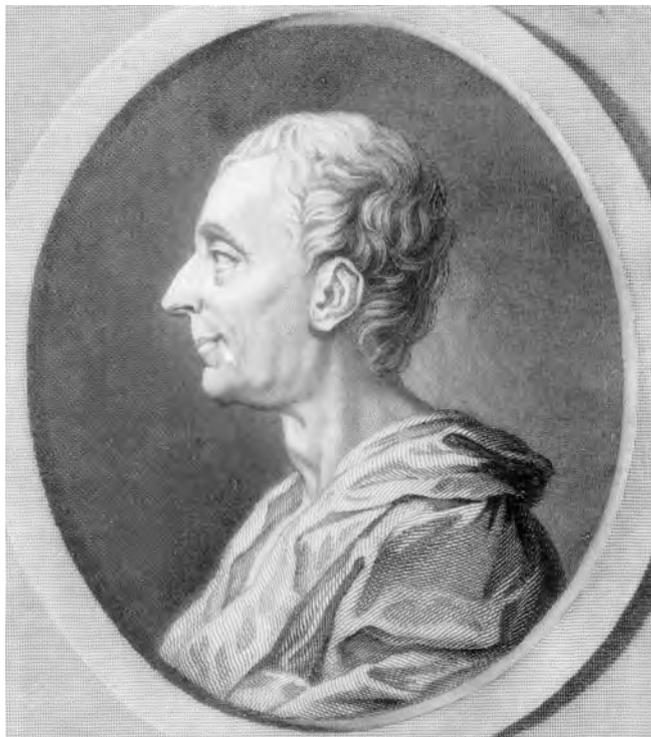


MONTESQUIEU

AND THE MAKING OF THE MODERN WORLD



by Alan Macfarlane

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REFERENCES, CONVENTIONS AND MEASURES

Normally, much of the materials in a monograph would be one's own. This book, however, is a work in which I try to let Tocqueville speak to us in his own words. Consequently it is a patchwork of quotations with a concomitant effect on style. On the other hand I hope that the authenticity of the chosen authors will enrich the argument.

Spelling has not been modernized. American spelling (e.g. labor for labour) has usually been changed to the English variant. Italics in quotations are in the original, unless otherwise indicated. Variant spellings in quotations have not been corrected.

Round brackets in quotations are those of the original author; my interpolations are in square brackets. In the quotations from Adam Smith, where angled brackets have been used by modern editors to show where words or letters have been added, I have reproduced these. Square brackets are used for my interpolations or expansions.

The footnote references give an abbreviated title and page number. The usual form is author, short title, volume number if there is one (in upper case Roman numerals), page number(s). The full title of the work referred to is given in the bibliography at the end of the book, where there is also a list of common abbreviations used in the footnotes.

Where several quotations within a single paragraph are taken from the same author, the references are given after the last of the quotations. Each page reference is given, even if it is a repeated page number.

Measures

A number of the quotations refer to English systems of measurement, some of which are now no longer in use.

Value: four farthings to a penny, twelve pennies (d) to a shilling (s), twenty shillings to a pound (£). One pound in the seventeenth century was worth about 40 times its present value (in 1997).

Weight: sixteen ounces to a pound, fourteen pounds to a stone, eight stone to hundred-weight (cwt) and twenty hundred-weight to a ton. (approx one pound (lb) equals 0.454 kg.)

Liquid volume: two pints to a quart, four quarts to a gallon. (approx one and three quarter pints to one litre)

Distance: twelve inches to a foot, three feet to a yard, 1760 yards to a mile. (approx 39.4 inches to 1 metre).

Area: an acre. (approx 2.47 acres to a hectare).

TITLES OF WORKS BY BARON DE MONTESQUIEU (1698-1755)

Persian Letters (1721), tr. John Davidson, no date (c.1891)

Considerations on the Decline of the Romans (1734), tr. David Lowenthal, New York, 1965

Spirit of the Laws (1748), tr. Thomas Nugent, 2 vols in 1, New York 1975

Pensées Montesquieu par lui-même, by Jean Starobinski, Paris, 1959

PREFACE

My book *The Riddle of the Modern World; Of Liberty, Wealth and Equality* was published by Macmillan in 2000. It discussed the work of four major writers who had dedicated their lives to trying to answer the riddle of how our modern world originated and what its future might be. These were the Baron de Montesquieu (1689-1755), Adam Smith (1723-90), Alexis de Tocqueville (1805-59) and Ernest Gellner (1920-95).

The book was modestly successful and went into paperback. Yet, by combining these thinkers, the distinctive contribution of each one may have been somewhat muffled. This long and quite expensive book did not reach a wider audience who might be potentially interested in one or two of the authors treated, but not all of them at once.

So I have decided to re-issue each part as a downloadable electronic book, and add others parts of my exploration of the riddle of modernity in due course, including the assessment of a number of other key thinkers such as F.W. Maitland and Yukichi Fukuzawa.

Apart from correcting a few minor errors I have not otherwise altered the text. Since I wrote the original chapters some ten years ago, there has been further work on the problems which Montesquieu and the other thinkers I have written about addressed. To have incorporated this more recent work would have created a different book. I hope one day to consider this new work in a wider appraisal of not only Montesquieu but of my whole attempt to pursue the 'riddle of the world', which will also incorporate the final synthetic chapter to *The Riddle of the Modern World*, 'The Riddle Resolved?', which is omitted here.

I subsequently lectured on Montesquieu and other thinkers for second year students at Cambridge University. The filmed lecture can be seen at:

<http://www.alanmacfarlane.com/theorists/montesquieu.htm>

I present my assessment of Montesquieu's contribution to the wide questions concerning the origins, nature and future of human civilization with no further introduction since I believe that his brilliant speculations stand on their own merits. It is obvious what problems he is addressing and many of his insights are still relevant today.

1. MONTESQUIEU'S LIFE AND VISION

Charles-Louis de Secondat, Baron de la Brède and Montesquieu was born at the chateau of La Brède, near Bordeaux, on 18 January 1689. His ancestors were soldiers and magistrates and he himself trained to be a lawyer. He was educated at the College of the Oratorians near Paris from the age of 11 and at 16 returned to the University of Bordeaux to continue his study of law. In 1708, at age 19, he was admitted to the bar as an **avocat au Parlement**. Further studies in Paris, probably as a law clerk, between 1709-1713 took place before his father's death in 1713 (his mother had died in 1696). He married Jeanne Lartigue in 1715 and in 1716 his uncle died so he took the name Montesquieu formally and became **président à mortier** at Bordeaux. In 1721 his **Les Lettres Persanes** were published anonymously in Holland and were a great success; he became a member of various salons in Paris. In 1726 he sold his office of president in Bordeaux and in effect retired from legal life.

During the years 1728-1731 he travelled to Hungary, Italy, Austria, Germany and England, spending much the longest period in England. In 1734 **Les Considérations sur les causes de la grandeur des Romains et de leur décadences** was published in Holland. In 1735, aged 46, he explicitly began his work on **The Spirit of the Laws** which would fill the rest of his life. In 1748, some thirteen years later, the **Spirit** was published in Geneva, again anonymously. In 1752 the book was placed on the Catholic Church's Index of Forbidden Books. Montesquieu died in Paris on 10 February 1755, aged 66.

In considering the context of his work, one powerful influence was a tension between the estate-owning aristocrat and the world of commerce. Not only was his mother 'shrewd in business', but Montesquieu's upbringing on the edge of the great international port of Bordeaux gave him an acquaintance with the world of trade and manufacture. Bordeaux was 'unusually cosmopolitan because the wine trade brought a lot of foreign businessmen to the city.'¹ It was for Montesquieu what Glasgow was to be for Adam Smith, a potent reminder of a wider, international, world, and in both cases the orientation was towards the west - to the expanding wealth of the Americas. Althusser captures some of this when he writes that Montesquieu's breadth of vision, his attempt to write a work that took as its object 'the entire history of all the men who have ever lived', was related to a revolution in the knowledge of the world which was occurring as a result of explorations in the ages succeeding Columbus. Bordeaux was perfectly placed to receive news of these distant lands. 'It is the age of the discovery of the Earth, of the great explorations opening up to Europe the knowledge and the exploitation of the Indies East and West and of Africa. Travellers brought back in their coffers spices and gold, and in their memories the tales of customs and institutions which overthrew all the received truths.'² This had laid the foundations for Montaigne's great relativist speculations. Two centuries on, Montesquieu had even richer data to draw on, for the new knowledge of India and particularly China and Japan was beginning to flow in as the great trading networks expanded over the world.

¹Shklar, **Montesquieu**, 3

²Althusser, **Montesquieu**, 18-19

Not only did his position thrust a new knowledge upon him, but it brought home to him the power of commerce. We shall see that one of his major contributions was partly to overcome the normal aristocratic antipathy to business and production. His influence of his mother, of running the La Brède estate, and of commercial Bordeaux helped create that interest and insight.

The tensions of his upbringing and background in Gascony were made all the stronger by his life's experience. One of the most important of these was the changing political and social world of France over his lifetime. Montesquieu was born and brought up in the shadow of Louis XIV, probably the greatest of the absolutist rulers in European history, who had reigned for seventy-two years from 1643 to 1715. Thus Montesquieu was already 26 when Louis died. Louis' avowed aim was to spread his rule over the whole of Europe. Thus Montesquieu saw the immense strength of the most powerful state of Europe all round him and he himself, as a judge who put people to the torture, was an instrument of that power. Parallel and equally obvious was the power of the Roman Catholic Church, with its inquisition and censor. That Montesquieu had to publish his three major works outside France, and two of them anonymously, is just one indication of the twin threats to liberty.

Thus he grew up in the classic hierarchical, all-encompassing, world of the **ancien regime** where politics and religion were joined and control was paramount. And then, to provide the shock of contrast, of another possibility, two things happened. The first was the death of Louis XIV which liberated France. The change is well described by Sorel, and Saint-Simon whom he quotes.

Louis XIV had just departed. His declining years resembled a gloomy and majestic sunset. Contemporaries did not stop to admire the twilight of a great reign; they were glad to be set free. No one regretted the king; he had too strictly imposed on all Frenchmen 'that dependence which subjected all.' 'The provinces,' says Saint-Simon, 'rallying from despair at their ruin and annihilation, breathed free and trembled for joy. The higher courts and the whole magisterial caste had been reduced to insignificance by edicts and appeals; now the former hoped to make a figure, the latter to be exempt from royal intermeddling. The people, ruined, crushed, and desperate, thanked Heaven with scandalous openness for a deliverance touching the reality of which their eagerness admitted no doubts.'¹

There followed a period of relative freedom, excitement and openness. Montesquieu was exhilarated and the **Lettres Persanes** published six years later were a product of this more liberal and open world. Yet it was, within France, only a relative liberation. Those very letters had to be published in Holland and the French censor never formally allowed their entry to France. The power of the Catholic Church was little diminished. France was still a modified **ancien regime**. Montesquieu could read about alternative, more open, systems and his interest in early Greek and particularly Roman civilization gave him models. Yet what he needed in order to prove that an alternative, open, world was indeed possible, was a large scale living example. This example was provided by his visit to England.

¹Sorel, Montesquieu, 30

Montesquieu arrived in England on 23rd October 1729. He stayed for nearly two years and closely studied the political and social system. When he arrived, he wrote, 'I am here in a country which hardly resembles the rest of Europe.'¹ The English were a 'free people', as opposed to other nations 'this nation is passionately fond of liberty', 'every individual is independent', 'with regard to religion, as in this state every subject has a free will, and must consequently be...conducted by the light of his own mind...by which means the number of sects is increased.'² Summarizing the interconnections he suggested that the English have 'progressed the farthest of all peoples of the world in three important things: in piety, in commerce, and in freedom.'³

Montesquieu himself summarized his debt to the various countries which he visited; Germany was made to travel in, Italy to sojourn in, France to live in, and England to think in.⁴ As Collins puts it in his useful description of Montesquieu's visit to England, the trip

transformed the author of the **Persian Letters** and of the **Temple de Gnide** into the author of the **Considérations sur la Grandeur et Décadence des Romains** and of the **Esprit des Lois**. The study of our constitution, of our politics, of our laws, of our temper and idiosyncrasies, of our social system, of our customs, manners, and habits, furnished him with material which was indispensable to the production of his great work.⁵

Montesquieu found many faults with England which are revealed in the few scraps that remain from his time there. For instance, in relation to religion, he thought the English had gone too far. "There is," he writes in his **Notes**, "no religion in England; in the Houses of Parliament prayers are never attended by more than four or five members, except on great occasions. If one speaks of religion, every one laughs." The very phrase "an article of faith" provokes ridicule.' Referring to the committee which had recently been appointed to inquire into the state of religion, he says that it was regarded with contempt. In France he himself passed as having too little religion, in England as having too much; and yet, he grimly adds, "there is no nation that has more need of religion than the English, for those who are not afraid to hang themselves ought to be afraid of being damned."⁶ Likewise, he found it a very lonely, isolated, place, the people cold and unfriendly. 'When I am in France I make friends with everyone; in England I make friends with no one.'⁷

Yet it was an excellent place to think in, or even, as a kind of living model, to think with. He could use this experience and his many discussions and reading to construct an alternative to the **ancien régime**. Here was something old, continuous, yet very new. A powerful, commercial, tolerant nation that challenged all his own assumptions. It provided the actual, worked, example of a

¹Tocqueville, **Ancien**, 89

²Montesquieu, **Spirit**, I, 307, 309, 308, 312

³Quoted in Weber, **Protestant**, 45

⁴Cited in Collins, **Montesquieu**, 178

⁵Collins, **Montesquieu**, 178

⁶Collins, **Montesquieu**, 143; Montesquieu made a distinction between 'piety' and 'religion', which alone explains his apparently contradictory statements.

⁷Collins, **Montesquieu**, 138

system that could stand up against despotism. He realized its weaknesses, but he also saw its growing strength, both as a practice and an ideal. As Collins puts it,

It was here that he saw illustrated, as it were in epitome and with all the emphasis of glaring contrast, the virtues, the vices, the potentialities of good, the potentialities of evil, inherent in monarchy, in aristocracy, in the power of the people. It was here that he perceived and understood what liberty meant, intellectually, morally, politically, socially. He saw it in its ugliness, he saw it in its beauty.¹

England was a place to think in, so both there and when he returned to France with this model before him, 'Patiently, soberly, without prejudice, without heat, he investigated, analysed, sifted, balanced; and on the conclusions that he drew were founded most of the generalisations which have made him immortal.'² 'It was in England that the ideas to be developed in both these masterpieces [**Considérations** and **Spirit of the Laws**] took a definite form, in England that they found stimulus and inspiration, from England that they drew nutriment.'³

Montesquieu had now the two experiences that seem to be necessary for deep analysis of the foundations of a civilization. On the one hand there is the personal knowledge of a rapid and dramatic change within one's own country and environment: this was provided by the pre and post Louis XIV world. The second was the shock of placing one's own society and its assumptions against those of another - in this case **ancien régime** France against the strangely different England.

