

MONTESQUIEU'S SOCIAL AND POLITICAL PRINCIPLES  
AS SHOWN IN HIS THREE MAJOR WORKS

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## PREFACE

Among the philosophers who furnished great impetus to the Age of Enlightenment in France, Montesquieu's contribution represents some of the most bold and profound thinking in the area of politics and social behavior. Of all the early writers on the science of history, he stands first because of the excellence of the work done, the originality of thought which he constantly displayed, and the deep and lasting influence he had upon the thought of his own day and upon succeeding generations. He is considered among the first of the modern writers to render a systematic treatise on politics. He was one of the major contributors to the field of politics and history in the famous Encyclopédie, even though he was no longer living at the time of its publication.

In the field of social science, Montesquieu occupies a place apart. It was he who, in l'Esprit des lois, laid down the principles of what was, at that time, a new science. In this great work he purported to discuss only one particular kind of phenomena, the phenomenon of the laws. However, since laws have a bearing upon almost all social life, he was necessarily led to deal with almost all aspects of human behavior. The result was a treatise dealing with nearly the entire spectrum of social phenomena as a whole.

An interest by the author of this thesis in today's social and political problems and in social science in general has prompted this study. Montesquieu's ideas and theories are valuable because of the new insights that have been received by countless scholars in their search for the reasons behind the actions of men. Montesquieu did not always interpret history correctly. He was often mistaken in his facts, often in error in his deductions; but these were petty faults resulting from the inadequacy of his information as much as from the fallibility of his judgment. It should be remembered that all the modern instruments required for exploring the nature of societies were not available to Montesquieu in his time. Historical science was then in its infancy. A method of classifying statistics dealing with the various events of life was not yet in use. Traveler's tales of foreign peoples were often untrustworthy. In spite of such handicaps, Montesquieu was able to discover a certain order in the disconcerting direction of human events and to develop a method with which to validate better the social and political activities of man.

It is the intent of this thesis, then, to acquaint the reader with Montesquieu by making a study of his ideas and theories as they relate to social behavior and politics. By understanding better this great author,

it is hoped that the reader will have a deeper appreciation of an important period of history as well as a greater understanding of the revolutionary thought so characteristic of The Age of Enlightenment.

Montesquieu's three major works--Lettres persanes, Considérations sur la Grandeur et la Décadence des Romains, and l'Esprit des lois--have been chosen for examination in this study of his social and political ideas.

## CHAPTER I

### LIFE OF MONTESQUIEU

Among the great philosophers of the eighteenth century, Montesquieu and the details of his life have been, until recent years, the least familiar to us. His varied fame is due, in part, to the absence, for so long, of a true biography. It was customary under the ancien régime for the eldest son in the family of the noblesse de robe to compose a biography of his father. Such a composition was done by his son on Montesquieu's death in 1755. The document ordinarily excelled in hiding the subject behind a mask of domestic and legal virtue so successfully that his friends and colleagues could scarcely recognize him.<sup>1</sup>

Many scholars have considered Louis Vian's Histoire de Montesquieu, issued in 1878, the first real breakthrough in creating a more complete and accurate portrait of the author. One of Montesquieu's admirers, Edouard Laboulaye, praised the contribution of M. Vian, writing, "Les amis de Montesquieu ne sauraient assez remercier M. Louis Vian qui n'a rien négligé pour restituer sa fraîcheur

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<sup>1</sup>John Davidson (trans.), Montesquieu: The Persian Letters (London: George Rutledge and Sons, 1891), p. 1.



première à ce portrait trop longtemps oublié."<sup>2</sup> Whether or not it is possible to give anyone the credit for the first accurate biography of Montesquieu, it is certain that students now have available a greater quantity of dependable material than existed formerly.

A few miles south of the port city of Bordeaux rises the thirteenth-century château of La Brède. Here, on January 18, 1689, a son was born to Jacques de Secondat and the former Marie-Françoise de Penel. The child was named Charles-Louis de Secondat.

Montesquieu's ancestry, on his father's side, can be traced to the first half of the fifteenth century. The family belonged to the noblesse de robe and had settled along the banks of the Garonne near Agenais. One ancestor, Pierre de Secondat (1490-1560), was an adviser to Henri II of Navarre. It was Jean de Secondat who acquired in 1562, by purchase, the land of Montesquieu on the left bank of the Garonne. This fief was set up by Henri of Navarre (the future Henri IV) for the son of Jean, Jacob de Secondat (1576-1619). Jacob's second son Jean-Gaston, Montesquieu's uncle, married the daughter of the first

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<sup>2</sup>Louis Vian, Histoire de Montesquieu (Paris: Librairie Académique, Didier, 1878), p. vii.

president of the Bordeaux Parlement and became, in his turn, the president.<sup>3</sup>

Montesquieu's mother was of remote English origin. She retained, by inheritance, the barony of La Brède which had been in the family since the eleventh century.

We see then a family in a rural setting, very near the common people and with much devotion to duty. The men were the veritable heads and protectors of their clan. Of the family characteristics, Barrière observes:<sup>4</sup>

Le vieil esprit gallo-romain, avec ses devoirs et ses privilèges réciproques du patronat et de la clientèle, ne cesse d'y prospérer et l'existence comme les idées de Montesquieu nous en fourniront d'admirables témoignages.

Montesquieu's business dealings and family affairs throughout represented a continuance of family tradition.

Considering Montesquieu's parents and their sense of closeness to the people, one is not astonished at their decision to choose a beggar as the boy's god-father and to include in his upbringing a three-year stay among the peasants of the surrounding area.<sup>5</sup> The impact of these early experiences on his attitude toward the poorer

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<sup>3</sup>Pierre Barrière, *Un Grand Provincial: Charles-Louis de Secondat baron de la Brède et de Montesquieu* (Bordeaux: Edition Delmas, 1946), p. 5.

<sup>4</sup>Ibid., p. 8.

<sup>5</sup>Albert Sorel, "Montesquieu," *Les Grands Écrivains Français* (Paris: Librairie Hachette, 1887), pp. 6-7.

people is difficult to measure, but he always had a special place in his heart for the less fortunate and unhappy.

In the Lettres persanes, Rica makes this observation:<sup>6</sup>

. . . je sens de l'humanité pour les malheureux, comme s'il n'y avait qu'eux qui fussent hommes, et les grands mêmes, pour lesquels je trouve dans mon cœur de la dureté quand ils sont élevés, je les aime sitôt qu'ils tombent.

Although Montesquieu was never recognized as a great benefactor of the poor, there were occasions in which he was moved to generosity.

At the age of seven, the boy lost his mother. Four years later his father sent him to the Collège des Oratorians at Jullily, located near Paris. He remained there for five years until 1705 where he was educated in the classics. It was especially his study of Stoicism that was to remain a part of him for the rest of his life.<sup>7</sup>

The Collège at Jullily was one of the most liberal and progressive centers of learning in France at the time. Not only did it offer the classics but modern languages

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<sup>6</sup>Montesquieu, Lettres persanes (Paris: Librairie Garnier Frères, 1946), p. 279. After each work by Montesquieu has been indicated in the footnotes, it will be referred to by name and page in parentheses in the body of the thesis.

<sup>7</sup>George R. Havens, The Age of Ideas (New York: The Free Press, 1965), p. 112.

as well. Classes were conducted in French rather than in the traditional Latin. French history was included, which up to that time had been generally neglected. The Oratorians were the first to introduce the natural sciences.<sup>8</sup> Everything leaned to a liberalism of ideas and actions, the purpose of which was to safeguard and develop originality, to stimulate the personality of the student, and to create strong individual traits. The Oratorians placed a much higher value upon real and solid ideas than upon rhetoric and formal elegance. Barrière comments, "Les notions de liberté et de progrès seront à la base de toute leur pédagogie comme de leur doctrine personnelle."<sup>9</sup>

Upon his return to Bordeaux, the eager youth plunged into the study of law in compliance with the family tradition. Little is known of his legal studies at this time. Referring to this period of his life, he later wrote, "On me mit dans les mains des livres de droit; j'en cherchai l'esprit, je travaillai, je ne faisais rien qui vaille."<sup>10</sup>

In 1708, he received his law degree, licence en droit, at Bordeaux and shortly thereafter began his legal

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<sup>8</sup>Ibid.

<sup>9</sup>Barrière, op. cit., p. 15.

<sup>10</sup>François Gebelin and André Morize, (eds.), Correspondence de Montesquieu (Paris: Champion, 1914), II, p. 147. Lettre à Solar, March 7, 1749.

practice before the Parlement of Bordeaux. But Montesquieu lacked enthusiasm for law as a daily profession. Legal procedure and individual cases bored him. General principles and the historical sources of law were what captivated his attention. What he sought, as he later remarked, was the spirit behind established law.<sup>11</sup>

In 1709, he returned to Paris for five more years of law studies. After his return from Paris, in 1713, he was admitted as counselor or judge at the Bordeaux Parlement. The following year, he was married to a Protestant, Jeanne de Lartigue. The marriage was perhaps not very successful by present-day standards. The couple had a son and two daughters. Montesquieu was elected to the Academy of science at Bordeaux in 1716, the same year as the birth of his son; and, as a result of his uncle's death, was elevated to the post of President of the Bordeaux Parlement. This important charge came with the condition that he assume his uncle's title of Montesquieu. Up to this point, he had been referred to as La Brède. As for the office Montesquieu inherited from his uncle, he showed little interest. Neither the family nor the

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<sup>11</sup>Gustave Lanson, Histoire de la Littérature française (Paris: Librairie Hachette, 1920), p. 717.

court was of great importance to him. He held them in respect but ignored them as much as possible.<sup>12</sup>

Montesquieu's distaste for the practice of law prompted him to undertake a series of scientific studies for the Académie des Sciences at Bordeaux. While he had a keen interest in science, he then lacked the patience to become a true scientist. A great many of his conclusions, as a result, were too hastily arrived at and his contributions in this field were not far-reaching. In 1719, he attempted a geological history of the ancient and modern world. He appealed to scientists throughout the world for their cooperation, but the project came to nothing. Of Montesquieu's failure as a scientist, Jean Starobinski writes:<sup>13</sup>

On ne rencontre pas tous les jours la loi de la gravitation universelle. Il faut être mathématicien pour cela. Et Montesquieu n'est pas mathématicien. Il s'est appliqué aux sciences exactes sans avoir jamais appris à mesurer les faits observés.

If Montesquieu was not to become another Buffon, at least his scientific studies provided him with an outlet for his leisure time.

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<sup>12</sup>Sorel, op. cit., p. 8.

<sup>13</sup>Jean Starobinski, "Montesquieu par lui-même," Écrivains de toujours (Bourges: Tardy, 1961), pp. 18-22.

With the success of the Lettres persanes in 1721, Montesquieu turned from the field of natural science. The author owed the success of the letters, in part, to the timing of their release to the public. They appeared shortly after John Law's financial scheme had failed. Memories of the gloom of Louis XIV's final years were still fresh in the public mind. France was in the middle of the Regency of the Duke of Orleans, whose rule was chaotic. The time was ripe for a satire of society.<sup>14</sup>

Montesquieu sought, in the Lettres persanes, with some discretion, to veil his ideas in order that he might stimulate inquiring minds without offending the official wariness of the censors. His Persians were supposed to observe things with a new look. The thousands of customs and usages to which the French had been so long accustomed suddenly appeared ridiculous and absurd. The result was a kind of sociological revolution or "la démarche de l'esprit qui consiste à se feindre étranger à la société où l'on vit, à le regarder du dehors et comme si on la voyait pour la première fois."<sup>15</sup>

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<sup>14</sup>Havens, op. cit., p. 116.

<sup>15</sup>André Lagarde and Laurent Michard, XVIII<sup>e</sup> Siècle, IV (Bordas: Leonard Danel, 1962), p. 79.

Montesquieu varied effects and left the style of the period in favor of the short phrase. His wit, together with unrestrained irony, offer a striking contrast in style to the tone of majesty found later in the Considérations and the scientific simplicity of l'Esprit des lois.<sup>16</sup>

The public was somewhat surprised upon discovering that the author of the Lettres persanes was the president of the Parlement of Bordeaux. The frivolity of the book somehow seemed out of place because of the contrast it made with the seriousness of the author's legal profession.<sup>17</sup>

There can be found in the work, however, some portions which carried a seriousness that would continue to mature with the years and which provided the atmosphere for l'Esprit des lois. At this point in his literary career, Montesquieu had simply attempted to touch on most of the social and political problems of the period. He would soon wish to probe them more deeply and approach them in a more systematic way.<sup>18</sup>

Ten years after Montesquieu's inheritance of the post of President of the Bordeaux Parlement he sold this charge, an accepted custom of the time. He had been a magistrate for only fourteen years, from 1714 to 1728.

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<sup>16</sup>Ibid., p. 77.

<sup>17</sup>Lanson, op. cit., p. 710.

<sup>18</sup>Sorel, op. cit., p. 36.



He was thus free to pursue his most fervant interest, the study of the philosophy of law. Fortunately, his moderate wealth, extensive land holdings, and high rank in society permitted him to follow this course.

