Montesquieu (1689 - 1755)

It is difficult to decide where, from a pedagogical standpoint, to begin an account of what today might be considered to be social anthropological thought. One can go back to Plato and Aristotle, or yet further back; and I used to give a course of lectures on Ibn Khaldun; but the break of centuries is too great. Then I have started with Machiavelli, nibbled at Vico and toyed with Montaigne, before finally deciding that if one has to begin somewhere, or rather with someone, it must be with Montesquieu. I agree with Prof. Aron that it is he who should be called, not a precursor (at any rate in France), of sociological thought, but as its modern founder (this was Durkheim's opinion also), on account of what was at the time of his writing it a most remarkable, brilliant, and original, though rather chaotic, book, the Esprit des lois (1748). His other writings, the Considerations and others, are very inadequate history, (nevertheless Sir Frederick Pollock regarded him as the father of historical research) showing clearly the influence of Machiavelli, but not with Machiavelli's acute understanding of politics; and they contribute little to sociological thought.

Little need be said about the life of Charles-Louis de Secondat, Baron de Montesquieu. He came, as his name shows, of an aristocratic family, - noblesse d'épée et de robe from the region of Bordeaux and he was a student of law first in Bordeaux and then in Paris, and was a lawyer of the courts, (President à mortier). He was for his time a very learned man who enjoyed high repute among the savants of the salons of licentious Regency Paris, where he appears to have had a good time. Some have called him a libertine. He fancied himself as a galant homme; though he was also, some said, a bit parsimonious. He was much travelled in Europe, the two years he spent in England having especially made a deep impression on him and much influenced his thought, particularly in political matters. He was very tolerant, one might almost say liberal, and sometimes a bit muddled in his outlook. He was, at any rate formally, a Catholic though no one seems to know for certain - perhaps they cannot - how much of the deference he paid to the Church was merely formal. Anyhow whatever he may privately have thought of its dogmas he was certainly not himself dogmatic. He was, I suppose, what in the eighteenth century would have been regarded as a Deist.

Montesquieu was, if not the first, one of the first, writers to place great emphasis on the idea that in any society all the institutions constitute a system of interdependent parts. The relations between them can be discovered by observations made in a large number of different societies and a comparison between them since they are embodied in 'the nature of things'. 'Laws in their most general signification, are the necessary relations derived from the nature of things. In this sense all beings have their laws...' (p.I). By 'necessary' he means little, or no more than that given a certain type of social structure or conditions we will not normally find going with them institutions which would conflict with them. There is a certain consistency between one social fact and another and between one type of society and the environmental circumstances in which it is placed.

The size of population and hence of the political community depends on the mode of livelihood. Hunting peoples are widely dispersed and live in small communities. We find larger communities

among pastoral peoples and larger still among agriculturalists and yet larger among husbandmen who cultivate the arts (higher agriculturalists). The line of distinction between savages and barbarians lies between hunters, who roam in independent hordes, and herdsmen and shepherds, among whom there is unity on a larger scale, e.g. the peoples of Siberia cannot live in large bodies because they cannot find subsistence, whereas the Tartars can, for at any rate limited periods, because their flocks and herds can be assembled in one area. This to Montesquieu is a 'law'. Another 'law' is that the character and even the philosophy of a people are largely a product of climatic conditions, e.g. the Indians are naturally a cowardly people, and even the children of Europeans born in India lose the courage of the people of their homeland, being ennervated by the climate. The metaphysics of the Indians are suited to the climate, being those of repose and inertia. He was Hippocratic in his ideas about the influences of climate on character. I give some further examples of these 'laws' later.

