

Article

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Montaigne, Architect of or Modern Liberty

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Abstract: Michel de Montaigne (1533–1592), author of the *Essays* (published in successive, revised and expanded editions from 1580 until after his death), deserves to be recognized as the first) philosophic architect of modern liberalism, that is, a doctrine that advocates the advancement of individual liberty (under law), and consequently a reduction in the scope and purpose of government to securing what are represented by Montaigne’s successors (Hobbes, Locke, Montesquieu, and the American Founders) as people’s inherent rights to their life, liberty, property, and the “pursuit of happiness” as they conceive it. His outward, periodic professions of extreme conservatism and of homage to the Catholic Church are merely a rhetorical cover designed to protect the author from being persecuted (and his book from being banned). As a practitioner of what he describes as esoteric rhetoric (attributing it to the ancient political philosophers), Montaigne invites careful readers to see through his rhetorical concealment by noting how his conservative professions are undermined by the overall train of his reasoning and argument. Although Montaigne’s argument for liberal individualism may have gone too far in its influence over the long run (that is, the 21st century), we citizens of modern liberal regimes owe him a debt of gratitude for helping to liberate us from the reign of arbitrary monarchs, oppressive aristocrats, and clerical oppressors.

Keywords: Michel de Montaigne, French and American liberty, classical liberalism

Michel de Montaigne (1533–1592), author of the *Essays* (published in successive, revised and expanded editions from 1580 until after his death), deserves to be recognized as the first (so far as I know) philosophic architect of modern liberalism. I am using the term “liberalism” in its original, literal sense: a doctrine that advocates the advancement of individual liberty (under law), and consequently

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a reduction in the scope and purpose of government to securing what are represented by Montaigne's successors (notably Hobbes, Locke, Montesquieu, and the American Founders) as people's inherent rights to their life, liberty, property, and "pursuit of happiness" as they conceive it. Although Montaigne aimed at engendering political progress in that sense, along with promoting progress in the scientific knowledge of nature with a view to advancing what his successor Francis Bacon (author of the second book to be titled "Essays") called "the relief of man's estate," particularly in order to enhance human health, he was not a political "progressive" in the sense of the doctrine that has seized on the term "liberalism" in the twentieth century in America (not in France), one who favors an ever-expanding role for government aimed at equalizing people's conditions or life prospects, culminating in what Alexis de Tocqueville was to call soft or "tutelary" despotism.¹ In consequence of his aspiration to promote individual freedom, Montaigne was an ardent, if subtle, critic of entrenched, hereditary political privilege in all its forms, and thus an advocate, over the long term, of a transition from monarchy and aristocracy to republican government, but in a form that would be as free as possible from antiliberal superstition and partisan fanaticism.

Although Montaigne's significance as an advocate of liberty was recognized by such philosophers as Locke and Rousseau, and (more recently) by the great Montaignist Arthur Armaingaud a century ago, appreciation of his role in this regard has declined since the early twentieth century, for several reasons. First, academic readers, who now compose most published studies of the *Essays*, have lost a sensitivity to the subtlety of Montaigne's rhetoric (a necessity, given the time in which he lived, not only for his own security, but to ensure the survival and influence of his book). In consequence, they have gullibly taken Montaigne at his word when he denies (in his preface "To the Reader") that his book has any public or political intention, or that it contains any unifying, philosophic character, serving only to record his shifting opinions and attitudes on all manner of subjects, in no particular order. (Hence, instead of being given place in the curricula of political science or philosophy courses, the study of the *Essays* is commonly consigned, outside of France, to literature departments, where scholars celebrate the book's style rather than its substance – in direct contradiction of the praise he hoped the book would receive [I.40.245 [184–5].)² Third, in further consequence

1 Daniel Klein of George Mason University has written extensively on this transformation of the meaning of "liberalism" in the English-speaking world. See, e.g., his "A Plea Regarding 'Liberal,'" *Modern Age*, 57.3 (Summer, 2015), 7–16.

2 Parenthetical citations of the *Essays* refer to the Pléiade edition of the *Essais* in Montaigne's *Oeuvres complètes*, ed. Albert Thibaudet and Maurice Rat (Paris: Gallimard, 1962), followed by a bracketed reference to Donald Frame's translation in *The Complete Works of Montaigne* (Stanford: Stanford University Press, 1957), which I have occasionally modified.

of the failure to comprehend Montaigne's rhetoric, most scholars have misrepresented the essayist as the opposite of a liberal, that is, an extreme conservative or even reactionary (albeit a "skeptical" one) who opposed all efforts at political reform or improvement – and hardly, therefore, a thinker who has anything of political relevance to teach us in more enlightened times.³ The result has been a gap, noted by the scholar R.A. Sayce, between the essayist's academic reputation as an ultraconservative and the actual, liberal or revolutionary influence of his book in centuries past.⁴

In the present essay, which draws on my 1990 book *The Political Philosophy of Montaigne*, along with an article assessing recent, alternative interpretations of the *Essays*, I outline my reasons for representing Montaigne as a pioneering liberal.⁵

1 Montaigne Was Not a Conservative

The decisive proof-text for those who portray Montaigne as an arch-conservative is a passage in I.23, "Of Custom, and Not Easily Changing an Accepted Law," wherein the Gascon expresses doubt "whether there can be such evident profit in changing an accepted law, of whatever sort ... as there is harm in disturbing it, inasmuch as a government is like a structure of different parts joined together in such a relation that it is impossible to budge one without the whole body feeling it." He proceeds to express his "disgus[t] with innovation, in whatever guise," in view of the "very harmful effects" he has seen to result from it (I.23.118–19 [86–7]) – clearly alluding to the Protestant Reformation, which engendered the civil-religious wars that troubled France for a majority of Montaigne's adult lifetime until they were brought

³ An extreme example of the disparagement of the book's philosophic seriousness is the recent treatment by the prominent Montaigne scholar Philippe Desan, in *Montaigne: A Life*, trans. Steven Rendall and Lisa Neal (Chicago: University of Chicago Press, 2017), which explains the book's origin as a sort of curriculum vitae, designed to demonstrate that the author had sufficient learning to qualify him for higher office (273), and warns against "strictly philosophical readings" of the *Essays* that disregard its "purely historical and political dimension" (619). As I shall observe further on, although an adequate understanding of the book must indeed attend to its author's political aspirations, those ambitions were on a far vaster scale than office-seeking, and were to be achieved, posthumously, by the philosophical and rhetorical influence of his book. (For a critique of Desan's interpretation, see my article cited in note 5.)

