slogans derived from Enlightenment, it still seems surprising that Enlightenment's nineteenth-century critics should have been so insistent that revolution was Enlightenment's fault.

Various accounts of the connection between Enlightenment and revolution are on offer. The least convincing of all is the idea that there is some kind of direct connection between Enlightenment and revolution. What strikes one most about the case of the American Revolution is the extreme reluctance of the Americans to begin the revolution at all. On their own view of it, the Americans were forced into declaring independence by the intransigence of the British government in the face of demands which the Americans thought could be met within the existing constitutional structure of the British Empire. Again, what strikes one about the French Revolution is the surprise with which it caught almost everyone. These were not revolutions like subsequent revolutions in the nineteenth and twentieth centuries, many of which were long in the theoretical making and which were made by self-consciously revolutionary groups who had long prepared for the revolutionary moment. Rousseau may have made revolutionary noises, but we look in vain for a revolutionary programme in his writings, let alone revolutionary tactics.

What was it, then, which made Enlightenment the source of subversion? Partly, the answer lies in Enlightenment's ubiquity, and in its audience. Enlightenment was not populist. Its audience was the literate bourgeoisie and aristocracy, neither of which could be called naturally revolutionary classes. None the less, a century's worth of Enlightened propaganda must have had some effect on them. Rousseauist ideas about the natural goodness of the people, the idea of natural rights, the idea that most established religion was superstition and that no authority was altogether to be trusted, may have made the enlightened public at least the accomplices of subversion. There was certainly nothing in Enlightened social and political thought to prepare its eventual victims for the form the French Revolution would actually take. Whatever the Revolution was, it was hardly a feast of Lockian natural reason. Perhaps the basic mistake of Enlightenment (with important exceptions like Hume) was a psychological mistake in believing that reason could control the passions, and that out of this would come a rational system of ethics capable of sustaining the loyalty of all rational men. The idea of reason controlling the passions is at least as old as Plato, but Plato had confined it to an over-trained elite who would not be let loose to rule the world until at an advanced age when most passion was spent anyway. Enlightenment had much more sanguine hopes of reason. Only a fool could fail to reason syllogistically, and only a complete fool could fail to see the truths of

ordinary common sense. What Enlightenment concentrated on were the unnatural, institutionally imposed barriers which prevented natural reason from getting out. When those barriers were eventually down, as they were in the Revolution, the result was not exactly what enlightened thinkers had foreseen. The peasant uprisings, the lynchings and the Terror were not the rational idyll which Enlightenment at its most simple-minded seemed to have promised would be the result of the liberation of the human race. Instead, man seemed to show himself to be a very ignoble savage indeed. It had been the much-ridiculed institutions of society which had kept the baser human passions in check all along. Let most men loose and they would gambol over the ruins of the civilisation they were in the process of destroying. Much of the work of undoing Enlightenment in the future would consist of an attack on the rationalist assumptions of enlightened psychology.

Enlightenment's critics were correct when they homed in on its belief in this universality of human nature. This line of criticism was already alive and well by the middle of the eighteenth century, but it took its full force from the events which followed on from 1789, in particular the revolutionary wars. Enlightened political theory (Vico and Montesquieu always excepted) dealt in very broad categories, and the broadest of all was 'human nature'. If it was true that the French Revolution was made in the name of the rights of man, then it was impossible that the Revolution could be contained within national boundaries. The rights of man existed everywhere, and it was the revolutionaries' duty to make sure that they were respected everywhere. A new kind of war was invented, the war of liberation, in which the object was not conquest of territory but the export of liberty. A universal human nature had a universal message through the French Revolution. All human beings everywhere deserved to live under the same rationally thought-out institutions which just happened to have come into being in France first. States and societies in the rest of Europe needed to be remodelled, and it was the attempt to do that which made the powers of Old Europe see Napoleon as some kind of Jacobin-at-large. The ubiquity of Enlightenment, and the revolutionary wars, taught a whole generation of European statesmen, the most characteristic of whom was the Austrian chancellor, Metternich, that from then on the political dangers facing European governments were all going to be the same. The French Revolution showed that political problems in the future were going to be pan-European problems, a view which was triumphantly vindicated in the European revolutions of 1848.

From Burke onwards, the French Revolution's enemies never had any doubt that the Revolution had been caused by, or made in the name of, a new view of the world. It was the first modern revolution because it was made in the name of an ideology, and there was no doubt that that ideology's roots lay in Enlightenment. What became increasingly obvious was that Old Europe had nothing like an equivalent ideology with which to play the revolutionaries at their own game. The *ancien régime* had never bothered to cover itself with much theory, beyond saying that the world was organised in the way God wanted it to be, a view bolstered by selective scriptural quotation. Enlightenment's alleged godlessness soon put a stop to that, though in most states atheists were thought of by the authorities as potential subversives until well on into the nineteenth century. Those who did not recognise the authority of divine law were unlikely to have much respect for

the man-made laws of states. (This was, in fact, a very ancient idea: he who has no respect for the gods is unlikely to be reliable in his relations with his fellow men and with the *polis*.) Post-revolutionary conservative political theory was largely concerned with the construction of a counter-revolutionary ideology which was as complete in its own way as the ideology which was supposed to have been the Revolution's inspiration.

Counter-revolutionary thinkers insisted that Enlightenment must have been democratic because the revolutions which followed on from Enlightenment clothed themselves with democratic legitimacy. That this was a consequence of political events rather than political theory could not matter to the Enlightenment's critics, who perhaps understood where Enlightenment was heading better than enlightened thinkers knew themselves. Enlightenment's critique of authority of all kinds, biblical, ecclesiastical, social and political, in the name of the implicit individualism of the rights of man, was bound to have its effect when revolutionary action had destroyed duly constituted authority. Then Rousseau came into his own. If political authority was not to be royal or aristocratic, then it could only be popular because there was nothing else it could be. In the American case, democracy was tempered by complicated constitutional arrangements so that the people's hands were kept as far from the levers of political power as was decently possible in a popular republic. American democracy was to be pluralist from the beginning, because the Founding Fathers of the Constitution of the United States were as afraid of the 'tyranny of the majority', where that majority was poor, as they had been of the tyranny of George III. The American Constitution was designed to produce a political system in which any number of 'factions' (we would call them 'interest groups') would compete with each other so that no single group would be able to dominate the political system the whole time. This was, in its turn, designed to produce 'moderate' governing decisions, because those decisions would be the result of bargaining between various interest groups and between various governing institutions. Revolutionary democracy in France was very different. There, the Revolution was made *against* the special interest groups, the aristocracies of the sword, the robe and the Church. Rousseau-like, French republicanism was to be profoundly suspicious of special interest groups, especially when loyalty to those groups could get in the way of the moral unanimity of the Republic One and Indivisible. The Republic was there to be the expression of the popular will; unlike those of America, the Republic's institutions were not there to blunt or refine the popular will, but to make possible that liberty in action which was the mark of a truly popular republic.

It was this version of the tyranny of the majority which Enlightenment's and the Revolution's critics feared most. To let in the people was to let in the mob. The mob had been a semi-official part of English politics in the eighteenth century (Henry Fielding had called it the Fourth Estate), and Montesquieu had even said that popular unrest was one of the things which helped to preserve English liberty. The mob had also been raised in America, particularly in Boston and New York, during the period of the run-up to the Declaration of Independence. These were semi-permitted mobs, raised by leaders inside formal politics to defend a cause: Wilkes and the rights of the freeholders of Middlesex, Sam Adams and the Constitution of Massachusetts. There were signs during the American Revolution that the mob was beginning to find leaders and a programme of its own, and this is certainly what the critics of the French Revolution thought happened in

France from 1789 onwards. The semi-tolerated mob was turning itself into what became known as the 'revolutionary crowd' with Rousseau for their sleeping king. The French Revolution had shown what could happen if riots got out of hand, and that was the fear that all nineteenth-century conservatives and liberals would have to live with.

The distance between the spirit of Enlightenment and the mob spirit, irrational, fickle, brutal and destructive, hardly needs to be emphasised, but Enlightenment critics hammered home the point that the spirit of the mob was bound to infect the politics of any country in which authority had come under such intellectual attack that it would begin to lose its nerve, and it was the easiest thing in the world to conflate mob politics with democratic politics. In the nineteenth century, the cause of democracy was to be forced to make its way inch by inch against the slur that democracy's cause was also the cause of the mob.

NOTES ON SOURCES

There is a huge body of commentary on the Enlightenment to supplement the Enlightenment's own vast output. In view of Enlightenment's self-declared propagandist aims, this was only to be expected. It is all too easy to get a distorted idea of what Enlightenment is by reading one of any number of volumes of 'selections' from the great enlightened stars, because these selections tend to concentrate on the politics and philosophy of Enlightenment at the expense of Enlightenment's concern with 'progress' across the whole spectrum of human life. Much better, then, to start by flicking through the *Encyclopedia* in order to find out just how far-reaching Enlightenment actually was. Isaiah Berlin, *The Age of Enlightenment* (1956), Peter Gay, *The Enlightenment* (2 vols, 1967–70), N.Hampson, *The Enlightenment* (1976), and Roy Porter *The Enlightenment* (1990), are good introductions.

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ENLIGHTENMENT AND GOVERNMENT
THROUGH LAW

Montesquieu

MONTESQUIEU

Charles Louis de Secondat, baron de la Brède et de Montesquieu, whom all the world knows simply as Montesquieu, was a delightful man whom everyone he met seems to have liked. He was born into the ancient *noblesse de la robe* (legal aristocracy) at la Brède near Bordeaux in 1689. Following the almost universal aristocratic custom of the time, he was put out to nurse with a countrywoman, but he never bothered to correct the distinctive local accent of the Bordelais which he acquired as a child. Nor is there any reason to doubt the story that, at Montesquieu's birth, a beggar, who happened to be calling at the chateau of la Brède at the time, was made one of Montesquieu's godparents to emphasise that both rich and poor were equally God's creatures. This is not to say that Montesquieu was indifferent to his seigneurial privileges or to the legal office he held (and sold) as *président à mortier* in the *parlement* of Bordeaux. Rather it is to suggest that he lacked hauteur and had that sense of *noblesse oblige* which is less common among aristocrats than defenders of aristocracy like to think. Certain it is that Montesquieu enjoyed being called 'the president' long after he had quit his office.

Montesquieu's father intended him for the magistracy and encouraged the boy's natural taste for study. The real delight of Montesquieu's life was reading, particularly the classics. Hence his advice to himself in his commonplace book: read much and note little (still good advice for scholars). Montesquieu became a member of the *parlement* of Bordeaux (an important provincial lawcourt, not a 'parliament' in the English sense) in 1714, and a *président à mortier* two years later. Montesquieu also became a member of the recently formed Academy of Bordeaux with the intention of turning it into a truly scientific society in the generous enlightened sense of the word 'science'.

In his middle thirties, Montesquieu settled down at la Brède as a full-time man of letters. The mildly scandalous *Persian Letters* (1721) had already made him famous and opened up for him the aristocratic salons of *ancien régime* Paris. He gave himself a generous allowance of time for what modern

politicians would call 'fact-finding' tours, including the two years (until 1731) he spent in England forming his famous ideas about how the British constitution did not work. His *Considerations on the Causes of the Greatness of the Romans and Their Decline* appeared in 1734, and his masterpiece, *The Spirit of the Laws*, in 1748. He was a member of both the Académie française and the Royal Society.

Montesquieu died in 1755, probably from the influenza, which was still a killer in the eighteenth century. He is said to have 'returned' to the Catholic faith on his deathbed, but the matter is problematical. Some say that the deathbed religious orthodoxy was only a story spread about by the Jesuits; others doubt whether he could have 'returned' to the faith when it is not clear in what sense he ever 'left' it.

Nothing illustrates the internationalism of Enlightenment better than the fact that Montesquieu was a member of the Academies of Bordeaux, Cortona (in Tuscany) and Berlin, and of the Académie française in Paris and the Royal Society in London. The breadth of Montesquieu's interests shows Enlightenment at its best. The time was still far distant when the sciences were to be divided up into jealously guarded fiefdoms, and Montesquieu's curiosity ranged over what we would now call natural science, biology, botany, history ancient and modern, moral philosophy, psychology, comparative religion, demography, climatology, law, sociology and political science. His erudition was one of the wonders of the age. There was nothing that had ever happened in the world that he did not know something about, and he seemed to have read everything, much of it more than once and often in the original language and in translation as well. Even the more than two thousand references in *The Spirit of the Laws* (1748) do not do justice to Montesquieu's learning; as Montesquieu himself said, the secret of intellectual work is to read much and to note little.

Montesquieu himself is an engaging figure. The family came from the provincial legal nobility of Guyenne. Montesquieu was held at the font by a local beggar to remind him throughout his life that the poor are our brothers. He was put out to nurse at the local mill at la Brède, so he spent his first three years living with peasants and acquiring a strong provincial accent which he was never to lose even in the aristocratic and literary salons of Paris. He began his working life as a lawyer as *président à mortier* (so called because of a particular mortar-board hat worn by the incumbents of that office) in the provincial *parlement* of Bordeaux. The office was hereditary in Montesquieu's family, and it was saleable (Montesquieu was eventually to sell it), a typical example of the feudal privileges of the nobility which Montesquieu was later to defend as necessary if monarchy was not to degenerate into tyranny. Montesquieu was never to be all that serious a lawyer, and it is probable that early on in his adult life he intended to give up the law and live on his rents as an independent man of letters. Montesquieu, who was known as 'the president' long after he had vacated his office, travelled widely, including visits to Italy where he showed a great interest in the quality of the air at Rome, a

prefiguring of his later concern in *The Spirit of the Laws* with the influence of climate, and to England where his connections with the opposition to the oligarchy of the Walpole Whigs stimulated his famous interest in the distribution of powers in constitutional government as a means to the preservation of liberty.

Montesquieu was fond of saying that *The Spirit of the Laws* was the fruit of a lifetime's labour. Up to the time of the publication of *The Spirit of the Laws* (prudently published abroad) Montesquieu was chiefly known as the writer of a witty and mildly salacious satire, the best-selling *Persian Letters* (1721), of a history of Rome, *Considerations on the Causes of the Greatness of the Romans and Their Decline* (1734), which, while bristling with original reflections (Gibbon admired it), was lightweight by the standards of the latest historical methods of its day. *The Spirit of the Laws* changed Montesquieu's reputation overnight. He was no longer regarded simply as a more than usually learned frequenter of fashionable and mildly subversive intellectual and social circles, but as the wisest and most learned man of his day. The reception of *The Spirit of the Laws* was not universally enthusiastic, and it was later to be put on the Roman Catholic Church's index of forbidden books because of some of the things it had to say about religion. None the less, it came to be seen as one of the foundation books of Enlightenment, as powerful an influence in its way as Locke's *Essay Concerning Human Understanding* and the *Two Treatises of Civil Government* were in theirs.

How is this to be explained about a work which commentators from 1748 to the present day seem to agree has no very obvious structure? And especially about a work about laws whose definition of the central concept of law is notoriously hard to pin down? Many reasons have been advanced for thinking of *The Spirit of the Laws* as the book for which the whole of enlightened Europe had been waiting. Some commend it for being a compendium of knowledge of other societies, both societies in the past and other societies in the book's own contemporary world. Others have regarded it as another work of Montesquieu the satirist, seeing in *The Spirit of the Laws* a covert attack on all forms of government except the republican, and this despite the obvious fact that, with a single possible exception, Montesquieu does not regard republicanism as a possible political option in the modern world. Others, concentrating on Montesquieu's treatment of religion, have seen in *The Spirit of the Laws* a barely coded materialist account of human institutions and behaviour, an account which, far from regarding the world as God's creation, regards religion as caused by psychological needs which ultimately derive from human physiology. Yet others regard the book as demonstrating that liberty and virtue are natural to men if they are properly governed, without realising that this statement is close to being self-contradictory.