Though his book is about 'laws' he uses this word in different senses in reference to the dual nature of man. That is to say, he distinguishes between natural law, to which animals are subject, and positive law, which is characteristic of human societies (law of nations, laws of religion and morality, and political and civil laws); and in matters of positive law man is a free agent, although a certain type of positive law is generally found in a certain type of society or, if it is not, it ought to be. 'Man, as a physical being, is, like other bodies, governed by invariable laws. As an intelligent being, he inces antly transgresses the laws established by God, and changes those which he himself has established' (p.4). Note the two senses of 'law' in that passage. I conclude that by the 'laws' of a society Montesquieu meant little more than what people of that society do (social facts), or at any rate what he thought they ought to do. On the whole he speaks of 'law' in the modern scientific sense rather than in the moral sense of his time.

It being his point of view that where one finds one or other fundamental institution others will conform to it, he proceeds to examine societies of which he had first-hand experience (those of Europe) and others about which he had read (Greece, Rome, China, India, Formosa, the Maldive Islands, the Arabs, the Hebrews, Turkey, Ethiopia, the Carthaginians, Franks, Germans, Mexicans, American Indians, and others) and to compare their different ways of social life. In the course of his lengthy treatise, in which he was much influenced by Aristotle, he discusses a very large number of topics: constitutions, education, position of women, laws, customs, manners, luxury, war, currency, commerce, economics, taxes, climate, slavery, morals, religion, etc. A large part of it is taken up with a history of European feudalisms. It is a general commentary on human affairs, of a sensible and reflective kind; and also a sort of guide to rulers about what sort of institutions they should encourage: no wonder that, as he confesses, the labour of writing it nearly killed him. He obviously felt the need for discretion in discussing both political and religious subjects; and he sometimes sheltered behind irony, e.g. in his discussion of Negro slavery. (There had been trouble about the Academy and with the Court and the Church). Nevertheless, in spite of its many obscurities and diversions there is a clear and persistent attempt to make a scientific classification of types of human society and to reveal the significant features of each type.

In the earlier part of his book Montesquieu takes (following Aristotle) as his constant, to which all other institutions are variables, the form of government (he tends to ignore it later). He classes governments into the three classical species: republican (democratic or aristocratic), monarchical, and despotic, but though using Aristotle's classification he employs it differently - Aristotle's knowledge having been more or less restricted to the Greek city states. These words indicate the nature of each, and we must now examine those laws, manners, customs, etc. which follow from the form of government, for what is proper to one form would be unsuitable in another. We know whether they are suitable or unsuitable once we have isolated the principle (ethos) of each type of government. 'There is this difference between the nature and principle of government, that its nature is that by which it is constituted, and its principle that by which it is made to act. One is its particular structure, and the other the human passions which set it in motion' (p. 27). The principle of a government is thus what is its main interest or goal or value to which all other interests and goals and values are subordinated. The principle of a democracy is virtue (probity); of an aristocracy, moderation (restraint) founded on virtue; of a monarchy, honour (grandeur); and of a despotism, fear. (Montesquieu was partial to a republican government or to a limited monarchy. He greatly disliked everything Spanish and admired everything English, being a great believer in constitutional checks and balances between the legislative and executive and juridical branches; also between a prince's prerogatives and the privileges of clergy and nobles and the civil liberty of the people). Such are the three principles of the three sorts of government. It does not, however, follow that in a particular republic the people actually are virtuous, though they ought to be, or that in a particular monarchy they are actuated by honour, but if they are not the government is imperfect. In other words, these were for Montesquieu what today some people would call ideal types, to which actual societies approximate more or less. The corruption of a government generally begins with that of its principle: the spirit of equality becomes extinct; the power of the nobles becomes arbitrary; a prince deprives his subjects of their prerogatives and privileges.