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In attempting to understand himself, to understand a changing France, to make sense of the broad topics which he wished to study, Montesquieu had to come to terms with a number of theoretical problems which have continued to face the social sciences. The central problem concerns the nature of cause and effect, within which we can include single and multiple causation, general and particular causes and the nature of change through time. This was an area that he found so important, yet difficult, that among his unpublished archives is an **Essai sur les causes**, which was written 'to clarify one of his most difficult problems, that of the relationship between physical and moral causes.'⁴

It seems that Montesquieu, like any true historian faced with the evidence, was ambivalent and contradictory on the question of chance and necessity. On the one hand he recognized that apparently accidental and random small events could have immense consequences and change the course of history. Thus in his **Pensées** he wrote 'all these great movements only happened because of some unplanned, unforeseen action. Lucrecia's death caused Tarquin's fall. Brutus's act of executing his sons established liberty. Seeing Virginia slain by her father

¹Collins, **Montesquieu**, 178

²Collins, **Montesquieu**, 178-9

³Collins, **Montesquieu**, 181; for a more recent and detailed account of his English visit, see Shackleton, **Montesquieu**, Ch.vi.

⁴Shackleton, **Montesquieu**, 231

caused the fall of the Ten.¹ These are small, personal, almost accidental events, yet 'From the public's unsuspected and therefore unpredictable reaction flows a new social order.'²

On the other hand, he is much better known for his view that history is mainly governed by general causes, in which individual humans are just epiphenomena. One example also occurs in his **Pensées**. He distinguishes between the general causes which were bound to lead to a Reformation, and the accident of Martin Luther. 'Martin Luther is credited with the Reformation. But it had to happen. If it had not been Luther, it would have been someone else. The arts and sciences coming from Greece had already opened eyes to abuses. Such a cause had to produce some effect. A proof of this: the councils of Constance and Basel had introduced a kind of reformation.'³ In a similar way he wrote, 'It was not the affair of Pultowa that ruined Charles. Had he not been destroyed at that place, he would have been in another. The casualties of fortune are easily repaired; but who can be guarded against events that incessantly arise from the nature of things?'⁴ A more famous example comes in his account of the rise and decline of the Roman Empire.

It is not chance that rules the world. Ask the Romans, who had a continuous sequence of successes when they were guided by a certain plan, and an uninterrupted sequence of reverses when they followed another. There are general causes, moral and physical, which act in every monarchy, elevating it, maintaining it, or hurling it to the ground. All accidents are controlled by these causes. And if the chance of one battle - that is, a particular cause - has brought a state to ruin, some general cause made it necessary for that state to perish from a single battle. In a word, the main trend draws with it all particular accidents.⁵

Towards the end of this passage he almost brings the two together. A single battle may topple a state, it is the proximate cause, but it only acts in this way as a result of deeper background causes. His whole discussion of this matter, as Shackleton shows, was related to the work of contemporaries, in particular Vico and Doria. In fact the first half of the passage above is directly inspired by **La Vita Civile** by Doria.⁶ As Shackleton says, this is not to disparage Montesquieu who carried into history 'the distinction between the First Cause and occasional causes.'⁷

Montesquieu's ultimate aim was to understand the cause or causes of things; why some societies suffered from despotism, why northern Europe was growing richer, why the world's population seemed to have declined and why the Roman Empire had collapsed. Like all historians, his views changed over time, and he swung from being an almost naive geographical and climatic determinist, as

¹Quoted in Conroy, **Montesquieu**, 126

²Conroy, **Montesquieu**, 126

³Conroy, **Montesquieu**, 127

⁴Montesquieu, **Spirit**, I, 142

⁵Montesquieu, **Considerations**, 169

⁶Shackleton, **Montesquieu**, 168

⁷Shackleton, **Montesquieu**, 169; there are other particularly interesting discussions of Montesquieu's theories of causation in Sorel, **Montesquieu**, 205-7 and Durkheim, **Montesquieu**, 44-47

Collingwood thought him to be¹, to being an almost idealist thinker who believed that moral and intellectual causes swayed history. His thought is a bundle of contradictions.²

If we look at all of his work, we see that he ends up with a balanced approach to causation. The 'spirit of the laws' as constituted by a number of inter-acting causes, physical and moral, is well summarized in a passage from Montesquieu quoted Sorel. The spirit of a people's law

must have relations to the physical characteristics of a country, to the climate, - frigid, torrid, or temperate, - to the nature of the land, its situation, its extent, to the people's mode of life;...they must have relations to the degree of liberty that the constitution can admit of; to the religion of the inhabitants, their inclinations, their wealth, their number, their commerce, their morals, their manners. Finally, they have relations one to another, to their origin, to the aim of the legislator, to the order of things under which they were established. They must be considered from all these points of view, and I undertake so to consider them in this work. I shall examine all these relations; together they form what I have called the **Spirit of the Laws**.³

This is an excellent brief outline for the social sciences and it does not show any kind of naive physical or moral determinism. In seeking such a balance, Montesquieu was a true ancestor of Durkheim, Weber and twentieth century anthropology, even if, in practice, his book, written in fits and starts, occasionally, falls away from this balanced view.

Montesquieu's attitude towards time and progress is complex and this is reflected in an apparent disagreement among those who have commented on his theories. On the one hand a number of authors have argued that he had little sense of historical change and cumulative progress. For example, J.B.Bury in his study of **The Idea of Progress** states that 'Montesquieu was not among the apostles of the idea of Progress. It never secured any hold upon his mind.' He finds this odd, for 'he had grown up in the same intellectual climate in which that idea was produced.' Yet he failed to grasp it. 'Whatever be the value of the idea of Progress, we may agree with Comte that, if Montesquieu had grasped it, he would have produced a more striking work.'⁴ Richter writes that 'Montesquieu did not believe in the theory of progress; his philosophy of history has been described as "pessimism in moderation".'⁵ Likewise Shklar states that 'He did not believe in cumulative progress, and his sense of the most recent past was one of radical discontinuity rather than continuous development. It seemed to him that the expansion of Europe after the discovery of America had made it so wealthy and powerful that it was wholly unlike anything that had ever existed in the past.'⁶

¹Collingwood, **Idea of History**, 79, 97, 200

² Shackleton, **Montesquieu**, ch. xiv and Sorel, **Montesquieu**, 139-40 are particularly illuminating accounts of his theory of climate and causation.

³Sorel, **Montesquieu**, 89

⁴Bury, **Progress**, 145, 148

⁵Richter, **Montesquieu**, 105

⁶Shklar, **Montesquieu**, 50; Fletcher, **Montesquieu**, 73 and Durkheim, **Montesquieu**, 57-59 argue similarly that Montesquieu had no sense of progressive time.

On the other hand Shackleton, his noted biographer and commentator, argues that Montesquieu did have a sense of progressive time. In an article first published in 1949, Shackleton makes a detailed study of the **esprit general** as a central organizing concept in Montesquieu's thought. He concludes that this 'gives the lie...to those who deny to Montesquieu any evolutionary sense and shows that he has a clear and straightforward theory of progress.'¹ In his later biography of Montesquieu Shackleton takes up the theme again. He shows that while Montesquieu's theory is 'more tentative and more empirical' than Turgot's, 'he has enunciated, not less than Turgot, a theory of progress...'² This is the progress which human kind has made from a world ruled by physical causes, to one governed by moral and legal forces.

The two views of Montesquieu in fact reflect two strands in his thought. He both believed that societies and mankind evolved, changed, grew more complex, altered, just as a tree grows and branches. But he also refused to believe that moral progress, happiness, security, freedom and all the valuable things in life necessarily increased. As he looked at the collapse of Rome, at the repeated invasions of the Mongols, at the cruelties and despotism he thought ruled much of the world, at the short duration of open societies, he felt no great confidence in the future. His was an interesting and exactly balanced mixture of a cyclical and linear view. He lived at the cusp of the times, just at the point when the world seemed about to escape from that nightmare of the **ancien regime** which he dreaded. Montesquieu stands exactly on the bridge between the **ancien regime** and something entirely unpredictable and surprising. His greatness lies in the fact that in his ambivalent reflections on his times he sensed, often only implicitly, what was just below the horizon.

Montesquieu wished to understand the whole of world history and the whole of his current world. The **Spirit of the Laws** 'has for its object the laws, customs, and various usages of all peoples.'³ In order to do this he developed a series of methods which laid the basis for the social and historical sciences. One of these was his comparative methodology, which aimed to compare not only the different parts of Europe, but Europe with the Islamic societies of the Middle East and even Europe with China and Japan. In attempting this huge comparison, Montesquieu was fortunate for it was just at the time that a massive influx of new information about other civilizations began to arrive in Europe. The greatest account of Japanese civilization in a foreign language, Engelbert Kaempfer's **History of Japan**, was published in three volumes in 1727 and Du Halde's **Empire of China**, an encyclopaedic compilation of early missionary accounts of China, published in 1735. Montesquieu also used the collections of accounts of early trade missions to China. The **Spirit of the Laws** is thus notable in that it is the first great comparative survey of world civilizations. Montaigne had attempted something similar one and a half centuries earlier, also writing from near the port of Bordeaux. But Montaigne's sources on the Far East were exiguous. The Chinese dimension was intellectually important for

¹Shackleton, *Essays*, 37

²Shackleton, *Montesquieu*, 319

³Complete Works, quoted in Richter, 'Montesquieu', 472

Montesquieu because it made it possible to see the whole of Europe as a system or civilization with an innate dynamism in contrast to the stasis which had apparently overtaken China.

Durkheim believed that Montesquieu's implicit use of the comparative method was a central feature of his work.¹ Richter suggests that Montesquieu was somewhat more explicitly aware of what he was doing, citing him to suggest that 'Comparison, the single most valuable capacity of the human mind, is particularly useful when applied to human collectivities.'² Thus he believes that Montesquieu 'made comparison the central problem of political sociology and thus directed the forms of inquiry away from Europe to all the societies known, however imperfectly, to man.'³ This is a task which is fundamental to anthropology as well. It also has the effect of putting one's own society into doubt: 'Montesquieu argued that we can understand political and social phenomena only when we can stipulate some arrangement alternative to that in question.'⁴

Yet in order to compare across societies one has to engage in a form of classificatory activity which is both difficult and unusual. This led Montesquieu into a second methodological innovation. He is widely credited with introducing 'ideal type' analysis, that is the setting up of simplified models against which reality can be tested, benchmarks so to speak. For instance he set up such models of the three forms of political organization, republics, monarchies and despotism. This had been foreshadowed by Aristotle and Machiavelli and others, but Montesquieu took the analysis much further by showing not only the forms, but by analysing the socio-geographical conditions within which each of them occurred. He is well aware that actual cases do not correspond to the ideal-type, thus there are frequent references to the fact that England as a place may not conform to the 'ideal-type' England he has created, and likewise Chinese despotism in practice is not like Chinese despotism in its theoretical construction. Each European nation had deviated from his ideal-type picture of monarchy. What the ideal types did, however, was to allow Montesquieu, and later Weber and others, to engage in fruitful comparative research.⁵

Although he did not believe in teleological evolution or inevitable progress towards a predestined goal, Montesquieu was both interested and well versed in history. There are several strands to his work which are historical and two can be mentioned here. One is his historical interest in Roman civilization, shown both in his **Considerations** and in a number of chapters of **Spirit**. Although his treatment of Rome has been criticized, what Roman history allowed Montesquieu to do was to watch the process of historical change over a long period, to see the whole of a civilization's growth, greatness and decay and to analyse the reasons for the latter. The central message was that all civilizations contain within themselves the seeds of their own destruction. Rome collapsed

¹Durkheim, **Montesquieu**, 50-1

²Richter 'Montesquieu', 472

³Richter, 'Montesquieu', 475

⁴Richter, **Montesquieu**, 73

⁵The importance of his achievement is again well summarized by Durkheim, **Montesquieu**, 62.

through internal corruption, and particularly because the balance of power at the centre became skewed. A model of how this had happened and would happen to all successful Empires was of great use to Montesquieu.

His second interest was in the origins of modern France, which took him into many years of work on the historical sources for the Dark Ages. He wrote at length on the early foundations of liberty in the customs of the peoples who swept across Europe at the collapse of Roman civilization, and then traced the early stages of the evolution of feudalism in Europe. His curiosity 'attracted him towards those mysterious forests whence issued along with the Germans, his alleged ancestors, the elements of political liberty.' This research was lengthy and laborious.' 'His toil was severe, his investigations slow and painful. "I seem," he remarked, "all at sea, and in a shoreless sea. All these cold, dry, tasteless, and difficult writings must be read, must be devoured..."¹ But it was true historical research and certainly imbued with an idea of difference and change over time. It was not all on one flat, a-synchronous, level, plain.

A third important part of his vision is what we might term a 'structural' or 'relational' approach to history and society. In the **Persian Letters**, Montesquieu foreshadowed a structural definition of his central concept, **laws**, when he wrote 'Justice is a true relation existing between two things; a relation which is always the same, whoever contemplates it, whether it be God, or an angel, or lastly, man himself.'² Thus justice does not lie in a thing, but in a relation between things: perhaps this is why 'choses' comes up so much in his conversation. He was talking of those 'relations of relations' which is at the heart of structural thinking. The very first sentence of **The Spirit of the Laws**, the key definition, which has puzzled and often upset so many readers, proclaims this same structural approach. 'Laws, in their most general signification, are the necessary relations arising from the nature of things. In this sense all beings have their laws: the Deity His laws, the material world its laws, the intelligences superior to man their laws, the beasts their laws, man his laws.'³ Notice here that 'relations' cover all aspects of life. Everything is relational. In case the reader has not grasped the point, he re-iterates two paragraphs on that 'laws are the relations subsisting between it and different beings, and the relations of these to one another.'⁴ 'It' in this case is the intelligence or reasoning power of human beings.

As Sorel noted, this is a very general, almost mathematical, concept. Montesquieu 'rightly intimates that this definition is very wide. It is so wide that it eludes analysis and reaches out toward infinity. It is an algebraic formula, applying to all real quantities and expressing none of them exactly. It is rigorously true of mathematical and natural laws; its application to political and civil laws is only remote and rather indistinct.'⁵ As Durkheim noted, 'he informs

¹Sorel, **Montesquieu**, 155

²Montesquieu, **Persian Letters**, no. 84

³Montesquieu, **Spirit**, I, 1

⁴Montesquieu, **Spirit**, I, 1

⁵Sorel, **Montesquieu**, 86-7

the reader that he intends to deal with social science in an almost mathematical way.’¹

It greatly puzzled many, especially lawyers, that Montesquieu should start with such an unusual, novel and abstract definition. If, however, we consider the later development of structural thinking, particularly in the French tradition through Durkheim and Mauss, De Saussure and through to Levi-Strauss, we can see what Montesquieu was doing. He was able to see the relations between power, wealth and belief, or politics, economics and religion, in a way which was hitherto impossible. This ability to connect or relate the hitherto unconnected is well put by Fletcher.

The supreme value of the method is that it permits the observer to see particular historical data in an entirely new setting, and hence to perceive relationships between things which, through their separation in time or space, must otherwise have remained unrelated. By applying the method over a sufficiently wide area of experience, and comparing similar ‘relationships’ in whatever time or place each to each, the general ‘spirit’ governing them all can be revealed.²

Montesquieu’s concept of social structures, of a kind of machine in which there are relations of parts to each other and to the whole, also feeds into the functionalism and structural-functionalism which came to dominate the social sciences between the 1880s and 1940s. This is noted by Shklar when she writes that for him ‘Society is a system of norms which are related to each other and can be understood historically and as functioning to maintain the social whole.’³ This is straight early twentieth century functionalism.⁴

Most of those who have studied his writings, including the unpublished notebooks and his library, agree that like all scientists he mixed induction and deduction. An example is given by Shackleton. ‘The development of Montesquieu’s thoughts in relation to climate shows itself as being clearly inductive. Starting with an examination of the specific problem of Roman air, enlarging his ideas by reading, by observation, and by experiment, he arrives in the end at his general theory of climatic influence.’⁵ This is fairly characteristic, yet it conceals a deductive phase, as Fletcher notes.

