Imprint Academic Ltd.

ON THE NUGENT TRANSLATION OF L'ESPRIT DES LOIS

Author(s): Philip Stewart

Source: *History of Political Thought*, Spring 2018, Vol. 39, No. 1 (Spring 2018), pp. 83-106

Published by: Imprint Academic Ltd.

Stable URL: https://www.jstor.org/stable/10.2307/26396344

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at https://about.jstor.org/terms



Imprint Academic Ltd. is collaborating with JSTOR to digitize, preserve and extend access to *History of Political Thought*

This content downloaded from 154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

ON THE NUGENT TRANSLATION OF *L'ESPRIT DES LOIS*

Philip Stewart[1]

Abstract: Thomas Nugent's 1750 translation of *L'Esprit des lois* is still the standard for many scholars, though they often express reservations. A sampling of a handful of chapters reveals some clear anomalies, some of which have nevertheless been perpetuated by more recent translators. Nugent's title, although it seems straightforward, is itself dubious for several reasons. His choices for some key terms such as *ressort* can certainly be questioned, and there are some outright mistakes, which is not too surprising in itself. His most egregious distortions doubtless lie in freely expanded or contracted versions of passages that Montesquieu had written with some care.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

The first translators of works that turn out to be classics of one sort or another have a decisive strategic advantage, whatever constraints may also weigh upon them, the main one of which is time, particularly when a work is as eagerly awaited as *L'Esprit des lois* was in England in the year following its spectacular 1748 publication in France. Another, which we too often forget, is the limited number of tools at their disposal for resolving textual difficulties, especially when they are working outside an area where they could claim any kind of expertise. In exchange, they usually have the irrevocable privilege of both naming the work and assigning linguistic values in the target language to many of its key concepts. Sometimes this influence is more durable than the intrinsic merits of the translation really would justify, and original translations indeed ought not to be excessively revered merely because they came first. The once much-lauded and long untouchable Scott Moncrieff translation of Proust no longer looks quite as marvellous as it did for several decades after it appeared in 1922–30, and we now can appreciate how disastrous have been two translations of *Le Deuxième Sexe*, the first of which sold, I suppose, millions of copies.[2] There are, of course, many other examples.

The doubtless less egregious but still historically significant example I want to examine here is that of *L'Esprit des lois*.

On 21 January 1749, Montesquieu was informed by one William Domville that *L'Esprit des lois* was being received with great interest in London and that 'our booksellers are preparing and have engaged an able man to translate it into English'.[3] He adds a few months later that the translation will appear

[1] Department of Romance Studies, Duke University, Durham, NC 27708, USA. Email: pstewart@duke.edu

[2] The first, by the essentially unqualified Howard M. Parshley, was also silently truncated. See in particular Toril Moi's review of the second of these translations in *London Review of Books*, 32 (3), 11 February 2010, pp. 3–6.

[3] Information relayed from Paris by François de Bulkeley (1686–1756), who quotes Domville's letter to him in English: Bibliothèque municipale de Bordeaux, Ms 1868/56,

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

before the coming winter, and adds reassurances with respect to the translator's credentials:

> Le traducteur est connu par plusieurs ouvrages et particulièrement par celle de Bourlamaqui [sic]. Il assure que la langue anglaise est très propre pour le style concis de *L'Esprit* et qu'il se flatte qu'il pourra le rendre aussi énergique que l'original. Comme il y a des endroits qui paraissent un peu abstraits je lui ai fait demander, s'il avait besoin d'aucune explication il m'a assuré que non.[4]
>
> [The translator is known for several works and especially for that of Burlaquimi. He is confident that the English language is well suited to the concise style of *L'Esprit* and that he flatters himself he can make it as energetic as the original. As there are passages that seem somewhat abstract, I inquired whether he required any explanations; he assured me he did not.]

This translator was Thomas Nugent (*c*.1700–72), who notably had translated *Réflexions critiques sur la poésie et la peinture* ('Critical Reflections on Poetry and Painting', 1719) by the abbé Dubos and, as Domville notes, *Principes du droit naturel* ('Principles of Natural Law', 1748) by the Swiss jurist Jean-Jacques Burlamaqui. The first edition of Nugent's own best-known original work, *The Grand Tour, containing an exact description of the cities, towns, and remarkable places of Europe*, itself appeared in 1749.[5] Notice in the London press of his new translation of *L'Esprit des lois* (London: J. Nourse & P. Vaillant) appeared as early as August 1750.[6]

Given the great complexity of a work such as *L'Esprit des lois*, its extensive use of sometimes polyvalent analytic terminology, and its subsequent prestige in English and American political thought through this particular translation,[7] it might be useful or at least instructive to consider here some of its notable characteristics and even some of its idiomatic features.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

to appear in *OC* (*Œuvres complètes*, dir. Jean Ehrard and Catherine Volpilhac-Auger, 1998– , edition in progress, Fondation Voltaire and Classiques Garnier/ENS Éditions), Vol. XX. Little is known of Domville (1687–1763) except that he was the son of Sir William Domville (1643–98) and Ellinor Eustace.

[4] William Domville to Montesquieu, 4 June (24 May O. S.) [1749], Bibliothèque municipale de Bordeaux, Ms 1868/101, to appear in *OC*, Vol. XX; text modernized.

[5] He was later to translate Voltaire's *Essai sur les mœurs* and Rousseau's *Émile*, and to publish *A New Pocket Dictionary of the French and English Languages* (London, 1767), which was to see many re-editions throughout the nineteenth century and into the twentieth.

[6] *The Gentleman's Magazine*, August 1750, p. 384.

[7] Many of the anglophone readers most influenced by Montesquieu read him, of course, in the original. About 1774–6, Thomas Jefferson, for one, made fairly extensive notes from *L'Esprit des lois* in his 'commonplace book' from the 1767 French edition: see David Carrithers, 'Montesquieu, Jefferson and the Fundamentals of Eighteenth-Century Republican Theory', *The French-American Review*, VI (1982), pp. 160–88.

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

I
Esprit and *Lois*

The main reason that the first translator of a great work often exerts an influence not necessarily justified by his skill is that the turn he decides to give to the most crucial terms will in most cases remain attached to them, however many subsequent translations, and even better ones, there may be. At the very least, he or she generally establishes the title once and for all: for even when thoroughly revising the text, a subsequent translator tends to retain the title as a given, if only for fear that under any other title the translation might not be recognized for what it is. For this reason many universal masterpieces bear, in some languages, titles oddly different from the originals, or ones that appear to give a misleading sense of their intended character. Galand's *Les Mille et une Nuits* of 1706, for example, long bore the sole English title *The Arabian Nights*,[8] and Rousseau's *Julie* was for several decades known in English only by the title *Eloisa*, because the translator had unabashedly substituted the metaphorical name in the subtitle ('*the new Heloise*') for that of the heroine.

Something similar, in my view, occurred in the case of Montesquieu's *L'Esprit des lois* (1748). Thomas Nugent's translation published in London in 1750 was entitled *The Spirit of Laws*, which at first sounds straightforward enough. But upon inspection, the title is rather awkward and its meaning obscure. *Esprit* is of course itself an elusive term which cannot in every instance be adequately rendered in English by *spirit*, since for example it can also designate unambiguously, in some contexts, what in English can only be called *mind*. So unsuspected problems begin with the title. In truth, the word *spirit* also is not always ideal for *esprit*, as was seen very early on by William Warburton, who wrote to Montesquieu that 'our translators ought rather to have entitled the work *The Genius of Laws*'.[9] Perhaps; but the author could himself have entitled it, yet did not, *Le Génie des lois*. Also, the greater problem, which Warburton apparently did not perceive, of how properly to render the rest of the title — *des lois* — into English, would still not be obviated by his proposed substitution.

