



Montesquieu and Burke

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Montesquieu and Burke

Review of C. P. Courtney, *Montesquieu and Burke* (Oxford, 1963: Blackwell), *Modern Language Review* 60 no. 3 (July 1965), 449–52



‘This,’ according to the publisher’s blurb, ‘the first book to examine in detail the affinity between Montesquieu and Burke, examines the influence of Montesquieu on Burke’s literary, political and philosophical works; and, throughout, both writers are studied in relation to the thought and history of their age.’

The first two of these three claims seem to me to be reasonably valid. No student of the eighteenth century has ever doubted that Burke was profoundly influenced by Montesquieu: Burke’s own laudatory apostrophes to the French thinker show that he was fully conscious of his debt. Dr Courtney has examined the texts of both writers, noting parallels, echoes, affinities and similarities, distinguishing scrupulously between direct debts and probable and possible derivations on the part of both from a common tradition. By turning a probability into a near certainty Dr Courtney has added to the sum of knowledge.

The publisher’s third claim is more dubious. Dr Courtney attempts little or no analysis of ideas as historians of ideas (I do not speak of philosophers) understand it; nor does he seek to place

either Montesquieu's or Burke's thought in the context of the intellectual controversies of their time. Burke is the greater loser, for Montesquieu has been better served in this respect by both [450] English and continental scholars. Some account of the conflict between Montesquieu's historicism and gradualism and the ideas of the more radical and impatient younger *philosophes* is indispensable to the understanding of the tableau of French social as well as philosophical thought, not merely as it presents itself to us, but as it was viewed towards the end of the century by the English and German intelligentsia; yet apart from mention of Jacobin disapproval and a reference to the pseudo-Helvétian letters exposed by the late Richard Koebner, this issue is scarcely raised. As for Burke, he is placed, with a welcome wealth of detail, in the English political and, more particularly, parliamentary history of his time – in the debates and pamphleteering of his Whig patrons and the King's party. But the wider context in which he thought and wrote his pamphlets – mounting radicalism in France and revolutionary innovations made or mediated by the enlightened despots in Europe – King Frederick, the Emperor Joseph and their admirers in Scandinavia and elsewhere – all that is very shadowy here.

Yet in discussing the influence of Montesquieu or Burke, one consideration seems crucial: that whereas Montesquieu reacted sharply against the hated centralising tyranny of Louis XIV and Louvois, so that his pleas for individual liberty and his insistence on the value of the separation of powers, or the shock-absorbing 'intermediary' bodies between the sovereign and the people, have been correctly interpreted as moderate and enlightened and, even though aristocratic, yet still liberal, opposition to oppression from above, Burke, even when he expressed very similar sentiments, used them as both shield and spear at least as much against the democratic and 'left-wing' movements of his time, as against the King's encroachments: which has given them an altogether different, and far more illiberal, direction.

The same words can mean different things in different contexts. The import of beliefs and their classification, especially in the case of social and political opinions, is obviously related to the direction of their thrust: for or against whom or what they are uttered. Montesquieu, as Dr Courtney notes, was not well regarded by the Jacobins; but he was considered a rationalist and a progressive by moderate republicans and constitutional monarchists (such as

Constant, Hegel and other supporters of the *Rechtsstaat*), and as an ally – although with obvious reservations – by men to the left of these; while Burke inspired Gentz and Adam Müller and a host of Romantic counter-revolutionaries as well as Anglican conservatism. The milieu and the ‘moment’ can count for more in the meaning of a notion than its formal denotation. I feel sure that Dr Courtney must be well aware of this cardinal difference: perhaps he omitted it because he considered it too familiar.

The ideas themselves are described with meticulous care. The author’s learning is not in doubt. But some truly nodal points – for example, the conflict between Montesquieu’s determinism and his moral idealism, or Burke’s differing – and conflicting – definitions of liberty – are minutely described or quoted only to be pressed no further. Yet these are among the issues that agitated their contemporaries, and upon which much political thought turned, and the treatment of which is still crucial in estimating these authors’ importance and influence.

Nevertheless this is a useful and valuable book. The close examination of Burke’s ‘Abridgment of English History’ and the careful comparison of Montesquieu’s and Burke’s views on such central notions as historical causation, providence, the interplay of individual and social factors (as well as odder parallels, such as the treatment of ordeal by fire in the Middle Ages) is well done. Dr Courtney defends Montesquieu against generations of scholars who have maintained that his doctrine of the separation of powers in English constitutional practice was founded on literary sources and led him into a misdescription of the facts; with learning and courage he supports the counter-thesis that, with certain minor exceptions, Montesquieu founded his theory on his own correct observations [451] in England and on explanations given him by politically well-informed English acquaintances, and gave a realistic account of what he found.

Dr Courtney loses no opportunity of pointing to the qualifications which Montesquieu himself made wherever the powers were not as clearly separated as the pure doctrine demanded. He makes a good case for Montesquieu as an accurate political observer; from which it follows that the American constitution-makers took the letter for the spirit, and paid exaggerated respect to doctrines which in Montesquieu were not intended to be pressed too hard. This is a matter on which constitutional historians will

disagree. Dr Courtney points out that the usual criticisms are anachronistic, since neither a developed party system nor modern cabinet governments existed in England in Montesquieu's day. This is true, but English ministers were, after all, members of the legislature, in which divisions of function were conceived in a highly pragmatic way, and this is not obviously compatible with Montesquieu's celebrated schema. Still, Dr Courtney argues his case clearly and cogently; he re-opens the issue, and that is an achievement in itself.