It is perhaps not surprising that so many different reasons have been advanced for the greatness of *The Spirit of the Laws*, granted the enormous size of the book and the enormous variety of its subject matter. There is a real sense in which there is a Montesquieu for everyone (including the young Mao Tse-tung), and it is not necessarily the case that what impressed contemporaries is what should impress us now; nor is it necessarily the case that the book has always been used to support causes of which Montesquieu would have approved. *The Spirit of the Laws* has become famous for two of its doctrines—the separation of powers and the influence of climate on manners, morals,

and forms of government—but the work contains a good deal more than that.

Perhaps the easiest thing to decide about *The Spirit of the Laws* is what would have tended to impress contemporaries. Enlightenment was an attempt to understand the world, and to understand the world in a particular way. Knowledge had to be scientific knowledge in the sense of bringing a wide range of naturally occurring phenomena within the understanding of a few fixed scientific laws, and the wider the range of phenomena and the fewer the laws, the better that understanding was. The bedrock of all respectable scientific explanation was physics, either Cartesian or Newtonian. Physics yielded up the true natural laws of the physical universe in the purely mechanical terms of cause and effect. For some enlightened thinkers, the materialistic explanations of science could be extended to the human world in a way which excluded God altogether. Human behaviour, it could be argued, was just as much determined by its causes as the behaviour of the physical world. Therefore, there was no free will because there was no choosing to act in a particular way because how one acted was just as predictable as the way physical bodies behaved. Without free will, there could be no morality and no justice as they had traditionally been conceived in the Christian tradition. It was not clear, in the materialist view of the world, how men could sin. A predetermined human action, say theft or murder, could no more be called the perpetrator's 'fault' than a tidal wave could be called sinful if it destroyed life and property. The idea that God commanded men to do some things and avoid others, and gave men the free will to choose between them, was not so much wrong as unnecessary: everything about human life, including religion, could be explained in the no doubt highly complex terms of moral (that is to say non-physical) cause and effect.

This was an extreme position, and more properly characterises the later Enlightenment than the early. Montesquieu comes somewhere in the middle. In *The Spirit of the Laws* Montesquieu still tries to keep God in the frame, while insisting that the human world can be explained in the terms of physical and moral cause and effect. There was really no contradiction in this. It was perfectly rational to argue that just as God had created a physical universe which worked according to rationally intelligible laws, so he must have created a human universe which was similarly intelligible. This led to initial puzzlement among Montesquieu's immediate audience. Montesquieu's celebrated definition of laws in general at the beginning of *The Spirit of the Laws* as 'the necessary relations deriving from the nature of things' is worth quoting:

in this sense, all beings have their laws: the divinity has its laws, the material world has its laws, the intelligences superior to man have their laws, the beasts have their laws, man has his laws.

Contemporaries were confused by the generality of Montesquieu's definition, including as it did physical laws, the laws governing the behaviour of the animal kingdom, the moral law which defined justice and injustice, and the human positive law; but this sense of confusion was really unnecessary. Of course, it was not the case that physical laws and moral laws were laws in exactly the same sense, and human positive law was like neither, because human positive laws can change (and indeed *The Spirit of the Laws* is centrally concerned with changes in human laws). Critics might agree that laws were the relations

deriving from the nature of things in the physical and animal worlds, but the mutability of human affairs and the wide variety of human experience seemed to be powerful evidence that what was true of the rest of nature could not possibly be true of the world of human social and political experience. The fact that human law could and did change was proof that human affairs were not subject to the same unchanging laws as the rest of nature. Perhaps Montesquieu's critics were misled by Montesquieu's legal background, when he was engaged in applying an existing legal system, and forgot the importance which Montesquieu attached to the legislator.

Legislators are human, and they can make mistakes. The fundamental determining factor which decides what a society is like, at least in the beginning, is climate. Montesquieu later adds the nature of the soil and of landscape, and later still he adds moral causes: religion, laws, government, tradition, manners and morals. It is the interaction of these causes acting on human behaviour which forms the famous *esprit général*, the (moral, social and political) culture of a given society. Montesquieu probably wants us to think of these causes as working in something like chronological order. At the beginnings of a society, its cultural configuration is largely determined by physical causes, but as a society develops the moral causes acquire an increasing purchase on a society's *esprit général*. The *esprit général* of a society, whether it is simple or sophisticated, is the legislator's raw material, so to speak. He legislates against it at his peril, and at the peril of the whole of that society. At best, laws enacted against the *esprit général* will simply fail to work; at worst, if vigorously enforced, they could destroy the society which the laws are meant to preserve. Laws, by which Montesquieu here means constitutional law and the laws governing manners and morals as well as the legal system as ordinarily understood, should almost always be made within the bounds of the culture which originally came out of the physical causes of nature. That is what Montesquieu means when he says that human laws are the 'necessary relations deriving from the nature of things'. There is a proper relationship between the man-made laws of a society and the nature of that society itself.

Of course, it is possible for an erring human legislator *in fact* to legislate against the *esprit général* of his own society, and it is even sometimes necessary. Montesquieu notoriously connects hot climates with large populations and idleness, and this raises the problem, for instance in India and most of China, of producing enough food to keep the population alive. A wise legislator there will therefore actually legislate *against* climate and social customs, though it is a battle which he can never finally win. The *esprit général* of ancient civilisations like India and China is in fact highly complex, and in legislating against only two particular aspects of it, the wise legislator would not be devising laws which went against the grain of the whole of a society's life. Sometimes a legislator might be tempted to legislate against the grain of a society's life, and Montesquieu believes that in cases like that time will tell. The legislation will fail, and the system of government which produced the legislation might well fall with it. It should be obvious by now that Montesquieu is far from fatalistic as far as human laws are concerned. The very complexity of the *esprit général* gives the wise legislator plenty of room for manoeuvre within it, and there is plenty of opportunity for reform within it.

In his view of how the wise legislator will act Montesquieu is in fact dealing with two

distinct problems. The first is the question of how legislators *ought* to act, and the second is an enquiry into what nature really intends for man. It became a central philosophical problem after Hume's *Treatise of Human Nature* to decide where human 'oughts' in general came from. Hume argued that no given set of facts could, of themselves, produce a moral imperative through reason. There is nothing in the fact that I see a group of starving people which tells me I 'ought' to feed them. I may feel I ought to feed them, but that feeling does not come from seeing the starving but from a moral sense previously acquired from all the formative moral influences which derive from living in a particular society, part of which is a particular form of moral education. Montesquieu's account of the legislator seems to go against Hume's argument. What is there about the legislator's view of his own society which tells him what he 'ought' to do? Why does a legislator not just look at his own society, see that it is in a bit of a mess, and say to himself that there is nothing about the observed set of facts about his own society which could possibly tell him what he ought to do? Montesquieu does in fact think that that is what some governments do, especially in the East where things are notoriously slow to change. But in societies which do change, and Montesquieu typically means Western societies, ancient and modern, legislation is necessary to cope with problems unless those societies are to begin to fall apart. What he urges on the wise legislator is the acquisition of a prudent knowledge of the *esprit général* of his own society, otherwise his legislation will prove to be shots in the dark, and if the legislator insists on laws which contradict the *esprit général*, then he is at best banging his head against a brick wall and at worst endangering his own position as ruler, and only a fool would want either of those.

Montesquieu's doctrine of nature will not allow him entirely to be a moral relativist. Despite the huge amount of detail about differences in manners and morals between different societies which *The Spirit of the Laws* contains, Montesquieu continued to believe in the existence of pre-social laws of nature as they applied to human existence. He was no Hobbesian as Hobbes was understood in his day to be the thinker who denied that right and wrong existed until the human legislator defined them. (This is not in fact Hobbes's own position, but that does not matter here.) What confused Montesquieu's original readership was that Montesquieu appeared to derive his laws of nature from the world itself, and not from reason or from the commands of God. The things which Montesquieu regarded as natural laws were derived from how human beings actually lived. These laws were: peace; feeding oneself; sexual attraction; life in society; reproduction at a certain age; the attainment of mental maturity at a certain age; freedom and independence by birth; reasonableness; equality; fear of death; self-preservation. What worried critics still loyal to older natural law notions was that, on the face of it, these laws of nature contained no prescriptions, no commands from a moral superior for their obedience. Many of them men shared with the animals, and it had always been part of the doctrine of natural law that there was one part of the law of nature which applied to animals, and which could not be broken, and another part of the law of nature which applied to men with free will and so could be broken. Montesquieu seemed to be saying that all that was needed to establish a code of natural law was to examine the regularities which occurred in the patterns of human living. No reference was needed to a divine, let alone to a human, legislator. Quite the reverse: human legislators ignored these laws of

nature at their own and others' peril.

Montesquieu never gave up the idea that nature, properly understood, prompts men to virtue, where by virtue one means benevolence and altruism, and he thought that the experience of living in a human society proved this. This seems to be a view he held as early as the publication of the *Persian Letters*, which contain the neat little anti-Hobbesian parable of the Troglodytes. The Troglodytes were a small society living somewhere in Arabia who one day decided to return to the State of Nature by throwing out their king. The State of Nature they lived in was Hobbesian. Each person pursued his own self-interest as far as his own strength and talents allowed him, and no one had a care for the interests of others. Returning to nature conceived on Hobbesian principles quickly leads to the disintegration of Troglodyte society. The strong naturally bully the weak, stealing their wives and their land. Other misfortunes follow as the country suffers two outbreaks of the plague. In the first plague, a doctor from outside cured them, but after they were cured the Troglodytes could see no rationally self-interested reason for paying him, so that when the plague returned they were refused all outside help and Troglodyte society nearly became extinct. Only two families survived, and they decided that in the future they would live not selfishly but virtuously. They were frugal, they paid the gods their due, and they regarded their neighbours' interests as at least as important as their own. Troglodyte society grew and prospered, and so powerful was their example of virtuous living that their war-like neighbours no longer attacked them. As the society expanded, the Troglodytes decided that it would be sensible to elect a king to regularise the practice of virtue into a system of law. The legislator they chose was an old man, famous for his virtue, who accepted the office unwillingly, and who wept at the thought that the virtue of the Troglodytes was no longer enough to regulate their common life so that now they needed the discipline of laws.

The anti-Hobbesian implications of the fable are obvious. Human social living is impossible if nature intended men to be simply selfishly motivated acquisitive machines. Nature plainly intends men to live together, and if this is to be possible at all men have to act virtuously, either because they are virtuous, or because the law makes them act as if they were. Therefore, the practice of virtue is natural. This is very far from saying that all men in a society are in fact equally virtuous, or that there is an equal tendency towards virtue in all societies, but what it does mean is that there has to be some virtue in a society for that society to function at all. Montesquieu does put his finger on a possible weakness in Hobbes's own argument. If men are as fundamentally anti-social in the state of nature as Hobbes says, then it is stretching the imagination too far to ask us to account for the fact that human beings do live in society for most of the time. Hobbes's logically impeccable, but in fact logically contrived, arguments about an original social contract just are not enough to explain how the aggressively selfish creature man could be able to come to live peacefully with his fellows. Of course, Montesquieu *has* to argue that men are naturally capable enough of virtue to be able to live together peaceably because, if men were naturally anti-social, then the legislator would find himself in the position of having to legislate against nature the whole time and not just occasionally.

THE THEORY OF CLIMATE

Montesquieu says that climate is the first of all empires as it effects a nation's *esprit général*. He means us to take the idea of climate broadly as a physical cause of other physical causes, or as a physical cause which interacts with other physical causes. Climate interacts with landscape—mountains give shelter from winds—and with the nature of the soil—some good soil is well watered and some is not. Montesquieu also believes that climate affects human fertility, though he is not very precise about what the connection is. It would not be doing an injustice to Montesquieu's doctrine of climate to call it a theory of nature as it affects human living, though the basic idea in the doctrine is the way temperature affects the human body and its passions.

In this, Montesquieu is impeccably materialist. He thought that the whole of living nature could be explained as the actions of fluids working through pipes. This applied to plants and animals, and it also applied to human beings, which he saw as bundles of pipes and strainers (the phrase is Addison's). These 'fibres' of the body are highly sensitive to heat and cold. Cold makes the fibres of the body contract, so that in northern climates the constant exposure of the body to natural cold and artificial heat causes the body fibres to keep contracting and expanding, and this constant exercise means that the body fibres become more flexible. This in its turn means that the blood circulates more freely, strengthens the heart, and strengthens the body in general. Northerners, therefore, feel the strength of their own bodies, and this makes them courageous, confident of themselves, and therefore open and frank in their manners and morals. By contrast, the constant heat of southern and eastern climates leads to a certain rigidity in the body fibres because they do not receive the exercise which they get in the North. The blood flows less easily, and blood being a mixture of corpuscles and water, there is always the danger of the blood coagulating through sweating. This makes the southern and eastern people sluggish and disinclined to work hard, and this is compounded by the effects of climate on the soil. Sustenance is often easy to procure in hot climates with good soil, and it is only the effect of hot climates pushing up human fertility which prevents idleness in hot countries.

The case of the nervous system is different. Nerves exist in clusters near the skin, and so are also subject to the effects of heat and cold. In cold climates, the skin contracts, so that the nerves are to an extent protected from outside stimuli. In hot countries, where the skin is naturally more relaxed, the nerves are more exposed to external stimuli, so that those who live in the South and the East respond more readily to sensations from the outside. This gives them more imagination, taste, sensitivity and vivacity. The pleasures that men seek in cold climates are of the hearty kind, involving much hunting and drinking, whereas the taste for pleasure in hot climates is more sophisticated and more decadent. Northerners have therefore fewer vices by nature, and southerners fewer virtues. In Turkey, the ultimate in human felicity is the sultan's harem. Pain is felt less in cold countries: you have to flay a Muscovite alive to make him feel anything at all. Heat leads above all to indolence and a taste for the more exotic and wicked pleasures. Allied to that is a tendency in intellectual life towards abstruse speculation rather than

attendance to the useful arts. Solitary contemplation is natural in hot climates, where the life of action is less attractive. Hence the tendency in the East to the anti-social practice of monasticism.

Climate, being the first of all empires, and leading to undesirable effects at its extremes of hot and cold, must be legislated against, and Montesquieu means legislation in its broadest sense, which includes the laws of religion and manners and morals as well as positive legislation by rulers. The *esprit général* of a nation is a matter of the balancing of physical and moral causes, and moral causes are, within limits, subject to human manipulation, though the possible speed of that manipulation varies from society to society. The natural indolence of the East makes its peoples slow to change their ways, or even to bestir themselves enough to get more than a bare subsistence from the soil. For such peoples, the force of religion, manners and morals and legislation combined are needed just for a society to remain at the stage of development which it has reached. In China, and to a lesser extent in Islamic countries, there is very little perceived difference between moral, social, religious and political laws: in China and Japan, disrespect for social superiors is punishable by death. With all laws tending in the same direction, it is very difficult to change anything, especially by legislation. Manners and morals can only be changed by the example of superiors and not by despotic edicts. All the despot can really do is to reinforce existing custom and practice.

Climate is one of the key factors in foreign relations. The worst position for a society to be in is one where there is no temperate zone between it and its neighbours. This is especially true in the East, where changes of climate between north and south are abrupt, so that civilised and indolent peoples living in hot climates are geographically very close to the active and warrior peoples of the North. This accounts for the number of times China has been successfully invaded. Europe, by contrast, enjoys a series of gradations in climate from south to north; hard and soft peoples do not live cheek by jowl, and that makes Europe harder to conquer: Rome fell in the West because all her northern enemies attacked her at the same time, which was also a time when Rome herself had been weakened by internal causes. By contrast, the effect on China of her conquerors has not been as great as one might be led to suppose. The very immobility of Chinese society has led to the gradual assimilation of native Chinese manners, morals and maxims of government by the conquerors themselves. Climate for Montesquieu is not invariable, especially the micro-climates of cities. One of the reasons Montesquieu gives for the difference between the Romans of his own day and those of the days of Rome's greatness is that the city's air must have been changed by centuries of human habitation, an early example of the politics of pollution.