It is true that he usually starts from particular ‘facts’ and then extracts from them a general principle. By a sufficiently vast correlation of such ‘facts’ and of the particular principles which emerge from them, he is enabled by his inductive process to reach those very broad generalisations which he calls the ‘principles’ of the leading types of government. But thereafter the method becomes deductive. ‘When I have discovered my principles’ he says in his Preface, ‘all that I am searching for comes to me.’ And again: ‘I propose my principles, and I look to see if the particular cases fit with them.’⁶

¹Durkheim, **Montesquieu**, 51

²Fletcher, **Montesquieu**, 74

³Shklar, **Montesquieu**, 101

⁴The best account of how Montesquieu founded modern functionalism and structuralism is in Durkheim, **Montesquieu**, 56-7, 63.

⁵Shackleton, **Montesquieu**, 309-10

⁶Fletcher, **Montesquieu**, 72; my translation.

Montesquieu was even more explicit elsewhere; ‘You do not invent a system after having read history; but you begin with the system and then you seek the proof. There are so many facts in a long history, people have thought so differently, the beginnings are usually so obscure that you always find enough to support all kinds of reactions.’¹

Durkheim echoes Montesquieu’s own assessment. Montesquieu

does not begin by marshalling all the facts relevant to the subject, by setting them forth so that they can be examined and evaluated objectively. For the most part, he attempts by pure deduction to prove the idea he has already formed. He shows that it is implicit in the nature or, if you will, in the **essence** of man, society, trade, religion, in short, in the definition of the things in question. Only then does he set forth the facts which in his opinion confirm his hypothesis.²

Thus

If we examine Montesquieu’s own demonstrations, it is easy to see that they are essentially deductive. True, he usually substantiates his conclusions by observation, but this entire part of his argumentation is very weak. The facts he borrows from history are set forth briefly and summarily, and he goes to little pains to establish their veracity, even when they are controversial.³

Thus in brief, Montesquieu ‘instead of using deduction to interpret what has been proved by experiment, he uses experiment to illustrate the conclusions of deduction.’⁴

Montesquieu’s vast canvas, his attempt to cover the whole of the world and the whole of human history, and to connect all the different aspects of life, as well as his primarily deductive method, led to many inaccuracies and sins of omission and commission which commentators have pointed to. For instance Shackleton summarizes some of the criticism of his accuracy and historical methods in relation to Roman history.⁵ Sorel wrote:

As Montesquieu had failed to have recourse to archaeology and textual criticism in his study of primitive Rome, so now, in like manner, he failed to utilize anthropology in his study of primitive society. Why could he not have read Buffon? The ‘Seventh Epoch of Nature’ would have explained primitive humanity and the origin of customs to him in a very simple way.⁶

He could be accused of finding what he wanted to find. An example is in his treatment of East Asia. His account of Japan, almost exclusively stressing the harshness of Japanese law and punishment, gives a distorted picture of that civilization.⁷ He has read Kaempfer’s great three-volume work on Japan, and yet

¹Pensees, quoted in Conroy, **Montesquieu**, 131

²Durkheim, **Montesquieu**, 52

³Durkheim, **Montesquieu**, 52

⁴Durkheim, **Montesquieu**, 53; see also for Durkheim’s criticisms, *ibid*, 54

⁵Shackleton, **Montesquieu**, 158

⁶Sorel, **Montesquieu**, 84-5

⁷Montesquieu, **Spirit**, I, 85,196,233-4; II, 35

abstracts only what is relevant to his argument. His treatment of China is particularly interesting. As Richter points out, Montesquieu was the first to make the new discoveries in China, particularly Du Halde's compilations, available to a wider audience and his depiction was enormously influential. Yet it is distorted towards a picture of absolutist despotism.¹

In fact, as a number of writers have pointed out, Montesquieu was very puzzled by what he read about China and confused by the contrary depictions they gave.² Thus his account is somewhat contradictory, trying to make sense of conflicting images of a despotic and a benign government, of a nation ruled by fear or by kindness.³ In his writing we can hear Montesquieu arguing aloud with himself. Should he modify his model of Asiatic despotism, originally based on the model provided by Machiavelli and others of the Ottoman Empire, or reject the data from some of his Chinese sources? In the end the model wins, though it is a little modified. This is, as in all of his accounts, both his strength and his weakness. Without the over-simplification we would not have his amazing insights into the structural causes for the decline of Rome, the roots of feudal systems in Europe, and the essence of English political institutions. But in all of these, as in his treatment of the Orient, we must guard against the distortions of a powerful mind fitting data to a pre-conceived framework.

The danger becomes particularly great as the immense scope of his undertaking reveals itself and tiredness, growing blindness and more and more data overwhelm him. 'In my view, my work grows in proportion to my diminishing strength. I have however, eighteen nearly finished books and eight which need arranging. If I was not mad about it, I would not write a single line. But what sorrows me is to see the beautiful things which I could do if I had eyes.'⁴ Montesquieu questioned his own wisdom in taking on the task. 'I have laboured for twenty years on this work, and I no longer know if I have been bold or if I have been rash, if I had been overwhelmed by the size of my subject or if I had been sustained by its majesty.'⁵

Montesquieu himself, quoted by Sorel, perceived the difficulty of an ever-expanding project and of growing weariness.

So long as he worked upon the earlier books he was all joy and ardour. 'My great work is going forward with giant strides,' he wrote in 1744 to the Abbé Guasco. Then was the time when 'all he sought came to him of itself.' But little by little masses of facts accumulated at the outlets and blocked them up. He forces the facts. 'Everything yields to my principles,' he wrote toward the last; but he does not see 'particular cases smoothly conforming to them,' as formerly. He makes an effort, canvasses the texts, arrays analogies, heaps up, but he no longer welds together. He settles himself doggedly to the task; he grows fatigued. 'I am reaching an advanced age; and because of the vastness of the undertaking the work recedes,' he wrote in 1745; and in 1747, 'My work grows dull...I am overcome by weariness.' The concluding books on feudalism exhaust him. 'This will make three hours' reading; but I assure you that the labor

¹Richter, *Montesquieu*, 84

²See Shackleton, *Essays*, 231 ff; M. Hulliung, *Montesquieu*, 100ff

³Important passages occur in Montesquieu, *Spirit*, I,369; I, 297; I, 304 and especially *Spirit*, I, 122-5

⁴Montesquieu to President Barbon, 2 Feb., 1742, translated from Starobonski, *Montesquieu*, 159

⁵Montesquieu, 'Dossier on Esprit', translated from Starobonski, *Montesquieu*, 160; Sorel, *Montesquieu*, 92, describes the danger of the ageing philosopher desperately trying to finish the great work.

it has cost me has whitened by hair.' 'This work has almost killed me,' he wrote, after revising the final proofs, 'I am going to rest; I shall labour no more.'¹

In a moving unpublished passage he contemplated the end of his work and his life:

I had conceived the design of giving a much extended and deeper treatment in certain areas of this work; and have become incapable of it. My reading has weakened my eyes, and it seems to me that what remains to me of light is just the dawn of the day when they will close forever.

I am nearly touching the moment when I must begin and end, the moment which unveils and steals everything, the moment mixed with bitterness and joy, the moment when I will lose my very weaknesses.

Why do I still occupy myself with some trivial writings? I search for immortality, and it is within myself. Expand, my soul! Precipitate yourself into immensity! Return to the great Being!...

In the deplorable state in which I find myself it has not been possible for me to give this work its final touches, and I would have burned it a thousand times, if I had not thought it good to render oneself useful to men up to one's very last breath...

Immortal God! the human species is your most worthy work. To love it, is to love you, and, in finishing my life, I devote this love to you.²

So what did his mighty labours, the fruits of intense concentration by a first-class intellect over a period of over 30 years, produce? His mind moved across the data then available for most of the world's civilizations and the whole wealth of human history in order to seek the underlying spirit of the laws, the answer to the riddle of man's nature, past and future.

¹Sorel, **Montesquieu**, 52-3

² Montesquieu, 'Dossier on Laws', translated from Starobonski, **Montesquieu**, 182

2. LIBERTY AND DESPOTISM

Montesquieu's central pre-occupation was how to maintain liberty and avoid despotism. He was aware from his own experience that liberty was very fragile; Louis XIV had come close to extinguishing it, the Inquisition would do so if it could. Three quarters of the globe, he thought, suffered from absolutist regimes. Only in Europe had a certain degree of liberty arisen and been preserved. But even here, there was no reason why it should not be extinguished, as in the late history of Rome. His fears are well summarized in the following passage.

Most of the European nations are still governed by the principles of morality. But if from a long abuse of power or the fury of conquest, despotic sway should prevail to a certain degree, neither morals nor climate would be able to withstand its baleful influence: and then human nature would be exposed, for some time at least, even in this beautiful part of the world, to the insults with which she has been abused in the other three.¹

The 'long abuse of power' was a recognition of Acton's maxim that 'power tends to corrupt and absolute power corrupts absolutely.'² Montesquieu warned that the 'human mind feels such an exquisite pleasure in the exercise of power; even those who are lovers of virtue are so excessively fond of themselves that there is no man so happy as not still to have reason to mistrust his honest intentions.'³ This was connected to his idea of balance. Something which started as good, balanced and conducive to human happiness and liberty could easily be perverted and swing to a dangerous extreme. For example, if there was no equality between people, democracy was impossible. But if things swung too far the other way, he saw as great a danger. 'The principle of democracy is corrupted not only when the spirit of equality is extinct, but likewise when they fall into a spirit of extreme equality, and when each citizen would fain be upon a level with those whom he has chosen to command him.'⁴

Judith Shklar has emphasized Montesquieu's realization of the fragility of liberty. The period of balanced republican liberty, as in Rome, cannot last long. 'The very qualities that make a people prosperous and happy cannot survive in a wealthy and contented society. Nothing seems to fail like republican success.'⁵ Thus the 'greatest problem of republic regimes is to put off the evil moment when they lose their inner balance.'⁶ Even the freest and most balanced polity he could see, England, would succumb. 'As all human things have an end, the state

¹Montesquieu, *Spirit*, I, 115

²Acton, *Life of Creighton*, I, 372

³Montesquieu, *Spirit*, I, 149

⁴Montesquieu, *Spirit*, I, 109

⁵Shklar, *Montesquieu*, 38

⁶Shklar, *Montesquieu*, 78

we are speaking of will lose its liberty...It will perish when all the legislative power shall be more corrupt than the executive.¹ France was even more in danger. 'What he dreaded was the descent of French absolutism into a despotism on the Spanish model.'² Indeed '...the entire **ancien regime** was at risk...France was structurally inclined towards despotism.'³ This is a theme also picked up by Shackleton. He writes that 'Without vigilance, oriental tyranny might one day govern France. Servitude, says Montesquieu, begins with sleep.'⁴ The reason for this is relatively simple. For 'most people are governed by despotism, because any other form of government, any moderate government, necessitates exceedingly careful management and planning, with the most thorough balancing and regulating of political power. Despotism on the other hand, is uniform and simple. Passions alone are required to establish it...'⁵

Montesquieu summarized this inevitable tendency from republic, through monarchy, to despotism, and how the equilibrium cannot be maintained.

Most European governments are monarchical, or rather are called so; for I do not know whether there ever was a government truly monarchical; at least they cannot have continued very long in their original purity. It is a state in which might is right, and which degenerates always into a despotism or a republic. Authority can never be equally divided between the people and the prince; it is too difficult to maintain an equilibrium; power must diminish on one side while it increases on the other; but the advantage is usually with the prince, as he commands the army.⁶

Control over the army became an increasing threat as technology developed. In particular, Montesquieu noted that the use of gunpowder had further tipped the balance towards despotism. He wrote, 'You know that since the invention of gunpowder no place is impregnable; that is to say...that there is no longer upon the earth a refuge from injustice and violence.'⁷ And likewise, 'the invention of bombs alone has deprived all the nations of Europe of freedom' by increasing the need for the centralization of military power.⁸

Liberty could also be lost in the 'the fury of conquest'. Montesquieu was aware of two sorts of risk. One was that a country which might have developed internal balance and wealth would be over-run by the 'fury' of conquest by another. He noted how the wealthy civilizations of the Middle East had been 'laid waste by the Tartars, and are still infested by this destructive nation.'⁹ Particular danger lay in being part of a continent, not having naturally defensible borders, and being wealthy. His own country of France was a prime example, even when compared to Germany. For 'the Kingdom of Germany was not laid waste and annihilated, as it were, like that of France, by that particular kind of war with which it had been harassed by the Normans and Saracens. There were less riches

¹Montesquieu, *Spirit*, I, 161-2

²Shklar, *Montesquieu*, 81

³Shklar, *Montesquieu*, 85

⁴Shackleton, *Montesquieu*, 272

⁵Shackleton, *Montesquieu*, 271

⁶Montesquieu, *Persian Letters*, no. 103

⁷Montesquieu, *Persian Letters*, no. 106

⁸Montesquieu, *Persian Letters*, no.106

⁹Montesquieu, *Spirit*, I, 335

in Germany, fewer cities to plunder, less extent of coast to scour, more marshes to get over, more forest to penetrate.¹ Germany's forests and marshes afforded it partial protection, and hence buffered its liberty.

Mountainous regions, such as Switzerland had even greater advantages. Firstly, they were poor areas which were not worth attacking, for 'in mountainous districts, as they have but little, they may preserve what they have. The liberty they enjoy, or, in other words, the government they are under, is the only blessing worthy of their defence. It reigns, therefore, more in mountainous and rugged countries than in those which nature seems to have most favoured.'² Moderate, non-absolutist, governments were characteristic of mountain areas. 'The mountaineers preserve a more moderate government, because they are not so liable to be conquered. They defend themselves easily, and are attacked with difficulty; ammunition and provisions are collected and carried against them with great expense, for the country furnishes none.'³

Even better than mountain barriers was water. Islands were the natural home of liberty. This was not merely because of their defensive advantages. 'The inhabitants of islands have a higher relish for liberty than those of the continent. Islands are commonly of small extent; one part of the people cannot be so easily employed to oppress the other; the sea separates them from great empires; tyranny cannot so well support itself within a small compass: conquerors are stopped by the sea; and the islanders, being without the reach of their arms, more easily preserve their own laws.'⁴ This is, implicitly, Montesquieu's major explanation for that puzzle we noted earlier - the different trajectory of England and France. And he explicitly makes the link when showing another advantage of being an island. England, he says, is a nation which 'inhabiting an island, is not fond of conquering, because it would be weakened by distant conquests - especially as the soil of the island is good, for it has then no need of enriching itself by war: and as no citizen is subject to another, each sets a greater value on his own liberty than on the glory of one or any number of citizens.'⁵

The 'fury of war' brings another danger, which Montesquieu showed historically in his account of the way in which incessant aggressive warfare had been at the root of the collapse of liberty in ancient Rome, and also in the ruin caused by Louis XIV's endless wars of attempted conquest. In a section headed 'Of the Augmentation of Troops' Montesquieu described the inevitable Machiavellian law that led continental countries into suicidal wars which then led to higher taxation, poverty and despotism. 'A new distemper has spread itself over Europe, infecting our princes, and inducing them to keep up an exorbitant number of troops. It has its redoublings, and of necessity becomes contagious. For as soon as one prince augments his forces, the rest, of course, do the same; so that nothing is gained thereby but the public ruin.'⁶ Thus out of wealth

¹Montesquieu, *Spirit*, II, 260

²Montesquieu, *Spirit*, I, 272

³Montesquieu, *Spirit*, I, 272

⁴Montesquieu, *Spirit*, I, 273

⁵Montesquieu, *Spirit*, I, 310

⁶Montesquieu, *Spirit*, I, 217

Europe had created poverty and was threatened with the loss of liberty. 'We are poor with the riches and commerce of the whole world; and soon, by thus augmenting our troops, we shall be all soldiers, and be reduced to the very same situation as the Tartars.'¹

It was a vicious circle: fear - war - higher taxes - absolutism - more fear and so on. 'The consequence of such a situation is the perpetual augmentation of taxes; and the mischief which prevents all future remedy is, that they reckon no more upon their revenues, but in waging war against their whole capital.'² Predation was more powerful than production. Indeed it was a topsy-turvy situation where the richer a country was naturally, the more impoverished and depopulated it would become. 'Most invasions have, therefore, been made in countries which nature seems to have formed for happiness, and as nothing is more nearly allied than desolation and invasion, the best provinces are most frequently depopulated, while the frightful countries of the North continue always inhabited, from their being almost uninhabitable.'³ According to Montesquieu, after the terrible devastation of the Thirty Years War and then the military adventures of Louis XIV Europe was approaching the situation of India, 'where a multitude of islands and the situation of the land have divided the country into an infinite number of petty states, which from causes that we have not here room to mention are rendered despotic. There are none there but wretches, some pillaging and others pillaged. Their grandees have very moderate fortunes, and those whom they call rich have only a bare subsistence.'⁴

Montesquieu was able to show in detail how the process worked through his study of the rise and decline of the Roman Empire. The essence of the problem was that any success was bound to lead to disaster. It is in the nature of political institutions to grow, and when they do, they lose their way. Thus it was in the very nature of Rome to collapse.

