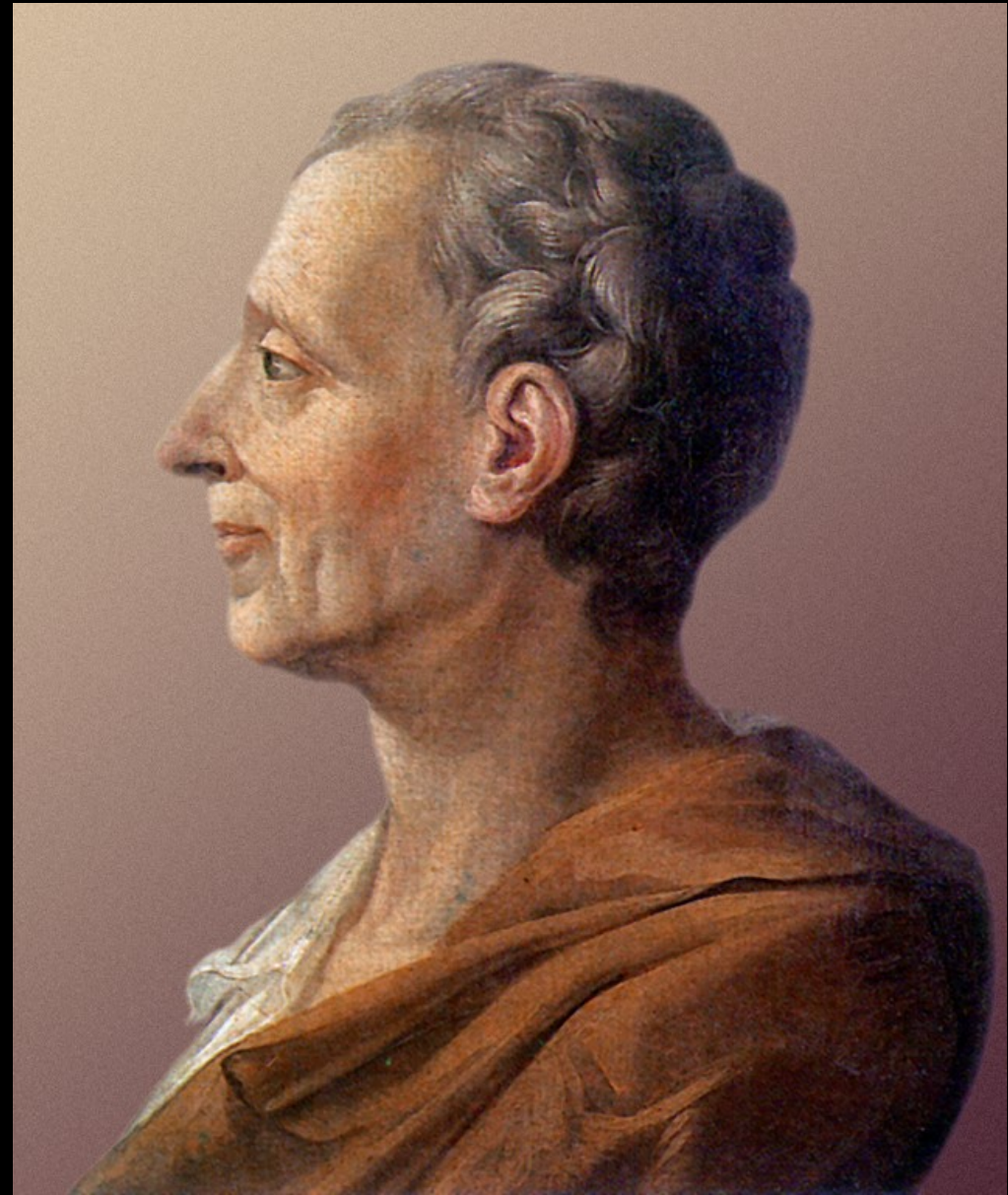


LIBERALISM: MONTESQUIEU

Charles-Louis de
Secondat, Baron
de La Brède et
de Montesquieu
(1689 - 1755)



'The Spirit of the Laws' (1748)

Montesquieu understands liberty
as arising from a **balance of
powers** that secures citizens
against domination (despotism) ...

Montesquieu examines diverse
forms of government:
'democratic' and 'aristocratic'
republican and monarchic ...

Polities, expressed and shaped
through their laws, must satisfy
cultural-historical and
geographical constraints ...

There is no 'ideal'
constitution, Montesquieu's
liberalism is 'realist' - i.e.,
taking account of the balance of
powers and interests ..

Spirit of the Laws 11.4 ...

"The political liberty of a subject is a tranquility of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another."

Spirit of the Laws 11.4 ...

" .. constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go. Is it not strange, though true, to say that virtue itself has need of limits?"

The executive, legislative and
judicial functions of government
must be separated so that no one
person or group gains too much
power ...

The weakness of 'democratic' republican government is that it relies on the **virtue** of its citizens, laws must counter the tendency of persons to seek their own benefit at cost to others ... e.g., the zealous, the greedy, the fearful ...

The weakness of 'aristocratic' *
(elite) republican government is
that elites are honour-seeking
and apt to engage in
self-aggrandizing schemes ...

*Greek ἀριστοκρατία (ἄριστος (aristos) "excellent," and
κράτος (kratos) "power"

Spirit of the Laws 11.4 ...

" ... power should be a check to power. A government may be so constituted as no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits."

Montesquieu prefers smaller
republics but supports
representative democracy where
republics are larger ...

Spirit of the Laws 11.6 ...

“The great advantage of representatives is their capacity of discussing public affairs. For this the people collectively are extremely unfit, which is one the chief inconveniences of a democracy.”

Spirit of the Laws 8.2 ...

In the case of 'extreme equality' citizens "want to manage everything themselves, to debate for the senate, to execute for the magistrate, and to decide for the judges" government stops functioning and democracy is replaced by (popular) despotism ..