⁴ Sayce, *The Essays of Montaigne: A Critical Exploration* (London: Weidenfeld and Nicolson, 1972), 237, 259.

⁵ Schaefer, *The Political Philosophy of Montaigne* (Ithaca: Cornell University Press, 1990; rpt. ed. 2019), hereafter PPM; "Montaigne: Founder of Modern Liberalism," *Perspectives on Political Science*, 48.1 (Jan.-March, 2019), 33–45.

to an end by (the author's sometime advisee) Henri of Navarre, who introduced a policy of toleration upon his accession to the throne as Henri IV in 1589.

Even on a superficial reading, it is noteworthy that despite his status as a Catholic aristocrat, Montaigne dispenses blame for France's troubles equally on "the innovators" (the Protestants) and their "imitators" (the Catholics), the latter being even "more vicious in that they wholeheartedly follow examples whose horror and evil they have felt and punished." Hence he criticizes both sides for exhibiting such "self-love and presumption" that in order to "establish" their opinions they "overthrow the public peace and introduce so many inevitable evils, and such a horrible corruption of morals, as civil wars and political changes" engender, producing "so many certain and known vices in order to combat contested and debatable errors"⁶ (presumably, theological ones) (I.23.119 [87]).

There can be no doubt of Montaigne's horror at the brutality of France's civil wars. But was his remedy to avoid all sorts of innovation? It is impossible seriously to maintain this thesis when one situates the passages I have quoted in their broader context in I.23. Well over half the chapter is devoted not to the supposed danger of changing laws, but to the power of custom or habit to shape people's judgment so as to cause them to identify as natural the particular ways that they have been brought up in (citing the image of the cave in Plato's *Republic*, which depicts the human condition as one in which people's beliefs are shaped by unseen image-makers, without any of them – with the possible exception of philosophers – ever seeing things as they really are). But Montaigne goes beyond Plato in warning of the danger that such a narrow or unenlightened upbringing will generate evils like "cruelty, tyranny, and treason."

There follows a lengthy account, borrowed mostly from Herodotus and from Lopez de Gomara's reports about the New World, of the startling variety of customs followed by different peoples regarding matters as diverse as food, sex, familial relations, religion, property, clothing (or the lack thereof), death, and government, culminating in the observation that custom's "principal effect" is to "ensnare" us so as to obstruct our capacity to "return into ourselves" (which Montaigne elsewhere depicts as his primary occupation, e.g. at II.12.548 [425],) so as "to reflect and reason about its ordinances" (114 [83]). In other words, Montaigne is not a simple relativist who regards all customs as equally valid, but wishes (like the philosopher escaping from Plato's cave) to see things in the light of reason and nature.

⁶ In his emphasis on the need to inculcate habits of humanity in youth, Montaigne anticipates Locke's *Some Thoughts Concerning Education*, secs. 116–17.

At this point, seemingly resuming his litany of the variety of customs followed by different peoples, but without drawing on any other known source, Montaigne interjects a passage of considerable political import:

Nations brought up to liberty and to ruling themselves consider any other form of government monstrous and contrary to nature. Those who are accustomed to monarchy do the same. And whatever easy chance fortune offers them to change, even when with great difficulties they have rid themselves of the importunity of one master, they run to supplant him with another, with similar difficulties, because they cannot make up their minds to hate mastery [*la maistrise*] (114–15 [83–4]).

The significance of this observation can be gleaned only by juxtaposing it with two remarks in other chapters of the *Essays* wherein Montaigne addresses the merits of alternative forms of government, along with a passage I have already cited from I.23. In III.7, “Of the Disadvantage of Greatness,” the essayist states that he is “disgusted [*desgousté*] with mastery [*maistrise*] both active and passive,” expressing his readiness to emulate Otanes, one of the seven pretenders to the Persian throne, who (in Herodotus’ account) offered to renounce his claim to rule so long as his fellows allowed him to live in a manner “free of all subjection and mastery [*maistrise*] save that of the ancient laws, and have every freedom that would not be prejudicial to these, balking at either commanding or being commanded” (III.7, 896 [700]). Combining this discussion with the passage last quoted from I.23, Montaigne effectively laments the failure of the subjects of monarchy (the most common form of government among the nations of his time, including his own country) to share and act on his (and Otanes’) love of liberty, to the point of replacing the regime that imposes such “difficulties” on them. Those difficulties, as elaborated in the concluding lines of III.7, include kings’ display of “every kind of dissoluteness” along with cruelty, of which Montaigne elsewhere expresses his hatred as the worst of all vices (II.11.408 [313]), as well as their deprivation of freedom of speech to both philosophers and poets (III.7.898–9 [702–3]) – with a free form of government.⁷ At the same time, the “disgust” Montaigne expresses for mastery counterbalances the disgust he professed for *innovation* in I.23. The two statements of repulsion at least cancel each other out, leading us to ask: is Montaigne really opposed to all sorts of political change, or only to the *wrong* sort?

7 The passage also bears comparison with the opening paragraph of Chapter Three of Machiavelli’s *The Prince*, which similarly describes people’s falling time and again for the false promises of usurping princes, implying the need for a form of government that would better serve the people’s needs, partly by liberating them from the false hope of a (theological) “future good” that may never arrive (*The Prince*, trans. Harvey C. Mansfield [Chicago: University of Chicago Press, 1985], 7–8). On Montaigne’s Machiavellianism, see *PPM*, 347–71.