For more than one reason, *The Spirit of Laws* is a poor translation of *L'Esprit des lois*, and is not improved either by the addition of an article (*The Spirit of* ***the*** *Laws*, as it is titled in a newer translation).[10] The problem does, however, revolve in part around the function of the article. '*The* laws' in English

[8] To be more exact, at the outset, *The Arabian Nights' Entertainment*.

[9] '. . . nos traducteurs auraient mieux fait d'intituler l'ouvrage *The Genius of Laws*' (letter of 9 February 1754), Bibliothèque municipale de Bordeaux, Ms 1868/289, to appear in *OC*, Vol. XXI.

[10] Translation by Anne M. Cohler, Basia Carolyn Miller and Harold Samuel Stone (Cambridge, 1989), hereafter referred to as Cohler. Franz Neumann had previously published a widely used edition with the same title (see note 19 below) but without any explanation for his modification of the title.

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

can only mean the total sum of individual laws; it refers, in other words, to a body of texts, which is arguably not the case for *les lois* in Montesquieu's title.

Let us also note that, in their applications, the presumably equivalent terms *lois* and *laws* are by no means perfectly homologous. In many contexts the French equivalent of *law* would be not *loi* at all but *droit*: in English, for instance, we say *law school*, which in French is neither **école de (la) loi* nor **école des lois* but *école de droit*.[11] Similarly, *international law* is *droit international* and not **loi internationale*, although there could be such a thing as *lois internationales*. Montesquieu himself writes, explaining in 1749 how he came to write *L'Esprit des lois*: 'When I left school they put books of law into my hands; I sought their spirit . . .'.[12] He says *livres de droit*, which illustrates my point insofar as it could only be translated as 'books of law', even though he did not and could not say *livres de lois* because that could only designate, I suppose, archives of laws, which might be a very different thing.

Because alternatives do not seem to work, Montesquieu probably could not have fashioned his title otherwise than he did. **L'Esprit de la loi* would have appeared extremely vague and **L'Esprit du droit* would have seemed to address the legal profession specifically.[13] But the addition of an article — *The Spirit of* ***the*** *Laws* — the better to catch the sense of *des lois* (insofar as *des* does embed an article) in French does not improve things; to tell the truth, it is even worse than *The Spirit of Laws* because 'the laws' seems much more specific and restrictive than *les lois* in the original title. That is because the definite article in the English possessive 'of the' is not the equivalent of the more fluid condensation (of *de* + *les*) embodied in the French *des*. *Les lois* can very well represent an abstract class, whereas *the laws* in English can hardly (it seems to me) designate anything other than the corpus of all particular laws: *the laws*, in other words, must be texts. In fact, the term which best corresponds to that broad, nonspecific usage would doubtless be the singular *law*, which covers a broader semantic range.

Moreover, with words like both *law* and *loi* the plural can function differently from the singular, in ways not at all similar in the two languages. The plural *lois* is not necessarily well represented in English by the plural *laws*, and in my view Montesquieu's title would be much easier to grasp in the form

[11] I am using the asterisk as it is used in linguistics, to mark inauthentic examples, contrived rather than natural.

[12] 'Au sortir du collège on me mit dans les mains des livres de droit; j'en cherchai l'esprit, je travaillai: je ne faisais rien qui vaille; il y a vingt ans que je découvris mes principes, ils sont très simples.' (Letter to Commader Solar, 7 March 1749, Bibliothèque municipale de Bordeaux, Ms1868/240, to appear in *OC*, Vol. XX.)

[13] There is in fact a book by Robert N. Wilkin with the quasi-copycat title *The Spirit of the Legal Profession* (1938).

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

The Spirit of Law,[14] which is much closer to the native sense of the English. Its essential naturalness is exemplified by the many English imitations of Montesquieu's title in the last century — *The Spirit of Jewish Law*, *The Spirit of the English Law*, *The Spirit of International Law*, plus a whole collection of similar titles from the University of Georgia Press[15] — every one of which follows the normal English idiom with *law* in the singular.

It would nevertheless be an improbable task to dislodge Thomas Nugent's version, with its failings as well as its qualities, for his translation was constantly re-issued for two and a half centuries, and always, of course, with that title that never varied, at least until 1900.[16]

II
Elements of Montesquieu's Political Vocabulary[17]

Translation of innumerable words is actually rather easy either because there are entirely workable cognates or simply because there are no viable alternatives to puzzle over. *Principe*, to take just one example, is not usually ambiguous, since all the variations of meaning it assumes in *L'Esprit des lois* seem to be quite well subsumed under the single English term *principle*.

Pouvoir and *puissance*, although not always clearly distinguished from each other (much less contrasted) in *L'Esprit des lois*, often serve locally, nonetheless, to set off two levels of meaning, as in the well-known *incipit* of XI, 6:

> Il y a dans chaque **État** trois sortes de **pouvoirs**, la **puissance** législative, la **puissance** exécutrice des choses qui dépendent du droit des gens, et la **puissance** exécutrice de celles qui dépendent du droit civil.[18]

---

[14] Or *On the Spirit of Law*, to take into account the full latinate title of the original, *De l'esprit des lois*.

[15] *The Spirit of Biblical Law*, *The Spirit of Classical Canon Law*, *The Spirit of International Law*, *The Spirit of Islamic Law*, etc.

[16] A revision of the Nugent translation by J.V. Prichard (see note 65 below) was published on that date under the title *The Spirit of the Laws* (New York).

[17] As this article operates merely on a sample, it cannot pretend to represent a systematic study. For several reasons, I have not sought to apply directly the insightful categories applied by Giovanni Paoletti in 'Traduire Montesquieu en italien: remarques historiques et linguistiques sur les livres XX à XXXI de *L'Esprit des lois*' (in *Montesquieu d'Est en Ouest: traduire Montesquieu en anglais, italien, hongrois, polonais, russe*, *Revue française d'histoire du livre*, 134 (2013), pp. 77–102), because his focus is on crucial groups of words in a full corpus, particularly questions related to normalization and modernization when a new translation is substituted for a traditional one. Nugent often forfeits the challenge of matching effects of concision, symmetry and rhythm which Paoletti analyses briefly in his article, pp. 95–102.

[18] I cite (while modernizing) the original French edition (Geneva, 1748), which was the one Nugent initially had to translate. I shall take my examples throughout this article mostly from II, 4 ('Des lois dans leur rapport à la nature du gouvernement monarchique')

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

The difficulty here for the translator lies not in deciding what English word to use, insofar as there is really only one available (*power*) for either *puissance* or *pouvoir*, but in the desirability of avoiding excessive repetitions when, for example, those two French words are found side by side in a single passage, as indeed happens frequently. For the passage just quoted, Nugent indeed finds a way to use *power* only once where Montesquieu had used the two French terms four times:

> In every **government** there are three sorts of **power**: **the legislative**; **the executive** in respect to things dependent on the law of nations; and **the executive**, in regard to things that depend on the civil law.[19] [XI, 6]

Though the translator here omits the reiterated noun, there are other situations in which he actually prefers it; for *puissance de juger* he often writes either *power of judging* or *judiciary power*, or more rarely just *judiciary*; but for *puissance législative* he distinctly favours the word *legislature*.

