2021

MASTER THESIS

Mehmet Said KAYA



T.C.

ANKARA YILDIRIM BEYAZIT UNIVERSITY

GRADUATE SCHOOL OF SOCIAL SCIENCES

MONTESQUIEU VERSUS HUME: ORIGINS OF NATIONAL CHARACTERS

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Ankara, 2021

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Thesis Defense Date: 12.07.2021

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PLAGIARISM

“I declare that all information in this thesis has been obtained and presented by academic rules and ethical conduct. I also declare that, as required by these rules and conduct, I have fully cited and referenced all material and results that are not original to this work; otherwise I accept all legal responsibility”. Date: 12.07.2021

Mehmet Said KAYA

ACKNOWLEDGEMENTS

I would like to express my sincere appreciation to Assoc. Prof. Dr. Mümin Köktaş, my advisor, for his helpful contributions, encouragements, and friendly guidance throughout the study and my whole master education. I also would like thank my friend, Ömer Gülen, for his suggestions and all the discussions about philosophy and history. They motivated me to study harder. Lastly, of course, I am indebted to my family, for their patience, support, and everything else.

ABSTRACT

The idea of defining and comparing nations was discussed with modern concepts commonly by Enlightenment philosophers. In this context, Montesquieu and Hume developed ideas on national characters by their own methodologies and philosophical approaches. This research is essentially based on Hume's criticisms of Montesquieu's ideas about the physical causes. Although Montesquieu has been generally mentioned with his climate theory as a defense of political determinism, he devoted the last three parts of *The Spirit of the Laws* to explain the effectiveness of moral regulations for moderating the laws and manners, and aimed to regulate the French legislative, administrative, and social systems through the moral factors. Furthermore, according to Montesquieu, while physical conditions have a dominant effect on uncivilized societies because of their impacts on the human body, they can be altered through moral factors particularly in modern times. Therefore, although Hume was justifiable in targeting Montesquieu's thoughts on climate in his criticism, it would be incomplete to characterize Montesquieu as a political determinist. Hume, on the other hand, rejected any impact of physical causes on human behaviors in his writings, and as a continuation of his scientific philosophy on human nature and moral psychology, he claimed that moral factors are the only source of national characters. According to Hume, differences in laws and human behaviors are based on different experiences and sharing of sentiments through the principle of sympathy, and any factors other than moral ones cannot affect the minds of people. These differences between their methodological approaches that rooted in the variation of classical and modern teachings form the fundamental distinction between them. Determining the circumstances of France and Britain is crucial to clarify this distinction. In this respect, it is argued in the research that the consequences of the modernization process of France and Britain from the feudal period based on traditional understandings to the eighteenth century through political, intellectual, and socio-economic developments, the revised feudal system of the French monarchy and the modern commercial mixed government of Britain, were influential on the intellectual and methodological thoughts of philosophers.

Keywords: Enlightenment Philosophy, Foundation of Governments, Hume, Montesquieu, National Characters.

ÖZET

Ulusları modern kavramlarla tanımlama ve karşılaştırma düşüncesi Aydınlanma filozofları tarafından yaygın olarak tartışılmıştır. Benzer şekilde, Montesquieu ve Hume kendi yöntemlerine ve felsefi anlayışlarına uygun olarak ulusal karakterler üzerine fikirler geliştirmiştir. Montesquieu genellikle bir siyasal determinizm savunması olarak kabul edilen iklim teorisi ile anılsa da *Kanunların Ruhu Üzerine* isimli kitabının son üç bölümünde ahlaki düzenlemelerin yasaların ve adetlerin ılımlaştırılması üzerindeki etkisini açıklamıştır. Bunun yanında, aynı bölümlerde Fransız yasal, idari ve sosyal sistemlerinin ahlaki etmenler ile düzenlenmesini amaçlamıştır. Dahası, Montesquieu'ye göre fiziksel durumlar beden üzerindeki etkilerinden dolayı barbar toplumlar üzerinde baskın bir etkiye sahip olsa da özellikle modern dönemde ahlaki etkenlerle değiştirilebilirler. Dolayısıyla Hume'un Montesquieu'nün iklim teorisi eleştirilerinde haklı olduğu söylenebilirse de Montesquieu'yu bir siyasi deterministolarak tanımlamak yanlış olacaktır. Diğer yandan, Hume yazılarında fiziksel nedenlerin insan davranışları üzerinde herhangi bir etkisinin olduğunu reddetmiş ve insan doğası ve ahlaki psikoloji üzerine geliştirdiği bilimsel felsefesinin bir devamı olarak ulusal karakterlerin tek kaynağının ahlaki etkenler olduğunu savunmuştur. Hume'a göre yasalar ve davranışlar arasındaki farklılıklar deneyimsel farklılıklara ve sempati prensibi ile gerçekleştirilen duygu paylaşımlarına dayanmaktadır. Bu ahlaki etkenler dışındaki herhangi bir faktör insanların zihnini etkileyemez. Klasik ve modern düşünce arasındaki ayrımlara dayanan bu yöntemsel farklılıklar, iki filozof arasındaki temel ayrımı oluşturur. Fransa ve Britanya'nın durumları arasındaki farklılıkların belirlenmesi bu ayrımları açıklamada oldukça önemlidir. Bu bakımdan, çalışmada Fransa ve Britanya'nın geleneksel anlayışlara dayanan feodal dönemden on sekizinci yüzyıla kadarki siyasi, düşünsel ve sosyo-ekonomik gelişmeleri barındıran modernleşme süreçlerinin sonuçları, Fransız monarşisinin yenilenmiş feodal sistemi ve Britanya'nın modern-ticari karma hükümet sistemi, filozofların düşüncelerinde ve yöntemlerinde etkili olduğu tartışılmaktadır.