The latter interpretation is supported by several pieces of textual evidence. First, in the third chapter of the *Essays*, Montaigne describes popular government as the “most natural and equitable” form, even though he is “almost” (but not quite) ready to vow “eternal hatred” against it because of the (religiously motivated, in his account) “inhuman injustice” that the Athenian *demos* meted out to their generals for pursuing the enemy (Spartan) fleet “rather than stopping to gather up and bury their dead” (I.3.23–4 [12–13]).⁸ This remark – occurring in a chapter titled “Our Feelings Reach Out Beyond Us,” which began by urging that people at least be allowed to speak openly about the vices of the kings under whom they had suffered once the kings are dead (why should they have to wait?) – follows almost immediately upon a discussion of various funeral customs, in which Montaigne calls the decision “to avoid expenses and pleasures whose use and knowledge are imperceptible to us” “an easy reformation [a pregnant term in the sixteenth century!] and a cheap one” (I.3.23 [12]).

Now let us follow the trail back to I.23. Montaigne’s seemingly offhanded proposal of an easy and cheap reformation in I.3 harmonizes directly with his critique of the Protestant reformation (along with the equally bloody Catholic response) for encouraging “certain and known vices” for the sake of combating “debatable” theological “errors.” It connects also with a remark earlier in I.23 suggesting that “indifferent things *such as* clothes” should be “restore[d] to their true purpose, which is the service and comfort of the body” (117 [85]). My italics are meant to bring out the fact that the term “indifferent things,” in sixteenth- and seventeenth-century theological discourse, referred to doctrinal questions or practices about which it was argued there was no inherent reason for favoring one

8 It is significant that Montaigne’s claim that the *demos*’s anger was aroused by the generals’ failure to retrieve the bodies of the dead follows the account of Diodorus Siculus, who wrote several centuries after the event, rather than the explanation given by Xenophon (who was present in Athens at the time) in his *Hellenica* (I.6–7). In Xenophon’s account, the generals were prosecuted chiefly for failing to rescue thousands of drowning sailors (choosing instead to pursue the retreating Spartan fleet), with the retrieval of the bodies of the dead only a secondary consideration. In other words, in choosing to rely on Diodorus’s account rather than Xenophon’s presumably more reliable one, Montaigne makes the *Demos*’s action (animated particularly by suspicion that the aristocratic officer class commonly showed insufficient concern for the lives of the many) appear less rational than it was. (See Dustin A. Gish, “In Defense of Democracy: Antidemocratic Sentiment and Democratic Deliberation from Ancient Athens to the American Founding,” in David Lewis Schaefer [ed.], *Democratic Decision-Making: Historical and Contemporary Perspectives* [Lanham, MD: Lexington Books, 2012], 67–75.) Montaigne’s choice to rely on Diodorus’ less reliable account rather than that of Xenophon (an author he frequently cites) seems intended to stress the danger that religious superstition poses to popular government, beyond what the facts (in this case) would support.

side or another.⁹ In effect, far from opposing all sorts of innovation, Montaigne has indicated his support for two related ones, the second dependent for its success on the first: (1) teach people that *all* matters of religious opinion are inherently “indifferent,” since reason can provide no ground for choosing one over another (other than by their effects on people’s conduct – II.12.419 [322]) – entailing that government should forego imposing any particular religious beliefs on its subjects, rather limiting its function to their bodily security and comfort and freedom of opinion (as in Locke’s *Second Treatise* and *Letters Concerning Toleration*); (2) once the people have been thus purged of the tendency to religious superstition that inspired the injustice of the Athenian *demos*, replace monarchies with rationally ordered republican or democratic ones.¹⁰

But what shall we make, then, of Montaigne’s purported doubt whether it is ever desirable to change a law, considering the interconnectedness of all parts of a political regime? Here we must take account of the way the essayist introduces that claim, which follows immediately upon his justification of Socrates’ refusal “to save his life by disobedience to the magistrate,” on the ground that it is “the universal law of laws that each man should observe those of the place he is in” (a rule Montaigne will later attribute to Socrates and then reject outright [II.12.436–7]): “Here is something from another vat.” This indicates that the following argument does not come from his own “vat” of thought, and that he does not agree with it.

The original source of Montaigne’s counsel of caution about changing established laws (expressed more moderately in the chapter title than in this passage) is Aristotle’s *Politics*. In Book II, chapter 8 of that work, at the conclusion of his critique of the abstract and impractical proposals for political reform put forth by a city planner/natural scientist named Hippodamus, Aristotle addresses the question of how far changes in the law ought to be encouraged. On the one hand, in politics as in medicine, he observes, progress is certainly possible and sometimes desirable. (To illustrate, he cites a couple of discarded, barbaric customs of the Greeks’ ancestors.) On the other hand, the cases of politics and medicine are quite different, calling for great caution in introducing changes in the law, since

⁹ See, e.g., the treatment of the topic in *The Laws of Ecclesiastical Polity*, by the Anglican-Aristotelian theologian Richard Hooker (first published a couple of years after Montaigne’s death), IV.xiii; also Locke’s subsequent discussion of “Whether the Civil Magistrate may lawfully impose and determine the use of indifferent things in reference to Religious Worship” in the first of his *Two Tracts on Government*, ed. Philip Abrams (London: Cambridge University Press, 1967).

¹⁰ As I note in *PPM* 173, the citation of the condemned general Diomedon at the conclusion of I.3 recalls the speech of Socrates at his trial. Socrates is cited by name in I.23.86 for having “refused to save his life by disobedience to the magistrate, even to a very unjust and very iniquitous magistrate,” a course Montaigne later implies that he himself would not have emulated. (III.9.951 [743]).

