

The Dream of the Feeling Citizen: Law and Emotion in Corneille and Montesquieu

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In these pages I want to sketch out the pre-history of the “homme-citoyen” enshrined in the French constitution and in world history with the promulgation of the *Déclaration des droits de l’homme et du citoyen* (1789), the first formal declaration of human rights. This essay seeks to trace a part of the story of man and citizen before their yoking together in and as the modern subject of rights. The invention of the man-citizen might well be the most significant legacy of the French Revolution, but the political success of this figure and its centrality in modern democratic republicanism have obscured the tensions—historical and actual—within and between the two terms. This essay is then an attempt at a genealogy not only of the terms, but also of the ambivalences of modern citizenship.

Corneille’s Horace

When, in Pierre Corneille’s play *Horace*, Sabine sees her husband, the eponymous hero, wet with the blood of her three brothers—killed in a fight not to save life or limb, not to preserve freedom or territory or goods, but to decide the question of which city, Rome or Alba, would assume symbolic mastery over the other—and wet too with the blood of her sister-in-law Camille (Horace’s own sister), she begs him to kill her: “Joins Sabine à Camille, et ta femme à ta soeur; / Nos crimes sont pareils, ainsi que nos misères; / Je soupire comme elle, et déplore mes frères.”¹

Horace refrains from killing his wife, because despite Sabine’s claims, her crime is not identical to Camille’s. Camille insists on two points that her brother Horace and her father (“Old Horace”) both find criminal. First she condemns Rome’s violence (embodied in her brother) rather than simply lamenting her loss, and she holds Rome responsible for the death of her lover Curiace (Sabine’s brother). Corneille had already prepared us to sympathize with Camille’s denunciation of Rome’s violent politics: he shows that the blood-letting was unnecessary, since an agreement between the rulers of the two cities had been signed previous

to the contest between the Horatii and the Curatii; he also stages the horror that this quasi-civil war inspired in the masses of Alban and Roman soldiers who, when reminded of the bonds of kinship and affection that bind them (bonds like those between the Horatii and the Curatii) are stupefied, and lower their arms. In other words, Horace and Curiace are structural synchdoches for the Roman and Alban armies, but they do not act as synechdoches.

Second, Camille swears that her rage, tears, and accusations will be incessant, total, and public. When her brother Horace insists that she honor the triumph he has won for Rome through his killing of her lover, Camille not only vows instead to honor the dead Curiace, but declares it her sole duty to perpetually accuse her brother and the Rome in whose name he fought: “Ne cherche plus ta soeur ou tu l’avais laissée; / Tu ne revois en moi qu’une amante offensée, / Qui comme une furie attachée à tes pas, Te veut incessamment reprocher son trépas” (4.6).

The traditional role of the fury—the position Camille claims for herself—is to pursue justice when a functioning legal institution is either absent or incapable of proper action. Camille, in other words, refuses to contain her mourning within the domain of private grief. Her indictment is as much political and juridical as it is familial. Her accusation is against a Roman politico-juridical structure that operates on the principle of the use-value of human beings and on their radical substitutability. The play stages the absolute incommensurability between Camille’s supreme valuation of the human being “as such,” and her father’s (Old Horace’s) Roman instrumentalization of humanity. Thus, on the one hand, Curiace is for Camille “mon amant, mon plus unique bien” (1.2) simply because she loves him, in and for himself. On the other hand, Old Horace tries to persuade Camille that with the death of Curiace “Vous ne perdez qu’un homme / Dont la perte est aisée à réparer à Rome” (4.3).

Sabine, Horace’s wife, has complaints that are entirely different. Although she asks to be killed (and she fruitlessly asks just about everyone in the play to kill her), Sabine, in fact, forestalls her own death at the hands of her husband by proposing a kind of *modus operandi* that appears to be a preternaturally early sketch of certain liberal social and political arrangements.

Prenons part en public aux victoires publiques;
Pleurons dans la maison nos malheurs domestiques,
Et ne regardons point des biens communs à tous,
Quand nous voyons des maux qui ne sont que pour nous.
Pourquoi veux-tu, cruel, agir d’une autre sorte?
Laisse en entrant ici tes lauriers à la porte;
Mêle tes pleurs aux miens.

(4.7)

Sabine will take part in the public celebrations of what she seems to concede to be the advancement of Rome's good—despite the fact that their occasion is the slaughter of her brothers—and she will mourn her personal losses in private, at home. She proposes a divided existence, an existence that postulates distinct and separate identities as citizen and as human being. The exercise of her public duties will require that she repress the feelings she experiences in her private person (her sisterly feelings) and express only those feelings that she experiences as a Roman. Home, on the other hand, will become the domain of true feeling and, at least for her if not for Horace, authentic being. "Leave your laurels at the door," Sabine implores, trying to conjure into existence a Horace who would be something other than his public self—an "authentic" private Horace who would be the subject of emotion rather than the subject of political violence, a double Horace who would be both, or at least alternately, man and citizen. The obligations required by Roman citizenship, Sabine suggests, ought not to penetrate the domestic space. The private, according to Sabine's scheme, would be the locus of real freedom (a negative freedom, to be sure—sentimental freedom from state interference), but freedom nevertheless. She suggests that Horace adopt her model: kill my brothers for Rome, but cry for them with me at home.