Climate, of course, affects forms of government, especially in the early stages. Physical causes have their empire early; it is only with the advancement of societies that moral causes come into their own, but when they do they still interact with physical causes. In England, the climate still produces a disrelish for life (the English disease is suicide), and the consequent ill-temper caused by the east wind makes the English ever ready to find fault with their government. England is therefore fortunate to be governed by laws and not by men, otherwise a government by one man unlimited by laws would cause such mayhem that the government could not last. Even as it is, English politics is

constantly agitated by riot and sedition.

Climate being the most obviously 'natural' cause as it affects the life of man, and granted its continuing dominance over the lives of animals, the question arises of how any other law can possibly go against nature. How can physical nature possibly be legislated against? How can the empire of physical causes be reduced, because in the end Montesquieu thinks it is 'opinion' conceived in the widest possible sense that determines what the nature of a society and a polity are going to be? Perhaps that is a false problem, because in a sense all causes are physical for Montesquieu. By and large, he accepted the Lockian epistemology's insistence that individual minds were made up of the sensations which they received from the outside world. These sensations of sight, touch, hearing, smell and taste were physical sensations producing physiological or chemical responses within the human brain. Montesquieu distinguished between two kinds of education, individual and collective. Individual education is what is ordinarily meant by education, and it forms what we call the individual character—*you* rather than *me*. This is the first of all educations simply because it begins first. But there is another, collective, education which comes from the wider society in which we live, and this second education (which we would call 'socialisation') proceeds as children come to know more of the world, and it continues until the individual becomes a perfectly socialised member of the society in which he lives, and it is this which accounts for why you are *like* me. There can be nothing 'unnatural' about this process because it happens in every society of which anything is known, past or present. Every society has its *esprit général*, and so this must be part of nature.

Not all societies work equally well, and not all aspects of all societies are equally admirable, but Montesquieu appears to think that most of the troubles which occur in the world come about as the result of a lack of understanding of these natural processes on the part of rulers. The nature of a society at any given time is determined by the interaction of many causes, and some of these causes at least are susceptible to human improvement. The end of government in different societies will be different—in England it is liberty, in China tranquillity—and the best government is the one which achieves its objective with the minimum of effort and cost. Bad government is government which appears by its actions to ignore its own principle, and by ignoring its own principle government becomes the cause of discontent when it should really be a solver of problems. Montesquieu's benevolence means that he always considers government from the point of view of the governed, and in this he follows impeccable ancient precedents: men are not just producers of government, they are consumers of government too. In fact, Montesquieu means many things by good government, but in the end good government always means for him the feeling of security of the person and of property on the part of subjects. Tranquillity without fear is about all that subjects can hope for in general, though there are exceptions. What Montesquieu is intent on hammering home is that when we look around the world, and when we look into the past, it is surprising how few governments have been able to provide for even that minimum of human security without which life comes close to being not worth living.

TYPES OF GOVERNMENT AND THEIR PRINCIPLES

Montesquieu again follows ancient precedent in his classification of types of government, and his reflections on these matters are worth attending to, not for the classification itself but for his view of the vital spring of those governments. Each form of government—republic, monarchy and despotism—has its nature, its principle and its object. By principle Montesquieu means the ‘spirit’ of that government, what causes it to act in a particular way. By ‘nature’ he means the constitutional or formal structure of government, and by object he means the ‘end’ of government conceived in an Aristotelian way. A republic is a state in which the people, or part of the people, are sovereign, so his definition includes both democracy and aristocracy ancient style; monarchy is government by a single person according to established laws which include especially constitutional laws; despotism is the rule of one man without the restraining force of laws—despots can make and break rules as they please, so despotism is government by caprice and whim. What Montesquieu is interested in is not the formal structures of power (England is an exception) but the way power is exercised in different types of polity. Montesquieu is in fact interested in what we would now call government *policy* and how that policy is implemented over time. Hence the unique importance of Roman history. Like Machiavelli, Montesquieu regards Roman history as the history of a state which has run its course. Rome had experienced every kind of government, even a variant of the separation of powers, so Rome is a kind of over-arching example to the political scientist of sometimes wise and sometimes foolish government. Of course, the policy of the various forms of government at Rome affected the Roman constitution but did not always lead to a change of constitutional forms. Like Machiavelli, Montesquieu is acutely aware that constitutional forms may remain unchanged after the spirit which originally created and animated them has long departed.

Montesquieu thinks that each form of government has its own activating principle—virtue in a republic, honour in a monarchy and fear in a despotism. Some of Montesquieu’s contemporaries found this classification puzzling, because they took Montesquieu to be saying that you *only* find virtue in republics, honour in monarchies and fear in despotisms, whereas Montesquieu’s definitions are really negative: he is saying that *without* virtue republics cannot survive, just as monarchies and despotisms cannot survive without honour and fear. And we must never forget the legislator. Very often it will be the task of the wise legislator to return decayed government to its first principle, and it is on the legislator’s capacity to do this that the survival of a system of government largely depends. Thus *The Spirit of the Laws* contains advice to rulers on long-term policy goals, an idea which Montesquieu probably took and extended from Machiavelli’s own reading of Roman history in his *Discourses on Livy*. Like Machiavelli, Montesquieu believed that a combination of good fortune and good policy enabled republican institutions to survive for so long at Rome. Rome had a self-correcting constitution while the republic lasted. Montesquieu’s own *Considerations on the Causes of the Greatness of the Romans and Their Decline* (1734) follows Machiavelli very

closely in regarding the endemic class war at Rome between the patricians and the plebs as the secret of the longevity of the republic. The agitations of the plebeians kept patrician arrogance under control, while the wisdom of the patricians moderated the rashness of the people. Each part of the state cancelled out the faults of the other, and so Rome had moderate and balanced government.

The form of government Montesquieu dislikes most is despotism. Despotism is not legitimate government in a literal sense because it does not work according to any fixed principles of law, and it does not always work very well anyway. Despotism probably has its origins in a corrupted kingship, and Montesquieu certainly thought that all monarchies needed careful watching if they were not to degenerate into despotism: Richelieu may have had despotic intentions for the monarchy of Louis XIV. (Despotism begins with sleep.) There is no virtue, where virtue means self-sacrificing love of country, in a despotism; nor does the passion for honour enable the despot to gather round him a loyal aristocratic class eager to fight his wars. To be a truly honourable estate aristocracy needs a certain independence from the sovereign; kings may make aristocrats, but they are not supposed to break them. Ambition in a despotism does not take the form of a desire for glory but a desire to become despot oneself. This makes despotisms chronically unstable because despots are feared rather than loved. They are capable of inducing an abject submission but not of inspiring loyalty. Despotisms are particularly subject to *coups d'état* through palace intrigues or to foreign invasions. Corruption of subordinate officials, violence and the spectacular shedding of blood, and a religion based on ignorance or superstition are always typically found in despotisms. Though simple, despotisms are not notably efficient in their modest aim of securing domestic tranquillity so that the prince is secure in his enjoyment of the pleasures of the harem. Constant fear of death through the wrath of the prince is eventually counter-productive. Men become so used to it that it ceases to have the desired effect of obedience after a time, despite the horrific nature of punishments in despotisms. That is why religion is so important: fear of the gods may make up for a declining fear of the despot and keep men to their duties.

In a despotism, everybody is potentially a dead man. What public tranquillity despotisms enjoy is nothing like the concord of a well-constituted republic or monarchy; it is the silence of the subjugated. Most of the world has been and is, or is threatened with being, ruled by despots, despite the hatefulness of despotism. How can this be? Montesquieu has to find a specific reason, otherwise the examples of Persia, Turkey, Japan, Russia and China might conspire against him and prove that despotism is natural. Of course, in one sense it is, because the causes of the rise of despotism are everywhere more or less the same, but despotism cannot really be natural because it does not easily secure even its own modest end of tranquillity and because natural reason tells men who have thought about it not to entrust all the powers of government to one man's fancy; that had been a commonplace since Plato. In fact, Montesquieu thinks that, natural causes apart, despotism is so general because it is so simple. Do what you are told and the rest is easy. What Montesquieu seems to be saying is that, despite appearances, despots do not really rule in any extended sense of the term. One-man rule in an extensive empire is impossible in practice, and Montesquieu knows perfectly well that, even if the prince's vices did not keep him from the concerns of his state, delegation of political authority is

necessary. Delegated authority will be just as tyrannical as the supposed authority at the centre. Governors of provinces will be petty tyrants with what are effectively their own power bases, so that the centre will always have good reasons for fearing the periphery. The case of the petty despot will be no different from the case of the real despot: he will not really rule either because fear has its limits. What caused despotism in the first place, slowness of change owing to climate, will be the real ruler. Manners rule the East because they change at a pace not much slower than geology. This in its turn limits anything a benevolent despot might try to do in the way of change. Despotic heads wearing crowns must lie very uneasily indeed.

In Montesquieu's language, all other forms of government apart from despotism are 'moderate'. Again, Montesquieu's usage is remarkably close to Aristotle's. Republican government is government by the few or many according to law, while monarchy is government by one man according to law. Montesquieu assumes with Aristotle and Marsilius that government by law—that is, by what we would call constitutional law and the orderly processes of the ordinary law of the land—is legitimate in the literal sense and in the sense that it will be widely seen to be legitimate by its citizens. The animating spirit of republics is virtue, and Montesquieu's idea of virtue would have been recognisable to the great heroes of the Roman republic. Virtue is love of one's country, a self-sacrificing passion for equality and frugality for which the republic stands. That is what makes a democratic republic like ancient Athens or Rome survive. A good test of the soundness of republican government is private property and public affluence: when the public treasury is full and private purses empty, then that private wealth which can be used to corrupt the citizens when they vote is lacking (Montesquieu skips over the stickiness of Greek fingers when handling public funds). Virtue extends to jealous defence of political rights. Like Machiavelli, Montesquieu realises that political rights are empty husks without the will to exercise them, and again like Machiavelli, Montesquieu recognises that a certain necessary turbulence must always accompany the assertion of plebeian rights. Republican politics at Rome had been nothing if not robust, and, like Machiavelli, Montesquieu sees a source of Rome's strength, not weakness, in the class divisions within the city. Neither party could go too far without coming up against the institutionalised check of the power of the other, tribunes of the people against consuls and senators. The agitations of the people were a kind of political callisthenics for the senators, keeping them fit in the arts of government. The class war was a condition of Roman society, not its problem. Rome rose to greatness through the military virtues of its citizen army, and as Montesquieu shrewdly points out, men who were victorious abroad could not be expected to be supine and mute subjects at home. The city was their city because they had fought for it, and while poverty remained a public virtue at Rome, the claims of armed poverty were always strong. Since the commons at Rome had always to be managed and reconciled, the Roman patricians had no alternative but to develop the political skills necessary for handling a people who were always going to be troublesome to rule.

Montesquieu's treatment of government in the Roman republic is in part an answer to the question of why so much of the world is ruled by despotism, just as his treatment of despotism is in part an answer to the Hobbesian view of sovereignty. Good fortune, good

laws and a certain level of political understanding are necessary if a system of liberty is to survive. The stark simplicity of despotism's 'fear me and obey me' can have no place among free and virtuous men. Despotism does not have to rely for its working on political skills at all. Fear is something which the meanest understanding can understand. A man would have to be very dull indeed not to know when he felt threatened, hence the connection between despotism and ignorance. Perhaps Montesquieu intends a double refutation of Hobbes. Not only does despotism not work very well because despotisms are seldom tranquil for long, but also they are unlikely to survive among a self-assertive people. Hobbes's argument that despotic sovereignty working through fear is the kind of government rational men would set up of their own free will if they thought about the matter properly begins to look a little shaky in the face of Montesquieu's account of despotism, and Hobbes's argument that fundamentally self-assertive men need despotic government begins to look a bit shaky in the face of Montesquieu's account of Roman liberty.

We do well to remember that it is not liberty but virtue which was the true 'end' of republican government at Rome. (Only the English constitution has liberty as its end.) Virtue leads to moderation in government not because those who are virtuous are necessarily moderate characters themselves but because they are forced into moderation by an equal and opposite power—that is, the power of the patricians. Indeed, it could be argued that the reverse is true: there would have been no moderating influence of one part of the Roman state on the other if the commons had not occasionally been over-assertive in their demands and if the patricians had not sometimes been haughty. This led to the codification of moderate maxims of government into constitutional and ordinary law, and a respect for the laws once established it was easy for Roman legislation to embody what was virtuous in Roman manners and morals and for special magistrates to be appointed to oversee what we would call the private lives of citizens. Why, then, did Rome fall? In particular, what changed her form of government from a virtuous democracy into a despotism? Montesquieu adduces many particular causes, but the chief one was Rome's success as a conquering power. Rome became too large for it to do more than pretend that it was an extended municipality. Most of the commons lived too far from the city for them to be able to see the city as *their* city, and virtue declined. With the decline of virtue went an increasing private opulence, which allowed ambitious citizens to buy the support of parties, and so the clash of the factions, so healthy while Rome was smaller, led in the end to civil war. Out of the civil wars came the emperors, and eventually the tyrants. In his account of the decline of Rome in the *Considerations*, Montesquieu makes a celebrated distinction, though it was not original to him, between historical 'causes' and historical 'occasions'. Causes are long-term, and probably irreversible, while occasions serve the purpose of causes and are accidental. It would have fallen to another Caesar and another Pompey to accomplish the ruin of the republic by their ambition, and neither Caesar nor Pompey aimed at empire. Accidental occasions are the product of human will and direction, but historical causes are what we would now call 'systemic', founded on the nature of things in Montesquieu's own language.

In an aristocratic republic, in which there is no institutionalised check on the insolence of rank, moderation itself should be the aim of the laws, otherwise the government will

degenerate into what the ancients called oligarchy, government by the rich few, in their own interest, by force rather than by law. Hence the wisdom of the laws given to the Spartans by Lycurgus. The only reward available to the warrior-citizens of Sparta was honour gained from prowess displayed on the battlefield. Honour is inferior to virtue because, being essentially military, it leads to war and foreign conquest. (Montesquieu conveniently forgets that Rome conquered her 'empire' under the republic, and that Sparta was famously difficult to provoke into war.) A people who admire success in war will come to applaud other warrior virtues like stealth and cunning which in the ordinary sense are not part of virtue at all. Hence the legislation of theft at Sparta, where youths were deliberately kept on short commons to make them into successful food thieves and so into stealthy and cunning warriors. But much better a thousand times that honour should be ambition's goal rather than wealth, which is the case with the modern republics which Montesquieu observed at first hand during his travels in Italy and Holland. Venice, Genoa and the United Provinces were corrupt merchant oligarchies.

Montesquieu plainly admires the ancient republics at their best, but equally plainly he regards virtuous republics as a thing of the past. On one level, Montesquieu's explanation for the passing of a genuine republicanism may be very simple. Perhaps he just thought that the ancients at their best were better men than the moderns, nobler, more patriotic, with a much more solid sense of the public values of the cities in which they lived. There was not much of the 'man versus the state' feeling in the ancient republics, no sense of the disjunction between private and public goals which was to become something of a commonplace afterwards. On the practical level, Montesquieu seems to have thought that, with certain exceptions, among whom he included the Swiss, the sheer size of modern states mitigated against republican forms of government. The ancient republics were essentially what we would now call 'face to face' societies, where the sense of public virtue was so strong that each man acted as an automatic censor of the manners and morals of his neighbours. (And we do well to remember that in those states prosecutions were nearly always brought by private persons, and part of virtue was having the civic courage to bring actions against malefactors perhaps richer and more influential than oneself.) The chances of a state being either a despotism or a monarchy were proportional to its size. Montesquieu himself lived in an age when the idea of 'universal monarchy' in Europe was eagerly discussed: perhaps the Bourbons or the Habsburgs, by conquest or marriage, would establish a monarchy which was truly European in extent. This, of course, did not happen, but it is no coincidence that the European wars of the eighteenth century have come to be called wars of succession.