Other institutions conform to the pattern of the government. Forms of education must evidently be consistent with its principle, e.g. in republics its aim will be to inculcate self-renunciation. Then 'it is natural' to a republic to have only a small territory; a monarchy to have only a moderately big territory (if smaller it would become a republic, if larger the nobility would assert their independence, safe from swift retribution, e.g. Charlemagne had to break up his empire, and Alexander's broke up after his death); and a large empire supposes a despotic authority (quick decisions can be taken, and fear keeps remote governors from rebellion) e.g. China, Turkey, Persia. The spirits of states change as they contract or expand their limits. In monarchies which have also an hereditary nobility between the prince and the people, entails preserve the estates of families and are very useful; they are not so proper in other sorts of government. In despotisms punishments have to be very severe; in moderate governments (monarchical and republican) shame and a sense of duty act as restraints. Luxury is extremely proper in monarchies and there should be no sumptuary laws, for were the rich not to spend their wealth the poor would starve. In democracies there can be no luxury (there was none among the old Romans and the Lacaedemonians). In monarchies women are subject to very little

restraint; in republics they are free by the laws and constrained by manners; in despotisms they are chattels. Dowries ought to be considerable in monarchies to enable husbands to support their rank; in republics they ought to be moderate.

However, the ethos (esprit) of a people is not just determined by their form of government, though it is most clearly seen in this, but by their total way of life: 'men are influenced by various causes, by the climate, the religion, the laws, the maxims of government; by precedents, morals, and customs, from whence is formed a general spirit that takes its rise from these' (p.418). Among different peoples one or other of these influences may be dominant and that of the others will then be weaker. 'Nature and climate rule almost alone among the savages; customs govern the Chinese; the laws tyrannize in Japan; morals had formerly all their influence at Sparta; maxims of government, and the ancient simplicity of manners, once prevailed at Rome' (p. 418). It follows that the introduction of new laws may alter the spirit of a nation. One should be careful.

Montesquieu's method of interpretation can readily be seen by taking a few typical examples from his book. They demonstrate his thesis: we should explain the laws by the laws, and history by history. (A social fact can only be explained in terms of other social facts, by the totality of which it is part). At Athens, for example, a man could marry a sister only on the father's side, and not a sister by the same venter. This rule originated in republics whose aim it was not to let two inheritances devolve on the same person. A man who married his father's daughter could inherit only his father's estate, but if he married his mother's daughter it might happen that this sister's father had no male issue and might leave her his estate, and so her husband would acquire two estates. Domestic servitude (as distinct from slavery) is explained by the fact that in hot climates girls are married between the ages of 8 and 10 and are old by the time they are 20; so infancy and marriage go together, and hence the dependency of women in the home. He says this about polygamy: in Europe there are more boys than girls, and in Asia more girls than boys (so he says) - hence monogamy in Europe and polygamy in Asia; but in the cold climates of Asia there are, as in Europe, more males than females, 'and from hence, say the Lamas, is derived the reason of that law, which amongst them, permits a woman to have many husbands' (p. 361) i.e. polyandry. We are told that 'in the tribe of the Naires, on the coast of Malabar, the men can only have one wife, while a woman, on the contrary, may have many husbands. The origin of this custom is not I believe difficult to discover. The Naires are the tribe of nobles, who are the soldiers of all those nations. In Europe, soldiers are forbidden to marry: in Malabar, where the climate requires greater indulgence, they are satisfied with rendering marriage as little burdensome as possible; they give a wife amongst many men, which consequently diminishes the attachment to a family, and the cares of housekeeping, and leaves them in the free possession of a military spirit' (p. 362). Among the Tartars the youngest of the males is always the heir because as soon as the older sons are capable of leading a pastoral life, they leave the home with cattle given them by their father and start a new home of their own. 'The last of the males who continues in the house with the father, is then his natural heir. I have heard that a like custom/ultimogeniture/

was also observed in some small districts of England. This was doubtless a pastoral law conveyed thither by some of the people of Britany, or established by some German nation. We are informed by Caesar and Tacitus, that these last cultivated but little land' (p. 401). Some of these explanations may seem to us today to be somewhat fanciful, but they are certainly an attempt at being sociological; even if logical constructions entirely, or for the most part, unsupported by evidence.