By contrast, her sister-in-law Camille refuses to live this division. She rejects her brother's demands wholly and absolutely; she cannot celebrate publicly the death of her beloved, and cannot honor the brother who killed him. Horace refrains from killing his wife not only because he sees the clear difference between these two positions but also, more importantly, because Sabine makes him an offer too good to refuse. True to form, Sabine suggests a model in which humanity is necessarily impotent. When she offers to celebrate publicly her brothers' deaths, she allows that feelings experienced in the private sphere should and will have no effect in the public world. This is a concession that Camille will not make: she seeks to make emotions—those emotions that within the world of this play are defined as "human" and whose experience defines their subject as a human being—into a basis for public and civic action. On the contrary, in Sabine's model, humanity is always already radically divided from citizenship, and humanity accepts and is resigned to the passivity and powerlessness to which that division condemns it.

It is not entirely clear whether Horace accepts Sabine's offer or not; he urges her to model herself on him and then hastily exits. Horace does not kill Sabine: has he then agreed to her terms? It is not clear that Sabine herself accepts the vision of life she has presented to Horace, since she

appears on stage only one more time, in the final scene, to demand once again, this time of the king, to be put to death. But whether these two characters find this mode of existence acceptable or not, some version of Sabine's proposal seems to be established as a cultural norm at the play's close.

Why, given this plot, do scholars insistently claim that Sabine and Horace love each other, and attribute important aspects of the play's construction and meaning to that love? The astute and iconoclastic critic H  l  ne Merlin disregards the difference between Camille's and Sabine's reactions to Horace, and argues that Horace does not kill Sabine because he loves her.² Are we to think, by extension, that Horace kills his sister Camille because he does not love her? And why does so fine and erudite a critic as Marc Fumaroli read the play's end as a triumph of harmony? For Fumaroli insists on the loving union of Horace and Sabine, and by extension of Rome and Alba, at the end of *Horace*, and he reads this union as a kind of *aufhebung* of the two prior terms in the creation of a happy and well-ordered state:

Mais en graciaant Horace il [the king] rouvre une chance de renouer avec Sabine le couple heureux qu'ils formaient avant la trag  die, et de montrer la voie    une fusion,    l'int  rieur de l'ordre politique romain, d'Albe et de Rome.... Le g  nie d'Albe...ayant pour vocation d'amiti   et d'amour, est pour ainsi dire recueilli par Tulle comme un   l  ment essentiel de la sant   romaine, et de l'humanit   de sa soci  t   politique.... Albe re  oit de Rome la loi, Rome re  oit d'Albe l'amour: l'Amour sans la loi est inachev  , la loi sans l'amour est funeste, il n'y a de royaume que dans l'harmonie retrouv  e entre l'un et l'autre.³

On this reading, love and law reconciled will now form the happy basis for the new, all-conquering Roman state. Whether the two spouses "love" each other may be unanswerable, as is the question of which character is "most appealing or sympathetic"—a puzzle that John D. Lyons rightly urges us to put aside since it advances our understanding neither of what is at stake in the play, nor of what cultural work the play accomplishes.⁴ It does seem a bit tricky, nevertheless, to see how the play's ending projects the "happy couple" Fumaroli envisions. The last words Sabine speaks in the play make that prospect ambiguous at best:

La mort que je demande, et qu'il faut que j'obtienne,
Augmentera sa peine [Horace's], et finira la mienne.
Sire, voyez l'exc  s de mes tristes ennuis,
Et l'effroyable   tat ou mes jours sont r  duits.
Quelle horreur d'embrasser un homme dont l'  p  e.
De toute ma famille la trame a coup  e!
Et quelle impi  t   de ha  ir un   poux
Pour avoir bien servi les siens, l'  tat, et vous.
(5.3).

But if the status of love between Horace and Sabine is at best indecipherable, the status of Roman law at the end of *Horace* is remarkably clear. Fumaroli argues that Horace has confused the laws of war and the laws of peace and that the king's clear-sightedness allows for the two to be disentangled. But this reading supposes the establishment, stability, and legibility of laws of war and laws of peace.⁵ In fact, the king's final speech—not exactly acquitting Horace, but declaring his actions not liable to legal penalty—reveals Rome to be not a state of law at all (*état de droit*) but to be, to borrow Giorgio Agamben's term, a state of exception.⁶ King Tulle begins by describing Horace's murder of his sister as an *énorme action*:

Cette énorme action faite presque à nos yeux
 Outrage la nature, et blesse jusqu'au Dieux,
 Un premier mouvement qui produit un tel crime
 Ne saurait lui servir d'excuse légitime:
 Les moins sévères lois en ce point sont d'accord;
 Et si nous les suivons il est digne de mort.
 Si d'ailleurs nous voulons regarder le coupable,

 Et de pareils aussi sont au-dessus des lois.
 Qu'elles se taisent donc; que Rome dissimule
 Ce que dès sa naissance elle vit en Romule;
 Elle peut bien souffrir en son libérateur
 Ce qu'elle a bien souffert en son premier auteur.