(in contrast with medicine, where obedience to a physician's orders is normally dictated by the patient's self-interest), the law's power to command obedience depends entirely on habit, "which is not created except over a period of time."¹¹ In other words, since even the most perfectly framed laws are designed to serve the *common* good of a community, rational calculation alone cannot suffice to induce an individual to obey them, when he might seek greater personal gain through disobedience. It follows, as Aristotle's argument is elaborated by James Madison (without attribution) in *Federalist* no. 49, explaining why the authors of the American Constitution made it difficult (not impossible) to amend, that even the best-framed Constitution will require the support, not merely of citizens' rational estimation of its merits, but of their "prejudices" in its favor, which will develop only when the laws in question remain relatively unchanged for a lengthy period, so that their *artificiality* is less manifest, and people come to take it for granted that one should obey them, as if they were somehow grounded in nature (just as children soon learn to take it for granted not to stick their hands into a fire).¹²

Now let us contrast Aristotle's argument for *caution* in changing the law (which should be done, he maintains, only when the anticipated benefit from the change is sufficiently great as to outweigh the harm that every such alteration causes) with Montaigne's ostensible case against *all* "innovation." In contrast to the title of I.23, which (in imitation of Aristotle) simply states the need for *caution* in changing the laws, Montaigne cites as "evidence" the cases of the ancient Thurian legislator, who ordained that anyone who proposed such a change should immediately be strangled if his proposal was not approved by "each and every" citizen; the Spartan lawgiver Lycurgus, who extracted a promise from the citizens never to "infringe" any of his ordinances; and an ephor who "rudely cut out the two strings that Phrynis had added to music," without regard to whether Phrynis's innovation improved the quality of music: for the ephor, "it [was] enough that they represent [ed] an alteration of the old fashion" (I.23.118 [86]).

Obviously, none of these anecdotes offers a *reason* for opposing innovation. In fact, Montaigne's account of Phrynis represents him as perfectly *unreasonable*. If Montaigne truly intended the anecdotes to justify his supposed disgust with all forms of innovation, one would have to judge that his widely recognized mastery of literary style failed him on this occasion. But of course, that isn't the case. Rather, by taking the (reasonable) Aristotelian position to an (unreasonable) extreme, Montaigne is actually ridiculing it – with a view to advancing his own project of "reformation" in the direction of limiting government's purpose, promoting

11 *Politics*, trans. Carnes Lord (Chicago: University of Chicago Press, 1984), 1269a14-22.

12 Aristotle's argument was also echoed by Hooker in *The Laws of Ecclesiastical Polity*, IV.xiv.1-3.

religious tolerance, enhancing individual liberty, and ultimately replacing monarchic “mastery” with (rationalized) republicanism.

Further evidence of this point can be found in the pages that immediately follow and precede the essayist’s statement of disgust with innovation. Effectively retreating from that claim, Montaigne instead offers the prudent judgment that anyone who “meddles” with changing the laws “must be very sure that he sees the weakness of what he is casting out and the goodness of what he is bringing in.” Even while claiming to have foregone any attempts at political reformation himself by reason of his supposed incapacity, he undermines that denial by grounding it in the folly of “want[ing] to subject public and immutable institutions and observations to the instability of a private fancy,” considering that (as he stresses at II.12.563 [436–7], of which more below) such institutions and practices are far from immutable. As for his supposed disgust with innovation, Montaigne proceeds to devote the concluding multipage segment of I.23 to discussing (here not in disagreement with Aristotle) the limits of law, such that in extreme situations, government must be prepared to let the laws “sleep” for the sake of the nation’s salvation, remarking that the “great personages” Octavius and Cato (the Younger) “*are still reproached*” for having allowed Rome to “incur the last extremities” rather than rescue the republic “at the expense of the laws” (I.23.121–2 [88–90] [emphasis added]).

Turning to the pages that precede Montaigne’s expression of disdain for innovation, we note that immediately following his Herodotean list of the variety of different people’s customs, the essayist reports his own experience upon having been obliged to “justify one of our observances which was received with steadfast authority far and wide.” “Preferring to establish it,” he explains, “not as is usually one, merely by force of laws and examples, but by tracking it to its origin, I there found its foundation so weak that I nearly became disgusted [*m’en dégoutasse*] with it” (115 [84]). Does this report sound likely to persuade readers that innovation in laws and customs should be avoided at all costs?

But there is more. After citing Plato’s proposal (through the voice of the Athenian Stranger in the *Laws*) to “drive out the [ostensibly] unnatural loves of his time,” by having poets and others “tell bad stories about them,” adding that “our masters,” rather than address “the first and universal reasons” for things, “enjoy a cheap triumph” by relying on the power of custom, Montaigne cites the philosopher Chrysippus, who refused to be “bound” by custom, and consequently “strewed his remarks with remarks displaying” his unconcern about incest. While disparaging Chrysippus’ opinions as “barbarous,” Montaigne himself remarks only a couple of lines earlier that although chastity is “a fine virtue, whose utility is well enough known,” to “justify it according to nature is as hard as it is easy to justify it according to custom, laws and precepts.” (Later in the *Essays*, in the

famous “Apology for Raymond Sebond,” as discussed below, Montaigne will elaborate on the licentious beliefs and practices of various ancient philosophic sects.)

Showing even more explicitly where his own sentiments lie, Montaigne then launches an itemization of some of the “many things accepted with undoubting resolution, which have no support” but in custom, and regarding which the inquirer who “refers things to truth and reason,” once the initial shock has worn off, “will feel his judgment ... restored to a much surer status.” (Note the anticipation of Descartes’ profession of universal doubt in his *Discourse on Method*, similarly intended as a propaedeutic to the achievement of more rational beliefs than those inculcated by “the schools.”) He offers a long list of irrationalities in existing French laws and customs, most notably the fact that the laws are written in Latin, a language unfamiliar to most people, who must therefore hire lawyers simply to clarify their own marital and commercial affairs.¹³ While most of these abuses had been identified by previous sixteenth-century writers,¹⁴ there is one noteworthy insertion by Montaigne which has a bearing on the author’s attitude towards economic liberty: he contrasts the practice of “putting reason itself on the market, and treating laws as merchandise” with “the ingenious notion” of the Greek philosopher and rhetorician Isocrates, “who advises his king to make the trades and negotiations of his subjects free, gratuitous, and lucrative, and their disputes and quarrels onerous” by taxing the latter, not the former (116 [85]).¹⁵

I believe that the preceding analysis should suffice to demonstrate that Montaigne, far from a reactionary who opposed all political or legal changes, was an advocate of reforms that would rationalize political life, encourage people to question accepted customs (including even customary restraints on sexual

13 Note that Montaigne twice calls these rules “barbarous,” counterbalancing his disparagement of Chrysippus’ opinions with the same adjective (a judgment for which he had offered no reason in the latter case).

