

MONTESQUIEU'S PHILOSOPHY
OF
LIBERALISM

A Commentary on
The Spirit of the Laws



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tesquieu's picture. This appears very clearly when one compares what Montesquieu says about the place of religion in England with what Burke has to say about the same subject. According to Montesquieu, religious freedom combined with the commercial temper will divide the nation as a whole into those who possess a spirit of indifference to all religion, and therefore accept the established church, and those who possess a spirit of zeal, and therefore promote the flowering of numerous, weak little sects (XIX 27, p. 580). In contrast, Burke says that

we know, and what is better, we feel inwardly, that religion is the basis of civil society, and the source of all good and all comfort. . . . First, I beg leave to speak of our church establishment, which is the first of our prejudices, not a prejudice destitute of reason, but involving in it a profound and extensive wisdom. I speak of it first. It is first, and last, and midst in our minds.²⁹

Montesquieu did not wish simply to mirror English society. He rather looked to what he believed to be the most portentous characteristics of England, the qualities and the spirit which he hoped and believed would help shape the future of the world. The English constitution and its way of life is to be the guide, the polestar in political affairs. But there are great obstacles in the way of any attempt to use what has been learned about political liberty in England to shape the future in other lands. It is to an explanation of these obstacles that Montesquieu turns in Part Three.

THE OBSTACLES TO FREEDOM: CLIMATE, GEOGRAPHY, AND HISTORY

By the end of Book XII, or Part Two, of *The Spirit of the Laws* Montesquieu has presented the character and ranking of the fundamental political alternatives open to man; he has indicated some of the most important reasons for the superiority of the principles of liberal republicanism. He does not, however, proceed to complete his analysis of this form of government and way of life. Instead, he interrupts his discussion of England to show how the natural environment—climate, geography, terrain—and the conventional environment—history and tradition—mold and limit man. The political alternatives must be understood in light of the fact that human nature is to a great extent not uniform. The human race is divided into a multitude of diverse groups or "nations," each possessing a unique and deeply ingrained character which puts its stamp on every individual. The natural environment, especially the climate, is the primary but not the only cause of this diversity.

Many commentators have noted that in his emphasis on the limitations imposed on politics by climate, just as in his emphasis on the variety of legitimate regimes, Montesquieu returns from contemporary natural law teachings to Aristotelian political science (cf. *Politics* 1327^b 18–36). But this is true only in a very qualified way. In Montesquieu the

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influence of climate and geography on political life is far greater than it was for Aristotle. This is a consequence of the massive agreement between Montesquieu and those modern thinkers from Machiavelli to Locke who hold that man is much more malleable than the ancients realized. Montesquieu's emphasis on climate and history is an outcome not so much of a return to Aristotle as of a more radical thinking through of the understanding of human nature held by modern political philosophy.

Ancient political philosophy understood the moral and intellectual qualities which we find in civilized social life to be natural to man. It was considered impossible to understand the nature of man except in terms of the highest human potential discoverable in civil society. The ancients were therefore led to conceive of human nature as directed toward certain high and fixed ends. The attainment of these ends is the aim of all political activity, but chance is so powerful a counterforce to nature that attainment is extremely difficult and rare. Since these ends are natural or permanent, they cannot be lowered in order to make the satisfaction of man's needs easier. Man cannot be remade. Political life is therefore severely limited in what it can accomplish toward achievement of human happiness. The practical spirit of classical political philosophy is one of moderation or manly resignation in the face of the unchangeable nature of things. The best regime is rarely if ever possible.

Beginning with Machiavelli and Hobbes, modern political philosophy tries to understand human nature almost exclusively in the light of man's origins. It finds those origins in a precivil, subhuman "state of nature."

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In the state of nature man is an animal preoccupied with the satisfaction of bodily animal passion. But while the ways of all other animals are unchangeable, man's ways are variable. Civil society, the development of reason and of all the faculties we know as human, is the product of man's capacity to mold his behavior in response to accident. Man has proven himself to be "flexible" or malleable to an almost infinite degree (see the Preface, p. 230). The proper understanding of the higher human capacities reveals that they are not the end or purpose of human life, but are rather faculties which have evolved as means to the satisfaction of the bodily passions, the only permanent and real goal of the animal man. Man's natural needs are much lower than the classics thought, their satisfaction more attainable. And, in our use of our reason and freedom we need be much less restricted by the fear of perverting these higher capacities; they are no longer to be seen as things to be cultivated for their own sake. Man's higher faculties can be molded, shaped, used in whatever way is necessary to create a civil society which will answer to the true natural needs. We can therefore be much more hopeful than was hitherto thought. We need not be dependent on chance to achieve wholly satisfactory regimes. Fortune can be mastered; the problem of human nature can be solved.¹

As we have seen, Montesquieu agrees with this line of thought. The best regime has been realized in England. But, at the same time, Montesquieu sees the need for a modification of or addition to this modern understanding. The teaching about climate is the most striking part of this emendation. These five books deal-

ing with nonhuman nature also deal with human nature; the section begins and ends with the most detailed discussions of human nature in the whole of *The Spirit of the Laws*. The discussions constitute an elaboration of the theoretical principles stated in Book I. It is perfectly fitting then that the books comprising Part Three are literally the central books and that their titles all refer to "nature."

Montesquieu argues that if one begins from the fact that man's nature is as low and pliant as the moderns have shown, one cannot conclude that the passions of the original animal man are as permanent or remain as universally similar as thinkers like Machiavelli and Hobbes supposed. Man's body is affected by his natural environment, especially his climatic environment. While it is true that "men have had in all times the same passions" (*Considerations, Works*, II, 71), these passions, even the most basic of them, vary in strength and degree. All men may be dominated by the desire for "the opinion of security," but that desire varies according to the condition of the body which in turn varies with the climate:

One has more vigor in cold climates. The action of the heart and the reaction of the extremities of the fibers works better, the liquids are more in equilibrium, the blood stays closer to the heart, and reciprocally the heart has more strength. That greater force produces considerable effects: for example, . . . more courage . . . more opinion of one's security. . . . Put a man in a hot place, . . . his present feebleness will put a discouragement in his soul; he will fear everything, because he will fear he can do nothing. (XIV 2; cf. XIV 10, 11; contrast Hobbes, chap. ii)

In trying to establish free government on the basis of man's deepest natural needs, the legislator must take into account the natural climatic variation in the capacity to satisfy these needs.