Anahtar Kelimeler: Aydınlanma Felsefesi, Devletlerin Kuruluşu, Hume, Montesquieu, Ulusal Karakterler.

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LIST OF ABBREVIATIONS

c. : About

cf. : Compare

EHU : An Enquiry concerning Human Understanding

EPM : An Enquiry concerning the Principles of Morals

Essays : Essays, Moral, Political, and Literary

History: The History of England

PE : Political Essays

SL : The Spirit of the Laws

T : A Treatise of Human Nature

1. INTRODUCTION

1.1. Background

Two important and creative contemporaneous philosophers of the history of political thought, Montesquieu and David Hume, had different approaches to explain the causes of variety of human behaviors. First of all, it should be considered that both philosophers were historians and this specialty was influential in their thinking. Within the scope of the subject of this thesis, one of the points that distinguish the two philosophers is the interpretation of history in different ways. The chapters in Montesquieu's work, *The Spirit of the Laws* (1748), in which he wrote about the climate theory that constitutes a large part of his reputation, have been unfortunately accepted to express an unchangeable historical causality and political determinism. It was concluded that the factors that affect/determine the spirit of the nations and laws, along with many other physical factors, are effective in the governments by formalizing the legal system and people (as a whole with both their minds and characters), and that the laws should be made according to this spirit. Sharing these views, which are partially correct but also ignore some important points, Scottish philosopher David Hume criticized the determinacy of physical causation with a secular epistemelogy in his work *A Treatise of Human Nature* (1739) and *Political Essays* (1752). Hume argued that societies, and more specifically, the mental structures of individuals are shaped and developed by experiences and the formation of laws is part of this process. He found the effects of physical causes (such as air, food, and climate) on national characters nonsensical in his essay "Of National Characters". Therefore, he rejected Montesquieu's thoughts with the historical examples he gave. However, if the studies of Montesquieu are examined in-depth, it will be seen that there are no necessities and physical determinism on human behaviors as emphasized by Hume, and French philosopher used causality in a more flexible structure rather than obligations according to circumstances of the society.

In this thesis, the foundation of governments and their legal systems in Montesquieu's main work *The Spirit of the Laws* will be discussed with arguments from different approaches. The investigations to be made can be explained under two headings. First, in his works, Montesquieu looked for solutions or alternatives to the socio-political problems of the eighteenth-century French monarchy, and this approach influenced his thinking on historical

causality. The dates that Montesquieu completed his work covers the middle of the eighteenth century, a period when, unlike Britain, France was encountering with the contradictory problems of absolute monarchy and libertarian ideas. Therefore, in a study where government systems and social structure were discussed, these problems were unlikely to be ignored. In this respect, the British administrative system, French monarchy tradition, and legal history studies of the philosopher will be used as a source for determining these approaches. Secondly, the historical causality of Montesquieu and the continuity created by this situation, in other words, the sources and counter-arguments of political determinism in his writings will be discussed. In addition to his thoughts that refer to causation, Montesquieu defined humans as rational creatures and explained social factors together with many variables which are making his strict determinist approach questionable.

For the same reason, it can be deduced that David Hume evaluated the limited parts of Montesquieu's work in his approach to political determinism. Moreover, in this thesis, it will be shown that the two philosophers argued the same subject (the foundation of governments) by approaching from different grounds: Montesquieu's studies aimed to examine societies that made with a method that could be regarded as scientific under the conditions of that period and can be named as sociological, while Hume had an empirical-skeptical approach in his works in which he examined the development of the individual behaviors and the human mind. This distinction becomes meaningful with the mentioned historical differences. This approach will be explained and improved by comparing different studies to international academic writings.

The thesis consists of three main chapters and research methodology, along with abstracts, introduction, conclusion, and references. The main chapters are the Socio-Political History of France and England from the Feudal Period to the Eighteenth Century; Montesquieu and The Spirit of the Laws, and finally Hume on Causality and Determinism.

The second chapter is on the socio-political and economic historical process of England and France by the scope of the thesis. After giving brief information on the feudal structure in the chapter, the process of establishment of central kingdoms, the Religious Reformation, and the following developments are summarized. As the inheritors of a similar tradition and history, the two states had centralized after the deformation of the feudal structure, and as of this date, they constituted different forms of government. The British government established the cooperation and freedom between social classes during the Reformation era after the legal arrangements that were made in conjunction with the Parliamentary tradition which had been

used in the centralization process. This harmony between social agents enabled Britain to establish a commercial, liberal, and functional government at the end of the seventeenth century. On the other hand, France excluded intermediary institutions from the administrative organization by directly constructing the idea of the "holiness of the king" allied with an unmediated relation between the king and God, which idea was also used in England during the centralization process but along with the parliaments. Therefore, the centralization process developed in parallel with absolutization in France. After the Reformation, the authority of the king was expanded and the French monarchy, which had a monopoly on legislative and executive power, completed its absoluteness during the reign of Louis XIV. Consequently, the enfeeblement of social classes by losing their public functions and their conflict with other units were important reasons for the degeneration of the monarchy.

This historical process is also important in terms of illuminating the difference in the thoughts of Montesquieu and Hume. In addition to the problems between the corrupt monarchy and social factors in France, the continuation of religious crises and the prevention of libertarian ideas encouraged Montesquieu to seek solutions to these problems in his political science-themed studies. On the other hand, history and philosophy studies are the basis of Hume's works depending on the nationalization process and the liberal possibilities in Britain. The British libertarian constitution had the right conditions to support a philosopher like Hume and his methodology that based on pure secular explanations. Therefore, within the scope of the history described in this chapter, the differences between the kingdoms of Britain and France have been revealed, and according to that, the possible effects of socio-political and economic factors of these regions on the works of thinkers have been examined. Parallel to this, Montesquieu's thoughts on the forms of government (especially the monarchy and the liberal republic) will be examined in connection with the crisis of the French monarchy.

