

Montesquieu



I

IT IS FASHIONABLE nowadays to regard Charles de Secondat, Baron de la Brède et de Montesquieu, as a precursor of sociology, which is justified if the founder is the man (in this case, August Comte) who invented the term. On the other hand, if the sociologist is to be defined by the peculiar aims which I have suggested, then Montesquieu was much more of a sociologist than August Comte. The philosophical interpretation of sociology present in *The Spirit of the Laws* is much more "modern" than the same interpretation in the writings of August Comte. This does not necessarily mean that Montesquieu was superior to Auguste Comte; but it does mean that I do not consider Montesquieu a precursor of sociology, but rather one of its great theorists.

To regard Montesquieu as a sociologist is to answer questions which every historian has raised: From what discipline did Montesquieu derive? To what school does he belong?

The uncertainty as to where Montesquieu "belongs" is apparent from the organization of curricula in French schools. Montesquieu may appear simultaneously on the reading lists of the literature department, the philosophy department, and in certain cases even the history department. On a higher level, historians of ideas rank Montesquieu in turn among the men of letters, among political theorists, among legal historians, or among the eighteenth-century "ideologists" who probed the foundations of French institutions and who prepared the way for the Revolution.

It is very true that Montesquieu was at once a writer, almost a novelist, a jurist, and a political philosopher. But there is no question that *The Spirit of the Laws* holds a central place in his work. Now, it seems obvious to me that the aim of *The Spirit of the Laws* is the aim of sociology as I have defined it.

What is this aim? Montesquieu made no secret of it. His purpose was to make history intelligible. He sought to understand historical truth. But historical truth appeared to him in the form of an almost limitless diversity of morals, customs, ideas, laws, and institutions. His inquiry's point of departure was precisely this seemingly incoherent diversity. The goal of the inquiry should have been the replacement of this incoherent diversity by a conceptual order. One might say that Montesquieu, exactly like Max Weber, wanted to proceed from the meaningless fact to an intelligible order. This attitude is precisely the one peculiar to the sociologist.

But the two terms I have just used—meaningless diversity and intelligible order—raise an obvious problem. How does one go about discovering an intelligible order? What will be the nature of this intelligible order, which is to replace the radical diversity of customs and morals? On what level and by what means does one discover the intelligible order? What are the instruments of this intelligibility?

It seems to me that in Montesquieu's works there are two answers to these questions. They are not contradictory, but are rather two stages in the same undertaking.

The first amounts to a declaration that it is not chance which rules the world. Beyond the chaos of accidents, there are underlying causes which account for the apparent absurdity of things.

Here is a passage which occurs in his *Considerations on the Causes of the Grandeur and Decadence of the Romans*:

It is not fortune which rules the world. We can ask the Romans, who had a constant series of successes when they followed a certain plan, and an uninterrupted sequence of disasters when they followed another. There are general causes, whether moral or physical [*Remember these two terms, which play an important role in Montesquieu's system*] . . . which operate in every monarchy, to bring about its rise, its duration, and its fall. All accidents are subject to these causes, and if the outcome of a single battle, i.e., a particular cause, was the ruin of a State, there was a general cause which decreed that that State was destined to perish through a single battle. In short, the main impulse carries all the particular accidents along with it.

Here is another passage which expresses the same idea, from Chapter 13 of Book X of *The Spirit of the Laws*:

It was not the affair of Poltava 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?

The idea revealed in these two quotations is, it seems to me, Montesquieu's first truly sociological idea, which I should express in this way: behind the seemingly accidental course of events, we must grasp the underlying causes which account for them.

It should be emphasized that a statement of this kind does not imply that *everything* that has happened was "necessitated" by the underlying causes. Sociology is not defined at the outset by the hypothesis that accidents have no effect at all on the course of history. After all, it is a matter of fact, not of dogma, whether a particular military victory or defeat has been caused by the corruption of the state or by errors of technique or tactics. Not every military victory is proof of the greatness of a state nor is every defeat proof of its corruption.

Montesquieu's second answer seems to me more fundamentally interesting and perceptive: it is not that apparent accidents may be explained by underlying causes, but that one can organize the diversity of manners, customs, and ideas into a small number of types. Between the infinite variety of customs and the absolute unity of an ideal society, we must discover an intermediate term, namely, a small number of social types.

The preface to *The Spirit of the Laws* clearly expresses this essential idea:

I have first of all considered mankind, and the result of my thoughts has been, that amidst such an infinite diversity of laws and manners, they were not solely conducted by the caprice of fancy.

The statement implies that the diversity of laws may be explained, with the laws peculiar to each society being determined by certain causes which sometimes operate without our being aware of them. He continues:

I have laid down the first principles, and have found that the particular cases follow naturally from them; that the histories of all nations are only consequences of them; and that every particular law is connected with another law, or depends on some other of a more general extent.

Thus, it is possible to organize the diversity of customs in two ways: on the one hand, by ascertaining the causes underlying the particular laws observed in a given case; on the other, by discovering the principles or models which form an intermediate level between meaningless diversity and a scheme which is universally valid.

We make *development* intelligible when we reveal the underlying causes which have determined the general direction of events. We make *diversity* intelligible when we organize it within the compass of a small number of types or concepts.

What is the conceptual tool Montesquieu used to replace a meaningless diversity with an intellectual order? The question is virtually the same as the one traditionally raised by Montesquieu's commentators: What is the plan of *The Spirit of the Laws*? Does *The Spirit of the Laws* present us with an intelligible order, or is it merely a collection of more or less acute remarks on certain aspects of historical reality?

The Spirit of the Laws is divided into several parts whose apparent heterogeneity has often been remarked. There seem to me to be essentially three main divisions.

First of all, there are the first thirteen books, which develop the well-known theory of the three types of government. These are concerned with what should be called political sociology: an attempt to reduce the diversity of forms of government to a few types, each of these being defined at the same time by its nature and its origin. The second part, from Book XIV through Book XVIII, is devoted to material or physical causes, that is, to the influence of soil and climate on human beings, their manners, and their institutions. The third part, from Book XX to Book XXVI, takes up one by one the influence of social causes—trade, currency, population, religion—on manners, customs, and laws. These three parts thus seem to be (a) a sociology of politics and then (b) a sociological survey of the material and moral causes which influence social organization.

Besides these three main divisions, there remain the last books of *The Spirit of the Laws* which, devoted to an investigation of Roman feudal legislation, represent historical illustrations; and there is Book XXIX, which is difficult to relate to one of the large divisions, devoted

as it is to the question of how laws should be written. This book may be regarded as a pragmatic elaboration of the conclusions deduced from scientific investigation.

There is, lastly, one book which is difficult to classify in this overall design. It is Book XIX, dealing with the general spirit of a nation—its morals and customs. It is not concerned with a particular cause or with the political aspect of institutions, but with what might be called the unifying principle of the social entity. This book is especially important, for it is a transition or link between the political sociology of the first part of *The Spirit of the Laws* and the other two parts, which examine material and spiritual causes.

This outline of the plan of *The Spirit of the Laws* enables us to cope with the fundamental problems involved in the interpretation of Montesquieu. Historians have all been struck by the differences between the first part and the two succeeding parts. And whenever historians remark on the apparent heterogeneity of the parts of the same book, they are tempted to resort to a peculiarly historical kind of explanation: they try to find out *when* the author wrote the various sections so apparently unrelated.

Montesquieu lends himself rather easily to this historical explanation. The first books of *The Spirit of the Laws*—not Book I, but Books II to VII or VIII, the books which analyze the three types of government—are, one might say, of Aristotelian inspiration. Montesquieu wrote these first books before his trip to England, at a time when he was under the dominant influence of classical political philosophy. Aristotle's *Politics* was the basic book in the classical tradition; and there is no doubt that Montesquieu wrote the first books with that volume beside him. There are allusions to or comments on the *Politics* on almost every page.

The books that follow—especially the famous Book XI on the English constitution and the separation of powers—were probably written later, after the trip to England, under the influence of observations made during this trip. As for the sociological books devoted to the study of material or spiritual causes, they were probably written more slowly than the first books.

It would therefore be easy (but not really satisfactory) to regard *The Spirit of the Laws* as the juxtaposition of two ways of thinking about, and two ways of examining, reality. On the one hand, Montes-

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quieu would be a student of the classical philosophers. As such, he developed a theory of types of government which differs on a few points from the classical theory of Aristotle but which is still within the tradition of the philosophers. At the same time, Montesquieu would be a sociologist trying to discover how religion, climate, the nature of the soil, and the size of the population influence the various aspects of collective life. The author being two men—political theorist on the one hand, sociologist on the other—*The Spirit of the Laws* would be an inconsistent book rather than a book which, though it contains sections of different dates and perhaps of different inspiration, is ordered by a ruling purpose and a system of ideas.

Before resigning ourselves to an interpretation which assumes the historian to be so much wiser than the original author, capable of perceiving immediately the contradiction that supposedly eluded the genius, we must look for the internal order which Montesquieu, wrongly or rightly, discerned in his own thought.

The central problem is that of the compatibility of the theory of the *types* of government and the theory of *causes*. To begin with, then, I shall review the essentials of Montesquieu's theory of types of government, his political theory. Next, we shall see how this theory of types of government is related to the other parts of *The Spirit of the Laws*.

Montesquieu, of course, distinguished three types of government: republic, monarchy, and despotism. Each of these types is defined with reference to two ideas, which Montesquieu called the *nature* and the *principle* of government.