Rome was made for expansion, and its laws were admirable for this purpose. Thus, whatever its government had been - whether the power of kings, aristocracy, or a popular state - it never ceased undertaking enterprises that made demands on its conduct, and succeeded in them. It did not prove wiser than all the other states on earth for a day, but continually. It sustained meager, moderate and great prosperity with the same superiority, and had neither successes from which it did not profit, nor misfortunes of which it made no use. It lost its liberty because it completed the work it wrought too soon.⁵

He contrasts the situation here with what happens in despotisms. In despotic systems, success makes the despotism ever stronger. In free societies, success inevitably corrupts the freedom.

What makes free states last a shorter time than others is that both the misfortunes and the successes they encounter almost always cause them to lose their freedom. In a state where the people are held in subjection, however, successes and misfortunes alike confirm their servitude. A wise republic should

¹Montesquieu, *Spirit*, I, 217

²Montesquieu, *Spirit*, I, 217

³Montesquieu, *Spirit*, I, 272

⁴Montesquieu, *Spirit*, I, 257

⁵Montesquieu, *Considerations*, 94-5

hazard nothing that exposes it to either good or bad fortune. The only good to which it should aspire is the perpetuation of its condition. If the greatness of the empire ruined the republic, the greatness of the city ruined it no less.¹

The turning point in Rome was when she embarked on imperial conquests outside Italy.

When the domination of Rome was limited to Italy, the republic could easily maintain itself. A soldier was equally a citizen. Every consul raised an army, and other citizens went to war in their turn under his successor. Since the number of troops was not excessive, care was taken to admit into the militia only people who had enough property to have an interest in preserving the city. Finally, the senate was able to observe the conduct of the generals and removed any thought they might have of violating their duty. But when the legions crossed the Alps and the sea, the warriors, who had to be left in the countries they were subjugating for the duration of several campaigns, gradually lost their citizen spirit. And the generals, who disposed of armies and kingdoms, sensed their own strength and could obey no longer.²

Montesquieu summarized his findings succinctly. ‘Here, in a word, is the history of the Romans. By means of their maxims they conquered all peoples, but when they had succeeded in doing so, their republic could not endure. It was necessary to change the government, and contrary maxims employed by the new government made their greatness collapse.’³

The actual process of the fall of Rome according to Montesquieu is helpfully summarized by D’Alembert.

He found the causes of their decadence in the very expansion of the state, which transformed the riots of its people into civil wars; in wars made in places so distant, that citizens were forced into absences of excessive length and lost imperceptibly the spirit essential to republics; in the granting of citizenship to too many nations, and the consequent transformation of the Roman people into a sort of monster with many heads; in the corruption introduced by Asian luxury; in Sulla’s proscription, which debased the nation’s spirit and prepared it for slavery; in the necessity felt by the Romans, of subjecting themselves to masters, once they felt their liberty to be a burden; in the necessity of changing their maxims along with their form of government; in that series of monsters who reigned almost without interruption from Tiberius to Nerva, and from Commodus to Constantine; and, finally, in the removal and partition of the empire.⁴

What had happened in Rome was the best documented example of the danger of all continental states. If they were successful, they would have to expand to feed their success and protect their borders. But there were no limits and as they triumphed on the edges, the centre would become corrupted. It was a phenomenon which Montesquieu had seen in the history of the Spanish Empire and witnessed at first hand under Louis XIV.

Yet there is a contradictory message in Montesquieu as well. Although at times it looks as if the one quarter of the globe that had hints of non-despotic government was tumbling towards the condition of India and China, Montesquieu’s argument also rested on the proposition that to a certain extent

¹Montesquieu, *Considerations*, 92

²Montesquieu, *Considerations*, 91

³Montesquieu, *Considerations*, 169

⁴Quoted in Richter, *Montesquieu*, 55

Europe was still different. He sensed that for the first time in history Europe was becoming the wealthiest and most powerful region in the world, reversing the thousands of years when it had been inferior to the Orient. 'Europe has arrived at so high a degree of power that nothing in history can be compared with it, whether we consider the immensity of its expenses, the grandeur of its engagements, the number of its troops, and the regular payment even of those that are least serviceable, and which are kept only for ostentation.'¹ He thought that this power, and the remnants of the old spirit of liberty, arose from the fact that Europe was divided into a number of roughly equal-sized, equally powerful, states, so that no universal despotic Empire could grow up. India faced the problem of political units that were too small; China of units that were too large. Europe, though sucked into incessant wars, at least had some balancing elements.

In a key passage where he put forward his most favoured theory to account for the difference of Europe and Asia:

Hence it comes that in Asia the strong nations are opposed to the weak; the warlike, brave, and active people touch immediately upon those who are indolent, effeminate, and timorous; the one must, therefore, conquer, and the other be conquered. In Europe, on the contrary, strong nations are opposed to the strong; and those who join each other have nearly the same courage. This is the grand reason of the weakness of Asia, and of the strength of Europe; of the liberty of Europe, and of the slavery of Asia: a cause that I do not recollect ever to have seen remarked. Hence it proceeds that liberty in Asia never increases; whilst in Europe it is enlarged or diminished, according to particular circumstances.²

Asia had been condemned to thousands of years of despotism. Europe vacillated, with liberty rising and collapsing, as Montesquieu had seen both in his studies of Rome and his knowledge of recent European history.

Montesquieu had thus put forward several theories to try to account for the differential success of liberty - geography in particular. Scattered through his works are a number of other theories both at the level of Europe versus China, and of England versus the Continent. One of these lay in the field of religion. At the level of Europe versus Asia, he believed that Christianity in itself was an antidote to despotism. 'The Christian religion is a stranger to mere despotic power. The mildness so frequently recommended in the gospel is incompatible with the despotic rage with which a prince punishes his subjects, and exercises himself in cruelty.'³

What he does not seem to have done is to specify, beyond the gospel message of mildness, why Christianity had this effect. Here his experience of the concordat between Church and State in France and most of Catholic Europe may have made him aware that there was nothing intrinsic to Christianity **per se** which would lead it to be a bulwark against state power. He was aware that the mixing of religion and politics was not as extreme as in China. 'The legislators of China went further. They confounded their religion, laws, manners and customs; all these were morality, all these were virtue. The precepts relating to these four

¹Montesquieu, *Spirit*, I, 369

²Montesquieu, *Spirit*, I, 266

³Montesquieu, *Spirit*, II, 29

points were what they called rites; and it was the exact observance of these that the Chinese Government triumphed.¹ Yet Christianity could be accommodated into a Caesaro-Papist solution as in Louis XIV's France.

The puzzle was that in one small part of Europe, in the Protestant north-west, there were signs of that desired separation between religion and power. He knew 'That we ought not to regulate by the Principles of the canon Law things which should be regulated by those of the civil Law.'² Yet this separation was unusual. Since the thing to be explained was religion, the explanation to the question of why parts of northern Europe was Protestant must lie elsewhere. Montesquieu's favourite explanation seems to have been the climate. His climatic view of religion, which so annoyed the missionaries, applied to religion as a whole. Thus he wrote that 'When a religion adapted to the climate of one country clashes too much with the climate of another it cannot be there established; and whenever it has been introduced it has been afterwards discarded. It seems to all human appearance as if the climate had prescribed the bounds of the Christian and the Mohammedan religions.'³ Even within Europe, the colder north was more encouraging of liberty, and this liberty and independence led people to want a less centralized and despotic religion. Religion was the consequence of liberty, not the cause. 'The reason is plain: the people of the north have, and will forever have, a spirit of liberty and independence, which the people of the south have not; and, therefore, a religion which has no visible head is more agreeable to the independence of the climate than that which has one.'⁴

This takes us directly on to his climatic arguments for the differential distribution of liberty. Although Montesquieu was not a climatic determinist, he did believe that the different climates both within Europe and as between Europe and Asia explained a good deal. Although he was a southern European from Bordeaux, Montesquieu had a great deal of respect for northern Europeans, a respect increased during his wide European tour in 1728-1731. He came to the conclusion that 'If we travel towards the North, we meet with people who have few vices, many virtues, and a great share of frankness and sincerity. If we draw near the South, we fancy ourselves entirely removed from the verge of morality.'⁵ The harsher climate of the north, combined with mountains and poorer soil made the north into a kind of Spartan 'dura virum nutrix' (hard nurse of men) which seemed to Montesquieu to lead to hard work and liberty. In India, 'the bad effects of the climate' was 'natural indolence', for the heat led people to want to shun agricultural work.⁶ On the other hand, in the north 'The barrenness of the earth renders men industrious, sober, inured to hardship, courageous, and fit for war; they are obliged to procure by labor what the earth refuses to bestow spontaneously.'⁷

¹Montesquieu, *Spirit*, I, 301

²Montesquieu, *Spirit*, II, 64

³Montesquieu, *Spirit*, II, 43

⁴Montesquieu, *Spirit*, II, 31

⁵Montesquieu, *Spirit*, I, 224

⁶Montesquieu, *Spirit*, I, 273

⁷Montesquieu, *Spirit*, I, 273

That it was not just a harsh climate but the inhospitable and marginal resources that were important is shown by his suggestion that it is on the water-margins of the continents that trade and liberty will flourish, by forcing people into activity. Looking at Europe generally, 'We everywhere see violence and oppression give birth to a commerce founded on economy, while men are constrained to take refuge in marshes, in isles, in the shallows of the sea, and even on rocks themselves. Thus it was that Tyre, Venice, and the cities of Holland were founded.'¹ He therefore began to develop the more general theory that the poorer the resources of a country, the freer the populace. Rich agriculture led to large surpluses which led to predation and hierarchy, either from outsiders or insiders. 'Thus monarchy is more frequently found in fruitful countries, and a republican government in those which are not so; and this is sometimes a sufficient compensation for the inconveniences they suffer by the sterility of the land.'² Another way of putting this was to suggest that the 'goodness of the land, in any country, naturally establishes subjection and dependence. The husbandmen, who compose the principal part of the people, are not very jealous of their liberty; they are too busy and too intent on their own private affairs. A country which overflows with wealth is afraid of pillage, afraid of an army.'³ Thus people who lived on arid mountains, marshes or cold and inhospitable regions would be recompensed by the avoidance of that despotism which lurks on the fertile plains.

As yet this sounds intriguing, but crude and still fairly deterministic. But Montesquieu developed the argument in more complex ways. One was to note the effects of climate and resources on the need for commerce and the division of labour. He noted that there had been a shift in the balance and extent of trade from the south to the north of Europe.

The ancient commerce, so far as it is known to us, was carried on from one port in the Mediterranean to another; and was almost wholly confined to the South. Now the people of the same climate, having nearly the same things of their own, have not the same need of trading amongst themselves as with those of a different climate. The commerce of Europe was, therefore, formerly less extended than at present.⁴

As an inhabitant of Bordeaux with its famous medieval wine trade to England, Montesquieu was well aware of the northern need for southern products. However, the 'trade of Europe is, at present, carried on principally from the north to the south; and the difference of climate is the cause that the several nations have great occasion for the merchandise of each other.'⁵ The prime example of this development was England. 'As this nation is situated towards the north, and has many superfluous commodities, it must want also a great number of merchandise which its climate will not produce: it has therefore entered into a great and necessary intercourse with the southern nations.'⁶ More generally, it was the case that 'In Europe there is a kind of balance between the southern and

¹Montesquieu, *Spirit*, I, 319

²Montesquieu, *Spirit*, I, 271

³Montesquieu, *Spirit*, I, 271

⁴Montesquieu, *Spirit*, I, 333

⁵Montesquieu, *Spirit*, I, 333

⁶Montesquieu, *Spirit*, I, 310

northern nations. The first have every convenience of life, and few of its wants: the last have many wants, and few conveniences.’¹

We noted earlier Montesquieu’s famous connection between Protestantism (piety), trade (commerce) and liberty. It is worth considering a little further the ways in which he thought commerce was beneficial in relation to liberty. One effect was in reducing war and its destructive effects, ‘Peace is the natural effect of trade. Two nations who traffic with each other become reciprocally dependent.’² It also encouraged freedom within nations; ‘the people of the North have need of liberty, for this can best procure them the means of satisfying all those wants which they have received from nature.’³ It encouraged freedom from prejudice and good morals. ‘Commerce is a cure for the most destructive prejudices; for it is almost a general rule, that wherever we find agreeable manners, there commerce flourishes; and that wherever there is commerce, there we meet with agreeable manners.’⁴ It encouraged all the Protestant ethical values, as well as political self-discipline. ‘True is it that when a democracy is founded on commerce, private people may acquire vast riches without a corruption of morals. This is because the spirit of commerce is naturally attended with that of frugality, economy, moderation, labor, prudence, tranquillity, order and rule. So long as this spirit subsists, the riches it produces have no bad effect.’⁵

Montesquieu’s allusion to the ‘corruption of morals’ in fact reveals another subtle twist to his argument, for he admitted on other occasions that commerce led to a corruption of morality and in particular to the growth of vanity. Yet even the negative effects could be positive. ‘Commercial laws, it may be said, improve manners for the same reason that they destroy them. They corrupt the purest morals.’⁶ Fashion or vanity, encouraged by trade, could be extremely beneficial. ‘This fashion is a subject of importance; by encouraging a trifling turn of mind, it continually increases the branches of its commerce.’⁷ Montesquieu recognized that ‘Vanity is as advantageous to a government as pride is dangerous. To be convinced of this we need only represent, on the one hand, the numberless benefits which result from vanity, as industry, the arts, fashions, politeness, and taste.’⁸

In particular, Montesquieu recognized that commerce, leading to manufacture, altered the social hierarchy, leading to a powerful middle class which was a bulwark against tyranny. The contrast between an almost entirely agricultural population such as China or Russia and the powerful middle class cultures of England or Holland was impressive. ‘Commerce itself is inconsistent with the Russian laws. The people are composed only of slaves employed in agriculture,

¹Montesquieu, *Spirit*, I, 332

²Montesquieu, *Spirit*, I, 316

³Montesquieu, *Spirit*, I, 332

⁴Montesquieu, *Spirit*, I, 316

⁵Montesquieu, *Spirit*, I, 46

⁶Montesquieu, *Spirit*, I, 316

⁷Montesquieu, *Spirit*, I, 295

⁸Montesquieu, *Spirit*, I, 295

and of slaves called ecclesiastics or gentlemen, who are the lords of those slaves; there is then nobody left for the third estate, which ought to be composed of mechanics and merchants.¹

Returning now to the question of the effects of climate and terrain, we can see how complex Montesquieu's reasoning was - for instance we have climate, leading to commerce, encouraging a middle class, which formed a bulwark against despotism. Furthermore, he realized that it was not just the climate itself, but its link to political boundaries that was important.