In the autumn of 1727, Montesquieu, for the second time in two years, offered his candidacy for membership in the French Academy. It seems rather strange that he so stubbornly desired membership in a body which had been the target of one of his satirical Persian letters. He had referred to the body and its members in this instance as a "corps à quarante têtes, qui jasant sans cesse et débitent des panégyriques" (Lettres persanes, p. 132). Montesquieu found himself in an embarrassing position on the question of admission to the Academy. He could not openly admit authorship of the letters in which he had criticized the great body. If he did not write the Lettres persanes then what did he write that would justify his membership in such an exclusive group? The influential but aging Cardinal Fleury was the major obstacle in the path of Montesquieu's membership. In spite of the odds against Montesquieu, he escaped from his seemingly untenable position and was finally elected in January of 1728. The struggle, however, did not fail to injure his sensitive

pride. The register confirms that he was seldom present at the Academy's meetings.<sup>19</sup>

Montesquieu was not content to rest on his laurels as a result of his new membership in the Academy. The idea of a book on laws was already working in his mind. However, it was first necessary, he thought, to initiate a comparative study of men and their societies. With this purpose in mind, he left France in the spring of 1728 to embark on an extensive three-year tour of Europe. His travels took him to Vienna, Venice, Rome, Naples, Germany, and England. It was at Vienna that he entertained the idea of entering into the diplomatic service. The thought, however, of having to spend so much time at the French court was not exactly an appealing one. This showy spectacle was not for him.<sup>20</sup>

Upon returning from his travels in Europe, Montesquieu retreated to La Brède to ponder what he had seen and heard. He remained there for three years in near oblivion to the rest of the world. The library there was his virtual home, and it was here that he passed hour upon

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<sup>19</sup>L. Petit de Julleville, "Dix-Huitième Siècle" in Histoire de la Langue et de la Littérature française (7 vols.; Paris: Libraire Armand Colin, 1909), VI, 173.

<sup>20</sup>E. Abry, C. Audic, and P. Crouzet, Histoire illustrée de la Littérature française (Paris: Henri Didier, 1918), p. 343.

hour reading and dictating notes to his secretary. His blindness in later years was largely attributed to these endless hours of study. Still, it was one of his greatest pleasures. He observed in retrospect:<sup>21</sup>

L'étude a été pour moi le souverain remède contre les dégoûts de la vie, n'ayant jamais eu de chagrin qu'une heure de lecture ne m'ait ôté.

From Montesquieu's three years of study at La Brède came the Considérations sur les causes de la grandeur des Romains et de leur décadence in 1734. When compared with the Lettres persanes, a noticeable change in his method and seriousness of thought is immediately apparent. The style reveals one of the sides of Montesquieu's mind, his passion for antiquity. He idolized Roman grandeur, Roman eloquence, and Roman virtue. He praised Roman energy and pride. He wrote, "Rome antica e moderna m'a toujours enchanté."<sup>22</sup> This admiration of things Roman leads one to believe that Montesquieu perhaps would have felt more at home in the epoch of ancient Rome than in his own time. Vian explains Montesquieu's Roman spirit as being the result of his highly concentrated study of Roman history. He writes, "Montesquieu avait tellement

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<sup>21</sup>Roger Callois, "Mes Pensées," Montesquieu, Oeuvres Complètes (Paris: Bibliothèque de la Pléiade, 1964) I, p. 975.

<sup>22</sup>Gebelin and Morize, op. cit., p. 145.

étudié l'ancienne Rome et l'avait pratiquée avec tant de familiarité, qu'il a l'air d'y avoir vécu."<sup>23</sup>

Montesquieu apparently ignored the fact that much of early Roman history is somewhat vague and he was often criticized because of what seemed a nearly blind dependence on the accounts of ancient historians. Lanson, one of Montesquieu's severest critics, writes:<sup>24</sup>

Il ne fait commencer sa tâche qu' à l'interprétation des textes. Il les commente en juriste, qui n'a pas à les infirmer, à les corriger, à les rectifier; il les tient pour établis, authentiques, véridiques; il se borne à en définir le sens et marquer les conséquences.

Montesquieu certainly had no intention of writing something that would not be read. He had already prepared the public for the Considérations by the more sober parts of the Lettres persanes. Aside from that, however, the public had already been exposed to things concerning Rome in the works of Saint-Evremond and Bossuet. As opposed to Bossuet in his Discours sur l'histoire universelle, however, Montesquieu offered a different explanation of historical events. For the first time the doctrine of Providence directrice was rejected in favor of human manipulation and personal intervention.<sup>25</sup>

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<sup>23</sup>Vian, op. cit., p. 151.

<sup>24</sup>Lanson, op. cit., p. 713.

<sup>25</sup>Ibid., p. 714.

For twenty years or more following publication of the Considérations, Montesquieu wrote the great work of his lifetime, l'Esprit des lois. It is believed that the idea for the work first occurred to him while on his journey to England. Such a study had been uppermost in his mind for some years. Almost all of his earlier writing signalled a progression toward this literary summit. The Considérations, for example, are sometimes regarded more as a chapter from l'Esprit des lois than a separate work in itself. Starobinski writes:<sup>26</sup>

(Montesquieu) se retourne en arrière et découvre que toute sa vie avait pour but l'Esprit des lois. . . . Vue de ce regard rétrospectif, toute l'existence de Montesquieu a convergé vers cette oeuvre; toutes les expériences y ont servi, toutes les forces y ont été consacrées.

L'Esprit des lois was published anonymously in two volumes at Geneva in November of 1748. It is the result of all his learning and all his ideas on history, economics, politics, religion, and sociology. As Lanson put it, "L'Esprit des lois est pour Montesquieu ce que les Essais sont pour Montaigne."<sup>27</sup> The major difference is that Montaigne's study was concerned with moral man along spiritual lines. Montesquieu devoted his study to social man and legislative mechanics.

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<sup>26</sup>Starobinski, op. cit., p. 24.

<sup>27</sup>Lanson, op. cit., p. 714.

Human events, he believed, could best be explained by determining a common principle of all facts rather than relegating their occurrence to mere chance or accident. He therefore rejected individual and accidental causes in favor of more general and necessary causes. It was his desire to show that at the heart of the confusion of the laws of every country and every epoch, the human mind could discern an order. He preferred to call this order the spirit of the laws.<sup>28</sup>

Although admirers of l'Esprit des lois were numerous, there were many critics. They did not remain silent. An attack on the book appeared in the Nouvelles ecclésiastiques, a Jansenist pamphlet. It was in response to this attack that he wrote his Défense de l'Esprit des lois, considered by many a masterpiece in itself. He attained a certain eloquence in this defense that cannot be found in any of his other works. Petit de Julleville explains the reason for this:<sup>29</sup>

Plaidant pour sa propre cause, défendant l'oeuvre de toute sa vie, il est ému, cette fois; vivement, profondément ému; et il devient très éloquent, en même temps qu'il est très habile.

L'Esprit des lois was also denounced at Rome and placed on the Index. The Sorbonne also appeared to want to

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<sup>28</sup>Lagarde and Michard, op. cit., p. 94.

<sup>29</sup>Petit de Julleville, op. cit., pp. 180-81.

condemn it but finally did not. In spite of the opposition by such groups, the popularity of the book continued to increase.<sup>30</sup>

Happiness and contentment were two of Montesquieu's outstanding characteristics. Whether in the bustle of Paris or the serenity of La Brède, a certain bonheur calme was a noticeable mark of his personality. In the salons of Paris, he enjoyed conversations with men of letters. He especially liked to talk to strangers, hoping to learn something new. He listened not only for self-instruction but for self-amusement. He once wrote, "Il n'y a rien de si amusant qu'un homme ridicule" (Mes Pensées, p. 976). Although he stayed in Paris for several months at a time, he never seemed to have a desire to settle there permanently. Petit de Julleville points out, "Paris le délassa, l'amusa; mais c'est à La Brède qu'il vécut vraiment."<sup>31</sup>

Although Montesquieu was a pioneer of philosophical trends peculiar to eighteenth-century France, it is difficult to classify him, in this sense, with the other philosophers of his time. Faguet has Montesquieu belonging to several ages:<sup>32</sup>

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<sup>30</sup>Ibid., pp. 179-82.

<sup>31</sup>Ibid., p. 179.

<sup>32</sup>Faguet, op. cit., p. 139.

Il y a en lui un ancien, un homme de son temps, un homme du nôtre, un homme des temps à venir, un conservateur, un aristocrate, un démocrate, un philosophe naturaliste, un philosophe rationaliste, autre chose encore . . . .

This quality of belonging to several ages as well as possessing such wide and varied social traits certainly goes far in explaining his talent for penetrating so many of the world's social and political problems.

Between 1731 and 1755, Montesquieu visited Paris ten times. It was on the last visit that a sudden illness forced him to his bed. The malady, thought to be pneumonia, proved to be fatal and on February 10, 1755, the great author was dead. He had recently passed his sixty-sixth birthday.

The following paragraph written by Pierre Barrière is appropriate as a summary of Montesquieu's character:<sup>33</sup>

. . . fierté de gentilhomme et simplicité d'allures, bonhomie et verve mordante, goût de la plaisanterie grossière et délicatesse précieuse, amour du plaisir et application sérieuse à tous les devoirs de la vie, passion pour la campagne et nostalgie de Paris, mélancolie et gaieté, enthousiasme poétique et observation ironique, rationalisme critique et foi religieuse, légèreté superficielle et compréhension pénétrante des problèmes, l'on pourrait multiplier les contrastes.

If one attempts to describe the life of the baron de Montesquieu in but a short paragraph, this would be done

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<sup>33</sup>Barrière, op. cit., p. 70.



most readily by portraying a rather placid life devoted to scholarship, letters, and polite society; a life almost wholly devoid of adventure or romance outside the bounds of the intellectual; a life on which fame and fortune smiled early and often, and which ran its course almost as untroubled as a quiet summer day.

## CHAPTER II

### MONTESQUIEU'S SOCIAL PRINCIPLES

#### I. RELIGION

Religion was a great question which challenged eighteenth-century thought, and Montesquieu did not fail to devote his share of attention to it. Like all of the subjects to which he consecrated himself, the idea of relativity in religion was one of his leading principles. Rica observes in the Lettres persanes:

. . . nous ne jugeons jamais des choses que par un retour secret que nous faisons sur nous-mêmes. . . . On a dit fort bien que, si les triangles faisaient un dieu, ils lui donneraient trois côtés (Lettres persanes, pp. 104-05).

Montesquieu's approach was ever practical, never resorting to theological hair-splitting. In his mind, however, there remained one concept which was absolute. ". . . justice est éternelle et ne dépend point des conventions humaines" (Lettres persanes, p. 147).

Lawrence Levin observed a double viewpoint which existed in Montesquieu's reflections on religion: (1) religion is considered as only one of the various factors that influence the state and (2) it is discussed as a

social force that serves to buttress the body politic.<sup>34</sup> Levin also observed the submergence of the individual and the insistence upon religion's civic function rather than upon the problem of personal salvation.<sup>35</sup>

In considering Montesquieu's religious philosophy as a whole, it is apparent that he is not dogmatic. There is evidence of a greater willingness to inquire into the historical effects of religion and the social consequences of it than about the intrinsic truth of a particular doctrine.<sup>36</sup> His important concern is with the good a religion produces in a society. All religions are good, he thought, if they make men better. He wrote, "La religion et les lois civiles doivent tendre principalement à rendre les hommes bons citoyens."<sup>37</sup> The same principle is found in the Lettres persanes. Here he spoke of man's relationship with the deity. The best way to please God, observes Usbek, is:

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<sup>34</sup>Lawrence Levin, The Political Doctrine of Montesquieu's Esprit des lois (New York: Columbia University, 1936), p. 196.

<sup>35</sup>Ibid., p. 315.

<sup>36</sup>Robert Shackleton, Montesquieu, A Critical Biography (Oxford: Oxford University Press, 1961), p. 44.

<sup>37</sup>Montesquieu, l'Esprit des lois (Paris: Librairie Garnier Frères, 1927), II, 109.

. . . vivre en bon citoyen dans la société, où vous m'avez fait naître, et en bon père dans la famille que vous m'avez donnée (Lettres persanes, p. 78).

Montesquieu insisted on right conduct as the ultimate test of a good religion.

Of the many letters which deal with religion in the Lettres persanes, letter XLVI perhaps goes quickest to the heart of Montesquieu's religious principles. It is in this letter that he expressed what he believed should be the function of religion in any society:

. . . car dans quelque religion qu'on vive, l'observation des lois, l'amour pour les hommes, la piété envers les parents, sont toujours les premiers actes de religion (Lettres persanes, p. 77).

As to the question of pleasing God, Usbek states:

. . . le moyen le plus sûr pour y parvenir est sans doute d'observer les règles de la société et les devoirs de l'humanité (Lettres persanes, p. 77).

Since God loves man, reasoned Montesquieu, the best way to please God is to love men.