In the third chapter, Montesquieu's thoughts on the establishment of civil authorities, forms of government, and political determinism have been examined with the help of the philosopher's work *The Spirit of the Laws*, as well as other books and secondary sources. As stated, in his work, Montesquieu developed alternative thoughts for the restoration/reform of the French monarchy. For the same reason, he described a moderate-commercial government profile by showing the separation of powers and governmental cooperation in his review of England in Book XI to appreciate this government. From this aspect, he examined the structure of the nature of a moderate monarchy, indirectly the French monarchy. In this respect, it can be

said that Montesquieu used the Aristotelian approach to politics, in that he examined and classified existing institutions and listed their righteousness according to their functions and connections on a specific example. In this regard, contemporary political scientists have put forward different views on the alternative form of government that Montesquieu recommended that replaced the antique republicanism. The separation of powers and libertarian rule that Montesquieu described in his study of England caused some authors to describe the thinker as a liberal republican. Another argument is that Montesquieu was a political agnostic because he avoided determining the "best regime". Finally, it is claimed that Montesquieu's detailed account of the French tradition, the moderate monarchy, and the history of French legislation and administration were a defense of the French monarchy and that the main goal was to express the necessity of restoration of the monarchy. In this chapter, these debates are examined concerning the idea of determinism together with Montesquieu's writings.

In the *Spirit*, Montesquieu examined the physical and moral causes that affect the regimes and laws of a specific society. The third part of the study directly focused on the effects of climate on society, laws, and governmental bodies. In this part, he asserted that the connections between human nature to the physical world would determine the appropriateness of the type of government. Although these causality relations are accepted as a deterministic approach, it is understood that these factors do not constitute certainty in their connection with societies due to the examples, exceptions, and alternatives given by the author in the same work. As an intelligent creature, Montesquieu wrote, mankind is governed by their own laws, not invariable laws of the physical world. Because humanity is not dominated by nature, he/she does not follow the laws of the physical world because of his/her will. Therefore, Montesquieu's historical causality, as one of the factors of development, states the differences shaped by the reactions of societies to the events they encounter. Conditions are not necessities, they are the factors that canalize people. Climate, like other factors, is one of the physical causes that have an impact on human nature and national characters.

The fourth chapter is on David Hume's thoughts on the formation of laws and the foundation of government which concentrated on his famous works the *Treatise*, *Enquires*, and *Essays*. Hume defended that although moral principles are not derived from reason, they have an effect on the mind, and that morality is the object of emotions through sharing of sentiments between people. On the other hand, he argued that morality is not rooted in natural sources, but is created by individuals' experiences. People distinguish between good and evil with the

thoughts they developed from their relationships with subjects and objects. Thus, they learn the "morally good" and live following the experienced good with the discomfort they feel from evil for the continuity of public life. The norms that are accepted for the maintenance of justice after the foundation of the government become laws, therefore they are produced by the experiences of the people and maintained by these sense of duty and the principle of sympathy. The concepts of ownership, right, and liability are obtained after the establishment of justice. The origin of civil government and society is the establishment of the power needed for the constant security of justice. Hume uses this human-centered process to reject determinism, as will be discussed in the chapter.

These moral principles of Hume invalidate the determination of physical factors on people. Scottish philosopher argues in his essay "Of National Characters" that any physical factor, including climate, does not play a decisive role in human morality or personality. Humanity is not an object before nature, but a subject in his/her relations with the external world. Hence, it is wrong to consider a person as passive in morality and laws rather than a collection of different perceptions. On the other hand, Hume illustrated his approach that physical factors did not influence laws and regimes. People owe their laws and behaviors to moral factors for Hume, which view is a product of his empirical approach to uniform human nature.

In chapter 4, the issue of political determinism and causes of national characters are also comparatively discussed with the arguments of Montesquieu and Hume. As it is shown in the third chapter that Montesquieu was not a pure determinist in the way Hume understood him, one of the main discussions in this chapter is on the process of the formation of laws and their causes. Similarities and differences will be revealed between Montesquieu's thoughts on the "spirit of laws and societies" and the formation of Hume's moral thoughts. First, both philosophers separated morality from natural laws and defended a formation process. Moreover, both approaches accepted experiences and interactions as factors in this formation process. However, the difference is between considering the human being as a subject that realizes the action or the affected/passive object before nature. Another point argued in the chapter that the differences in philosophical traditions were effective in their thoughts on the law-making process. Montesquieu, influenced by Aristotle and Descartes, made political researches with the connection of causality (cause-effect) through examples. Hume, on the other hand, denied the continuity between cause and effect of Cartesian understanding in *A Treatise*

of Human Nature and argued that there was no such necessary connection between any cause and effect. Therefore, it is argued that this fundamental distinction between their methodologies clarifies the differences in thinkers' thoughts on history and civil governments.

1.2. Research Methodology

1.2.1. The Purposes of the Research

The main purposes of the research are to explain the methodological approach of Hume to national characters, his criticisms to the climate theory, and examine Montesquieu's historical causality with the nature of laws, and its connections with political determinism. Usually, Montesquieu's approaches to the law-making process in his work *The Spirit of the Laws* are identified as strict determinism or natural necessities. However, many studies that have been focused on the subject claimed that Montesquieu, rather than a determinist or liberal republican, tried to understand the varieties and differences of laws and manners and to restore the degenerated French monarchy[1]. In this respect, along with the historical process, Montesquieu's texts on the subject and relevant studies show that even though physical causes affect the minds and personalities of the people, Montesquieu always described alternative ways to protect liberty and justice. David Hume, one of the accusers of Montesquieu, wrote an essay in his book *Political Essays* to confute the determinist historical and physical causes that were claimed by some of the eighteenth century philosophers. To reveal the actual arguments of the philosophers about the foundation of civil governments and causes the diversity of the legislation in different societies, in this research, the works of two philosophers have been examined through their understandings of human nature and methodologies to explain social characters.

