

## MONTESQUIEU.

(1689-1755.)

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THE eighteenth century in France, at least as regards philosophy, may be divided distinctly in the middle. It was about 1750 that Rousseau, Diderot, Buffon, and Condillac, began to produce their chief works. It was in 1751 that d'Alembert published the preliminary discourse to the *Encyclopædia*. Voltaire covers nearly the whole of the century. But Montesquieu belongs only to the first half. He was born in 1689 and saw the end of the reign of Louis XIV. The *Lettres Persanes* appeared under the Regency, and are full of allusions to the king who had just passed away. Montesquieu's last and most important work, *L'Esprit des Lois*, dates from 1748. He died in 1755.

Accordingly, Montesquieu exercised an influence upon the other "philosophers" of the age without feeling theirs, especially as he spent the latter years of his life almost uninterruptedly in his mansion at La Brède. Paris, though loved in his youth, then palled upon him, and his visits there were but brief. He thus ceased to be in direct contact with his fellow-writers, a fact which he does not seem to have very much regretted. To tell the truth, he always occupied a distinct and separate place in the literary world. In those days a man of letters was usually a poor devil who scribbled for bread and aspired to a pension, and whose language on some subjects too often reflected his obligations, his hopes, or his disappointments. Voltaire, who early comprehended the necessity of being independent, succeeded in this by acquiring wealth; but that wealth came rather late, and the period which preceded was not without troubles and bitterness. Montesquieu, on the contrary, was exempted from the two-fold struggle for existence and for position. He belonged to an honorable family of magistrates.

He was heir to one of his uncles, who bequeathed to him, together with his name, his judicial office in Bordeaux. He made money on his vineyards, and left to his children a fortune which had prospered in his hands.

The personal circumstances of Montesquieu had their significance. Bold assertions, which would have seemed more offensive in the mouth of a man not so "well-to-do," were more easily tolerated coming from him. He uttered them in a calmer tone, with more gravity and moderation. Even after he had sold his office, the fact of having been a magistrate left him some authority. When he expresses the opinion, that a reform of the penal law or of criminal jurisprudence would be desirable, it is quite another thing than if the reform were demanded by an "unqualified individual" who ran the risk of being sent to the Bastille if his ideas offended a minister of state. There is, however, another side to the picture, and class-prejudices are found in Montesquieu. He supports the privileges of the nobility, and endeavors to defend the sale of judicial offices. But he was, for all that, liberal-minded, devoted to the public good, and desirous of advancing his contemporaries towards justice and humanity.

The *Lettres Persanes* undoubtedly owed much of their swift and brilliant success to their vivacious style and pungent satire, as well as to their description of scenes of harem-life: but at the same time they foretell the author of *L'Esprit des Lois*. Reflections on the nature and principles of government, on the foundations of society and on natural justice, on the law of nations, on Roman policy, on the English constitution, and on penal laws, are all cunningly introduced into the *Lettres Persanes*. If we read them over after *L'Esprit des Lois* we seem better able to see through the complex and rather secretive nature of Montesquieu, who quite reveals himself. Voltaire, who had no sympathy with him, and yet devoted considerable attention to him, not kindly but discerningly, defines Montesquieu as a statesman, a philosopher, a wit, and a citizen. The philosopher, the statesman, the citizen, already show themselves in the *Lettres Persanes*; the wit also appears in *L'Esprit des Lois*, though he occupies there a subordinate place.

It took Montesquieu twenty years to work out the plan and gather the materials of what he calls his masterpiece. He prepared himself for it by wide and varied reading, which became more fruitful as he grew surer of what he wished to do. He travelled over a great part of Europe, made a long stay in Italy, and a longer one in England. He undoubtedly did not derive from

these travels all the profit one might expect. The account of his journey to Austria and Italy, recently published by Baron de Montesquieu, was rather disappointing; and though we have no account of his journey to England, he has said enough on the subject elsewhere to show that, even on things he was most interested in, he did not gather information with the accuracy and precision of a man of science. But at that time most writers were less particular in that respect than in our days. In England Montesquieu frequented a society dissolute in morals, infidel in religion, sceptical in philosophy, but withal extremely intelligent. He was able to see and to understand what he saw. Inaccuracy in the details did not prevent his observations from giving a general impression of veracity which was not disputed by his contemporaries. Every one knows that Montesquieu was nowhere better appreciated than in England.