The fact that monarchy was the typical form of government in modern Europe did not in the least mean that the examples of the ancient republics had nothing to teach the moderns. Far from it. At their best, they were shining examples of moderate, free and balanced government. They were also examples of what came to be called 'mixed government' because at Sparta, Athens and Rome government was a mixture of the principles of monarchy, aristocracy and democracy, with the people ultimately sovereign. At Rome, the annually elected consuls were the kingly part (they led the armies), the Senate was the aristocratic part, and the people through their tribunes were the democratic part. This idea of the balancing of parts of government against each other was

to have a great future as part of the modern liberal theory of constitutionalism. Montesquieu also makes one exception to the rule that republics have to be small, and that exception was also to be pregnant with the future. The exception was the Greek federated republic, an alliance of independent and sovereign republics created typically to defend the independence of cities against foreign aggressors, either Macedon or Rome. The idea of the federated republic looked back to the great days when all Greece united to defend herself against the Persian invasions, and more distantly still to the legendary time when the Greeks banded together to rescue Helen from Troy. The crucial argument in the American *Federalist Papers*, written to sell the new Constitution of the United States to the American people after 1787, was that a *federal* republic composed of the separate sovereignties of the individual states meant that the United States could both be extensive in territory and enjoy the good fortune of republican institutions as well. The United States of America is Homer's revenge on the kings whose fortunes he sings in *The Iliad*. Montesquieu's *Spirit of the Laws* was the channel by which the ancient idea of a federated republic reached the most famous federal republic of all.

The spirit of monarchy is honour. In the French case, the principle of honour has its origins in the customary law of the Middle Ages, which placed great importance on challenges and duelling, and the rules governing these were based on a fundamental idea of honour. What was honourable and what was not became the subject of minute discriminations in the knightly code. In a monarchy, the king is the fount of honours typically for military services rendered to the state. The spirit of honour is closely connected to the essentially martial virtue of courage, so that you would expect monarchy to interest itself greatly in war and in foreign conquest. Monarchy therefore imparts a certain hyped-up quality to the virtues appropriate to it, especially when these virtues are compared to the virtues appropriate to a republic. In a monarchy, the actions of men are judged fine, not good; great, not just; extraordinary and prodigious, not reasonable. The adulation of the doers of great deeds replaces a decent republican sobriety in the celebration of those who have done their duty by the republic (triumphs were rare at Rome while the republic remained virtuous).

Montesquieu's belief that monarchy is here to stay leads him to pay a good deal of attention to the details of its political life. Monarchy is a good form of government because it is moderate. There may always be a tendency for monarchy to degenerate into despotism, and a good test of whether this is happening or not is the extent to which monarchs recognise that there exists in their realms an unalterable body of what we would call constitutional law, or at the very least law which the monarchy cannot choose to ignore. In a monarchy, the natural guardians of that law are subordinate magistrates drawn from the nobility, a *noblesse de la robe* (Montesquieu was a member himself) exercising local jurisdiction and guarding the ancient constitution. The function of this legal aristocracy in a monarchy is to modify the authoritarianism latent in the royal power by seeing that that power flows through the proper channels. It is a power which is in no sense a rival power to that of monarchy; rather it mediates between the king's will and his subjects. Montesquieu broadens the concept of the mediation of power in a monarchy to include all kinds of legal and incorporated privileges which might be indefensible in themselves but which serve a useful mediating function in monarchies: local seigniorial

privileges of jurisdiction and tax collection (as a lord himself, Montesquieu was a bit of a stickler for his feudal rights), corporate privileges of chartered towns, even the jurisdictional privileges of the Church, could be defended as those *pouvoirs intermédiaires* (mediating powers) which came between the king's subjects and the royal will. In a monarchy, kings exercise the legislative and executive power, and it is essential that the judicial power should be exercised by others. Otherwise, all of the three powers of government will be placed in the same hands, and that is despotism. This led Montesquieu to lay particular stress on the French *parlements*, provincial courts of law with a supervisory brief over the jurisdiction of the often different systems of law in the various provinces of France. The old *président à mortier* of the *parlements* of Guyenne at Bordeaux took especially seriously the right of the *parlement*, with the prestigious *parlement* of Paris at their head, to exercise a kind of judicial review of royal edicts before they really became law. As one might have expected, the *parlements* had been rather muted during the reign of Louis XIV, but they remained ancient institutions of vast prestige which quickly began to reassert themselves after the Sun King's death.

It might at first seem rather odd that an enlightened thinker like Montesquieu should be such an ardent defender of what were, after all, feudal privileges, or at least privileges which were feudal in their origin, but it is not really surprising granted Montesquieu's fundamental idea of the corruptibility of monarchy. Only an ancient constitution which held the king to the letter of its law, and only a legal system operating independently of the king's own will could moderate autocratic pretension and secure to persons and property that feeling of security within the law which Montesquieu calls liberty. Any mediating institutions, any claims for quasi-independent jurisdiction by legally privileged minorities were useful as a counterweight to royal power. Montesquieu knew his Tacitus, and he must have known Tacitus' own contempt for the Roman Senate's failure to keep a watching brief over the emperors, a failure which eventually allowed the principate to be exercised by monsters like Caligula and Nero. The French aristocracy was to succeed where the Roman aristocracy had failed. Of course, it was Montesquieu's *pouvoirs intermédiaires* which the French Revolution was to attack as it was to attack all remnants of the feudal past in the name of legal equality; henceforward there was to be no legal obstacle to separate citizen from citizen. Montesquieu knew perfectly well from his study of the politics of the ancient world that despotic government did not necessarily have to be the government of a single man. Any government, whatever its formal constitution, could act despotically if there were no institutional counterweights to moderate its force in practice. The One and Indivisible Republic of the Jacobins would have appeared to be just such a collective despotism to Montesquieu, for there was no effective independent power to balance against the republic's will exercised by a few in its name. It was to be left to the genius of the Founding Fathers of the Constitution of the United States to solve the problem of the tyranny of the majority being exercised in its name by its representatives, and when they came to do that they made much of the most celebrated of Montesquieu's doctrines, the doctrine of the separation of powers.

THE SEPARATION OF POWERS: THE UNIQUE CASE OF ENGLAND

Montesquieu travelled in England in the years 1729–31, and as the famous author of the *Lettres persanes* he seems to have met everybody, including leading figures in the opposition to the Walpolean oligarchy which monopolised the state. We know that Montesquieu wrote the famous account of the English constitution (*The Spirit of the Laws*, Book XIX) almost immediately he returned from England to France, and we also know that this was the period in which Montesquieu was preparing his *Considerations on the Greatness of the Romans and Their Decline*. The two are not entirely unconnected. While he was in England, Montesquieu was struck by how easily the English party battles between Whigs and Tories, Ins and Outs, could be viewed by the protagonists themselves in terms of the party battles between plebeians and patricians in republican Rome. Rome at her best had been the most free of all the ancient republics, and Montesquieu could not help wondering if there might not be important similarities between the system of Roman government under the republic and the system of government of Hanoverian England. The Roman case fitted the English case quite well. Just as at Rome the principles of monarchy, aristocracy and democracy were expressed in consuls, Senate and people, so in England king, lords and commons each had a share in government. There, of course, the similarity ended, because there was nothing in the commercial and opulent kingdom of England to compare with the equality and frugality of the ancient Roman republic.

What, then, was it that kept the spirit of English liberty going? England is a unique case because, unlike Rome, its animating spirit is liberty and the 'end' of its government is also liberty. The spirit of liberty is partly a matter of climate and its effect on the famous ill-temper of the English which works against government by a tyrant, and partly due to the fact that the English have become accustomed to their free institutions. Part of that freedom is freedom of trade. Since the English are lacking the virtue of the ancients, the institutional arrangements themselves play a vital part in the preservation of English liberty. Montesquieu's view of liberty in general is that it is secured where not all of the powers of government are exercised by the same hands. Liberty in a monarchy, for instance, is preserved by the independence of the judiciary from executive control. In England, this division of sovereignty has been carried a stage further, because there not only is the judiciary independent but there are no permanent judges in the sense that there are in continental countries. Trial by jury divides the judicial power within itself: juries are *ad hoc* bodies selected for one trial only (and the accused even has the right to object to particular jurors). Juries and judges divide the work between them, juries deciding on guilt or innocence and judges on sentencing. And Montesquieu notes with approval that the supreme judicial tribunal is the House of Lords, again independent of the executive. Judges are the king's judges, but they serve during good behaviour, not according to the king's pleasure.

Montesquieu also notes a certain division of sovereignty between Parliament (by which he typically means the House of Commons) and the king. Parliament is the supreme

legislative body in the land, and the king and his government may not do anything unless it is sanctioned by law, or at least does not violate existing law. Parliament legislates and the executive is only supposed to see that the laws are correctly executed. Of course, as a matter of fact, the executive and the legislative were not entirely separate in Hanoverian England, because the king's ministers and many of the placemen (what we would now call, roughly, civil servants and army and naval officers) were also members of the House of Commons or the House of Lords. English governments in the eighteenth century had to secure parliamentary majorities, otherwise the ministry would collapse. Majorities were not permanent in an age when party discipline was either loose or non-existent, and the king's government had to work hard at securing those majorities. The system was oiled by patronage, giving members of the Commons government jobs, some of them sinecures, in return for supporting the ministry. Patronage, or corruption, made the system work. Montesquieu is often accused of naïveté because he could not, or would not, see that the English system worked because powers were not entirely separate. The king was part of the legislative, both through his right to veto parliamentary bills, and through the control of the legislature through the disbursement of government patronage by his ministers and party managers, supreme in which arts were Sir Robert Walpole and the Duke of Newcastle.

How could as shrewd an observer as Montesquieu not have noticed what was the inner scheme of English government? Montesquieu may simply have chosen not to. He chose instead to see English government through the eyes of the opposition to the Walpolean oligarchy. The theory of the complete separation of powers had been an old radical cry since the seventeenth century. What this meant in practice was the passing of a place bill which would exclude government employees from Parliament. Failed place bills had been commonplace, and none was ever to succeed. Opposition to the ministry always argued that true separation of powers was the 'real' English constitution, because only a legislative independent of the executive could guarantee the preservation of liberty. The more power was divided against itself, the less power became a threat. When Montesquieu says that the true separation of powers is permitted by the laws of England, what he probably means is that there is nothing in principle to stop Parliament passing a bill to exclude the placemen, though he must have realised that parliamentary management through patronage by the king's ministers made such an event extremely unlikely. And we do well to remember that, while Montesquieu may in fact have thought that a true separation of judicial, executive and legislative powers was the *best* guarantee of liberty, he by no means thinks that liberty is always and necessarily absent from a political system which is not based on the complete separation of powers. Liberty can exist, as in France, in a monarchy acting through law, provided the judiciary is independent and there exist those mediating powers which soothe monarchy's natural sting. Montesquieu's whole treatment of the separation of powers in relation to English government is meant both to emphasise the high degree to which power is actually diffused through different political institutions and to point out that the complete separation of powers is at least theoretically possible at some time in the future.

What is it then exactly, that *preserves* English liberty, if it cannot be the pure separation of power? We must remember that one of the essential aspects of a political

system for Montesquieu is its capacity to return itself to its original principles from time to time. Montesquieu was acutely aware that political systems are subject to degeneration, which for him always means the loss of liberty. His admiration for republican Rome rested partly on that republic's uncanny ability to preserve its republican institutions for so long against so many threats that Rome might turn into a despotism or an oligarchy of the rich. Montesquieu's explanation of what kept Roman politics republican may be the clue to what he thinks keeps English government free. Montesquieu followed Machiavelli in thinking that one of the essential things which kept the Roman constitution republican and free was the spirit of turbulence in the common people of Rome. Machiavelli points out time after time in his commentary on Livy's Roman history how the turbulence of the people acted as a brake on the oligarchic pretensions of the Senate, demanding abolition of debts and a redistribution of the land. Popular clamours are the constant factor which restores the balance between the Roman aristocracy and the people. It is obvious in Machiavelli's mind, and in Montesquieu's, that the turbulence of the people was, to use a current phrase, a kind of 'permitted riot', not exactly legal but not exactly illegal either. This is what Machiavelli means when he says that Rome was fortunate that its constitution could be corrected by its own laws. (We would say without any permanent change in or damage to Rome's political system.)

We can now see what the true influence on Montesquieu was of the Roman analogues which he found so common in England to explain the workings of English politics and the preservation of English liberty. Like Rome, England was widely supposed to enjoy what is usually called 'mixed government'—that is, a mixture of the monarchical, aristocratic and democratic principles. The idea of mixed government was itself of great antiquity; Plato's *Laws* contains an account of it, and so does Aristotle's famous *Constitution of Athens*. The theory of 'mixed government' is frank about class and frank about sovereignty. The various orders in the state have a legitimate claim to share the exercise of sovereignty through the proper balance and co-operation between their different institutions, at Rome the consulate, Senate and people in their popular assemblies, and in England king, lords and commons. Mixed government is a theory both of the *legitimacy* of governing decisions and of the *efficient* exercise of sovereignty: decisions, especially when they take the form of legislation, will be legitimate because each estate of the realm had its share in making them, and those decisions will be good and acceptable decisions because they will be 'balanced decisions', decisions made through a process in which no one interest predominated. Decisions taken in this way are likely to be decisions which offend no single part of the state very much, and which do not very obviously work in favour of any single part. Being acceptable to all, these decisions can be easily legislated for and easily implemented.

So much for the theory of mixed government. In practice, mixed government suffers from the defect that aristocracy, by which is meant the well-to-do in general, will always tend to have their hands much closer to the real levers of power in the system, either directly through their own institutions (Senate, House of Lords) and through their engrossment of executive positions, or indirectly as the power which always tends to follow from large wealth. Something has to be done from time to time outside the formal structures of politics to keep the monarchical and aristocratic parts of the mixed

government system from over-reaching themselves to the point where the popular input into government becomes nugatory. At Rome, that meant riots of the people, and in eighteenth-century England it meant the temporary rule of King Mob. Ever since the *Persian Letters* Montesquieu had been interested in the way that English liberty emerged revitalised from riot and sedition. The mob was a half-tolerated Fourth Estate which could always be called out by the opposition to government as a kind of informal supplement to parliamentary opposition to the ministry when it seemed that the king's ministers were getting their own way too much of the time. The English mob was to English politics what the Roman mob had been to republican politics at Rome.

It is now plain what Montesquieu thought preserved the liberties of Englishmen: the mob acting from time to time against mixed government's tendency to degenerate into oligarchic tyranny, or into tyranny itself. Montesquieu may have thought that in England, or anywhere else for that matter, liberty would be better preserved by a true separation of powers, but it is clear that what he actually thought preserved English liberty was the corrective actions of the mob to keep English mixed government true to its own basic principles of fair shares for king, lords and people in the government of England. Sometimes, popular representation through their own elected (on a very limited franchise) representatives in the House of Commons was not enough to preserve Englishmen's liberty from executive aggrandisement, and it was in these circumstances that the Fourth Estate, King Mob, was permitted to play its hand direct in English politics.

THE IMPLICATIONS FOR THE FUTURE OF THE DISTINCTION BETWEEN THE SEPARATION OF POWERS AND MIXED GOVERNMENT

Montesquieu was always careful not to generalise from the English experience. Analogies between English politics and the old Roman politics were just that, analogies. The English system was unique. It might even be vulnerable. Montesquieu says in *The Spirit of the Laws* that were England ever to lose her liberty (he does not suggest how), it would be very difficult for her to regain it, because in her enthusiasm for getting rid of her feudal past, England has rid herself of all those feudal *pouvoirs intermédiaires* which are so useful in France for taking the sting out of executive power. The English constitution, while it has democratic features, can be no true republic of the ancient kind. For one thing, she is too big, and for another, England is a class-ridden society of great inequalities of wealth. England can only be a faint shadow of the equal, frugal and small republics of the ancient past.

