

MONTESQUIEU (1689-1755)

Introduction:

• Montesquieu was impressed by rational liberty—characteristic of French thought in his days. He wrote: (1) *The Persian letters* (2) *Considerations on the greatness and decay of Rome* (3) *The spirit of laws*.

• The *Persian letters* of Montesquieu was a brilliant satire on the existing political religious and social institutions in France.

• Montesquieu visited England. There, he liked the practical enjoyment of liberty by Englishman and the working of their constitutional. It was the study of the Roman history and of contemporary English institution which determined the purpose as well as the content of Montesquieu political philosophy.

Montesquieu and Aristotle:

Both used inductive and empirical method. Concept of separation of power was initiated Aristotle by while culminated by Montesquieu. Both consider that geography and constitution of a nation has important impact on their forms of government. Both think that monarchy is the best form of government.

Liberty is the central theme of Montesquieu's political thought.

• Montesquieu wanted to reform political life in France by infusing in it British sense of liberty and by introducing into the French constitution the principle of the separation of powers.

• His spirit of laws “studies the inter relations between the various factors which moved the life of a nation, i.e. social, economic, political and religious institutions, racial effects and effects of climate and other natural phenomenon.

Relativity of human institution:

Diversity in customs, conventions, moral codes and institutions is because of difference in environment, climate, soil and genius of the people etc.

Law is always related to social environment. Law is a rule of action based on social relationships, social experiences and social adjustments and its penalties should be based on the necessity of social life. Law is rooted in the society and varies with the different types and structures of society.

Montesquieu on Kinds of Law

There are Four Types of Law :

(1) **Natural Law:** Montesquieu says that to understand natural law, we need to understand human state of nature where he was living under laws of nature. He describes four natural laws:

First Natural Law: Peace is first natural law. Hence, Montesquieu rejects Hobbes' concept of state (i.e. everyone was in state of war).

Second Natural Law: It deals with food and nourishment in order to satisfy basic needs.

Third Natural Law: Though man is coward and vulnerable, yet he is social animal and wants to live with others to spend happy life.

Fourth Natural Law: It is based on human intellect.

(2) **Civil Law:** This law is based on interrelationships of individual citizens within a state. Civil laws are relative.

(3) **Political Law:** It is based on relations between rulers and the ruled within a state. It belongs to rights and duties of citizens and government.

Both civil and political laws vary with different nations. Political law is based on the character of the people while civil laws is based on climate, size of population, language and religion etc.

(4) **International Law:** It is based on relations between different nations or states. This law is common all nations.

There are universal values behind international law which, according to Montesquieu, are “spirit of laws”.

Civil, political and international laws are positive laws (man-made laws).

Classification of Government:

According to Montesquieu, here are three types of government

- (1) **Monarchy:** Rule by an individual based on law is known as monarchy
- (2) **Despotism:** Rule by an individual without law is known as despotism
- (3) **Republican:** Rule by the people (few or more).
Republican form of government has further two types.
 - a) **Aristocracy:** Government by the few people (nobles), based on law (for the interest of people).
 - b) **Democracy:** Government by the people, based on law, for their interests

Basic principles of Government:

Montesquieu assigned a particular basic principle to every form of Government

- The principle of democracy was political “virtue”.
- The principle of an aristocracy was “virtue term moderation”
- The principle of monarchy was “honor”
- The principle of despotism was “fear”

Montesquieu was so obsessed with liberty that he practically ignored the concept of sovereignty.

Virtue of Governments is relative.

Montesquieu believed that no type of government was inherently good or bad in itself. The goodness and badness of a government was relative.

Form of a government, religion and size of the state:

According to Montesquieu particular religions have an affinity for certain types of government e.g.

Protestantism: It goes well with republican form of government.

Roman Catholic: It supports monarchical government.

Muhammadans: It supports despotic government

To Montesquieu, the size of the state gives another basis for the classification of government.

Small size: Republican

Moderate: Monarchy

Big size: Despotism

France, at his time, was too large for a republic. Monarchy would suit her best. Since a large state must have a despotic government, which, he declared, to be the worse form of government.