Modulations in syntax sometimes help to facilitate such transpositions, as in the following shift from active to passive voice:

> . . . celui qui **fait exécuter** les lois **sent** qu'il y est **soumis** lui-même **et qu'il en portera le poids**.
>
> . . . the person **entrusted with the execution of** the laws, **is sensible of** his being **subject to their direction**. [III, 3]

Now there is no objection to changes in mood as such, which are often indispensable to a translator because of idiomatic constructions that are not parallel in the two languages. It can, however, be combined, as in some of these examples, with other re-wordings that may seem arbitrary. We find this sort of paraphrase four times in XI, 6, in cases where Montesquieu uses an active verb (*exécuter*) or *avoir* with respect to a power:

(1) . . . les Magistrats qui **avaient** l'autre [**puissance**], n'avaient pas **comme** le peuple **la faculté** d'empêcher.

---

and two chapters often cited during the debates over the American constitution: III, 3 ('Du principe de la démocratie') and XI, 6 ('De la constitution d'Angleterre').

[19] The translator having introduced between the original 1750 edition and the second edition in 1752 a considerable number of modifications, I allow him some slack for self-correction and cite the latter edition here. It is beyond the scope of this article to study the many changes made to subsequent editions, by Nugent or possibly others, but it bears mentioning that publishers of the many re-editions of Nugent have shown a cavalier disregard for possible variations within that tradition. The oft-quoted Franz Neumann edition (New York, 1949, reissue 1959) contains not a single word about the translator, the translation or the edition used (it is certainly not one of the first two), nor on any problems incumbent in translating Montesquieu, except to remark with no further explanation that 'A new translation is necessary' (p. vii).

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

. . . nor the magistrates who **were entrusted with** the other, had the **right** of rejecting, **which was entirely lodged in** the people.[20] [XI, 6]

(2) . . . la conduite de celui **qui exécute** . . .

. . . the conduct, of him **who is entrusted with the executive power**[21] [XI, 6]

(3) . . . celui qui **exécute** ne peut **exécuter mal** sans avoir des conseillers **méchants** . . .

. . . the person **entrusted with the executive power** cannot **abuse it** without **bad** counsellors . . .[22] [XI, 6]

(4) Il pourrait encore arriver que **quelque citoyen dans** les affaires publiques violerait les droits du peuple . . .

It might also happen that **a subject entrusted with the administration** of public affairs, may infringe the rights of the people . . . [XI, 6]

Is this tendency towards circumlocution a personal idiosyncrasy or an ideological scruple? One can image that, as complement to the verb *avoir [un pouvoir]*, the political function too much suggested an attribute, and that *entrusted to* might more correctly relate, in the translator's eyes, to the consent of the governed and thus to the precious but provisional commitment which a power ought to represent. In that case, *avoir* . . . with respect to a power, could be a trope best avoided except when it concerns an essentially unalienable (though republican) power, as in: '. . . a body of the people . . . **are possessed of** the supreme power' (for '. . . le peuple en corps a la *souveraine puissance*'), or a bit further on: 'The people in whom the supreme power **resides'** ('le peuple qui **a** la souveraine puissance: II, 2). If so, then this sort of avoidance manoeuvre spins out of control in the fourth example above, where that expression is needlessly interpolated in lieu of the simple *quelque citoyen*.

As for *citoyen(s)*, Nugent does not hesitate to translate it as *citizen(s)* if the context is Athens or Italian republics; but he dodges it where the English Constitution is concerned, far preferring *subjects* or an even more neutral term like *men* or *persons*, even *inhabitants*. Perhaps *subjects* was simply the word that first came to mind, England being a monarchy after all, even if it was 'constitutional', and even if, to Montesquieu, England enjoyed the freest of systems. In any event, Nugent clearly sensed something quasi-republican in the word *citizen* that seemed unbefitting an English context. For the plural, he sometimes looks to other, still broader expressions, for instance in translating

[20] In a translation of *EL* XI, 6 and XIX, 27, likely incited if not written by David Hume, published in Edinburgh in 1750 by Hamilton and Bafour under the title *Two Chapters of a celebrated French work, intitled, De l'esprit des loix, translated into English*, we find for *faculté d'empêcher* the rather more recondite expression *the power of cohibition*.

[21] *Him who has the power of execution* in the Edinburgh excerpts.

[22] The same Edinburgh translation renders *celui qui exécute* simply as *executor*.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

'il faut . . . que les soldats habitent avec les **citoyens**' as: 'the soldiers should live in common with the **rest of the people**' (XI, 6) — which without too much betrayal of the basic idea steers away from the meaning strictly intended. But as little difference as it seems to make, such a substitution can drain a sentence of its punch. Here, for example, it undercuts the vigour of *citoyen* used in its fullest sense:

> . . . il faut que le Gouvernement soit tel qu'un **citoyen** ne puisse pas craindre un **citoyen**.
>
> . . . it is requisite the government be so constituted as one **man** need not be afraid of **another**. [XI, 6]

République, a not overly-charged term from this point of view — insofar as it has, in Montesquieu, both a broad and a specific usage — is moreover sometimes translated as *commonwealth* (III, 3; XI, 19), no doubt by virtue of a British custom of designating Greek city-states by that name. Samuel Johnson indeed defines *commonwealth* as a synonym of *republic*: 'A government in which the supreme power is lodged in the people; a republic.'[23]

One of the key notions in Montesquieu's typology of governments is *ressort*, never easy to render correctly into English. Still, one can be a little surprised to find Nugent generally rendering *ressort* by the word *spring*, which seems to correspond to only one of the word's possible meanings (the purely physical one). Thus: 'Mais dans un État populaire il faut un **ressort** de plus, qui est la VERTU' becomes: 'But in a popular state, one **spring** more is necessary, namely, virtue' (III, 3). In its mechanical literalism, the word seems to ring false and would appear a poor choice. The problem is, simply put, that an occurrence such as this does not, like the English *spring*, bring to the mind of a French reader the image of a resilient, coiled wire.

It thus seems reasonable to suggest that a better translation of *ressort* would usually be something like *driving force*, *principle*, *key*[24] or even *spirit*. Interestingly, as if to acknowledge as much, the translator will sometimes sidestep the word which most often he would invoke automatically:

> La vanité est un aussi bon **ressort** pour un gouvernement que l'orgueil en est un dangereux . . .
>
> Vanity is as **advantageous** to a government, as pride is dangerous . . . [XIX, 9]

Now *spirit* for *ressort* was obviously excluded so as to avoid overlap with the meaning it has in the work's title. The fact is that *principe* appears more or less

[23] *A Dictionary of the English Language* (2 vols., London, 1755).

[24] 'Key' is, incidentally, the term that Louis Castel spontaneously applies to Montesquieu's political *ressorts* in a letter to him: 'Vous avez trouvé trois clefs, trois gouvernements' (undated letter of 1750, Bibliothèque municipale de Bordeaux, Ms 1868/74, to appear in *OC*, Vol. XX).

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

interchangeable with *ressort* in many contexts, as in this next passage, where we find direct alternation:

> La sévérité des peines convient mieux au gouvernement despotique dont le **principe** est la terreur, qu'à la monarchie et à la république qui ont pour **ressort** l'honneur et la vertu.
>
> The severity of punishments is fitter for despotic governments whose **principle** is terror, than for a monarchy or a republic whose **spring** is honor and virtue. [VI, 9]

But as there are one hundred and ninety six occurrences of *principe* in the 1750 *Esprit des lois*, that was not a viable option either. Such options are further suggested by the definition of *ressort* provided at the time (and available to Nugent) by the *Dictionnaire de Trévoux*: 'Ressort se dit figurément en choses spirituelles et morales, et signifie cause, moyen';[25] the Latin equivalents given (*Trévoux* being a bilingual dictionary) are *causæ* and *principia*. It is even more revealing that one example in the same dictionary, drawn from Jean-François Baltus, contrasts *ressort*, which is invisible, with *machine*, which is manifest:

> Les grands événements ne sont pas toujours produits par de grandes causes: les ***ressorts*** sont cachés, et les **machines** paraissent; et quand on vient à découvrir ces ***ressorts***, on s'étonne de les voir si faibles et si petits.
>
> [Great events are not always produced by great causes: the ***ressorts*** are hidden, and the **machines** are visible; and when we begin to identify these ***ressorts***, we are surprised to find them so weak and small.]