But suppose a people becomes intent on recreating more than a parody of an ancient republic in a modern country of vast extent and large population, as was to happen in America after 1776. And suppose that people were to look round for precedents for their republican form of government, and suppose they were to find them in English and Roman politics as seen through eyes seeing much as Montesquieu's own eyes saw. And suppose that the purpose of that new government was to be the preservation of a high

degree of liberty. Then it would matter a great deal exactly what Montesquieu thought preserved liberty in political circumstances which were again not the ideal ones for republican government after the ancient model. The Constitution of the United States was written by men whose minds thought about constitutional government like Montesquieu even when they did not come under his direct influence. But which Montesquieu? The Montesquieu of the separation of powers, or the Montesquieu of mixed government? This double Montesquieu is no fable. The Montesquieu of the separation of powers is a Montesquieu who wants to make government difficult, and the Montesquieu of mixed government is a Montesquieu who wants to make government easy. When it is put like that, one begins to wonder exactly what kind of government the Founding Fathers of the United States thought they were founding when they wrote the Constitution. Difficult government shades very easily into minimal government, and easy government shades very easily into strong government, and it was in these terms that the battle of the Constitution was fought during the two years' struggle it took to ratify it, and these were still the terms of debate on the nature of American government after the Constitution was ratified. The dialectic between what has come to be called Jeffersonianism and Hamiltonianism, between minimal and strong central government, is essentially a debate between the two Montesqueius.

These are matters which must wait for detailed treatment in the subsequent chapter on the American Enlightenment. What needs to be emphasised here is just how rich a thinker Montesquieu could be for future generations which concerned themselves with exactly the same kinds of problems that Montesquieu himself dealt with. Of course, this is not to say that future generations dealt with the problem of liberty in a large state in ways of which Montesquieu himself would have approved. For him, Rome was over, and England a special case; neither was in his view generalisable into a system of liberty for the modern world. Tocqueville was to come to believe that providence took a special interest in the destiny of the United States, a view which was to become commonplace as the conviction among Americans of America's 'exceptionalism'. Somehow, in a way hard to define but deeply felt, things were going to be different in America—that is, different from the ways of Old Europe. American independence was always going to be more than political independence. There was certainly something more than fortuitous in the fact that Americans who had originally come from the monarchies of Old Europe were to find themselves in what, with a little stretch of the imagination, could be called a virgin moral and physical landscape, and also in a position after the War of Independence to give themselves laws in something like Montesquieu's sense of the term. Montesquieu had taught that climate was the first of all empires, and we have seen that he extends the notion of climate to take into account almost the whole of nature. What fascinated observers of the American scene after independence was the question of what kind of men the interaction between them and nature in America would produce. The question was more than academic. If men and nature did not interact in such a way as to produce a new American character, then the chances of America's being able to produce a genuinely new system of laws informed by a new *esprit général* were slim. But if the interaction between men and nature in America had produced a new *esprit général*, if there really was a 'spirit of Americanness' which was significantly different from the

configurations of national identity elsewhere in the world, then a new system of laws was not only desirable in America but necessary as well, because the necessities of physical and moral cause and effect could no more be suspended in America than they could be anywhere else.

And, most exciting of all, perhaps the interaction in America of men from Old Europe and the new landscape could produce a reversal of some of the worst human results of the less desirable aspects of contemporary European society. Montesquieu himself had spoken of the possibility, albeit limited, of legislators legislating against the climate. Perhaps, in America, climate in Montesquieu's sense could 'legislate' against laws, where laws mean manners and morals. Perhaps it was uniquely possible in America for the effects of new circumstances to cleanse the human soul, perhaps even to put it within reach of the pure agrarian virtue which had been the vital principle of the Roman republic. The Jeffersonian dream of a free, frugal and virtuous republic of yeoman farmers, plainly Roman in some of its antecedents, would have been impossible without Montesquieu. Again, it is worth stressing that Montesquieu himself did not predict Jeffersonianism, which only became a force a quarter of a century after Montesquieu's death, but it is equally worth emphasising that the Jeffersonian dream could only be dreamt in a head which had begun to think in Montesquieu's own way.

NOTES ON SOURCES

Montesquieu's *Persian Letters* are available in various English editions. His *Considerations on the Greatness of the Romans and Their Decline* has been translated and edited by D.Lowenthal (1965). *The Spirit of the Laws* exists in two good English editions, Neuman (1949) and Cohler, Miller and Stone (1989). R.Shackleton's *Montesquieu: A Critical Biography* (1961), is magisterial. J.N.Shklar, *Montesquieu* (1987), in the Past Masters series is an excellent introduction.

THE LIMITATIONS OF ENLIGHTENMENT

Hume and Burke

EDMUND BURKE

Edmund Burke was born to modest Irish parents (Protestant father, Catholic mother) in 1729. He made his way in life by his brains and his pen, no small achievement in the aristocratically dominated politics of eighteenth-century Britain. Burke was a Whig whom even the arch-Tory Dr Johnson could admire unreservedly: ‘Burke, Sir, is such a man that if you met him for the first time in the street, where you were stopped by a drove of oxen, and you and he stepped aside to take shelter but for five minutes, he’d talk to you in such a manner that when you parted you would say, “This is an extraordinary man.”’ Burke’s performance in the impeachment of Warren Hastings for misgovernment in India made the novelist Fanny Burney positively swoony.

After graduating from Trinity College, Dublin, Burke came to the Middle Temple in London in 1750 to train for his father’s profession, but he soon quit the law to follow a highly successful literary and philosophical career which gave him access to the aristocratic Whig patronage which opened his way into politics. Burke became secretary to Lord Rockingham when he became Prime Minister in 1765. Burke entered the Commons as MP for Wendover, and subsequently was Member for Bristol from 1774 to 1780, when he lost his seat because of his support for the repeal of the penal laws against Roman Catholics, which effectively meant his fellow Irishmen. Burke’s relationship with the electors of Bristol has since come to be seen as a case study in the difference between seeing an MP as a delegate who does only what his electors tell him, and a representative who, while he always listens with attention to what his electors say, always keeps his own judgement free when it comes to deciding questions which affect the whole nation. (Tory MPs, it is said, still quote Burke when they are in trouble with their constituency parties.) Thereafter Burke sat for Malton in Yorkshire. He was Paymaster of the Forces (and a Privy Councillor) in Rockingham’s second administration in 1782, but he never held cabinet rank; nor did he hold ministerial office after 1783. He did well enough for money though, buying a country seat near Beaconsfield, Butler’s Court, in 1769.

Burke made his political name as a supporter of the cause of the American

colonists, as the scourge of misgovernment by the British in India, and as the implacable enemy of the French Revolution and of revolutionary ideas in general. George III is supposed to have thought of rewarding Burke with a peerage, but the scheme fell through. Burke was so affected by the death of his only son that he died a broken man only three years later in 1797.

DAVID HUME

Hume wrote an account of 'My Own Life' which is just about as unconfessional as such an account could be. It is Hume as others saw him, philosopher and man of the world, exuding common sense, good manners and that moderation which lay at the heart of Enlightenment. However sceptical Hume may have been as a philosopher, it does not appear from his little autobiography that he had any doubts at all about how an enlightened man should live.

Hume was born in 1711 into a Lowland Scottish gentry family fond of claiming noble descent from the ancient house of Home. Young David Hume was a youth of 'acumen and parts', as they used to say, fond of his books (especially Virgil and Cicero), and was ambitious for 'literary', that is to say intellectual and philosophical, fame from a very early age.

After a gentleman's education—he was a student at Edinburgh—Hume was pushed by his family in the direction of the law, which he had no taste for, and of business, for which he had neither taste nor aptitude. He had a small private fortune which he thought could keep him if he went abroad, and he spent two years in France, returning in 1737 with part of his *Treatise of Human Nature* ready for publication in London. Like most of the books Hume was to publish, it was not well or widely received. His two volumes of *Essays* (1741, 1742) did better, and by this time Hume was on the lookout for a university chair in Edinburgh, but Hume's religious scepticism did not go down well in that northern capital of Calvinism, and he was unsuccessful. Like Hobbes, he tried his hand at tutoring noblemen, but this was not a success, and for a time he served as secretary to a general ('I wore the red coat of an officer') whom he accompanied to Vienna and Turin.

It was during the early 1750s that Hume's works were coming to be known abroad, especially in France, but this did not help Hume in his attempt to succeed his friend Adam Smith in the chair of Logic at the University of Glasgow. Instead, he was invited to become keeper of their library by the Faculty of Advocates in Edinburgh, and although the pay (never a matter of indifference to Hume) was not good, the leisure and facilities available were. He produced the first volume of his *History of England* ('Tory as to persons and Whig as to things') in 1754, and, despite a slow start, it began to make money, so that by 1760 Hume was not only independent but opulently so.

Hume was the convivial clubman about Edinburgh and knew all the luminaries of British intellectual life—the Johnsons, the Boswells, the Burkes and the Adam Smiths. He was also a great success in Paris. The great Parisian hostesses all loved him, broad Scots accent and all. Hume tried to be decent to Rousseau in his English exile, but the meeting between reasoned moderation and paranoid romanticism ended in disaster.

Hume was briefly an under-secretary and George III gave him a pension (as the king was wont to do to anti-Jacobite Scotsmen). George III also offered Hume the chance to consult royal archives, not knowing that Hume was not that kind of historian. As he got old, Hume became corpulent. He became ill in 1775 of a ‘disorder of the bowels’, and, momentarily deserting his scepticism for stoicism, died a truly philosophical death in 1776.

It is important to distinguish right at the beginning between what we might call the ‘loyal’ and the ‘disloyal’ critics of Enlightenment, or between what has come to be called an ‘internal’ and ‘external’ critique. Hume and Burke are critics from the inside of Enlightenment itself, loyal critics who would accept much of what Enlightenment came to stand for but who see themselves as putting a healthy break on some of the wilder claims that the Age of Reason made for itself. Both were political conservatives (though Hume’s Tory sympathies have probably been exaggerated, and Burke was a Whig), taking their stand on the established system of constitutional politics as it developed in eighteenth-century Britain after the Glorious Revolution of 1688. (It is important to say Britain, because Hume was a Scot and Burke was Irish. Neither was a natural ‘insider’ in purely English politics, and it may be that each in his own way was able to bring to English politics that outsider’s sharpness of eye which has been so fruitful in the history of political observation and analysis.) Both Hume and Burke are to be sharply distinguished from the ‘disloyal’ or ‘external’ attack on the Enlightenment which occurred after the French Revolution and which makes up so much of the story of the development of European political thought in the nineteenth and twentieth centuries. This does not, of course, mean that Hume’s and Burke’s were not names to be conjured with in the later root-and-branch attack on the values and attitudes of Enlightenment, but it would be quite mistaken to include their names in the roll call of anti-Enlightenment’s heroes. Both Hume and Burke came to doubt whether Reason was all that it was cracked up to be by the sloganeers of Enlightenment. Both came to think that the role Enlightenment gave to reason in human affairs had been exaggerated. Reason had been overloaded by Enlightenment, asked to do too many things, and asked to do things which reason itself could not do.

In their explorations of the limitations of reason, whether in moral philosophy or psychology or in political theory and political life, neither Hume nor Burke can be said, even remotely, to be attacking reason. It could be said of all the really great thinkers of the Enlightenment—Hume, Rousseau, Kant and Vico—that they tried in their different ways to give to reason as wide a scope in philosophy and in life as it was possible to give

it, but that none the less Enlightenment had simply asked too much of it. It must never be forgotten that Enlightenment was a movement of ideas with a strong sense of its own identity. As with all intellectual movements, there was a tendency to exaggerate what made Enlightenment different from the opinions of its enemies, and this made Enlightenment march into every battle under the banner of Reason without always being clear about what reason actually meant. The list of things which reason was against could be written easily enough, and there was a tendency on at least the propagandist side of Enlightenment to neglect the fact that reason itself might have its own, essentially self-imposed limits. With so many easy targets around, it was easy to forget that reason might not always be able to build up again on a new footing what had already been rationally destroyed.

This was especially true in two of the fields which Enlightenment had made its own—ethics and politics—and it had given pride of place to a new theory of human nature which placed increasing emphasis on the function of reason as a fundamental and therefore overriding constituent in that nature. This seemed so obvious, and it seemed to be confirmed from so many philosophical quarters and by so much of human experience if properly understood, that a crucial part of Enlightenment's job came to be seen as the revelation of those moral, social and political causes which had prevented reason from coming into its own as the rightful sovereign of the world (the phrase is Hegel's). The thrust of Enlightenment was thus negative in two related ways. Enlightenment was extremely adept at showing up the absurdities of the moral, social and political worlds; no outmoded belief of practice seemed to be able to stand up against the sheer intelligence and bravura of Enlightenment's attacks against it. Enlightenment was also negative in the sense that it concentrated on the causes of why reason had hitherto failed to acquire that dominion over the affairs of men which was undoubtedly its own after reason had shown men just how many of their beliefs and practices were so feebly grounded from a rational point of view. What Enlightenment tended to assume in its bolder moments was that the given world of human experience having been shown to be riddled with error and superstition, it was only a short step to the rational deduction of moral and political systems which would be capable of commanding the loyalty of all rational men.

Both Hume and Burke in their different ways began to doubt whether this was a feasible project. What they did in a sense returned Enlightenment back to its own sceptical origins. In being sceptical of all rivals and established systems of morals and politics, Enlightenment had forgotten to be sceptical of its own claims in reason's name. What Hume especially did was to carry a philosophical scepticism right into the heart of Enlightenment. What was then called the 'science of man', and what we would call psychology, was subjected to such a keen philosophical glance that doubt began to be cast on what it really meant to call man a 'rational' creature. We have already seen what a store Enlightenment put on the soundness of its own view of human nature. A new view of human nature was the bedrock constitution of the human universe, upon which could be constructed new systems of morals and politics. Everywhere you looked in Enlightenment you saw human reason being cried up. Plato was back, but a Plato in modern dress with the elitism of the Platonic view of reason severely toned down.

Perhaps the enlightened view of reason was little more than common sense and the ability to think clearly which we have come to associate with Plato's teacher Socrates. Reason was now, at least in principle, for everyman, and not just for the highly gifted and trained few. New systems of morals and politics would be constructed on a rational basis in the double sense that reason would be the source of new value systems, and those new value systems would find increasing support as humanity began to emancipate itself from the irrationalism of the past and found itself capable of a true understanding of the rational basis of the new moral systems.

HUME ON REASON AND THE PASSIONS

Hume had no doubt that reason could go a very long way towards understanding the world in which it found itself, and one of the things which reason could certainly do was to construct the basis of a true science of man. This meant carrying on where Locke had left off, and coming to a wider understanding of what was then called 'human understanding', what we would now call human cognitive psychology. Enlightenment had tended to forget just how modest Locke's own claims for his theory of knowledge were. Locke had warned that his own epistemological doctrines were intended to clear the ground a little, and that much remained to be done. Locke had shown how the human understanding worked through receiving the sense impressions of sight, touch, hearing, smell and taste from the outside world which were then organised by the mind into coherent patterns until the world outside the mind began to make sense. This formed the basis of our ordinary understanding of the world, and it formed the basis of the whole scientific enterprise when the understanding became conscious enough of itself to formulate the rules of scientific procedure. Locke did not, of course, *invent* science, but he did something which in its own way was just as important: he showed that there was no difference in principle between how the ordinary understanding came to understand the world and how the scientific understanding came to understand the world. There was nothing arcane, esoteric, alchemical or mysterious about 'true' knowledge. True knowledge, whether of the ordinary or scientific kind, was at least in principle available to everybody.