*L'Esprit des Loix* is a grand, lofty, and enigmatic title. It is interpreted, at least partially, by the sub-title: "Of the relation which the laws should bear to the constitution of each government, to manners, climate, religion, trade, etc," although the unfinished enumeration leaves some perplexity in our minds. It is nothing less than a political and social philosophy, conceived after a new plan, and Montesquieu was quite justified in choosing as the motto of his book: *Prolem sine matre creatam*.

His predecessors, to whom he alludes in his preface, had not the same object in view. Some, as Grotius and Puffendorf, treated especially the theory of the law of nations. Others, like Hobbes, spoke as philosophers on the origin of society and the nature of the state; or, like more and other Utopian dreamers of the sixteenth century, set up an ideal city in contrast to the real states they had before their eyes. Harrington, Algernon Sidney, and Locke, had written entirely from an English point of view. Locke's two treatises *On Civil Government* go back to first principles only in so far as it was necessary to vindicate the Revolution of 1688 and the conditions imposed upon the prince of Orange, afterwards William III.

The work of Montesquieu is entirely different. It deals with political realities, and takes its materials from history and from observed facts; herein Montesquieu stands apart from the dreamers, but he differs also from Locke in not devoting his attention to the practical, or at least immediate, application of his theories. His aim is to study, as a philosopher, and in a strictly methodical way, that body of realities which was afterwards to become the subject

of social science or sociology. Thus the *Esprit des Lois* is, properly speaking, neither a philosophy of politics, nor a philosophy of history, nor a philosophy of law, nor a philosophy of political economy; for none of these sciences is there considered by itself, but all of them are studied in their natural relations so as to deduce the principles which are common to them. Montesquieu's originality consists in having fully perceived in the various series of social phenomena that solidarity by which each of these contributes to limit the others, and is in its turn limited by them. For instance, if the government of a country is a monarchy, the laws concerning education, luxury, trade, the condition of women, the liberty of citizens, etc., will necessarily be adapted to that political form; in a republican country they will be different. Social phenomena are thus subject to fixed attendant conditions, and can form only definite systems.

In a word, there are *laws of laws*: the political, civil, and penal *laws* of any society are regulated, in their nature, their development, and even their form, by natural laws, that is, according to Montesquieu's celebrated definition, by the necessary relations derived from the nature of things. A profound thought, which tends to nothing less than subjecting to scientific form and method a vast domain hitherto neglected or regarded as inaccessible. A profound thought also, to seek the manifestation of those "laws of laws" in the mutual dependency of the various orders of social phenomena. Montesquieu thus assumes a point of view superior to that of the jurist, the historian, and the politician, and from which he overlooks them all. He shows, by means of history, how laws are modified in accordance with political forms,—and in accordance with not only these, but also with the climate, the nature of the soil, the facilities for trade, etc. This was already a remarkable attempt towards a sociologic synthesis. Well could Montesquieu speak of the "majesty" of his subject. The conception is a fine one, and we may easily understand that it should have produced a deep impression at the time of its appearance.

The performance, unfortunately, did not equal the conception. It undoubtedly has great merits. Despite a subject so austere and so unfamiliar to the very great majority of his readers, Montesquieu succeeded in not seeming dull to his contemporaries. He avoids the danger of being a doctrinaire and the no less formidable one of seeming partisan. He really looks upon all this political and social material with the eyes of a philosopher. Uneven as the work is, it is full of things both new and striking, which command

attention, and bear the impress of vigorous thought. All this is true, but, it must be confessed, it does not prevent *L'Esprit des Loix* from being but a poor fulfillment of the beautiful plan stated in the preface and the first chapters. There are several reasons for this incongruity. Some are in the very nature of the subjects; others, in the character and spirit of Montesquieu himself.