All the more reason why, it seems to me, the (highly concrete) notion of 'spring' does not strike the right note in this context.

Maybe the translator just had difficulty getting beyond this primary, literalistic sense of *spring*, in which case he perceived the non-metaphorical notion — as in a watch or machine — as prevailing throughout the text. In this he is encouraged, it is true, by the occasional instance where Montesquieu himself slips from the purely abstract to a mixed-mechanical image by using *ressort* with a quite specifically mechanical analogy:

> Un gouvernement modéré peut tant qu'il veut et sans péril relâcher ses **ressorts**. Il se maintient par ses lois et par sa force même.
>
> A moderate government may, whenever it pleases, and without any danger, relax its **springs**. It supports itself by its laws, and by its own force. [III, 9]
>
> Ce rapport des lois avec ce principe tend **tous les ressorts** du gouvernement, et ce principe en reçoit à son tour une nouvelle force. **C'est ainsi que dans les mouvements physiques** l'action est toujours suivie d'une réaction.

[25] '*Ressort* is used figuratively in spiritual and moral matters, and signifies cause, means' (*Dictionnaire universel françois et latin* (Trévoux, 1743)).

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

> This relation of laws to this principle, strengthens **the several springs** of government, and this principle receives from thence, in its turn, a new degree of strength. **And thus it is in mechanics**, that action is always followed by reaction. [V, 1]

The same obtains in the next example because of the combination of *ressort* with the associated mechanical verb *remonter*:

> La monarchie avait son allure par des **ressorts** qu'il fallait toujours **remonter**.[26]
>
> The monarchy moved by **springs**, which they were constantly obliged to **wind up**. [XXX, 4]

In this last situation, the rather odd result in English is made the more awkward by the insertion of the comma, which is frankly a mistake, making the restrictive clause explicative and reducing the mechanical image almost to a caricature.

Nugent attempts several other solutions by way of variety, as in the following passages:

> C'est un grand **ressort** des gouvernements modérés que les lettres de grâce.
>
> Letters of grace are of excellent **use** in moderate governments. [VI, 16]
>
> . . . l'État n'aura plus de force ni de **ressort**.
>
> . . . the state loses all its strength and **activity**. [VIII, 5]

Nevertheless, in each of these cases he rather seriously distorts the meaning of the word. In others he merely skews it a bit, for instance here:

> La vanité est un aussi **bon ressort** pour un Gouvernement que l'orgueil en est un dangereux.
>
> Vanity is as **advantageous** to a government, as pride is dangerous. [XIX, 9]
>
> Lorsque la religion justifie pour une chose d'accident, elle perd inutilement le plus grand **ressort** qui soit parmi les hommes.
>
> When religion absolves the mind by a thing merely accidental, it loses its greatest **influence** on mankind. [XXIV, 14]

[26] *Ressort* is employed six times in the 'Avertissement de l'auteur' ('Author's explanatory notes') in order to help the reader better grasp another, equally important concept, which is *virtue*: 'Si je disais, telle roue, tel pignon, ne sont point le ressort qui fait mouvoir cette montre; en conclurait-on qu'ils ne sont point la montre? . . . En un mot, l'honneur est dans la république, quoique la vertu politique en soit le ressort; la vertu politique est dans la monarchie, quoique l'honneur en soit le ressort.' But this *avertissement* did not appear until the French edition of 1757, and was apparently not incorporated into any English edition until 1766.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

Usually such dodges (the translation of *le plus grand ressort* by 'its greatest influence', is simply a blunder[27]) do nothing to facilitate understanding of a passage which perhaps stood in some need of clarification.

On one occasion Nugent reinforces the image of a *spring* by explicitly emphasizing its 'elasticity':

> Mais on **use** le **ressort** du Gouvernement . . .
>
> But the **spring** of government hereby **uses** its **elasticity** . . . [VI, 12]

The purpose of this intervention is elusive, for by it he in fact renders Montesquieu's image incoherent, all the more so because the English verb *uses*, apparently invoked for reasons of simple similarity, cannot be employed in this way.[28] Still, he apparently makes note of it and holds this assimilation in reserve so that when the occasion arises he can completely dispense with *spring*:

> L'air froid resserre les extrémités des fibres extérieures de notre corps; cela augmente leur **ressort** et favorise le retour du sang des extrémités vers le cœur.
>
> A cold air constringes the extremities of the external fibres of the body; this increases their **elasticity**, and favors the return of blood from the extreme parts to the heart.[29] [XIV, 2]

Here the context is admirably congenial. There are other examples that involve fibres — a notion, to be sure, too distant from objects like watch springs for a single word to match both circumstances. Yet these are the very cases to which the English *spring* would have been rather well suited. Oddly enough, Nugent even falls back on *spring* on at least one occasion where nothing whatever obliged him to do so:

> . . . dans les occasions les plus **pressantes**, **toute la force** de la nation pourrait être arrêtée par un caprice.
>
> . . . on the most **urgent and pressing** occasions **the springs of the nation** might be stopped by a single caprice.[30] [XI, 6]

Indeed this example, by reverse application, raises doubts about whether the translator quite understood the meaning of *ressort* at all in the generalized

---

[27] The Cohler translators have in fact retained the word *spring* throughout for *ressort*, even in this particular occurrence.

[28] Cohler: 'But the spring of government wears down . . .'. These translators also retain *spring* for the next example.

[29] In the Neumann edition this sentence begins: 'Cold air . . .', without the article.

[30] In the Neumann edition, this sentence concludes: '. . . the wheels of government might be stopped by the caprice of a single person'.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

way Montesquieu applies it to governments:[31] here the meaning really is force and has nothing to do with the 'springs' of various political systems.

Yet it must be conceded on the translator's behalf that a somewhat forced term of which 'spring' is an example, which at first seems bizarre, tends to be assimilated in the process of reading — a frequent phenomenon, I would judge, with philosophical works in translation. In other words, the fact that 'spring' (as contrasted with *ressort*) sounds unnatural does not prove it is not understood, though one might wonder how it is thought to operate.

The homonym *ressort* in the sense of jurisdiction is a different matter altogether, but it does turn up one curious anomaly in Nugent's text, where it is handled in a variety of ways:

> . . . les actions cachées sont du **ressort** de la justice humaine.
>
> . . . secret actions are **subject to** human **jurisdiction**. [XII, 4]
>
> . . . les choses indifférentes par leur nature ne sont pas **de son ressort**.
>
> . . . things in their own nature indifferent are not **within its province**. [XIX, 14]
>
> . . . de choses qui étaient moins du **ressort** de la raison que du hasard . . .
>
> . . . things that **depended** less on reason than on hazard . . . [XXVIII, 17]

Yet oddly, 'tout cela est du **ressort** de la religion' is translated by an English homonym: 'all this I say, is within the **resort** of religion' (XXVI, 13).[32] Is this a case of a facile but inept shortcut? Perhaps not: for Samuel Johnson does confirm the English word *resort* as borrowed from the French *ressort*, although rather with the sense of 'Movement; active power; spring' — which was thus much closer to a number of the passages already cited above than to this particular example.[33]

III
Sentiments and Consciousness, *Mœurs* and Manners

Sentiment and associated terms are often problematic in this text, as indeed they are in much psychology and epistemology of the eighteenth century. One can say of animals (*les bêtes*) that

> . . . le **sentiment** ne leur sert que dans le rapport qu'elles ont **entre elles**, ou avec d'autres êtres particuliers, ou avec elles-mêmes.