The principle of government is the sentiment which must animate men within a type of government for the latter to function harmoniously. As Montesquieu expressed it, virtue is the principle of the republic—which does not mean that in a republic all men are virtuous, but that republics are prosperous only to the extent that their citizens are virtuous.

The nature of government is that which determines its form; specifically, the number of individuals possessing sovereign power or, if you prefer, sovereignty. The republic is that form of government in which the people as a body, or a part of the people, possess sovereign power. (The distinction between the people as a body and only a part of the people suggests the two types of republican government, de-

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mocracy and aristocracy.) The monarchic form of government is one in which a single person governs by fixed and established laws. In a despotic government, a single person, without laws or regulations, directs everything by his own will and caprice.

From these definitions, which appear in the first chapter of Book II, it is clear that the nature of a government depends not only on the number of people who hold the sovereign power but also on the manner in which this sovereign power is exercised. Monarchy and despotism are both forms of government which place the sovereign power in the hands of a single person; but in the case of the monarchic form this individual governs according to fixed and established laws, while in a despotism he governs without laws or principles. Thus we have two criteria—or, in modern jargon, two variables—to determine the nature of each government: first, who holds the sovereign power; next, by what method this sovereign power is exercised.

In addition, of course, there is the third criterion, which is that of principle, as described above. The type of government is not sufficiently defined by a quasi-legal criterion (i.e., who holds the sovereign power). Each type of government is characterized by a sentiment, without which it cannot survive and prosper.

Now, according to Montesquieu, there are three basic political sentiments, each of which assures the stability of a single type of government. The republic depends on ^{civic} virtue, the monarchy on honor, and despotism on fear.

The virtue of the republic is not a moral virtue, but a peculiarly political virtue. It is respect for law and the individual's dedication to the welfare of the group.

Honor is the individual's respect for what he owes to his rank. According to Montesquieu, it is philosophically a false virtue.

Fear needs no definition. It is a primal and, so to speak, subpolitical emotion. But it is one that all political theorists have discussed, because many of them, since Hobbes, have regarded it as the most human, the most basic emotion—the emotion which underlies the state itself. Montesquieu, however, was not a pessimist à la Hobbes. He believed that a government based on fear is fundamentally corrupt and on the threshold of political ruin.

II

IT IS IMPORTANT to note the ways in which Montesquieu's classification of the forms of government departed from the classical tradition.

Montesquieu's first originality was to regard democracy and aristocracy (which in Aristotle's classification are two separate types) as two modes of a form of government called republican. For Montesquieu, the fundamental distinction is between the republic, including the two modes of aristocracy and democracy, and the monarchy. According to Montesquieu, Aristotle was unaware of the true nature of monarchy—which is understandable since monarchy, as Montesquieu conceived of it, had been achieved only in postclassical Europe.

There is an underlying reason for this departure. In Montesquieu, the distinction between forms of government is also a conscious distinction between social organizations and structures. Aristotle had created a theory of forms of government to which he had apparently assigned a general validity, but he was presupposing the Greek city-state as its social basis. Monarchy, aristocracy, and democracy constituted the three modes of political organization of the Greek city-states. It was justifiable, in this context, to distinguish types of government according to the number of persons holding the sovereign power. But this kind of analysis really implied that these three forms of government were, in modern terms, the political superstructure of a certain type of society.

In classical political philosophy, no one bothered to examine the

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relationship between the types of political superstructure and the social foundations. No one had clearly formulated the question of to what extent a classification of political regimes can be made without considering the organization of societies. Montesquieu's decisive contribution was precisely to combine the analysis of forms of government with the study of social organizations in such a way that each regime is also seen as a certain type of society.

How did he establish this relationship between government and society? First, Montesquieu stated explicitly in Book VIII, Chapters 16, 17, and 19, that each of these three forms of government corresponds to, or is consistent with, a certain dimension of the society under consideration. Here is Montesquieu's most typical pronouncement, from Book VIII, Chapter 16: "It is natural for a republic to have only a small territory; otherwise it cannot long subsist."

A little further on he says:

A monarchical state ought to be of moderate extent. Were it small, it would form itself into a republic; were it very large, the nobility, possessed of great estates, far from the eye of the prince, with a private court of their own, and protected, moreover, from sudden executions by the laws and manners of the country—such a nobility, I say, might throw off their allegiance, having nothing to fear from too slow and too distant a punishment.

Finally, a third passage, from Chapter 19 of Book VIII: "A large empire supposes a despotic authority in the person who governs."

If we wished to translate these formulas into strictly logical terms, we should probably have to abandon a vocabulary of causality. We would be unable to say that once the territory of a state exceeds a certain size, despotism is inevitable, but at least we could say that there is a natural correspondence between the size of the society and the type of government. In any case, it is by means of this theory of size that Montesquieu linked the classification of governments to what is now called social morphology, in Durkheim's term.

A second idea relating the classification of governments to the analysis of societies is that of *principle* in Montesquieu's sense of the word, i.e., the sentiment indispensable to the functioning of a certain form of government.

The theory of principle obviously leads to a theory of social organization. I have observed that the principle of the republic was virtue, to which Montesquieu assigned a peculiarly political rather than

moral meaning. Virtue in the republic is love of the law, dedication to the group, or patriotism, to use a modern term. In the last analysis, virtue is dependent on a certain sense of equality. A republic is a form of government in which men live by and for the group. It is a form of government in which the members of the group regard themselves as citizens and therefore, ultimately, as equals.

In contrast, the principle of monarchy is honor, that is, the sense of what each man knows he owes to his rank and station. Montesquieu expounded the theory of honor in a tone which occasionally sounds polemical and ironic:

In monarchies policy effects great things with as little virtue as possible. Thus in the nicest machines, art has reduced the number of movements, springs, and wheels.

The state subsists independently of the love of our country, of the thirst of true glory, of self-denial, of the sacrifice of our dearest interests, and of all those heroic virtues which we admire in the ancients, and to us are known only by tradition. . . .

A monarchical government supposes, as we have already observed, pre-eminence and ranks, as likewise a noble descent. Now, since it is the nature of honor to aspire to preferments and titles, it is properly placed in this government.

Ambition is pernicious in a republic. But in a monarchy it has some good effects; it gives life to the government, and is attended with this advantage, that it is in no way dangerous, because it may be continually checked [Book III, Chapter 5].

Hence we see that the essence of monarchy is *not* to require virtue of its subjects. Montesquieu was not radically original in this respect. Since men first began to reflect on politics, they have always fluctuated between two extreme positions: either that a state prospers only when the people truly desire the good of the group; or that it is impossible for the people truly to desire the good of the group, and a good government is one in which the vices of mankind conspire for the common good. Montesquieu's theory of honor is a version of this second, realistic position: the good of the group is insured, if not by the vices of the citizens, then at best by their lesser virtues.

It is my personal feeling that in Montesquieu's chapters on honor there are two dominant attitudes or tendencies: a relative devaluation of honor in comparison with true political virtue, that of the ancients and of republics; but also a positive valuation of honor as the basis of

social relationships and as a shield of the state against the supreme evil of despotism.

In effect—and this brings me to a third idea—the two forms of government, republican and monarchic, differ in kind in that one is based on equality and the other on inequality, but they also have one characteristic in common: they are moderate; no one rules in an arbitrary manner or outside the law. However, when we come to the third form of government, namely, despotism, we have left moderate government behind. Montesquieu combined with the classification of the three forms of government a dualistic classification of moderate and nonmoderate governments. Republic and monarchy are moderate; despotism is not.

The republic is based on an equalitarian organization of the relations between members of the group. Monarchy is based on discrimination and inequality. Despotism marks a return to equality; but whereas republican equality is an equality of virtue and of universal participation in the sovereign power, despotic equality is an equality of fear, impotence, and nonparticipation in the sovereign power. In Montesquieu's political thought, the key antithesis is between despotism, in which every man fears every other man, and the libertarian forms of government, in which no citizen fears any other.

In despotism, Montesquieu showed political evil in its absolute form. Despotism is that form of government in which a single person governs without laws or regulations, and consequently in which every man is afraid of every other man. There remains only one limit to the ruler's absolute power: religion; and even this is a precarious protection.

Is Montesquieu's synthesis of the theory of government and the theory of society altogether satisfactory? I shall outline the points which might provide a basis for argument or criticism.

(1) That despotism is a concrete political type, in the same sense as a republic or a monarchy, is open to debate. We know that Montesquieu took his model for the republic from the ancient republics, especially the Roman republic before the great conquests. His models for the monarchy were the European monarchies (English and French) of his day. His models for despotism were the empires he referred to as Asiatic. I say he referred to them as Asiatic, because he

tended to regard the Persian, Chinese, Indian, and Japanese empires as birds of a feather, so to speak. Montesquieu's knowledge of Asia was fragmentary; nevertheless, he did have access to material which might have afforded him a more complex understanding of Asiatic despotism. In a sense, we can say that Montesquieu was responsible for an attitude toward the history of Asia which has still not completely disappeared—an attitude typical of European thought, whereby Asiatic governments are viewed as being in essence despotisms which have abolished all political structure, all law and order, all moderation. Asiatic despotism, as seen by Montesquieu, is a desert of servitude. The absolute sovereign rules alone, without laws or regulations. In certain cases, he delegates his powers to a grand vizier; but whatever the intricacies of the relations between the despot and his entourage, there are no social classes to provide an equilibrium, no ranks, no orders; neither the equivalent of the ancient virtue, nor the equivalent of the European honor; fear rules millions of human beings across these vast reaches where the state can endure only if a single man is omnipotent.