(5.3)

King Tulle declares that Horace's murder of his sister Camille, considered from the point of view of any legal code—natural law, divine law, or criminal law—is indefensible, and demands the death penalty. Moreover, the king-judge clearly rejects the defense of a crime of passion: "un premier mouvement... ne saurait lui servir d'excuse légitime." Indeed, rather than allowing or elaborating a specific defense, the king takes an infinitely more radical step when he declares that the laws are suspended—"Qu'elles se taisent donc"—and when, moreover, he explains that the laws of Rome have always already been suspended: ""Qu'elles se taisent donc; que Rome dissimule / Ce que dès sa naissance elle vit en Romule." Rome, King Tulle reveals, has been since its very origin a state of exception. His verdict is nothing other than the pronouncement of Rome's open secret—that Roman law and the construction of Rome as a state of law are no more than dissimulations practiced by and for the Romans themselves. "Que Rome dissimule": may Rome continue to dissemble that which it has always dissembled.

"The state of exception," according to Agamben, "is not a special kind of law (like the law of war); rather, insofar as it is a suspension of the juridical order itself, it defines law's threshold or limit concept" (4). The

exception not only suspends the state's normal procedures, it suspends juridical and governmental time, and inaugurates an exceptional time during which, in the name of the preservation of the state, its members may employ absolute violence against any and all whom they perceive to pose a threat. Agamben traces the modern state of exception—the object of his book's analysis (*The State of Exception*) and critique—to the ancient Roman institution of the *iustitium*, which, Agamben notes, "literally means 'standstill' or 'suspension' of the law" (41). Romans under the Republic could invoke the *iustitium*, a suspension of the juridical order, when the Republic was so fundamentally threatened that its very survival was in doubt. Necessity—in the form of war or insurrection, for example—required that the normal forms and processes of Roman law be abandoned. Necessity knows no law, or rather, necessity knows only the law of expediency, goes the logic. Roman law must be abandoned so that the Republic may be preserved. The *iustitium* thus operates on the logic that Jean Starobinski identified as the "remède dans le mal."⁷ The remedy can only be found in the poison: Rome must discard its laws in order to preserve its system of law.⁸

The Rome of Corneille's *Horace*, however, is pre-Republican. Certainly it knows no such elaborate structure as the *iustitium*. And yet, that is the structure the king invokes. Horace's acts are unjudgeable, the king implies, because they occurred during a time of crisis in which Rome's very survival was at stake. But Corneille makes clear that this argument is based in bad faith. Curiace, Horace's brother-in-law and foe, explains with great care the conditions of the deal struck between Alba's dictator and Rome's king *before* the battle of the Horatii and the Curatii:

Que le faible parti prenne loi du plus fort:
 Mais, sans indignité pour des guerriers si braves,
 Qu'ils deviennent sujets sans devenir esclaves,
 Sans honte, sans tribut, et sans autre rigueur
 Que de suivre en tous lieux les drapeaux du vainqueur.
 Ainsi nos deux états ne feront qu'un empire
 (1.3)

The very fact that the two leaders could enter a tent together and emerge in short order with a negotiated agreement makes the violent encounter stipulated in the deal seem superfluous, even out of order. What is at stake here, however, is not survival, but rather symbolic mastery. The necessity evoked here is not that of the *salus populi*, the kind of necessity that the king implies annuls the rule of law.⁹ If necessity plays a role in *Horace*, it is the historical necessity—the necessity announced in Sabine's prophetic vision of Roman conquest and world dominion—for Rome to assume global mastery, and in so doing to realize

its identity, to become itself. The Rome of Tulle and of Horace reveals the exception to be the rule.

Corneille figures Rome, not as an “état de droit” (a state of law/right) but as a permanent state of exception populated by men and women who are mere “humains,” perpetually vulnerable to be killed. Why then does Fumaroli find in *Horace* a vision of a well ordered, well-balanced triumphant state that has achieved a felicitous combination of “humanité,” and “politique” (46)? Given the fact that Sabine and Horace have no child, no organic creation, despite their two years of marriage and despite Sabine’s allusive name, why does Fumaroli project from their marriage a future state fusing love and law, sentiment and citizenship? Fumaroli has assimilated the Rome of the Horatii (or of Corneille) to the France invented in 1789—that is, to the France of the *Déclaration des droits de l’homme et du citoyen*. It was the Declaration that attempted to reconcile humanity and citizenship in the invention of the modern “man-citizen,” at once a new juridical being, a new political being, and a new human being with “human” understood above all as the subject of sentiment.¹⁰ *Horace* holds a crucial place, one of deep critical investment, in the French canon, since it was Corneille’s attempt, in the wake of his disputes with critics and theoreticians who sought to regulate dramaturgical practices, to incarnate fully and perfectly the dramaturgical rules and structures that were being institutionalized at this time.¹¹ *Horace* is thus the first truly “regular” play by the founder of French neo-classical theater. When he reads *Horace* as ultimately staging the harmonious union of man and citizen, Fumaroli reads this harmony and this unified identity back into French culture from the early moments of what would become its European supremacy. Fumaroli makes Horace a man of 1789 and his reading of *Horace* makes the man-citizen, a double but integrated subject of sentiment and law, a distinctive element not of the French Revolution, nor of the ideology of modern Republican France, but of Frenchness itself.