Montesquieu's emphasis on the influence of climate requires him to make more explicit the extent to which man's life is determined by the condition and behavior of his body. Book XIV begins by presenting a picture of man which is as near as one can imagine to a pure materialism without being simply so. Montesquieu refers at times to "the soul" but he leaves almost no nonmaterial thing except reason itself to constitute this "soul": the passions, the spirit, the character, imagination, taste, sensibility, sadness and happiness, all are said to be determined by the state of the body (XIV 2, 3, 4). And the human body is like all other animal bodies. In fact, Montesquieu blurs the distinction between organic and inorganic matter: he frequently refers to the human body as a "machine."² In a later, unpublished, essay dealing with the same theme, Montesquieu goes so far as to reduce "ideas" to "feelings" and "thought" to "action in the brain."³ Nevertheless, we know from Book I that Montesquieu strongly doubts that "a blind fatality would have produced intelligent beings" (I 1). Men therefore have some capacity for independent exercise of reason and will. But it seems this independence is more tenuous than is usually supposed. A picture of Montesquieu's view of the relation of man's rational freedom to his physical necessity is given in the following metaphor:

The soul is, in our body, like a spider in its web. The spider cannot move without disturbing the threads which are extended far out, and, at the same time, one cannot move one of these threads

without moving the spider. . . . The more these threads are stretched tight, the more the spider is made alert.⁴

Man is therefore determined not only by "physical causes" but also by what Montesquieu calls "moral causes" (XIV 5; VIII 21; *Considerations*, chap. 18, *Works*, II, 173).⁵ Moral causes stem above all from the political actions of the "legislator" who is independent to the extent to which he uses intelligence or reason (XIV 3, 5).

We learn of the complicated way in which moral causes combine with physical causes to determine political life by following Montesquieu's argument through Book XIV. The most influential climatic factor is temperature. (While it is a mistake to say that the factor of humidity is excluded, it is relegated to a secondary role.)⁶ Over generations a cooler climate tends to produce bodies which have tougher and more tense muscles and nerves, better circulation, and hence greater vigor. This makes the spirit more insensitive, independent, courageous, and free. A warmer climate, in contrast, tends to produce more relaxed and softened fibers and slower circulation—a less vigorous but more sensitive body. This leads to imagination and taste, but also to indolence and lack of courage and independence.

Modern opinion frowns on such generalization. The reason is not so much the crudity of scientific details (of which Montesquieu was probably aware) as the moral implication. We do not like to hear it suggested that climate may make peoples more or less capable of self-government. In this we share the Lockean doc-

trinarism which Montesquieu attacked so strongly. The experimental evidence is certainly not conclusive one way or the other, for the exhaustive studies which would be required have yet to be made, and, given contemporary intellectual opinion, will not be made in the foreseeable future. On the other hand, the evidence of history would seem to lend some support to Montesquieu: liberal republicanism has yet to be successful in hot climates. With this kind of empirical foundation, experienced observers of international politics today sometimes speak in Montesquieuan terms.⁷ Whether or not this apparent empirical foundation provided by history is valid, it must be admitted that starting from the view of human nature shared by Hobbes, Locke, and modern reductionist biology, it is difficult to refuse to follow the general direction of Montesquieu's speculations.

But no defense of Montesquieu can deny that his discussion of what has come to be called geopolitics shares with that discipline a curious combination of common sense and madness. *The Spirit of the Laws* is the only work of political philosophy known to us in which serious theoretical conclusions are drawn from experiments performed on a frozen sheep's tongue (XIV 2). We see here some of the aberrant enthusiasm generated by Enlightenment scientific research. One profits most from Montesquieu's discussion of climate if one takes seriously only those suggestions which seem to correspond to common sense and historical experience. Since Montesquieu only rarely strays from this firm ground, his thoughts seldom fail to be provocative.

Montesquieu teaches that because so much of the

inhabited world lies in torrid zones, the predominant effect of climate is to hinder man from establishing government which provides the freedom or security longed for by his nature. In hot climates men tend to be timid. This is not inconsistent with the fact that in hot climates there are "atrocious" cruelties, for those in power imagine danger from others and those lacking power lack the spirit to resist the outrages the powerful perpetrate (XIV 3). In addition, a hot climate tends to make men lazy, reluctant to undertake even the efforts necessary to cultivate the earth for sustenance (XIV 5, 6, 7). In such climates men are consequently much more in need of a "legislator" whose "reason" will oppose "nature," whose "moral causes" will oppose the "physical causes" (XIV 3, 5). Montesquieu does not advocate the absurd climatical determinism which Collingwood ascribes to him.⁸ The goodness of a legislator is proportional to his opposition to the vices of the climate.

This does not mean to say that the good legislator will usually be able to establish a free regime, for he is severely limited by the climate. In hot climates the legislator is limited not only by the particular vicious tendencies inculcated by the climate, but also by the general "immutability" of all laws and customs. The feebleness of the human spirit there, combined with its insensitiveness, makes the original institutions and usages much more deeply imbedded than elsewhere (XIV 4). The most important task of the legislator in hot climates, and the one to which Montesquieu devotes the most attention, is the overcoming of laziness through laws, customs, and religion: the encouragement of the agricultural industry which provides

food (XIV 5-9). The legislator must strive to create the minimal conditions for human existence. In this context Montesquieu gives high praise to the laws of the Chinese despotism. China is not free; it is unattractive from the point of view of European monarchy and republicanism; but a China is probably the best that can be hoped for in hot climates (cf. XIV 5, 8 with VIII 21).

Montesquieu wishes to show not only how climate hinders free government in hot climates but also what its relation to law is in England, where free government flourishes (XIV 12, 13). In England the climate produces "a sickness . . . a defect of the filtration of the nervous fluids" which leads to discontent, irritableness, and restlessness. This disposition destroys the patience required for political prudence. Yet it fosters the spirit of selfish independence, vigor, and courage which promotes free government. We now begin to learn that while liberal republicanism does not depend on classical virtue, it does depend on specific qualities or transformations of character which might be called virtues of a kind. These qualities are not the product of restraint or education but are rather the natural distortion of the passions brought about by climate. Nowhere do we find a climate that leaves human nature unaffected. Never can political life be based *simply* on human nature or natural right, for the core of human nature is always shaped to some degree by climate. And even if we could find a place where all influences of the climate were neutralized, it is doubtful if we should desire such a habitation. In order that it be strong enough to form the spur to free gov-

ernment, the passion for security at the core of human nature seems to require the supplement of a certain irrational restlessness given by a climate like England's. It is not sufficient to say that human nature supplies man with a negative standard; even in the best case this standard needs the aid of the accident of climate in order to be applied.