[1] For example, Ana J. Samuel (2009) claimed that *The Spirit of the Laws* was organized with a dialectical method. In the first three parts (except Book XIX) are defending the effects of physical causes on human choices. The later parts, on the other hand, are dedicated to the moral factors that give a potential to humanity for regulating the laws and manners shaped with physical causes. Montesquieu's defense of moral causes and liberty are also examined by Keegan Callanan (2014), Michael P. Masterson (1981) and David Lay Williams (2010). Sharon R. Krause (2003) comparatively examined the physical and moral causes that affect the laws and governments of societies which defined by Montesquieu, and asserted that both Montesquieu advocated the importance of moral causes on human choices and the he accepted the moderate monarchy as a suitable government for the modern Europe. Annelien de Dijn (2011; 2013; 2014) improved these approach and compared the ideas of Montesquieu on the English commercial republic and French-type monarchy, and demonstrates the strengths of feudal French-type monarchy for modern France. These studies will be discussed in the second chapter of the research with some contrary researches.

1.2.2. Research Questions

To clarify the research subject, some research questions are defined such as:

- What are political determinism, its causes, and connections with physical factors?

- What differences can be identified with their causes between approaches of two philosophers on the same subject?

- What are the causes that differantite two phiolsophers methodologies to history, politics, and laws?

- What was Montesquieu's aim in his studies on law-making processes and the form of governments?

- What was Montesquieu's ideal regime for eighteenth-century moderate states that replaced the antique republicanism?

- What was the impact of problems of the French monarchy in the first half of the eighteenth century on Montesquieu's works?

- Are David Hume's criticisms of political determinism aimed at Montesquieu's ideas on the physical impacts of law-making?

- What were the influences of *The Spirit of the Laws* to David Hume's approach to national characters and physical causes?

- What connections can be related between the historical process with facts and reactions of England and France from the feudal period to the eighteenth century and thoughts of David Hume and Montesquieu?

1.2.3. The Information Collection Techniques

Due to using the qualitative method in this thesis, the bibliography consists mostly of books and articles. Various books, chapters, and academic articles about the subjects written by different historians and political scientists have been used for the research via scholarly websites. Additionally, translation resources (books, articles, etc.) related to the subjects have been also utilized.

1.2.4. The Methodology and Scope of the Research

The qualitative methodology is used in the research to clarify and compare the philosophical and historical arguments of the subject. For this, the theoretical and case-based

method is used to improve the arguments and debates. Thereby, with these methods, the subject is examined in-depth and compared with several arguments to make reliable research.

The scope of the thesis is limited with the main subject, the thoughts of Montesquieu and Hume on national characters and foundation of laws and governments. Therefore, the historical process in the second chapter focused on the general view of socio-political changes in England and France along with some relevant historical concepts, developments, and cases. Other governments, historical figures, and events that are not related to the subject are not counted in the research. Along the same line, the chapters on Montesquieu and Hume are limited with their thoughts of foundations of civil governments and sources of moral and national laws along with the essential structures and understandings of their thoughts. Also, for the comparison, their methodologies, thoughts and criticisms about human nature, political determinism, and foundation of governments are examined.

1.2.5. Resources

To reach a point from these discussions, essential studies of two philosophers have been used as main sources. Montesquieu's work *The Spirit of the Laws* [Montesquieu, Charles-Louis de Secondat. (1989). *The Spirit of the Laws* (A. R. Cohler, B. C. Miller, and H. S. Stone, Ed. and Trans.). Cambridge: Cambridge University Press] is important to include the foundation of civil authorities and factors of law-making thoughts of the philosopher. In the research, the work is abbreviated as SL in references. David Hume, on the other side, explained his philosophical approaches in *A Treatise of Human Nature* [Hume D. (1960). *A Treatise of Human Nature* (L. A. Selby-Bigge, Ed.). Oxford: Clarendon Press] and argued climate theory (Essay XII – *Of National Characters*) in his book *Political Essays* [Hume D. (1994). Cambridge: Cambridge University Press], therefore they are also essential sources of the research with the two *Enquires* (*An Enquiry concerning Human Understanding* and *An Enquiry concerning the Principles of Morals*). Besides that, books and academic articles of several authors such as Annelien de Dijn, Russell Hardin, David Lay Williams, Ana J. Samuel, A. J. Ayer, D. Forbes, etc. about the subject are utilized. To explain the historical process in the first chapter, detailed works of various historians such as Quentin Skinner, Jacques Le Goff, Preserved Smith, Carter Lindberg, Alexis de Tocqueville, Henri Pirenne, Leo Huberman, Marc Bloch, Steven Ozment, etc. is used to compare and explain the process.

The sources utilized for the historical process are very useful to research and explain the process that is mentioned in the thesis. Detailed research, statistics, and comparisons in historical studies make it easier to uncover certain facts. Similarly, intellectual biographies, conceptual analyzes, and comparative evaluations on philosophers and their works are qualitative information sources for studies on a particular concept. However, the lack of Turkish works and translations on the subject makes it difficult to reach current information. Although printing activities are successfully common in historical studies, it can be said that there is not enough publication works for current philosophical researches. Especially, there are notable inadequacies in the translations and work of English-language books and articles on Montesquieu and Hume. Therefore, in this thesis, English resources were used extensively, also utilized from the translations of main sources.