But this being, this man and citizen, at once double and divided, who is the subject and the object of the law, a self-interested individual and a constituent member of the sovereign, a happy fusion of private and public, the embodied creature of sentiment and the abstract element of the *polis*, is the longed-for, ideal overcoming of a legacy of division, exclusion, and alienation that the Revolution tried to bring into being legislatively, politically, and culturally.¹² Indeed, Elisabeth G. Sledziewski argues that the desire to create the unified man-citizen, a subject who would *feel* his ties and obligations of citizenship as part of his interiority just as he would understand his familial and amical bonds as part of his

civic participation, was a central motive force in the creation of revolutionary legislation: “Les grandes textes législatifs qui scandent ces trois temps de la Révolution confirment les ruptures et illustrent les différences. Pourtant, une lecture est possible, qui soulignerait au contraire les continuités logiques existant entre chacun de ces moments, et les ferait apparaître plutôt comme trois versions de cette idée-force de la Révolution bourgeoise: le dépassement de la coupure droit public / droit privé, ou plus généralement encore, de la coupure homme public / homme privé.”¹³ *The Declaration of the Rights of Man and of the Citizen* and the revolutionary legislation that followed it did not enshrine in positive law a form of identity and citizenship rooted in Frenchness itself; instead they sought to remake and reshape French subjectivity and French citizenship, while simultaneously insisting on that subjectivity’s a-historical, transcendent character.

In fact, ancien régime French literature—like *Horace*—is obsessed with divided existence, with a divide that often seemed irremediable, and with efforts to bridge that divide that lead to violence and self-destruction. Ancien régime literature theorized, represented, and put into action “citizens” and “men” and the relation between them. It required the literary imagination to depict the need for a new form of legal and political subjectivity: a subjectivity for which happiness was a central *political* problem. The literary imagination, in other words, put forward the project of grounding citizenship in humanity.

Montesquieu’s *Les Lettres persanes*

A case in point is Montesquieu’s hit novel *Les Lettres persanes* (1721). The rococo narrative of Montesquieu’s *Persians* is distant—formally, thematically and stylistically—from Corneille’s *Rome*, yet both texts structure their plots and their problematics around a fundamental division between humanity and citizenship. Technically, there are no citizens in *Les Lettres persanes*, since both the Persia and the France represented are absolute monarchies, nor are there citizens in *Horace* since the story takes place before the founding of the Republic. But both texts clearly represent some figures as full members of the state—those who make decisions, who belong within the sphere of what Agamben calls “politically qualified life,” while representing others as lacking that political qualification, relegated to the status of “simple, natural life.”¹⁴ The *Lettres persanes* establishes a stark opposition between the “human,” defined, above all, as essential bodiliness or “simple, natural life,” and the citizen, or member of the political state, even as it chips away at that opposition.

Les Lettres persanes is divided into two types of letters. One type circulates within a community of men linked by ties of friendship rather than blood or marriage. In other words, the community and the relationships constituted by the exchange of letters are purely voluntary, the product of will (*volonté*), not biology (kinship) or desire. These letters treat religion, politics, philosophy, and commerce. They are often rigorously searching, sometimes ironic or satiric, always respectful and affectionate in their mode of address to their correspondents.¹⁵ In short, these letters construct and enact the enlightened Republic of Letters: a virtual republic whose members exist for each other as disembodied writers, readers, and critics.¹⁶

The world conjured by the other Persian letters is anything but abstract and virtual. The correspondence between Usbek (not in his identity as a *philosophe*, but as absolute master of a harem) and his wives and slaves incarcerated there, along with their letters to him, describe a network of human relations that turn on the exercise of power over bodies. For many years, critics dismissed the harem letters as salacious, erotic fantasy added to the text's serious political and philosophical reflections in order to enliven the book and divert readers. In his canon-making *Histoire de la littérature française* (1895), Gustave Lanson praised the "philosophical" letters written by the Persian travelers in Paris, but dismissed the letters relating to the harem: "avec quelle curiosité libertine il mettra en scène la vie oisive et voluptueuse du sérail, des femmes très blanches surveillés par des eunuques très noirs, des passions ardentes, des jalousies féroces, des désirs enragés. Mais ce n'est là qu'un ornement."¹⁷

Recently, critics have become more interested in the politics of the harem letters, and have brought into focus their importance for the novel's structure and politics.¹⁸ But in a sense, both schools of criticism are correct. The world of the harem is, indeed, a political world: even the most cursory reading of the brilliant letter 9 in which the first eunuch writes to another eunuch-slave that "je me trouve dans le sérail comme dans un petit Empire" (157), laying out a rigorous analysis of the power relations of that empire, makes this point clear. The harem's politics, however, are represented as separate, distinct, and utterly different from the novel's high politics: the harem is the domain of what Foucault and Agamben call biopolitics.¹⁹ In the field of biopolitics, the central terms of political philosophy—consent, contract, justice, sovereignty—do not obtain. The practice of biopolitics concerns instead the management of life and death, the administration of bodies and of populations. Biopoliticians consider the object of power not as an individual but as a human being understood above all as biological life.