This had profound implications for the whole programme of Enlightenment. Since Plato's day, knowledge claims had also been claims to moral and political power. Knowing, really knowing, had always in the past been the privilege of the Few, and the claim that the true knowledge of the Few was superior to the ordinary opinions of the Many had been the most important part of the Few's claims to rule the Many. No matter what that knowledge claim had in fact consisted of—Platonic wisdom; Aristotelian teleology; an understanding of God's providence (or even ability to read the Scriptures); the divine right of kings to understand the mysteries of state; papal infallibility in its early versions—it had always been used to set a distance between *them*, those needing to be ruled because they are ignorant, and *us*, the high-minded keepers of the wisdom necessary for ruling. Enlightenment's reading of Lockian epistemology's denial of the essential difference between ordinary and true (that is scientific) understanding was

profoundly liberating. For the first time in the history of the human race it became possible to believe that the time was not far distant when all men could really understand themselves and the world in which they lived. The idea of science in the Enlightenment shaded easily, as it had in the ancient world, into technology. Science was *for* something. Enlightenment's scientific understanding of the world was meant to bring the world under rational control. This applied just as much to the internal world of the mind as it did to the world outside the mind. Just as science as technology would enable men to control nature and transform it into a world subordinate to human needs, so the internal world of the mind could be brought under the control of reason. When men looked inside themselves they could see the simmering passions waiting to be brought to boiling point with all that meant for established patterns of peaceful social living. Let the passions loose and, in a sense which was more than metaphorical, all hell would break loose. But a true understanding of human nature meant that the dangers of the passions could be controlled by the exercise of enlightened reason. Morality had not, in fact, changed much since Plato's day. Reason would control the passions by directing their force towards the accomplishment of rationally demonstrable ethical ends.

The problem with Enlightenment's search for a rationally based system of ethics was that it rested on the fundamental assumption that the human mind did in fact have the hierarchical structure which Plato had insisted it had all those years ago. What Hume did was to look into minds 'experimentally', that is to say into minds as they actually worked in the real world, and he could discover no such rational hierarchy. There was nothing in introspection, and nothing about human behaviour, which suggested that reason was superior to the passions, or that reason could even control the passions in ways which had hitherto been supposed. The passions simply *are*, and if we look into ourselves, or if we look at the behaviour of our fellow men, all we can see is our reason aiding the passions to get what the passions want. Hence Hume's famous statement that reason is the slave of the passions, and can do nothing else but to obey and serve them. By reason, Hume means the human 'understanding' as it discovers matters of fact and the relations between facts. Human understanding for Hume is essentially passive in the sense that the understanding is not set in motion until a desire sets it on its way to find something out which is useful to desire's own satisfaction.

By the 'passions' Hume means something very like the ordinary desires of life, desires for food and shelter, sexuality, love of family and friends, desire for a good reputation and in general the desire to live well and to enjoy life. Most of the passions are not necessarily anti-social, but the passion of self-interest is. Self-interest knows no natural limits. All the passions are self-interested in the sense that they cry out to be satisfied, but the passion of self-interest is peculiar because it is not in principle satisfiable. This is especially true in well-advanced societies where there is no limit to the amount of riches a man may strive to possess. The passion of self-interest in its natural state knows no 'mine' and 'thine', would never hold a man to a contract when it was in his interest to cheat, and would not hesitate to bear false witness. What, then, can check the anti-social nature of the passion of self-interest? Not reason, for reason only serves to show a man where his best interest lies. Only a passion, being active, can check a passion, and Hume thinks that it is only by dividing the passion of self-interest against itself that its

fundamentally anti-social character can be curbed. At the very beginning of human societies it must have been obvious to men that human living was going to be very uncomfortable if they did not respect one another's property. Each man must have begun to realise that the unruliness of the passion of self-interest worked against him when he saw that his own desire to possess what belonged to another was duplicated in the desires of all other men to possess what belonged to him. Self-interest uncontrolled by rules leads at the very least to a feeling of insecurity, and at the worst to the loss of life and goods. Therefore, says Hume, there must have arisen gradually a kind of 'convention', whereby men began to respect the property of others in return for others respecting what was theirs.

Hume is very careful not to describe this as a contract based on a promise. He speaks of the rules of justice arising slowly and stumblingly, a process, not an all-or-nothing social contract. Hume knows very well that the weakness of social contract theory lies in its historical implausibility. It would, in fact, only be sophisticated men living in a society which already had a grasp of what 'making a promise' meant who would be capable of making an original contract to respect the rules of justice. Hume's own account of the origins of justice is just as conjectural as the social contract account, but at the same time it is more 'historical' because he sees the sense of justice, which is at bottom no more than a respect for property, arising out of social development and not just being invented out of men's heads. Hume has another reason for wanting to emphasise how slowly the sense of justice came into being. If there was no one moment at which the rules of justice were invented, then there is no moment in the history of the human race to look back to with particular veneration, let alone an 'original contract' which is eternally binding. The rules of justice of past ages have no special claim to our attention. Quite the reverse. Primitive justice is appropriate to an undeveloped society but has very little to tell us about how we should live now. 'Respect one another's goods' is no doubt a maxim of justice at all times and places but it has very little to tell us about how justice is actually to be organised at any particular stage in human development.

The original convention to respect property does owe a great deal to the development of human understanding. Reason is not absent from the process of original convention-making, but the original convention is not reason's bolt from the blue. Men came gradually to realise the usefulness of justice, and they came eventually to see that justice is in everybody's interest. This was originally a very rough and ready notion of justice. At the very beginning, there was probably nobody special whose job it was to enforce the rules of justice, and this may in part account for the slowness of justice to catch on. Once the idea of justice in its primitive form had emerged it was probably not very difficult for justice to work because there could not have been much worth quarrelling about anyway. In a static and primitive agricultural society everybody was bound to know what belonged to everybody else. Perhaps the rules of justice did not have to be formalised, and an agent to enforce it appointed, until there really was a source of trouble to make them necessary. The most likely new pressure on a primitive society would be war. The necessity of common action, and the need afterwards to ensure a fair distribution of the booty if the war was successful, would naturally lead men to put themselves under the authority of a chief. Primitive monarchy was therefore the most likely form of

government to begin with, and we can readily see how it would become hereditary. Men who expected to pass their possessions on to their own loved ones would see nothing unusual when their chief wanted to pass on his authority to his son.

Of course, as *history*, Hume's account of the 'in the beginning' is conjectural, but he takes it seriously in the sense that he thinks his account is much more plausible than the rival social contract theory account. All accounts of the origins of morality and government are bound to be conjectural, and Hume knows this. His purpose in offering his own conjectural history is to show that there is no reason in principle why accounts of origins, however plausible, should carry any special weight with us when we discuss our own moral and political concerns. The idea that there is an original constitution of government which can tell us where we have gone wrong, and to which we would do well to return, is a nonsense. How can there be, when those origins are obscure and when more than one 'g account of them can be given? As far as the origins of government are concerned, Hume is a 'lots of water under the bridge' theorist. Questions about origins are intellectually interesting, but so much has happened since those beginnings that we would do well to attend to our own affairs when we dispute about government, and not to go looking for an ideal model to follow in the mists of time.

Hume's conservatism consists of an attachment to the present, not to the past. In the context of British politics in the middle and later eighteenth century, there could be no doubt about how Hume's very abstract arguments in the *Treatise of Human Nature* applied to the politics of the moment. Both Whigs and Tories tended to argue from principles which were bolstered by historical accounts of the origins of government. Whigs argued either for an ultimately popular sovereignty because there must have been an original contract of government, or that there was an ancient and free constitution in England which the king might not alter. Theirs was an essentially libertarian position, suspicious of strong government in principle however much the Whigs dominated government in practice. The Tories, still tainted with the Jacobite inheritance until almost the end of the century, insisted on the wide extent of the royal prerogative and of its indefeasible residence in the House of Stuart. The ideological stance of both Whigs and Tories was essentially backward-looking. Hume knows that the past is an inexhaustible source of political arguments for and against anything. His *History of England* was written partly to dismantle the myth that there had been a single, original free constitution in England since the beginning, a constitution which had developed but which at the same time still bore the outlines of its original foundation. Hume's history demonstrates that there has been no such thing. We look in vain for any settled pattern of liberty in English political history before the seventeenth century. What we do find is a series of different political systems according to the age, and the only connecting link between them seems to be monarchy. Hume's analysis of the development of English governing institutions is remarkable because he has a very modern-looking idea of the nature of the exercise of political power. His is almost a 'political science' approach, concerned as it is with how power in the realm has actually been exercised at different times. Hume comes to the commonsensical conclusion that there is no particular reason for emphasising the continuity of a political system. Why should there not be sharp breaks in its development? The fact that one political system follows another as the centuries roll by

does not mean that the political system remains essentially the same. Besides, and this would be galling to the Whigs, historical investigation confirms what ordinary observation finds: whatever continuity there has been in English government since the beginning is obviously to be located in the development of the supreme British institution, the monarchy. Resistance to monarchy has had at best an episodic character, and it was not until the seventeenth century that the myth was developed that Englishmen had been resisting the royal prerogative since the Norman Conquest, and that the story of that resistance was the story of the development of the British constitution which preserved the rights and liberties of Englishmen.

Hume's two kinds of history, conjectural and English, can both be seen as attempts to de-mythologise the past. He seems to be saying that the past is a minefield for those who go seeking there for legitimations of political authority. Hume looks forward to the utilitarian position that the origins of government in the past have nothing to do with the legitimacy of government in the present. What, then, for Hume, makes a system of government legitimate? Hume speaks with the general voice of Enlightenment when he puts his emphasis on justice, which for him is simply rule by law. He is, however, careful to distinguish between questions about how justice developed (the anthropology of law) and questions about what law is actually like (the business of political theorising). However law originated it will be obvious that, in the present state of society, law is what makes an ordered life possible. The limited benevolence of humankind means that our care for the interests of others does not easily extend much beyond our immediate circle of family and friends. Our immediate relationships are therefore readily ordered by the natural promptings of the human heart, but our relations with those outside the circle need to be managed 'artificially' by the rules of justice. Justice is certainly a human invention, and is to that extent unnatural, but justice is also natural in the sense that human reason everywhere has seen the need for justice if human living is ever to advance beyond a very primitive state. Man is by nature an inventive species, and it is no accident that one of the things he always seems to invent is justice. The discovery of justice may be halting and accidental, but once justice, however primitive, is established, human reason has no difficulty in seeing its advantages. Of course, it is likely that the law will be surrounded by all kinds of mumbo-jumbo in the early stages of its development, but in a rational age law has no reason to dress up in anything except its own obvious utility. Even in an age of reason there will be people who never think about law at all, and for them it is enough that they have become used to living under the laws and law-makers of their particular country. The human mind is a great associator of ideas. It naturally associates the long possession of a piece of property with the idea of a right to ownership, and this principle extends to the right of rulership: long possession of rulership by a particular family, or by a particular group of men, easily associates itself with the right to rule. Long possession does not have to mean 'from time immemorial'. A few generations is often enough, and that is why humankind in general is content, and wise to be content, with the 'present established practice of the age' in matters of morals and politics.

Like all enlightened thinkers following Montesquieu, Hume thinks of government through law as moderate government. Unlike many of his contemporaries, Hume refuses to believe that government in an absolute monarchy like France is lawless. It was a

commonplace in eighteenth-century Britain to contrast British 'liberty' with French 'slavery'. British insularity insisted that only the mixed government system of polity was a guarantee of liberty because it put the British people in the enviable position of not being able to be taxed or punished without their consent freely given through their representatives in Parliament. The king was no doubt the most important man in the kingdom, but the lives and fortunes of the British were not at his mercy because, while the king was the fountain of executive power, the legislature was the supreme law-making body in the land, and the royal assent to parliamentary bills was only part of the process of law-making. Contrast an absolute monarchy, where the king's word was law. Hume could see that this was a contrast amounting to caricature. The actual facts of the case were that in Britain the influence of the king in the process of legislation went far beyond the mere formal right to accept or reject parliamentary bills. The linchpin of the British system of politics was the influence of the king's ministry over the House of Commons, where all the force of royal patronage could be used to secure a majority for the ministry in important matters. The king was 'in' Parliament in a much more real sense than the theory of the 'king-in-parliament' seemed to suggest. Unlike the fervent anti-ministerialists, Hume can see nothing wrong with 'influence' in principle, though it can be taken too far in practice. Hume saw more clearly than most that British government needed influence if it was to work at all. With the example of the English Civil War always in mind, a series of events which he put down to the fanaticism of party, Hume realised that the primary problem of the British system of government was not how to separate powers but how to unite them. The king and his party, and Parliament with its party, on different sides of a battlefield, was the separation of powers gone mad. The problem of English government after the Civil War, and again after 1688, was to find a means by which king and Parliament could live together, if not happily, then at least through necessity. Influence was the essential link between government and legislature because it meant that the king's ministers did not often find themselves faced with an implacably hostile lower house. The noisy faction fights between Whigs and Tories, 'ins' and 'outs', tended to obscure this obvious truth about British politics. The ministry's enemies shouted the cry of 'corruption' for all it was worth, and the ministry defended itself as best it could. Neither took Hume's detached view that what its opponents called corruption was systematically necessary. Indeed, it was the raucousness of faction fighting which threatened the moderate system of politics by its lack of moderation, promising a return to the fanaticism of party which had caused the Civil War in the previous century.

It is sometimes said that Hume is not quite in the first rank as a political theorist because his thought is essentially negative. Hume, on this view of him, is remarkable because he is able to see the glaring faults of the social contract theory, and because he is able to see how the natural law thinkers necessarily exaggerated natural law's claim to be founded in the facts of nature. Hume's famous distinction between 'is' and 'ought' in the *Treatise of Human Nature* is only one example (and a much overplayed example) of his suspicion that almost all natural law theorising is fallacious. Natural law thinkers had typically reasoned that because something *is*, therefore something *ought* to be. Traditionally, natural law thinkers had argued that what is, is right, because God had

wished it to be so. Of course, not everything that actually happened had God's approval, because the free will that God had given to man meant that men frequently did things which caused God pain, but, properly considered, the good things which happened in God's creation pointed the way towards a way of life of which God would approve. Hume began to wonder. It was not that the world as it was actually organised could not teach important moral lessons. Far from it. The world as it actually was, was the only moral teacher. The problem with the moralists in Hume's own contemporary world was that they were too quick to move from 'is' to 'ought', too ready to move from descriptions of the world as it actually was to prescriptions for the world as it should be. In short, all of the thinkers whom Hume implicitly condemned had really failed to understand how the world as it *is* had actually changed. For Hume, a view of the world which in any sense leads to a view of the world as it ought to be is a view of the world as it really, historically, is. Very generalised views of the world as it must have been since the beginning simply will not do. The world changes, and prescriptions for what the world should be like should change with it.

Hume plainly thinks that what the world should be like is implicit in the world as it is. This perception he shares with all conservatives. A proper understanding of one's own contemporary world is the route to what that world should be like. That meant taking contemporary history seriously, where contemporary history meant social development. For Hume, the question: What is the world actually like? is not the same question as asking: What has human nature always been like? Rather, the question for Hume always is: Where has human nature got to now, as it writes its story in its own human landscape? Critics of Hume have congratulated themselves on finding that Hume is an ideologue of the Hanoverian succession, or, even more wickedly, that Hume is an ideologue of the kind of developing capitalism which characterised the reign of the first three Georges. They could have saved themselves the trouble. There is nothing secret about the fact that Hume was the defender of the established practices, political and economic, of his own age. His emphasis on the rules of justice, which at bottom are the rules of possession, buying and selling, is obviously an extrapolation from the commercial practices of his own contemporary world. Living as he did in eighteenth-century Edinburgh, and with friends like Adam Smith in Glasgow, Hume could not have failed to notice the development of a commercial and opulent society in his native land. The whole of the Scottish Enlightenment had taken its cue from Montesquieu in interesting itself in the progress of society, and Scotland was as good a place as any in the eighteenth century to contrast a 'rude' state of society with a 'polished'. The Highland Line was very close to Glasgow throughout the eighteenth century, and it was easy to see the Jacobite rising of 1745 as the assault of the barbarous highland clans against the more advanced civilisations of the Scottish Lowlands and of England.

