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Joshua Bandoch, *The Politics of Place: Montesquieu, Particularism, and the Pursuit of Liberty*. Rochester, N.Y.: Rochester University Press, 2017. xi + 253 pp. Notes, bibliography, and index. \$125.00 U.S. (hb). ISBN 9781580469029; \$24.99 U.S. (eb). ISBN 9781787441668; \$24.99 U.S. (ePDF). ISBN 9781787441644.

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This book has much to recommend it. It provides a close reading of Montesquieu's *De l'Esprit des lois*, one that looks at the work as a whole, considers its overall unity, even detailing what the author sees as the plan of a work that is often seen as a mishmash. Moreover, it realizes that Montesquieu's judgements are complex, mixing the good with the bad, and thus avoiding the many hasty claims often made about Montesquieu's likes and dislikes. Bandoch's arguments are always textually supported, and he is very solicitous of the secondary literature that he has read. There are several areas in which this book genuinely advances Montesquieu scholarship.

To be sure, a work as sprawling in its topics and ambitions as *De l'Esprit des lois* resists all attempts at totalization. One must find a guiding thread, a warm thin line with which to traverse its many territories and map it out as a relatively coherent text. Joshua Bandoch has a clear thesis: Montesquieu in this work engages in "a politics of place" (p. 18). Montesquieu does not make universal judgements meant to apply to all political regimes at all times and in all places. He makes particular judgements that must be related to a specific context, which itself must be closely studied in order to understand the many factors that go into forming it. Montesquieu, however, is no relativist, for he recommends that the statesman seek to promote the nation's security, liberty, and prosperity. These latter objectives can be said to be universals, but their meaning, the way that they are to be achieved, and their articulation relative to each other, all vary according to context. They are, in Hegel's terms, "concrete universals." [1]

Note that these are not universals in a descriptive sense. Most states do not pursue these goals, or do not pursue all of these goals. Drawing on Montesquieu's three major regime types, we can say that despotisms pursue neither security, nor liberty, nor prosperity, except for the despot; that democratic republics do not generally pursue commerce, and severely limit individual liberty; and that monarchies in their pursuit of glory often sow insecurity. Not even the English regime (Bandoch speaks of it as a mixed regime), which appears to pursue all three goals, pursues them in a manner that is to be fully recommended. These are not descriptive, but normative universals. As universals, they are not the only normative goals. It was mentioned that monarchies pursue glory; republics or, at least, democratic republics pursue (political) virtue; and the despot seeks not only to be feared, but to be loved by his "slaves." Security, liberty and

prosperity are universal norms in the sense that all states should pursue all these goals; it is just that most states will not or cannot. One should add that these three goals are aligned by Bandoch to the “life, liberty, and the pursuit of happiness” of the American Declaration of Independence, happiness being, presumably, a result of prosperity (though in England the pursuit of prosperity, along with “extreme liberty,” results in a pervasive “*inquiétude*” and high rates of suicide [pp. 117–118]). Still, despite this somewhat Americanocentric reading, Bandoch does provide much evidence that these are the general directions of Montesquieu’s normative orientations, and that Montesquieu’s discussion of these orientations is highly nuanced.

In this regard, a number of Bandoch’s interpretations prove most instructive. Consider the discussion of aristocratic and federal republics. The latter tend to be neglected because they do not appear as pure types, in contrast to the democratic republic. They therefore lack their own “principle” or spirit;[2] they do not have a form of education specific to them; and the federal republic is without its own mode of corruption.[3] And yet if the aristocratic and federal republics appear conceptually deficient, Bandoch provides very cogent arguments as to their relevance to Montesquieu’s understanding of good governance. Note should also be taken of the analysis of Montesquieu’s “selective religious intolerance” (p. 8); the latter is entirely consistent with the contextual sensitivity of *De l’Esprit*, even as it confounds standard Enlightenment and counter-Enlightenment arguments. An honourable mention should also go to the analysis of Holland, with reference to discussion of both the federal republic and the ambiguities of a more unvarnished economic ethic. There is relatively little in *De l’Esprit* about Holland, some of it was removed just prior to publication because the Dutch Republic and France were pitted against each other during the War of the Austrian Succession. Bandoch demonstrates that Montesquieu’s views evolved since his trip to Holland in 1729, when he was appalled by what he saw as an ethos entirely determined by the cash nexus. His later judgement was attenuated by political considerations, though the Dutch Republic remained for him an object lesson in modern commerce’s darker tendencies.