14 See Montaigne, *Oeuvres complètes*, ed. Thibaudet/Rat, 1418 (note 4 to p. 116) for a list of such sources, most notably Rabelais.

15 As noted in *PPM*, 377–9, in the preceding chapter (I.22), titled “One Man’s Profit Is Another Man’s Harm,” Montaigne goes farther in espousing economic freedom, specifically the right of sellers to charge what the traffic will bear, rather than (he implies) being bound by governmental or clerical definitions of the “just price.”

For a further critique of France’s laws, see III.13.1049–50 [921], where after a general observation that “there is nothing so grossly and widely and ordinarily faulty as the laws,” Montaigne adds that “[o]ur French laws, by their irregularity ... lend a hand to the disorder and corruption that is seen in their administration ... Their commands are so confused and inconsistent that they are some excuse for both disobedience and faulty interpretation, administration, and observance.”

As regards the second part of Isocrates’ proposal, one might consider its implications for tort reform in the U.S. today.

behavior), and replace political systems based on “mastery” with genuinely republican forms. But before elaborating this point, I must address two other passages in the *Essays* that seem to express a reactionary opposition to political reform. Each passage reflects on France’s political condition in Montaigne’s time and on the adequacy of an extreme conservatism as a response to that condition.¹⁶

2 The Political Condition of France

The first of these passages occurs in Chapter 17 of Book II, “Of Presumption.” A few pages from the end of this chapter, Montaigne elaborates his disclaimer in “Of Custom” of wanting to undertake the responsibility for innovative political leadership, again citing his distrust of his own capacities (638 [496–7]). We are compelled by several remarks earlier in the chapter and elsewhere, however, to take this profession of incapacity as an ironic statement of Socratic “ignorance,” rather than an indication that Montaigne truly regards himself as inferior in political wisdom to others. (For instance, see II.17.618 [481] where the Gascon, like Socrates in Plato’s *Apology*, judges himself to be “one of the common sort, *except* in that I consider myself so.” Also, contrast Montaigne’s profession of deference at II.17.638 [497] to those who are “more assured of [their] opinions and wedded to them than I am to mine” with the observation at I.26.150 [111] that “[o]nly fools are certain and resolute,” and with III.11.1007–8 [788] attributing “all the abuses in the world” to men’s fearing to acknowledge their ignorance). And consider Montaigne’s accounts of his success as mayor and his qualifications to serve as a royal adviser in III.10 and III.13, respectively, discussed in the next section.

That issue aside, Montaigne proceeds in II.17 to reassert his opposition to political changes that cause instability, remarking that “[i]n public affairs there is no course so bad, provided it is old and stable, that it is not better than change and commotion.” Thus even while noting that “[o]ur morals are extremely corrupt and lean with a remarkable inclination towards worsening,” and that many “of our laws and usages, many are barbarous and monstrous,” he avows that “because of the difficulty in improving our state and the danger of everything collapsing, if I could put a spoke in our wheel and stop it [l’arresteur] at this point, I would do so with all my heart.” But in the sequel, he indicates that France’s situation *does not allow* of such a remedy, by commenting that “[t]he worst thing I find in our state is instability, and the fact that our laws cannot, any more than our clothes, take any settled [*arrestée*] form” (639 [497–8]). In other words, however much Montaigne might wish to stop France’s decay by halting its motion, he cannot do so: by virtue

16 In this section of my remarks I draw directly on Chapter Six of *PPM*.

of their instability, further change in France's institutions is inevitable,¹⁷ and if they continue their present course, that change will be for the worse.

It is thus not surprising that when Montaigne reiterates his doubts about reform in II.17, his conservatism is again much tempered. He no longer denies that a reformation might succeed, but merely cautions that many people who have endeavored to bring about improvements have achieved nothing for their pains (639 [498]), thus reminding the reader, as he had done late in "Of Custom," of the need for prudence in such matters (a judgment not dissimilar from Aristotle's). He implies that the true alternative to such ill-advised "reformations" as the Protestant one is not a diehard conservatism that is doomed to failure, but a wisely guided sort of change that would remedy both France's instability and its corruption.

Montaigne returns to the theme of political change and preservation in Chapter 9 of Book III, "Of Vanity." This chapter includes a defense of the travels the essayist reports having undertaken for enjoyment, exhibiting his (professedly Socratic) self-understanding as a citizen of the world (950 [743]; cf. I.26.156 [116]). Despite having asserted in "Of Custom" that the wise man, like all others, owes himself (except his thoughts) to the public (I.23.117 [86]), and despite acknowledging here that "[t]he most honorable occupation is to serve the public," Montaigne again claims to abstain from political affairs, and shamelessly explains his devotion to private pleasure by saying that he is "content ... to live a merely excusable life, which will merely be no burden to myself or others" (929–30 [727]). However, he adds that he has traveled abroad not only for the pleasure of seeing "new and unknown things," but also out of opposition to "the present morals of our state" and its "unruly ... form of government," from which he has suffered excessively (925, 933 [723, –9]).

Despite this striking criticism of the French political order, Montaigne proceeds to argue anew against trying to change it. He rejects "those artificially simulated descriptions of government" that "prove ridiculous and unfit to put into practice,"¹⁸ and disdains "these great, lengthy altercations about the best form of society and the rules most suitable to bind us." Even though "we are prone to be discontented with the present state of things," Montaigne distances himself from those "desiring the government of a few in a democratic state, or another type of

¹⁷ Cf. III.9.935 [731], where, in the midst of another purportedly conservative passage that I discuss later in this section, Montaigne observes that "[a]lteration and corruption [are] natural to all things." Consider also the assertion at I.43.261 [198] (following Plato, *Laws*, 797b–c) that "[i]n all things except those that are simply bad, change is to be feared: change of seasons, winds, food, and humors." Since changes of seasons and winds, at least, are inevitable, a purely conservative posture once again seems inadequate, for it goes contrary to the nature of things.