Controversies on the question of false doctrine were numerous during the eighteenth century. In view of Montesquieu's relative approach to such matters, it is not surprising that he avoided taking any sides. As a matter of fact, he went so far as to suggest that a false doctrine could be as valuable to a state as a so-called true religion:

C'est moins la vérité ou la fausseté d'un dogme qui rend utile ou pernicieux aux hommes dans l'état

civil, que l'usage ou l'abus que l'on en fait (l'Esprit des lois, II, 113).

The insistence on religion's civic function as opposed to personal salvation is once again brought out.

Another of Montesquieu's axioms is that religion functions through the inculcation of restraint. His main objection to atheism was based on the contention that it lacks the ability to provide restraint. Religion, he suggested, acts as a curb upon the subject and the ruler (l'Esprit des lois, II, 101-02). In order to maintain social order, some kind of religion is necessary. Hence the citizen of Montesquieu's commonwealth becomes either Catholic, Protestant, or Mohammedan, according to the accident of birth or political institution.<sup>38</sup>

The existence of a certain religion in a state depends, to a degree, on the type of government which is found in that state. His reasoning here was that certain religions are better suited to certain governments. The Catholic faith is most suited to a monarchy, while Protestantism is most suited to a republic. He supported this thesis by relating the division of the Christian religion under Luther where the people of the north, being more independent in spirit, followed Protestantism.

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<sup>38</sup>Levin, op. cit., p. 198.

The people of the south, on the other hand, lacked this spirit of liberty and independence and consequently adhered to Catholicism which offered a visible head to follow (l'Esprit des lois, II, 104). If there is such a thing as the ideal state religion, then Montesquieu would have described it as the one which possesses the greatest number of the elements in religious worship that appeal to man.<sup>39</sup>

Montesquieu's observations concerning the concept of God are interesting to note. On the question of God's role in the universe; and, in particular the earth, he followed the deterministic theory. It is at this point that he was most certainly in opposition to Bossuet. Bossuet was a proponent of the theory of divine intervention and saw man as merely the instrument of Providence. Montesquieu viewed man's role as the interpreter of imminent necessity.<sup>40</sup> In other words, man is master of his own destiny independent of God's wishes. In the Lettres persanes, Montesquieu further explained the reason for his disagreement with Bossuet:

Souvent Dieu manque d'une perfection qui pourrait lui donner une grande imperfection; mais il n'est jamais limité que par lui-même: il est lui-même sa nécessité. Ainsi, quoique Dieu soit tout-puissant, il ne peut pas violer ses promesses, ni tromper les

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<sup>39</sup>Ibid.

<sup>40</sup>Starobinski, op. cit., p. 86.

hommes. Souvent même l'impuissance ne serait pas dans lui, mais dans les choses relatives, et c'est la raison pourquoi il ne peut pas changer l'essence des choses (Lettres persanes, p. 127).

God cannot change the nature of things because it would be incompatible with His justice. God renounces the absolute authority which He has over men's minds and leaves man the power to do a thing or to leave it alone, in order that he may be able to choose between right and wrong.

There is still another important reason why Montesquieu could not accept the idea of divine intervention. He likened a God who intervenes in the individual affairs of men to the tyrant in an arbitrary government. If there is a God, he reasoned, he must be a just God. To be otherwise is to be despotic.<sup>41</sup> Despotism is unacceptable, no matter what form it may assume. As for the concept of justice, Montesquieu, it seems, had come to think of it as being nearly synonymous with God. He remarked: ". . . quand il n'y aurait pas de Dieu, nous devrions toujours aimer la Justice" (Lettres persanes, p. 147).

Upon turning to the principle of religious tolerance, it would appear, at first glance, that Montesquieu agreed

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<sup>41</sup>Faguet, op. cit., pp. 172-73.

with the other philosophers of his time. For the most part, he was in agreement. However, with closer examination, it is discovered that his viewpoint is somewhat unique. To begin with, Montesquieu recognized the advantages of several religions existing simultaneously within a state. All religions, he felt, present a utilitarian character. They are an advantage to the authorities and therefore have every right to exist.<sup>42</sup> At this point, however, Montesquieu parts company from many of his fellow philosophers. Unlike them, he did not view religious tolerance as an absolute good and would not go so far as to suggest that a new religion should be introduced into a state simply on the premise that it would automatically render the state more socially and politically healthy. The following passage from l'Esprit des lois offers a good example of Montesquieu's position on this particular point:

Quand on est maître de recevoir dans un État une nouvelle religion, ou de ne la pas recevoir, il ne faut pas l'y établir; quand elle y est établie, il faut la tolérer (l'Esprit des lois, II, 129).

As for a state's acceptance or rejection of a religion, the policy of intolerance may be useful to a point. If such a policy becomes futile, as it surely must, tolerance

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<sup>42</sup>Joseph Dedieu, Montesquieu (Paris: Felix Alcan, 1913), p. 285.



is to be adopted as the only practical policy.<sup>43</sup> As usual, relativism was at the base of Montesquieu's religious views. In spite of this, however, his more general attitude strongly favors religious tolerance and this is evident when one considers the following passage with reference to persecution of the Jews:

On s'est aperçu que le zèle pour les progrès de la religion est différent de l'attachement qu'on doit avoir pour elle, et que, pour l'aimer et l'observer, il n'est pas nécessaire de haïr et de persécuter ceux qui ne l'observent pas (Lettres persanes, p. 106).

An invincible attachment to a single religion as the only true one amounts to folly. Intolerance is contrary to human justice.

Most religions tend to use fear as a means of keeping men faithful. For Montesquieu, this method was much too negative in its approach. It is a simple thing to terrify the wicked with an endless list of punishments which await them. But, queried Montesquieu, who knows what to promise the virtuous? He added: "Il semble que la nature des plaisirs soit d'être d'une courte durée; l'imagination a peine à en représenter d'autres" (Lettres persanes, p. 217).

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<sup>43</sup>Levin, op. cit., p. 207.

The practice of promising pleasures and threatening punishment is unreasonable, thought Montesquieu. Rica observes:

Les hommes sont bien malheureux! Ils flottent sans cesse entre de fausses espérances et des craintes ridicules, et, au lieu de s'appuyer sur la raison, ils se font des monstres qui les intimident, ou des fantômes qui les séduisent (Lettres persanes, p. 258).

Rather than use fear and the threat of punishment as the prime instrument to strengthen the attachment to religion, it was Montesquieu's contention that more consideration should be given to the inculcation of purity of morals. He insisted: "Les hommes fripons en details, sont en gros de très honnêtes gens; ils aiment la morale" (l'Esprit des lois, II, 121). Man, by nature, is virtuous, but even religion sometimes leads him astray.

Montesquieu was scornful of religion in France during the eighteenth century. The principles of religion, it seemed, were championed so long as they did not interfere with selfish desires. When they came in conflict with individual or national interests, they were temporarily discarded. At one time, related Montesquieu, Christian princes enfranchised all the slaves in their dominions because, they argued, Christianity made all men equal. Later, following conquests in countries where they found it to their advantage to keep slaves, they permitted them to be bought and sold, forgetting the religious principle

which had moved them so strongly in the beginning. Truth is ostensibly more important in one instance and not quite so important in another. Usbek, in a letter to his friend Rhedi, exclaims with relief:

Je rends grâces au Dieu tout puissant, qui a envoyé Hali, son grand prophète, de ce que je professe une religion qui se fait préférer à tous les intérêts humains. . . (Lettres persanes, p. 136).

Religion which has been subordinated to human interest was not acceptable to Montesquieu.

In a vigorously organized verbal campaign, Montesquieu attacked civil war in the name of Christianity, punishment of heretics, interreligious arguments, and especially the inquisition. Had religion so little to offer its potential adherents that it seemed necessary to resort to such extreme methods? Had not these means defeated their very end? Rica was certainly unimpressed by Christian example. He states:

Heureuse la terre qui est habitée par les enfants des Prophètes: Ces tristes spectacles y sont inconnus. La sainte religion que les Anges y ont apportée se défend par sa vérité même: elle n'a point besoin de ces moyens violents pour se maintenir (Lettres persanes, p. 56).

Like any institution, religion must be able to exist and survive according to its merits. If it cannot, then it is unworthy of being called religion.

Montesquieu carried his principle of relativism to such a degree that he inadvertantly invoked criticism.

His desire to bring religion to a level with other social institutions was one of the points that drew his severest criticism. Emile Faguet believed that Montesquieu permitted his search for absolute liberty of conscience to such an extent that he became, "anticlérical et même antireligieux."<sup>44</sup> Lanson took up an even more vigorous position against Montesquieu and seriously questioned the latter's ability to comprehend religion at all. "Le principe intérieur de la religion lui échappe, comme au reste le principe de l'art et de la poésie." For Montesquieu, religion was an institution like any of the others, and he regarded it, in Lanson's words, as "une partie de la police."<sup>45</sup>

Like Bayle before him and Voltaire later, Montesquieu held firmly to the necessity and justice of freedom of thought. He was not afraid of difference of opinion, especially if it was unaccompanied by persecution.

## II. CUSTOMS AND MANNERS

The discussion of customs and manners in Montesquieu's work demonstrated a two-fold concern by the author. The first dealt with the importance of them to humanity and

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<sup>44</sup>Emile Faguet, La Politique comparée de Montesquieu, Rousseau et Voltaire (Paris: Société Française d'Imprimerie et de Librairie, 1902), p. 179.

<sup>45</sup>Lanson, op. cit., p. 711.

their role in relation to law in general. The second was directed to the more specific manifestations of moral behavior.

Several of Montesquieu's remarks concerning the reason for the existence of customs and manners and their importance to man's relation to man are combined in the following paragraph by Henri Barckhausen:<sup>46</sup>

Les mœurs, qu'on peut subdiviser en mœurs proprement dites et en manières, selon qu'elles se rapportent à des faits d'ordre plus ou moins intime, rendent plus douces et plus courtoises les relations des hommes. Elles ne s'imposent point, mais s'inspirent par l'exemple. On s'y conforme par habitude ou pour jouir réciproquement des avantages qu'elles procurent.

Customs and manners are thus like a cement that holds society together.

The importance which Montesquieu attached to morals seems, on the surface, to be overshadowed by his more lengthy investigations of politics and religion. This is not so true in the case of the Lettres persanes as in that of l'Esprit des lois. Referring to the moral overtones of the latter work, Faguet remarked:<sup>47</sup>

La partie morale de l'ouvrage peut disparaître, matériellement, à travers la multitude des minutieuses

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<sup>46</sup>Henri Barckhausen, Montesquieu: ses idées et ses oeuvres d'après les papiers de la Brède (Paris: Librairie Hachette, 1907), pp. 37-38.

<sup>47</sup>Faguet, Dix-huitième Siècle, p. 187.

considérations politiques. Mais la morale sociale est le fond même de ce livre.

In l'Esprit des lois, Montesquieu indeed considered customs and manners the true bonds of the state. The general welfare of a nation is contingent, therefore, on the preservation of some pattern of moral behavior and should be of major concern to the people of the state. Laws are one of several ways to maintain moral customs and are often made to conform to customs or are modified according to them. He wrote, "Quelquefois, dans un Etat, les lois, les mœurs et les manières se confondent" (l'Esprit des lois, I, 311).

The preservation of moral customs from generation to generation is not only useful in maintaining their foundation but is one of the best means to instill virtue which Montesquieu considered the true basis of customs and manners. "Rappeler les hommes aux maximes anciennes, c'est ordinairement les ramener à la vertu" (l'Esprit des lois, I, 47). The generation-to-generation method of preservation is most successful when there is an "extrême subordination des jeunes gens envers les vieillards" (l'Esprit des lois, I, 48). What Montesquieu really emphasized here was paternal authority. He was surely thinking of Rome during the Golden Age of the republic when respect for elders was held in high regard.

Montesquieu praised the role of the censors of ancient Rome. It was their duty to observe constantly the morals and customs and correct any abuses that the laws were unable to foresee. In this respect, their work was more important than that of the legislators and magistrates. Bad examples are often worse than legal crimes, he contended, and "plus d'états ont péri parce qu'on a violé les mœurs que parce qu'on a violé les lois."<sup>48</sup>

It was the opinion of Montesquieu that the relationship between laws and customs should be maintained. Since laws are, in reality, the various manifestations of customs and manners, laws should be made so as to be in accord with them. He theorized that, if this process were reversed, and customs were made to conform to the laws, society would soon find itself in social and political upheaval. Montesquieu therefore advocated this general rule: a prince should reform by law that which is established by law, and change by custom that which is established by custom. Laws are the particular and precise institutions of a legislator, while manners and customs are the institutions of a nation in general. To reform

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<sup>48</sup>Montesquieu, Considérations sur les causes de la grandeur des Romains et de leur décadence (Paris: Nelson, 1941), p. 394.

customs through laws is unwise because it is an invitation to tyranny. He referred to Peter I, for example, who obliged the Muscovites to cut off their beards and shorten their clothes.

If changing moral behavior by law is unwise, then sudden change by force is certainly even more dangerous. This is especially true as regards the treatment of conquered peoples by their conquerors. Montesquieu explained:

On n'offense jamais plus les hommes que lorsqu'on choque leurs cérémonies et leurs usages. Cherchez à les opprimer, c'est quelquefois une preuve de l'estime que vous en faites; choquez leur coutumes, c'est toujours une marque de mépris (Considérations, p. 415).