The inhabitants of the harem are the subjects and objects of biopolitics. Unlike the masters, the women and the eunuchs are irrevocably immured in their bodies.²⁰ Their politics always springs from the body. Thus, even when he displays his political virtuosity, the first eunuch reveals that its source is to be found in the fact of his body, in the fact that he is castrated:

il me semble que je redeviens homme dans les occasions où je leur [the women] commande encore.... le plaisir de me faire obéir, me donne une joie secrète: quand je les prive de tout, il me semble que c'est pour moi, et il m'en revient toujours une satisfaction indirecte: je me trouve dans la sérail comme dans un petit empire; et mon ambition, la seule passion qui me reste, se satisfait un peu. (156-157)

Pleasure, satisfaction, secret joy, the restitution of manhood: these are the libidinal sources and products of the first eunuch's politics. But this politics also dooms him forever to dwell in the harem: he can achieve "satisfaction" only within its system. Since he cannot free himself from his status as mutilated body in search of wholeness through the exercise of power over the bodies of women, he cannot address the real cause of his slavery—not his castration, but his master. The first eunuch faintly perceives the bounded and essentially counterfeit nature of the power he exercises—"il me semble...il me semble"—but he can neither demystify, nor break free from biopolitical operations. The master, in Montesquieu's novel, is always outside the harem.²¹

The women's status as bodies in *Les Lettres persanes* is even more marked than that of the eunuchs. Their only reason for existence is to present their bodies to the master. The safeguarding of those bodies is the *raison d'être* of the harem system—a system of grotesque economic waste and lack of production. Moreover, the representation of the women as both identical to and imprisoned by their bodies is amplified by the incessant invocation of the means by which their bodies are imprisoned, from Usbek's references to "ces portes fatales qui ne s'ouvrent que pour moi" (142) and "ces verroux et ces portes" (184), to the lengthy description of the boxes in which they are transported (144, 251-252), to the veils which are the subject of so much anxiety. These enclosures are so many material extensions and manifestations of the women's absolute materiality. Even the women's attempts to rebel against the carceral world of the harem system further demonstrate their inability to escape its operations. The attempt to evade the veil, for example, serves only to heighten the impression of the woman's existence *as* body by translating insurgency into a display of her face and by describing that display as making her a fascinating object of the spectators' vision. When, in the

novel's final letter, the favored wife Roxane reveals that she has revolted against the master, she demonstrates that she can do so only by way of her body, and only in a way that reinforces the division of the world that makes women subject only to the laws of the body: she takes a lover and commits suicide.

But in the structure of *Les Lettres persanes* power belongs to the disembodied—to the absent Usbek, who, in the eleven long years of the narrative, never sets foot in his own harem, never touches his wives or concubines, never has a dalliance, and never takes a lover (his wives and slaves take plenty). Indeed, Usbek never experiences a physical desire or appetite. Power is in the hands of the “philosophe” Usbek, who is so nearly biologically non-existent that, despite his many wives and eunuchs, he has only one child, a daughter referred to only once in passing. Montesquieu opposes the virtual world of citizenship, inhabited by men who dispute, who debate, and who exchange ideas in writing, to the female and servile world of biology inhabited by what Usbek calls, in a letter to a slave, “vils instruments...qui n’êtes dans le monde que pour vivre sous mes lois, ou pour mourir dès que je l’ordonne” (186)—that is, by those who merely live and die. From the virtual sphere of writing, the citizens of the Republic of Letters rule over a world of instrumentalized humanity. The harem system as Montesquieu represents it betrays a Machiavellian brilliance: the harem’s inhabitants exercise a particular politics with vigor and skill, but the harem is, in a sense, a mere simulacrum of politics. The eunuchs and the women misrecognize their expert manipulation of biopolitical practices as political power.²² Imprisoned in the realm of biopolitics, the rebellious wives and slaves cannot see that their acts—whether of revolt or complicity—never encroach into the *polis* where the power over their lives resides.

To say, however, that the *Lettres persanes* represents a stark opposition between the biological and the political, the human and the citizen, is not to say that Montesquieu endorses such an opposition.²³ The bleak and violent conclusion and the collapse of Usbek’s philosophical project argue against such a reading. Moreover, Montesquieu chooses to represent one place where humanity and citizenship are fully and happily continuous: the world of the good Troglodytes (letters 12-14). In this famous utopia, described by Usbek, friends, wives, husbands, and children all work and live together. Devotion to the community, to friends, to family, and to the state are impossible to disentangle. All these bonds emerge from and share the same affective energy. Here is how Usbek

describes the response of the Troglodytes when they are invaded by a jealous people:

Ils furent étonnés de l'injustice de leurs ennemis, et non pas de leur nombre: une ardeur nouvelle s'était emparée de leur coeur; l'un voulait mourir pour son père; un autre pour sa femme, et ses enfants; celui-ci pour ses frères, celui-là pour ses amis; tous pour le Peuple Troglodyte: la place de celui qui expirait, était d'abord prise par un autre; qui, outre la cause commune, avait encore une mort particulière à venger.

Tel fut le combat de l'Injustice et de la Vertu (170).