In the books immediately following Book XIV Montesquieu reveals in more detail first the way in which climate hinders freedom and, second, its consequences for the development of free institutions in temperate Europe. His treatment is more comprehensive than Aristotle's not only because he believes men are more shaped by climate but also because he has greater concern with the improvement of political life everywhere. Despite his return to something like Aristotle's view of the limitations on improvement, he remains more sanguine about the possibility of the beneficent widespread influence of political philosophy. This posture is to some extent the outcome of his lower view of the goals of political life and political philosophy. But it is also partly due, as we shall see in Book XX, to his confidence in the world-revolutionary power of commerce. Montesquieu wishes to educate those who will control this force.

Book XV, on civil slavery, is a continuation of Books XII and VI, whose theme was civil liberty. Although the question of slavery was only adumbrated in Book XII (chapter 21), one could reasonably assume that slavery, since it is the greatest deprivation of security next to death itself, is a fortiori always to be avoided. But now Montesquieu devotes a whole

book to slavery in order to correct that impression. We learn here in the most startling fashion that no principle of civil liberty, not even the prohibition on enslavement, can be considered an "absolute." By now it should not be necessary to add that "relativism" is not the only alternative to "absolutism." Montesquieu makes it emphatically clear in the five opening chapters of Book XV that slavery is bad, and not only on his own grounds, that is, because in arbitrarily depriving a man of his security it goes "contrary to the fundamental principle of all society" (XV 2), but also on the grounds held by classical exponents of slavery—grounds of moral and political virtue (XV 1).⁹ But that slavery is bad or unhealthy for human nature does not prove that it is always to be avoided. In some times and places human nature is in so miserable a state that a man has a better chance for life and minimal comfort as a slave than as a free man.

At first Montesquieu seems to justify only "a right of very mild slavery" (XV 6). But in the next chapter he provides a justification for "cruel slavery" as well. There are some countries where the heat is so severe and enervating that only the slave-holder's lash can make men do the necessary work. Montesquieu's justification of this extreme form of slavery epitomizes his understanding of the status of natural right altogether:

Since all men are born equal, it is necessary to say that slavery is against nature, although in certain countries it may be founded on a natural reason; and it is very necessary to distinguish those countries from those where natural reasons themselves reject it. . . . (XV 7)

He then immediately adds two chapters in which he reemphasizes the lack of any justification for slavery in Europe (XV 8-9).

Montesquieu's procedure in Book XV is perfectly characteristic of his thought, and of the difference between the political philosopher and the moralist in general. After condemning and then justifying and then condemning again "cruel slavery," he gives a rare indication of his deep personal repugnance to slavery: "I do not know if it is the spirit or the heart which dictates this article." Yet instead of giving a blanket condemnation of slavery and averting his eyes from the situations which require it, Montesquieu proceeds to devote the rest of the book (chapters 10-19) to a cool and detailed discussion of the ways to mitigate the abuses and dangers of slavery wherever it exists, whether justifiably or not. Montesquieu believed that in order to benefit humanity one must never permit the sense of humanity to blur one's clarity of vision.

In the general discussion of climate in Book XIV, Montesquieu indicated that man's sexuality is radically affected by the climate (XIV 2, 14); in Book XVI he discusses the political consequences, returning to the theme of the relation between women and political life.

In hot climates the radical inequality of the two sexes tends to make polygamy and the seclusion of women necessary. There women reach puberty very early and begin to age quickly, and would be abandoned if their husbands were not permitted a plurality of wives (XVI 2). Polygamy also provides for the larger female populations of hot lands (XVI 4). Seclusion

is necessary not only in order to enforce unity and fidelity in the polygamous family but also because the body is so sensitive to pleasure that lust is less controllable in both men and women (XIV 2, 14; XVI 10, 11). The seclusion of women is a prudent measure of the legislators who "force the nature of the climate" when the climate "violates the natural law" governing the relations of the sexes and the family (XVI 12). The situation of women in hot climates must then usually be one of "domestic slavery."

This climatic limitation on human freedom is at once more inescapable and more portentous in its political effects than is the tendency to civil slavery in hot climates. This is indicated by Montesquieu's de-emphasis on its intrinsic badness and by the space he devotes to its climatic justification (contrast XV 7 with XVI 2-5, 8, 11-12). The distinction created by climate between master and slave is in the case of domestic slavery more deeply rooted in the nature of man—in the natural distinction of the species into male and female.

Domestic slavery has graver political effects than civil slavery because the mode of behavior among members of the family has a very great influence on the relationships among citizens. Civil slavery can be understood to have to do with persons who are outside of "our" community. The same cannot be thought of domestic slavery. Where habits and usages of freedom prevail in political life, it is difficult to maintain customs of slavery within the family. "The empire over women cannot be exercised so well there; and when the climate demands this empire, the government of one man has been more convenient." Montes-

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Montesquieu says of domestic, but not of civil, slavery that it "is one of the reasons why popular government has always been difficult to establish in the Orient" (XVI 9; cf. VII 9). A republic can tolerate civil slavery, but not domestic slavery.

The theme of Book XVII is this gravest effect of climate on man, the effect on the possibility of republican government and political freedom in general. After explicitly restating what had been shown in Book XIV, Montesquieu reveals that there is an additional and crucial factor necessary for the creation of conditions propitious to freedom. Besides the need for a cool climate, it is required that the inhabitants not be contiguous with the inhabitants of warm climates. Only in temperate regions such as Europe and perhaps North America will the Northerners not be corrupted by easy conquest of the Southerners:

This is the great reason for the feebleness of Asia and the power of Europe, of the liberty of Europe and the servitude of Asia: a cause which I do not believe anyone has before remarked. (XVII 13)

Immediately following the books on climate, Montesquieu's train of thought once again becomes obscure. The first part of Book XVIII describes the effects of the nature of the terrain on the men who inhabit it. In the second part Montesquieu turns to a rather lengthy discussion of the way of life of primitive societies and especially of the early German tribes.¹⁰

We will understand what Montesquieu is about if we start from the fact that in Book XVIII he turns

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to a detailed consideration of the human situation in Europe. His first and heaviest emphasis is on the effect of climate and geography in the areas where they distort and limit human nature. But he is ultimately much more interested in the opportunities for political life in those temperate regions where climate least restricts the influence of human reason and will. Here the greatest opportunities for freedom and improvement exist.