This was one more reason for Montesquieu's praise of the early Romans. The people they conquered were never forced to change entirely their customs.

The bulk of social satire in the Lettres persanes is an assault primarily against pretense and deception. For Montesquieu, these were two of the most injurious obstacles to sound moral behavior. The contempt he held for them was, in many ways, the theme of the book. Although it is more unusual to find scathing satire in the more serious l'Esprit des lois, the author did not miss the opportunity to strike out whenever the occasion presented itself. On one of these occasions, he described



the typical courtier of the European monarchies of his time. His description follows:

L'ambition dans l'oisiveté, la bassesse dans l'orgueil, le désir de s'enrichir sans travail, l'aversion pour la vérité, la flatterie, la trahison, la perfidie, l'abandon de tous ses engagements, le mépris des devoirs du citoyen, la crainte de la vertu du prince, l'espérance de ses foiblesses, et plus que tout cela, le ridicule perpétuel jeté sur la vertu, . . . (l'Esprit des lois, I, 24).

Montesquieu's creed was that honesty is the best policy. Simplicity and straightforwardness were the characteristics for which he stood. He viewed hypocrisy, flattery, and perfidy as the by-products of excessive pride. Montesquieu implied that excessive pride might have harmful consequences to a society but did not consider vanity as capable of producing the same damaging effects. Industry, art, fashion, politeness, and good taste are the attributes of vanity. Laziness, poverty, and neglect are the results of excessive pride (l'Esprit des lois, I, 301-02). He saw the excessive accumulation of wealth as one of the causes of laziness and other undesirable traits. From a political point of view, however, he admitted its suitability to monarchies. It is the republic, he observed, that should take measures to guard against it.<sup>49</sup>

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<sup>49</sup>Barckhausen, op. cit., p. 128.

Montesquieu's early research on the effect of heat and cold on animal tissue led him to make a number of interesting generalizations. He was firmly convinced, for example, that climate has a noticeable influence on general social behavior and remarked,

Vous trouverez dans les climats du nord des peuples qui ont peu de vices, assez de vertus, beaucoup de sincérité et de franchise. Approchez des pays du midi, vous croirez vous éloigner de la morale même: des passions plus vives multiplieront les crimes; chacun cherchera à prendre sur les autres tous les avantages qui peuvent favoriser ces mêmes passions (l'Esprit des lois, I, 225).

Behavior of peoples in temperate climates is, by comparison, inconsistent, since the climate is not fixed enough to mold people to one or the other category. As for sobriety and drunkenness, he further generalized that peoples of the north are more inclined to use liquor than those who inhabit the areas in which the climate is warmer:

Passez de l'équateur jusqu'à notre pôle, vous y verrez l'ivrognerie augmenter avec les degrés de latitude. Passez du même équateur au pôle opposé, vous y trouverez l'ivrognerie aller vers le midi, comme de ce côté-ci elle avait été vers le nord (l'Esprit des lois, I, 229-30).

Drunkenness, therefore, varies throughout the world according to the climate.

Montesquieu differed from his fellow philosophers in many ways. His discussion of women presents a very good example of why his views were so unique. In the

first place, he seems to have dedicated more space in his works to them; and, secondly, his approach was much more unemotional and objective. If his attitude, at times, seems rather cold and deliberate, it is only because his consideration of women was built around preoccupation with her function in society. According to Montesquieu, woman's greatest purpose is to perpetuate the family and assure the propagation of the name. It is for this reason that he supported the practice of the father's regulation of marriages.<sup>50</sup> This attitude demonstrates the reverence that Montesquieu held for the family as an institution and its fundamental importance as a vital pillar of the state. The family's reason for existence is "de procurer à l'État l'élément qui est sa raison d'être, sa fin véritable, c'est-à-dire les êtres humains qui en sont citoyens ou sujets."<sup>51</sup> Montesquieu disliked women's activities at the French court. These women, he felt, placed too much emphasis on courtly intrigues while often neglecting responsibility to their families. They were setting, he thought, a bad example for all women. Montesquieu also saw their activities in the court as too often elevating them to a position of equality with

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<sup>50</sup>Barrière, op. cit., p. 88.

<sup>51</sup>Barckhausen, op. cit., p. 73.

men. This weakened the family as it diverted women from their traditional duties, namely care and education of children.<sup>52</sup>

As for the status of eighteenth-century woman, Montesquieu advocated that she be treated with more dignity. Some critics have construed his thinking here as an argument in behalf of equality of the sexes. He followed, however, the consensus of eighteenth-century thinking which, as Dedieu states, "rappellent à la femme qu' elle est, pour certaines transactions civiles, frappée d'incapacité, soumise à l'autorité de son mari."<sup>53</sup>

Montesquieu stood in behalf of feminine dignity. He strongly favored monogamy against polygamy.

Montesquieu's discussion of the family necessarily led him to make several observations on marriage. He considered it a practical matter with little or no concern for romantic love. He looked upon marriage simply as a contract between two individuals where each was bound to the terms of the agreement. The contracted parties must equally share this attitude in order for there to be greater happiness, justice, and a higher level of morality.

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<sup>52</sup>Dedieu, op. cit., pp. 227-28.

<sup>53</sup>Ibid., p. 229.

Montesquieu submitted that an overrestrictive atmosphere for women was of no advantage. The more one attempts to constrain women, the more one develops in them the temptation to escape and obey their natural instincts. Barrière interprets Montesquieu's attitude in the following manner:<sup>54</sup>

. . . il vaut donc mieux laisser aux femmes et aux filles une honnête liberté, développer en elles un sens de la responsabilité morale. . . .

Montesquieu was not at all enchanted by the harem he described so well in the Lettres persanes.

Divorce was also a matter of practicality for the author of La Brède. If it serves some useful purpose in society, then it should be considered. One of Montesquieu's greatest concerns was with the effect of divorce on population. Population, he believed, is one of the most valuable resources of a state and in order for it to maintain its strength, a nation must keep its population at an optimum level. It was Montesquieu's feeling that a strict forbidding of divorce is not in the best interest of a nation because this results in a subpar level of population. He was not, for this reason, in complete accord with Christian canon which absolutely forbade divorce. He reasoned:

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<sup>54</sup>Barrière, op. cit., p. 87.

Il ne faut donc pas s'étonner si l'on voit chez les Chrétiens tant de mariages fournir un si petit nombre de citoyens. Le divorce est aboli; les mariages mal assortis ne se raccommoient plus; les femmes ne passent plus, comme chez les Romains, successivement dans les mains de plusieurs maris, qui en tiraient dans le chemin le meilleur parti qu'il était possible (Lettres persanes, p. 202).

Montesquieu was not a champion of divorce on a wholesale basis. However, since he considered marriage to be a contract, it was his thinking that there should be some recourse which would allow the parties involved to terminate the contract:

Rien ne contribuait plus à l'attachement mutuel que la faculté du divorce; un mari et une femme étaient portés à soutenir patiemment les peines domestiques, sachant qu'ils étaient maîtres de les faire finir; et ils gardaient souvent ce pouvoir en mains toute leur vie sans en user, par cette seule considération qu'ils étaient libres de le faire (Lettres persanes, pp. 201-02).

While he was opposed to making divorce unlawful, he favored its acceptance only as a last resort (l'Esprit des lois, I, 263-64).

### III. EDUCATION

Montesquieu did not reserve as much space in his works to the discussion of education as he did to religion or customs. As in his treatment of other social questions, he emphasized the potential contribution of education to the general welfare of the people. Education should, therefore, be evaluated in terms of how well it succeeds

in carrying out this role. It was for this reason that Montesquieu considered education in relation to the reigning principles of each form of government. Since a certain political regime is linked to the virtue, honor, or fear of its citizens, a certain kind of education must follow in these states. The maxims of education should propagate these political principles. It is, therefore, the duty and task of education to develop in the hearts and souls of the children virtue, honor, or fear depending on the regime in which the future citizen will live.<sup>55</sup>

Montesquieu spoke of three kinds of education: that which is received from parents, formal education, and the education resulting from contact with society. These phases must be in harmony in order to advance effectively the code of conduct which is called for in the society. It was Montesquieu's contention that the educational process in the France of his day was being weakened because the three phases of education were not functioning together. Contradiction is thus the hazard to guard against. Montesquieu again praised the ancients. They were able to avoid this contradiction. Montesquieu conceded that harmony was more difficult to achieve in

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<sup>55</sup>Dedieu, op. cit., p. 185.

the Christian era because of the contrasts experienced between religious and worldly engagements (l'Esprit des lois, I, 33-34).

The effectiveness of a nation in dealing with internal and external problems is determined, to a large extent, by the education of its people. Barrière explains Montesquieu's reasoning on this point thus:<sup>56</sup>

C'est l'éducation qui . . . rend active l'union de l'âme et du corps. Cette éducation est double, particulière dans la famille, générale dans la société. Elle multiplie les idées et les manières de sentir et, par suite, la faculté de jugement ainsi que l'harmonie entre celle-ci et les choses.

The less educated people are, the less they are able to develop ideas and their ability to act or react effectively to a given situation is minimized.

The story of the two Troglydyte societies in the Lettres persanes represents an allegorical lesson on the potential force of education. The people of the first were described as malicious, brutal, and lacked all notion of justice and equity. Every man determined to do what was right in his own eyes; and, in attending to his own interests, the general welfare was forgotten. The first society perished because it was almost entirely inspired by the self-interest of its individual members. Only two

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<sup>56</sup>Barrière, op. cit., p. 322.



families escaped the doom which befell the first group. They were united by the corruption of their fellows as much as by their own virtue. The second society was founded on these two families. Together they worked for their mutual benefit. They loved their wives and took utmost care to provide virtuous training for their children. They looked upon the interest of the individual as being bound up in that of the community and they looked upon themselves as a single family (Lettres persanes, pp. 22-27). The second society of good Troglydtes was actually no better than the first by nature but was made good by the example of a few. Montesquieu therefore suggested that it is the force of education and not the innate qualities of mankind which make a people virtuous or evil.<sup>57</sup> As a civilization develops and becomes more complicated, virtue becomes increasingly necessary and the various institutions of education which promote it must strengthen their efforts proportionately.

It is clear that Montesquieu was a great believer in the method of education by example. The example set by the parents of the first society of Troglydtes propagated selfishness and greed while those of the second instilled virtue in its future generations. The responsibility of

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<sup>57</sup>Shackelton, op. cit., p. 38.

child development should not be taken lightly and wise parents realize that their example is the key to success or failure with regard to the survival of the nation. Children must be taught to love their country and the laws which guide it. It is patriotism that Montesquieu has spoken of here and he adds that, "pour que les enfants puissent l'avoir, il y a un moyen sûr; c'est que les pères l'aient eux-mêmes" (l'Esprit des lois, I, 34). That which is yet unformed and undeveloped clings to that which is near and takes its shape. Parents are unwise who permit their children to see them practice the very things that they have warned their children against doing. Not only is this inconsistent, but it leads to a deterioration of parental authority which eventually generates a disrespect for all authority, including the authority of the laws of society. As the spirit of disobedience increases, there is a proportionate decrease in the spirit of patriotism and the security of the nation and its government are placed in jeopardy. As Montesquieu stated, "Le gouvernement est comme toutes les choses du monde, pour le conserver, il faut l'aimer" (l'Esprit des lois, I, 34).

While Montesquieu inferred that education was most important to the republican form of government, he did not discount its value to the monarchy. To be educated

properly in a monarchy, a noble must be taught pride of rank and a knightly sense of duty. He must be instructed so that his conduct will never reveal to others that he appears inferior to his rank and he will abstain from things which honor forbids more rigorously than if they were forbidden by law. Despotism can only inculcate servility and obedience.<sup>58</sup>

Regardless of education's importance to the republic or the monarchy, one thing is certain; Montesquieu was a "grand partisan de l'éducation paternelle, c'est-à-dire domestique."<sup>59</sup> Of the education provided in the schools, the home, the church, and other social institutions, it is the education received in the home which Montesquieu considered of greatest significance.

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<sup>58</sup>Maxey, op. cit., p. 316.

<sup>59</sup>Barckhausen, op. cit., p. 107.