While on the subject of commerce, it seems to me that Bandoch seeks to blur Montesquieu’s distinction between *commerce de luxe* and *commerce d’économie*, which corresponds to the economic behaviour of monarchies and republics respectively. Bandoch sees Montesquieu as seeking a notion of commerce that neither scorns luxury nor promotes excessive inequality, and thereby promotes prosperity as a norm. An argument could be made that this *mélange* was to be found in the English regime, but this renders the norm specific to a very particular context. This may be a quibble. What is more problematic is the discussion of despotism, a concept that embraces almost all the non-European world and much of eastern Europe. For Bandoch, despotism, in contrast to the other regimes, does not admit of nuanced judgements, and is simply to be condemned. In my reading, Montesquieu distinguishes between different despotic regimes. Particularly revealing is his discussion in Book XIX centered on the question of *mœurs*. Here, Montesquieu devotes considerable space to the examination of those two exceptional nations whose “spirits” do not correspond to the “principles” of the three central political types. One of these exceptions is England, which is neither a republic, nor a monarchy, nor, I would argue, a “mixed regime,” but is instead *sui generis*. [4] The other exception is China, which presents the image of a non-despotic despotism, fulfilling in its own way Bandoch’s three universal norms. Security: it is the most stable of states, having lasted millennia, in contrast to the most despotic regimes, which last only a few generations. Liberty: its emperors are not presented as cruel and unpredictable, concerned above all with their sensual pleasures; and when the court proves corrupt, widespread revolts ensure that new dynasties emerge, reconstructing the regime from

the bottom up. And prosperity: China is a nation built on the industry of its inhabitants and certainly knows commerce, even if that commerce is neither *de luxe* nor *d'économie*. In his introduction, Bandoch recommends Montesquieu as a cosmopolitan thinker for a global age. It is a pity that Bandoch's own work should be more Eurocentric than that of his model.

I noted earlier that a cogent reading of *De l'Esprit des Lois* is necessarily a limited reading. It follows that the strengths of an interpretation determine its weaknesses. The strength here is the discussion of Montesquieu's normative orientation and how it balances the universal with the particular. The universals here, I stated, were normative and not descriptive, even as their successful application supposes a robust description of context. This raises the question: how does one describe particular contexts, and how does one know that one's description is actually true? It raises the question, in short, of Montesquieu's epistemology—a question not unrelated to distinction between the particular and the universal. One generally describes a particularist epistemology as empiricist (and a particularist ontology as nominalist); and while one hesitates to speak of a more universalist epistemology as metaphysical, it places more weight on abstractions. Montesquieu has often been described as an empiricist because of his concern with particular contexts. I would argue that his analysis of particular contexts begins in, and works itself through, abstractions, which his empirical material then serves to refine.

To speak cogently of Montesquieu's abstractions, and how they operate within and behind the text, requires considerable conceptual work, more than is found here. Bandoch, for example, notes Montesquieu's recommendation to pit power against power.[5] Such a claim supposes a certain conception of power, one that denies all normative content to the definition of power, and therefore rejects the very idea of a good power. This places Montesquieu against not just absolutist rule, but also the concept of sovereignty, as well as the temptations of the idea of enlightened despotism (a term that only really appeared after his death). It also helps explain why he rejected the earlier classification of regimes. It is not a question of who has power (the one, the few or the many) and whether that power is or is not a corruption of power (the evil twins). For Montesquieu, power is itself inherently corrupt, particularly when it becomes too powerful. The distinction between despotisms, monarchies, and republics puts very different questions into play, questions concerning how power is to be limited and contained. This is why Montesquieu was able to understand England in terms of checks and balances (*pouvoirs séparés et distribués*) rather than in the terms of mixed government, combining monarchic, aristocratic, and democratic elements. The larger point here is that this sort of questioning is not engaged in any depth. This book remains, for both better and worse, strictly a work of normative politics.