When we focus our attention on the temperate regions we find that as the influence of climate recedes another natural factor makes itself felt: the character of the terrain. But the effects of the terrain are less powerful and restrictive than those of climate. Man remains far less determined by the natural environment in Europe than elsewhere.

This does not mean that European man remains unshaped and unmolded. For we have learned that even in the hostile climates it is not only nature which molds man into diverse national groups; man differentiates and shapes himself. Indeed, the characters of the many nations correspond only loosely to the diverse natural environments; sometimes widely differing nations are found in the same environment. The unique way of life of each nation represents the human response to the natural environment. The nation is a product of human making. This is the case in Europe above all. The same facts which led to the conclusion that man's humanity is radically shaped by the influence of the climate on the body imply that this humanity is subject to a less permanent but still profound reshaping by the conventions instituted in each nation.¹¹ If man does not become civilized or human

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because of a permanent tendency or end rooted in his nature, if man's humanity is a product of accident and response to accident, then that humanity will manifest a permanent variety of forms corresponding to the variety of accidents which in different times and places caused that humanity to come into being.

The conventions which constitute a national character may originate with all or only a part of a people. In the most important cases they originated in decisions made by "legislators," or rulers who gave comprehensive guidance to a people. The legislators responded to the needs of man and the exigencies of the natural environment with varying degrees of wisdom and error—with varying notions of what happiness is and of what can be hoped for in the given circumstances, and with varying prudential capacities for attaining what they sought. The freedom to err, the freedom to be more or less wise which is implicit in the exercise of human reason, is the principal explanation for the indeterminacy, unpredictability, and uniqueness of each national character.

In cooler regions like Europe, where a hot climate did not give the conventions an "immutability" (XIV 4), the conventional response to the environment developed through time. The manners and customs of a nation were repeatedly altered as new generations with new rulers reassessed the permanent elements in their situation and came to grips with new elements. To understand the conventional forces that have shaped European humanity, it is therefore necessary to investigate not only the present climate and customs but the history of the European nations. It is especially important to learn as much as possible about the ear-

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liest history of Europe, for it was then that much of the later development was determined. And it is in studying the early days, when the people were simple, that the impact of the climate and terrain can most clearly be seen (cf. XIX 4): the history of the origins reveals what in Europe is due to nature and what is due to convention. In Book XVIII Montesquieu moves away from the study of the static human situation in most of the world to a study of the dynamic human situation in Europe; away from the contemplation of the enslavement due to nature to a contemplation of the freedom due to man and reason; away from the concentration on nature to a new emphasis on history.

The survey of the primitive "hordes" is meant to be a sequel to the discussion of the state of nature in Book I. Our awareness of the way in which climate and terrain radically shape man makes us now realize that we need a supplement to the description in Book I of the typical emergence of man from the state of nature; we need to know to what extent the men of each nation were altered by their particular environments on their way to becoming civilized. Such a supplement is most needed in the case of European man.

At the same time, the study of the earliest Europeans sheds light on original man in general. These "nations which do not cultivate the earth" are so simple that they are all very similar. Since we have no records of man's natural state, our knowledge of it is based on deductions from what we see of man in civil society. These speculations are made more solid when they are based on the records we do possess

of the earliest societies.¹² Montesquieu implies that what can be learned of these earliest societies confirms the view of human nature sketched in Book I. It is true that the description in Book XVIII begins with societies or "peoples"; it does not throw light on the difficult question of how solitary natural man was induced to form familial clans. However that may be, we find that "these peoples wandered and dispersed themselves in the pastures and the forests." Originally, not even the family existed as a stable unit:

Marriage will not there be as stable as among us, where it is fixed by the dwelling, and where the woman belongs to a house; they can then more easily change women, have several, and sometimes mix with one another indifferently like beasts. (XVIII 13)

In some places tiny nations were formed (XVIII 11); but it is only where the forests were rather infertile, as they are in Europe as opposed to America, that men were forced to leave off hunting to become nomadic herders, and hence acquired more fixed usages of women and property (XVIII 11, 13).

Civil society comes into being for the sake of sustenance, but also for the sake of protection, for the scarcity of things creates a situation of constant war:

These peoples . . . will have among themselves many subjects for quarrelling; they will dispute about the uncultivated earth. . . . Thus they will find frequent occasion of war, for their hunting, for their fishing, for the nourishment of their beasts, for the kidnapping of their slaves. . . . The weak people, in uniting, defend themselves against violence. (XVIII 12, 16)

If it is true that Montesquieu never mentions the term "social contract," it is also true that he practically describes it without naming it. In his description of the formation of civil society there is no mention of compassion, pity, or that "pleasure which an animal feels at the approach of another animal of his species" (I 2). The role of "humanity" in the creation of *civil* society is negligible; civil society is a product of fear and the need for collective security.

Despite the extreme hardships and the superstition prevalent among these primitive "hordes," the members of each tribe enjoyed equality and "a great liberty." Equality and liberty were the result of the simplicity of their needs and the natural limitations of their powers of repression (XVIII 14, 17, 18; cf. 31).¹³

After this account of the general character of the original civil societies, Montesquieu investigates the particular character assumed by the hordes in various natural environments. We immediately learn that in Asia the liberty of the hordes was considerably lessened not only for the reasons of geography presented in Book XVII, but also because of the terrain. In Europe the constant state of war among the tribes did not lead to conquest and political enslavement because the defeated groups could always flee into the forests, swamps, or mountains and find refuge; but on the vast plains of Asia such refuge was impossible (XVIII 19). It is in Europe alone that the natural environment promoted civil societies which were secure or free, civil societies which came near to achieving the purpose for which they were established.