Auguste Comte has clearly shown that Montesquieu's attempt could not have been successful, because it was premature. In order that scientific sociology might be established, it was essential that biology should be sufficiently advanced: for social phenomena, although not reducible to physiological phenomena, are yet closely united with the latter. In order to study social phenomena to any purpose, it is indispensable to be already reasonably well acquainted with the laws of the development of the human race and of its organic, intellectual, and moral functions: laws which biology alone can discover. Now, at the time when Montesquieu wrote, biology as a science did not exist; hardly had chemistry, on which biology, in its turn, is immediately dependent, begun to be a science. It was therefore inevitable that Montesquieu should be unacquainted with the method which would have been suitable for the science of which he had conceived the idea; that he should seek a model among the methods of sciences already existing in his time, i. e., among the mathematical and physical sciences; and, as such a method is wholly unsuited to the investigation of sociologic laws, that there should be a sort of perpetual contradiction between Montesquieu's right *apprehension* of the subject he treats, and the wrong *method* he applies to it.

That Montesquieu knew and admired the method of Descartes is beyond doubt. To be convinced of this, one only need to remember the lectures on physics and physiology, which he delivered before the Academy of Bordeaux. In the *Lettres Persanes*, many a maxim reveals the Cartesian dictum: "The maker of nature gave motion to matter; no more was needed to produce the wonderful variety of effects we behold in the universe." Finally, in his preface to *L'Esprit des Loix*, Montesquieu explicitly announces his intention of using the deductive method. "I have laid down the general principles, and I have seen that particular cases adapt themselves to these as of their own accord, that the histories of all nations are but the consequences of them, and that each particular law is connected with some other law, or depends upon some more general one. . . . After I had found out my principles, all that I was seeking came to me." Montesquieu there-

fore really places, as Descartes does, the essential part of method in the system which derives the particular from the universal, the complex from the simple, the consequence from the principle, in short, in deduction.

In fact, however, nothing is less deductive than *L'Esprit des Loix*. The reader will rather think himself in the presence of something badly put together, fragmentary, and desultory. This impression is somewhat lessened as we look closer, but it does not disappear altogether. It may be so vivid that competent judges (not to mention Voltaire himself) have gone so far as to compare Montesquieu to his fellow-countryman Montaigne, and to say that these two Gascons, though extremely witty and deeply skilled in the art of style, were unacquainted with the art of composition. This is going too far, at least as regards Montesquieu; nevertheless, the mere fact of its having been possible, without any absurdity, to draw a comparison between Montaigne and a writer who piqued himself upon following the Cartesian method is significant enough. Shall we say that Montesquieu wished, at any cost, to avoid monotony, to keep awake the reader's interest, and to puzzle him by the curious arrangement of books and chapters? This may be, but a deeper reason may explain the condition of Montesquieu's book. If it is wanting in continuity, it is because the deductive reasoning, on the one hand, and the facts on the other hand, do not connect. The deduction remains purely abstract, and the facts, of which Montesquieu collected such a vast number, and the importance of which he duly felt, have nothing to do with the demonstration. Montesquieu usually infers a consequence from a given principle by reasoning alone. For instance, from the notion of a despotic or republican government, he infers the condition of women to be thus and so. In support of his conclusion, he quotes indifferently either a law in China, or one among the ancient Greeks, or an anecdote borrowed from the Travels of Charadin. He does not perceive that a fact thus set apart from its surroundings has no scientific or sociologic value whatever.