This evocation of absolute political evil, incidentally, is not without a polemical intent with respect to the European monarchies of Montesquieu's day. Let us not forget the famous remark, "All monarchies will lose their being in despotism even as rivers in the sea." Despotism is a possible outcome of monarchies, once the latter lose respect for order, for nobility, for those intermediary bodies without which social structure collapses and the absolute and arbitrary power of a single individual triumphs over all moderation.

(2) Insofar as it posits a relation between the dimensions of the territory and the form of government, Montesquieu's theory of government risks leading to a sort of fatalism.

In Montesquieu's thought, there is a fluctuation between two extremes. It would be only too easy to find a number of passages which seem to imply a sort of hierarchy: the republic being the best form of government, next monarchy, finally despotism. Were this the case, what we would have would be less a sociological analysis of the different types of government than a hierarchy of political regimes. But from another point of view, and in other passages, each form of government seems inevitably determined by a certain dimension of the social body; here we are dealing, not with a hierarchy of values, but with a ruthless determinism.

(3) The third criticism, which touches the heart of the matter, concerns the relation between political regimes and social types.

One can, of course, consider this relationship in various ways. One may regard a political regime as sufficiently defined by a single criterion. For example, the number of those holding sovereignty has sometimes been regarded as a basis for the classification of political regimes, since it is independent of history. Whatever the size or the form of the society, the political regime would be classified as a democracy, aristocracy, or monarchy, according to the number of persons holding sovereignty.

Such was the implicit assumption of classical political philosophy, insofar as the latter constructed a theory of government apart from social organization, presupposing, as it were, the extrahistorical validity of political types.

The other extreme position consists in intimately relating political regime and social type, as Montesquieu did more or less explicitly. In this case, one arrives at what Max Weber would have called three ideal types: the ancient city-state, of small dimensions, governed as republic, democracy, or aristocracy; the ideal type of European monarchy, legal and moderate, whose essence is the differentiation of ranks; and finally, the ideal type of Asiatic despotism, a state of vast dimensions under the absolute power of a single man, where religion is the sole restraint on the sovereigns' whims and equality is restored—but an equality of universal impotence.

Montesquieu's most important and valuable idea, then, is the connection established between the form of government on the one hand and the style of interpersonal relations on the other. Social life depends on the way in which power is exercised by the government, and *vice versa*. Such an idea lends itself admirably to a sociology of government. At the same time, it obviously raises a crucial question: To what extent are political regimes conceptually separable from the historical realities in which they are embodied? Montesquieu clearly stated this problem. He found no final solution; but then, it is by no means certain that anyone has to date.

Let us turn now to another aspect of Montesquieu's political sociology—the most familiar aspect, which, moreover, is closely related

to the ideas I have just summarized. As a matter of fact, the distinction between moderate and nonmoderate government, which is so central to Montesquieu's thought, enables us to incorporate Book XI's reflections on England into the theory of types of government found in the early books.

The essential passage in this connection is Chapter 6 of Book XI, in which Montesquieu examined the English constitution. This chapter has become so famous that a number of English constitutionalists have interpreted their own institutions in terms of what Montesquieu said about them, and the English reading public considered that they understood themselves after finishing *The Spirit of the Laws*. Needless to say, I shall not undertake here a detailed study either of the English constitution in the eighteenth century or of Montesquieu's conception of it. My main concern is to show how Montesquieu's essential ideas about England fit into his general conception of politics.

In England, Montesquieu discovered, as he said, a state whose peculiar aim was political liberty. (Indeed, in Chapter 5 of Book XI, Montesquieu suggested a very tempting idea, namely, that each state has a mission, so to speak, a true vocation.) This aim was achieved through *representation*. Now, in Montesquieu's theory of the republic, the idea of representation does not have a position of prime importance. The republics he had in mind were the ancient republics, in which there existed an assembly of the people. The people themselves did not decide matters in detail; but they did decide important matters. When Montesquieu recalled the legislative power of the ancient city-states, he pictured an assembly of the people, and not an assembly elected by the people. It was in England that Montesquieu discovered the institution of representation.

The dominant characteristic of this government, whose goal was liberty and in which the people were represented in assemblies, is what has been called the "separation of powers," a doctrine which, as you know, has remained quite contemporary and about which there continues to be endless speculation. Montesquieu found that in England a monarch was possessed of the executive power. Because the latter required swift decision and action, it had to be in the hands of one man. The legislative power was embodied in two assemblies: the House of Lords, which represented the nobility, and the House of Commons, which represented the people. These two powers, execu-

tive and legislative, were possessed by distinct persons or bodies or organs. But Montesquieu put just as much emphasis on the co-operation between these organs as he did on their separation. In effect, he showed what each of these powers may and must do in relation to the other.

There is, of course, a third power, the judiciary. But in this sixth chapter Montesquieu said at least twice that this power is virtually null and invisible, which seems to indicate that the judiciary power ought to be essentially an interpreter of the law, that it should have as little initiative and personality as possible. It is not the power of persons, but the power of laws.

The legislative power co-operates with the executive power; it must be able to ascertain to what extent the laws have been correctly applied by the latter. As for the executive power, Montesquieu said it should not be expected to enter into the discussion of affairs but ought to have a co-operative relationship with the legislative power through what he calls the executive's right of hindrance (*faculté d'empêcher*). Montesquieu specified further that the budget must be voted on annually: "If the legislative power were to settle the subsidies, not from year to year, but forever, it would risk losing its liberty." Which clearly indicates that the annual vote on the budget is, as it were, a condition of liberty.

Chapter 6, Book XI, has been compared with passages from Locke on the same subject; and it would be tempting, if time permitted, to explain certain peculiarities or oddities in Montesquieu's account by referring to Locke. For example, at the beginning of Chapter 6 there are two definitions of the executive power: it is first defined as the power determining matters having to do with international law, which seems to limit it to foreign policy; but a little further on it is defined as the power carrying out public resolutions, which gives it another dimension. This peculiarity arises from the fact that in one instance Montesquieu followed a passage from Locke. But there is a fundamental difference of purpose between Locke and Montesquieu. Whether or not he wished to justify the revolution of 1688, Locke's aim was to limit the royal power, to show that if the monarch exceeds certain limits, or fails in certain obligations, the people, as the true source of sovereignty, have the right to take action. On the other hand, Montesquieu's essential concept was not the separation of pow-

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ers, in the juridical sense of the phrase, but what might be called the balance of social powers, the condition of political liberty.

Throughout his analysis of the English constitution, Montesquieu presupposed a nobility; he assumed two houses, one representing the people and the other the aristocracy. He insisted that the nobles be judged only by their peers; for were they to be judged otherwise, their judges might treat them unjustly out of envy. In other words, Montesquieu, in his analysis of the English constitution, was trying to prove that social discrimination—distinctions of class and rank consistent with the essence of monarchy as he has defined it—are indispensable to the balance of power.

I would say without hesitation that for Montesquieu, a state is free when one power checks another. What justifies this interpretation most strikingly is that in Book XI, after he had completed his analysis of the English constitution, Montesquieu turned back to Rome and analyzed the whole of Roman history in terms of the relationship between the plebs and the patriciate. What in fact interested him is the rivalry, the competition, between the social classes which is a condition of a moderate government precisely because the different classes are able to balance each other.

As for the constitution itself, it is of course true that Montesquieu showed in detail how each of the powers has such and such a right and how the various powers must co-operate. But this constitutional formalization is nothing more than the expression of a free state or, as I see it, of a free society in which no power can be abused because it is checked by other powers.

I should like to quote a passage from the *Considerations on the Causes of the Grandeur and Decadence of the Romans* which, in my opinion, perfectly summarizes Montesquieu's central theme:

Whenever we shall find everyone at peace, in a State which calls itself a Republic, we can be sure that there is no liberty there. What we call union in a political body is a very ambiguous thing. True union is a union of harmony which causes all parties, however hostile they may seem to be, to contribute to the general good of the society, as dissonances in music contribute to the harmony of the whole. There may be union in a State where we seem to see nothing but dissension, that is, a harmony which produces happiness, which alone is true peace. It is as with the members of this universe, forever bound together by the action of some and the reaction of others.

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Montesquieu's idea of social "consensus," as we would say since Auguste Comte, was that of a balance of power, or of peace established by action and reaction between social groups.

If this analysis is correct, the theory of the English constitution is central to Montesquieu's political sociology, not necessarily because he saw the British constitution as a model for all countries, but because in the constitutional machinery of a monarchy of his own day he found the basis of a moderate and free state, as a result of the balance of social classes and of political powers. A model of liberty, this constitution is still aristocratic, and of this fact various explanations have been offered.

The first explanation, which has long been the view of jurists, is a theory of the juridically conceived separation of powers within the republican government. Certain well-defined rights are granted to the President of the republic and the prime minister, on the one hand, and to the assembly or assemblies, on the other. A balance is obtained by a precise ordering of the relations between the various organs.