The climatic influence lay as much in the sharp variations of climate within a small area as in the actual climate. The effects would also vary depending on the political boundaries. One of Montesquieu's theories was that if all necessities could be produced within one political boundary, this would lead towards despotism, whereas if necessities had to be exchanged between political entities, this would encourage freedom. Yet it was not just trade in itself. Montesquieu noted the self-sufficiency of Egypt. 'The Egyptians - a people who by their religion and their manners were averse to all communication with strangers - had scarcely at that time any foreign trade. They enjoyed a fruitful soil and great plenty. Their country was the Japan of those times; it possessed everything within itself.'² The remark, 'The Japan of those times' is intriguing and is expanded elsewhere.

Let us next consider Japan. The vast quantity of what they receive is the cause of the vast quantity of merchandise they send abroad. Things are thus in as nice an equilibrium as if the importation and exportation were but small. Besides, this kind of exuberance in the state is productive of a thousand advantages; there is a greater consumption, a greater quantity of those things on which the arts are exercised; more men employed, and more numerous means of acquiring power; exigencies may also happen that require a speedy assistance, which so opulent a state can better afford than any other.³

This is slightly contradictory, of course, for despite the fact that Montesquieu must have been aware, as he earlier shows, that Japan had in the 1620s closed itself to foreign trade, he talks of 'the vast quantity of merchandise they send abroad.' Yet the passage is valuable as an indication of what Montesquieu thought of the stimulating effects of trade on the arts and on wealth in general.

In another striking passage he describes the connection between liberty and commerce, for not only was trade a cause of liberty, it was also a consequence, for it could only flourish where there was a certain freedom. 'Commerce is sometimes destroyed by conquerors, sometimes cramped by monarchs; it traverses the earth, flies from the places where it is oppressed, and stays where it has liberty to breathe: it reigns at present where nothing was formerly to be seen but deserts, seas, and rocks; and whence it once reigned now there are only deserts.'⁴ It was a fragile, fickle, yet powerful force. Just as it could not have its full effect within a large, bounded and inward turning Empire, likewise it was just as harmful if there was too much space between the political entities, as

¹Montesquieu, *Spirit*, I, 393

²Montesquieu, *Spirit*, I, 336

³Montesquieu, *Spirit*, I, 329-330

⁴Montesquieu, *Spirit*, I, 333

when there was too little. Thus he noted that isolation and poverty were also linked. He believed that the fact that most African coastal societies were still tribal, was principally 'because the small countries capable of being inhabited are separated from each other by large and almost uninhabitable tracts of land.'¹

There was yet another chain of causation leading from soil and climate towards liberty and this was by way of the agricultural system, in particular the type of crops grown. Montesquieu began to develop a theory that population densities and degrees of liberty were connected. He noted four major agricultural regions in the world and their attendant population densities. 'Pasture-lands are but little peopled, because they find employment only for a few. Corn-lands employ a great many men, and vineyards infinitely more.'² This roughly corresponds to the three regions of Europe - the pastoral north, the corn-growing middle, and the vineyards of his own Bordeaux and the Mediterranean region, and the increasing population densities associated with them. All of these were compatible with the moderate liberty of republic and monarchy - republics in the pastoral or mixed areas, monarchy in the corn and vineyard areas.

Against the whole of Europe he placed Asia, with the fourth major system, namely wet rice cultivation. He set out the connection between dense population and rice cultivation, particularly in China, in a number of places and it seems to have been one of his implicit explanations for the fact that China seemed to have reached a plateau of wealth and to be the archetype of despotism. He thought that 'China is the place where the customs of the country can never be changed'³, a place where 'the laws, manners, and customs, even those which seem quite indifferent, such as their mode of dress, are the same to this very day...as they were a thousand years ago.'⁴ Since the connections between rice, over-population, and the prevalence of despotism over three-quarters of the globe is central to his argument, it is worth elaborating on his description of the links.

Montesquieu describes the intensive nature of rice cultivation, which both sucks up labour, and provides sustenance.

In countries productive of rice, they are at vast pains in watering the land: a great number of men must therefore be employed. Besides, there is less land required to furnish subsistence for a family than in those which produce other kinds of grain. In fine, the land which is elsewhere employed in raising cattle serves immediately for the subsistence of man; and the labor which in other places is performed by cattle is there performed by men; so that the culture of the soil becomes to man an immense manufacture.⁵

The importance of rice was supplemented by Montesquieu's now rejected views that hot climates led to higher fertility through directly stimulating sexual activity and female reproductive capacity. 'The climate of China is surprisingly favourable to the propagation of the human species. The women are the most

¹Montesquieu, *Spirit*, I, 332

²Montesquieu, *Spirit*, II, 8

³Montesquieu, *Spirit*, I, 298

⁴Montesquieu, *Spirit*, I, 225

⁵Montesquieu, *Spirit*, II, 8

prolific in the whole world.¹ More plausibly, anticipating Smith and Malthus, he argued that there was the universal desire for marriage as soon as possible. 'Wherever a place is found in which two persons can live commodiously, there they enter into marriage. Nature has a sufficient propensity to it, when unrestrained by the difficulty of subsistence.'² Rice being so productive and being able to accommodate more and more labour this made early marriage widespread and hence the population rose rapidly so that 'China grows every day more populous, notwithstanding the exposing of children' and 'the inhabitants are incessantly employed in tilling the lands for their subsistence.'³

He added a third reason why the Chinese population grew so quickly, which anticipates more recent theories. This was to do with the attitudes towards the family. Although he does not link this explicitly to Confucianism or the descent system, his observation is perceptive.

If the population of China is enormous, it is only the result of a certain way of thinking; for since children look upon their parents as gods, reverence them as such in this life, and honour them after death with sacrifices by means of which they believe that their souls, absorbed into Tyen, recommence a new existence, each one is bent on increasing a family so dutiful in this life, and so necessary for the next.⁴

The negative effect of this was that people lived on the verge of starvation, despite their immense toil and the productiveness of agriculture. 'The people, by the influence of the climate, may grow so numerous, and the means of subsisting may be so uncertain, as to render a universal application to agriculture extremely necessary'⁵ This also suggests that almost all effort had to go into agriculture rather than, as in Europe, into commerce and manufacture. Even thus, 'China, like all other countries that live chiefly upon rice, is subject to frequent famines.'⁶ It was a Malthusian treadmill, for 'in China, the women are so prolific, and the human species multiplies so fast, that the lands, though never so much cultivated, are scarcely sufficient to support the inhabitants.'⁷ The only compensation was that the blind fury of the populace when famine struck was the one check on the rulers and hence tempered, somewhat, the despotism. 'In spite of tyranny, China by the force of its climate will be ever populous, and triumph over the tyrannical oppressor.'⁸ This was because, 'From the very nature of things, a bad administration is here immediately punished. The want of subsistence in so populous a country produces sudden disorders.'⁹ Despotism it might be, but a despotism tempered by the need to provide sufficient 'bread and circuses', or rather 'rice and ritual', to stop the millions of long-suffering Chinese from rising to overthrow their masters.

¹Montesquieu, *Spirit*, I, 123

²Montesquieu, *Spirit*, II, 6

³Montesquieu, *Spirit*, I, 124

⁴Montesquieu, *Persian Letters*, no. 120; 'Tyen' is noted as 'the heaven of the Chinese'.

⁵Montesquieu, *Spirit*, I, 99

⁶Montesquieu, *Spirit*, I, 124

⁷Montesquieu, *Spirit*, I, 100

⁸Montesquieu, *Spirit*, I, 124

⁹Montesquieu, *Spirit*, I, 124

Another argument concerning the relation of physical environment and political absolutism concerns the size of political unit. Montesquieu early developed a sort of political equivalent to the argument that 'small is beautiful'. He summarized his theory succinctly, that 'the natural property of small states to be governed as a republic, of middling ones to be subject to a monarch, and of large empires to be swayed by a despotic prince...'¹ The reasons for this are complex. One seems to be that 'A large empire supposes a despotic authority in the person who governs. It is necessary that the quickness of the prince's resolutions should supply the distance of the places they are sent to.'² This link was earlier foreshadowed as we have seen in Montesquieu's theory that it was the predatory expansion of Roman civilization outside Italy which inevitably changed it from a Republic into a despotic absolutism - a fear which was brought alive again by the aggressive policies of Louis XIV and only avoided by his failures.

The reasons why, in the end, the Roman Empire and despotism collapsed, and why neither the Hapsburgs nor Louis XIV had been able to make Europe into one vast despotic Empire, unlike Russia or China, were basically, geographical.

In Asia they have always had great empires; in Europe these could never subsist. Asia has larger plains; it is cut out into much more extensive divisions by mountains and seas; and as it lies more to the south, its springs are more easily dried up; the mountains are less covered with snow; and the rivers being not so large form more contracted barriers.³

For this reason, 'Power in Asia ought, then, to be always despotic: for if their slavery was not severe they would make a division inconsistent with the nature of the country.'⁴ In Europe on the other hand, divided into middle sized states, rulers have to maintain a balance sufficient to keep the enthusiasm and support of their citizens. 'In Europe the natural division forms many nations of a moderate extent, in which the ruling by laws is not incompatible with the maintenance of the state: on the contrary, it is so favourable to it, that without this the state would fall into decay, and become a prey to its neighbours.'⁵ This balance between middle sized political units makes it impossible to set up permanent empires, and encourages liberty. 'It is this which has formed a genius for liberty that renders every part extremely difficult to be subdued and subjected to a foreign power, otherwise than by the laws and the advantage of commerce.'⁶

This analysis has been summarized and commented on by Durkheim, and was important in shaping the latter's thought. He suggests that 'the major role' in Montesquieu's ideas of what shapes the form of a society is played by 'the volume of the society'. In small-scale societies there will be republics, because the 'affairs of the community are at all times present to the eyes and mind of every single citizen.' Thus those in power are only the first among equals.

¹Montesquieu, *Spirit*, I, 122

²Montesquieu, *Spirit*, I, 122

³Montesquieu, *Spirit*, I, 269

⁴Montesquieu, *Spirit*, I, 269

⁵Montesquieu, *Spirit*, I, 269

⁶Montesquieu, *Spirit*, I, 269

But if the society grows larger, everything changes...The increasing differentiation of society gives rise to divergent outlooks and objectives. Further, the sovereign power becomes so great that the person who exercises it is far above all others. The society cannot but change from the republican to the monarchic form. But if the volume increases still further and becomes excessive, monarchy gives way to despotism, for a vast empire cannot subsist unless the prince has the absolute power enabling him to maintain unity among peoples scattered over so wide an area. So close is the relationship between the nature of a society and its volume that the principle peculiar to each type ceases to operate if the population increases or diminishes excessively.¹

Durkheim admits that although there are a number of exceptions and objections to this. 'Nevertheless, Montesquieu displays great insight in attributing such influence to the number of social units. This factor is indeed of the highest importance in determining the nature of societies, and in our opinion accounts for the chief differences between them. Religion, ethics, law, the family, etc., cannot be the same in a large society as in a small one.'²

For Montesquieu, therefore, there were two levels of analysis. Within the world as a whole, three-quarters was covered by 'despotic' regimes - that is China, India and the Near East, Turkey and Russia. Only western Europe was relatively free, enjoying monarchical and occasionally republican government. This was roughly the same picture that Machiavelli had drawn in the sixteenth century.

Although Montesquieu does not explicitly make the link, the line between feudal-monarchical systems, Japan in the East, and western Europe in the West, and bureaucratic absolutisms elsewhere, was exactly the line of Mongol conquest. Some might suggest a causal connection, lying somewhere in the devastating effect of Mongol invasions on all Montesquieu's middling-level counter-balances to autocratic power, which were removed in each of the Mongol invasions. Although they spared some cities, the Mongols tended to level a great deal, destroying the centre - the towns, universities, small concentrations of wealth and power laboriously built up and left only a massive impoverished peasantry and a vacuum at the top to be filled by an absolute ruler. This happened several times in China, the Middle East, and at least once in Russia. But the Mongols stopped on the borders of Austria, and the fleets of Kublai Khan were halted on the beaches of Japan. Only where they did not penetrate did successful commercial capitalist systems with mixed governments develop.

Yet this is moving well beyond Montesquieu - though he hints at this line of argument when he compares the effects of different kind of invasions. In his **Pensées** he contrasted the effect of Islamic and Norse/Germanic invasions, and the innate tendencies towards centralization, working much faster after the former than the latter type of invasion. "From time to time there take place in the world those inundations of peoples that impose everywhere their customs and mores. The inundation of the Muslims brought despotism; the Northmen, the government of nobles. It took nine hundred years to abolish that

¹Durkheim, *Montesquieu*, 37-8

²Durkheim, *Montesquieu*, 38

government and to establish, in every state, monarchy...That is why there has always been an ebb and flow of empire and liberty.”¹

Montesquieu drew a second division, within Europe. Anticipating Marc Bloch,² he saw that Europe comprised two agrarian civilizations, a Roman law civilization south of a line running through France and a Germanic common law civilization in northern France, northern Germany and to the northwards. This was an old and enduring line. There was a further division, between the absolutist tending monarchies of most of western Europe, and the few oases of open, liberal, government. It was in two such countries that his books published were published, in Holland and in Switzerland. It was in the third, England, that he was able to explore the ways in which peace, prosperity, liberty and piety could all flourish side by side.

¹Quoted in Conroy, **Montesquieu**, 127

² Bloch, **French Rural History**, 35

3. THE DEFENCE OF LIBERTY

Even before he visited England, Montesquieu was aware that it was a country with a peculiarly anti-authoritarian spirit. In the person of Uzbek, he describes the English thus.

All the nations of Europe are not equally submissive to their princes: the impatient humour of the English, for instance, leaves their king hardly any time to make his authority felt. Submission and obedience are virtues upon which they flatter themselves but little. On this subject they say most amazing things. According to them there is only one tie which can bind men, and that is gratitude: husband and wife, father and son, are only bound to each other by their mutual affection, or by the services they do each other: and these various motives of obligation are the origin of all kingdoms and communities. But if a prince, instead of making the lives of his subjects happy, attempts to oppress and ruin them, the basis of obedience is destroyed; nothing binds them, nothing attaches them to him; and they return to their natural liberty. They maintain that all unlimited power must be unlawful, because it cannot have had a lawful origin. For, we cannot, say they, give to another more power over us than we ourselves have: now, we have not unlimited power over ourselves; for example we have no right to take our own lives: no one upon earth then, they conclude, has such a power.¹

Referring to the English Civil War, Montesquieu wrote ‘Thus the people of England, finding themselves stronger than one of their kings, pronounced it high treason in a prince to make war upon his subjects.’²

It was only after he had visited England, and united his reading of Locke and others with attendance at parliamentary debates and courts of law, that Montesquieu saw how the system worked. His account is famous, and is helpfully summarized by Sorel as follows.