2. THE SOCIO-POLITICAL HISTORY OF FRANCE AND ENGLAND FROM THE FEUDAL PERIOD TO THE EIGHTEENTH CENTURY

During the transformation of the European political structure from the feudal period to the central kingdoms and modernization, there were important changes in thought and socio-political structure which were generally considered together for all states. Thinkers and lawyers of the late medieval and pre-modern eras formed the framework for rationalizing and secularizing process of political authorities. These studies contributed to the forms of governments and people variously because of the several traditions, approaches, and circumstances. In this process, it is difficult to say about theory and practice that one formed the other, but the connection between them was noticeable. Following the historical process will help to illuminate this complex relationship.

In this regard, the history of France and England demonstrates the different traditions of European politics. Even they were faced with the same events, their (social and political) reactions determined the characteristics of the states. The structuring process that had begun in feudality and matured in the eighteenth century also affected the mind of the societies. Therefore, research on historical figures should include the historical process to enlighten the socio-political and mental conditions of the era. As Hegel put it:

> "As far as the individual is concerned, each individual is in any case a *child of his time*; thus philosophy, too, is *its own time comprehended in thoughts*. It is just as foolish to imagine that any philosophy can transcend its contemporary world as that an individual can overleap his own time or leap over Rhodes." (Hegel, 1991: 21-22)

In this research, to clarify the philosophers' time, differences in the thought of Montesquieu and Hume are examined with the socio-political progress and conditions of France and England.

2.1. The Feudal Period and the Centralization of the Kingdoms

As Marx said, pre-modern history is the history of the relevance between rural areas and cities. In the early Medieval Ages, landowners and serfs were the economic and political

dynamics of history (Marx, 1965: 77-78). The prominent classes of the feudal society –or *estates of the realm*[2] were clergy as prayer and divine authority, protective and ruling nobles (both were sovereign classes), and serving peasants and craftsmen (third estate) (Huberman, 2019: 11-12, 24-25). However, the distinction was not as significant as this classification. Nobles were also the landowners and local jurisdiction authorities. Peasants were engaged in crafting as well as farming. The clergy were included in intellectuality, owned properties (*parish*), and established authority on the people in their lands (Le Goff, 2019: 9-10). The production in Medieval Europe was dominated by the natural economy, so the soil. Therefore, peasants (*serfs/serfdom*: bound to the earth; serfs had juridically restricted mobility and *villains* as "free" villagers) and nobles had a critical role in economic life (Anderson, 1974: 147). In this case, as Montesquieu placed them at the centre of relation between people and government in his writings, nobility was at the central point in the political/legal process in the feudal European social structure. They were responsible for the administration, military service, and order of their lands.

> "In feudal times, the nobility was seen in much the same way as we see the government today: people accepted the burdens it imposed in exchange for the guarantees it offered. Nobles possessed irksome privileges and onerous prerogatives, but they maintained public order, administered justice, enforced the law, came to the aid of the weak, and took charge of common affairs." (Tocqueville, 2011: 37)

Indeed, when considered the continuity of social life and political relations, nobles were the most critical group of the Medieval Ages. The public's expectations of the nobility were the tasks that Tocqueville explained. Until the early modern period, the virtues of the nobility were military profession, courage, and fairness which therefore was called the "warrior class". In addition to the jurisdiction of every vassal in their own territory, practicing military affairs by noble classes –even monopolized– combined these two concepts (noble-soldier) inextricably in Western and Central Europe (Bauman, 1987: 29-30; Schalk, 1986: 10-20). Thereby, the title of nobility (*gentleman/gentilhomme*) for people was not about pedigree and birth but was gained with valor and fairness. In Europe, a noble was referred someone *qui font profession de Justice*

[2] *Estates of the realm*, is used to describe the feudal social structure in monarchical states of Christendom. Estates in France (*ancien régime*) consists of: The clergy as the first estate, the nobles as the second estate (these two estates make up ruling classes), and thirdly the populace (peasants, craftsmen, bourgeois, etc.). In England, because of the acceptance of the clergy as nobles, nobles and the clergy are considered in one estate in the House of Lords in the parliament (Huberman, 2019: 165, 171; Pirenne, 1956: 54-56).

(who make the profession of justice) in that period (Schalk, 1986: 7, 21). Until the concept of the homeland (*patria*) affected the social spirit again with the rise of central kingdoms, political life in Europe was limited to personal relations between lords and their subjects. Throughout feudality, the praise of the *fidelitas* (loyalty) gave a poetic meaning to the death of the subjects for their lords and it continued until the *patria* became a new cause for lofty death at the end of the 13th century (Kantorowicz, 2016: 232-234). However, the nobles in Medieval Europe also had their own hierarchy even though it was the reputation of the estate. Poor knights and vassals who did not own land became mercenaries or looters, and they caused one of Europe's insecurity problems in that era (Smith, 2019: 52). At the same time, some nobles influenced political power with their wealth and authority. They were able to become stronger enough to even force the kings for their interests. For example, the French noble house, Guises, clashed against the king and forced him to sign a profitless treaty for royal interests in French religious wars (Diefendorf, 2004: 162-163). Another example, the Magna Carta (1215), one of the most popular charters that accepted as an example of the liberal successes, was signed by King John under the pressure of lords in England (Ryan, 2003: 53). In the charter, the authority and duties of the king were identified and limited, and nobles' rights were protected from royalty. In case, it was a beginning for the legal condition of limitation borders between the kingdom and people, which also represented the development process of a strong parliamentary in England (Black, 2020: 134-136).