[31] Nugent's *New Pocket Dictionary* (see note 5 above) defines *ressort* as 'spring, cognisance'.

[32] The Neumann edition drops the parenthetical 'I say'.

[33] It is not, however, to be found in Nugent's own *New Pocket Dictionary*.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

> . . . **sensation** is of no other use to them, than in the relation they have with **other particular beings**, or with themselves.[34] [I, 1]

just as one can say that 'elles sont unies par le **sentiment'** ('they are united by **sensations'**: I, 1).[35] In these contexts the word seems to have no meaning other than the functioning of the nervous system. Nugent like Montesquieu seeks to nuance further, however, when the question of consciousness comes into play:

> . . . les plantes, en qui nous ne remarquons ni **connaissance** ni **sentiment**.
>
> . . . vegetables, that have neither **intellectual** nor **sensitive faculties**.[36] [I, 1]

Whereas for man,

> . . . les faibles **connaissances** qu'il a, il les perd encore comme créature **sensible**; il devient sujet à mille passions.
>
> . . . even the imperfect **knowledge** he has, he loses as a **sensible** creature, and is hurried away by a thousand impetuous passions.[37] [I, 1]

This time, *connaissances* being in the plural, the translator adopts the word *knowledge*, and the word *sensible* acts as an extension of what was called 'sensitive faculties' in the previous example, thus once more in a physiological sense distinct from 'intellectual faculties'.

If there is for the translator a single nearly insuperable conundrum in Montesquieu's lexicon, it is surely the term *mœurs*. There is simply no direct English equivalent, nor will any single substitute fit the various contexts in which *mœurs* is used. One can gamble on the word *mores*, which has at least the advantage of having long served modern anthropologists with its similar range of applications. But that was not a term available to Nugent (it was introduced by American sociologist William Graham Sumner in 1906,[38] and even today it might not be recognized by all readers, though it is adopted throughout by the Cohler translation in 1989. Wherever possible, Nugent translates *mœurs* as *manners*; but in addition to the fact that *manners* will not fit all contexts, the translator is often confronted by Montesquieu's frequent use of *mœurs* in tandem with *manières*. For this reason he equally resorts to *customs*, as in this example:

> C'est une maxime capitale qu'il ne faut jamais changer **les mœurs et les manières** dans l'État despotique; rien ne serait plus promptement suivi d'une révolution. C'est que dans ces États il n'y a point de lois, pour ainsi

[34] '. . . or to themselves' in the Neumann edition.

[35] In the Neumann edition, 'sensation' is in the singular.

[36] In the Neumann edition: '. . . that have neither understanding nor sense'.

[37] In the Neumann edition: '. . . even his imperfect knowledge he loses; and as a sensible creature, he is hurried away . . .'.

[38] W.G. Sumner, *Folkways: A Study of the Sociological Importance of Usages, Manners, Customs, Mores, and Morals* (Boston, 1906).

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

> dire; il n'y a que des **mœurs** et des **manières** ; et si vous renversez cela, vous renversez tout.
>
> It is a capital maxim, that the **manners and customs** of a despotic empire ought never to be changed; for nothing would more speedily produce a revolution. The reason is, that in these states there are no laws, that is, none that can be properly called so; there are only **manners and customs**; and if you overturn these you overturn all.[39] [XIX, 12]

There are several such pairings in the original of XIX, 16: 'les lois et les mœurs', 'les mœurs et les manières', 'les lois, les mœurs et les manières', which Nugent respectively renders, with a perfectly reasonable degree of consistency, 'laws and manners', 'manners and customs' and 'laws, manners, and customs'. Similarly, he translates 'ces lois [et] les mœurs' by 'those laws and the manners of the people' (XXVIII, 17).

IV
Syntactic Licence

Relatively few of the problems that face Montesquieu's English translator, it seems to me, are situated at the level of syntax. Interpretation of particular passages can of course be fraught, but it is not generally because the sentences are contorted or worrisomely elliptical. Their structure in fact manifests for the most part an almost military regularity.

Nugent nevertheless allows himself not only to substitute an approximate term arbitrarily in circumstances where he could have found a more precise one, but also to extend or inflect sentences by means of modal expressions, dispensable if not exactly wrong, which must have seemed to him more harmonious. The superfluous epithet belongs to this repertory: an unqualified 'Rome' for instance becomes, in typical fashion, 'this unhappy city' (III, 3). Examples of this expansionary practice are to be found everywhere; one can even say that their presence constitutes one of the most salient aspects of Nugent's *Esprit des lois*:

> Si elle [la puissance de juger] était jointe à la puissance exécutrice, le juge pourrait **avoir la force d'un oppresseur**.
>
> Were it joined to the executive power, the judge might **behave with all the violence of an oppressor**.[40] [XI, 6]

For this reason we often encounter sentences more skewed, or in any case noticeably longer, than the ones they purport to translate:

> Comme nous voyons que le monde, formé par le mouvement de la matière et privé d'intelligence, subsiste **toujours**, il faut que ses mouvements **aient**

[39] In both of these instances, Cohler give 'mores and manners'.

[40] In the Neumann edition: '. . . the judge might behave with violence and oppression'.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

> des lois invariables; et si l'on pouvait imaginer un autre monde que celui-ci, il aurait des règles constantes, ou il **serait détruit**.
>
> As we see that the world, **though** formed by the motion of matter, and void of understanding, subsists **notwithstanding through so long a succession of ages**, its motions must **certainly be directed by** invariable laws: and could we imagine another world, it must **also** have constant rules, or **must inevitably perish**.[41] [I, 1]

At times, as in the next example, his tendency to spin out extra words verges on gratuitous prolixity:

> . . . et s'il n'est pas **égal à** un bon sujet de défendre la **justice** du prince ou les limites qu'elle s'est de tout temps prescrite[s].
>
> . . . and whether it is not **equally the duty of** a good subject to defend the **prerogative** of the prince, as to maintain the limits which from time immemorial he has prescribed to his authority.[42] [II, 4]

In addition to his needless wordiness, in this instance the translator has misconstrued the adjective *égal*, the issue being not whether the duties are equal but whether the subject has a preference.

Such a practice, though hardly rare among translators of the time, betrays, for one thing, the fact that Nugent does not grant full confidence to his author, insofar as he often reduces two terms to one as if he was in a position to judge one of them redundant. The result is an impoverishment of the structure and texture of the sentence, especially when it depends on a certain rhythm or equilibrium:

> Il ne faut pas beaucoup de probité pour qu'un gouvernement monarchique ou un gouvernement despotique **se maintiennent ou se soutiennent**.
>
> There is no great share of probity necessary to **support** a monarchical or despotic government. [III, 3]
>
> De cette façon la puissance de juger . . . devient, pour ainsi dire, **invisible et nulle**.
>
> By this means the power of judging . . . becomes, as it were, **invisible**.[43] [XI, 6]
>
> Les politiques grecs . . . ne reconnaissaient d'autre **force qui pût les soutenir** que celle de la vertu.
>
> The political Greeks . . . knew no other **support** but virtue.[44] [III, 3]

---

[41] In the Neumann edition: 'Since we observe that the world, though formed by the motion of matter, and void of understanding, subsists through so long a succession of ages . . . or it would inevitably perish.'