¹⁸ Note the echo in this remark of Machiavelli's dismissal of "imaginary republics" in *The Prince*, ch. 15.

government in a monarchy” (the latter a wish he had seemed to encourage in I.23 and III). He asserts, instead, what appears the most conservative political attitude possible: “The best and most excellent government for each nation is the one under which it has maintained itself” (934 [730–31]).

Once more, Montaigne’s conservative posture proves on examination to be misleading. In view of his previous observation of the instability of the French state, and his present complaint of its riotous form of government, we must doubt that he regards the existing regime as capable of “maintaining” the nation. He goes on to suggest that “[t]he preservation of states is a thing that probably surpasses our intelligence,” and that “in all the great states that we know ... everything is collapsing”; “[i]t seems the stars themselves ordain that we have lasted long enough beyond the ordinary term” (937–39 [732–4]).

At times Montaigne appears to be imitating the “Stoical” counsels of his contemporary Justus Lipsius against despairing at the state of one’s country, however bleak things might appear.¹⁹ But the dominant thrust of his argument is in quite a different direction, for he not only expresses doubt that the French political order can be preserved in its present state, but implies that “so unruly a form of government” is *unworthy* of being preserved, even if it were possible to do so. He marvels at, while detesting, the continuance of “morals in common and accepted practice, so monstrous, especially in inhumanity and treachery ... that I have not the courage to think of them without horror” (933–934 [730]). He cites the perpetuation of the Roman Empire as a parallel case, and calls attention to the spectacle of “all those nations ... ruled with so little order and conquered so unjustly” under its hegemony (938 [733]). Such remarks hardly appear calculated to encourage support for the existing order.

Just as in “Of Custom,” Montaigne has inserted into this purportedly conservative argument a bold critique of established institutions. And just as he concluded the former chapter with an emphasis on the need for change, he includes in “Of Vanity” a discussion of the proper aims and means of such change. Here he compares the wise political reformer who aims at a “general improvement” rather than a mere release from “present evil[s]” to a surgeon who looks beyond the destruction of “diseased flesh” in order “to make the natural [flesh] grow again [*renaitre*], and restore the part to its proper state [*estre*].” He contrasts such prudence with the shortsightedness of “Caesar’s slayers,” who found that they had “cast the

¹⁹ See Jacob Zeitlin, ed. and trans., *The Essays of Montaigne* (3 vols., New York: Knopf, 1935), III, 379. Note that Montaigne concludes this section of his argument by criticizing the Stoics’ practice (which he has just been imitating) of restating ever anew the common and universal arguments and reasons (939 [734–5]).

republic into such a state that they had reason to repent of having meddled in it” (935 [731]). But far from inferring that all efforts at political reform are similarly doomed to failure, Montaigne concludes this discussion by counseling future reformers on matters of tactics, encouraging them by reference to the decay of present institutions and the astrologers’ forecasts of “great and imminent alterations and mutations,”²⁰ and expressing the hope that the French state, after a purgation, may be “restored to a better condition” (938–9 [734]).

Although Montaigne expresses himself prudently, both the passages I have examined in this section suggest that he regards the contemporary situation of France as one that corresponds to those discussed in the last part of “Of Custom”: a condition sufficiently dire to require a supralegal remedy, rather than being soluble by maintaining the old order.

3 The Road to Reformation: The Lessons of Montaigne’s Mayoralty, and His New Version of “Natural Law”

Despite Montaigne’s professions of incapacity and/or disinclination to undertake any project of political reform, in Book III he not only alludes (likely with some exaggeration²¹) to his record of success as a negotiator among the warring parties during France’s civil wars (III.1.768–73 [600–03]) and as mayor of Bordeaux for four years amid those times (III.10.982, 1002 [768–9, 781–2]), but describes himself as supremely qualified to have served as a royal adviser, had someone deigned to employ him in that capacity (III.13. 1055 [825–6]). As I have argued in *PPM* (34–38), I maintain Montaigne did intend (like his mentor Machiavelli, the would-be successful “unarmed prophet” as implied in *The Prince* Chapter Six, taken in conjunction with the Epistle Dedicatory of that work) to achieve a level of political influence far greater than that of adviser to a particular ruler, through the

²⁰ Cf. Machiavelli’s account of the “extraordinary things” he claims have taken place in his time, as an encouragement to those who would institute new modes and orders: *The Prince*, ch. 26, p. 103.

²¹ See Desan, *Montaigne*, chs. 7–8. Note that Montaigne himself, despite his seeming profession of “good faith” and complete openness in his preface and elsewhere, in other passages admits to not having done everything he says (II.14.65.65 [44–5]) and to exaggerating or concealing the truth in other respects. More concerned with philosophical than with historical, let alone autobiographical, truth, he remarks that “there is no danger ... in an old story being this way or that” (II.21.105 [76]): cf. *PPM* 59–61.

long-range effect of his book.²² By that means, he aspired to achieve a glory rivaling that of the greatest authors and lawgivers (II.8.381 [291]), to the particular benefit of the common people (*les petits*), whose oppression by “the great” he laments and seeks to combat thanks to his “natural compassion” (I.1.12 [4]; I.31.212–13 [159]; I.42; II.11.409–11 [314–16]; III.13.1079 [844]).²³

My focus being on Montaigne’s thought rather than his biography, I wish to highlight here the lesson he draws from his term as mayor, and the way in which it elaborates the ground of his liberalism – not on the empirical accuracy of that account. The key to Montaigne’s success in that role, which he suggests was responsible for his being reelected (as “rarely” happened), was that while he performed all the duties that the office required, he “easily forgot those that ambition mixes up with duty and covers with its name” (III.10.999 [781]). Recognizing that “abstention from doing is often as noble as doing,” even though “it is less open to the light,” Montaigne was free from “that iniquitous and rather common disposition of wanting the trouble and sickness” of the city “to exalt and honor my government.” He mocks those critics who blamed his “inactivity” by observing that “almost everyone else” at the time “was convicted of doing too much,” adding that “abstention from doing is often as noble as doing, even though it is less open to the light” (III.10.999, 1001 [781, –3]).²⁴ By contrast to the activist government for which his critics wished, Montaigne’s administration was accompanied by “gentle and mute tranquility” even as civil war raged throughout his country (III.10.999, 1001 [781, –3]).