Humanity itself is freed, in a sense, from its biological nature by its sentimentalization. Sentiment transmutes biology. Husbands, wives, children, and friends are sentimental love objects rather than "instruments" or bodies. The state is itself, moreover, a love object on the same order. Absolute power relations are replaced by republican participation: all the troglodytes are citizens (even the women, it seems) and their citizenship is indistinguishable from their membership in a sentimentalized humanity. In an exchange about human nature, one of Usbek's correspondents, Mirza, explains that he poses his question "comme homme, comme citoyen, comme père de famille" (159). This character presents citizenship and humanity as harmoniously continuous. But the only "pères de famille" in the *Lettres persanes* are to be found among the Troglodytes. Mirza's self-description serves only to underscore the radical discontinuity of humanity and citizenship for the Persian masters.

The sentimental Troglodytes—not the noble Romans of Corneille, not the philosophical Persians—are the models for the modern subject of human rights. It is they, and the sentimental characters who populate the literature of eighteenth-century France who followed in their wake, who inspire article 5 (Section "Devoirs") of the Déclaration des droits et des devoirs de l'homme et du citoyen (Constitution of 5 Fructidor an III [August 22, 1795]): "Nul n'est bon citoyen, s'il n'est bon fils, bon père, bon frère, bon ami, bon époux."²⁴ Sentiment, rather than history, tragedy, or irony materialized the subject of human rights, a subject defined as at once human being and citizen. This sentimental resolution to the problem of division, exclusion, and instrumentalization is to be found in the most marginal of locations: a fiction within a fiction. Yet this unlikely figure of man-citizen was to become a central figure of modernity. Sentimentalizing the "human" of human rights implied a shift from bodies and their sufferings, to persons and their unhappinesses, from biology to the mental and emotional cognates of physical suffering.

Sentimentality thus offered a means to bridge the violent division between “politically qualified life” and “simple, natural life.”²⁵ This may help explain the central place of happiness and unhappiness in the 1789 *Declaration of the Rights of Man and of the Citizen*, the first formal declaration of human rights.²⁶ It also helps clarify the degree to which the subject of human rights was a literary invention.

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Notes

1. Pierre Corneille, *Horace* in *Le Théâtre choisi de Corneille*, ed. Maurice Rat, (Paris: Garnier, 1961) 4.7 (134). Further quotations from the play will be noted parenthetically in the text by act and scene.
2. *L’Absolutisme dans les lettres et la théorie des deux corps: passions et politique*, (Paris: Honoré Champion, 2000). Merlin makes this argument in the context of her otherwise very compelling reading of the function of tears in *Horace*.
3. *Héros et orateurs: Rhétorique et dramaturgies cornéliennes*, (Geneva: Droz, 1990), 46.
4. *The Tragedy of Origins: Pierre Corneille and Historical Perspective*, (Stanford, CA: Stanford University Press, 1996), 39-40.
5. The existence, the knowability, and the validity of the laws of war were topics of intense interest, concern, and debate in this period. Inquiries into the nature of the laws of war are most famously associated with Hugo Grotius, *On the Law of War and Peace* (1624). On debates over the possibility of establishing laws of war and over the possible legitimacy of war, see Richard Tuck’s two books: *Natural Rights Theories: Their Origin and Development*, (Cambridge: Cambridge University Press, 1981) and *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant*, (Oxford: Oxford University Press, 1999). Corneille refers to Grotius (“illustre Grotius”) in the *Examen de Polyeucte* (1660); see, *Le Théâtre choisi de Corneille*, 213.
6. *State of Exception*, trans. K. Attell, (Chicago: University of Chicago Press, 2005).
7. Jean Starobinski, *Blessings in Disguise*, (Cambridge, MA: Harvard University Press, 1993).
8. This logic is the starting point for Agamben’s critique: “All such theories remain prisoner in the vicious circle in which the emergency measures they seek to justify in the name of defending the democratic constitution are the same ones that lead to its ruin” (8).
9. Agamben lays out arguments for necessity as a basis and source of law but he argues against this view.
10. For a variety of views on the genealogy and articulation of the “human” of the 1789 Declaration, see Etienne Balibar, “Citizen Subject” in *Who Comes after the Subject*, ed. Eduardo Cadava et al. (New York and London: Routledge, 1991) 33-57; Marcel Gauchet, *La Révolution des droits de l’homme*, (Paris: Gallimard, 1989); Luc Ferry and Alain Renault, “How to think about Rights,” in *New French Thought: Political Philosophy*, ed. Mark Lilla, (Princeton: Princeton University Press, 1994) 148-154, and Luc Ferry and Alain Renault, *Political Philosophy: From the Rights of Man to the Republican Idea*, trans. Franklin Philip, (Chicago, the University of Chicago Press, 1992). For more on the relation between sentiment and human rights, see Richard Rorty, “Hu-