[42] In the Neumann edition: '. . . have been prescribed to his authority'.

[43] The Edinburgh translation (see note 20 above) has it: *invisible and null*. In the Neumann edition: 'By this method the judicial power . . . becomes, as it were, invisible.'

[44] In the Neumann edition: '. . . than virtue'.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

In general, as these examples suggest, the translator appears to be at war with what he perceives as redundancy; or else on the contrary this habit of his represents carelessness or laziness, at least if one esteems — as does any good translator today, but norms have evolved — that taking care to differentiate between near-synonyms (such as *maintenir* and *soutenir* above), in which much of the translator's work can consist, is a professional obligation. Not that there is never a word too many in a sentence of Montesquieu; but it is not up to the translator to edit out superfluities, nor, for that matter, to give the reader the benefit of a presumably improved rewriting of the sentence.

Along these lines, Nugent not infrequently steps in to specify a logical link even when it is really quite adequately implied in the original:

> Il faut même que les juges soient de la condition de **l'accusé ou ses pairs** . . .
>
> The judges ought likewise to be in the same station as the **accused, or in other words, his peers** . . .[45] [XI, 6]
>
> La Hollande est encore plus en sûreté que Venise . . .
>
> Holland, **for instance**, is still safer than Venice . . . [XI, 6]
>
> . . . la parole des députés **serait plus** l'expression de la voix de la nation . . .
>
> . . . the speeches of the deputies **might with greater propriety be called** the voice of the nation . . . [XI, 6]

What this trait shows is that the translator is willing to extend the sentence in order to make it more explicit, for instance when 'les **grandes** accusations' becomes 'accusations **of a deep or criminal nature**'[46] (XI, 6), and 'besoins' yields 'wants and interests' (XI, 6). Such manipulation, whether of condensation or expansion, is of course invisible to the reader of the translation, who nonetheless may consequently derive from the passage a slightly attenuated or less pungent meaning than s/he might have otherwise.

Examples abound where amplification is accepted as the price of greater explicitness:

> . . . les législateurs l'ont **rendu à ses devoirs** par les lois politiques et civiles.
>
> . . . legislators have **therefore** by political and civil laws **confined** him to his **duty**. [I, 1]
>
> Il pourrait arriver que la loi, qui est en même temps clairvoyante et aveugle, serait en de certains cas trop **rigoureuse**.
>
> It is possible that the law, which is clear-sighted **in one sense**, and blind **in another**, might in some cases be too **severe**. [XI, 6]

[45] In the Neumann edition: '. . . of the same rank as the accused . . .'.

[46] In the Neumann edition: '. . . a deep and criminal nature . . .'.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

Cela serait incommode pour les représentants, et d'ailleurs occuperait trop la puissance exécutrice, qui ne penserait point à exécuter, mais **à** défendre ses prérogatives et le droit qu'elle a d'exécuter.

This would be troublesome to the representatives, and moreover would cut out too much work for the executive power, so as to take off its attention from executing,[47] and **oblige it to think only of** defending its own prerogatives and the right it has to execute. [XI, 6]

Ce fut un assez beau spectacle dans le siècle passé, de voir les efforts impuissants des Anglais pour établir parmi eux la **démocratie**. Comme ceux qui avaient part aux affaires n'avaient point de vertu . . . que l'esprit d'une faction n'était réprimé que par l'esprit d'une autre, le gouvernement changeait sans cesse; le peuple étonné cherchait la **démocratie** et ne la trouvait nulle part. Enfin, après bien **des mouvements, des chocs et des secousses**, il fallut se reposer dans le gouvernement même qu'on avait proscrit.

A very **droll** spectacle it was in the last century to behold the impotent efforts the English made for the establishment of democracy. As those who had a share in the direction of public affairs were void of all virtue . . . as the spirit of faction was suppressed only by that of the succeeding faction, the government was constantly changing: the people amazed **at so many revolutions** sought everywhere for a democracy without being able to find it. At length after a series of **tumultuary motions and violent shocks**, they were obliged to have recourse to the very government which they had **so odiously** proscribed.[48] [III, 3]

We can include among his interventions Nugent's almost systematic reduction of the anaphoras familiar to Montesquieu, which he seems to regard as stylistic flaws. For instance, where the phrase 'Il n'y a [aura, aurait] plus de liberté' rings like a refrain through *L'Esprit des lois* XI, 6, the translator breaks the symmetry ('there is an end of liberty', 'there can be no liberty') by adding on transitional links:

Si le corps législatif était un temps considérable sans être assemblé, **il n'y aurait plus** de liberté.

Were the legislative body to be a considerable time without meeting, **this would likewise put an end to** liberty. [XI, 6]

[47] In the Neumann edition: '. . . it attention to its office . . .'.

[48] The terminology of this passage has been significantly modified in the Neumann edition: 'A very droll spectacle it was in the last century to behold the impotent efforts of the English towards the establishment of democracy. As those who had a share in the direction of public affairs were void of virtue . . . as the prevailing parties were successively animated by the spirit of faction, the government was continually changing: the people, amazed at so many revolutions, in vain attempted to erect a commonwealth. At length, when the country had undergone the most violent shocks, they were obliged to have recourse to the very government which they had so wantonly proscribed.'

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

The extra word slipped into a sentence often also carries, or subjectively reinforces, a judgmental element, particularly a negative one:

> Chez les Turcs, où ces trois pouvoirs sont réunis sur la tête du Sultan, **il règne** un affreux despotisme.
>
> In Turkey, where these three powers are united in the sultan's person, **the subjects groan under the weight of** a most frightful oppression.[49] [XI, 6]

V
Shifting Modes and Tenses

Another phenomenon found more or less everywhere in Nugent's *Esprit des lois* is a rather capricious alteration of verb modes and tenses. There are many instances where a declarative statement becomes a conditional one:

> . . . mais **on a** un despote.
>
> . . . but **there may be a** despotic prince. [II, 4]
>
> . . . la puissance législative . . . **court** risque . . .
>
> . . . the legislative power . . . **would run** the risk . . . [XI, 6]

Here, a concrete condition + future indicative is transformed into a hypothetical condition + conditional:

> **Si** la puissance exécutrice **statue** sur la levée des deniers publics autrement que par son consentement, il n'y **aura** plus de liberté . . .
>
> **Were** the executive power **to determine** the raising of public money, otherwise than by giving its consent, liberty **would be** at an end . . . [XI, 6]

In these passages, the translator acts as if the option between the conditional and the *passé composé* were indifferent. One can always argue, of course, that the disparity is not very great; but the result can be pale and flat, as when '. . . [les prérogatives des nobles] dans un État libre **doivent** toujours **être** en danger' is reduced to: '. . . [noble privileges] of course in a free state **are** always in danger' (XI, 6). We can grant that the tenor of the two clauses is much the same; it all comes down to whether a concrete condition frames and incorporates the same idea as the 'same' condition expressed in the form of a hypothesis, and whether in the process the boundaries of 'faithful' translation have been exceeded.

Another form of arbitrary modalization is in play when Nugent attenuates the sense of *il faut que* . . . by using less imperative expressions in its place such as *it is fit* (or *fitting*) *that* . . ., or *it is proper that* . . . We also find *It is requisite that* . . . (though only five occurrences in the whole work) — which is rather more accurate.