Montesquieu unlike Machiavelli was against a policy of expansion and aggrandizement. To prevent small states from being absorbed by the bigger ones he favored the principle of Federation a, which was later adopted by Americans.

Division of power in Federation ensures liberty. Which Montesquieu valued so highly. In a large area democratic institutions could only be maintenance through a system of decentralization which is of the essence of federation.

Montesquieu concept of Liberty:

“Liberty” is basic to Montesquieu political thought (in his book “Spirit of Laws.”).

Liberty either absolute or relative.

Absolute liberty is the unrestricted liberty of the individual to do what he is pleased to do **Relative liberty** is a rational form of liberty. It is the liberty under law.

Montesquieu sharply distinguished political liberty from civil or individual liberty.

Individual (or civil) liberty means freedom of those actions of an individual which do not interfere or restrict liberty of another individual.

Political liberty means freedom of action in accordance with and under the protection of the laws. Political liberty is based on constitution of the country.

Montesquieu **chief aim** was to discover government organizations that would best secure political liberty because of its system of checks and balances

To him, the system of slavery, founded on a conception of inequality of men was inhuman. Superiority of one people to another was no justification for slavery. Slavery violated the law of nature according to which all men are born equal. Montesquieu even suggested an international convention for the purpose of stopping slave trade. He said:

“Liberty is the right of doing what the law permits. If a citizen could do what they do, he would, no longer, be possessed of liberty because all his fellow citizens would have the same power.”

Separation of powers to ensure individual

Liberty:

Liberty lies in obedience to law. It is secured best by separation of powers. Montesquieu subjected the constitution of England to a critical examination to find out machinery of government which would best ensure liberty.

He said that the separation of powers of three government institutions, i.e. Executive, legislature and judicial is the best safeguard for liberty. The legislature must check to executive and the judiciary and be checked by them.

Montesquieu's examination of the English constitution was not correct. In the English constitution the powers are not separated but diffused.

Montesquieu instance on the separation of powers was his main contribution to political philosophy. Constitutions of USA and revolutionary France were based on his concept of separation of powers.

Montesquieu used the theory of separation of powers not in furtherance of democracy but in order to ensure personal liberty of individuals. He instead, therefore, that all the three branches of the government should be coequal and in separate hands. Montesquieu like Locke, had no theory of sovereignty

Influence of physical phenomena on

National life

Montesquieu dilated on the influence of physical environment on the social, economic, religious and political institutions of a country.

Intellect and passions of nations vary according to **climate**. People of cold climate are restless and irritable and independent in spirit.

According to Montesquieu, there is a direct relation between

climate and liberty. To Montesquieu, the English constitution is primarily the result of English climate. Hot climate breeds despotism and slavery. The cold climate, as of Europe makes for the virtues of strength self-reliance and frankness and these virtues produce political and civil liberty.

Geography plays an important role in the formation of national institution. You will have liberty in the hills where cultivation and conquest is difficult. On the other hand, despotism found in cultivable and conquerable areas. In addition, political liberty and constitutional government is proportional to the size of the areas

State and the church:

Montesquieu was strongly secular in his attitude towards the church.

He considered the power of the church very useful for the state and also for the people.

Conclusion:

Montesquieu pointed out that history was not merely a record of facts but a study of causes and relations. He changed not only the method but also the ideals of history and political philosophy.

Montesquieu cared little for the dogma of natural rights. To him all laws and institutions were relative.

Though he was neglected in his own country, he was deeply respected in England and USA. The framers of the constitution of America learnt from him the separation of powers.

NICOLA MACHIAVELLI (1469-1527)

- Introduction:

Machiavelli is concerned with the art of statecraft. He wrote about rules of acquisition, expansion and maintenance of power in his two famous books—the “Prince” and “Discourses” Both books emphasize on art of scientific statecraft.

Machiavelli's Times:

In order to understand property why Machiavelli was obliged to give a theory of the preservation of state or the art of scientific statecraft we should know the circumstances and the times in which Machiavelli gave his philosophy.