The second interpretation insists, as I have just done, on the balance of social power, but it also stresses the aristocratic temper of Montesquieu's mind and his desire to justify these intermediary bodies of the eighteenth century at a time when the latter were about to disappear. From this point of view, Montesquieu was a representative of the aristocracy inveighing against the power of the monarch in the name of his class, which is a class condemned. Caught in the trap of history, he took issue with the king on behalf of the nobility, but his polemics served only to advance the cause of the people, and not that of the aristocracy.

I believe in a third explanation which continues and transcends the second in the manner of Hegel's *aufheben*; that is, it transcends while still retaining the kernel of truth.

The fact is that Montesquieu conceived of the balance of social power, the condition of liberty, only on the model of an aristocratic society. He believed that good governments were moderate and that governments could not be moderate unless power were checked by power or unless no citizen stood in fear of any other citizen. The nobles could have a sense of security only if their rights were guaranteed by the political organization itself. And only if the nobles felt secure could monarch and people feel equally secure. The idea of social bal-

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ance expounded by Montesquieu is quite definitely linked to an aristocratic society.

It remains to be seen whether Montesquieu's conception of the conditions of liberty and of moderation apply outside the aristocratic model he had in mind. Montesquieu would probably have said that we can, of course, imagine a social metamorphosis which would tend to do away with the differentiation of ranks and orders. But can we imagine a society without ranks or orders, a state without a plurality of powers, which would at the same time be moderate and whose citizens would be free? History has shown that a democratic regime, in which the sovereignty belongs to all, is not necessarily a moderate and free government. It seems to me that Montesquieu was perfectly right in maintaining the fundamental distinction between the power of the people and the liberty of the citizens. It may be that when the people are sovereign, the security of the citizens and moderation in the exercise of power disappear.

In other words, beyond his particular aristocratic conception of the balance of social powers and the co-operation of political powers, Montesquieu enunciated this general principle: the condition for respect of the laws and security of the citizens is that no power be unlimited. That is what I regard as the essential theme of what might be called Montesquieu's political sociology.

III

WE NOW APPROACH three critical problems of sociology. First, using Montesquieu's political sociology as the point of departure, how does the political sociology of *The Spirit of the Laws* relate to the sociology of the social entity? How do we effect the transition from a study of the type of government to a grasp of the society as a whole?

Second, from the standpoint of political sociology, what is the relation between fact and value, between the understanding of institutions and the determination of the good or desirable regime? We have seen that Montesquieu condemned despotism as evil, contrary to human nature. Yet he explained that despotism is more or less inevitable as the result of the size of the collectivity and of certain external conditions. Whence a problem for sociologists: how can one explain certain institutions as predetermined, independent of human will, and at the same time apply value judgments to these institutions? Does this not lead to a kind of contradiction which consists in recognizing as inevitable under certain conditions a regime which one condemns as inhuman?

Nor do we need force the passages unduly to find the contradiction. In certain places Montesquieu writes: when the dimensions of the territory are too vast, the power must be concentrated in the hands of a single person—a statement which found favor with Catherine II of Russia, for immediately apparent reasons. Elsewhere we find an even more categorical proposition: that despotism is contrary to human na-

ture. Can a sociologist maintain that a form of government which under certain conditions is inevitable is contrary to human nature? This is the second problem.

Finally, the third problem will be the relation between rational universalism and the particularities of history. To illustrate this, let us return to the example of despotism. Montesquieu said that despotism is contrary to human nature. This raises these questions: What is human nature, that nature common to all men in all ages and all climes? How far do the peculiarly "human" characteristics extend and how are we to reconcile this appeal to human nature with the recognition of the infinite variety of morals, manners, and institutions?

Our first problem may itself be dissolved into three questions: (1) What causes that are external to the political regime did Montesquieu discuss? (2) What is the nature of the relation he established between the causes and the phenomena to be explained? (3) Does *The Spirit of the Laws* contain a synthetic interpretation of society considered as a whole, or is it merely an enumeration of causes and a juxtaposition of various relations between certain causes and effects without any of these causes or determinants being decisive?

On the first point, the enumeration of causes, I can be brief, since I have already discussed these. Moreover, at first glance, Montesquieu's treatment has nothing systematic about it. The causes he listed are as follows:

First of all, Montesquieu studied what we call the influence of the geographical milieu, the latter being subdivided, as it were, into two parts: the climate and the soil. He first studied the climate and its influence on the way of life and social institutions of the people. Next, he considered the nature of the land and tried to discover in a similar fashion how the people have cultivated the soil and distributed property as a result of its nature.

After the influence of geographical milieu comes, in Book XIX, the consideration of the general spirit of a nation, which will concern us later, for the phrase itself is ambiguous.

Then Montesquieu turned from the physical to the social causes, among which figure prominently trade, the historical revolutions in trade, and currency. One might say that he dealt essentially with the

economic aspect of collective life, were it not for the fact that he virtually ignored one element which for us is essential in the analysis of the economy, namely, the means of production, to use the Marxist term, or the technical tools and instruments men have at their disposal.

The essence of the economy for Montesquieu is either the distribution of property, especially land; or trade, exchanges, and communications between collectivities; or, finally, currency, which he saw as an essential aspect of the relations between men within collectivities or between collectivities. Montesquieu saw the economy as divided between agriculture and trade; not that he ignored what he called "the arts," the beginnings of what we call industry, but in his eyes the cities in which the economic interest prevails are the mercantile or commercial cities: Athens, Venice, Genoa. In other words, the essential antithesis is between collectivities whose chief preoccupation is military activity, glory, and the collectivities whose chief preoccupation is trade.

I want to dwell for a moment on this idea, which is a traditional one in premodern political philosophy. The originality of modern societies, which is linked to industry, was not apparent to classical political philosophy, and in this respect Montesquieu belongs to the classical tradition. We can even say that he is anterior to the Encyclopedists, that he was far from grasping the implications of the technological discoveries for the transformation of society as a whole.

After trade and currency comes the analysis of population. In history, the problem arises in two forms. In certain cases, there is a struggle against depopulation—the more common condition, according to Montesquieu; in his opinion, the danger threatening most societies is lack of manpower. But he also recognized the converse problem, the struggle against overpopulation, against the growth of population beyond available resources.

Finally, after population comes religion, which Montesquieu considered one of the most powerful influences on the organization of collective life.

As we see, this enumeration appears to have no systematic character. The author considered a certain number of causes in turn. His dominant distinction seems to be that of physical causes and moral causes. Climate and the nature of the land belong to the physical causes. The general spirit of a nation and religion belong to the moral causes.

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As for trade and population, it would have been easy to make a single category of these, grouping the characteristics of collective life which influence other aspects of this same collective life. But Montesquieu did not construct a systematic scheme of this kind.

However, we need only change the order to have a reasonably satisfactory list. Starting from the geographical milieu, with the two concepts of climate and the nature of the land, we would proceed to population, because it would be more logical to go from the physical milieu, which limits the size of the society, to the number of inhabitants. From here we would consider the strictly social causes, of which Montesquieu recognized at least two major ones: the body of beliefs which he called religion and the organization of labor and of trade. We would conclude with what is the true culmination of Montesquieu's sociology, namely, the general spirit of a nation.

As for the determinates, i.e., those phenomena which Montesquieu sought to explain by means of the causes which he studied in turn, it seems to me that Montesquieu used three concepts—laws, manners, and customs—which he carefully defined in Chapter 16 of Book XIX:

Manners and customs are those usages which laws have not established, either because they were not able or were not willing to establish them.

There is this difference between laws and manners, that the laws are most adapted to regulate the actions of the subject, and manners to regulate the actions of man. There is this difference between manners and customs, that the former principally relate to internal behavior, the latter to external behavior.

The first distinction, between laws and manners, corresponds to the sociologist's distinction between what is decreed by the state and what is imposed by society. In one case, there are explicitly worded mandates sanctioned by the state itself. In the other—the case of manners—there are both positive and negative mandates, orders or prohibitions, which are imposed on the members of a group without any law enforcing their respect and without any officially provided punishments in the event of violation.

The distinction between manners and customs corresponds to the distinction between internalized imperatives and purely external ways of behaving, prescribed by the group.

As for the laws themselves, Montesquieu distinguished the various

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types, essentially the three principal ones: civil laws, which have to do with the organization of family life; criminal laws, in which, like all his contemporaries, he was passionately interested; and those laws directly related to the political regime.

Let us turn now to our second question, namely, the nature of the relation established between determinants and determinates, or between the causes and the institutions to be explained. For illustration, I shall take the books dealing with geographical milieu—that is, with climate and land—celebrated books in which I feel the personal peculiarities of Montesquieu's theories are most readily perceived.

As we have said, Montesquieu was primarily concerned, in treating the geographical milieu, with climate and land, but his development of these notions is quite summary. As regards climate, the distinction is virtually reduced to the contrast between hot and cold, temperate and extreme. Of course, modern geographers utilize concepts far more precise than these, with a great many distinctions between the different types of climate. As regards land, Montesquieu chiefly considered its fertility or sterility, more briefly its relief, the plains and mountains, and the distribution of relief over a given continent. On all these points, Montesquieu was not particularly original; he borrowed many of his geographical ideas from the English doctor, Arbuthnot. M. Dedieu, who is one of the most qualified of Montesquieu's commentators, has read all the English literature on the subject and has proven its influence on Montesquieu. But these questions of historical erudition do not concern me. What does interest me is the logical nature of the causal relations posited by Montesquieu.