man Rights, Rationality, and Sentimentality," in *The Politics of Human Rights*, ed. Obrad Savi, (London and New York: Verso, 1999) 67-84. I admire and agree with Rorty's call for a non-foundationalist philosophy and practice of human rights and I believe, as he does, that sentiment and especially sentimental narratives, not reason, are at the core of developing a human rights culture, but I disagree with Rorty's history of sentiment's efficacious invention of rights culture. Rorty rightly argues that appeals to include the "other" in the ranks of humanity cannot effectively be based on the argument that human beings have inherent value because they are rational (an argument he attributes to Plato and to the Enlightenment generally). More effective, Rorty argues, is the technique of sympathy: a sentimental education that would convince people to recognize others as human like themselves on the basis of similar feelings. Rorty's prime example is Harriet Beecher Stowe's *Uncle Tom's Cabin*. But this account misreads Enlightenment fiction and philosophy, much of which aims precisely at the creation of sympathy in relation to perceived victims of political, legal, or economic oppression. Jean-Jacques Rousseau, in fact, based his claim for legal protections from inflictions of cruelty not on the basis of reason or even of humanity, but on the basis of feeling. In the *Discourse on the Origin and the Foundations of Inequality among Men*, Rousseau thus includes animals within the category of those whom he considered the subjects of basic rights and protections (in *The First and Second Discourses*, ed. and trans. Victor Gourevitch, [New York: Harper & Row, 1990]):

This way one is not obliged to make a philosopher of man before making a man of him; his duties toward others are not dictated to him exclusively by the belated lessons of wisdom; and as long as he does not resist the internal impulsion of commiseration, he will never harm another man or even any sentient being, except in the legitimate case when, his preservation being involved, he is obliged to give himself preference. By this means the ancient disputes about whether animals participate in the natural Law are also brought to an end: For it is clear that, since they are deprived of enlightenment and of freedom, they cannot recognize that Law; but since they in some measure partake in our nature through the sentience with which they are endowed, it will be judged that they must also participate in natural right, and that man is subject to some kind of duties toward them. Indeed, it would seem that if I am obliged not to harm another being like myself, it is less because that being is rational than because it is sentient (133).

11. For more on Corneille, his conflicts with contemporary theoreticians and practitioners of the theater, and the institutionalization of what was perceived to be Aristotelian poetics in neo-classical French theater, see *La querelle du Cid: pièces et pamphlets publiés d'après les originaux*, ed. Armand Gaste, (Paris: H. Welter, 1898) and *La querelle du Cid (1637-1638): édition critique intégrale*, ed. Jean-Marc Civardi, (Paris: Honoré Champion, 2004). For more on the cultural politics of the institutionalization of Aristotelian poetics in seventeenth-century France, see Déborah Blocker, "Usages de la comédie: Utilités et plaisirs de la représentation théâtrale dans la France du XVII^e siècle (1630-1660)," Ph.D. dissertation, Université de Paris III, 2001.
12. I discuss the ways in which French revolutionary theater represented and tried to bring into being a continuity between private and public, home and world in *Revolutionary Acts: Theater, Democracy, and the French Revolution*, (Baltimore: Johns Hopkins University Press, 2005) 183-215.
13. *Revolutions du sujet*, (Paris: Méridiens Klincksieck, 1989) 17.
14. *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen, Stanford CA: Stanford University Press, 1998), 2. Agamben, based on a reading of Aristotle, distinguishes between "the simple fact of living" and the "politically qualified life" and argues that "life as such" was excluded from the *polis* until modernity (1-12).

