MPhil In Political Thought and Intellectual History

MONTESQUIEU: *THE SPIRIT OF THE LAWS*

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Over the course of the term we will read through Montesquieu’s *De l’Esprit des Lois Ou Du Rapport Que Les Lois Doivent Avoir Avec La Constitution De Chaque Gouvernement, Les Moeurs, Le Climat, La Religion, Le Commerce, Etc. A Quoi L’Auteur A Ajouté Des Recherches Nouvelles Sur Les Lois Romaines Touchant Les Successions, Sur Les Lois Françaises Et Sur Les Lois Féodales*, which translates as *On The Spirit of Laws or On the Relation which Laws ought to bear to the Constitution of each Government, Mores, Climate, Religion, Commerce, etc. to which the Author has added New Research on Roman Law Relating to Successions, French Laws and Feudal Laws* first published in 1748.

The class meets weekly, covering under 100 pages of the text in each session as well as a small amount of secondary literature. The aim of these classes is to understand that text as Montesquieu wanted us to do, namely as a whole, and to think about the difficulties this raises both for this text and any other. Even if we were able to read more than 700 pages without interruption that would not give us an unmediated sense of the entire text. The classes therefore have two ends: to understand Montesquieu’s *magnus opus* through a close reading of the text, and to reflect on some methodological issues which it raises.

Consisting of 6 Parts, 31 Books, and numerous chapters of various length, some only a paragraph long, Montesquieu’s *The Spirit of the Laws* is a challenging text by any standard. The scope of the book, its sustained reflection, its impact on the period’s social and political debates throughout Europe as well as its enduring influence make it an exceptional work. As its subtitle indicates, it purports to examine the relation laws must have to the specific constitution, civil society, and physical circumstances of the country in which they are being made or enforced. To apprehend the spirit of a nation’s laws is thus to understand the relationship which pertains between several social, political, and material factors peculiar to that nation. What the remainder of the subtitle further suggests, and the body of the text makes explicit, is that the knowledge, which such an examination both requires and produces, is an historical one. In linking history and law and making both central to political theory Montesquieu, together with the Scottish political economists, whom he profoundly influenced, set the tone and form of modern social and political thought. He paved the way leading to Hegel, who recognized the true nature of his genius better than most of his admirers.

Make yourself familiar with the text as soon as possible. We will use the edition translated and edited by Anne M. Cohler, Basia Carolyn. Miller & Harold Samuel Stone, Cambridge: Cambridge University Press, 1989 (reprinted numerous times and available at a discount to Cambridge Students on presentation of a student card at the Cambridge University Press Shop near the marketplace).

By the first class make sure to have read Part I of Montesquieu’s *The Spirit of the Laws* and be ready to give an account of any of its 8 Books as well as why these might constitute a Part. Think about the structure of the book as laid out in the table of contents. We will visit the RARE BOOKS ROOM to see its copies of the text later in the Term

The scholarship on Montesquieu is huge. Here are some suggestions, but the point is for us to read the text for ourselves and develop our own understanding of it.

Secondary reading

D.W. Carrithers, M.A. Mosher and P.A. Rahe (eds), Montesquieu’s Science of Politics: Essays on the Spirit of the Laws, (Lanham MD, 2001

N.O. Keohane, Philosophy and the State in France: The Renaissance to the Enlightenment, (Princeton NJ, 1980), Chapters 10-14.

Alan Macfarlane, Montesquieu and the Making of the Modern World, <https://www.repository.cam.ac.uk/bitstream/handle/1810/244510/montesquieu_final_amazon.pdf;jsessionid=B6AB8195A445261C68AF0F737CAA1B6F?sequence=1>

 P.A. Rahe, Montesquieu and the Logic of Liberty (New Haven CT, 2009)

 R. Shackleton, Montesquieu: A Critical Biography, (London, 1961)

J.N. Shklar, Montesquieu, (Oxford, 1987)

M. Sonenscher, Before the Deluge: Public Debt, Inequality, and the Intellectual Origins of the French Revolution (Princeton, 2007), chapters 2-3

S. Tomaselli, ‘The Spirit of Nations’, in M. Goldie and R. Wokler (eds), The Cambridge History of Eighteenth-Century Political Thought (Cambridge, 2006), pp. 9-39.

V. B. Sullivan, Montesquieu and the Despotic Ideas of Europe: An Interpretation of “The Spirit of the Laws’, University of Chicago Press, 2017.

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 C.P. Courtney, ‘Montesquieu and the Problem of “la diversité”’, in G. Barber and C. P. Courtney (eds), Enlightenment Essays in Memory of Robert Shackleton (Oxford, 1988), 6181.

A. de Dijn, ‘Montesquieu’s controversial context: The Spirit of the Laws as a monarchist tract’, History of Political Thought, 34, 1 (2013), 66-88.

A. de Dijn, ‘On Political Liberty: Montesquieu’s Missing Manuscript’, Political Theory, 39 (2011) 181-204.

A. de Dijn, ‘Was Montesquieu a Liberal Republican?’, The Review of Politics 76 (2014), 21–41.

R. Douglas, ‘Montesquieu and Modern Republicanism’, Political Studies 60 (2012), 703-19.

E. Dziembowski, ‘The English Political Model in 18th-Century France’, Historical Research, 74 (2001), 151-71.

H.E. Ellis, ‘Montesquieu’s Modern Politics: The Spirit of the Laws and the problem of modern monarchy in Old Regime France’, History of Political Thought, 10 (1989), 665-700.

I. Hont, ‘The Luxury Debate in the Early Enlightenment’, in M. Goldie and R. Wokler (eds), The Cambridge History of Eighteenth-Century Political Thought (Cambridge, 2006), 379-418.

P.A. Rahe, ‘The Book That Never Was: Montesquieu's Considerations on the Romans in Historical Context’, History of Political Thought, 26 (2005), 43-89.

R. Shackleton, ‘Montesquieu, Bolingbroke and the separation of powers’, in Shackleton, Essays on Montesquieu and the Enlightenment, D. Gilson and M. Smith (eds), (Oxford, 1988), pp. 3-16.

Bok, Hilary, "Baron de Montesquieu, Charles-Louis de Secondat", The Stanford Encyclopedia of Philosophy (Winter 2018 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/win2018/entries/montesquieu/>.