In many cases, Montesquieu directly attributed the temperaments of men, their sensibility, their way of life, to climate. Here is the typical formula, from Chapter 2 of Book XIV:

In cold countries men have very little sensibility for the pleasures of life; in temperate countries, they have more; in warm countries, their sensibility is exquisite.

Sociology would be simple if statements of this order were true. And consider this remark of Montesquieu's:

As climates are distinguished by degrees of latitude, we might distinguish them also in some measure by those of sensibility. . . . I have been at the opera in England and in Italy, where I have seen the same pieces and the

same performers; and yet the same music produces such different effects on the two nations: one is so cold and phlegmatic, and the other so lively and enraptured, that it seems almost inconceivable.

Logically, then, the proposition is of the following type: a certain physical environment is directly responsible for certain physiological, nervous, and psychological traits in the inhabitants.

But there are more complex explanations as well. I shall take a famous example—that of slavery—from Book XV, in which Montesquieu dealt with the relation between slavery and climate, and which even bears the title, “In What Manner the Laws of Civil Slavery Relate to the Nature of the Climate”:

There are countries where the excess of heat enervates the body, and renders men so slothful and dispirited that nothing but the fear of chastisement can oblige them to perform any laborious duty: slavery is there less offensive to reason; and the master being as lazy with respect to his sovereign as his slave is with regard to him, this adds a political to a civil slavery.

A passage of this kind is interesting because it reveals different facets of Montesquieu's mind. At first glance, it offers a simple, almost oversimplified explanation of the relation between climate and slavery. But in this same passage we find the statement, “slavery there is less offensive to reason,” which implies that slavery by its very nature is offensive to reason and contains an implicit reference to a universal conception of human nature. Reason excludes certain institutions, or at any rate considers them evil. Here we find, juxtaposed, the two aspects of Montesquieu's interpretation: the determinist view of institutions as facts, on the one hand, and on the other a judgment on those institutions in the name of universally valid values.

The compatibility of these two modes of thought is achieved, in this case, by the phrase “is less offensive to reason.” Although he admits that slavery by its spirit is contrary to the essence of human nature, Montesquieu found a justification for the reality of slavery in the influence of the climate. But a statement of this sort is logically admissible only to the extent that the climate exerts an influence on, or is favorable to, an institution without making it inevitable. For were this an inexorable relation of cause and effect, then we should have a pure contradiction between a moral condemnation and a scientifically demonstrated determinism.

I find confirmation of the nature of this causal relation in Chapter

8 of the same Book XV. Montesquieu concluded with these lines, which again are typical:

I know not whether this article be dictated by my understanding or by my heart. Possibly there is not that climate upon earth where the most laborious services might not with proper encouragement be performed by free men. Bad laws having made lazy men, they have been reduced to slavery because of their laziness.

In appearance, a passage of this kind seems to contradict the passage quoted above. The first passage seems to attribute slavery to the climate. The second attributes it to bad laws and offers the proposition, “nowhere is the climate such that slavery was inevitable.”

Montesquieu was in a dilemma, as are all sociologists when they encounter phenomena of this sort. If they carry the deterministic interpretation to its logical conclusion and find that the institution which is repugnant to them was inevitable, they must accept the consequences. We are still safe as long as we are dealing with institutions of past ages, for the past is unalterable; we need not wonder about what might have been. But if we apply these ideas to present societies (and if we apply them to past societies, why not to present ones?), we reach an impasse: how can the sociologist suggest reform if the most inhuman institutions are inevitable?

One way out of this dilemma is to locate explanations of institutions in terms of their geographical milieu within a category which a modern sociologist would call, not a relation of causal necessity, but a relation of influence. A certain cause makes one institution not inevitable, but more probable than another. And, indeed, from his analysis of these influences, Montesquieu seems to have concluded that the legislator's task is often to counteract the direct influence of the natural phenomena. Chapter 5 of Book XIV is entitled, “That those are bad Legislators who favor the Vices of the Climate, and good Legislators who oppose those Vices.” The legislator's task is therefore to introduce into the fabric of determinism human laws which oppose the direct, immediate influence of the natural phenomena.

Montesquieu was therefore less an advocate of strict climatic determinism than has been maintained. The fact is that, like many of his contemporaries, he recognized in an oversimplified manner that men's temperaments and sensibilities were directly influenced by the climate. He tried, moreover, to establish a relation—of probability, let us call

it—between physical realities and certain social institutions. But since he recognized the multiplicity of causes and the legislator's possible influence, the tenor of his thought is that milieu does not determine social organization but exerts an influence on it and helps orient it in a certain direction.

Apart from these generalities, to digress for a moment, Montesquieu had a number of curious and amusing observations. In yet another illustration, Chapter 13 of Book XIV, Montesquieu, still preoccupied with England, attempted to attribute the peculiarities of English life to the climate of the British Isles. And, as we see, he did not have an easy time of it:

In a nation so distempered by the climate as to have a disrelish of everything, nay, even of life, it is plain that the government most suitable to the inhabitants is that in which they cannot lay their uneasiness to any single person's charge, and in which, being under the direction rather of the laws than of the prince, it is impossible for them to change the government without subverting the laws themselves.

This difficult sentence seems to mean that the climate of England drives the inhabitants to such despair that it has been necessary to abolish government by a single person so that the natural bitterness of the inhabitants of the British Isles can be vented on the intangible laws rather than on the person of a single man.

The analysis of the English climate continues in this vein for several paragraphs. Here is another sample:

And if this nation has likewise derived from the climate a certain impatience of temper, which renders them incapable of bearing the same train of things for any long continuance, it is obvious that the government above mentioned is the fittest for them.

Thus the impatience of the British people is in subtle harmony with a government whose subjects, unable to ascribe their grievances to a single possessor of power, are in a sense paralyzed in the expression of their impatience.

In the books on climate, Montesquieu abounded in formulas of this sort, which are ingenious, though hardly convincing.

Now a few words about another of the determinants, namely, the number of inhabitants, or size of the population. We must turn to Book XXIII, in which Montesquieu examined in turn the problems raised, first by societies threatened with depopulation, next by societies which,

on the contrary, are threatened with overpopulation. In this book, I call attention to only one curious chapter which reveals some of Montesquieu's key ideas. It is Chapter 15, in which he stated the problem of the relation of population to the arts. The word *art* is used in the sense of the activity peculiar to artisans. Thus, we are dealing with activities such as the production and modification of objects (artifacts), and not with the direct cultivation of the soil. In this chapter, Montesquieu raised what is for us the fundamental problem of population size, which is of course influenced by the means of production and the organization of labor.

In a general sense, population size is dependent on the potentialities of agricultural production. There may be as many people in a given culture as the farmers can feed. However, if the land is cultivated more efficiently, the farmers are able to feed not only themselves, but others as well. But the farmers must be willing to produce more than is necessary for their own subsistence. This raises the problem of motivating the farmers to maximum production and of stimulating the exchange of goods produced in the cities by the arts for goods produced by the farmers.

Montesquieu arrived at the idea that in order to motivate the peasants to produce, they must be given a desire for luxury. Once again, this is sound theory. One can set in motion the process of expansion in underdeveloped cultures only by creating needs in farmers whose living conditions are traditional. They must desire to possess more than they are accustomed to having. Now, Montesquieu tells us, only the artisans can provide this luxury. But he continues:

The machines designed to abridge art are not always useful. If a piece of workmanship is of a moderate price, such as is equally agreeable to the maker and the buyer, those machines which would render the manufacture more simple, or, in other words, diminish the number of workmen, would be pernicious. And if water-mills were not everywhere established, I should not have believed them so useful as is pretended, because they have deprived an infinite multitude of their employment, a vast number of persons of the use of water, and great part of the land of its fertility.

I find this passage extremely interesting. The machines "designed to abridge art," in a modern terminology inferior to Montesquieu's, are the machines which reduce the working time required to produce manufactured objects. What Montesquieu was worried about is what

we call technological unemployment. If, with the help of a machine, the same object can be produced in less working time, it will be necessary to dismiss a certain number of workers. Montesquieu was worried about this, just as men of every generation have worried about it for two hundred years.

What is omitted from this line of argument? An idea that has come to be the basis of all modern economics, namely, the idea of productivity. If the same object is produced in less working time, the workers thus freed can be employed for other jobs, and thus the volume of products available to the whole group is increased. Montesquieu clearly lacked an element of economic doctrine which was not unknown to his age (the Encyclopedists understood it): he did not understand the economic significance of scientific and technological progress. This lacuna is rather strange, for Montesquieu was very much interested in the arts and sciences. He wrote numerous essays on the sciences and on technological discoveries. But he did not grasp the mechanism whereby curtailment of the working time required for a given act of production makes it possible to employ more workers and to increase the over-all volume of production.

This brings me to the third question, namely, to what degree did Montesquieu transcend analytical sociology, multiplicity of causes, partial determinants, and partial determinates? How did he succeed in reconstructing the whole?

Insofar as Montesquieu had a synthetic conception of society, I think it is found in Book XIX. I refer to Chapter 4 of this book, where we find the definition of the general spirit of a nation:

Mankind is influenced by various causes: by climate, by religion, by laws, by maxims of government, by precedents, morals, and customs; whence is formed a general spirit of nations.

In proportion as, in every country, any one of these causes acts with more force, the others in the same degree are weakened. Nature and climate rule almost alone over the savages; customs govern the Chinese; the laws tyrannize in Japan; morals had formerly all their influence in Sparta; maxims of government, and the ancient simplicity of manners once prevailed at Rome.