On the other side, the strongest institution of the society with a strong hierarchical structure was the Church with its economic, social, and educational power in addition to divine sources (Huberman, 2019: 22-23). In the medieval period, almost all European people[3] believed one religion, but it was under the influence of different philosophical and theological approaches derived from this religion (Leff, 1976: 4). The strongest and common theological approach was the Catholic Church which had authority over all educational tools through the scholastic methodology (Le Goff, 2005: 130; 2019: 87). For the canonical principles, in addition to deciding what the revelations mean for theology and morality, ecclesiastic judgments for natural sciences were also handled from the perspective of scientific certainty set by the Church

[3] In the late medieval, there were also heretic Christians out of Catholic teaching. However, their differences with the parishioners were limited by belief, not in terms of lifestyles. The main point the Heretics' opposition to the Church was about its corruption with worldly power and wealth, and competence of clergy for administering the sacraments. Apart from this, the ethical standards of the Church (worship, a poor life, charity, etc.) were also accepted and practiced by heretics, which was the main distinction between them and Protestants (Cameron, 2004: 14-15, 18-19).

which changed with the reassertion of rationalism and natural sciences (Leff, 1958: 11-12; 1976: 6-8). The clergy hold exorbitant fortune with the land they owned, also the charity, donations, offices, and taxes they collected. The fact that most of the literate people in the society were from the clergy in that period reveals the social and administrative importance of the Church for the administrative and financial duties. The life of monks who were avoiding worldly pleasures by living in monasteries was considered the ideal standard for all members of society (Pirenne, 1956: 12-13). Therefore, the clergy was one of the crucial powers during the feudal period. On the other hand, the authority of the princes also depended on the will of the divine authority. The legitimacy of the crown was accepted within the framework of canon law. In return, they were expected to fight for the Church's ideals. Thus, political and religious authorities were interdependent until the late middle ages (Kantorowicz, 2016: 102). However, the sanction power of the religious authority was more dominant than the political authority, as the fear of eternal torture in the public was more severe than the fear of death (Hobbes, 1969: 14-15). In addition, for believers, the faith described and shaped community life and social relationships. Important stages of life such as birth, death, and marriage were also rituals of the Church and blessed by the clergy (Taylor, 2004: 27).

With the end of the Middle Ages, both the general structure and effectiveness of the social classes changed. Along with it, the pre-modern society initiated a new process that includes social, economic, and political reorganization. Many historical studies explain the appropriate conditions of the centralization endeavors of feudal monarchies with the emergence of new social agents and the degeneration of the nobility. First, it is necessary to consider the birth of the bourgeoisie:

> "Above all, apart from both the peasant population and the groups engaged in the honourable tasks connected with the exercise of authority, there had always existed isolated nuclei of merchants and craftsmen. From these beginnings, fostered by the economic revolution in the second feudal age, there arose the powerful and well-differentiated social group of the urban classes, swollen with innumerable additional elements. […] [Bourgeois] was employed in unequivocal opposition to the words knight, cleric, villein. […] Those whose occupations as merchants and craftsmen were most typically urban, came to be recognized as a distinctive group in society, with a distinctive name." (Bloch, 2005, vol. 2: 77)

Their activities in economic life were based on trade; the trade that the clergy and nobles degraded as illness became a source of income for the new class (Bloch, 2005, vol. 2: 77-78; see also Smith, 2019: 91). Apart from the classical merchants and craftsmen, the primitive bourgeoisie, who had their own personalities[4], gained a central position in commercial affairs. The bourgeois were "new people" to the feudal society in which they became completely independent from the soil, as also Bloch said (Pirenne, 1956: 44). Being the first typology of the bourgeois class, this group gained *de jure* identities and rights with the regulations in city laws that were arranged and enforced according to the interests of these merchants to establish an autonomous law (constitutions) and government. They created a profile of the territorial law society with the new civil, commercial, and criminal laws they used in their lands independent from the nobles and clergy. Behind these acts, there was not an evil thought, but a conflict of interest between power elites. Medieval cities and their institutions were established and arranged for commercial continuity, therefore, the bourgeois monopolized the city governments. In return, they worked for the city and answered its needs with an "antique citizen awareness". While the nobles lived in their provincial castles, the clergy was not included in city life because of their privileges and reputations, the city owed its existence to the bourgeois. To protect these rights and liberty, they had to fight against the traditional structure, the feudal law and its main representatives, the Church and nobles to get the title of social class and its privileges. The strict attitude of the sovereign classes against trade in both England and France caused conflicts to the bourgeois. Considering that the main purpose of the cities was commercial continuity, it was quite normal for the bourgeois to be in all city councils in the

[4] Along with the bad reputation about the bourgeoisie, which was largely created by Marxist theories, studies that have different approaches on the bourgeois should be studied to understand the nature of medieval cities. For instance, according to Werner Sombart, the bourgeois is not any merchant of a city but individuals with a special character that emerged in the fifteenth century. The concept of bourgeois expresses the "perfect capitalist undertaker" citizen with his own virtues and qualities. They are neat, moderate, urbane, and epicure (Sombart, 1915: 103-124). Moreover, it is not correct to explain the modern bourgeois with a single paradigm, because the differences in time and place created different characters. Unlike modern capitalist entrepreneurs, classical bourgeois gave great importance to virtues and social life. On the other hand, the main purpose of trade was to meet the needs of the society as well as making money. For detailed information, see Werner Sombart (1915). *The Quintessence of Capitalism: A Study of the History and Psychology of the Modern Business Man* (M. Epstein, Trans. and Ed., New York: E. P. Dutton & Company, 153-167). On the other hand, following the history of the emergence and development of primitive bourgeoisie, a different result can be reached. See, for example, Henri Pirenne, *Economic and Social History of Medieval Europe* (I. E. Clegg, Trans., 1956 – New York: Harcourt, Brace and Company) and *Medieval Cities: Their Origins and the Revival of Trade* (F. D. Halsey, Trans., 2014 – Princeton & Oxford: Princeton University Press). Beyond the definition of bourgeois character, Henri Pirenne emphasizes that Sombart's approach is a generalized territorial (German) study (Pirenne, 1956: 161). By examining the emergence and activities of the commercial cities (*fauborg* –or *portus*, as it was frequently used in the early period) and the new merchants, he concluded that the bourgeois represented a social class with their influences in city governments.