## CHAPTER III

### MONTESQUIEU'S POLITICAL PRINCIPLES

#### I. SYSTEMS OF GOVERNMENT

Before Montesquieu, political writers generally wrote in absolutes supported by sweeping generalizations. The conventional approach to politics was dogmatic. Unlike these writers, Montesquieu preferred to explain rather than to prove. Rather than condemn, he wanted to show how and why things had come to be as they were. The problem of political science was, for him, the task of determining what was true and rational in each particular situation; and then, from this, to develop a body of principles to guide the legislator in any situation.<sup>60</sup>

One of Montesquieu's extensive inquiries into political science dealt with government systems. He distinguished three major forms of government: republican, monarchial, and despotic. He further divided the republican government into democracies and aristocracies. Each of these basic forms of government, he said, has its own peculiar nature (l'Esprit des lois, I, pp. 8, 19). It is this approach which makes Montesquieu's method

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<sup>60</sup>Chester Maxey, Political Philosophies (New York: MacMillan, 1948), pp. 310-11.

unique. The nature of a government refers to the mechanics of it, especially in terms of the power relationship between the ruler and the ruled. A government's principle refers to the intangible quality which makes it act and breathe. This motive force determines currents of public opinion and forms, in general, what Montesquieu liked to call l'esprit général.<sup>61</sup>

Democracy first engaged Montesquieu's attention. By nature, democracy is a government in which the people held the supreme power. The people are in some respects the monarch and, in others, the subject (l'Esprit des lois, I, 9). As a monarch, the people are obedient to their own will which they express through the right of suffrage. As subjects, the people are obedient to those they have chosen to represent them in government. This is why Montesquieu considered it so essential to fix by law the expression, extension, means, and object of the right of suffrage. The regulation of the right to vote should be the foremost concern of the legislator in framing a democratic government.

Montesquieu did not envision a democracy on a large scale such as came to be established in the United States. When he talked of a republic, he imagined a

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<sup>61</sup>Dedieu, op. cit., pp. 122-23.

small state, such as the city-states of Greece or early Rome. It was his contention, however, that even in a small democracy, it is impossible for the people to expedite all business as a group. Some problems can best be handled by the people themselves, while others are better attended to by chosen representatives. As Montesquieu explained:

Le peuple qui a la souveraine puissance doit faire par lui-même tout ce qu'il peut bien faire; et ce qu'il ne peut pas bien faire, il faut qu'il le fasse par ses ministres (l'Esprit des lois, I, 9).

The right of suffrage is all the more essential as a result of the necessity for representatives. Not only is it the only practical manner by which the people can exercise their will, but it demands a responsiveness to the people by the chosen representatives. If the people, however, do not have the right to choose their representatives, the right of suffrage is meaningless. "C'est donc une maxime fondamentale de ce gouvernement, que le peuple nomme ses ministres, c'est-à-dire ses magistrats" (l'Esprit des lois, I, 9). The great peril in a democracy is the failure to draw a proper line between the functions the people are capable of performing and those which should be delegated to magistrates.

Montesquieu wrote:

Comme la plupart des citoyens, qui ont assez de suffisance pour élire, n'en ont pas assez pour être

élus; de même le peuple, qui a assez de capacité pour se faire rendre compte de la gestion des autres, n'est pas propre à gérer par lui-même (l'Esprit des lois, I, 10).

By putting such emphasis on the principle of suffrage, Montesquieu seems to have suggested that all citizens must have the right to choose their representatives. However, there are indications that he did not mean that all people should have this right. To begin with, he suggested the wisdom of fixing the number of citizens who form the assemblies. This seems to suggest that Montesquieu did not refer to all citizens in a state. Instead, he believed that real power should be reserved only for the élite. In a democratic state he considered that the inhabitants are divided into certain classes. "C'est dans la manière de faire cette division que les grands législateurs se sont signalés; et c'est de là qu'ont toujours dépendu la durée de la démocratie et sa prospérité" (l'Esprit des lois, I, 10). A few lines later, he referred to a system utilized by Halicarnassus at Rome whereby "il mit le droit de suffrage entre les mains des principaux citoyens" (l'Esprit des lois, I, 10). Although each citizen had the right to vote, the division was arranged so that those who owned property had more power in the final outcome of the elections. Montesquieu added, "C'étaient les moyens et les richesses

qui donnaient le suffrage, plutôt que les personnes" (l'Esprit des lois, I, 11). He also made reference to Solon at Athens, who divided the people into four classes. He left to every citizen the right of suffrage. Judges might be elected from each of the four classes, but magistrates were chosen only out of the first three. The first three, he described as being les citoyens aisés or those of greater wealth. Montesquieu apparently did not believe that all people were equally capable of voting wisely.

The principle of a democracy, according to Montesquieu, is virtue, especially civic virtue. The ability to define adequately the word virtue without using a multiplicity of terms escaped Montesquieu.<sup>62</sup> At first he defined it as love for one's country, the quest for true glory, self-renunciation, and the sacrifice of one's dearest interests (l'Esprit des lois, I, 23). A little further, he defined virtue as love of the laws and the country. "Cet amour, demandant une préférence continuelle de l'intérêt public au sien propre, donne toutes les vertus particulières" (l'Esprit des lois, I, 34). Finally, in Book V, chapter III, can be found a more involved definition:

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<sup>62</sup>Ibid., p. 127.



L'amour de la république, dans une démocratie, est celui de la démocratie; l'amour de la démocratie est celui de l'égalité. L'amour de la démocratie est encore l'amour de la frugalité. . . . L'amour de l'égalité, dans une démocratie, borne l'ambition au seul désir, au seul bonheur de rendre à sa patrie de plus grands services que les autres citoyens. . . . L'amour de la frugalité borne le désir d'avoir à l'attention que demande le nécessaire pour sa famille et même le superflu pour sa patrie (l'Esprit des lois, I, 41).

According to Montesquieu's definition, frugality and relative equality must be maintained in the democracy or else it will degenerate and fail. His reference to equality pointed to a certain level of mediocracy with regard to fortunes and talents. It was his theory that if the laws of a republic were conducive to this level of mediocracy, the people would be much happier and wiser. They would thus be more apt to govern themselves wisely (l'Esprit des lois, I, 42). But Montesquieu added a word of caution at this point. While it is necessary to maintain a certain degree of equality, he warned that the democracy might be destroyed if a state of extreme equality existed among the citizenry. The danger of this excess of equality is that the people desire to be on the same level as those who govern them:

Pour lors le peuple, ne pouvant souffrir le pouvoir même qu'il confie, veut tout faire par lui-même, délibérer pour le sénat, exécuter pour les magistrats, et dépouiller tous les juges (l'Esprit des lois, I, 108).

The real warning contained herein is against anarchy. If children lose respect for parents, young people for their elders, citizens for public officials, the democratic community is on the road to ruin. The breakdown of obedience causes a scorn for authority, and petty sovereigns arise from the citizenry. There is no longer a respect for order, morality, and virtue. Thus the people lose the spirit of self-denial which is the foundation of republican virtue.<sup>63</sup>

As excessive equality is harmful in the democracy, so too is excessive wealth and poverty. It was Montesquieu's belief that equal distribution of wealth or luxury constituted the excellence of a republican government. He wrote, ". . . il suit que moins il y a de luxe dans une république, plus elle est parfaite" (l'Esprit des lois, I, 95). Luxury tends to turn the interests of the people toward themselves rather than to the welfare of the state. Montesquieu reasoned that people who sought only that which was necessary to their sustenance would have no other desires but their own reputation and their country's glory. But, he continued, "une âme corrompue par le luxe a bien d'autres désirs. Bientôt elle devient ennemie des lois qui la gênent" (l'Esprit des lois, I, 95). Montesquieu

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<sup>63</sup>Ibid., p. 129.

would have preferred laws which would place every poor citizen "dans une assez grande aisance, pour pouvoir travailler comme les autres; et chaque citoyen riche dans une telle médiocrité, qu'il ait besoin de son travail pour conserver ou pour acquérir" (l'Esprit des lois, I, 46). Frugality goes along with equality. Extreme poverty and extreme wealth destroy the sturdy character which comes from the practice of systematic and intelligent economy.

Montesquieu made another interesting observation concerning the size of each form of government. It was his feeling that each system worked best if contained within certain territorial limits. The republic, for example, belonged in a small territory. In a large republic there would be men of large fortunes, and consequently of less moderation. In a republic with large territory the public good would be submitted to many private views. In a small republic, Montesquieu said, "le bien public est mieux senti, mieux connu, plus près de chaque citoyen; les abus y sont moins étendus, et par conséquent moins protégés" (l'Esprit des lois, I, 120). Sparta, he believed, best embodied this principle of a democracy.

The nature of the aristocracy or oligarchy is quite different from that of the democracy. In this

form of government the supreme power is lodged in the hands of only a part of the people. This group represents a special class which is invested with the legislative, executive, and judicial authority. In relation to this privileged group, the rest of the people are considered subjects in much the same manner as are the subjects of a monarchy in regard to the sovereign (l'Esprit des lois, I, 12-13). The number of people in the governing class determines the manner of this form of government. When the governing class, or nobility, is large, there should be a senate to regulate those affairs which the nobility, as a whole, may be incapable of handling. This senate would be similar to the senate in a democracy, the difference being that the senate of an oligarchy is chosen only from the body of the nobles. Montesquieu believed that, since the ruling class in the aristocracy possessed such great power, it was necessary to compensate the people in some way for this power. He therefore suggested that the terms of the magistrates and legislators be a year. Too short a term would be contrary to the nature of this government and a longer term would be dangerous (l'Esprit des lois, I, 15). The exercise of power by the largest number of the nobility is in the best interest

of the aristocracy. In this way, the ruling party is not so inclined to oppress others.<sup>64</sup>

Virtue is also important in an aristocracy, although perhaps not so essential as in a democracy. Since the people have less political responsibility in the aristocracy than in the democracy, they have less occasion for virtue. It is within the ruling body of nobles that the real need for virtue lies. The nobles form a body who, by their prerogatives and for their own particular interest, restrain the people. While it may be easy for the body of nobles to restrain the people, it is difficult to restrain themselves. There are two ways, according to Montesquieu, that such a restraint can be achieved. First, the nobles can demonstrate the virtue of limitation by putting themselves, in some measure, on a level with the people, especially with regard to luxury. This method was preferred by Montesquieu because it was more compatible with his concept of a good republic. Secondly, they can put themselves on a level with one another. This is a lesser virtue but nonetheless necessary to their preservation as an effective body (l'Esprit des lois, I, 22-23). The two most injurious conditions in an oligarchy then are a gross inequality between the

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<sup>64</sup>Maxey, op. cit., p. 313.

rulers and their subjects and similar inequalities between different members of the ruling class.

The nobility, according to Montesquieu, should not have special privileges with respect to taxation or benefits from the public treasury. Taxes should be in proportion to wealth. The nobles should be satisfied to serve the public without monetary compensation, being content only with the honor of being able to serve. Another essential is that the nobles themselves should not levy the taxes since the temptation to exploit other people through this means would be too great. Montesquieu was not specific as to who should be responsible for this task but was certain that it should not be the nobles. Furthermore, the nobles should not engage in commerce of any kind as they might tend to fortify their political power with economic power (l'Esprit des lois, I, 50-51). The nobility, in addition, should not be allowed to fall into debt or, conversely, to accumulate vast estates. If this were to happen, equality among the nobles would disappear and rivalries and quarrels would arise, shaking the very foundation of the oligarchy.

Montesquieu again deviated from the usual in his classification of governments when he treated the monarchy. Rule by a single person was commonly referred to as despotism, but he established despotism as a form distinct

from monarchy. Levin makes an interesting contribution on this distinction:<sup>65</sup>

. . . a monarchy with an unenlightened sovereign and unskilled ministers automatically becomes a despotism while an enlightened despot with able advisers differs not a whit from Montesquieu's monarch.

Levin infers that Montesquieu's distinction was not really so different from those which had been given previously. However, when Montesquieu spoke of the monarchy, he really had in mind a constitutional monarchy or one which followed a certain code of laws. It is this concept that makes Montesquieu's definition outstanding. He realized that even in a democracy without laws, despotism could exist. In a state of anarchy the people become, in their own way, the despot.

In the monarchy, the source of all political and civil power is the prince. This power flows, as Montesquieu stated, through intermediate channels. As he stated:

Les pouvoirs intermédiaires, subordonnés et dépendants, constituent la nature du gouvernement monarchique, c'est-à-dire de celui où un seul gouverne par des lois fondamentales (l'Esprit des lois, I, 15).

When Montesquieu spoke of the intermediate or subordinate power in the monarchy, he referred, more specifically, to the role the nobility should play. Without a functioning

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<sup>65</sup>Levin, op. cit., p. 100.

nobility, thought Montesquieu, there would be no monarchy.

"Abolissez dans une monarchie les prérogatives des seigneurs, du clergé, de la noblesse et des villes; vous aurez bientôt un Etat populaire, ou bien un Etat despotique"

(l'Esprit des lois, I, 15-16). Although the monarch is the source of power, he does not absolutely absorb all power unto himself. The intermediate powers exist especially to prevent such an absorption of power and to guard against the spontaneous and capricious will of a prince. Montesquieu went beyond the subordinate powers. He suggested a third power made up of a body of magistrates who would serve as a depository for the laws and remind the ruling prince about the laws if he should forget them.<sup>66</sup> He was no doubt thinking of the English monarchy at this point.

In a monarchy laws take the place of virtue. The mainspring of the monarchy, however, is honor. Montesquieu noted:

l'honneur, c'est-à-dire le préjugé de chaque personne et de chaque condition, prend la place de la vertu politique dont j'ai parlé, et la représente partout (l'Esprit des lois, I, 24).