The general spirit, then, is not a partial cause comparable to the others, but a product of that totality of physical, social, and moral causes. But it is a product which enables us to understand what constitutes the originality and unity of a given collectivity. There is a gen-

eral spirit of France, a general spirit of England. We can proceed from the diversity of causes to the unity of the general spirit without the latter's excluding the former. The general spirit is not a ruling, all-powerful cause which would do away with all the others. It is, rather, that quality which a given collectivity acquires over a period of time as a result of the variety of influences exerted on it.

Montesquieu added another proposition, namely, that in the course of history a particular cause may gradually become predominant. Specifically, he formulated a theory which is still classic today: that in archaic societies the predominance of physical factors is more compelling than in more complex or, as we say and as Montesquieu would have said, more civilized societies. Montesquieu would probably have agreed that in the case of ancient nations like France or England, the influence of such physical factors as climate or soil is weak in comparison with the influence of moral causes.

In short, the theory of the general spirit leads from the sociology of politics to the sociology of the social entity. As a matter of fact, the general spirit of a nation is closely related to Montesquieu's "principle" of government. The principle is the sentiment which sustains a political regime, and this sentiment is in turn closely related to a nation's way of life as expressed by its institutions. I am inclined to think that what Montesquieu called the general spirit of a nation is what the American anthropologists call the "culture" of a nation, i.e., a certain style of life and human relations which is less a cause than a result—the result of the totality of physical and moral influences which have shaped the collectivity down through the ages.

IV

BEFORE PROCEEDING to the second division of Montesquieu's thought, I should like to raise a couple of points relative to the matters discussed earlier.

First of all, it must be borne in mind that my summaries of Montesquieu's views on geography and population were deliberately oversimplified. What is to be found in his book is much fuller, subtler, and more precise than the summary I provided. For example, I commented on Montesquieu's seeming lack of understanding of the basic phenomenon of productivity, since he emphasized the unemployment which may result from the introduction of a new technological process. It would be unfair and ridiculous to reduce Montesquieu's economic analyses to this single mistake. Actually, Montesquieu presented a picture of the factors which influence the growth of economies that is quite detailed and generally accurate.

As an economist, Montesquieu was not particularly systematic. He belonged to neither the mercantilist nor the physiocrat school. But he may be regarded, as he has been recently, as a sociologist who anticipated the modern analysis of economic development, precisely because he took into consideration the multiple factors involved. He distinguished between systems of land ownership and traced the consequences of different systems of ownership on the number of workers and the productivity of the culture; he related the system of ownership and agricultural labor to population size. Next, he related popu-

lation size to the diversity of social classes. He outlined a theory which might be called the theory of luxury: the rich are necessary as a market for useless objects—objects which answer no compelling need of existence. He related domestic trade between the various social classes to trade outside the collectivity. He took up the subject of currency and traces its role in intra- and intercollectivity transactions. Finally, he inquired to what extent a given political regime is favorable or unfavorable to economic prosperity.

We see, then, that Montesquieu's is a more general, less schematic analysis than that of the economists, in the strict sense of the word. Montesquieu's ambition, indeed, was to arrive at a general sociology which would encompass economic theory. In this type of analysis, there is a constant interplay of the various elements. The mode of land ownership influences the nature of agricultural labor, and the latter in turn influences the relations between social classes. The structure of the social classes has its effect on trade, both foreign and domestic. In other words, logically, the central idea is the endless interaction of the different sectors of the social entity.

My second observation concerns the concept of a general spirit which is, as you know, the only synthetic idea to be found in Montesquieu's general sociology—except, of course, for the idea of the dominant influence of the political regime outlined in the first pages of *The Spirit of the Laws*. The two synthetic ideas are related, because a regime endures only so long as the necessary sentiment exists in the people. The general spirit of a nation is that which best contributes to sustaining this sentiment or principle which is indispensable to the continuation of the regime.

The general spirit of a nation is not comparable to the creative will of an individual or a group. It does not resemble the existential choice of a Kant or a Sartre, a single decision which is the source of the variety of actions or episodes of individual or collective life. The general spirit of a nation is the way of living, behaving, thinking, and feeling of a particular collectivity, as geography and history have produced it.

The concept of a general spirit permits the regrouping of all partial determinants without representing itself as an ultimate explanation which would encompass all the others.

Thus, in Chapter 5 of Book XVIII, Montesquieu writes:

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 outside the reach of their arms, more easily preserve their own laws.

Some of these statements are debatable, but we are here concerned exclusively with Montesquieu's method. And in this chapter we see how a certain geographical situation favors one type of political institution without determining it.

A second illustrative text is much too long to quote. It is Chapter 27 of Book XIX, entitled, "How the Laws contribute to form the Manners, Customs, and Character of a Nation." The subject, of course, is England. This chapter completes Chapter 6 of Book XI, devoted to the analysis of the English constitution. I suggest reading these two chapters together, for they reveal not only how the theory of political sentiment or principle connects with the theory of the general spirit of a nation, but how the multiple, partial determinants may be regrouped into this over-all interpretation without negating the plurality of the partial explanations.

I should like to turn now to the last part of this rapid survey of Montesquieu and take up another problem, also a classic one in sociological literature, namely, the relation between facts and values and between particulars and universals. These two polarities are not identical, but they do intersect, as we shall see, and they represent two problems fundamental to any historical sociology.

The first problem could be stated this way: Is the sociologist doomed to observe the diversity of institutions without making value judgments on their merits? Must he analyze slavery, as well as liberal institutions, without being able to set up a means of discriminating among the moral or human merits of these institutions?

The second problem is: To the degree that he perceives a diversity of institutions, is the sociologist obliged to analyze this diversity without incorporating it into a system, or can he find common elements beyond the diversity?

These two polarities, without being identical, may yet coincide if the criteria which determine our value judgments are at the same time criteria of *universal* validity.

I think we can best approach these problems by going back to the central idea of *The Spirit of the Laws*, which up to now I have deliberately avoided. After all, the title of Montesquieu's great book is *The Spirit of the Laws*, and it is in the analysis of the idea or ideas of law that we find the answer to the problems I have just stated.

To modern minds, influenced by the philosophy of Kant and by logic as it is taught in our universities, the word *law* has two meanings. Law is, first of all, a command of the legislator, an order issued by a qualified authority, which compels us to do this or not to do that. Let us call this first meaning the law-as-command and go on to say that this positive law, the law of the legislator, differs from manners and customs in that it is explicitly formulated, while the obligations or prohibitions of custom are not elaborated or codified, nor do they generally carry the same type of official sanction.

Secondly, law can be taken to mean a causal relation between a determinant and an effect. For example, if we assert that slavery is a necessary consequence of a certain climate, we have a causal law which establishes a permanent relationship between a geographical milieu of a fixed type and a particular social institution.

Montesquieu claimed that he was not discussing laws, but the spirit of laws. Here is the passage, from the end of Chapter 3 of Book I:

They should be in relation to the climate of each country, to the quality of its soil, to its situation and extent, to the principal occupation of the natives, whether husbandmen, huntsmen, or shepherds: they should have relation to the degree of liberty which the constitution will bear; to the religion of the inhabitants, to their inclinations, riches, numbers, commerce, manners, and customs. In fine, they have relations to each other, as also to their origin, to the intent of the legislator, and to the order of things on which they are established; in all of which different lights they ought to be considered.

This is what I have undertaken to perform in the following work. These relations I shall examine, since all these together constitute what I call the Spirit of Laws.

Thus Montesquieu was seeking the causal laws which account for laws-as-commands. According to this passage, the spirit of the laws is precisely the totality of the relations of the laws-as-commands of various human societies with the factors capable of influencing or determining them. So apparently, in this sense, *the spirit of the laws* refers to the totality of causal relations accounting for the laws-as-commands.

Since we and Montesquieu both use the word *law* in these two senses, there is a considerable likelihood of misunderstanding.

If Montesquieu's thought could merely be reduced to the above formulas, interpretation would be easy, for the laws-as-commands would be our object of study, and the causal relations would explain the laws-as-commands. If this interpretation were correct, Montesquieu would obediently conform to the portrait painted by Auguste Comte and certain modern interpreters. He would be the expounder of a deterministic philosophy of law, which would observe the diversity of legislation and explain it in terms of the multiplicity of influences at work on human groups.

There are, in fact, passages in Montesquieu which tend in this direction. For example, in the Preface, Montesquieu writes:

I write not to censure anything established in any country whatsoever. Every nation will here find the reasons on which its maxims are founded; and this will be the natural inference, that to propose alterations belongs only to those who are so happy as to be born with a genius capable of penetrating the entire constitution of a state.

And, still more impressively:

Could I succeed so as to afford new reasons to every man to love his prince, his country, his laws; new reasons to render him more sensible in every nation and government of the blessings he enjoys, I should think myself the most happy of mortals.

These passages from the Preface to *The Spirit of the Laws* can be accounted for by consideration of expedience. But it is certainly true that Montesquieu could have been just as strictly conservative as his philosophy was strictly determinist. If we assume that a collectivity's institutions are inevitably determined by a body of circumstances, it is easy to shift gradually to the conclusion that the institutions are the best ones possible. It would remain to be seen whether we must add: in the best or the worst of all possible worlds.