[49] This example is somewhat attenuated in the Neumann text: '. . . the subjects groan under the most dreadful oppression'.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

One does have to be wary of misreading or condemning words which, in either language, have altered their meaning since the mid-eighteenth century. The translation of 'Les grands sont toujours **exposés** à l'envie' as 'The great are always **obnoxious** to popular envy' (XI, 6), as strange as it appears, is actually an accurate translation, because at the time *obnoxious* indeed meant (following Samuel Johnson's dictionary): 'Liable; exposed'. Nevertheless, it is hard to understand the use of the same exact word to translate, in the very same chapter, a completely different idea:

> . . . il faut qu'il ait un très grand intérêt à conserver ses prérogatives, **odieuses par elles-mêmes** . . .
>
> . . . there must be a considerable interest to preserve its privileges; privileges that in themselves are **obnoxious to popular envy** . . . [XI, 6]

for however true the latter assertion may be, it hardly answers to Montesquieu's phrase 'odieuses par elles-mêmes'.

There are, to be sure, real mistakes, sometimes just minimally inaccurate meanings favouring the wrong side of a polysemic word ('réparer le **mal'** becoming 'repair the **evil'** [III, 3], which strikes one as an overstatement). Another trap not always avoided is the etymological seduction exerted by cognates or apparently identical words (the phenomenon of *faux amis* familiar to language teachers). All translators succumb to it at least occasionally. For example, the following mechanistic transfer, which in truth will probably pass unnoticed:

> Et c'est le seul moyen conforme à la raison, de **suppléer** à la tyrannique magistrature des Ephores, et aux inquisiteurs d'État de Venise qui sont **aussi** despotiques.
>
> And this is the only reasonable method, that can be **substituted**[50] to the tyrannical magistracy of the Ephori, and to the state inquisitors of Venice, who are **also** despotical. [XI, 6]

What the translator seems to be doing here, rather than seeking a better grasp of the French usage, is to grope among English synonyms for *supply* in hopes of finding a suitable solution. The fact is that Nugent does not understand the meaning and/or the structure of the verb *suppléer*, which denotes a relation of complementarity.[51] The proof is in the title of Chapter III, 6: 'Comment on **supplée à** la vertu dans le gouvernement monarchique', which he

[50] In the Cohler version, we have here the similar verb *replace*; and for the chapter title cited next, we have: 'How virtue is **replaced** in monarchical government', reflecting the same mistake made by Nugent.

[51] 'Rendre une chose complète, ajouter ce qui manque: remplir un vuide' ('To make something complete, to add what is missing: to fill a void': *Dictionnaire de Trévoux*, 1743).

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

translates: 'In what manner virtue is **supplied** in a monarchical government.'[52] Montesquieu's real point, of course, is that since virtue does not underpin monarchy, something else needs not to 'supply' it but to fulfil its missing function by standing in for it.

There are, in addition, curious inconsistencies, as when one and the same expression occurs twice in succeeding sentences only to be translated in two quite different ways: the phrase 'statue[r] sur la levée des deniers publics', for example, is first rendered as 'to determine the raising of public money' and subsequently by 'settle the subsidies' (XI, 6). It is difficult to know how Nugent understood *la levée de l'argent* in order to translate it so strangely; vague in the extreme, such a detail again betrays an uncertainty which the translator has simply not taken the trouble to resolve. He tries, naturally, to avoid calling attention to such sleight of hand. Omission and compression, just like free expansion, are often a way to fudge instances of insecurity, and often operate in tandem:

> Charlemagne songea à tenir le pouvoir de la noblesse dans ses limites, et à empêcher l'oppression du clergé et des hommes libres; **il mit un tel tempérament dans** les ordres de l'État, **qu'ils furent contrebalancés** et qu'il resta le maître.
>
> Charlemagne's attention[53] was to restrain the power of the nobility within proper bounds, and to hinder them from oppressing the freemen and the clergy. He **balanced** the several orders of the state, and remained perfect master **of them all**. [XXXI, 18]

In this example, Nugent does not so much betray the meaning of *tempérament*[54] as disguise the problem by detouring around it, largely by guesswork.

Small inaccuracies can thus pile up, finally resulting in a rather confused progression, of which the following passage is an instance:

> **Autant** que le pouvoir du clergé est dangereux dans une république, **autant** est-il convenable dans une monarchie; surtout dans **celles qui vont au despotisme**. Où en seraient l'Espagne et le Portugal depuis la **perte** de leurs lois, sans ce pouvoir qui arrête seul la puissance arbitraire? Barrière toujours bonne lorsqu'il n'y en a point d'autre: car comme le despotisme cause à la **nature humaine** des maux effroyables, le mal même qui le limite est un bien.

---

[52] *Suppléer* is indeed defined simply but wrongly as 'to supply' in Nugent's own *New Pocket Dictionary*. No contemporary French dictionary defines it thus.

[53] In the Neumann edition: 'intention'.

[54] In the sense given the word by Richelet's dictionary of 1680: 'Tempérament se dit aussi figurément en choses morales, d'un adoucissement, d'une voie mitoyenne qu'on trouve dans les affaires pour accorder des parties. Il n'y a point d'affaire si difficile, où on ne trouve quelque *tempérament.* Cette loi est trop sévère et trop rigoureuse, il faut y apporter quelque *tempérament.* Quand nos passions sont trop violentes, il faut que la raison y apporte du *tempérament*.'

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

> **Though** the ecclesiastic power is so dangerous in a republic, yet it is **extremely** proper in a monarchy, especially **of the absolute kind**. What would become of Spain and Portugal since the **subversion** of their laws, were it not for this only barrier against the incursions of arbitrary power? A barrier that is always useful when there is no other: for as a despotic government is productive of the most frightful calamities to **human nature**, the very evil that restrains it, is beneficial **to the subject**.[55] [II, 4]

Nugent's failure to replicate the parallelism of the French structure *autant . . . autant* undermines the stylistic balance of the first proposition, and clearly the translator does not quite know what to do with the expression 'qui vont au despotisme'.[56] All translators so far have translated *nature humaine* wrongly, as do many other readers and interpreters of Montesquieu (there are several instances of the expression, consistently mistranslated, in *Lettres persanes*): what it means is not human nature at all, but human*kind*.[57] Also the addition of 'to the subject' at the end of the passage is not only gratuitous but skews the meaning of *est un bien*, which simply means it is a good thing.

Inevitably, a more severe distortion sometimes results from such practices:

> Il ne suffit pas qu'il y ait dans une monarchie des rangs intermédiaires; il faut encore un dépôt de lois. Ce dépôt ne peut être que **dans les corps politiques**, qui annoncent les lois lorsqu'elles sont faites, et **les rappellent lorsqu'on les oublie**. L'ignorance naturelle à la noblesse, son inattention, son mépris pour le gouvernement civil, exigent qu'il y ait un corps qui fasse sans cesse **sortir les lois de la poussière** où elles seraient ensevelies.
>
> It is not enough to have intermediate powers in a monarchy; there must be also a depositary of the laws. This depositary can be only **the judges of the supreme courts of justice**, who promulge[58] the new laws, and **revive the obsolete**. The natural ignorance of the nobility, their indolence, and contempt of civil government, require there should be a body **invested with a power of** reviving and executing the laws which would be otherwise buried in oblivion. [II, 4]

The expansion of 'corps politiques' into 'the judges of the supreme courts of justice' is probably intended as clarification to the English reader, assuming that Montesquieu is referring to the *parlements*, which were of course the 'supreme courts' of France. But the whole point of their function of 'reviving' laws is that the laws in question are 'obsolete' in the sense of having been

[55] In the Neumann edition: 'Though the ecclesiastical power be so dangerous in a republic . . . A barrier ever useful when there is no other: for since a despotic government is productive of the most dreadful calamities to human nature . . . '.