Honor, together with the strength of the laws, is capable of inspiring the objective of this government just as

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<sup>66</sup>Dedieu, op. cit., p. 132.



well as virtue inspires the objective of the republic. It can even safeguard individual morale against an unscrupulous monarch or preserve the necessary obedience to him. As Montesquieu explained:

Il n'y a rien dans la monarchie que les lois, la religion et l'honneur prescrivent tant que l'obéissance aux volontés du prince; mais cet honneur nous dicte que jamais le prince ne doit nous prescrire une action qui nous déshonore, parce qu'elle nous rendrait incapables de le servir (l'Esprit des lois, I, 31).

Montesquieu expressed the same idea earlier in the Lettres persanes:

. . . si un prince, bien loin de faire vivre ses sujets heureux, veut les accabler et les détruire, le fondement de l'obéissance cesse; rien ne les lie, rien ne les attache à lui; et ils rentrent dans leur liberté naturelle (Lettres persanes, p. 180).

The author of the Lettres persanes likened the relationship between the monarch and his subjects to that which ideally exists between husband and wife or father and son, where the family members are bound to each other by mutual affection and by the services they do for each other. Gratitude is a powerful force in cementing political as well as social ties (Lettres persanes, p. 180). Honor pushes the individual, in Montesquieu's monarchy, to aspire to preferments and titles. Ambition thus becomes the life blood, in a sense, of this government. With ambition at its base, honor sets all parts of the body politic in motion and, through this motion, maintains

all of the parts together. Each individual promotes the good of the state while he proceeds to promote his own interest. It may be a false honor, in this respect, but is nonetheless useful to the general public as is true honor among private persons (l'Esprit des lois, I, 25). This was one of the points which made the monarchy preferable to Montesquieu. It recognized the factor of human nature, that is to say, man's egocentric character. Rather than resist it, the monarchy puts it to its own advantage. Of Montesquieu's preference for the monarchy, Levin writes:<sup>67</sup>

. . . for Montesquieu the Republic is Paradise, the Despotism is Hell, but the Monarchy is the form of government that befits those who are neither saints nor demons.

All things considered, the monarchy, as Montesquieu saw it, was the government best suited to man's nature and took into account the realities of life.

Montesquieu felt that the most effective way to preserve and sustain the power of the nobility was their establishment by inheritance:

Il faut qu'elles (laws) la rendent héréditaire, non pas pour être le terme entre le pouvoir du prince et la faiblesse du peuple, mais le lieu de tous le deux (l'Esprit des lois, I, 53).

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<sup>67</sup>Levin, op. cit., p. 100.

Heredity not only provides the vital link between the prince and the people, but is a powerful force in keeping the nobility intact.

The land of the nobility ought to have privileges as well as their persons, that is to say, ownership of the land by the nobles automatically carries to them certain privileges and power. Montesquieu compared the nobles to the monarch in this respect:

On ne peut séparer la dignité du monarque de celle du royaume; on ne peut guère séparer non plus la dignité du noble de celle de son fief (l'Esprit des lois, I, 53).

Based on the nobles' association with the land, Montesquieu considered them as monarchs in their own right. It is their attachment to the land that establishes them on a unique political plane. This explains why Montesquieu felt that the privilege of owning land should be maintained exclusively for the nobility. To be otherwise would be in opposition to the principle of the monarchy because the power of the nobility, which is so essential, would be diminished to a level with that of the people (l'Esprit des lois, I, 53).

While luxury should be avoided in a republic, it is quite proper in a monarchy. In fact, according to Montesquieu, it was, in some ways, considered a necessity. His reasoning was quite simple: "Si les riches n'y

dépensent pas beaucoup, les pauvres mourront de faim" (l'Esprit des lois, I, 96). The accumulation of wealth, to the extent of being luxury, supposes that at least a portion of the total wealth is not available to another group within the total population. This portion must, in some way, be restored to the group from which it came. In the monarchy, augmentation of wealth is a privilege peculiar to the nobility. It gives them an assurance of power which, if wealth were evenly distributed, would diminish this power to a dangerous point. Moreover, luxury is a symbol of honor and helps to maintain it. Logic demonstrates that, if the nature of a government requires a certain inequality between two groups of people, it follows that there should exist an inequality with regard to the possession of wealth. Montesquieu put it quite simply: "Comme, par la constitution des monarchies, les richesses y sont inégalement partagées, il faut bien qu'il y ait du luxe" (l'Esprit des lois, I, 96). A state of inequality among two groups of people presumes that one of them is apparently more capable and responsible than the other. He seems to have believed that luxury, as it is associated with the nobility, permits wealth to be placed in the hands of those who can do the most with it.

The monarchy, like the republic, should be contained within certain territorial limits. It was Montesquieu's theory that the state should be of moderate extent:

S'il était petit, il se formerait en république; s'il était fort étendu, les principaux de l'Etat, grands par eux-mêmes, n'étant point sous les yeux du prince, ayant leur cour hors de sa cour, assurés d'ailleurs contre les exécutions promptes par les lois et par les moeurs, pourraient cesser d'obéir; s'il ne craindraient pas une punition trop lente et trop éloignée (l'Esprit des lois, I, pp. 120-21).

The empires of Charlemagne and Alexander the Great were used by Montesquieu to support his argument.

In a despotic government, supreme power is vested with a single person. It is similar to the monarchy in this respect, but quite different in that there are no laws or intermediate powers, such as the nobility, to hold the ruler in check. The process of government, therefore, follows the whim of the despot. According to Montesquieu, he is likely to be lazy and ignorant because he considers himself to be everything and his subjects nothing. Being lazy and ignorant, the chances are that he will not be capable of governing effectively, nor will he care to do so, since the responsibilities will be too troublesome for him. It is natural, therefore, for the prince to delegate his power to another person or to several. He would be unwise to delegate his authority to several because there would be too great a tendency

for continual disputes to arise among them. The only reasonable alternative is to resign his power to a vizier, giving to him virtually the same power and authority as the despot himself. With the administration of his government taken care of, he would then be able to pursue his passions (l'Esprit des lois, I, 17-18).

## II. LIBERTY

One of the most widely discussed and influential portions of Montesquieu's work was on liberty. It was certainly one topic which always seemed to obsess him. In his usual attempt to be more precise, he divided liberty into two categories. The first he referred to as political liberty and the other he called philosophical liberty. Montesquieu's greatest concern was with the treatment of political liberty. Philosophical liberty was treated only sparingly and then only to make a contrast between the two categories. Montesquieu was of the opinion that political freedom meant personal freedom by legal sanction. Philosophical liberty is more a state of emancipation from the compulsions of life; this privilege being reserved almost exclusively for the truly wise. The real difference between political liberty and philosophical liberty is the presence of the laws and it was within this framework that liberty,

as a whole, was discussed. This is the reason Montesquieu hastened to emphasize that liberty is not to be confused with a state of independence whereby individuals do as they please. This would be anarchy, and no political system can survive long in such a state. Political liberty, therefore, has the only real practical value and is more within the sphere of man's social nature.

Having, for all practical purposes, confined his serious discussion to the question of political liberty, Montesquieu made a further distinction. He wrote:

Je distingue les lois qui forment la liberté politique dans son rapport avec la constitution, d'avec celles qui la forment dans son rapport avec le citoyen (l'Esprit des lois, I, 149).

Political liberty emphasizes two kinds of law: that relating to the constitution and that law relating to the individual.

The key to political liberty, as it relates to the individual, is security. Personal liberty comes not from the arrangements of the constitution, but from manners, customs, received examples, and from particular civil laws (l'Esprit des lois, I, 182). It is the security realized in these areas, more than anything else, which sets it apart from political liberty associated with a constitution. "La liberté politique dans un citoyen est cette tranquillité d'esprit qui provient de l'opinion

que chacun a de sa sûreté" (l'Esprit des lois, I, 152). This brand of liberty is thus, in its simplest sense, the absence of fear of one's fellow citizens. Only law can guarantee this kind of security. If an individual were to do those things which the laws forbid, he would, in reality, be depriving himself of personal security because all of his fellow citizens would have the same power (l'Esprit des lois, I, 150).

The liberty of the individual depends, to a large extent, on the perfecting of criminal laws. Criminal laws, Montesquieu pointed out, do not arrive at perfection all at once. The accumulation of knowledge and the practice of it are most likely to guarantee liberty in the long run. He made reference to imperfections in ancient Rome and early France with regard to personal security and witnesses in public trials. "Cette sûreté n'est jamais plus attaquée que dans les accusations publiques ou privée" (l'Esprit des lois, I, 183). Montesquieu's interest was in securing for the accused an adequate and fair means to establish his innocence because, without this means, the liberty of the accused would be in grave danger. Laws which condemn a man to death on the testimony of a single witness demonstrate a serious imperfection. Montesquieu believed there should be at least two witnesses and, if possible, three. He



explained, "La raison en exige deux; parce qu'un témoin qui affirme et un accusé qui nie font un partage; et il faut un tiers pour le vider" (l'Esprit des lois, I, 184).

To establish and preserve personal liberty, it is necessary that criminal justice be so regulated that punishment flows naturally from the nature of the crime, not from the caprice of the authorities. Arbitrary violence, even in the punishment of crimes, is detrimental to liberty (l'Esprit des lois, I, 184). Montesquieu classified all crimes into four categories: (1) those against religion, (2) those against morals, (3) those against public tranquillity, and (4) those against the security of the individual. The only crimes against religion are those which directly attack it, such as sacrilege. Those which disturb the exercise of a religion prejudice the security of the individual and should, therefore, be considered in that category. Crimes which are prejudicial to morals should be dealt with only by social institutions and when a government, through police directive, dictates moral behavior by punishing so-called violations of moral codes, it is a threat to liberty.

Montesquieu clarified his idea:

Telles sont la violation de la continence publique ou particulière; c'est-à-dire, de la police sur la manière dont on doit jouir des plaisirs attachés à l'usage des sens et à l'union des corps. Les peines de ces crimes doivent encore être tirées de la nature de la chose (l'Esprit des lois, I, 185).

The punishment of rape would not fall in this class because it becomes a matter of public security and should be treated as such. Punishments dealing with offense against the public tranquillity, such as disturbing the peace, should be in relation to the tranquillity involved.

Individuals who violate this tranquillity can justly be subjected to imprisonment, exile, etc., as a means of making a person conform to an established order.

Montesquieu wrote: "Je restreins les crimes contre la tranquillité aux choses qui contiennent une simple lésion de police" (l'Esprit des lois, I, 186). Punishment imposed on crimes against the security of an individual should take action as retaliation against an individual who has knowingly deprived another of his security.

Montesquieu spoke of two violations in this class: those where life is deprived and the other where property is deprived. He wrote:

Un citoyen mérite la mort lorsqu'il a violé la sûreté au point qu'il a ôté la vie, ou qu'il a entrepris de l'ôter. Cette peine de mort est comme le remède de la société malade. Lorsqu'on viole la sûreté à l'égard des biens il peut y avoir des raisons pour que la peine soit capitale; mais il vaudrait peut-être mieux, et il serait plus de la nature, que la peine des crimes contre la sûreté des biens fût punie par la perte des biens (l'Esprit des lois, I, 186).

Montesquieu recognized the possibility of crimes committed against the security of property by those who

owned no property and prescribed corporal punishment in their case.

Freedom of speech was also considered essential to liberty by Montesquieu. To hold people guilty of treason for indiscreet or seditious utterances was, to him, very much against the principle of liberty. "Les paroles ne forment point un corps de délit; elles ne restent que dans l'idée" (l'Esprit des lois, I, 192). Montesquieu did not suggest, however, that all such utterances should go unchallenged. He admitted that words considered by themselves are of no great significance but, if one is to consider the damaging effects of them, they should be weighed in connection with their possible danger. In the same vein of thinking, Montesquieu argued that the prosecution of witchcraft and heresy should be handled with the utmost care. He made it clear that he was not against punishment of heresy but warned that prudence should be the guiding principle. Such prosecutions impugn on the individual's character rather than on his actions; and, if a man may be punished for his character, his security is in constant jeopardy (l'Esprit des lois, I, 186-87).

Fundamental also to the preservation of liberty is equity in the levy and collection of taxes. Montesquieu advanced the general rule that taxes are proportional

to the degree of liberty the citizens of a state may or may not enjoy. There is a tendency for taxes to be greater in a state where citizens enjoy a reasonable amount of liberty while there seems to be a necessity for reducing them in proportion to the increase of slavery, as in despotism. Montesquieu put his theory thus:

Il y a, dans les Etats moderés, un dédommagement pour la pesanteur de tributs: c'est la liberté. Il y a dans les Etats despotiques un équivalent pour la liberté: c'est la modicité des tributs (l'Esprit des lois, I, 215).