Machiavelli was influenced by renaissance and reformation.

Age of Bastards and adventures: (That society was intellectually brilliant and artistically creative (even in corruption, violence and degeneration

Age of masterless man: Italians were divided & leaderless.

Degrading state of church: (People held the church to be responsible for the bad state of affairs. The popes were interested more in politics than in preaching).

Machiavelli's books for a realist statesman: (His important works are “the prince” and the discourses”. These books reveal Machiavelli as a practical states man concerned about mechanism of government and how it can be made strong.)

Machiavelli's spiritual ancestry and method:

Influence of Aristotle's classification of government and Hobbes' idea of man's selfish nature:

Historical Method: (He concluded true relation between history and politics through empirical approach)

Other influences: (He was influenced by instinct of heroship, blind administration of administration of Caesar Borgia, the ruler of Romagna, and nostalgia for the pagan civilization).

Machiavelli's Philosophy (His theory of preservation of state)

- Machiavelli's philosophy aims at acquisition, expansion and maintenance of power. His "Discourses" is a commentary on the history of the Roman Republic and full of lessons and maxims for the guidance of the popular government. On the other hand, "The Prince" is a comprehensive book on the art of absolute government. One needs to study both books in order to understand Machiavelli.
- Though Machiavelli is a republican or democrat at heart, yet he recommends primarily a monarchical type of government for Italy of those days. It was because of political corruption and selfishness prevalent in Italy of those days.
- Machiavelli realizes that monarchical governments cannot last long. Only republican types of governments ruled by the will of the people can last longer. He has given certain rules and maxims that provide for the preservation of state in both the forms.

Characteristics of Machiavelli's Philosophy

First realist in politics:

- Machiavelli was mainly a student of practical and not a speculative politics.
- His main interest was to offer maxims useful to the states man. He concluded that what stability in Italy can be brought by a strong and unscrupulous ruler or tyrant.
- The sole purpose of the prince is to make the country strong and united and to establish peace and order.
- To him end justified the means. It implies the separation of politics from ethics, which is the essence of Machiavelli's philosophy which is closer to that of modern thinkers than medieval thinkers

Theory of government than the theory of state:

Machiavelli gave the theory of the art of government than a theory of the state. Preservation of the state rather than the excellence of the constitution were his chief consideration.

Politics as an end in itself:

He often discussed the advantages of immorality used by ruler to achieve goal. This thinking brought evil repute to his philosophy as "Machiavellianism".

Separation of politics from religion and morality

This unprecedented point separated him from the middle ages and brought him closer to modern thinkers.

Double standard of morality (One for the ruler and other for the private citizens)

The ruler was above law and morality. The state is non-ethical entity. Rightness or wrongness of a ruler can be judged on the basis of safety of the state.

Secular approach: He not only separated morality/religion from politics. But also advised the ruler to use religion as an instrument or means to preserve the interest of state.

His concept of human nature: Man as essentially selfish and bad. Selfishness, egoism, and vanity etc are the motives of human conduct to gain power. Fear is dominating element in human life. The ruler must use fear (not love). But he must avoid being hated.

Use of force by government is necessary to maintain law and order.

Force (not will) is the basis of state: Man would never behave well towards others unless he is forced to do so. Man is an animal that cannot be reformed. Man does not make moral progress.

Tips to the ruler:

- Establish a national army (not mercenary soldiers)
- Abstain from property and women of subjects.
- Respect the established institutions and customs of the people
- Patronize talent in art and encourage trade and agriculture
- Be a benevolent despot
- Law and forces are two important instrument for a successful ruler
- Consider neighbouring rulers as your enemies, keep guard on them and attack before the other is ready
- Be a cool prince and ready to sin boldly for the sake of stability of the state.
- State must either expand or expire (force of arms is necessary for this purpose)

The "Prince" for the critical time but the "Discourses" favors republic

Though Machiavelli adopted "Aristotelian classification", he discussed only two forms in details—monarchy in "the Prince" while republican in 'the Discourses'.