To make the laws and control their execution, there is a body of legislators composed of representatives of the people elected by a system of suffrage almost universal, for it must include ‘all citizens...except those who are in such a low condition that they are considered to have no will of their own;’ there is an upper chamber composed of hereditary members sharing with the legislative assembly in making the laws, except those relating to taxes, in regard to which the upper chamber is granted only the right to oppose for fear lest it be corrupted by the crown; there is an executive power entrusted to a monarch, because just as legislation demands deliberation, which is the act of several persons, so execution requires volition, which properly belongs to but one; the executive has not necessarily the power of originating the laws, and takes no part in debates, but has the right to veto new laws; if there is no monarch, the executive power must not be entrusted to members of the legislative assembly, because then the two powers would be blended; the legislative assembly can judge neither the conduct nor the person of the monarch, because this would be a confusion of powers; but though the monarch is inviolable and sacred, his ministers can be called to account and punished. The two chambers meet at stated times, and each year vote on the amount of the taxes and the number of soldiers.³

The results of this balance of powers was a set of freedoms which Montesquieu elaborated in several famous chapters of the **Spirit of the Laws**.

There was equality of law. ‘Their laws not being made for one individual more than another, each considers himself a monarch; and, indeed the men of this

¹Montesquieu, *Persian Letters*, no.105

²Montesquieu, *Persian Letters*, no.105

³Sorel, *Montesquieu*, 126-7

nation are rather confederates than fellow-subjects.¹ There was religious toleration and liberty.

With regard to religion, as in this state every subject has a free will, and must consequently be either conducted by the light of his own mind or by the caprice of fancy, it necessarily follows that everyone must either look upon all religion with indifference, by which means they are led to embrace the established religion, or they must be zealous for religion in general, by which means the number of sects is increased.²

There was intellectual freedom. 'As the enjoyment of liberty, and even its support and preservation consist in every man's being allowed to speak his thoughts, and to lay open his sentiments, a citizen in this state will say or write whatever the laws do not expressly forbid to be said or written.'³ There was freedom to change political allegiance. 'Every individual is independent, and being commonly led by caprice and humour, frequently changes parties.'⁴ There was freedom to engage in whatever activity or occupation one liked. In France, for instance, the nobility were kept out of trade. 'In a monarchical government, it is contrary to the spirit of commerce that any of the nobility should be merchants.'⁵ The reverse was true in England and this might be a cause as well as a consequence of political freedom. 'It is contrary to the spirit of monarchy to admit the nobility into commerce. The custom of suffering the nobility of England to trade is one of those things which have there mostly contributed to weaken the monarchical government.'⁶ In sum, this was a proud and free nation; 'As no subject fears another, the whole nation is proud: for the pride of kings is founded only on their independence. Free nations are haughty; others may more properly be called vain.'⁷ All of this meant that it did not really matter how competent the government was. 'In a free nation it is very often a matter of indifference whether individuals reason well or ill; it is sufficient that they do reason: hence springs that liberty which is a security from the effects of these reasonings.'⁸

In many ways Montesquieu's more general definitions of the essence of political liberty were refinements from the actual situation as he perceived it in England. He defined liberty as 'a right of doing whatever the laws permit, and if a citizen could do what they forbid he would no longer be possessed of liberty, because all his fellow-citizens would have the same power.'⁹ Liberty and desire should be identical. 'In governments, that is, in societies directed by laws, liberty can consist only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will.'¹⁰ Thus the art of good government

¹Montesquieu, *Spirit*, I,314

²Montesquieu, *Spirit*, I, 312

³Montesquieu, *Spirit*, I, 309

⁴Montesquieu, *Spirit*, I, 308

⁵Montesquieu, *Spirit*, I, 327

⁶Montesquieu, *Spirit*, I, 327

⁷Montesquieu, *Spirit*, I, 315

⁸Montesquieu, *Spirit*, I, 315

⁹Montesquieu, *Spirit*, I, 150

¹⁰ Montesquieu, *Spirit*, I, 150

was to harmonize individual desire and government policy, using the minimum of force.

I have often inquired which form of government is most conformable to reason. It seems to me that the most perfect is that which attains its object with the least friction; so that the government which leads men by following their propensities and inclinations is the most perfect. If under a mild government the people are as submissive as under a severe one, the former is to be preferred, since it is more rational, severity being a motive foreign to reason.¹

There is bound to be some loss of liberty, but it should be minimal. We are told that ‘In his notebook he described liberty as a good net in which the fish do not feel constrained.’² Political liberty consisted of freedom from fear. ‘The political liberty of the subject is a tranquillity of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another.’³ Or again, ‘Political liberty consists in security, or, at least, in the opinion that we enjoy security.’⁴ ‘Philosophic liberty consists in the free exercise of the will; or at least, if we must speak agreeably to all systems, in an opinion that we have the free exercise of our will.’⁵

Thus he believed that ‘the safety of the people is the supreme law’⁶ and that ‘This security is never more dangerously attacked than in public or private accusations. It is, therefore, on the goodness of criminal laws that the liberty of the subject principally depends.’⁷ England, with its freedom from torture, freedom from the inquisitorial process of Roman law and the absence of secret accusations was the paramount example of such ‘liberty of the subject’, so distant from the world of examining magistrates and torture over which Montesquieu in his youth had presided.

The added twist to Montesquieu’s argument was that liberty was not merely desirable in itself, but seemed to lead, through trade and manufacture, to economic and thence to political power. Sorel is right that ‘Montesquieu did not foresee the speedy advent and prodigious development of modern democracy. Still less would he believe it possible to organize democratic republics in vast countries.’⁸ He was also right in detecting a certain disdain in Montesquieu’s tone when he wrote ‘The politicians of our day talk of nothing but manufactures, commerce, wealth and even luxury!’⁹ Yet he is only half right when he continues that ‘Montesquieu did not suspect that these manufactures, this commerce, this wealth, and even this luxury, which he considered incompatible with

¹Montesquieu, *Persian Letters*, 81

²Shklar, *Montesquieu*, 86

³Montesquieu, *Spirit*, I, 151

⁴Montesquieu, *Spirit*, I, 183

⁵Montesquieu, *Spirit*, I, 183

⁶Montesquieu, *Spirit*, II, 78

⁷Montesquieu, *Spirit*, I, 183-184

⁸Sorel, *Montesquieu*, 113

⁹Sorel, *Montesquieu*, 113

democracies, would one day become their corner-stone, and that this revolution would be effected in his own country and permeate all Europe.’¹

Montesquieu was living just at the point when it was becoming obvious that England and Holland and indeed much of north-western Europe, were rapidly becoming both the freest and the richest parts of Europe. This was being done by a hitherto untried route. Almost all previous nations had made wealth subservient to power, that is to say predation dominated production. But England had reversed this. ‘Other nations have made the interests of commerce yield to those of politics; the English, on the contrary, have ever made their political interests give way to those of commerce.’² This is a first hint of the later theme of ‘a nation ruled by shop keepers’ which would be fully developed by Adam Smith.

Linked to this reversal was the curious down-grading of the military profession. Unlike every other major western country and particularly the Romans, in England ‘Military men are there regarded as belonging to a profession which may be useful but is often dangerous, and as men whose very services are burdensome to the nation: civil qualifications are therefore more esteemed than the military.’³ Montesquieu noted a similar development in that ‘other queen of the sea, the Republic of Holland, so respected in Europe, and so feared in Asia, where its merchants behold many a king bow to the dust before them.’⁴

Montesquieu noted the general shift from the Catholic south to the Protestant north, which he associated with wealth, population and power.

Before the humiliation of the power of Spain, the Catholics were much stronger than the Protestants. Little by little the latter have arrived at an equality. The Protestants will become richer and more powerful, and the Catholics will grow weaker. The Protestant countries ought to be, and are, in fact, more populous than the Catholic ones; from which it follows, firstly, that their revenue is greater, because it increases in proportion to the number of those who pay taxes; secondly, that their lands are better cultivated; lastly, that commerce is more prosperous, because there are more people who have fortunes to make; and that, with increased wants, there is an increase of resources to supply them.⁵

The last point, concerning the tax base, the conversion of wealth into power, is amplified thus. ‘There is no Protestant prince who does not levy upon his people much heavier taxes than the Pope draws from his subjects; yet the latter are poor, while the former live in affluence. Commerce puts life into all ranks among the Protestants, and celibacy lays its hand of death upon all interests among the Catholics.’⁶

The populousness is partly caused, as he notes, by the absence of celibacy. It is also because freedom attracts people. Montesquieu himself had personally

¹Sorel, *Montesquieu*, 113

²Montesquieu, *Spirit*, I, 321

³Montesquieu, *Spirit*, I, 310

⁴Montesquieu, *Persian Letters*, no.136

⁵Montesquieu, *Persian Letters*, no.118

⁶Montesquieu, *Persian Letters*, no.118

experienced this. Not only had he seen the Huguenots flee from France after the Revocation of the Edict of Nantes in 1685, but also in Bordeaux he had seen the after-effects of intolerance of religious minorities in the way the large group of Protestants, including his wife's family, had been treated. Thus he wrote from the heart when he stated,

The propagation of the species is wonderfully aided by a mild government. All republics are a standing proof of this; especially Switzerland and Holland, which, with regard to the nature of the land, are the two worst countries in Europe, and which are yet the most populous. Nothing attracts strangers more than liberty, and its accompaniment, wealth: the latter is sought after for itself, and our necessity leads us into those countries in which we find the former.¹

Anticipating much later speculation on the role of marginalized religious minorities such as the Jews or Quakers, he wrote 'It is worthy of note that those who profess tolerated creeds usually prove more useful to their country than those who profess the established faith; because, being excluded from all honours, and unable to distinguish themselves except by wealth and its shows, they are led to acquire riches by their labour, and to embrace the most toilsome of occupations.'² This was another good reason for toleration rather than the oppression he had witnessed in Spain and France.

Montesquieu noticed that England had a very productive agriculture. Such were its surpluses that he relaxed his general rule and admitted that it could afford some luxuries. 'In England the soil produces more grain than is necessary for the maintenance of such as cultivate the land and of those who are employed in the woollen manufactures. This country may be therefore allowed to have some trifling arts and consequently luxury.'³ The country's obvious wealth was not based on producing unnecessary things, but in particular on its woollen manufacture and trade. 'They enjoy a solid luxury, founded, not on the refinements of vanity, but on that of real wants; they ask nothing of nature but what nature can bestow.'⁴ All this was very helpful, and supplemented its greatest natural advantage, which was the fact that it was an island.

The ruling nation inhabiting a large island, and being in possession of a great trade, has with extraordinary ease grown powerful at sea; and as the preservation of its liberties requires that it should have neither strongholds nor fortresses nor land forces, it has occasion for a formidable navy to defend it against invasions; a navy which must be superior to that of all other powers, who, employing their treasures in wars on land, have not sufficient for those at sea.⁵

This advantage also extended to its overseas policies. It was, not, unlike war-weary France, or Italy in the expansion of Rome, lured into the folly of endless land wars. 'This nation, inhabiting an island, is not fond of conquering, because it would be weakened by distant conquests - especially as the soil of the island is so good, for it has then no need of enriching itself by war.'⁶ Thus it has

¹Montesquieu, *Persian Letters*, no.123

²Montesquieu, *Persian Letters*, no.86

³Montesquieu, *Spirit*, I, 100

⁴Montesquieu, *Spirit*, I, 314

⁵Montesquieu, *Spirit*, I, 311-12

⁶Montesquieu, *Spirit*, I, 310

become a 'trading people' and 'If this nation sends colonies abroad, it must rather be to extend its commerce than its dominion.'¹

The final ingredient for England's power arose from a cunning combination of its natural wealth and its freedom. Here Montesquieu developed an interesting idea of the relations between political balance and the use of the citizen's wealth. Montesquieu contrasted this with the usual policy of oppressive governments, as a parable. 'When the savages of Louisiana are desirous of fruit, they cut the tree to the root, and gather the fruit ... This is an emblem of despotic government.'² In such a setting of insecurity, as soon as a surplus is generated it is scooped off. This affects everybody, and in particular the chances of developing extensive merchant or manufacturing wealth. 'Hence it is that a merchant under this government is unable to carry on an extensive commerce; he lives from hand to mouth; and were he to encumber himself with a large quantity of merchandise, he would lose more by the exorbitant interest he must give for money than he could possibly get by the goods.'³

The high rate of interest was also a result of the insecurity and despotism. 'In those Eastern countries, the greater part of the people are secure in nothing; there is hardly any proportion between the actual possession of a sum and the hopes of receiving it again after having lent it: usury, then, must be raised in proportion to the danger of insolvency.'⁴ Ironically, therefore, the tax base shrank and less could be extracted. A vicious circle was entered. Whatever was available was taken away and every sprout was consumed. Hardly the way to encourage manufacture or even agriculture. In such a despotic state 'the incomes of the subjects would cease almost entirely, and consequently that of the prince. There would hardly be any exchange of goods among the citizens, and there would be an end of that circulation of wealth, and of that increase of revenue, which arises from the dependence of the arts upon each other; each person would live upon his land, and would take from it only just enough to keep him from dying of hunger.'⁵ He had seen the effects of the consequent downward spiral in the case of Rome. 'No states are in greater need of taxes than those which are growing weaker, so that burdens must be increased in proportion as the ability to pay decreases. Soon, in the Roman provinces, taxes became unbearable.'⁶

The reverse of this was a situation where the citizens were not molested too early and only their surpluses were regularly collected. This was the situation in a place like England or Holland. 'It is a general rule that taxes may be heavier in proportion to the liberty of the subject, and that there is a necessity for reducing them in proportion to the increase of slavery. This has always been and always will be the case.'⁷ The regularity and certainty, in other words a fixed amount,

¹Montesquieu, *Spirit*, I, 311

²Montesquieu, *Spirit*, I, 57

³Montesquieu, *Spirit*, I, 63

⁴Montesquieu, *Spirit*, I, 396-7

⁵Montesquieu, *Persian Letters*, no.107

⁶Montesquieu, *Considerations*, 171

⁷Montesquieu, *Spirit*, I, 214

was also important - a theme developed by Adam Smith. For 'as the people have a certain knowledge of the necessity of submitting to those taxes, they pay them from the well-founded hope of their discontinuance; their burdens are heavy, but they do not feel their weight: while in other states the uneasiness is infinitely greater than the evil.'¹ Furthermore, since the people identify themselves with their rulers and feel attached to their political system they will, in a free state, make voluntary sacrifices of a kind which are greater than those that can be forced out of them in a despotic ones. Again referring to England, he wrote that 'This nation is passionately fond of liberty, because this liberty is real; and it is possible for it, in its defence, to sacrifice its wealth, its ease, its interest, and to support the burden of the heaviest taxes, even such as a despotic prince durst not lay upon his subjects.'²