Montesquieu therefore lacked a method enabling him to treat of sociological facts in the proper way. How can we wonder at this, when sociologists in our days have not yet been able to agree on their method? And yet they have before their eyes the comparative method employed in biology, which has given such favorable results, but which was unknown in the time of Montesquieu. As he had no idea of this comparative method (the only one applicable, however, when we study organic beings), he conceives

social facts to be of the nature of physical phenomena, which are the same in all times and places. A given physical experiment, being performed under the same conditions must give the same result, be it in London, in Paris, or in Peking. From this beginning, Montesquieu thinks himself justified in borrowing his examples indifferently from Tacitus or Confucius. He arrives in this manner at the abstract idea of mankind as always and everywhere like unto itself, an idea which continued to prevail during the eighteenth century in France, though it was opposed by the celebrated theory of the influence of climate, a theory of which Montesquieu himself is the author.

Thus, if Montesquieu often seems to lack system, it is not for want of endeavor to acquire it. One might even reproach him with being too systematic (for instance, in his theory of constitutions) had he not, fortunately, a taste for facts. In him the historian and the keen observer of political things happily compensate for the philosopher badly prepared to build a sociologic system. The original conception of the whole belongs to the latter; but it was the former who wrote the more permanent parts of *L'Esprit des Lois*.

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In less than two years *L'Esprit des Lois* ran through twenty-two editions. It was immediately translated into the chief European languages. When Montesquieu died, in 1755, it was a public grief, not only for France, but for all thinkers abroad. And yet it is a fact that *L'Esprit des Lois*, though much admired, was never popular even in France. This disfavor does not include either the *Lettres Persanes*, which still amuse and interest in our days, the *Considérations sur les Causes de la Grandeur et de la Décadence des Romains*, which have maintained a place among French literary classics. There must therefore be, in *L'Esprit des Lois*, notwithstanding the beauties of the work, something peculiar which repels, or at least fails to attract, the reader. It surely cannot be the subject, for the French public in general is fond of political and sociological topics. It seems rather to be the fluctuant and indecisive method, neither frankly abstract nor positively historical. French minds are fond of "trenchant styles of writing." They may also have been puzzled by the way in which the books and chapters are broken up and scattered. They are accustomed to books composed in a simpler and more lucid way.

Let us make haste and say that the influence of a work of this kind is to be measured not by the number but by the quality of its

readers. The influence of *L'Esprit des Loix* was wonderfully great. Governing statesmen, as a rule, take little notice of political philosophers, whom they look upon as dreamers, lacking in common sense and ignorant of practical politics; and they are little disposed to take into account any unsolicited advice. Montesquieu had the rare good fortune to become an authority in their eyes, and to be often quoted by them. Many of his views on political liberty, on constitutional monarchy, on the distribution of powers, on penal procedure, on religious toleration, etc., have found their way into the laws of several European countries. His prestige did not suffer as much as that of the other philosophers of the eighteenth century from the reaction which set in towards the beginning of the nineteenth. Many sound minds even thought they found in him the happy medium which they were seeking between the Revolution and the equally untenable counter-revolution. He became the patron saint of liberal doctrinaires.

From a scientific point of view, he really introduced the philosophy of government which was to have such a great development in France. True, he stands distinctly apart from the "philosophers" who were to succeed him. He does not, like nearly all of them, despise everything between the Roman period and the sixteenth century. He does not look upon the Middle Ages as a disgrace to humanity. On the contrary, he speaks of the feudal laws with esteem, and even with a warmth which was rare in him. He would have liked to study this "splendid subject," and the word "Gothic," which was soon to become a synonym of all that war rude and barbarous, is used by Montesquieu to designate the government he most praises. His education as jurist and his knowledge as historian guard him here against rash and unjust assertions. Others were bold where he was prudent, extravagant where he was moderate. They attempted to introduce into France the morals and principles of the ancient republics. They attacked not simply intolerance, but religion itself. In a word, they did all that Montesquieu abstained from doing, and which he would perhaps have criticised most severely.

Nevertheless, it was he that opened the way for them, and after him, strengthened by his example and by his authority, they were able without much difficulty to establish themselves in the domain of political and social sciences. The "philosophers" understood this, and, in spite of all differences of ideas and tone, they always claimed him as one of themselves.