And even in Europe, this freedom was not univer-

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sal. Where the land is rich, the spirit of freedom is weakened. Men are less hardy where life is easy; they become accustomed to property and fear for its loss; their greater enjoyment of life makes them less capable of risking it. Barren land, on the contrary, forces men to be stronger and more predatory, gives them less to lose and makes life seem less precious (XVIII 1, 4). The consequence, Montesquieu suggests, is that the inhabitants of fertile lands were destroyed and their countries turned into desert by the marauding, warlike nations from sterile terrains (XVIII 3).¹⁴

It would seem then that the only peoples whose natural environment cultivated a free spirit were those who inhabited the barren lands of Europe. Such were "our fathers," the early Germans and Franks. But there is something seriously wrong with the freedom of these peoples to whom nature seems to have given the greatest chance for freedom. The freedom of the Germans is rather different from the "opinion of security." It is the bold, reckless, irrational liberty of ferocious warriors. It does bring victory, and therefore security, in warfare. And the free spirit of these independent warriors is reflected in the government, a "republic" where each man participates in the governing "assembly" (XVIII 27, 30). But this liberty also implies all the dangers inherent in constant bloodshed (cf. especially XVIII 29). Moreover, the warrior spirit is the source of the passions of pride and vanity that threaten the rational human search for security. Montesquieu seems to hold that the desire to display superiority originates in an extreme and perverted development of the pleasure men take in contemplating the personal power which insures their security.

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The desire to see one's strength or dominance becomes divorced from the fear which is the true reason for that desire. Thus Montesquieu finds that fear is the true source of the "marvellous system of chivalry": "It was fear, which is said to have invented so many things, that made men imagine those sorts of prestige" (XXVIII 22 and context).

It is true that this proud and warlike spirit appears to be necessary in some measure as a precondition for any liberty. Montesquieu praises these barbarians as "the source of the liberty of Europe" (XVII 5): it was they who saved Europe from the despotism of Rome (XIV 3). Yet while the soft inhabitants of fertile lands lacked the courage necessary to protect themselves, they better understood the reason for such protection: "The fertility of a country gives . . . a certain love for the conservation of life" (XVIII 4). Inhabitants of fertile land are "occupied . . . with their own affairs" (XVIII 1).¹⁵ The men who settled fertile lands became concerned with private property, wealth, trade, and money. Their preoccupation with material possessions "corrupted" them. Theft, ruse, and exploitation forced men to create good civil laws, and savage independence came to be replaced by legal liberty (XVIII 12, 13, 16). Rational political liberty requires some combination of the opposed spirits of these two kinds of peoples.

Montesquieu indicates how such a synthesis came about in his discussion of a third possible human development within the environment of Europe. When the land is neither rich nor so barren that vigorous and unremitting labor bears no fruit, a people can develop who combine a degree of military tough-

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ness with a sturdy industriousness productive of material comfort (XVIII 3, 4). Such peoples have a better chance for survival if they inhabit a protected place—an island, or the middle of a swamp which they have drained (XVII 5–7). These same conditions are the ones most likely to lead to seafaring commerce (cf. XX 5 with XVIII 1). The warlike peoples may have freedom of a sort, but

the countries which the industry of man has rendered habitable and which need, in order to exist, the same industry, are those which evoke moderate government. (XVIII 6)

Just as destructive nations do evils which last longer than they do, there are industrious nations who do good which does not end with them. (XVIII 7)

This third possible development is less a necessary effect of the climate and terrain than are the first two possibilities; moral causes here play a much greater role than physical causes. Men achieve this situation not as they achieve savage freedom, that is, “solely by the good sense attached to the gross fibers of these climates” (XIV 3), but rather “through their care and through good laws” (XVIII 7). The productive alteration of the land is “a good which nature has not at all made, but which is maintained by nature” (XVIII 7).

The superiority of the mixture of the effects of barren and fertile terrain reminds one of Aristotle’s praise for the Greek climate, which mixes northern freedom and southern reason (*Politics* 1327^b 18–36). But Montesquieu’s mixture is predominantly northern; it

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emphasizes the elements of vigor, industry, and freedom, not sensitivity and leisured thought. Above all, the mixture praised by Montesquieu is due less to the bounty of nature and more to the labor of man.

As Montesquieu indicated in his earlier remarks on the “sickness” induced by the English climate, free civilization is a product of that natural environment which makes man the most uncomfortable, the most anxious (cf. XXI 3). The best region for man is one which induces neither slavish slothfulness nor careless and self-satisfied independence; the best situation is one which fills man with “care,” which compels him to take up an actively negative or alienated posture towards his environment. This is perfectly consistent with Montesquieu’s description of man’s relationship to nature in Book I. Man achieves his humanity and the satisfaction of his needs only when he reacts against his natural state and transforms and overcomes the state of nature. It is tempting to say that nature’s only kindness to man is the ferocity of her malevolence. Man can be thankful that in at least some regions of the earth his misery is originally so acute that it is literally unbearable.

Unfortunately, nature is niggardly even in her malevolence. In that part of the world where she is most favorable to freedom she tends to make men form nations whose sense of freedom leads to the spirit of war, honor, and vanity rather than to the anxious and insecure spirit of productive labor. These warrior men do not remain simply barbarous. Agriculture and commerce develop to a certain level, but the men who farm and who pursue commerce do not set the tone of society or control the government. There is a bal-

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ance of powers, but it protects principally the warrior-nobles. For the emergence of countries like England, where the laboring and commercial classes possess power and security, the best situations seem to be swamps, islands, and seacoasts. It seems doubtful whether true political freedom can flourish even in Europe. The only hope would seem to lie in the possibility that human reason, imitating the "works of man" which made barren lands productive and free, might overcome or transform in some measure the tendency to barren vanity which is produced by nature's warping of the human spirit. Such a possibility emerges in the books which immediately follow.

But this possibility is not the first thing that strikes the reader in Book XIX. One's first impression is of additional obstacles to freedom. It appears that convention or history limits the legislator almost as much as climate.