As liberty itself may be abused, so it is that the power of taxation can also be abused. A moderate government, for example, may produce admirable effects through its power to tax. These effects, however, tend to lead it away from moderation. Accomplishments through the public revenue tend to whet the appetite for more and more taxes, and they soon reach an excess. Montesquieu stated: "La liberté a produit l'excès des tributs; mais l'effet de ces tributs excessifs est de produire à leur tour la servitude, de produire la diminution des tributs" (l'Esprit des lois, I, 217). The form of tax is also related to the extent of liberty or slavery in a state. A head tax, for example, is more reasonable where slavery exists. Taxes on merchandise, such as an excise or sales tax, are the most natural in an atmosphere of liberty, since it is impersonal in its method. The

revenues of government should be fixed with regard to the needs of both the state and its people. Confiscations, exemptions from taxation, the farming of revenues, and other such practices were viewed by Montesquieu as detrimental to liberty.<sup>68</sup>

It seems unlikely that Montesquieu would have discussed liberty to such an extent without sooner or later being obliged to say something about slavery. Moreover, it was on this subject that he displayed some of his strongest feelings. His identification with the question was emotional to such an extent, however, that he found it most difficult to retain his scientific detachment and his personal attitude showed through. Although Montesquieu was convinced that the scientific soundness of slavery could not be proved, he appeared to have accepted it under certain circumstances and therefore attempted to explain its existence in these circumstances. Levin interprets Montesquieu's attitude as one which implied "more or less abject surrender to prejudice when it happens to be deeply engrained."<sup>69</sup>

Montesquieu first attacked slavery on a moral basis. A slave, he believed, can not rise to the dignity

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<sup>68</sup>Maxey, op. cit., p. 320.

<sup>69</sup>Levin, op. cit., p. 251.

of a moral being. Obedient only to fear and terror, he can do nothing in the name of virtue. The soul of a free man forever makes an effort to improve himself, and the slave consequently loses this vital motivating force.

The female slave is especially an object of scorn. When she cannot do manual work, she lives only for a lustful master.<sup>70</sup> Outside of the fact that slavery alienates the natural rights of human beings, Montesquieu was also concerned with the ill effects of it on those who are commercially involved, especially the owners of slaves. The slave owner, wrote Montesquieu, "s'accoutume insensiblement à manquer à toutes les vertus morales, . . . il devient fier, prompt, dût, colère, voluptueux, cruel" (l'Esprit des lois, I, 236).

The economic arguments for slavery were also severely attacked by Montesquieu. Pro-slavery people usually argued that only slaves were suitable for the most servile drudgeries. Montesquieu argued that there was no kind of reasonable work beneath the dignity of free men. Before Christianity abolished slavery in Europe, the work in mines had supposedly been too toilsome for any but slaves. After the abolition of slavery, the mines continued to be operated normally by free

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<sup>70</sup>Dedieu, op. cit., p. 205.

men. Furthermore, argued Montesquieu, these free men were known to live relatively comfortable lives. In conclusion, he added:

Il n'y a pas de travail si pénible qu'on ne puisse proportionner à la force de celui qui le fait, pourvu que ce soit la raison, et non pas l'avarice qui le règle (l'Esprit des lois, I, 242).

As to the justification of slavery on the basis of climate, Montesquieu responded:

Il n'y a peut-être pas de climat sur la terre où l'on ne pût engager au travail des hommes libres, Parce que les lois étaient mal faites on a trouvé des hommes paresseux: parce que ces hommes étaient paresseux, on les a mis dans l'esclavage (l'Esprit des lois, I, 242).

There is no natural characteristic which merits alienation of an individual's natural rights.

Slavery is never a necessity in any good government. For the democracy or aristocracy, the existence of slavery is detrimental to the principle of virtue. It is harmful to the monarchy in that it debases human nature, which is contrary to the principle of honor. As for despotism, all the despot's subjects are slaves and it is, therefore, impossible to discriminate between domestic and political slavery.<sup>71</sup> Montesquieu conceded, however, that ". . . dans certains pays il soit fondé sur une raison naturelle" (l'Esprit des lois, I, 241). In spite of his refusal

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<sup>71</sup>Levin, op. cit., p. 261.

to grant the rational justification of slavery, Montesquieu seems to have admitted its legality in certain instances. Many of Montesquieu's critics have interpreted this as a contradiction in his reasoning. Dedieu seems to agree, at least in part, that Montesquieu may have contradicted himself but, rather than attack him, Dedieu endeavors to explain it. He writes:<sup>72</sup>

il condamne l'esclavage, mais il le justifie; réfute la thèse esclavagiste, mais en reconnaît la valeur; déclare l'institution contraire à l'esprit et au coeur, mais conforme à la justice; voudrait l'abolir sur toute la terre, mais la maintient, par considérations motivées, précisément dans les contrées qu'elle désole. Montesquieu, ne pouvant croire à l'abrogation immédiate de l'esclavage, devait, en conséquence, se contenter d'atténuer les effets d'un mal très profond et préparer les esprits à une réforme sociale indispensable.

Montesquieu was realistic enough to know that slavery was not going to be abolished overnight.

In considering slavery as opposed to personal liberty, one is able to enumerate the following set of principles which guided Montesquieu in his discussion:

- (1) all men are brothers because of their common origin;
- (2) all men are equal under the law; (3) man is by nature a free being; (4) liberty is man's condition because of

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<sup>72</sup>Dedieu, op. cit., p. 207.



his dignity and his morality; and (5) man's personal liberty is the guarantee of his liberty of conscience.<sup>73</sup>

As previously stated, the question of political liberty was regarded by Montesquieu as the degree of personal liberty which exists as the result of a certain arrangement of the constitution. The problem here, as he saw it, was the reconciliation between might (government) and right (liberty), and it was to this end that he attempted to define political liberty..

Although democratic states are usually thought of as offering the greatest degree of political liberty, this liberty is not the exclusive quality of any particular form of government. Democratic or aristocratic states are not by nature necessarily free. In what type of government then would one expect to find political liberty? Montesquieu's answer was that it "ne se trouve que dans les gouvernements modérés. Mais elle n'est pas toujours dans les Etats modérés" (l'Esprit des lois, I, 150-51). Political liberty exists then when the so-called "might" of government is moderated to the extent that it is in harmony with the concept of "right." The entire question thus becomes centered around the idea of power.

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<sup>73</sup>C. Granges and C. Charrier, La Littérature expliquée (Paris: Librairie Hatier, no date), p. 348.

Montesquieu's search was for an atmosphere in government whereby political power would be tempered to such an extent that its citizens could enjoy a relative amount of liberty without hampering the expediency of the governmental process.

Experience has shown that every man invested with power has the natural tendency to abuse it. The object, therefore, of a constitution should be to prevent this possibility. There must be some way, in setting up the political machinery, to put a check upon power. In this way, reasoned Montesquieu, ". . . personne ne sera constraint de faire les choses auxquelles la loi ne l'oblige pas, et à ne point faire celle que la loi permet" (l'Esprit des lois, I, 151).

In every government there are three sorts of power: the legislative, the executive, and the judicial. According to Montesquieu, the existence of liberty is dependent to a large degree upon whether there is reasonable distribution of power among these three categories. What Montesquieu has suggested is simply this: the best way to prevent abuses is to place one power in opposition to another power. From this theory stems the idea of separating the legislative, executive, and judicial powers. The distribution of all power among the three while at the same time having each one's power

checked by the other was Montesquieu's recommendation for political liberty. If the legislative, executive, and judicial are concentrated in the same hands, then intolerable despotism exists and the likelihood of any degree of liberty existing is remote. If two of the powers are in the same hands while one is separate, the government is classified as moderate. It is only when all three powers are separated that the government really promotes liberty. Liberty consists then of being governed by laws and in feeling secure in the fact that the laws will be preserved and respected.<sup>74</sup>

The total political process embodied in the legislative, executive, and judicial areas can be reduced, in the main, to three states of the mind. The first is the state of wanting or wishing, the second, the state of acting, and the third, judging. The more these are confused, the less liberty there will be. Destutt de Tracy interprets Montesquieu:<sup>75</sup>

. . . si un seul homme ou un seul corps était, en même temps, chargé de vouloir et d'exécuter, il serait certainement trop puissant pour que personne puisse le juger, ni par conséquent le réprimer.

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<sup>74</sup>Shackelton, op. cit., p. 287.

<sup>75</sup>Destutt de Tracy, op. cit., pp. 163-64.

In order to demonstrate what happens when there is a concentration of the three powers, Montesquieu referred to the government of the Turks where these powers were united under the sultan. The subjects there lived under a dreadful oppression. Even in the republics of Italy these powers were gathered unto a single body which proved, at least in this particular instance, that a republic might offer less liberty than a monarchy (l'Esprit des lois, I, 153).

If liberty is the freedom to act unless such act is prohibited by law, then the function of law as a restraining force provides the only real guarantee of freedom. Where the three powers of government are concerned, it is only the law, manifested in the constitution, which can prevent absolutism and secure the liberty of the people. If power is to be effectively used to stop the abuse of power, then it is only the law according to the constitution which will make it so. The constitution which has liberty as its end should function, according to Montesquieu, in the following manner:

Le corps législatif y étant composé de deux parties, l'une enchaînera l'autre par sa faculté mutuelle d'empêcher. Toutes les deux seront liées par la puissance exécutive, qui le sera elle-même par la législative. Ces trois puissances devraient former un repos ou une inaction. Mais comme, par le mouvement nécessaire des choses, elles sont contraintes d'aller, elle seront forcées d'aller de concert (l'Esprit des lois, I, 160).

It is not ideologies and beliefs that can check power but only a counter-power. Sovereign authority rests, therefore, in the composite of the three powers. The need for action is subordinated to the need for agreement among the three powers. It is interesting to note that this had not always been the position to which Montesquieu held. He had earlier written:

la puissance ne peut jamais être également partagée entre le peuple et le prince; l'équilibre est trop difficile à garder. Il faut que le pouvoir diminue d'un côté, pendant qu'il augmente de l'autre; mais l'avantage est ordinairement du côté du prince, qui est à la tête des armées (Lettres persanes, p. 176).

At the time of the Lettres persanes, Montesquieu was more concerned with government action. Now his concern was far more with the security of the person.

Montesquieu looked upon the English system as the best recipe for political liberty because he thought it best embodied the theory of the separation of powers. He may have slightly misunderstood the actual workings of the English government, but he certainly must have understood its objectives. British liberty was not achieved as a result of a constitutional barrier against power. Furthermore, full separation of the organic powers in British government did not really measure up to Montesquieu's concept of separation of powers.<sup>76</sup> The

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<sup>76</sup>Maxey, op. cit., p. 319.

founders of the American constitution seemed to have best understood Montesquieu's theory and realized what was lacking in the British system. They were convinced that all encroachments on liberty were the result of not going all the way with Montesquieu's formula in effecting an actual organic separation of powers. The decisive influence on the constitution was probably more the experience of colonial government than the direct influence of Montesquieu's ideas, although l'Esprit des lois was read by such influential leaders as Madison and Jefferson. At any rate, Montesquieu's theoretical justification for what the English colonists in America had learned by experience was welcomed without hesitation.<sup>77</sup>

### III. INTERNATIONAL RELATIONS

Montesquieu's treatment of international relations was similar to that of political liberty in that both were viewed in terms of power. With political liberty, the primary concern was to achieve some sort of balance in the internal power structure of the state. As for a balance of power on an international scale, Montesquieu believed that its achievement would go far in securing relative peace and tranquillity among nations.

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<sup>77</sup>Havens, op. cit., pp. 153-56.

It is probable that most states have some written civil laws for their domestic affairs. There is no such law which regulates relations between states. It is largely due to domestic laws that civil order without violence or internal strife has been greatly minimized. Montesquieu contended that international strife prevailed because there was no formal code of laws among nations. As Starobinski explains:<sup>78</sup>

La guerre, qui n'a plus lieu entre les individus, recommence entre les nations. La liberté, menacée déjà à l'intérieur des cités, n'existe nulle part dans les relations internationales.

The absence of formal law, however, does not necessarily mean that complete chaos will be forever the order of the day. Informal agreements and international diplomacy have been, to some extent, a stabilizing factor. These means, in themselves, however, provide an all too often futile deterrent to international fiasco. Barckhausen seems to have best understood Montesquieu's concept of international power when he wrote:<sup>79</sup>

Le Droit des gens tout entier et spécialement les conventions diplomatiques présentent, du reste, une grande imperfection: le manque de sanction organisée et suffisante. La force, la force aveugle et brutale, décide, en fin de compte, du sort des princes et des peuples.

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<sup>78</sup>Starobinski, op. cit., p. 100.

<sup>79</sup>Barckhausen, op. cit., p. 133.

Perhaps Barckhausen exaggerated Montesquieu's thinking when he referred to blind and brute force but he recognized, as did Montesquieu that, in the final analysis, power determines the destiny of nations.

The goal of every state is to maintain itself as a political entity. For the more powerful states, this is less of a problem; at least as far as being threatened by a foreign state is concerned. The smaller, less powerful states, however, are more or less at the mercy of the strong ones. Their only hope is that the stronger states will not become ambitious or belligerent and permit them to conduct their affairs unmolested. But as long as this gross inequality exists, the weaker state must constantly live in fear while the stronger state must withstand the temptation to take advantage of the weaker state. In a political atmosphere of this nature, it is in the best interest of the weaker states, in some way, to neutralize the advantage of the big powers and strike a power balance. As a means to this end, Montesquieu recommended a federation or an alliance. Destutt de Tracy explains Montesquieu's high regard for the federation:<sup>80</sup>

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<sup>80</sup>Destutt de Tracy, op. cit., p. 131.