As a work of normative politics, it is interested not just in Montesquieu's normative orientations, but also in the relevance of the latter to a more contemporary issue. In the introduction, Bandoch speaks of Edmund Burke and Alexis de Tocqueville as having been influenced by Montesquieu, and he contrasts them to Hegel. It should be noted that Hegel read Montesquieu and in the introduction to his *Philosophy of Right* made exactly the point that is at the center of this book.[6] And while it can certainly be claimed that Hegel's history was teleological, the claim that it "inspired nineteenth-century nationalist movements, promoting a notion of 'us' pitted against 'them,'" is surely caricatural (p. 5). Bandoch's major concern, however, is not to situate Montesquieu in the tradition of political theory, but to examine what Montesquieu might have said about the American Constitution. It is well known that the Founding Fathers, and James Madison in particular, were enamored of Montesquieu's description of the English "constitution." Precisely because the latter was described in terms of checks and balances (and not as a mixed

government), it could be transferred to the conditions of the Thirteen Colonies, which neither had an aristocracy nor desired a monarch. Bandoch's primary concern is different. He asks if the American Constitution, and its success, is to be understood in terms of a politics of place, or in universalist terms as found, for example, in *The Federalist Papers*.

What is at stake is the status of American exceptionalism, at least to the extent that the latter is to be based in the principles expressed in the Constitution. Bandoch argues that the American Constitution could only have developed within, and is uniquely appropriate to, its time and place, and that attempts to adopt it by other countries are liable to fail. In truth, this argument relies on Tocqueville, who is treated as a latter-day Montesquieu stand-in. Still, the argument is eminently sensible (even for a non-American like me who resists Americanocentric readings). The argument does, however, raise a series of questions. To begin with, is the Constitution still appropriate to its context more than two hundred years later? And if the United States is not the shining example on the hill to be copied by all and sundry, either voluntarily or by *force majeure*, can one still uphold universal values relative to particular contexts, and, if so, how? Then there are the conundrums that appear uniquely of the moment. For many, the United States, because of its response to the pandemic, its racial problems, its incarceration rates, its deaths of despair, etc., is seen as "unfortunately exceptional," an example to be avoided.[7] And there is the present President of the United States, who claims not only that American ideals are not for export, but treats these ideals as disposable whitewash. The United States is no better, he seems to claim, than any other country, only (possibly) greater by virtue of its economy and army...at least if he is allowed to remain in power. The politics of place indeed!

## NOTES

[1] Georg Wilhelm Friedrich Hegel, *Philosophy of Right*, translated with Notes by T.M. Knox (London: Oxford University Press, 1967), p. 22.

[2] Montesquieu distinguishes between the "nature" of governments and their "principle" in Book 3, Chapter 1 of *The Spirit of the Laws*, entitled, "The difference between the nature of the government and its principle." Montesquieu, *The Spirit of the Laws*, translated and edited by Anne M. Cohler, Basia Carolyn Miller and Harold Samuel Stone (Cambridge University Press, 1989), p. 21.

[3] Bandoch does claim that aristocracies bear the spirit of moderation, but moderation is not a spirit like virtue, honour, or fear; rather it a brake on these (and other) more spirited orientations. As such it is difficult to speak of moderation as a spring (*ressort*) that puts the regime's "nature" into motion.

[4] A mixed regime combines the rule of the one, the few, and the many. Montesquieu rejects this traditional distinction between monarchy, aristocracy, and democracy (and their evil twins, tyranny, oligarchy, and mob rule) and replaces it with that of despotism, monarchy, and a republican regime. To claim that the English regime is a mix of the latter is nonsensical.

[5] Bandoch appears to imply that this recommendation applies to more than the English regime. Monarchies, however, are described not in terms of a clash of opposing forces, but as a solar system with carefully calibrated gravitational pulls. Whether this is an adequate description of monarchies is another matter.

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[6] Hegel, *Philosophy of Right*, p. 16. “Montesquieu proclaimed the true historical view, the genuinely philosophical position, namely that legislation both in general and in its particular provisions is to be treated not as something isolated and abstract but rather as a subordinate moment in a whole, interconnected with all the other features which make up the character of a nation and an epoch.” London: Oxford University Press, 1967, p. 16.

[7] Bandoch speaks, relative to the founding, of “unfortunate exceptionalism,” which he rejects, (p. 178). The reference here is not to the perniciousness of the Constitution’s principles, but to the hypocrisy of their application, given the maintenance of slavery. In the eighteenth century, however, slavery was hardly specific to the United States, and the principles could still remain inspiring in their universalism. It is not certain that “unfortunate exceptionalism” would mean the same today.

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