There is nothing much that is exciting about Hume's political thought, but then there never is about conservatism which is not reactionary. What has to be emphasised about Hume's conservatism is that it is entirely free of any misty-eyed romanticism about the past. He saw more clearly, or he saw earlier, than anybody else in eighteenth-century Scotland, and perhaps more clearly than anybody else in eighteenth-century Britain, that what was needed was a defence of the *status quo*. It is easy, with hindsight, to think of a

defence of the *status quo* as the hallmark of conservatism. What is difficult is to imagine a time when all the main political arguments were arguments derived from a particular view of the past, and only incidentally from an attachment to the present. Hume was very conscious that he was applying the 'experimental' method, that is the scientific method, to moral and political subjects, and the reasonableness of Hume's moral and political theory comes out of the very commonsensical truth that we have more reason to be confident about our experience of the present than of the past. Argument about what the present ought to be like from alleged sets of facts about the past is always bound to get bogged down in bickering about what the past was actually like, and it is a truism that the record of the past can be stretched to render up any tale which the teller wants to be told. Hume is on strong ground when he uses the greater certainties of present experience as a basis for moral and political theorising.

BURKE ON THE CONNECTION BETWEEN ENLIGHTENMENT AND REVOLUTION

As a conservative thinker writing in 1790, Burke has the great advantage of being able to blame Enlightenment for the specific series of events which made up the early history of the French Revolution. Burke has as good a claim as any to being the first to spot that the politics of the modern world was at bottom going to consist of a clash of opposing ideologies. Burke's *Reflections on the Revolution in France* (1790) is an attempt to clothe prerevolutionary social and political institutions with an ideological justification which is in its way just as comprehensive as the revolutionary ideology in whose name those institutions were being attacked. Burke is very quick to point out that the French Revolution is not just another event in the political history of the world. It is definitely not like the English Revolution of 1688, and it is probably only a bit like the American Revolution which preceded it. The French Revolution, in Burke's view of it, was made in the name of a new view of the world, a view so new that it threatened the existing world root and branch. Old Europe showed itself to be in urgent need of defending itself with its own view of the world, and the structure of that view would have to be copied from the structure of the Enlightenment view, able to meet it point for point. The traditional defences of the existing state of things were inadequate. Old Europe had its own theoretical defences, divine right monarchy, for instance, or natural law justifications for the existence of the social and political orders, but there was nothing of comparable modernity to match the sheer diversity of Enlightenment's critique of the intellectual and moral bankruptcy of Europe's ageing institutions, beliefs and practices.

Burke's own critique of Enlightenment, where it does not amount to a critique of a caricature, goes right to the heart of the matter. Unerringly, Burke focuses on the enlightened claim to have invented a science of politics capable of rendering up finished truths about the moral and political worlds. In particular, Burke homes in on the claim that the truths of the moral and political worlds will be simple truths. How can this be, he asks, when the moral and political worlds are in fact so complex? Burke is on strong ground when he emphasises the complication of social and political systems. Human

societies, comprised as they are of interlocking moral, economic and political orders, are really wonders of nature. Burke is careful to keep to Enlightenment's claim that society is natural, but what he chooses to do is to see the natural creation as the work of the mind of a very complex God. God made human societies through a largely unknowing human agency, and what actually holds a human society together is no easy thing to understand. Burke hints at mysteriously working *latent* causes, aspects of a society's inner functioning which are by no means obvious at first sight and which, when seen, may seem to be trivial, but which, when interfered with, may cause a society's disintegration. (Burke very prudently neglects to give a list of latent causes, so as not to fall into the trap of saying that he can spot causes which are in fact very difficult to identify.) Human societies display all the delicacy of finely wrought things. That delicacy is particularly vulnerable to well-meaning schemes of improvement, which may sound fine in the abstract but which can easily have the effect in practice of upsetting a society's own natural balances. Burke sometimes, though not always, speaks of a society as if it were a living thing, with a past, and with a future which is going to be different from that past, but which is determined by it, just as the future of any living thing comes out of its own past but is in all kinds of ways different from it. The conservative implications of this line of thought are obvious. Only God can make living things, but human beings can easily destroy them. The ultimate human folly is to kill off a living society and to attempt to make another one to put in its place. That is the kind of thing a child would do, because children are often impatient with the complexity of the problems which confront them and usually go for a cutting of the Gordian knot kind of solution. How can human beings be expected to create a society from scratch, when an existing society is hard enough to understand? Would *you* trust someone who doesn't even understand how existing clocks work to design an entirely new kind of clock which he claimed was going to be better than any clock which ever existed before in the world?

To say that societies are complex is not to claim that they are perfect. Burke is no reactionary. He recognises that the world changes, and he can see that some changes are for the better. This seems to be particularly true of the course of English history because, as a good Whig, Burke thinks that the glory of English history is the development of what has come to be called the English constitution. The English constitution certainly had not always existed in its developed eighteenth-century form. Therefore it must have come into being as the result of change. The question for Burke is: What was the role of deliberate human agency in that development? Burke is faced with the sight of the French National Assembly making a whole new constitution for France and claiming that they are doing nothing very different from what the English themselves did in 1688. Burke is therefore obliged to give the French and their English sympathisers a lesson in English constitutional history. In his eyes, the English Revolution of 1688 was glorious because it established no new principles of government. Far from it. Burke thinks that it is part of the wisdom of the ruling class in England that it does not go looking for trouble; rather, it deals with each case as it comes up, and acts only when it feels it has to. Over the centuries, the English ruling class has become adept at constitutional management by limiting damage during crises. One such crisis came in 1688. James II was a bad king with a good title to rule. The last straw was his claim that he could suspend the law in

favour of his Catholic friends. This made political action against him necessary, otherwise James, by claiming the right to put aside the ordinary processes of law when he saw fit, threatened the whole idea of the rule of law in England. This would effectively reduce England to the level of a continental despotism, where the king would ride roughshod over legal niceties any time he felt like it. What was to be done? The answer was to make as little change as possible in order to preserve as much of the existing constitution as possible. James would have to go; there was no disputing that. The best way to limit the damage to the continuity of the constitution would be to invite his daughter, Mary, and her husband, William of Orange, to occupy the vacant throne. The hereditary principle would be preserved, in so far as that was possible, and in return the new monarchs would agree not to repeat the unconstitutional errors of their predecessor. In 1688, a prudent ruling class, or their representatives, were able to act quickly before there was time for fundamental questions to be raised about how England *ought* to be governed. The question in the abstract was never considered, least of all by those who made the revolution. What they intended was that as much of the constitutional *status quo ante* as possible, in the circumstances, was preserved. Otherwise, fundamental questions about English government might have been raised, and that would have been to repeat all the constitutional troubles which agitated England in the middle of the seventeenth century and which had caused the Civil War.

Burke seems to think that the effect of these exercises in crisis management is cumulative. Over time, constitutional readjustments produce new, emerging, constitutional principles whose efficacy is confirmed by the fact that they continue to work. In the course of this process a constitution will in fact change, but it is never entirely redesigned at any particular time by any particular group or generation of the ruling class. The whole point about a tradition of constitutionalism is that such a radical re-thinking of it in its entirety is unnecessary. The last thing one should do is to be forever asking whether a constitution is at bottom alive and well. This would be the equivalent in politics of what children tend to do in gardening: continually digging up the roots of a plant to see whether it is growing properly. Burke is not exactly an ancestor-worshipper, but he does think that to reject an ancestral constitution is to claim superiority over those who have gone before us. To attempt to rewrite a constitution is effectively to say that the work of ancestors is useless, if not actually pernicious; it is to claim that no important discoveries about what a political system should be like were ever made in the past. The revolutionary thus adds the crime of arrogance to the crime of patricide by claiming that only he, *now*, understands the true business of government.

The revolutionary is not just a parricide and arrogant; he is also a wastrel. He is like the inheritor of a fortune who is prepared to squander it all in a single generation. No concern for those who laboriously accumulated that fortune disturbs him, nor has he any thought for his posterity. The root cause of this arrogant wastefulness is not difficult to find. Burke does not in fact think that our ancestors were supremely wise, and there is no reason in principle for thinking that men of the present generation are not cleverer than those of past generations. The point is that ordinary experience teaches us that men of inferior ability can frequently see faults in, and improve, schemes devised by men of far superior ability, particularly when they have had time for reflection. Why should this not

have been true of the development of the constitution in the past? Burke's argument is more subtle than it is often given credit for. He is not claiming some kind of elevated wisdom for ancestors, but we can at least concede that some of them must have been men of sense, and we can surely concede that they had a long time for reflection in past generations. This the revolutionary refuses to acknowledge. He thinks that his own present cleverness is all that he needs to go on. The revolutionary makes the mistake that the whole Enlightenment made by thinking that all of the important discoveries have been recently made, and that therefore the wisdom of the past, which he thinks of as no wisdom at all, can safely be set aside.

Two questions then arise which Burke must answer: Where does this ancestral wisdom *come from*, and how do we actually know that it is wisdom and not foolishness? The question about where ancestral wisdom comes from is really another question about the nature of constitutional changes, and about who decides what constitutional changes should occur. The constitution, in Burke's view of it, is a record of decisions made about what government should be like. Legitimate changers of a constitution are always aware that specific changes should be made in order to make the constitution more coherent. The impulse towards constitutional change always arises out of a sense that some governmental practice does not fit well with all the other practices. But that still leaves open the question about the agency of change. Who is it, exactly, who makes those changes? Burke's answer is unequivocal: a wise ruling class. This aspect of Burke's political thought has come in for a good deal of criticism. Can it really be that the English ruling class has always been unfailingly wise? Is there not something obfuscating in Burke's political thought here? Can he be really serious?

The answer is that Burke is being serious, though his arguments have been frequently misunderstood to mean that almost anybody born into the ruling class is a fit guardian of the English constitution. Burke definitely does not think that. What he does think is that there must have been at least a section of the British ruling class, with a care for the constitution, which must have existed almost from time out of mind to provide the continuity of constitutional development which is so remarkable a feature of English political life. In Burke's view of the matter, no continuous ruling class must equal no continuous constitution.

Burke's assertion that there has been a ruling class in England with claims to continuity need cause no surprises. What might cause a surprise is that Burke thinks that this ruling class has always had a care for the constitution. Surely, one might say, ruling classes since the world began have been keen to break out of the constitutional constraints on their own self-aggrandising behaviour. That has been a commonplace view of ruling classes since Plato's *Republic*. Burke thinks that the case of England is different. England has been fortunate in having a ruling class which has been divided in its political attitudes. For extremely complicated political reasons, part of the English ruling class has always seen its own future advantage in supporting the royal prerogative, while the other part of the ruling class has always seen its own future advantage in supporting Parliament. This split (and Burke can hardly do more than hint at it at a moment when all ruling classes must appear to stand united against the French Revolution) got out of hand in the seventeenth century and in part caused the Civil War, but in general it has been

healthy for the English constitution. The dialectical clash between king and Parliament, executive and legislature, has provided the continuous dynamic of English constitutional politics, and such a dynamic cannot fade away while there exist in England devoted defenders of the king's power and robust defenders of the rights of Parliament. Burke by no means thinks that the events of the Revolution of 1688 have settled the question of the relationship between king and Parliament for ever. Nothing can.

This camouflaged internecine quarrel can only be productive of good. In ordinary times it preserves a balance between the authority of government and the liberties of the subject, and in times of crisis the ruling class has to make a decision about where the balance ought to be struck. The motive for the striking of those balances is always obvious. In England, the survival of the constitution, and with it the survival of the ruling class, depends on the ruling class, or a section of it, getting the balance right. A decision on a matter of constitutional importance by no means decides the nature of the constitution for ever. The great moments of constitutional decision are moments at which great questions of government have to be *decided*. Such a moment has occurred when a matter of passionate debate and great political import has been settled one way or the other; after really *is* after. To try to undo such a decision is to be obscurantist. This wilful perversity can occur in English politics; Jacobitism is an obvious example. The course of English history is supposed to show that Jacobitism has had its day, but of course there will always be those who fail to learn the lessons of English constitutional history properly.

Burke's constitutionalism comes out of what is really a rather grand view of the continuity of English politics. The Whig view of the continuity of English politics was far from parochial, if by parochial one means narrow-minded. It holds that, since the Norman Conquest, English history has been one continuous constitutional history lesson taught by freedom-loving Englishmen to their foreign kings who have typically had too elevated an idea of the royal power. In England, the king is expected to share power with the other estates of the realm, nobility and commons, and the king is also expected to acknowledge that there is an English way of doing things which he may not alter at will. The royal prerogative, the power which the king has simply because he is king, is supposed to be extensive but at the same time limited by the powers and privileges of the other orders. In the ordinary course of government the various powers are supposed to act in partnership. Occasionally they come to be seen as rivals, and that is an indicator that things have begun to go wrong, a signal that one of those cases has arisen in which adjustments have to be made so that each of the powers can be returned to run in its proper track. As Montesquieu pointed out, keeping a political system like this in its proper condition requires a certain level of political intuition and a certain body of political skills (despotism is much simpler). A wise ruling class is the vehicle by which those skills are transmitted from one generation to the next. There is nothing mysterious about this, no aristocratic cult of noble blood. Aristocracy, according to Burke, is, in the modern idiom, a socialising agency, teaching the manners, morals and skills to each new generation of its members which will enable constitutional politics of the English kind to work. Such an aristocracy must never become a caste. It must keep at least a half-open door to outside talent (Burke himself) and to new wealth. It would be both wasteful and

dangerous if the spirit of caste were to exclude all the outsiders with a claim to joining the ruling class, and Burke knows perfectly well, though he doesn't mention it, that the history of aristocracy in England is not all that smooth, and that new ennoblement over the centuries has become a commonplace. It won't do to enquire too closely into the origins of titles. Ennoblement also has the advantage of civilising new wealth. New wealth must be welcomed into the charmed circle, but the process must not be too quick. The first generation must not feel too comfortable in its elevated condition, and this tames the arrogance of wealth; later generations will feel much more at home in their position of privilege.

Inheritance is the key to Burke's politics. Everyone in England, from the king downwards, has something valuable to hand on to his children. The king inherits his crown, the nobility its privileges, and the common people their rights and liberties. Each of these three instances of inheritance is consistent with, and indeed bolsters up, the others. Every estate of the realm claims what is valuable to it by the same title, and so no estate can have a good reason for quarrelling with another. Each part of the realm is supposed to realise that, in denying its privileges to any other order, it begins to undermine its title to its own privileges.

Burke stresses the rights and liberties of all Englishmen as an antidote to the new-fangled doctrine of the rights of man which threatens to cause so much trouble in the world. Burke boxes very cleverly with the whole idea of rights. He recognises that the two questions which have to be answered above all others about rights are: What are they? and Where do they come from? Natural rights are vulnerable to those questions. One of the real problems of natural rights theory is always knowing where to draw the line. Most lists of natural rights would include the rights to life, liberty and property, but why stop there? Why not natural rights to a whole host of other things, until the list gets very long? A list of natural rights which included everything that anybody had ever thought of as a natural right would be very long indeed. The problem would then be to decide which was a natural right and which was not. This problem simply will not go away whenever natural rights are under discussion, and it is the problem which enables thinkers like Burke to regard natural rights as a rather airy-fairy concept, meaningless when it is not actually dangerous. The motive for making a list of natural rights is nearly always to contrast the rights which men have in principle with the rights which they are being denied in practice, a contrast in which the existing political order always comes out very badly. What Burke cannot stomach is the idea that an existing and successful political and social order should be threatened by belief in a concept of natural rights which is not itself solidly based.