He is at his best when, to account for Burke's successive positions, he deals with the complex history of parliamentary manoeuvres by the Rockinghams and their opponents in Parliament in the 1770s and 1780s; in particular with the relatively ephemeral occasions of some of Burke's most magnificent flights both of thought and of eloquence; and he gives a faithful account of Burke's major inconsistencies. Dr Courtney's treatment of the intermingling of political exigencies and recollections of Montesquieu in Burke's opinions is skilful and convincing (Dr Courtney concedes but does not make quite enough of other influences – those of Locke and Hooker as well as Cicero and the Stoics). As soon as he gets on to the ground of concrete policy – towards American colonies, India and Warren Hastings, the French revolutionaries, Ireland – his account becomes detailed, relevant, interesting and credible.

He is less successful with ideas: his parallel between Burke's and Montesquieu's respective conceptions of natural law, of history, of men's rights is acceptable so far as it goes; but at the very point at which it becomes imperative to ask what is inconsistent within or between them – and whether such conflicts can be resolved – he averts his gaze. Thus Dr Courtney is clear that Burke's defence of the American, and attack on the French, Revolution is consistent with his reverence for historical tradition; but declines to consider whether, and if so, how far, Burke believed in the justice of interfering with native Indian customs, say thuggery or suttee, which offend against the central moral convictions of Christians – issues that were to become increasingly relevant to all colonial problems in the century and a half that followed. After all, Herder, whose approach resembles Burke's, reached wholly different conclusions.

What infuriated the radicals is clear enough. Mr Courtney's analogy between Burke's and Dumont's contempt for the metaphysical abstractions of the French revolutionaries, despite a

common demand for concrete cases on the part of traditionalists and utilitarians alike, leaves too much out: the distance between the ‘no nonsense’ positivism of Bentham’s disciple and the metaphysics of a man who spoke of our political system as being in ‘a just correspondence and symmetry with the order of the world’, and of ‘a stupendous wisdom, moulding together the great mysterious incorporation of the human race’,¹ remains far greater – then as now – than that between the most hard-boiled Benthamites and the followers of Condorcet. Nor are matters helped by pointing to the appeal by both Montesquieu and Burke to the protean concept of ‘reason’, which came to mean anything from a mystical doctrine of the incarnation of the divine Logos in nature or history to the correct assessment of scientific evidence or rigorous empiricism.

Mr Courtney is far more illuminating when he deals with actual political issues, and Burke’s tactics and ends in dealing [452] with them; his touch is less sure in his discussion of the realm of ‘principles and maxims’, in which Burke displayed his true originality. Dr Courtney’s most ambitious hypothesis in this field amounts to saying that Burke, by condemning the French Revolution, in effect abandoned the historicism dear to Montesquieu; for, had he followed it consistently, he would have seen the Revolution to be historically determined, no more alterable than the nature of man which Burke said ‘I cannot alter’,² ‘the fact is so’. But this seems to give too little weight to Burke’s reiterated belief that the ‘natural’ or ‘reasonable’ or ‘true’, ‘traditional’ path of a great nation must (whatever this may mean) accord more faithfully with its past: that the Glorious Revolution restored ancient liberties, while the French destroyed them; that for him the Revolution was an offence against history, an arbitrary break, an attempt to distort the pattern of national life, the mechanical application of timeless formulae without regard to the divine tactic, to institutional development dictated by those transcendent goals which for Burke, no less than for Bossuet, history reveals and embodies. Burke’s

¹ *Reflections on the Revolution in France* (1790), in *The Writings and Speeches of Edmund Burke*, ed. Paul Langford (Oxford, 1981–2015), vol. 8, *The French Revolution*, ed. L. G. Mitchell and William B. Todd (1989), 84.

² ‘Speech on Conciliation with America, 22 March 1775’, *ibid.*, vol. 3, *Party, Parliament, and the American War: 1774–1780*, ed. Warren M. Elofson, John A. Woods and William B. Todd (1986), 122.

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arguments may be specious, and his doctrine theological: but they are not incompatible with the historicism in which conservatism has often found a stout ally.

Still, Dr Courtney states his case persuasively and well. His account of the complicated interplay between Burke's principles and ideas and his political practice and active pamphleteering is expounded clearly, precisely and with model respect both for the man himself and the facts of British political life. In this respect his own intellectual integrity reflects that of Montesquieu a good deal more than that of his Irish disciple. Dr Courtney never conceals or slurs over inconvenient pieces of evidence or seeks to minimise their importance by special pleading. This book began life as a doctoral thesis: it is a wholly admirable piece of specialized research. The bibliography is full, the index excellent; I have noted no misprints. For wider ideological implications – which an undue diffidence and modesty have evidently prevented Dr Courtney from discussing – we must still turn to Meinecke and the French masters of intellectual history. Academic sanctions can be a fearful chain upon intellectual freedom. This book would have gained much if its impeccable young author had allowed himself to give freer rein to the critical faculties and historical sense which he clearly possesses, and in this volume has curbed with such single-minded, self-imposed austerity. Nevertheless it remains an admirable example of its genre.

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Posted in Isaiah Berlin Online 13 January 2023