12th and 13th centuries (Pirenne, 1956: 49-56, 167-169, 175-176, 198-199; Pirenne, 2014: 112-113, 130-131, 135). Indeed, when considering the urban revolution and the following process, the influence of the middle class was very important, because bourgeois shaped the urban life despite the clergy and classical merchants (Ortaylı, 2019: 9). Consequently, if the relations established by the secular authorities with the bourgeois in the process of absolutization of the kingdoms are considered, the conflicts with the sovereign classes of the feudal structure can be understandable.

Both classes, nobles and clergy were landowners, thereby they retained the economic resource of the feudal era. It was obvious that the nobility owned land, but besides being the religious authority, the clergy had great wealth. The church had one-third to half of the land in Western Europe, mostly through donations. Therefore, it seems that the enfeeblement of the feudal classes was of great importance for the enrichment of the bourgeois and monarchs. In cities that gained importance with the development of trade and population growth, the liberalization process was initiated. The middle class was not satisfied with the traditional/feudal social structure, taxes, and property rights. They created new city structures (guilds) and laws for their legal liberty. The villagers also tried to buy their freedom by producing too many goods to be included in the city life (in the mid-15th century, the vast majority of Western European peasants had their freedom), and this demonstrates why cities in that period were called places of freedom. While some of the nobles adapted to this liberation movement, others opposed it. The church was absolutely against this new movement (Huberman, 2019: 22-23, 39-43, 54-65). Also, the main need for growing cities was to keep the economy strong by ensuring the continuity of trade. The search for the socio-economic interest of the religious authority and the nobility was a threat to the development of free cities[5] (Goody, 2006: 238-239). Benefiting from an economy based on soil and traditional social institutions, the clergy and the nobility naturally resisted the new structure. As a means of all this resistance

[5] For example, lending with interest in the Medieval Ages was considered as sin and crime by the Church. Governments also supported this attitude as they needed the approval of religious institutions. It was immoral to make money from the needs of Christian brothers. Another reason for opposing interest was the idea that time belongs to God and man cannot sell it. However, in the merchant class's exchanges, it was necessary to borrow and lend money. Money holders desired to earn income from it. The prohibition of interest was suspended with prolonged legal regulations, which was an important development for Montesquieu's approaches. Another example for the struggle between feudal classes and city governments was the lords' passion for wars and loots. Soldiers of the nobility were not receiving salaries. They earned most of their incomes by looting villages or cities. So when the representatives of justice in the rural areas wanted to restore the order in the cities, they were also damaging to the established economic system. In this case, the rising commercial business was suffering from the feudal justice system. (Huberman, 2019: 48-52, 85).

(such as the prohibition of interest), they used their power and legal regulations. Although some of the noble lords tried the way of reconciliation, the Church showed resistance without exception against "suspicious" merchants to protect its authority, which sometimes turned into interference (Pirenne, 1956: 28, 54). In return, the strong middle class supported central authorities to resolve this problem. They wanted to ensure continuity of change by supporting schools that helped to develop free and humanist thought. Favorable needs were obtained with the rise of individuality.

The influence of the bourgeois on secular authorities can be seen by the example of Italy. By the late 11th century, the Italian merchants gained great economic power by managing to revive the shipping trade, which had been hindered by Muslims (Pirenne, 1956: 30-32). The nobles in Italy had lost their sovereignty over the bourgeoisie with the rise of trade. In the late 13th century, the new middle class gained the power to challenge nobles in political areas. The source of the nobility was "virtue", as mentioned before, not lineage or wealth. Therefore, the life and actions of the person should be taken into consideration for the nobility of the people. But, nobles in Italy, on the other hand, abdicated their administrative responsibilities and chose the vanity satisfactions with the prosperity created by commercial richness. Moreover, the bourgeois tried to isolate the nobility from the political sphere with their governmental interactions. They increased their efficiency by purchasing lands from nobles. Italian merchants supported the strong and independent power to maintain their conflict with the nobility. Their support resulted in them gaining authority in power (İnalcık, 2019: 34, 58; Skinner, 1978a: 23, 81-82). The commercial success of the bourgeois was both the cause and the result of its political power. They were included in the assemblies and administrative instruments with their wealth. Thus, in addition to increasing their earnings, they also shaped the power (Wiesner-Hanks, 2013: 224). Similar processes were also experienced in the French and English centralization process, as will be discussed below.

With the feudal understanding, the various powers of legal and political authorities established a complex system (sharing of political, economic, and legal power) that developed with the conflicts and compromises which was mostly uniform and hindered the emergence of fundamental differences in these countries. This diversity, while providing flexibility in early European political history, caused the alterations in the pre-modern period with the deterioration of the system. Thus, a unification process led by princes began in Europe. The weakness of the nobles and clergy that threatened the central authority and the common interests

of the bourgeoisie with the princes enabled the kingdoms to succeed in this process. As of the 15th century, the first examples of nations were formed throughout the century. The people, as the subjects of the lords and cities, considered themselves as the subjects of a whole kingdom and the prince. National languages, national industry, and national laws were established by the bourgeois. The alliances between the universities and absolute monarchs (the next step was national churches) also caused the abolition of the social responsibilities (security, judgment, social and religious rituals, etc.) of the feudal ruling class that were signs of the prestige of nobility[6]. Although there were many reasons for these developments, the most important one was the need for the new middle class for the economic order (Huberman, 2019: 84-85). The bourgeois started to get stronger with urbanization. With the enfeeblement of feudalism and cleric privileges, the social hierarchy of the estates of the realm began to change. The noble and clergy lost their former powers over time (Smith, 2019: 41-42).