The moral of this was that it was in the interests of both citizens and those in power that wealth should be widely distributed. 'That very equality of the citizens which generally produces equality in their fortunes, brings plenty and vigour into all the parts of the body politic, and spreads these blessings throughout the whole state. It is not so in countries subject to arbitrary power: the prince, the courtiers, and a few private persons, possess all the wealth, while all the rest groan in extreme poverty.'³ Thus one could conclude 'that if a prince is to be powerful, it is necessary that his subjects should live in luxury; he ought to labour to procure all sorts of superfluities with as much care as the necessities of life.'⁴ It was a partnership, rather than an opposition. And from this derived Montesquieu's famous definition of taxation. 'Each citizen contributes to the revenues of the state a portion of his property in order that his tenure of the rest may be more secure.'⁵ Furthermore, the citizens trust their government and are therefore prepared to lend it immense sums in its hour of need - which would not be the case in a despotism. Such borrowing unites citizens and State even more closely. 'To preserve its liberty, it borrows of its subjects: and the subjects, seeing that its credit would be lost if ever it were conquered, have a new motive to make fresh efforts in defence of its liberty.'⁶

Thus a free people can attempt tasks apparently well beyond their strength, as Montesquieu had seen with the successes of the Duke of Marlborough in his battles against France, and in the expanding colonies of England. 'It is possible for it to undertake things above its natural strength, and employ against its enemies immense sums of fictitious riches, which the credit and nature of the government may render real.'⁷ From very early on the English had enjoyed security of real property from arbitrary seizure by the government 'The Magna Charta of England provides against the seizing of the lands or revenues of a debtor, when his movable or personal goods are sufficient to pay, and he is willing to give them up to his creditors; thus all the goods of an Englishman

¹Montesquieu, *Spirit*, I, 310

²Montesquieu, *Spirit*, I, 309-10

³Montesquieu, *Persian Letters*, no.123

⁴Montesquieu, *Persian Letters*, no.107

⁵Quoted in Sorel, *Montesquieu*, 130

⁶Montesquieu, *Spirit*, I, 310

⁷Montesquieu, *Spirit*, I, 310

represented money.¹ This was one of the reasons behind Montesquieu's affirmation that, as Locke and others had argued, private property should be safeguarded. 'Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question, it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least part of it by law, or a political regulation.'²

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Montesquieu was thus able to move back and forth between an abstract model of a wealthy, pious and liberal nation and its realization in England. Yet, beyond its island advantage, this still left open the question of why England was so different. Of course, part of the answer lay in geography and climate, but Montesquieu was not prepared to stop there. Reflecting on this very question he wrote, 'I do not deny that the climate may have produced a great part of the laws, manners, and customs of this nation; but I maintain that its manners and customs have a close connection with its laws.'³ The 'close connection', an anticipation of Weber's 'elective affinity', does not posit a necessary causal chain, but it allows Montesquieu to embark on his clear and sympathetic account of the constitutional and legal arrangements in England, an account which is very heavily based on Locke and Bolingbroke's work.

Montesquieu's greatness, as we noted earlier, lay in his recognition that the solution to many problems lay not in the things themselves, but in the relations between things. He was aware that there seemed to be a natural tendency as a nation became wealthier for it to expand and predate on others. This in turn seemed to lead to a growing concentration of power, or, put in another way, a breaking down of the division between spheres, solidifying them into one despotic whole. Freedom and progress, however, consisted in holding them apart.

The normal tendency towards despotism, even within west European nations, is best shown by Montesquieu's study of the Roman Empire. There he reveals how an inevitable pressure occurs. A small nation is successful, but its very success engenders the need to expand farther, and so it goes on. But each expansion shifts the balance away from republic and openness towards a more powerful centre so that one day the people wake up in a totalitarian state. This in turn leads to corruption and final collapse.

The model he developed for China is somewhat different. There was the same move outwards to fill the surrounding vacuum of power until the whole great plain of China was one huge Empire. In this Empire, not only, as we have seen, was religion and polity mixed, but likewise kinship and polity. He noted that 'This empire is formed on the plan of a government of a family. If you diminish the paternal authority, or even if you retrench the ceremonies which express

¹Montesquieu, *Spirit*, I, 376

²Montesquieu, *Spirit*, II, 73

³Montesquieu, *Spirit*, I, 307

your respect for it, you weaken the reverence due to magistrates, who are considered as fathers...'¹ Thus kinship allegiances strengthen political ties and **vice versa**. It is a true patriarchal system, power lying in the hands of the father/Emperor. The differences between this and the Roman situation is that the Chinese is far more deeply embedded. Partly because of the geography of Europe, partly because of the agriculture, partly because of the differences of religion, China's despotism could not be overturned, unlike Rome's. From time to time China was over-run, by Mongols, Manchus and others. At other times it split into pieces. Yet it always returned quickly to its monolithic shape.

Having explained the inter-connectedness of Chinese society and government. Montesquieu continues 'Hence it follows that the laws of China are not destroyed by conquest. Their customs, manners, laws, and religion being the same thing, they cannot change all these at once; and as it will happen that either the conqueror or the conquered must change, in China it has always been the conqueror.'² The essence was the absence of a separation of powers, not only between economy, society and polity, but at the level of the rulers, between legislative, executive and judiciary. Thus 'Most kingdoms in Europe enjoy a moderate government' because the prince left the judiciary powers 'to his subjects'. On the other hand, as could be seen, 'In Turkey, where these three powers are united in the Sultan's person, the subjects groan under the most dreadful oppression.'³

The secret of liberty was thus firstly a separation of spheres - economy from polity, religion from polity, religion from economy, and society (kinship) from polity, religion and economy. This would be reflected in and re-enforced at the governmental level by the separation and balance between legislature, executive and judiciary. What was needed was both separation and balance. To prevent abuse of power, 'it is necessary from the very nature of things that power should be a check to power. A government may be so constituted, as no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits.'⁴ For instance, 'there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression.'⁵ As Shklar put it, 'The central and continuous theme of the **Spirit of the Laws** is that the independence of the courts of law more than any other institution separates moderate from despotic regimes.'⁶ Even within each of these there should be further separations and balances. For instance, as in England with its balance between Commons, Lords and Crown, the 'legislative body being composed of two parts, they check one another by the mutual privilege of rejecting. They are both restrained by the executive power, as the executive is by

¹Montesquieu, **Spirit**, I, 303

²Montesquieu, **Spirit**, I, 302

³ Montesquieu, **Spirit**, I,152

⁴Montesquieu, **Spirit**, I, 150

⁵Montesquieu, **Spirit**, I, 152

⁶Shklar, **Montesquieu**, 81

the legislative.¹ This idea was partly derived from Locke, but as a number of authors have pointed out Montesquieu went far beyond Locke. He probably owed more to Bolingbroke and this is a case where a partial myth was created through a creative mis-reading of the English political system.² It would be a fruitful myth, however, for it formed the basis of the American constitution.

The problem, of course, was how to achieve such a balance in the first place and then, more difficult still, how to prevent the balance or dynamic harmony from being lost. Montesquieu had noted the point in Roman history when ‘the harmony of the three powers was lost.’³ Things cannot stand still and the dynamic tension had to be maintained over time. ‘These three powers should naturally form a state of repose or inaction. But as there is a necessity for movement in the course of human affairs, they are forced to move, but still in concert.’⁴ A middling balance was essential: ‘political, like moral good, lying always between two extremes.’⁵ Any excess or lurch in one direction, even something intrinsically good, when taken to its extreme, was dangerous. Anticipating Tocqueville, Montesquieu wrote that ‘Democracy has, therefore, two excesses to avoid - the spirit of inequality, which leads to aristocracy or monarchy, and the spirit of extreme equality, which leads to despotic power, as the latter is completed by conquest.’⁶

How then could the precarious balance be maintained? Montesquieu suggested that the secret lay in the power of a number of ‘intermediary bodies’. We are told that ‘The single most important doctrine in **The Spirit of the Laws** is Montesquieu’s theory that intermediate bodies like the nobility, the **parlements**, the local courts of seigneurial justice, and the church are all indispensable to political liberty.’⁷ As Sorel summarizes Montesquieu’s thought,

It is the nature of monarchy to be founded upon laws. The monarch is the source of all power, political and civil; but he exercises this power by means of channels ‘through which his power flows.’ These are ‘the intermediate, subordinate, and dependent powers,’ moderating ‘the shifting and capricious will of a single person.’ The two foremost of these powers are the nobility and clergy; the third is a body of magistrates, serving as a repository for constitutional laws, and reminding the prince of them when he seems to forget them. This hierarchy of rank is the necessary condition of monarchical government. If it is destroyed, the inevitable tendency is toward either despotism or democracy.⁸

Thus the nobility administers justice, the Parlements interpret the laws.⁹

The tension between these is important, for each will be striving for supremacy. But it is essential that none should win completely. Their continued

¹Montesquieu, **Spirit**, I, 160

²See Shackleton, **Montesquieu**, 286,298-301; Shackleton, **Essays**, 3ff,7,14; Althusser, **Montesquieu**, 88; and for a defence of Montesquieu, Morgan, **Liberty of Thought**, passim, esp. 13

³Montesquieu, **Spirit**, I, 180

⁴Montesquieu, **Spirit**, I, 160

⁵Montesquieu, **Spirit**, II, 156

⁶Montesquieu, **Spirit**, I, 110

⁷Richter ‘Montesquieu’, 474

⁸Sorel, **Montesquieu**, 117

⁹Shackleton, **Montesquieu**, 279-80

rivalry and inability to become dominant lay behind English liberty. ‘The civil power being in the hands of an infinite number of lords, it was an easy matter for the ecclesiastic jurisdiction to gain daily a greater extent. But as the ecclesiastic courts weakened those of the lords, and contributed thereby to give strength to the royal jurisdiction, the latter gradually checked the jurisdiction of the clergy.’¹

It was like the game of scissors, paper, stone. The clergy checked the lords, the Crown checked the clergy and, presumably, the lords checked the Crown. At a lower level, Montesquieu wrote at length about the need for intermediary bodies, the power of middling level entities such as city corporations, universities, guilds and fraternities. A strong development of such special groups would prevent that despotic division between a single ruler and his court on the one hand, and an enslaved populace on the other, which characterized China and had begun to emerge in Louis XIV’s France with the collapse of the provincial and national Parlements and other intermediary bodies. It was essential that there be many centres of power, each balancing the other.

It was for this reason that Montesquieu argued that far from showing the imminent collapse of the system, lively confrontations and arguments were a sign of health in a republic. A sustained harmony and peace was the sign of actual or imminent despotism. He showed ‘that pluralism and its perpetual tensions and quarrels are the fundamental and necessary conditions of political freedom.’² His classic account of this is in relation to Rome. ‘We hear in the authors only of the dissensions that ruined Rome, without seeing that these dissensions were necessary to it, that they had always been there and always had to be... To ask for men in a free state who are bold in war and timid in peace is to wish the impossible. And, as a general rule, whenever we see everyone tranquil in a state that calls itself a republic, we can be sure that liberty does not exist there.’³

He then develops the idea of a productive tension, a harmony created through dissonance, a balanced and dynamic equilibrium of forces.

What is called union in a body politic is a very equivocal thing. The true kind is a union of harmony, whereby all the parts, however opposed they may appear, cooperate for the general good of society - as dissonances in music cooperate in producing overall concord. In a state where we seem to see nothing but commotion there can be union - that is, a harmony resulting in happiness, which alone is true peace. It is as with the parts of the universe, eternally linked together by the action of some and the reaction of others.⁴

By a kind of paradox, the apparent harmony of despotic societies, was actually much more deeply riven by conflict, though the surface was smooth. For, ‘in the concord of Asiatic despotism - that is, of all government which is not moderate - there is always real dissension. The worker, the soldier, the lawyer, the magistrate, the noble are joined only inasmuch as some oppress the others without resistance. And, if we see any union there, it is not citizens who are

¹Montesquieu, *Spirit*, II, 148

²Shklar, *Montesquieu*, 59

³Montesquieu, *Considerations*, 93

⁴Montesquieu, *Considerations*, 93-4

united but dead bodies buried one next to the other.¹ Balanced polities were vibrant, energetic, noisy, alive; despotism was united by death - a powerful image.

All of this linked back to his earlier discussions. In theory a virtuous circle was possible. Liberty would encourage trade and manufacture, which would encourage the growth of powerful intermediate power groups, such as those represented in the English House of Commons, which would further establish liberty. Yet Montesquieu was in fact extremely dubious about the sustainability of this circle. The history of the world up to his time showed, as he said, that commercial republics were short-lived. Those of Italy and Germany had collapsed. As he wrote

Commercial powers can continue in a state of mediocrity a long time, but their greatness is of short duration. They rise little by little, without anyone noticing, for they engage in no particular action that resounds and signals their power. But when things have come to the point where people cannot help but see what has happened, everyone seeks to deprive this nation of an advantage it has obtained, so to speak, only by surprise.²

It seemed unlikely that Holland or England could long continue to tread the tight-rope between success and failure, for every success carried in it the temptation to expand and such expansion would, in the end, lead to collapse.

All that Montesquieu could do was marvel at a current situation where, for a time, a reasonable sized power seemed to have got the balance right. Thus the English 'which liberty and laws render easy, on being freed from pernicious prejudices, has become a trading people.'³ And this trading tied in and reinforced the liberty and the religious independence. So that the English 'know better than any other people upon earth how to value, at the same time, these three great advantages - religion, commerce, and liberty.'⁴

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Montesquieu's studies of the rise and collapse of Roman civilization and in particular his reading of Caesar and Tacitus on the customs of the Germanic peoples who conquered Rome, suggested an interesting theory to supplement his geographical reasons for the peculiarities of western Europe. In a sense these theories do not replace the earlier arguments. They tend to occur towards the middle and end of **Spirit** and are an attempt to provide an historical way of looking at the oddness of western Europe.

His basic premise was that in simple tribal societies there were those very values of liberty, equality and fraternity which characterized the best of current nations. Like Rousseau after him, Montesquieu believed that men were, by nature, born free and equal. The simplest people, hunter-gatherers, 'enjoy great liberty; for as they do not cultivate the earth, they are not fixed: they are

¹Montesquieu, *Considerations*, 94

²Montesquieu *Considerations*, 47

³Montesquieu, *Spirit*, I, 310

⁴Montesquieu, *Spirit*, I, 321

wanderers and vagabonds; and if a chief should deprive them of their liberty, they would immediately go and seek it under another, or retire into the woods, and there live with their families.¹ Thus slavery was immoral, for ‘as all men are born equal, slavery must be accounted unnatural, though in some countries it be founded on natural reason.’² The problem was that what began naturally and could be protected by voting with one’s feet, fleeing repression, later had to be protected by artificial means. ‘In the state of nature, indeed, all men are born equal, but they cannot continue in this equality. Society makes them lose it, and they recover it only by the protection of the laws.’³ This, in a nutshell, was the story which he wished to tell in relation to what had happened in western Europe.

Montesquieu’s reading of Caesar and Tacitus suggested to him that the early Germanic societies were largely pastoralists, mixing this with hunting and gathering. ‘Caesar says, that “The Germans neglected agriculture; that the greatest part of them lived upon milk, cheese, and flesh; that no one had lands or boundaries of his own; that the princes and magistrates of each nation allotted what portion of land they pleased to individuals, and obliged them the year following to remove to some other part.”’⁴ Or again, ‘It seems by Caesar and Tacitus that they applied themselves greatly to a pastoral life; hence the regulations of the codes of barbarian laws almost all relate to their flocks.’⁵ Like many pastoral peoples, they were egalitarian and independent minded, both at the tribal and individual level. They enjoyed a sort of republican structure, a confederation of small chiefdoms with little hierarchy. ‘Each tribe apart was free and independent; and when they came to be intermixed, the independency still continued; the country was common, the government peculiar; the territory the same, and the nations different.’⁶ Thus they managed to share a territory without becoming locked into an increasingly oppressive state.