15. There is one exception to the respectful, affectionate tone used in the letters among the men who belong to the class of masters: the letters addressed to clerics which tend to be ironic and to use hyperbolic forms of address.
16. On the Republic of Letters, see Dena Goodman, *The Republic of Letters: A Cultural History of the French Enlightenment*, (Ithaca: Cornell University Press, 1994), Daniel Roche, *Les Républicains des lettres: Gens de culture et lumières au XVIIIe siècle*, (Paris: Fayard, 1988); and, of course, Jurgen Habermas, *The Structural Transformation of the Bourgeois Public Sphere, An Inquiry into a Category of Bourgeois Society*, (Cambridge MA: MIT press, 1989)
17. Quoted in Philip Stewart and Catherine Volpilhac-Auger, "Introduction: Pour une 'Histoire véritable' des *Lettres persanes*," in *Oeuvres complètes de Montesquieu*, ed. Jean Ehrard and Catherine Volpilhac-Auger, (Oxford: Voltaire Foundation, 2004) 1: 65. Stewart and Volpilhac-Auger demonstrate amply that critics typically treated the letters relating to the harem as frivolous, decorative, and marginal (at best) to the work. They find that since roughly 1950 critics have treated the harem letters as important to an understanding of the work as a whole. I am much indebted to Stewart and Volpilhac-Auger's excellent essay. Quotations from *Les Lettres persanes* will be made parenthetically in the text and will refer to the Ehrard and Volpilhac-Auger edition.
18. There has been an explosion of critical reconsiderations of *Les Lettres persanes*, many that read the novel through a feminist lens. Some recent important contributions to this literature are: Suzanne Pucci, "Letters from the Harem: Veiled Figures of Writing in Montesquieu's *Lettres persanes*," in Elizabeth Goldsmith, ed., *Writing the Female Voice: Essays on Epistolary Literature*, (Boston: Northeastern University Press, 1989), 114-134; Elizabeth Heckendorn Cook, *Epistolary Bodies: Gender and Genre in the Eighteenth-Century Republic of Letters*, (Stanford CA: Stanford University Press, 1996); Sylvie Romanowski, "La Violence dans les *Lettres persanes*," in Martine Debaisieux and Gabrielle Verdier, eds., *Violence et Fiction jusqu'à la Révolution*, (Tubingen: Narr, 1998), 295-302; Elena Russo, "Monstrous Virtue: Montesquieu's *Considerations sur les Romains*," *Romanic Review*, 1999, 90(3): 333-352 (this article does not focus primarily on *Les Lettres persanes* but it does make many fine points about the relation between the harem and Usbek's philosophical and political endeavours); Madeleine Dobie, *Foreign Bodies: Gender, Language, and Culture in French Orientalism*, (Stanford CA: Stanford University Press, 2001); Janet Gurkin Altman, "Strategic Timing: Women's Questions, Domestic Servitude, and the Dating Game in Montesquieu," *Eighteenth-Century Fiction* 2001, Jan-Apr. 13(2-3):325-348.
19. Foucault defines biopolitics in *Il Faut défendre la société: Cours au Collège de France, 1976* (Paris: Seuil/Gallimard, 1997) 216-220. The notion of biopolitics is also of crucial importance in *The History of Sexuality*, trans. Robert Hurley, (New York: Vintage, 1980), especially part 5 ("Right of Death and Power over Life" [135-159]). Agamben draws on and expands Foucault's conception of biopolitics in *Homo Sacer*. It should be clear from the letters on population in *Les Lettres persanes* as well as from much of *L'Esprit des lois* that Montesquieu is an important theorist of biopolitics. For an interesting analysis of Montesquieu's demographic writings, see Carol Blum, "Montesquieu, the Sex Ratio, and 'Natural Polygamy,'" in *Montesquieu and the Spirit of Modernity*, eds. David W. Carrithers and Patrick Coleman, *SVEC* (2002:09): 191-204.
20. Unlike the women and the eunuchs, the masters are not identical to their bodies. Indeed, their bodies seem non-existent. In letter 28 (containing the famous phrase "comment peut-on être persan"), for example, Rica describes how as soon as he adopts Western dress he is no longer noticed on the street—indeed he is no longer noticed at all: "J'entrai tout à coup dans un néant affreux: je demeurais quelquefois une

- heure dans une compagnie, sans qu'on ne m'eût regardé" (214). In other words, Rica's body bears no sign of his Persianness or his foreignness. It is utterly neutral, and once in Western clothing, nearly invisible. The bodies of the women and the eunuchs, on the other hand, define their identities.
21. Montesquieu's decision to remove the master from the harem marks a telling break with his source materials: in Jean Chardin's *Voyages de M. le chevalier Chardin, en Perse, et autres lieux de l'Orient* (Amsterdam, 1711) and Jean-Baptiste Tavernier's *Les Six voyages de Jean-Baptiste Tavernier*, (Paris, 1679) Persian potentates live in their harems and fully participate in the world of the harem.
 22. The women, for the most part, believe that the calculated deployment of their bodies wins them political power. The first eunuch believes that his expert management of the women's bodies makes him politically powerful. A spectacular example of the latter case can be found in letter 62:

un silence profond regnait partout: toutes ces femmes étaient couchées à la même heure d'un bout de l'année à l'autre, et levées à la même heure: elles entraient dans le bain tour à tour: elle en sortaient au moindre signe, que nous leur en faisons: le reste du temps, elles étaient presque toujours enfermées dans leurs chambres. Il avait une règle, qui était de les tenir dans une grande propreté...(300).
 23. Elena Russo's excellent essay, "The Youth of Moral Life: The Virtue of the Ancients from Montesquieu to Nietzsche," in *Montesquieu and the Spirit of Modernity* (101-123) explains carefully the nuances of Montesquieu's balancing of ancient (citizenship defined as participation and sacrifice) against modern virtues ("subjecthood" understood as sociability, sympathy, humanity).
 24. Reproduced in Christine Fauré, *Les Déclarations des droits de l'homme de 1789*, (Paris: Payot, 1988), 379.
 25. This division could be, and was, mapped onto specific groups on the basis of race, class, gender, and ethnicity. Thus, for example, in some political scenarios all women belonged to the domain of "simple, natural life." The "politically qualified life" could be perceived as obtaining solely to property-owning white men. However, these limits were drawn differently in different circumstances.
 26. I disagree with Agamben's reading of the meaning of the 1789 Declaration. Agamben argues that the *Declaration of the Rights of Man and of the Citizen* made, for the first time, man or "the human" the subject of rights and, by extension, made us all subjects of biopolitics. This is a persuasive and compelling argument. But Agamben's understanding of the "man" of 1789 is not historicized. He continues to treat this "man" as the organic biological life he traced from Greek philosophy (See *Homo Sacer*, 126-135). But by 1789 the figure of man has been both rationalized (in the sense of becoming an object of demographic and economic study) and sentimentalized. The physical embodiment, the biological basis of "man," was crucial to sentimentalization because it depended so heavily on somatic effects such as crying and touching, but rationalization and sentimentalization altered the very notion of "simple, natural life."