The problem of what natural rights are pales when compared to the problem of where natural rights *come from*. The usual answer is: from God; but this does not really help much, because it is not clear on what occasion God actually made the gift. Holy Writ no more helps the believer in natural rights than it helps the believer in the divine right of kings. As far as one can tell, God gave neither the right to rule for ever nor natural rights to Adam and his posterity. Arguments of some sophistication may be adduced to show that God really means us to have natural rights (Locke's argument is one such example), but the fact remains that, in the absence of positive scriptural proof, these are only

arguments. Burke himself has a certain sympathy with the idea of God the giver of natural rights, and as a Whig he cannot altogether ignore Locke, but he defuses the idea of natural rights by saying that they would apply only to men in their primitive, pre-civil state, a condition which men long ago exchanged for living in civil society. The idea that men ought to base their present conduct on what was the case in the mists of time is an absurdity. Of course, men living in settled societies do have rights, but they are rights which are relative to the condition of the society in which they presently live.

Rights, for Burke, are rooted firmly in the processes of a society at a particular moment of that society's development. It is only by looking at rights like that, that Burke thinks a reasonable answer to the two vital questions about rights can be answered: What are they and where do they come from? Established practice tells us what our rights are, and we know where they come from because we have received them as an inheritance from our ancestors. To say this does not mean that Burke is complacent about rights. Rights are not self-sustaining; they have to be defended. Burke's Whiggishness gave him a very keen sense of the vulnerability of rights in the face of executive encroachment. The rights of Englishmen, he thought, were rights of the type which can be easily and safely defended—easily because what they were (and Englishmen's title to them) was so clear, and safely because to defend inherited rights was to reinforce the *status quo*, not to threaten it. Burke also seems to think that there is something about the straightforwardness of the rights of Englishmen which is wonderfully in keeping with the English temper. That temper is phlegmatic and untheoretical as a general rule, naturally resistant to the wilder flights of metaphysical fancy which a belief in natural rights involves. At the same time, English history displays a generous and manly disposition to defend rights won and preserved through the ages. The Englishman in defence of his rights is a patient man whose anger is therefore to be feared, and it is in defence of these real rights, not metaphysical rights, that he is willing to risk his fortune and his life.

BURKE'S DEFENCE OF THE ARISTOCRATIC ORDER

The basis of Burke's defence of aristocracy is a belief in the complication of the social and political order. Burke knows perfectly well that the argument against aristocracy is that it is both expensive and useless. That argument was already commonplace in revolutionary France, and it was to be restated in Tom Paine's celebrated reply to Burke, *The Rights of Man*. The French Revolution is accounted a bourgeois revolution because it attacked aristocracy as an unproductive estate foreign to the body politic. Aristocracy was a consumer, not a producer; the best that could be said for it was that it was decorative. Aristocracy, then, needlessly complicates the social order, and part of the purpose of revolution was to create a social order which would consist of the productive classes only. All early nineteenth-century radicalism was to take up the same cry. The societies of the future were to be simplified societies, societies of the producers only. Societies of the producers, which mean societies of the buyers and sellers of labour, were going to be naturally harmonious societies because everybody was going to work for their living. Cut out the aristocratic drones and there would be more to go round anyway, and cut out the

aristocratic influence on the state and the state would be more in keeping with the productive spirit of the age. It was this expected simplification of societies which made the first half of the nineteenth century the great seedbed of social theory, because it seemed to be the case that, as societies simplified themselves, their inner nature could be more easily understood.

Burke understood the connection between social science and political radicalism as well as anyone, because on the face of it there was no denying that the simpler societies were the easier they were to understand, and from there it was only a short step to claiming that what was easily understood could just as easily be reconstructed from the beginning. Hence Burke's insistence on the complex nature of societies. In Burke's political thought, complication was just another way of saying that existing societies were miracles of social integration. Societies consisted of different parts which all seemed to work together to produce what we call the life of a society. All the parts are functional, and that is why Burke places so much emphasis on the *function* of aristocracy. If aristocracy has its part to play in the functioning of the whole, then it cannot be true, as aristocracy's radical enemies claim, that aristocracy is redundant because it does nothing. In England, aristocracy's function is the preservation of the constitution of English government and the preservation of the constitution of English society. Admittedly, aristocracy does not exactly earn its own living directly, but its function of keeping English society and politics in working order means that in practice it more than earns its keep.

Of course, Burke's argument is not altogether new. Livy's history of the early Roman republic contains just such an argument as Burke's in the parable of the belly and the limbs. The Roman commons had seceded to the Sacred Mound because they seemed to do all the work while the Roman patricians seemed to do nothing but glut themselves on the labour of the poor. Menenius Agrippa persuaded the commons to rejoin the city by pointing out that the patricians were like the belly which, by digesting the food, sent out strength to the working limbs of the body; therefore the belly-patricians were not idle at all but performed a vital function for the good of the whole. Menenius's argument is subtler than it may seem to be. He does not claim any kind of intellectual or moral superiority for the patricians; they are not the head or the brains but perform just another physical function like the limbs. Burke is claiming more than that for his ruling class. They exercise an overall ruling function very like what Aristotle meant when he said that the intelligence naturally rules the rest of the body, both in the individual man and in the body politic. Burke seems to be saying that his ruling class performs the most vital function of all.

Behind Burke's defence of the ruling class lies an extremely functional view of political and social institutions. It is not enough for Burke that political institutions simply exist, or that social stratification simply continues to be. Political and social institutions exist to solve the problems which arise naturally out of the common life of men in society. Burke is remarkably forward-looking in pointing to the essentially efficient nature of institutions. Its institutions are all that a society has going for it when problems do arise. This the French have fundamentally failed to understand in their own present troubles. Instead of using their inherited institutions and practices to solve their

problems they have chosen to regard their ancient institutions as themselves constituting part of the problem. Being radical means digging up the roots and starting again, and that includes digging up the roots of old institutions and discarding them, thereby discarding the only means available for coping with national problems. In doing this the French fail to realise that they are compounding the problem in the worst possible way. Government's policies may come and go, but the implementation of those policies relies on tried and trusted institutional procedures. If Burke is right, then it is the construction of institutional procedures, and of the legitimacy for those procedures, which is the most difficult of all political tasks. If the construction from scratch of new political institutions is so difficult, then what chance is there that new institutions will in the near future live up to the expectations placed upon them? Institutions are only legitimate if they can deliver, and institutions with teething troubles can hardly be expected to do that. Burke does not say so, but one of the implications of his view of what the revolutionaries in France are up to is that there is going to be a good deal of bickering in the future about the nature of France's institutional forms, and a political system bedevilled by endless questions about the legitimacy of its own institutional forms is not going to be a political system which is likely to produce good governing decisions.

Burke has in fact got a very sure grasp of what happens when a polity changes its institutions. He knows that the political institutions of a society are in a sense the property of, or in the keeping of, a particular power group. Pleas for changing a society's institutions are therefore open or disguised attempts to change one power group for another. Burke's argument against ever doing that is straightforward. How does one know that a new power group will do as well by its society as the old power group did? All the indications go in the other direction. The chances are that the new, would-be power group consists of exactly those people who erroneously think that it is easy to reconstruct a state from scratch, and they will by definition be a group from outside the old power system. Men from nowhere have their work cut out. Not only are they likely to be politically inexperienced, but they have set themselves the most difficult of all political tasks, the construction of new political institutions. Even the most experienced statesman would balk at that, but France offers us the spectacle of entirely inexperienced politicians setting themselves a task which Burke thinks even the most skilful politicians would avoid if they could. To ask an out-group both to invent a new set of political institutions and then to make them work is nothing short of a recipe for political disaster.

BURKE'S WHIGGERY

Burke is notoriously hard to categorise politically because he began his political life as a Whig and continued to regard himself as a Whig to the end of his life. Whiggism was what we would call 'on the left', however vaguely, in the eighteenth century, yet Burke has been identified with conservatism ever since and we are used to thinking that conservatism is 'on the right'. The difficulty partly arises from Burke's use of arguments from history to bolster up his own political positions. We have become accustomed to thinking that political positions which look to history for their legitimations must

somehow always be right-wing positions, but that was not necessarily the case in late eighteenth-century England. It needs to be emphasised that, in eighteenth-century England, it was the liberty-loving Whigs who typically used arguments from history. It was the Whigs who 'invented' the idea of the ancient English constitution which the king could not alter at will. Toryism was connected with the idea of the divine right of kings and therefore with Jacobitism. That meant an obsession with who was *really* king at the moment, and that in its turn meant he whose father had been king before him. We have become so used to the kind of Burkean argument for monarchy, which emphasises the long possession of the Crown in a particular family as the legitimising factor in monarchy, that we have tended to forget the stress put on the presentness of kingship by eighteenth-century Jacobites. What Burke did was to provide Whig arguments for Tory things. Of course, the Tories had always defended the ancient institutions of Church and King, and of course one of the reasons for loving Church and King was that they were ancient, but Tory arguments had always rested on present legitimacy. Burke's arguments were instantly available to defend historically the established institutions of England, and that is in fact how Burke's arguments were used by those calling themselves Tory in the nineteenth century. The defence of unreformed England became an invitation to love the ivy which covered the walls of institutions which stood their ground against the Whiggish and radical clamour for innovation.

In his own day, Burke the Whig was often accused of inconsistency. Burke led the Whig charge against the policies of George III's government which eventually alienated the American colonists into their Declaration of Independence. As MP for Bristol, whose commercial prosperity depended on its trade with America, Burke could hardly avoid some involvement in American affairs, but that does not explain the completeness of his commitment to the Americans' cause. How, then, could such a consistent defender of American liberties turn almost overnight into the scourge of the liberties of the French? Was not the French Revolution a continuation of the democratic revolution which had already taken place in America? Some of Burke's friends on the Whig side insisted that Burke had turned his coat. The accusation always rankled with Burke, and he always insisted that there was no inconsistency between his position on America and his position on France.

Perhaps we should look into how the Americans saw their own cause against the British government to understand how deeply Whiggish Burke's own position on America was. For as long as they could, the Americans confined their struggle with the British government to matters internal to the British constitution. The American case long remained the case of Englishmen living abroad asking to be treated exactly as Englishmen at home were treated. Crossing the sea to America could no more vitiate the rights and liberties of Englishmen than could the crossing of a county border in England. All the Americans said they wanted was for their government to be left in the condition it had been in before the beginning of the Seven Years War (what in America were called the French and Indian Wars) in 1757. The British government's determination to raise new taxes to pay for American defence after 1763 seemed to the American colonies to be the thin end of a very thick wedge. The war had come close to bankrupting Britain, so who could tell whether or not Britain was going to tighten the fiscal screw on America to

get the British Treasury out of its difficulties. Americans had a very exact sense of the open-endedness of taxation once it has begun, and so they sat back on their ancient prescriptive right not to be taxed much at all. Seen from the British point of view, taxing America for its own defence could only seem to be reasonable. Americans were not even being asked to pay for the whole of the cost of defending the thirteen colonies, and, besides, nothing is for nothing in the world of politics, so why should Englishmen living in America get for nothing what Englishmen living at home had to pay for?

So far, the debate about American taxation had taken the course of an ordinary dispute about finance, a dispute of the kind with which English political history was littered. What threatened to take the dispute out of the ordinary political arena into the more dangerous area of political principle was a hardening of the theoretical positions of the protagonists. Each side felt itself forced by the other to couch its position in the terms of fundamental right. The British government insisted on the absolute right, by parliamentary sovereignty, to tax America, however much that right might be attenuated in practice, while the Americans insisted on the principle that they could not be subject to any new taxation without the right of representation in the imperial Parliament. What was particularly galling to a thinker of Burke's temperament was that the British government probably had no more intention of taxing America to the hilt than the Americans had of wanting to put themselves to the trouble and expense of sending representatives to Westminster. As the dispute dragged on, Burke could see both sides finally taking up positions of right from which no retreat was possible, and, as Hegel was later to say, between equal rights force decides. Burke always said that the language of abstract right applied without a care for the circumstances in which that language is used is bound to lead to fatal consequences. The statesman looks to what is reasonable in the circumstances and leaves the dispute about the exact boundaries of rights to the schools, for there only may they be debated with safety.

There is an exact parallel between Burke's view of the rights question in the American and French cases. In both, it was the assertion of abstract right which caused the trouble. In the case of America, it was the assertion of the essentially abstract right of the British government to tax America by the principle of parliamentary sovereignty which led the Americans into their assertion of the equally abstract right of no taxation without representation. The forms which these two opposed assertions of right took were abstract in the sense that they were new, thought out in the protagonists' heads in defiance of established practice. Each, in its way, was an assertion of right which would upset the present state of things, and the tragedy of America for sympathetic observers like Burke was that he could see both sides in the dispute slowly but inevitably backing themselves into theoretical corners from which there was no escape without losing face. As a good Whig, Burke could see that the end result of denying the Americans the rights they thought they should enjoy as Englishmen would be that they would claim their rights not as Englishmen but as *men*. That was the most abstract form which the assertion of human rights could take, because the rights of man, coming as they did from no specific political and social order, threatened every existing social and political order. And so on to the French Revolution, where the whole of the existing social and political fabric of old Europe was threatened by the assertion of rights of so abstract a kind that a whole new set

of social and political institutions would have to be created in which these new-fangled rights could be embodied.

Burke's claim to consistency over America and France is therefore a good claim. The cases of the American and French Revolutions both showed what could happen if political problems were not to be resolved within the existing framework of government. Both, in Burke's eyes, represented failures to exercise adequate political skills (and one of the reasons why Burke does not mention America in the *Reflections on the Revolution in France* is that he knows in his heart of hearts that the American case is one of those occasions, no doubt infrequent, in which the ruling class in England failed to exercise those political skills which comprised so large a part of its *raison d'être*). Again, Burke cannot lay much emphasis on the French nobility's failure to make its constitution work by reforming it, because he realises that old Europe is going to need all the allies it can get to combat the French Revolution, the French aristocracy included. Therefore he cannot say too openly that the French aristocracy has failed its own constitution, and therefore its own nation. Any example of ruling class failure is damaging to Burke's own case for government by a wise ruling class, and so it should come as no surprise that he plays the whole theme down. In his account of the causes of the French Revolution Burke is therefore obliged to concentrate on the part played by abstract and alien ideas, taking it for granted that the primary cause of the revolution is ideology of the Rousseauist kind. The only difference between the French and American cases is that the French Revolution began in the name of an ideology, while the Americans were eventually forced into ideology which made them revolutionaries.

Burke writes about the French Revolution in a classically rhetorical prose which can sometimes be irritating and sometimes bewitching, and it is important not to be swayed by Burke's eloquence into missing the finer points of what is really a massively commensensical political theory. There can be no doubt that there are weaknesses in Burke's arguments, and nobody had a surer eye for them than Tom Paine in *The Rights of Man*, but Burke's account of what kind of politics a tradition of constitutionalism makes possible and requires has never been equalled. The limitations of Burke's political thought are in fact the limitations of a system of politics so conceived. It was to remain a moot point whether a political theory as inward-looking as Burke's could continue to survive long in the age of outward-looking radicalism which Burke's own theory was designed to stifle at birth.

NOTES ON SOURCES

Hume's *Treatise of Human Nature*, Book III, 'Of Morals', is forbidding for non-philosophers. Hume's *Essays* (various editions) are a much easier route to Hume's political thinking, but Hume's political thinking does not quite make sense without his philosophy. Hume's *History of England*, 6 vols, is hard going but is worth it for the appendices. Duncan Forbes, *Hume's Philosophical Politics* (1975, and various reprints), is the best thing in print on Hume. Burke's *Reflections* is thoughtfully introduced by C.C.O'Brien in the Penguin edition. F.O'Gorman, *Edmund Burke: His Political*

Philosophy (1973), is a good introduction. Also valuable are A.Cobban, *Edmund Burke and the Revolt Against the Eighteenth Century* (1960), and C.Parkin, *The Moral Basis of Burke's Political Thought* (1968).