[56] The Cohler translation renders it: 'those tending to despotism'.

[57] See *OC*, I (2004), p. 293, note 6. 'On dit *la nature humaine* pour dire *le genre humain*' (*Dictionnaire de l'Académie*, 1694, article 'Nature').

[58] In the Neumann edition: 'promulgate'; the two verbs are nearly equivalent, according to Samuel Johnson.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

overlooked, having fallen into disuse:[59] it is thus appropriate to recall them, not abusive to disinter them, and to do so is not to exercise a 'power' but a proper function of collective memory — which is what the repository of laws in question is all about.

Everyone knows the adage: a translator cannot but betray. Has Nugent in any way been of disservice to Montesquieu's thought? Nothing in our sampling would suggest such a grave charge. A great many readers over two hundred and sixty seven years have learned their Montesquieu by reading Nugent, and there is no reason I know of for thinking they have seriously misconstrued his intentions as a result. Discussion and comparison along the way itself serves as a corrective mechanism in the secondary literature. Plain mistakes aside, the influence of the practice of freely expanding or contracting passages would of course be hard to measure.

As is often the case, the translator was working as fast as possible, and on a very substantial text; in such circumstances the relative economy and yield of slow, conscientious research have to be factored in, for the work must go forward. It is understandable that Nugent should subsequently have wished to polish a bit, for subsequent editions, a sometimes unsteady text; that is why in this article I have given him leeway for a first round of retouching.

In any case he did not lack confidence, flattering himself he could deliver a version as energetic as the original and, as we saw at the outset, refusing Domville's offer to help him understand anything he might find problematical. One can doubt that his success was quite that entire, but Montesquieu for his part thanked him warmly for having handled it so well: 'The only flaws in your translation are those of the original, and I am most obliged to you for making them unnoticeable. It seems you have wished also to translate my style, and have given it the resemblance *qualem decet esse sororum*.'[60] Montesquieu was also concerned, in this letter, that a list of errata reach the English publisher in time for incorporation in the translation,[61] which was largely achieved; the 1750 edition indeed bears the mention: 'with corrections and additions communicated by the author'.

To gauge subsequent modifications introduced by Montesquieu into his own text and their possible incorporation by Nugent would also require a separate study. Nugent did introduce at least one systematic change: for his

[59] 'Out of use, disused', or 'unfashionable' according to Johnson.

[60] 'Votre traduction n'a d'autres défauts que ceux de l'original; et je dois vous être bien obligé de ce que vous empêchez si bien de les voir. Il semble que vous ayez voulu traduire aussi mon style, et vous y avez mis cette ressemblance: *qualem decet esse sororum*.' (Montesquieu to Thomas Nugent, 18 October 1750, *Œuvres de Montesquieu* (Paris, 1826), VIII; to appear in *OC*, XX). His allusion is to Ovid's *Métamorphoses* (II, 1, v. 14): 'As (faces) of sisters should be like.'

[61] See table of corrections for the first two books in Catherine Volpilhac-Auger, *Un auteur en quête d'éditeurs? histoire éditoriale de l'oeuvre de Montesquieu (1748–1964)* (Lyon, 2011), annexe 1, pp. 384–7.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

first-round equivalents of *reject* and *enact* for *empêcher* and *statuer* (nine and six occurrences respectively) bearing on executive or legislative powers, in the second edition of 1752 he substituted *refuse* and *resolve*. This to my mind hardly represents an improvement. There are doubtless other, similar instances.

What can further be noted is that claims to incorporate revisions are made in some instances on the title pages themselves. The second and third editions from the original London publishers Nourse and Vaillant, in 1752 and 1758, present themselves as 'corrected and considerably improved'; the fourth, in 1766, and the fifth and last, published after Nugent's death in 1773, are 'carefully revised and improved with considerable additions by the author'. A number of other editions in London and elsewhere, mostly copied from these, further complicate the picture with their own variants on these particular assertions; one, in 1777, styles itself the eleventh edition[62] and another in 1793, though labelled the sixth edition, also claims to be 'carefully rev[ised] and improved from the last Paris ed. of the author'[63] — whatever exactly that could mean.

David Carrithers, who has noted the chaotic uncertainties and variances among English language editions,[64] also specifically faults Nugent for not keeping up with changes introduced into successive French editions, in particular those introduced in the posthumous edition of 1757, which no edition in English has 'faithfully presented'. Nor is it clear what kinds of changes were introduced among the 1878 'revisions' by a certain J.V. Prichard.[65] But as I stated earlier, great confusion reigns even in modern editions with respect to the precise text being followed, as if all commentators assumed it could hardly make much difference. For this reason Carrithers quite understandably chose for his own compendium to revert to the first London edition.[66] The translators of the 1989 (Cohler) edition say little about their reasons for feeling a new translation was necessary; in fact they congratulate Nugent on his knowledge of the language (p. xxxvi). Their own declared attempt to incorporate 'a stabilized core of terminology' (p. v) suggests that they found him disappointing in that important regard.

But we should not, in evaluating these problems, overlook the fact that a new textual standard cannot usefully be introduced today so long as the production

62 London: S. Crowder, C. Ware, and T. Payne.

63 London: F. Wingrave *et al*.

64 See above, note 7.

65 'New edition, revised, with additional notes and a new memoir by J.V. Prichard', (London, 1878) (Bohn's Standard Library); it was several times re-issued under different labels.

66 David Carrithers, *'The Spirit of Laws' by Montesquieu: A Compendium of the First English Edition* (Berkeley, 1977), pp. xx–xxi.

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms

of a new critical edition of *L'Esprit des lois* in French is still in abeyance.[67] The Cohler translators, noting the same need, adopted for their part the text figuring in the 1758 *Œuvres complètes*;[68] it remains to be argued whether that is the best choice. And yes, it is true that this impediment is still in place, and for the following reason. An annotation that adequately links the text of *L'Esprit des lois* to threads present in earlier texts by Montesquieu requires that the establishment of those texts be completed first, especially *Le Spicilège*, *Mes pensées*, and the correspondence. Most of the corpus, including *Le Spicilège* and the manuscript of *L'Esprit des lois*, have already appeared.[69] But the inherent difficulties of completing *Mes pensées* (Vols. 15–16) and the correspondance (Vols. 18–21, of which two are in print) has in effect put off *L'Esprit des lois* until the very end, which, inevitably, may yet be some years away.

Philip Stewart DUKE UNIVERSITY

NB: Since writing this article the author has embarked on a new translation which will be posted on-line for open access. It can be followed, for the length of the project, on the blog: spiritoflaw.hypotheses.org

Copyright (c) Imprint Academic 2018
For personal use only -- not for reproduction

[67] Even Neumann, in noting the need for a new standard translation, added that it 'is not desirable before a critical French edition of the *Esprit des lois* has been made' (p. vii). That was of course prior to the Cohler translation.

[68] Specifically, the facsimile in Volume I of the André Masson edition (Paris, 1950–5); it is the same text as the 1757 and 1767 editions.

[69] For the current status of the list, see the web site http://montesquieu.ens-lyon.fr/spip.php?rubrique5.

This content downloaded from
154.59.125.51 on Sat, 10 Oct 2026 12:42:25 UTC
All use subject to https://about.jstor.org/terms