Montesquieu begins by giving an explicit formulation of the teaching about national character which has been emerging in Books XIV through XVIII. This national character Montesquieu calls "the general spirit of a nation." As we have seen, it is a product of both physical and moral causes:

Several things govern men: climate, religion, laws, maxims of government, examples of past things, customs [*moeurs*], manners; from which there is formed a general spirit which results from them. To the extent to which, in each nation, one of these causes acts with more force, the others give way to it. (XIX 4)

But it is only among savage peoples that physical

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causes predominate; in general, "moral causes form the general character of a nation and decide more the quality of its spirit than do physical causes."¹⁶ The general spirit is manifested above all in the customs or morals and manners (*les mœurs et les manières*—see the title of XIX), the "way of life" as we might say, of a nation. The things a nation values shape its perceptions, its sentiments, and its experiences; each person looks at the world through his nation's eyes. Every hope for political change must come to terms with the particular spirit of a nation. Any attempt to ignore or push aside this spirit, even for the sake of political freedom, leads to "tyranny" (XIX 3). The attempt to uproot deeply ingrained habits will require actual violence and forceful repression. But what is more, even if men are wrong in their sense of their own political liberty, liberty is an "opinion of security." A frontal attack on a nation's tradition will instill in all a deep feeling of oppression and fear—what Montesquieu calls a "tyranny of opinion" (XIX 3, 14, near the end). And tyranny is not the only evil likely to result from an attack on the general spirit. The general spirit provides the social bond of habit that welds men into a cooperative community. Its enfeeblement may lead to anarchy (XIX 12). To avoid tyranny or anarchy, it is therefore necessary that a nation's opinions be correct: "For the best laws it is necessary that the spirits be prepared" (XIX 12).

In his discussion of the things which shape the general spirit of a nation, Montesquieu is silent about the role of the nature and principle of the government. This seems to indicate a shift away from his earlier

emphasis on the "supreme influence" of the political principles. The enumeration of formative influences (XIX 4) includes political actions, but they are not given marked preeminence. Indeed, Book XIX as a whole teaches the limited influence of direct governmental action on a society's way of life. Observations such as these lead most modern commentators to see here an implicit movement or even an unconscious drift away from the perspective of traditional political science toward the perspective of social science or sociology.¹⁷ This interpretation is not altogether clear because among social scientists the meaning of "sociology" or "social anthropology" is unclear: the notions "society" and "the social" and their relation to "the political" are not well-defined.¹⁸ But it is not a distortion to say that all versions of sociology are characterized by an agreement that the political sphere is not, in general, the source of a society's way of life. All agree that the political constitution is, if not merely a derivative "superstructure," then at any rate only one among many equal and independent elements of the "infrastructure," the real matrix of a society.

Doubtless Montesquieu's discussion of the general spirit of a nation supplements his analysis of the species of government. But it is an exaggeration to say that this implies a contradiction of his earlier emphasis on the political. In Book XIX the notions of "the political" and "the legislator" do not cease to be of central importance (see XIX 2, 5, 9, 11, 14-17, 19, 20, 21, 27). After all, Montesquieu never asserted that the political principle was the only influence on the laws. He limited himself to saying that it was

the "supreme influence." In the very chapter where he spoke of this supreme influence of the four political principles, he also said that "it is a great piece of luck if the laws of one nation can suit another" (I 3). Beginning with Book XIV, Montesquieu makes clearer the fact that each principle of government is manifested in a variety of different nations, a variety created by the influence of nonpolitical as well as political factors. This in itself does not constitute a revision of Montesquieu's theoretical approach.

Nor does the depreciation of the influence of law and direct governmental action indicate a decisive change in orientation. To say as Montesquieu does that the political is fundamental is not to say that laws and institutions are always fundamental. By "the political" Montesquieu means the character and way of life of the men who rule, who actually possess power in a society. By the influence of the political constitution he refers to the "modification of soul" which is caused in every citizen by the nature of the government, the decision as to who shall rule. According to Montesquieu, the tone—the customs, manners, and morals of a society—is determined principally from the top, by the habits of those who hold power. Everyone in a society looks up to and emulates the human type represented by those who possess authority. The source of a society's spirit or character is for the most part not something hidden from human intention and consciousness; it is rather the open words and deeds of the politically powerful, that mixture of the freely chosen and the necessary in which the intended predominates over the unintended.

As an illustration, let us glance at Montesquieu's

rather lengthy discussion of the general spirit of the French nation. This general spirit is largely formed by the habits of the aristocracy in its private, nonpolitical life. But these private habits exert a powerful influence precisely because the aristocracy has held and still holds actual political power. And the habits owe their character to the aristocracy's peculiar political situation as it has developed down through the ages. Despite the importance of the influence of Christianity, one can ascribe the character of the aristocracy above all to the fact that it originated in a bloody conquest of the soil of France and experienced a subsequent prolonged struggle for power against king and church, a struggle that finally left it in a position which combines certain kinds of dependence with certain kinds of independence (compare XIX 5-8 with Book XXVIII as a whole, especially chapter 22 and context).¹⁹

Recognizing the error of identifying Montesquieu's orientation with a sociological orientation, one must not fail to discern the important kernel of truth in this mistaken view. Although Montesquieu retains the belief in the preponderance of the political sphere, he goes farther than his predecessors—certainly farther than Aristotle—in qualifying that preponderance. This tendency is obvious in his treatment of "physical" causes. It is also evident in his treatment of "moral" causes. The very fact that the causes of society which proceed from the human will are called "moral" rather than "political" points to a tendency to qualify the preeminence of the political element.²⁰

This shift in emphasis manifests itself in two ways, each of which has its roots in Montesquieu's theoretic-

cal innovations. In the first place, he is more open than Aristotle to the possibility that important aspects of a nation's way of life may find their source in human activities which are more or less independent of the actions of legislators and rulers. This openness follows from Montesquieu's more restricted notion of the natural scope of the state and civil society. Aristotle's emphasis on the determining power of the political principle is based on his view that civil society exists for the sake of (and therefore is essentially a conscious, cooperative effort for) the attainment of a life of happiness through the full use of faculties which cannot be exercised except in a political association. Every society represents some version of this effort, some groping toward this goal, however unenlightened. Hence every society is understood as defined above all by its political part—the part which consciously and intentionally tries to give comprehensive guidance to the whole (see especially *Politics* 1278^b 18-31, 1280^a 25-1281^a 8). For Montesquieu, on the other hand, civil society exists not for the sake of creating happiness but for the sake of protecting the means to happiness, or the means to each individual's avoidance of unhappiness. Civil society exists in order to secure or liberate good things which exist *prior* to civil society. The individual and his property, the family, its attachments, its customs, its morals and religion, predate the establishment of civil society (XVIII 13, 16; as to religion, cf. XVIII 31 with XXV 2 on the one hand and XXVIII 22 on the other). For the sake of securing these good things civil society transforms them to some extent; but in principle they remain to a considerable degree autonomous. The spheres of eco-

conomic activity, of the family and private life, of religion, retain a greater independence than in Aristotle's analysis.