Even the many passages in Montesquieu containing advice to legislators do not contradict the determinist philosophy I have just outlined. If you have demonstrated that legislation is a result of the spirit of a nation, it is logical to conclude that you should adapt your laws-as-commands to the spirit of the nation. There is a famous chapter on the spirit of the French nation (XIX, 5) which concludes with the ad-

vice: "Allow it to do the most frivolous things seriously, and gaily those things most serious."

Moreover, once you have reduced a regime to its nature and principle, it is easy to show what laws are suitable to the regime. For example, if a republic is based on human equality, the logical conclusion is that the laws governing education or economics must promote the sense of equality or prevent the accumulation of large fortunes.

Determinist philosophy is not incompatible with the giving of advice; but the advice must take the form of conditional or hypothetical imperatives. The legislator assumes a given set of circumstances and works out the regulations necessary to uphold the form of government suited to those circumstances or to promote the kind of prosperity a nation can possess in those circumstances. This kind of advice is on the order of what Lévy-Bruhl would have called "rational art"; it is derived from science; it unfolds the pragmatic consequences of a scientific sociology.

But there are many other passages in *The Spirit of the Laws* in which Montesquieu offered, not pragmatic advice to the legislator, but moral condemnations of certain institutions. The most celebrated passages, familiar to everyone, are those on slavery in Book XV. I also refer to Chapter 13 of Book XXV, where Montesquieu repeatedly gave free rein to his indignation against a particular form of collective organization; the chapter is entitled "A most humble Remonstrance to the Inquisitors of Spain and Portugal" and is an eloquent protest against the Inquisition.

It would be easy to explain this away by saying that Montesquieu was a man, and not merely a sociologist. As a sociologist, he justified slavery. When he was revolted by it, it was the man speaking. After all, as we have already noted, in Chapter 8 of Book XV Montesquieu writes: "I know not whether this article be dictated by my understanding or by my heart. Possibly there is not that climate upon earth where the most laborious services might not with proper encouragement be performed by free men. Bad laws having made lazy men, etc." When he condemned or defended, it is because he forgot he was writing a book on sociology.

But this explanation—i.e., dismissing moral judgments as the voice of Montesquieu the man rather than of Montesquieu the scientist—contradicts some of the most fundamental passages—those found in

the first book of *The Spirit of the Laws*—where Montesquieu was constructing a theory of the various kinds of laws.

In the first chapter of Book I, Montesquieu stated explicitly that there are relations of justice and injustice anterior to positive laws: "We must therefore acknowledge relations of justice antecedent to the positive law by which they are established." And there is this other, more famous remark: "To say that there is nothing just or unjust but what is commanded or forbidden by positive laws, is the same as saying that before the describing of a circle all the radii were not equal."

In other words, if we are to take the above statement seriously, Montesquieu believed in relations of equity, in principles of justice, which are universally valid and are antecedent to positive law. What are these relations of equity? Here is the brief passage in which Montesquieu explained them:

These relations of justice antecedent to the positive law are, for instance, if human societies existed, it would be right to conform to their laws; if there were intelligent beings that had received a benefit of another being, they ought to show their gratitude; if one intelligent being had created another intelligent being, the latter ought to continue in its original state of dependence; if one intelligent being injures another, it deserves a retaliation, and so on.

This enumeration of the relations of justice antecedent to positive law does not seem to be a systematic one. But if you read this passage attentively, you will see that in the last analysis everything can be reduced to two concepts: human equality and reciprocity. These antecedent laws of reason, these supreme laws, are based on the natural equality of men and on the obligations of reciprocity which proceed from this fundamental equality.

These antecedent laws are obviously not causal laws; they must, then, be laws-as-commands. But they are laws-as-commands that do not originate in the will of the individual legislators; rather, according to Montesquieu, they are consubstantial with nature or with human reason.

There must, then, be a third kind of law. Beyond the positive laws decreed by various societies, beyond the causal laws which establish relations among these positive laws and the influences operating on them, there must be laws-as-commands which are universally valid, whose legislator is unknown unless it be God himself, as Montesquieu

seems to imply, although we cannot be sure that this is what he really means.

We have now reached the central problem in the interpretation of Montesquieu. There are those who say, in effect, that these natural laws, these laws of universally valid reason, have no place in Montesquieu's own thought. Montesquieu must have held onto them either out of caution or habit, revolutionaries always being in some respect more conservative than they think they are. What is meaningful in Montesquieu is the sociological analysis of positive law, the application of determinism to social nature. The logic of his thought consists of only three elements: the observation of the diversity of positive laws, the analysis of this diversity in terms of multiple causes, and finally the practical advice offered to the legislator as a result of the scientific exposition of the laws.

In this sense, Montesquieu would be a true positivist sociologist who tells people why they live in a certain way. The sociologist understands other men better than they understand themselves, because he discovers the causes behind the particular form that collective life assumes in different climates and ages; thus he is in a position to help the different societies live in accordance with their own nature, i.e., in accordance with their form of government, their climate, the spirit of the nation. There would be no place in this schema for the universal laws of human reason or human nature. The first chapter of Book I of *The Spirit of the Laws* would be of no importance, or rather it would be a survival in Montesquieu's doctrine of a traditional way of thinking.

Personally, I do not think this interpretation does Montesquieu justice. Moreover, I am not convinced that *anyone* has ever carried this wholly determinist philosophy of laws to its conclusion. For if we did, we could say nothing that would be universally valid in weighing the merits of a republic and a despotism. Such a radical relativism, though imaginable, seems in fact to be beyond human achievement.

What, then, is the philosophy toward which Montesquieu is moving in a more or less disorganized manner? The solution Montesquieu offered is as follows. In the first chapter of Book I, he suggested a sort of hierarchy of beings, from inorganic nature to man. Each kind of being is subject to laws. In the case of matter, these laws are purely and simply causal laws; they are inevitable laws which cannot be vio-

lated. When we come to living matter, the laws are also causal laws, but they are of a more complex nature. Finally, when we arrive at man, these laws—since, as Montesquieu said, they apply to an intelligent being—can be violated, because with intelligence comes freedom. The laws relative to human behavior are no longer in the category of inescapable causality.

Whence a formula which has always seemed paradoxical and which Léon Brunschvicg, in particular, in *Le Progrès de la Conscience dans la Philosophie Occidentale*, quotes disapprovingly:

Indeed, the rational world must be governed just as well as the material world, for although the former also has laws which are by definition unchanging, it does not follow them faithfully as the material world follows its laws. The reason for this is that individual intelligent beings are limited by their nature, and consequently subject to error. And yet it is because of their nature that they act independently.

This passage seems to posit an inferiority of the intelligent world in relation to the material world, because the laws of the intelligent world—the rational laws governing intelligent beings—can be violated. But, as a matter of fact, there is no need to consider the possible violation of the rational laws as a proof of the inferiority of the intelligent world; quite the contrary, it may be considered the expression and the proof of human liberty.

After this metaphysic of beings comes a second chapter in *The Spirit of the Laws* entitled "Of the Laws of Nature," in which Montesquieu defined natural man—that is, his conception of man-as-man, antecedent to society, as it were. The phrase "antecedent to society" does not mean that Montesquieu believed that there were ever men who did not live in society, but that with the aid of reason we can try to conceive of what man is apart from his collective existence.

In this chapter, Montesquieu tried to refute Hobbes's theory of nature, a refutation which in my opinion provides us with a means of access to an understanding of the fundamental themes of his thought.

Actually, Montesquieu was trying to prove that man is not naturally warlike. The state of nature is not a state of universal warfare but, rather, if not a true peace, at least a state alien to the distinction between war and peace. Why was Montesquieu anxious to refute

Hobbes? For the following reason: since in Hobbes's view of the state of nature, man abandoned to his desires finds himself immediately at variance with his fellow creatures, Hobbes found himself logically compelled to justify that political absolutism which alone is capable of imposing peace and affording security to a quarrelsome species. Montesquieu, on the other hand, did not find the origin of war in the state of nature, with the logical consequence that war, like inequality, is seen to be a result of society. In Montesquieu's thinking, war is less a human than a social phenomenon. From this it follows that if war and inequality are linked to the essence of society and not to the essence of man, the aim of politics will be, not to eliminate war and inequality, which are inseparable from collective life, but to mitigate or moderate them.

It is interesting to reflect on these two intellectual positions. Hobbes, who posited war as primeval and inherent in human nature, ended by authorizing the absolute power which alone is capable of keeping the peace. Montesquieu, on the other hand, considering war and inequality to be social phenomena, naturally had no incentive to do away with them altogether. By recognizing the social character of war, one relinquishes, as it were, the utopia of absolute peace. If war is a human phenomenon, we can dream of absolute peace. If war is a social phenomenon, we simply arrive at the ideal of moderation.

It would also be interesting to compare Montesquieu's position with that of Jean-Jacques Rousseau. We would find an opposition similar to the one between Montesquieu and Hobbes. Rousseau referred to a state of nature, conceived by human reason, which serves as a kind of criterion for society. By employing this criterion of what should be, he arrived at a conception of the absolute sovereignty of the people. Montesquieu, for whom the state of nature does not serve as a criterion, confined himself to stating that inequalities spring from society. He did not conclude from this that we must return to a natural equality, but simply that we must moderate as best we can the inequalities which derive from society itself.