In effect Montaigne proffers as a model for emulation what today’s self-styled progressives would today lambaste as “do-nothing government,” but which anticipates, as I have previously noted, the liberal notion of *limited* government espoused by Hobbes, Locke, and the American Founders. And at the same time that he promotes this model, he aims, by means of his rhetoric throughout the *Essays*, to awaken a *taste* for individual liberty, rather than the pursuit of military glory or the forcible imposition of any religious orthodoxy. In “Of Vanity,” for instance, he represents it as his “principal profession” in life “to live it

²² Montaigne signifies this by turning immediately from his qualifications as royal adviser to offering an ostensible overview of his book, which he calls “a record of the essays of my life” (III.13.1055–6 [826]); cf. *PPM* 34–5. In this context he describes the guidance he would offer his “master” as directed towards a “true reformation,” in contrast to ineffectual “scholastic lessons”; recall the reformation described in I.3.

²³ See *PPM* chs. 6–8; David Quint, *Montaigne and the Quality of Mercy* (Princeton: Princeton University Press, 1998).

²⁴ Compare the Presidential “ratings” by American historians who tend to rank Presidents by their activism in developing new programs, while downgrading a President like Calvin Coolidge under whom the U.S. prospered, despite or more likely because of his modesty of speech and limitedness of action.

comfortably” (926 [724]; cf. II.12.548 [425], describing how he “sp[ies] on himself more closely” than most people do, “hav[ing] my eyes unceasingly intent on myself, as one who has not much business elsewhere”).

However, Montaigne’s periodic avowals of a lack of grand ambition are themselves misleading, as I have indicated – just as is his denial of being “a philosopher,” shortly after the passage last quoted from “Of Vanity” (III.9.927 [725]): a wish for comfort can hardly explain the enormous amount of study and thought that went into the composition of the *Essays*.²⁵ Indeed, in the midst of Montaigne’s account of his success as mayor, while recommending that we forsake the pursuit of “greatness,” he remarks, “[s]ince we will not do so out of conscience, at least out of ambition let us reject ambition” (III.10.1001 [783]), and recommends only that we be “no more avid of glory than we are capable of it,” which leaves open the possibility that his purported renunciation of ambition may itself be a function of his ambition, which as we have seen he hints at both in II.8 and in the description of himself as well-qualified to be a royal adviser in III.13. But his endeavor to moderate most people’s ambition is indeed intentional, reflecting his wish to promote peace and toleration by diverting them from “transcendental humors” of the sort that led Alexander the Great – with whom Montaigne repeatedly contrasts his own persona – to treat others with extreme cruelty, being unable to rest “content with a man’s proportions” but instead pursuing a rank rivaling that of the gods (III.13.1096 [836–7], cf. I.1.12–13 [4–5]; II.11.400–401, 408 [310–11, 313]).²⁶

At the theoretical core of Montaigne’s political ambition is a new teaching about “natural law,” linked not with the traditional Thomistic doctrine, but rather with what subsequent liberal thinkers, notably Hobbes and Locke, will call “natural rights” – that is, entitlements rather than duties. This teaching emerges late in the “Apology for Raymond Sebond,” at a point where the essayist seems to deny the possibility of a meaningful general rule of conduct, much as we stand in need of such a guide. As the practical culmination of the ostensible “skepticism” expressed in that chapter, he asks, given the ever-changing character of human customs and beliefs, why we should attribute “magisterial and permanent authority” to any of them. Among the signs of our “imbecility,” he adds, is our inability to “agree about what we need for our contentment.” He claims that there

²⁵ To be understood, Montaigne’s renunciation of philosophy must be read in its context, where it proves to refer to the sort of abstract, Scholastic logic that he had mocked in I.25, “Of Pedantry,” and its successor chapter, I.26, “Of the Education of Children.” Elsewhere, Montaigne acknowledges being a philosopher, albeit an “unpremeditated and fortuitous one” (II.12.528 [409]) – whatever it might mean to be a premeditated or nonfortuitous one.

²⁶ See, on Montaigne’s contrast between himself and Alexander in this regard, Quint, *Montaigne and the Quality of Mercy*.

is “no combat so violent among the philosophers ... as that which arises over the question of the sovereign good” (an observation borrowed from Cicero’s *Academica*) (II.12.562–4 [434–6]).

In light of this uncertainty, Montaigne cites as “the most plausible advice that our reason gives” the rule attributed by Xenophon to Socrates, that everyone should obey his country’s laws. Then, however, he objects to this rule, observing that “[t]here is nothing subject to more continual agitation than the laws,” as exemplified by recent changes in English laws, “not only in political matters, but in the most important subject,” religion (alluding to Henry VIII’s severance of the Anglican church from the Vatican, and its aftermath). Hence the essayist rejects Socrates’ advice, since he cannot “have my judgment so flexible” as to follow “the undulating sea of the opinions of a people or a prince,” which will continually change their definitions of justice in accordance with changes in their passions. Yet he next proceeds to dismiss as well the notion of natural laws, supposedly imprinted in the minds of all human beings, arguing that “the only likely sign” of such laws “would be universality of approval,” such that every nation and individual would resist any attempt to compel their violation. Instead, reminding us of the argument of I.23, he remarks that nothing in the world “is so varied” as “customs and laws,” adding to the list he offered in I.23 (II.12.563–6 [436–9]).

At this point Montaigne appears to have left us at a dead end. Refusing to accept a policy of complying with man-made laws on account of their changeability, he has at the same time denied the existence of some more fixed standard of conduct rooted in human nature. Where are we to turn?