This is only a difference, not a reversal, of emphasis. Montesquieu chooses the English nation, the nation which embodies most perfectly the true principles of civil society, the nation whose government gives the greatest liberty to private life, as *the* example of a nation whose customs and manners are caused by the political life, the laws and constitution (XIX 26-27). Even the liberal society—precisely the liberal society—is created above all by the deeds and intentions of the men who found and maintain the constitution.

The de-emphasis of the political in Montesquieu stems not only from what one may call his liberal-pluralistic viewpoint, but even more from his new concentration on the role of history. Insofar as Montesquieu asserts that man is determined by his conventional past, he narrows the scope and lessens the influence of the deliberate activity of legislators and statesmen. He not only narrows the latitude of choice of each generation of rulers; he also makes more incontrovertible the unintended or unforeseen consequences of their actions. He thus makes a nation more the product of a semiconscious development. With Montesquieu begins a tendency to see profound domestic conflicts over political principles and great battles for survival against foreign threats—the things which appear all-important to the statesman—as only the foreground of a nation's life, a foreground predetermined to a considerable extent by causes hidden in the past.²¹

Montesquieu's thought appears to be the beginning of a movement toward the view that actions of statesmen are determined by historical developments in economics, or religion, or art and thought. We are introduced to the possibility that a nation's "spirit" is the product not of its political history but of its economic, or cultural, or even linguistic history. And since the spirit of one nation seems clearly related to the spirit of other nations, there appears on the horizon the possibility that the development of each national spirit must be understood in terms of the development of a "world spirit." In other words, Montesquieu's teaching appears as the starting point for the emergence of the philosophy of history, which both in its universalistic version (Kant, Hegel, Marx) and in its particularistic version (the "historical school") tends to deny the practical autonomy and supremacy of political prudence.²²

It is through this new emphasis on history that Montesquieu truly appears as the precursor of sociology. For sociology, as is well known, developed out of the philosophy of history.²³ And when one reflects on the considerations outlined in the two previous paragraphs it becomes intelligible how, by way of the turn to history, the conception of the science of man as *social* science could evolve from the conception of it as *political* science. Because Montesquieu represents only the first step in this evolution, study of his thought helps reveal to us the partly veiled intellectual sources and philosophical presuppositions of the sociological orientation. We become fully aware of the degree to which "social" science is a continuation, and not merely an outgrowth, of the philosophy

of history.²⁴ The new liberal political theory of the state and society opens the way, but it is the subsequent turn to an emphasis on history that truly initiates the intellectual evolution toward scientific preoccupation with the "social" at the expense of the political.

Nevertheless, for Montesquieu himself the discovery of the historical dimension does not lead to a disavowal of the suzerainty of politics. The general spirit of a nation is formed by its political history more than by anything else. In this Montesquieu seems to anticipate Burke; yet he remains more faithful to the classical understanding of political history than Burke does. Montesquieu does not characterize the state or the nation as an organism: nations do not "grow" (although cf. XXX 1). For Burke a nation's religion is not necessarily derivative from politics and may be as great a formative force as any political phenomenon;²⁵ Montesquieu indicates as clearly as he dares that religion is largely the political product of a human legislator (XIV 5, 11; XV 17, 18; XIV 7; XIX 21; XXIV 6, 24; XXV 3; XXVI 14). But the difference appears most clearly in Montesquieu's teaching about the origins, the founding of nations and societies. In his discussion of the history of the French nation in the final part of *The Spirit of the Laws*, Montesquieu shows that the nation did not simply spring up or coalesce. It owes its origin to the deeds and above all to the martial victories and defeats of its political chiefs. "At the birth of societies, it is the chiefs of republics who make the institution; and afterwards it is the institution which forms the chiefs of republics" (*Considerations, Works*, II, 70). We should

never forget that the explicit purpose of *The Spirit of the Laws* is the education of the "legislator" (XXIX 1). In contrast to Burke, Montesquieu's emphasis on the individual legislators in the future as well as in the past marks his belief in man's capacity to reshape or create history in certain times and places—to use reason to revolutionize the established orders. This belief leads Montesquieu to assess every situation in a way that gives more power to human intention and prudence.

With this in mind, we will be in a better position to recognize that the principal purpose of Book XIX is not, as is often thought, to teach that the legislator must follow the general spirit. The teaching that the legislator is limited by the general spirit is only the first step. The aim of the argument as a whole is to show how and under what circumstances the legislator can alter or even overcome the general spirit in order to bring about the maximum of political liberty. Any attempt to state the intention of Book XIX is bound to be controversial, for this important book is perhaps the most obscure of all in its central or unifying argument. No one has claimed to explain the reason why each chapter is where it is. And we cannot fully remedy the situation. But we believe that the core of the argument in Book XIX can be understood in the light of the general line of argument of Books XIV and following. To restate this argument in brief: having presented the correct political principles through his analysis of England in Books XI through XIII, Montesquieu proceeds to show how these principles can be applied to political life elsewhere.

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Montesquieu himself warns the reader of the difficulties he will encounter in trying to comprehend Book XIX. This is the only book which begins with a brief chapter "on the subject of this book" and its mode of presentation. At the beginning of six other books whose theme is both important and somewhat obscure, Montesquieu helps the reader by devoting a brief opening chapter to the "general idea" of the book (Books V, VIII, XI, XII, XIV, XXVI; cf. also XX). Here one might expect the same help but, for reasons which will become apparent later, Montesquieu feels reluctant to be so explicit. Instead, he leaves it at warning the reader of the difficulty and giving him a hint as to how to proceed. After noting the "great extent" of the subject matter, he says that he "will be more attentive to the order of the things than to the things themselves." By this he seems to indicate that while it will be necessary for him to "wander to right and left" in order to find and bring together examples as evidence for his principles, his intention is to unfold an orderly argument which will reveal fully the general principles governing the relation of law to the general spirit. It is required, then, that we attempt to discern the precise order of Book XIX.

The book appears to be divided into five sections, corresponding to five stages in Montesquieu's argument:

Section 1 (chapters 2-4). In these chapters, which we have already commented upon, Montesquieu begins by stating the problem to which Book XIX addresses itself: in order to bring about the "best laws" it is necessary that the spirit, the "manner of

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thinking" of a people, be prepared to receive them. He then indicates more precisely what he means by this general spirit (chapter 4).

