

## **A Summary of Montesquieu's, The Spirit of Laws**

What is the proper role of government? Aristotle would say that the end of politics is happiness and the means to that end would be virtue. He believes the state exists for the sake of the individual. Machiavelli would say that the stability of the State and the Power of the Prince is the ultimate end and that we should preserve the state at every cost; the end justifies the means. Finally Montesquieu would say that the State should be a reflection of the people. In his great work, Spirit of the Laws, he describes his purpose for writing, "I do not pretend to treat of laws, but of their spirit; and as this spirit consists in the various relations which the laws may bear to different objects, it is not so much my business to follow the natural order of laws as that of these relations and objects."

The constitution of the country, explains Montesquieu, is a reflection of what the people are. If people want to have a democracy then laws will be passed to make all property equal. If the people want government to take care of their needs then a pure democracy or socialism would be established. A perfect government is one where the nature of the people are congruent to the nature of a government and the nature of a government is in congruence with the nature of the people. Is it any wonder why the people of certain countries in Europe are content with their socialist regime where the medical, educational and other sumptuary needs are controlled? They are a people that truly want a socialized government. "The government most comfortable to nature is that which best agrees with the humour and disposition of the people in whose favour it is established."

The Spirit of Laws is comprehensive of the many and diverse kinds of people and therefore, the many types of government that should exist for the diverse peoples. He describes that the physical laws are constant, patterned, ordered, and predictable. However, opposite are the laws that govern the intelligent. Human beings are unpredictable and subject to error. Mediocrity exists because excellence abounds; evil is present because good exists; ignorance throngs our society because intelligence reigns. Writes Montesquieu, "Particular intelligent beings are of a finite nature, and consequently liable to error...their nature requires them to be free agents. Hence they do not steadily conform to their primitive laws; and even those of their own instituting they frequently infringe." Thus the intelligent world is not as easily governed as the physical. He proposes that each country study their people and conform the government to balance with the people.

To simplify an otherwise very complicated system, Montesquieu suggests that there be three governments and that all others can be classified into one of the three, which are: Monarchical, Republic and Despotic. Illustrating in detail, he

discovers the national principle of a people and their government and explains how the national principle can only work well with the national character of the State. To clarify, Montesquieu says that virtue is only needed in a republic form of government, including a democratic republic or an aristocratic republic.

“[Political] virtue, in a republic, is the love of one’s country, that is the love of equality...it is the spring with sets the republican government in motion, as honour is the spring with gives motion to monarchy.”

The early founders were heavily influenced by Montesquieu’s separation of powers. The elements of human nature was vivid in their minds and it was in their best interest to form a very limited government. The Constitutional Convention successfully implemented three separate powers of the executive, the legislative including the senate and the house, and the judicial branches of government. The making of the law would be the sole responsibility of the legislative branch; the application of the law, the judicial; and the enforcement of the law would come from the executive branch. Each, along with the people, would form a check and a balance for the purpose of keeping the government at bay and limiting the natural encroachment of powers.

The laws of education would be different in each species of government, explains Montesquieu, “in monarchies they will have honour for their object; in republics, virtue; in despotic government, fear.” What would it take to educate a noble? You would teach them that they are better than the others and it would play naturally into the vice of the human. In a republic, students must be educated to keep up the love of country, their curriculum would be one of virtue and equality.

Montesquieu warned those of a republican government of the dangers of equality. Equality should be feared if it encroaches on the necessary liberties of the people. He wrote that too little or too much equality squelches liberty. Moreover he writes that, “The misfortune of a republic is when intrigues are at an end; which happens when the people are gained by bribery and corruption; in this case they grow indifferent to public affairs, and avarice becomes their predominant passion.”

What made Montesquieu great? Montesquieu looked to history to find the examples of principles and character and their practical applications. He used logic and historicism. His detail to the elements of society, national character and principles made all the difference for the unparalleled founding of the United States.

**<http://publiusgreenman.blogspot.com/2010/05/summary-of-montesquieus-spirit-of-laws.html>**

Name: \_\_\_\_\_ Class Period: \_\_\_\_\_ Date: \_\_\_\_\_

**Analyzing a Document, Speech, Treaty, Letter, or other Historical Items**

1. Name of the item: \_\_\_\_\_

2. Who is the author? \_\_\_\_\_

3. What was the purpose of the item? \_\_\_\_\_

4. Date the item was ratified, sent, entered into, issued, or accepted \_\_\_\_\_

5. Describe the item; was it a letter, a treaty, a speech? \_\_\_\_\_

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6. Brief background of the item (purpose of the item)

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7. List what you think the author was trying to convey to the reader or listener.

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8. List some of the things the item tells you about life in the United States at the time it was written; or project as to how it is applicable to the United States. .

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9. What questions has the author/item left unanswered?  
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10. How would you respond to the document, speech, or letter if you were the intended recipient or audience?

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