Montaigne crucially qualifies his denial of the existence of natural laws, which he acknowledges “may be seen in other creatures,” but contends that they are “lost” in human beings, owing to the intrusion of our reason, which generates such a variety of opinions that (as he had already observed in I.23) some nations even regarded it as a mark of piety to eat one’s father (565 [438]). That example may lead us to recall the title of an earlier chapter, “Of the Affection of Fathers for Their Children,” in which Montaigne had appeared more open to the possibility of natural law, defined as an “instinct ... universally and permanently imprinted in both the animals and ourselves,” and had ranked as the most likely candidate for such a law (anticipating Hobbes’s *Leviathan*) the instinct of self-preservation (II.8.365 [279]).

Then, however, Montaigne’s argument takes a new turn. Abruptly, developing a theme first introduced in his account of Chrysippus in I.23, the essayist offers a lengthy account of “the freedom of philosophical opinions concerning vice and virtue,” portraying them as grounded in both reason and nature. While remarking that the (ancient) philosophers’ opinions are better “hushed up” than published “to weak minds,” Montaigne not only publicizes them but exaggerates their

licentiousness (see *PPM*, 142 with note 62). After repeating from I.23 the theme of the danger of “trac[ing] the laws back to their birth,” since they derive their authority only “from possession and usage,” he adds that they originate in such “trivial and frail” considerations that it is no wonder that the philosophers, who judge things only by reason and are guided by “the original image of nature” and “accept nothing by authority and on credit” (a policy Montaigne elsewhere espouses as his own), depart “in most of their opinions ... from the common way.” While “set[ting] and extreme price on virtue and reject[ing] all other studies but morals,” in the essayist’s account, they set no limit on the pursuit of “sensual pleasures than moderation and the preservation of the liberty of others.” Far from criticizing what he terms such “excessive license,” Montaigne terms it a mark of the “goundest philosophy” (567–9 [439–41]).

Limits of space prevent me from further developing here the manner in which Montaigne, far from being shocked by the way of life he attributes to the philosophers (based largely on Diogenes Laertius’ gossip account), actually wishes to use it as a model for reforming the laws so as to make them conform more closely to “reason and nature” by limiting the moral demands that they impose on human behavior. The key to understanding his enterprise is to juxtapose his Ciceronian remark about the supposed “bitterness” of the philosophers’ endless dispute about the “sovereign good” with his assertion earlier in the “Apology” that there is rather “general agreement among all the philosophers ... that the sovereign good consists in tranquility of soul and body,” the dispute being only over “where to find it” (468 [360]). That remark in turn must be connected with Montaigne’s own recommendation in II.16, “Of Glory,” wherein he denies aspiring to any glory except to have “lived it tranquilly” and then recommends, “[s]nce philosophy has not been able to find a way to tranquility that is suitable to all, let everyone seek it individually” (605–6 [471]).

As we have seen, Montaigne was not without a concern to achieve a long-lasting glory for himself. But he aimed to achieve that glory *by means* of a new, “liberal” model of government, directed at providing human beings in general with security of life and liberty, while leaving them free to pursue their own vision of happiness (which would inevitably entail protecting their lawfully acquired property as well). Their tranquility thus understood would not require that they be philosophers, but that they be guided to forego the glory of military conquerors or of religious bliss supposedly won by asceticism or by exacting vengeance against those thought to violate God’s will (I.30.198 [148]; III.9.969 [758]), but rather emulate Montaigne’s morality of secularized compassion or humanity, subsequently elaborated by Locke and Rousseau. It will be fortified as well by advances in “medicine,” broadly understood, that would make earthly life ever more secure and comfortable.

While Montaigne does not develop a full-fledged doctrine of liberal institutions such as was subsequently laid out by Locke and Montesquieu, he lays out a case for limiting the scope and purpose of government to securing individuals' rights, and for promoting republican government, as the means to that end. His anticipation of the principles of liberal government based on the rule of law is clearly indicated in the following passage from "Of Vanity," relating his objection to the situation of insecurity in which he, like almost all other inhabitants of France, must endure during her civil-religious wars:

I escape [from violent attack or imprisonment]; but it displeases me that this is more by fortune, and even by my prudence, than through justice; and it displeases me to be outside the protection of the laws and under another safeguard than theirs. As things are, I live more than half by others' favor, which is a harsh obligation. I do not want to owe my safety either to the goodness and benignity of the great who approve of my law-abidingness and liberty, or to the easygoing ways of my predecessors and myself. For what if I were different? I hold that we should live by right and authority, not by reward or grace... (III.9.943–4 [738]).

It might be argued that the libertarian ethos Montaigne espouses, requiring him to downplay the depth of his own ambition and of his dedication to philosophizing, while exaggerating the ancient philosophers' (and his own) hedonism, ultimately provides an insufficient moral foundation for the liberal regime itself. Despite his account of his successful performance of the duties of governance, Montaigne seems to have soft pedaled the natural ground of those obligations, by way of reaction against the exaggeration of one's public duties that he attributes to the critics of his mayoralty. In this respect he seems to have pursued the "bent stick" policy to which he alludes (III.10.983 [769]), one provisionally espoused by Aristotle in his *Nicomachean Ethics* (1109b5–7), of pushing against the more likely and problematic extreme, while doing so in the opposite direction from Aristotle's.

Montaigne's public teaching may thus ultimately have carried us too far away from the aristocratic, ascetic, and spiritual demands that dominated his time (and previous centuries).²⁷ But we citizens of modern liberal democracies nonetheless cannot but be grateful for the regime of toleration, security, and equal political rights for which he helped lay the groundwork. Among its great benefits is the legal freedom to philosophize.

²⁷ For the most powerful recent critique to this effect, see Pierre Manent, *Montaigne: Life without Law*, trans. Paul Seaton (Notre Dame, IN: Notre Dame University Press, 2000); and, more generally, the thrust of Aleksandr Solzhenitsyn's 1978 Harvard commencement address, "A World Split Apart."