Section 2 (chapters 5-11). Having shown the limit or obstacle imposed by the general spirit, Montesquieu turns to an investigation of how the general spirit may sometimes be used by the legislator to bring about improvement, especially in Europe where political freedom is most possible. In four chapters he discusses the situation of a European monarchy (France) whose general spirit is not, despite first impressions, necessarily at a tension with correct "principles of government" (chapters 5-8). The reason this monarchy's spirit need not be radically "corrected" is that it is partially founded on a certain vice—vanity—which is capable of being used as the basis for political improvement. Montesquieu extends this principle in the next three chapters (9-11): vanity and other vices are conducive to work, industry, and commerce. Exactly why commerce goes together with political improvement is not yet made clear.

Section 3 (chapters 12-15). In the previous section Montesquieu showed how the legislator may use the existing general spirit, and especially the vices it contains, to bring about improvement. Now Montesquieu examines the situation where the general spirit by itself cannot lead to freedom, the situation in despotism. In order to bring freedom, the general spirit has to be changed, but it is usually dangerous to do so: in most despotisms (for example, China) no other form of order or tranquility is possible because of the climate and the established habits of the people. A change in manners and morals only

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leads to anarchy and an eventual new despotism (chapters 12–13). But sometimes the situation of a country, above all its climate and its proximity to Europe, makes freer government conceivable. The central chapter of Book XIX (chapter 14) deals with the proper way to create a new general spirit, to introduce new manners and morals, especially in such a despotism. The correct method proves to be similar to that by which the legislator uses the general spirit of monarchy: the liberation and use of the natural but immoral passion of vanity, especially feminine vanity (chapters 14–15).

Section 4 (chapters 16–26). Sections 2 and 3 dealt with the proper relation of law to general spirit. Now Montesquieu describes the improper relation, the mistake that legislators are especially tempted to make: the attempt to change manners and morals through law, through the fiat of the legislator. To thus wrench man's second nature into a new course does "violence" to man. It is a form of tyranny, and it requires harsh penalties and sanctions. This violence can be justified only in lands like China where climate makes fear and compulsion the only means to order; it cannot be justified in Europe (chapters 16–20). The examples Montesquieu gives of nations where this mistake was made are Rome, Israel, and above all Sparta, the "singularity" and fanaticism of whose institutions we remember from the last chapters of Book IV: "It is only singular institutions which thus confound things naturally separated: the laws and the morals and manners" (XIX 21; cf. IV 6).

Montesquieu teaches that the legislator in Europe must restrict his attempts at change to methods which

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follow the "natural genius," the passions and inclinations, of a people. Any attempt to change the general spirit of a nation must not try to restrain these passions; one must rather try to free them to pursue new objects. But this means that the legislator must not try to reform a people. The legislator is forbidden to try to create in a people who lack virtue or self-restraint a new regime founded on virtue. A virtuous republic is possible only where the "laws follow the morals," or where the virtue already exists. But how many civilized nations are naturally virtuous? A virtuous republic is possible only among a simple, poor, primitive people (chapters 21–26).

Section 5 (chapter 27). In the long concluding chapter of this book, Montesquieu at first seems to contradict the teaching of the previous section that the laws should never create, but should rather follow, the morals: "We have seen how the laws follow the morals: let us see how the morals follow the laws" (XIX 26, end). The apparent contradiction is really only a qualification. The legislation of morals can be appropriate where the morals are like those of England. The English way of life is based on the liberation of the petty selfishness of man (see our analysis above, pp. 146–60). The legislator need not act with violence and compulsion when he creates through law a way of life which follows the selfish bent of human nature. This does not mean to say that Montesquieu now abandons all his previous cautions about the importation of English law elsewhere. Chapter 27 must be read in the light of what has gone before. In most places natural environment and history prevent application of English institutions. But where a people

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dwelling in a European climate have been able to partially break with their history, English law might revise the morals. Montesquieu might well approve, for instance, the application of English institutions to some American colonies.

But the chief practical lesson of chapter 27 for the European statesman is not so much the applicability elsewhere of the laws of England, but the applicability of a key part of the "customs," the "manners and morals," of England. The central feature of the English way of life, and a chief purpose of its constitution, is the free pursuit of commerce. The commercial way of life produces comfort and security. And commerce can be promoted by the power of vanity, especially feminine vanity. Here we begin to understand Montesquieu's advice earlier in Book XIX about the proper way to make use of the general spirit in monarchy and how to introduce a new general spirit into despotism. Commerce is the solution to the problem of liberty in Europe, if not elsewhere. Chapter 27 of Book XIX is the introduction to Books XX through XXII, whose theme is commerce. There Montesquieu will spell out in more detail the way in which the spread of commerce implies the spread of liberty, and how this can be achieved.

We now begin to understand the sense in which Montesquieu advocates respecting and preserving the established order even as he teaches how to transform it. A resolution of the paradox that first appeared in the Preface has come to sight. Insofar as a national spirit contains the possibility for the liberation of the selfish passions of avarice and vanity, it has the potential for commerce and hence for vastly increased secu-

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rity or liberty. That liberty will vary according to the degree to which a spirit of freedom is already embodied in the general spirit and the institutions.

Book XIX teaches that the legislator must not attempt moral reform. But Montesquieu goes far beyond classical restraint. He teaches that great progress is possible but only through moral corruption. Not for one moment does Montesquieu confuse or lose sight of the enormous difference between traditional virtue and vice. In full knowledge of what is implied, he teaches that a good political life for Europe depends on the cultivation of vice:

I have not at all said this in order to diminish in the least the infinite distance which exists between the vices and the virtues—God forbid! I have only wanted to make it understood that all political vices are not moral vices, and that all moral vices are not political vices. (XIX 11)

We can now understand why Montesquieu is so reluctant to state openly and clearly the central practical teaching of *The Spirit of the Laws*. Part of the "moderation" which *The Spirit of the Laws* teaches the legislator is not only the necessity, but the beneficence, the charm, the power, of vice.

In England the free commercial way of life is a product of laws and a constitution embodying the principles of political freedom. The constitution is rarely transferable. But the commercial way of life is very transferable, and commerce brings freedom. In the elaboration of this teaching in the books that follow, Montesquieu makes more comprehensible many of the details of Book XIX.