Prévenu de l'idée qu'une république, soit démocratique, soit aristocratique, ne peut jamais être qu'un petit état, il ne voit pour elle de moyen de défense que de s'unir à d'autres par un lieu fédératif; et il fait un grand éloge des avantages de la constitution fédérative, qui lui paraît la meilleure invention possible pour conserver la liberté au dedans et au dehors. Sans doute, il vaut mieux, pour un état trop faible, se joindre à plusieurs autres par des alliances ou par une fédération, qui est la plus étroite des alliances, que rester isolée.

For Montesquieu, the federation was potentially more valuable for the smaller states than the common alliance, although both have distinct advantages. The common alliance is not so well organized as the federation and its effectiveness depends too much on the individual support of each head of state. The federation is more permanent and offers more of a long range security. Montesquieu described a state which becomes part of a federation:

Cette sorte de république, capable de résister à la force extérieure, peut se maintenir dans sa grandeur sans que l'intérieur se corrompe. . . .

. . . il jouit de la bonté du gouvernement intérieur de chacune; et, à l'égard du dehors, il a, par la force de l'association, tous les avantages des grandes monarchies (l'Esprit des lois, I, 126).

The association of small states provides for the security of the whole body in attaining a degree of power which otherwise could not be realized had each state remained completely independent of the other.

The creation of any alliance, especially a federation, should come only after the consideration of several factors. One of the most important things to be considered is the similarity of the potential member states. Montesquieu stated, "La constitution fédérale doit être composée d'Etats de même nature, surtout d'Etats républicains" (l'Esprit des lois, I, 126). If nations who enter into leagues, alliances, or federations are not relatively alike in their political make-up, there is always the danger that their differences will eventually create disunity. The by-product of such a situation would seriously threaten the ability of the association to marshal all of the available resources necessary to its security. Emile Faguet also recognized this possibility and concurred with Montesquieu:<sup>81</sup>

. . . une alliance est une demi-confédération. Il est peu probable qu'une alliance entre une république et une monarchie dure longtemps, à moins que la république ne se résigne à devenir une sorte de vassale de la monarchie.

It is unlikely that governments with such marked differences could retain their political merger for very long. Instead of binding themselves, their diverse characteristics would tend rather to send them along different paths.

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<sup>81</sup>Emile Faguet, La Politique comparée, p. 112.

Montesquieu pointed to another important requisite in the creation of a federation. He believed, for example, that without proportional representation in an association of states, the organization would soon disintegrate. Representation should, therefore, be based on population; this population being determined by the number and size of the cities of each member state. The following is an example of Montesquieu's reasoning:

Il est difficile que les Etats qui s'associent soient de même grandeur, et aient une puissance égale. La république des Lyciens était une association de vingt-trois villes; les grandes avaient trois voix dans le conseil commun; les médiocres deux; les petites, une (l'Esprit des lois, I, 127).

Since the larger state will probably have more to offer in terms of population, natural resources, etc., it is logical that its voice in such an alliance should reflect its physical superiority.

Montesquieu offered another principle with regard to alliances which are already in existence. Once a federation has been set up, the individual member states should not attempt to contract other alliances unilaterally with states outside of the federation. Montesquieu wrote:

. . . une province ne peut faire une alliance sans le consentement des autres. Cette loi est très bonne et même nécessaire dans la république fédérative (l'Esprit des lois, I, 127).

History has proved this principle correct. Secret treaties and alliances have, on a number of occasions,

been responsible for developing hostilities between nations.

Not all alliances are legitimate. The basic function of the alliance is to provide mutual security. Its purpose, as Montesquieu saw it, was most suitable for the smaller or weaker states who would otherwise find it difficult to defend their sovereignty. The alliance, when used for purposes other than defense, is no longer justified in Montesquieu's way of thinking:

. . . pour que l'alliance nous lie, il faut qu'elle soit juste: ainsi une alliance faite entre deux nations pour en opprimer une troisième n'est pas légitime, et on peut la violer sans crime (Lettres persanes, p. 165).

An alliance is created to attain security in power for those states which find a need for it, but the purpose of the alliance becomes unjust when this power is abused.

All of Montesquieu's discussion of the balance of power principle, alliances, leagues, etc., was in the interest of international peace and security, the purpose of which was to promote an atmosphere free of war. Montesquieu, however, was too realistic to consider seriously the permanent elimination of war. It is, he believed, as natural a problem of the state as politics or commerce. Montesquieu, comments Levin, "would humanize warfare, he would attenuate its horrors, he is alarmed indeed at the excessive numbers of the soldiery in modern

warfare; but he does not envisage a society in which war would be taboo."<sup>82</sup> The very fact that law exists suggests the permanency of violence and war. Starobinski gives his interpretation of Montesquieu's idea on this point:<sup>83</sup>

Le droit cependant ne prétend pas réaliser un monde d'où toute violence serait bannie. Il prévoit au contraire que la violence continuera de se manifester, et c'est pourquoi il établit d'avance la punition de chaque délit.

Montesquieu concluded that war was here to stay and man's only recourse was to cope with it with as much reason and sanity as possible. Since he accepted the inevitability of war, it was logical that he consider under what circumstances war could best be accepted in the minds of intelligent men. First of all, Montesquieu compared a nation to an individual by underlining the basic need of each for self-preservation. He wrote:

La vie des Etats est comme celle des hommes. Ceux-ci ont droit de tuer dans le cas de la défense naturelle; ceux-là ont droit de faire la guerre pour leur propre conservation (l'Esprit des lois, I, 133).

War means killing, and Montesquieu justified killing only on the basis of self-preservation. If the individual has this right to preserve his being, then so should the

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<sup>82</sup>Levin, op. cit., p. 133.

<sup>83</sup>Starobinski, op. cit., p. 90.

state. This idea was not a new one for Montesquieu.

He had earlier written:

Il n'y a que deux sortes de guerres justes; les unes qui se font pour repousser un ennemi qui attaque, les autres pour secourir un allié qui est attaqué (Lettres persanes, p. 95).

In the above statement, Montesquieu had gone one step farther by asserting the right, and indeed the necessity, to make war on a nation which is in combat with a fellow member of an alliance.

Montesquieu was, in general, not in favor of conquest. There are some instances, however, when conquest can be justified. When there is a clear and present danger that a foreign state will attack, conquest against that state is justifiable. Montesquieu was widely criticized on this account. It was argued that any state could use the above excuse to attack another. It is true that he was somewhat vague as to when defense becomes offense. He could only emphasize the importance of national defense by suggesting that conquest was sometimes a necessary instrument to that end. Some conquests are considered to be beneficial to those conquered. For example, a conquest may be beneficial if it has as its purpose the abolition of tyranny. On this point, Montesquieu stated, "La tyrannie sourde est la première chose qui souffre" (l'Esprit des lois, I, 137).

On the question of abating excessive taxation he observed,

"On a vu. . . des Etats opprimés par les traitants, être soulagés par le conquérant" (l'Esprit des lois, I, 137).

Montesquieu also suggested the benefits of a conquest to eliminate harmful practices, "Une conquête peut détruire les préjugés nuisibles" (l'Esprit des lois, I, 137).

Such harmful practices might include such things as human sacrifice and immolation of children. It is difficult to say whether or not Montesquieu made the above references with the intent of classifying them as reasons for justifiable conquest. It is rather doubtful that he did since he realized the subjectivity involved in determining whether or not each of these problems did really exist. There would seem to be too great a tendency for abuse if men made their case for war on such basis. All Montesquieu intended to say was that conquest, although unjust as a national policy, should never be ruled out because of a too rigid set of principles. Such a rigid set of principles can be dangerous in the field of international relations. One of history's lessons shows that peace cannot be bought at any price. As Montesquieu put it:

Il vaut mieux courir le risque de faire une guerre malheureuse que de donner de l'argent pour avoir la paix; car on respecte toujours un prince lorsqu'on sait qu'on ne le vaincra qu'après une longue résistance (Considérations, p. 472).

It would be unwise and dangerous to pay tribute in order to avoid war, even if conquest is necessary to this end. Furthermore, once involved in a war, it is often necessary to resort to conquest in order to win. In Montesquieu's words, "L'objet de la guerre, c'est la victoire; celui de la victoire, la conquête; celui de la conquête, la conservation" (l'Esprit des lois, I, 5).

Montesquieu probably never intended to solve such problems as when to make war and when not to make war. It was not his intention to provide a set of criteria so that nations would know when conquest is justifiable or not. His objective, more than anything else, was probably to stimulate man's greatest asset, the ability to reason. He would only hope that from this reason would flow some degree of sanity. The following observation by Montesquieu best demonstrates his philosophy on this matter of war and peace:

Les diverses nations doivent se faire, dans la paix, le plus de bien, et dans la guerre, le moins de mal qu'il est possible sans nuire à leurs véritables intérêts (l'Esprit des lois, I, 5).

In the midst of all of man's imperfections, Montesquieu saw a ray of hope in human reason. He realized, however, that even human reason is frequently imperfect.



## CHAPTER IV

### CONCLUSIONS

Montesquieu ranks among the immortals, but his place among them is not to be determined by comparing him with others. In his own right, he stands alone in solitary eminence and, like Plato or Aristotle, there is no other like him.

Montesquieu's contribution was more than a literary masterpiece or a social or political philosophy. He gave social and political theorists a new way to look at things. The way to truth by this new method was not a quick and easy one. It was through a long and tedious investigation and analysis rather than by pure reason that Montesquieu arrived at his conclusions. His generalizations grew out of a given set of facts for a given situation and were valid for that situation only. It was this procedure which set Montesquieu apart from the abstract reasoners and logicians. Unlike them, he sought no universal rules that could be applied to all situations. What he sought was an order in the multitude of facts. Barrière perhaps best perceived the direction of Montesquieu's intellectual activity when he wrote:<sup>84</sup>

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<sup>84</sup>Barrière, op. cit., p. 207.

C'est toujours cette vaste enquête sur l'homme individuel et social, l'effort pour apercevoir la liaison entre toutes les formes de l'activité humaine dans le temps et dans l'espace. . . . Montesquieu est l'historien de l'âme humaine et ses divers ouvrages ne sont que des chapitres plus ou moins développés de cette histoire. Le passé et le présent sont inséparables, convergent vers son expérience actuelle, qui les éclaire et en reçoit à son tour la clarté; il ne s'agit donc pas tant de savoir que de comprendre.

Montesquieu was more at ease in philosophic generalities than in scientific research. As a thinker, he no doubt found the strict rules of logic were much too stifling.

Montesquieu's overall plan was dominated by utility and relativism of all activities, social and political. The best government, religion, system of education, style and custom, is the one which a people can best support or sustain. All institutions vary with conditions and are influenced by countless factors. Climate, national character, natural resources, traditions, morals, economy, population, and past experience are but a few of the many things that, in the final analysis, determine the nature of a people's religion, government, social behavior, methods of education, the degree of liberty they enjoy, and the manner in which they conduct themselves in dealing with other nations. Furthermore, all of these factors are interrelated inasmuch as each plays an important part in determining how the others will react.

In seeking to find some order to man's social and political activity, Montesquieu first considered all of the influencing determinants. He may not have approved of all of them, but his clinical method permitted him to understand better and thereby explain the reasons they are as they are. His purpose was not to invent a formula which could be applied to all situations. He would not say that, if such a government worked well for one country, it should work well for another country or that, if in one country the citizenry enjoyed a large degree of political liberty, that the citizens of another country should also enjoy the same freedoms. He would not assert that a certain religion is the best for all men or that a certain method of education, in spite of its merits, should be put into practice for everyone. There cannot always be a set criteria that all nations may utilize when they deal with others. Such a large number of tangibles and intangibles are brought to bear on every situation, on every circumstance, that human institutions are rendered different in a thousand ways. This is why Montesquieu found uniformity impossible as well as impractical. It was with this understanding, then, that Montesquieu sought the particular meaning of particular facts in particular situations.

The eighteenth century could not assimilate all of Montesquieu's philosophy. This does not mean that his immediate influence was insignificant. He was widely read by his contemporaries but seldom really understood. This is probably the reason that Montesquieu's ideas had relatively little effect in his own time in spite of the tremendous popularity of the Lettres persanes and l'Esprit des lois.<sup>85</sup> Montesquieu was not a controversial figure like Voltaire, Rousseau, or even Diderot. True it was that the atmosphere in France at the time of their literary apex was more astir with the undercurrents of revolutionary turmoil, yet Montesquieu was more a man of calm reason than the other great writers. The tranquil response to Montesquieu's philosophy reflected his moderate approach and position of balance between the extremities of social and political thought. One does not become emotional when studying Montesquieu's theories; but instead, like Montesquieu himself, one becomes more of a thinker, who reflects more objectively on all things.

It can be said that there has never been a more judicious observer of human society, nor a wiser counselor with regard to public interests, and no man with a more profound penetration into social and political institutions;

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<sup>85</sup>Maxey, op. cit., p. 325.

a man who in the name of good common sense utilized a highly gifted literary talent.

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