There is a connection between forms of domestic and political government. The equal status of the citizens of a republic is consistent with the high standing of women in the home. When the climate demands that women be in subjection this fits in better with a monarchical form of government. This is one of the reasons why it has always been difficult to establish popular government in the east. But the abasement of women is most conformable to the genius of a despotic government, which treats all with severity. 'Thus at all times have we seen in Asia domestic slavery and despotic government walk hand in hand with an equal pace' (p. 365). 'One thing is very closely united to another: the despotic power of the prince is naturally connected with the servitude of women, the liberty of women with the spirit of monarchy' (p. 428).

Montesquieu had a clear idea of the integrative function of custom - and we may perhaps compare him to Confucius - 'We shall now show the relation which things in appearance the most indifferent, may have to the fundamental constitution of China. This empire is formed on the plan of the government of a family. If you diminish the paternal authority, or even if you restrict the ceremonies, which express your respect for it, you weaken the reverence due to magistrates, who are considered as fathers; nor would the magistrates have the same care of the people whom they ought to consider as their children; and that tender relation which subsists between the prince and his subjects, would insensibly be lost. Retrench but one of these habits, and you overturn the state. It is a thing in itself very indifferent whether the daughter-in-law, rises every morning to pay such and such duties to her step-mother: but if we consider that these exterior habits incessantly revive an idea necessary to be imprinted on all minds, an idea that forms the governing spirit of the empire, we shall see that it is necessary that such, or such a particular action be performed' (p. 433).

On the prohibition of marriage between near kin Montesquieu says that the marriage of son with mother 'confounds the state of things: the son ought to have an unlimited respect to his mother, the wife owes an unlimited respect to her husband; therefore the marriage of the mother to the son, would subvert the natural state of both'. (Vol ii p. 205). The prohibition of marriage between cousins-germans is due to the fact that in the past it was customary for children on their marriage to remain in the home of their parents: 'The children /sons/ of two brothers, or cousins-germans, were considered both by others and themselves, as brothers' (Vol ii, p. 207). Hence marriage was not permitted. These incest-prohibitions are universal: 'These principles are so strong and so natural, that they have had their influence almost all over the earth, independently of any communication. It was not the Romans who taught the inhabitants of Formosa, that the marriage of relations of the fourth degree was incestuous: it was not the Romans that communicated this sentiment

to the Arabs /he comes down rather badly on this one/; it was not they who taught it to the inhabitants of the Maldivian islands.' (Vol. ii p. 207) However, religion sometimes permits, or even encourages, marriage to mothers and sisters, e.g. among the Assyrians, Persians, and Egyptians. Then in speaking of the large number of suicides in England he observes that most of them take place at the beginning or end of winter when the wind comes from the north-east and brings about introspection and despair.

Montesquieu's what today would be called functional point of view is perhaps best seen in his discussion of religion. Even though a religion may be false it may have an extremely useful function. It will also be found to conform to the type of government found with it. Christianity goes best with moderate government and Islam with despotic government. Christianity has hindered the establishment of despotic power in Ethiopia. Northern Europe embraced Protestantism and Southern Europe stuck to the Catholic Church: 'The reason is plain: the people of the north have, and will for ever have, a spirit of liberty and independence, which the people of the south have not; and therefore a religion, which has no visible head, is more agreeable to the independency of the climate than one which has one'. (Vol. ii p. 149). 'In the countries themselves where the protestant religion became established, the revolutions were made pursuant to the several plans of political government. Luther having great princes on his side, would never have been able to make them relish an acclesiastic authority that had no exterior pre-eminence; while Calvin, having to do with people who lived under republican governments, or with obscure citizens in monarchies, might very well avoid establishing dignities and pre-eminence', (Vol. ii, p. 150).