Montesquieu's conception of the state of nature is not only indicative of the whole of his political philosophy; it is also the source of the two books he devoted to the laws of nations, i.e., Books IX and X. These two books are, in fact, oriented by assertions made at the beginning of the work, namely, those to be found in Chapter 3 of Book I:

The law of nations is naturally founded on this principle, that different nations ought in time of peace to do one another all the good they can, and in time of war as little injury as possible, without prejudicing their real interests.

The object of war is victory; that of victory is conquest; and that of conquest preservation. From this and the preceding principle all those rules are derived which constitute the law of nations.

This passage is important because it shows that *The Spirit of the Laws* contains not only the causal scientific explanation of positive laws but also the analysis of the laws governing relations between collectivities in terms of the objective Montesquieu attributed to the law of nations. In other words, the goal toward which collectivities ought to tend may be determined by rational analysis.

Montesquieu's philosophy is neither the oversimplified determinism attributed to him by Auguste Comte, for example, nor a traditional philosophy of natural law. It is an original attempt to combine the two.

This accounts for the various interpretations that have been offered of his thought. I shall review several, taken from well-known authors.

The first of these is that of the German historian Friedrich Meinecke, who devoted a chapter of his classic work *Die Entstehung des Historismus*, to Montesquieu. Meinecke felt that Montesquieu's doctrine fluctuated between the rational universalism typical of so much eighteenth-century thought and the historical sense of particulars which was to flourish in the historical schools of the nineteenth century.

It is perfectly true that there are to be found in Montesquieu statements inspired by the philosophy of a rational and universal order alongside statements which emphasize the diversity of historical collectivities. But it is not so certain that Montesquieu's thought must be regarded as a clumsy compromise between these two inspirations, as a stage in the gradual discovery of pure "historicity." It can also be seen as a legitimate, if imperfect, attempt to combine two ways of thinking, neither of which can be entirely eliminated from the exercised human reason.

The second interpretation I have in mind is that of M. Althusser (*La Politique et l'Histoire*), who is a Marxist. Here the contradiction in Montesquieu is supposed to be simpler and more blatant, namely,

between his original genius and his reactionary opinions. This interpretation has an element of truth in it. In the ideological conflicts of the eighteenth century, Montesquieu belonged to a group which, in certain respects, may be called reactionary. He advocated the return to, or restoration of, institutions which had existed in a more or less legendary past and which had disappeared. In the course of the eighteenth century, especially during the first half, the great controversy among French political writers focused on the theory of monarchy. What was ideologically at issue, so to speak, was the position of the aristocracy, the nobility, in the monarchy. There were, broadly, two opposing schools. The Romanist school traced the absolute power of the French monarch to the sovereign empire of Rome, to which the king of France was held to be the heir. According to this view, the French king's claim to absolute power was justified by history. The second interpretation was the so-called Germanic one, which traced the privileged position of the French nobility to the conquest of the Gauls by the Franks and justified these privileges by historical ascription. (This controversy also resulted in doctrines which were developed in the following century and culminated in notions which were, properly speaking racist; for example, the doctrine that the nobility was Germanic and the people Gallo-Roman.) The right of conquest is today regarded as a poor justification for the continuation of a regime of inequality; but in the eighteenth century, it often passed for a legitimate basis of the social hierarchy.

We need only to refer to the last three books of *The Spirit of the Laws* to discover that, in the controversy between these two schools, Montesquieu was on the side of the Germanic school—if always with modifications, reservations, and more subtlety than was commonly found among the intransigent theorists of the rights of the nobility. At the end of Chapter 6 of Book XI, the famous chapter on the English constitution, there occurs the statement that English liberty, based on the balance of power, was born "in the woods," i.e., in the forests of Germany. Montesquieu unquestionably was concerned with preserving the privileges of the nobility as an intermediary body of the realm.

Montesquieu, it must be remembered, was in no sense a doctrinaire of equality, still less a doctrinaire of popular sovereignty. Since he related social inequality to the essence of the social order, he accom-

modated himself very easily to inequality. And if one believes with M. Althusser that popular sovereignty and equality are the political concepts which have prevailed through the revolutions of the nineteenth and twentieth centuries, through the French Revolution and the Russian Revolution—if one believes that history is moving in the direction of popular sovereignty and equality, then one is justified in calling Montesquieu a doctrinaire of the *ancien régime* and in saying that as such he was truly reactionary.

However, it seems to me that the question is a more complicated one. However history may judge the specific institutions to which he referred, his ultimate opinion was that the social order is essentially heterogeneous and that the condition of liberty is the balancing of social powers and the power of government by the *nobility*—the sense in which nobility embraces the best citizens of an equalitarian democracy, or even the militants of the Communist party in a regime of the Soviet type, as well as the nobility in a monarchy.

In other words, the essence of Montesquieu's political philosophy is liberalism: the goal of the political order is to insure the moderation of power by the balance of powers, by the equilibrium of people, nobility, and king in the French or the English monarchy, or the equilibrium of the people and privileged, plebs and patriciate, in the Roman republic. These are different examples of the same fundamental conception of a heterogeneous and hierarchical society in which the moderation of political power requires the balance of powers.

If this was the ultimate opinion of Montesquieu, it is by no means proved that he was a reactionary. Undoubtedly he was a reactionary in terms of the French controversies of the eighteenth century. He neither foresaw nor desired the French Revolution. Perhaps he involuntarily prepared the way for it, for one never knows, either beforehand or after the fact, who prepared what in history; but he did not consciously desire the French Revolution. Insofar as one can foresee what a man would have done in circumstances other than those in which he lived, it is conceivable that Montesquieu, in case of absolute necessity, would have been a supporter of the Constituent Assembly. But he would very soon have gone over to the opposite side, and he would have had the choice, like the liberals of his kind, between emigration, the guillotine, or internal emigration on the fringes of the tumultuous vicissitudes of the Revolution.

But though a political reactionary, Montesquieu remains perhaps *the* representative of a style of thinking which is by no means outmoded or anachronistic. Whatever the structure of a society at a given period, it is always possible to think in the manner of Montesquieu, that is, to analyze the peculiar form of heterogeneity of a certain society and to seek, by the balance of powers, the guarantee of moderation and liberty.

The third interpretation I would refer to can be found in the short chapter on Montesquieu in Léon Brunschvicg's *Le Progrès de la Conscience dans la Philosophie Occidentale*, which asserts that Montesquieu's thought is fundamentally uneven and contradictory.

Brunschvicg writes that, in a sense, Montesquieu has given us the masterpiece of pure sociology (by which he means analytical sociology). But Brunschvicg is inclined to think that, aside from this pure sociology, there is no system in Montesquieu. He quotes the lines which I have discussed, "Indeed, the rational world must be governed just as well as the material world," and emphasizes the paradox inherent in the rational world's possibility of violating the laws to which it is subject. Brunschvicg also shows Montesquieu's fluctuation between Cartesian concepts (for example, that before one has drawn the circle, all the radii are already equal, just as justice and injustice exist before the positive laws), and the kind of quasi-empirical classification of types of government which derives from the Aristotelian tradition. Finally, he sees neither unity nor coherence in Montesquieu's thought and merely concludes that readers have nonetheless found in *The Spirit of the Laws* an implicit philosophy of progress, inspired by liberal values.

Personally, I feel that this judgment is harsh. It is true that there is no system in Montesquieu. But perhaps it is consistent with the spirit of a historical sociology that it have no system. I believe that an attentive reader will find that Montesquieu's thought, though exceedingly difficult to disentangle, is far from being as contradictory as it is often asserted to be.

Before I leave Montesquieu, I should like to answer two questions: Why is Montesquieu regarded not as a sociologist, but as a precursor of sociology? What is the justification for the fact that he is not placed among the founding fathers?

The first reason, the simplest one, which is easily guessed, is that

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the word *sociology* did not exist in Montesquieu's time and that this dreadful word, which has gradually become part of our culture, was invented by Auguste Comte.

The second, and far more profound, reason is that Montesquieu was not interested in modern society. Those we regard as the founders of sociology—Auguste Comte, say, or Marx—are interested in studying those qualities typical of modern society, i.e., typical of society conceived as basically industrial or capitalistic. Not only was Montesquieu not concerned with modern society, but the categories he used were to a large extent the categories of classical political philosophy. There is in *The Spirit of the Laws* neither the primacy of economics nor the primacy of society in relation to the state.

In one sense, Montesquieu was the last of the classical philosophers. He was still a classical philosopher to the extent that he believed a society is essentially defined by its political regime and that his theory culminated in a conception of liberty. But in another sense, one can indeed say he was the first of the sociologists, for he reinterpreted classical political thought in terms of a total conception of society and he sought to explain all aspects of collectivities in a sociological mode.

Let us add that, in comparison with those who are today regarded as sociologists, Montesquieu is devoid of the ideology which constitutes almost a professional *sine qua non* among sociologists: the belief in progress. But that Montesquieu did not believe in progress in the sense in which Auguste Comte believed in it is not at all surprising; since for him the essence of societies was their political regime, he logically tended *not* to see a unilateral movement toward the good in the course of history. As Montesquieu—and many others before him—knew, *political* change consists of alternate advances and setbacks. Montesquieu assigned the central position in his analysis to politics, so he had to disregard the idea of progress, which naturally appears as soon as one considers economics or science. The economic philosophy of progress is to be found in Marx; the philosophy of human progress through science is to be found in Auguste Comte.

Auguste Comte