They were unusually isolated and rural peoples, as befitted their agriculture, and ruled themselves through a kind of universal suffrage. ‘The German nations that conquered the Roman Empire were certainly a free people. Of this we may be convinced only by reading Tacitus “On the Manners of the Germans”. The conquerors spread themselves over all the country; living mostly in the fields, and very little in the towns. When they were in Germany, the whole nation was able to assemble.’⁷ Any sign of instituted rulers at this time is a mistake. Just as monarchy was absent in much of Europe before the Roman conquests, so ‘the peoples of the north and of Germany were not less free; and if traces of kingly government are found among them, it is because the chiefs of armies or republics have been mistaken for monarchs.’⁸

¹Montesquieu, *Spirit*, I, 277

²Montesquieu, *Spirit*, I, 240

³Montesquieu, *Spirit*, I, 111

⁴Montesquieu, *Spirit*, II, 172

⁵Montesquieu, *Spirit*, II, 175

⁶Montesquieu, *Spirit*, II, 95

⁷Montesquieu, *Spirit*, I, 163

⁸Montesquieu, *Persian Letters*, no.131

Another odd feature of these early societies was their monetary values in the midst of a pastoral economy. ‘The laws of the Germans constituted money a satisfaction for the injuries that were committed, and for the sufferings due to guilt. But as there was but very little specie in the country, they again constituted this money to be paid in goods or chattels.’¹ Curiously for so warlike a peoples, ‘Our ancestors, the Germans, admitted of none but pecuniary punishments. Those free and warlike people were of opinion that their blood ought not to be spilled but with sword in hand.’² Thus, having very little cash, everything became interchangeable. ‘With these people money became cattle, goods, and merchandise, and these again became money.’³

Montesquieu’s view of the liberating effect of what happened, especially when compared to the effects of the conquests by the Mongols, is summarized as follows.

Meantime an immense number of unknown races came out of the north, and poured like torrents into the Roman provinces: finding it as easy to conquer as to rob, they dismembered the empire, and founded kingdoms. These peoples were free, and they put such restrictions on the authority of their kings, that they were properly only chiefs or generals. Thus these kingdoms, although founded by force never endured the yoke of the conqueror. When the peoples of Asia, such as the Turks and the Tartars, made conquests, being subject to the will of one person, they thought only of providing him with new subjects, and of establishing by force of arms his reign of might; but the peoples of the north, free in their own countries, having seized the Roman provinces, did not give their chiefs much power. Some of these races, indeed, like the Vandals in Africa and the Goths in Spain, deposed their kings when they ceased to please them; and, amongst others, the power of the prince was limited in a thousand different ways; a great number of lords partook it with him; a war was never undertaken without their consent; the spoils were divided between the chief and the soldiers; and the laws were made in national assemblies. Here you have the fundamental principle of all those states which were formed from the ruins of the Roman Empire.⁴

The first wave of Germanic conquest was later re-enforced by a second with the Vikings. For these Montesquieu has equal praise. He wrote that Scandinavia ‘was the source of the liberties of Europe - that is, of almost all the freedom which at present subsists amongst mankind.’⁵ Thus, perhaps oddly to us today when we have forgotten that the word French comes from ‘Franks’, Montesquieu stressed the Germanic roots of not just much of Europe, but in particular France. He wrote that ‘Our ancestors, the ancient Germans, lived in a climate where the passions were extremely calm.’⁶ He believed that ‘it is impossible to gain any insight into our political law unless we are thoroughly acquainted with the laws and manners of the German nations...’⁷

The spread of Germanic civilization helped Montesquieu explain a mystery, that is the uniform and unprecedented spread of an original and new form of civilization in western Europe which grew from the ashes of Roman civilization.

¹Montesquieu, *Spirit*, I, 376

²Montesquieu, *Spirit*, I, 91

³Montesquieu, *Spirit*, I, 376

⁴Montesquieu, *Persian Letters*, no.131

⁵Montesquieu, *Spirit*, I, 268

⁶Montesquieu, *Spirit*, I, 232

⁷Montesquieu, *Spirit*, II, 196

‘I should think my work imperfect were I to pass over in silence an event which never again, perhaps, will happen; were I not to speak of those laws which suddenly appeared over all Europe without being connected with any of the former institutions.’¹ In fact, of course, although these laws bore little connection to the Roman civilization which he had studied so closely, they emanated directly from that system described for the Germans by Caesar and Tacitus for ‘Such is the origin of the Gothic government amongst us.’² This is the system which he admired and whose roots he wished to discover, for they clearly did not lie in Rome. ‘The feudal laws form a very beautiful prospect. A venerable old oak raises its lofty head to the skies, the eye sees from afar its spreading leaves; upon drawing nearer, it perceives the trunk but does not discern the root; the ground must be dug up to discover it.’³

The discovery of the roots was not merely of antiquarian interest for Montesquieu believed that the quintessence of liberty in modern Europe, that is the separation and balance of powers, had been first expressed in them. And it is therefore not surprising that he should make a great leap across the centuries by joining what he saw in the constitutional balance of early eighteenth century England to what he had read in Tacitus. ‘In perusing the admirable treatise of Tacitus “On the Manners of the Germans”, we find it is from that nation the English have borrowed the idea of their political government. This beautiful system was invented first in the woods.’⁴ It is not clear from this whether Montesquieu saw a straight continuity, or a conscious re-invention in England. He had neither the sources nor the time to fill in the detail of what happened over the intervening one and a half millenia. This will be a task taken up, as we shall see, by Tocqueville and Maitland. What is important is to note that Montesquieu’s theory gives him not only a stick to beat contemporary absolutisms in Europe with, but an hypothesis to explain the differences within Europe.

Drawing on hints in Montesquieu’s work, his theory can be put as follows. After the collapse of Rome, much of Europe was covered by a low density Germanic civilization, with its freedom and equality. Then over much of continental Europe, hierarchy and despotism began to re-assert itself as a necessary consequence of growing wealth and military confrontation. An expression and re-enforcing of this move towards what Tocqueville would call ‘caste’ and towards absolutism, was the re-introduction of Roman law and the Roman Catholic religion. In essence Europe lost its freedoms to a resurgent Roman civilization - and this was most evident in southern and central Europe, for instance in France. For reasons which Montesquieu does not elaborate, this returning tide became weaker the further north one went. So England, an island in fact and in law, retained its basically Germanic social structure, political system and monetary values. Thus, with its Germanic Protestantism added to this, it seemed an oasis (with Holland) in a desert of threatened despotism.

¹Montesquieu, *Spirit*, II, 171

²Montesquieu, *Spirit*, I, 163

³Montesquieu, *Spirit*, II, 171

⁴Montesquieu, *Spirit*, I, 161

Montesquieu had seen the process occur in his studies of Rome; the movement from small, egalitarian, societies, through increasing centralization of power, finally to absolutism and despotism. And he believed he discerned the same process in his own France. He writes of a visit to a library where the histories of all the modern nations are laid out.

Here are the historians of France, who show us to begin with the power of kings taking shape; then we see it perish twice, and reappear only to languish through many ages; but, insensibly gathering strength and built up on all sides, it achieves its final stage: like those rivers which in their course lose their waters, or hide them under the earth; then reappearing again, swollen by the streams which flow into them, rapidly draw along with them all that opposes their passage.¹

It culminated in the near absolutism of Louis XIV when almost all the intermediary, counter-vailing, forces were crushed. In particular, the regional parliaments had withered.

Parliaments are like those ruins which are trampled under foot, but which always recall the idea of some temple famous on account of the ancient religion of the people. They hardly interfere now except in matters of law; and their authority will continue to decrease unless some unforeseen event restores them to life and strength. The common fate has overtaken these great bodies; they have yielded to time which destroys everything, to moral corruption which weakens everything, and to absolute power which overbears everything.²

What was particularly sad, Montesquieu thought, was that the ancient foundations of freedom in Germanic laws and customs had been lost, and been overlain by the revived, absolutist and imperial, Roman laws. This Roman triumph had been made complete by Roman religion which had joined with Roman law. Speaking of France, Montesquieu asked:

Who would imagine that the most ancient and powerful kingdom in Europe had been governed for ten centuries by laws which were not made for it? If the French had been conquered, it would not be difficult to understand, but they are the conquerors. They have abandoned the old laws made by their first kings in the general assemblies of the nations; and, singularly enough, the Roman laws which have been substituted, were partly made and partly digested by emperors contemporary with their own legislators. And, to make the borrowing complete, and in order that all their wisdom might come from others, they have adopted all the constitutions of the Popes, and have made them a new part of their law: a new kind of slavery.³

Montesquieu's historical work was undertaken over two centuries ago. We may wonder how far it stands the test of time, and how far it has been refuted by subsequent research. Here we are fortunate to have a detailed study by Iris Cox on 'Montesquieu and the history of French laws' which compares his work in great detail with that of more recent scholars. She summarizes her findings thus: 'in my judgement, Montesquieu's historical account stands up well in the light of modern knowledge. His account is comparatively short, but his statements on most of the points he regarded as important in connection with his theory about the spirit of the laws of France are supported in the works to which I have

¹Montesquieu, *Persian Letters*, no.136

²Montesquieu, *Persian Letters*, no.93

³Montesquieu, *Persian Letters*, no. 101

referred.¹ She lists all his major sections, from the ‘organization of early German society, the facts of the Frankish invasion of Gaul’ through to ‘the gradual re-emergence of Roman law in a different form’, and finds that ‘all these stages in Montesquieu’s outline of development may be found in the pages of Chenon, Lot and other modern historians.’² She finds only two matters on which he may be mistaken and which affect his story: ‘One is the question as to whether people were free, in Merovingian and Carolingian times, to choose under which law they would live’, the other is ‘whether, from Merovingian times onwards, the administration of justice was ordinarily attached to the grant of land’.³ Neither of these possible areas of misinterpretation affect the more general account which I have summarized.

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When Montesquieu died his close friend the Earl of Chesterfield wrote the following tribute to him.

His virtues did honour to human nature; his writings justice. A friend to mankind, he asserted their undoubted and inalienable rights with freedom, even in his own country, whose prejudices in matters of religion and government he had long lamented, and endeavoured, not without some success, to remove. He well knew and justly admired the happy constitution of this country, where fixed and known laws equally restrain monarchy from tyranny, and liberty from licentiousness. His works will illustrate his name and survive him as long as right reason, moral obligation, and the true spirit of laws shall be understood, respected, and maintained.⁴

A century and a half later his French biographer, the historian Sorel, wrote a similar appraisal:

We have had sublimer philosophers, bolder thinkers, more eloquent writers, sadder, more pathetic, and more fertile creators of fictitious characters, and authors richer in the invention of images. We have had no more judicious observer of human societies, no wiser counsellor regarding great public interests, no man who had united so acute a perception of individual passions with such profound penetration into political institutions, - no one, in short, who has employed such rare literary talent in the service of such perfect good-sense.⁵

These descriptions praise Montesquieu’s mixture of high intelligence and courage. He managed to speak out against cruelty, slavery and absolutism despite the dangers. More importantly, he kept his regard for liberty, his freedom of spirit, alive despite the pressures of the French State and the Inquisition. One way to explain his achievement is to take the final message of his **Lettres Persanes**. Throughout the book the absolutist Usbek has been trying to break the spirit of the women in the harem. He believes he has at least achieved this in the case of his favourite Roxanne, whom he had raped into submission. Then, in the last letter she writes to him as she dies from self-poisoning, she exults that all his oppression has failed. In the midst of tyranny, watched and guarded and punished, she has kept her spirit and soul

¹ Cox, *Montesquieu*, 21

² Cox, *Montesquieu*, 21

³ Cox, *Montesquieu*, 21

⁴ Collins, *Montesquieu*, 177

⁵ Sorel, *Montesquieu*, 28-9

free. We can hear Montesquieu's voice in hers, as he writes to the absolutist forces of his time. 'How could you think that I was such a weakling as to imagine there was nothing for me in the world but to worship your caprices; that while you indulged all your desires, you should have the right to thwart me in all mine? No: I have lived in slavery, and yet always retained my freedom: I have remodelled your laws upon those of nature; and my mind has always maintained its independence.'¹ Thus it is absolutism which collapses, not the individual conscience. 'For a long time you have had the satisfaction of believing that you had conquered a heart like mine: now we are both delighted: you thought me deceived, and I have deceived you.'²

Through his integrity and support for liberty Montesquieu provided a model which would later inspire the two greatest revolutionary movements towards liberty of modern times. He was constantly cited and quoted by the figures in both the American and French revolutions and Jefferson's declaration of independence and the rights of man was based on his inspiration.

What, then, has this dialogue with Montesquieu contributed to an answer to the two riddles posed at the start of this book, namely why what were the forces which have made the development of human civilizations so slow and painful, and then what has enabled the 'progress' of mankind to be so amazingly rapid during the last three hundred years? In terms of approach, his elaboration of a comparative, structural and 'ideal type' methodology strengthens the case for believing that these are a fruitful way to approach the problem. He also provides a detailed historical account.

In terms of theory, there are a number of important contributions; the difficulties and precariousness of liberty, the relations of spheres and the tendency towards a rigid overlap of domains, yet the necessity of separation, political pluralism and liberty in order to create a virtuous spiral. Other important ideas include : the dangers associated with being conquered, islands and liberty and the importance of the size of political units on the likelihood of despotism. Above all, he lays out a preliminary historical account of how the escape may have happened. He shows the natural tendency of the rise and then destruction of centres of freedom, but he then shows through his examination of European history how England just managed to avoid this tendency. He appreciates the crucial role and nature of feudalism and shows how everywhere (except England) feudalism degenerated into caste and absolutism. He also considers the important case of China.

Among other useful ideas are those concerning the temptations to conquest which ruined the Roman Empire, the importance of Protestant Christianity as a religion of liberty, the importance of climate and the surprising advantages of having poor natural resources, and the advantages of ecological and geographical diversity in encouraging trade. He also noted the beneficial effects of commerce on 'morals', the enormous effects of rice cultivation on population and social structure, the devastating effects of the Mongol invasions, the dangers

¹Montesquieu, *Persian Letters*, no.161

²Montesquieu, *Persian Letters*, no.161

of over-taxation, and the ways in which liberty in turn, at least for a while, leads to wealth.

Finally there is his analysis of the system of checks and balances, of the role of Common Law and parliament, and of secondary powers, and in the maintenance of liberty once it had been achieved. Ultimately Montesquieu saw the solution to the riddle in the accidental emergence of a balance of powers between lords, clergy ruler and people, always fragile but somehow long maintained in England.

With Montesquieu we have a first approximation to an answer. Not only do we know how an answer might be constructed, but large parts, particularly on the geographical and historical side, have been partially filled in. Yet a partially completed answer is even more tantalizing and beckons us on to our next encounter with one of Montesquieu's greatest disciples, Adam Smith.¹

¹ See the separate volume on Adam Smith in this series.

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ed. edited or editor
edn edition
eds. editors
Jnl. Journal
n.d. no date
tr. translated by
Univ. University

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