Even peoples whose religion is not revealed have one agreeable to morality (was not Lévy-Bruhl to urge us to this more than a century later?). All alike teach that men should not murder, steal and so on, and that they should help their neighbours (we may indeed ask whom should we not kill or take from their property, and who are our neighbours?). The philosophical sects of the ancients were a species of religion, e.g. the Stoics. Religion and civil laws ought everywhere to be in harmony. 'The most true and holy doctrines may be attended with the very worst consequences, when they are not connected with the principles of society; doctrines the most false may be attended with excellent consequences, when contrived so as to be connected with these principles' (Vol. ii, p. 161). Neither Confucius nor Zeno believed in the immortality of the soul (so Montesquieu says) but both religions are admirable as to their influence on society. On the other hand, the sects of Tao and Foe believe in the immortality of the soul and have drawn from this doctrine the most frightful consequences, e.g. they encourage suicide. The sacred books of the Persians advised the faithful to have children because at the day of judgement children will be as a bridge over which those who have none cannot pass. 'These doctrines were false, but extremely useful' (Vol. ii, p. 163). A people's religion is suited to their way of life. It is difficult to breed cattle in India (so he says) so a law of religion which preserves them is appropriate. India is good for cultivation of rice and pulse: a law of religion which permits of this kind of nourishment is therefore useful. The flesh of beasts is insipid (whatever he meant by that): therefore the law which prohibits the eating of it is not unreasonable. 'It follows from hence, that there are frequently many inconveniences attending the

transplanting a religion from one country to another' (Vol. ii, p. 167) e.g. the hog is scarce in Arabia but it is almost universal in China and to some extent a necessary nourishment. In India it is most meritorious to pray to God in running streams. How could this be performed in winter in climates such as our own?

Now, I say again, that a lot of this was, anyone can see, an attempt to present an answer to a question with a bright idea, a logical presentation which often has little to support it in fact (as we now know); and much of it was naive guesswork. Perhaps it is for this reason we can see how close he was to much modern sociological thinking. We have to remember that the area of social behaviour in literature and in life was very limited to Montesquieu and what he knew about it was deficient. And there is the unfortunate 18th century/tendency to moralize, but there is nevertheless an attempt at a cold dissection of the social body, if this sometimes unfortunately used analogy be allowed, and to discover the functioning of its organs, and the belief that the principles of social life cannot be known by reasoning from philosophical maxims and axioms but only by observation, by inductive and comparative study. If we can say that Machavelli wrote a treatise on social psychology we can say that Montesquieu's treatise is what today we would call sociological. In it we find most of the ingredients of sociological (socio-philosophical) thought, especially in France from his day to Durkheim's and beyond: the insistence on the scientific study of society and that it must be a comparative study, the use of the data of as many societies as possible, or at any rate as convenient for the problem being tackled; the study including primitive societies as furnishing examples of certain types of social systems; a need to start with a classification or taxonomy of species of society based on significant criteria - the way zoology and botany, for example, have begun; the idea of inter-consistency between social facts (social systems), and that any social fact can only be understood by reference to other social facts and environmental conditions, as part of a complex whole; and the idea of this inter-consistency being of a functional kind. Also we find clearly stated in the Esprit des lois the idea of social structure and of dominant values (social representations) which operate through the structure. There is also the notion there of an applied science of social life: what we learn from a comparative study of human societies helps us to shape the organization of our own. What are lacking in his writings - perhaps all to his advantage - which are prominent in those of social philosophers of a later date is the idea of societies being natural in the same sense as the systems studied by the experimental sciences, the idea, in spite of the impression he sometimes gives to the contrary, of sociological laws similar to the laws formulated in the natural sciences, general statements of invariable and inevitable regularities, and the idea as an inevitable and unilinear development. (As Comte points out, he did not have the idea of progress at all). So though now we know much more about human societies than Montesquieu and can see that some of his surmises were naive, it must nevertheless be allowed that it would be difficult to assert that so far as method and theoretical knowledge go we have advanced much beyond Montesquieu. And if this not be granted, then at least it must be conceded that most writers concerned with social philosophy, social history and sociology (including social anthropology) right up to the present day show his influence, whether direct or indirect; it is stamped plain on their writings. And what a majestic thesis, and in what prose, was the

Esprit and can we not understand that at the end of his life he said 'I have but two things to do, to learn to be ill, and to learn to die'.

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