It is wrong to think (from "Prince") that Machiavelli was a staunch supporter of monarchy and enemy of republican government. Actually, e was a republican at heart. To him, republican form of government is the best for stable country (where there is equality and liberty)

Excellence of law, in republican form of government, is necessary to preserve the state.

Be cautious against designs of nobility because nobility is against monarchy and middle class (democracy) and leads to factions, quarrels and civil disorder. Hence, nobility must be suppressed.

Unification of Italy was Machiavelli's supreme concern:

He attaches great importance to legislator because law and constitution grows out of the wisdom of law-giver.

Machiavelli's inconsistency: If man is selfish, then how can he surrender his personal interests to public interests? Secondly, his double-standard of morality—one for ruler & other for common man—is also objectionable.

Machiavelli as first modern thinker

Above mentioned characteristics of Machiavelli's political thought were unprecedented (elaborate those characteristics here). They show that he is first modern thinker.

His influence and contribution: Characteristics of his philosophy were borrowed by modern political thinkers. In addition, he uniquely combined political theory with political practice.

The Prince is a book on the art of Government, not the theory of state

Introduction:

The prince: on the art of Government rather a theory: "The Prince" supports all-powerful ruler whose actions are unrestricted by moral considerations. It is a guide to success for the prince. It has not given any theory of the state. Rather, it has given tips to retain his power.

Important pieces of advices to the prince (ruler)

- **To use force ruthlessly** (but intelligently, not senselessly):
- **To use Persuasion artfully** (with stick and carrot): Use propaganda and religion to persuade.
- **To act decisively**
- **Don't feel hesitation to implement decisions.**
- **To maintain strong national army** (no mercenary soldiers)
- **To be expert in the art of war** (use good arms, keep morale of forces high, make strategy of war artfully)
- **To be popular among people (keep appearances to impress public)**
- **It is better to be feared than to be loved** (but let fear not be converted into hate)
- **To abstain from property and women of subjects:**
- **To avoid free spending: To act as a father:** Your prime duty is to hold the state together
- **Be cunning as Fox and brave as Lion**
- **To act as a great pretender** (show yourself merciful, faithful, humane and religious)
- **To pose as courageous**
- **To maintain the balance-of-power game:** If you've to side one party, try to support the weaker against the stronger in order to maintain balance of power. If you remain neutral, you'll be hated by the both countries. Similarly, at the end of war, you will be at the mercy of the victor.
- **To make wise appointment of officers**
- **To avoid flatterers**
- **To choose counselors carefully:** avoid **listening every Tom, Dick and Harry.**
- **To be an expansionist:** "Every government must either extend its authority or perish"
- **To possess virtue:** Virtue is the combination of will and intelligence.
- **To be an opportunist:** There are no permanent friends or

enemies. It is the selfish interest of a particular person (in a particular set of circumstance) which determines whether one is a friend or an enemy.

- **To be at extreme towards a friend or enemy:** Do everything to help his friend and everything to ruin his enemy.
- **To observe utmost secrecy**
- **To create public spirit**

Conclusion:

Machiavelli has become to be regarded as the tutor tyrants. The rules laid down in "the prince" are followed in spirit by the successful rulers in our own days.

Machiavelli: First Modern thinker

Machiavelli: Ends medieval and begins the modern era.

Introduction: "Machiavelli is the first genuinely modern political thinker," says foster. He introduces a new set of ideas which have been current in modern Europe ever since, and which were foreign to Medieval times.

The first secular thinker: "The church has kept and still keeps our country divided."

Rejection of Doctrine of Natural law:

Advocate of philosophy of state and sovereignty:

Method and style: Historical method

Practical approach to politics: He doesn't believe in what ought to be.

Exponent of nationalism: As a true patriot, he is rather the first thinker to refer to this concept.

Double standards of morality

Theory of imperialism: "The state must rather expand or perish."

Believer of the public opinion:

First political psychologist: Read psychology of subjects & form policies accordingly.

Conclusion: Dunning says, "Machiavelli is sometimes called the first modern political philosopher. It is quite as accurate to say he ends the medieval era as that he begins the modern".