The thoughts of Italian lawyers, influenced by scholastic philosophy[7], reshaped the ideas in other European countries. In the middle ages, secular authorities were inextricably linked with the clergy. This situation gave them a theological appearance. However, in the 13th century, it started to change with the rationalization process of political authorities. Kingdoms after that period were the centers of political institutions, and there were law studies on the centralization movement of the monarchs (Kantorowicz, 2016: 193, 231-232). In case, as of the 14th century, political authorities established a base to identify their legitimacy regardless of theological grace. Roman law studies[8] provided the legal basis for princes to gain the status of the king, separate from the order of papacy. Of course, this political autonomy was based on – or combined with– scholastic theology and canon law as well as Roman law and ancient philosophy. However, God took the place of the pope who was the main factor of political

[6] As will be seen below, an essential problem of the nobility in the period was that even though they had lost their socio-political functions, they retained their dignity and aristocratic-splendent lives with legal privileges. While Britain solved this problem at an early date through the parliament (discussed in the chapter of 2.2.2), in France, the injustices created by the privileges could not be resolved during the *ancien régime* (see the chapter on post-Reformation France – 2.2.1)

[7] Scholastics were followers of the 12th-century humanist thinkers Pierre Abélard (1079-1142) and Bernard de Chartres. They worked on Christian, Greek and Arabic texts. Grammar and dialectics (*ratio*) were the main instruments. With grammar, logical explanations were made on the texts, and problems about these texts were solved with dialectics (Le Goff, 2019: 114-115). The scholastic law theories were parallel to the rationalization/secularization and legalization of the political authorities and their legitimacies. Even though the theories came after the practices, the secular arguments needed by modern monarchies in the fifteenth century were formed with late medieval studies (Kantorowicz, 2016: 273).

[8] At the end of the 11th century, Roman law was widely studied in Italian universities, particularly in Bologna. Students who returned to Italy from French scholastic schools produced ideas by synthesizing their understanding of the law with scholastic thought at Italian universities. This was a significant point for the development of political thought and the birth of Renaissance's humanism (Skinner, 1978a: 51-52, 104; İnalcık, 2019: 59).

legitimacy, as Dante Alighieri (1265-1321) mentioned in his book *Monarchy*. The polarization between natural laws and human laws was discussed by philosophers for a long time. However, it can be said that the power behind the establishment of national monarchies was these law studies (Kantorowicz, 2016: 131-132, 140-142).

In the late medieval period, the notion that only the law makes the king was common in Europe and especially in England (Kantorowicz, 2016: 147-150). These thoughts created the image of the King who is both above and below (father and son) of justice (Kantorowicz, 2016: 159). The re-use of the concept of *patria* (homeland) in law, which took place at about the same time, made people directly subject to the king and contributed to the formation of national identities with the ending of feudal relations. In the fourteenth century, permanent tax collection of the kingdoms for the protection of the homeland shows both that the concept entered political and law discourses, and the monarchs focused on the new central government and its needs with the withdrawal of event-based taxes of the feudal system (Kantorowicz, 2016: 267-268, 286). One of the most important results of the law studies was that the national monarchies and the entire political structure that took shape in the 15th century were based on legal legitimacy, beginning for the constitutional commonwealth, instead of the half cleric combination of Christ image authorities. One of the reasons affecting this situation was the change in European society's perception of belief (Kantorowicz, 2016: 93), which later caused the Protestant Reformation in Europe and the unique parliamentary monarchy of England. This is why the later studies of political theories on the state were focused on the law and morality because the existence of political authorities was limited to the space allowed by law.

If the perception concentrates on the general view of England and France, it reveals that they were ruled with quite the same socio-political structure at the feudal era[9]. But by the

[9] In the British administrative tradition, Parliament is a necessary institution for the legitimacy and holiness of the king that was pronounced with *Magna Carta*. This issue will be discussed in detail below. In France, the Parliament of France (*Judicium Francorum*), which was frequently mentioned at the beginning of eighteenth-century debates on monarchy that focused on Parliament of Paris, was an institution in the Frank tradition as a representative assembly. The *parlement* represented French people, although it did not have pure judicial powers. New laws could not be created without the approval of the Parliament. However, in the historical process, the Parliament of Paris had been very cautious in limiting the legal powers of the king (De Dijn, 2013: 72). For further information about the text of *Judicium Francorum* in the eighteenth century, see Elie Carcassonne (1978). *Montesquieu et le problème de la constitution française*, 33-35. Therefore, in general view, England and France had almost the same juridical/executive relations in politics. However, practically, the parliaments of France and England separated from each other in the case of authority and judgments. The Parliament of Paris was limited by the sovereignty of the king and could not dare to transgress that, compared with the Parliament of England.

fifteenth century, two different systems with different social, economic, and political orders emerged that canalized by little differences.

2.1.1. France

Similar to Italy, the noble class was quite ineffective in the 15th century in France. As a result of the Hundreds Years' War, the country was economically weak and devastated. With the famines that dominated the French economy from the 10th century (to the 18th century), the war caused great damage to agriculture and the rural world of *ancien régime* (Le Goff, 2015: 82-83). Compared with other European states, France was far behind in industry and exportation. The country's economic resources depended on natural wealth. Until the Hundreds Years' War, the state, which was quite stable, could provide prosperity. However, the destruction of the war had a great impact on France (Pirenne, 1956: 150-154, 155-156). After the war, the impoverished nobles had to sell their land to the bourgeoisie and rich nobles. The enfeeblement of the central government in this process caused the strengthening of the bourgeoisie and some noble houses (İnalcık, 2019: 101-102), which deformed the traditional/warrior nobility understanding in France. Along with the highest nobles that had power over other nobles and estates after the war, the nobility began to gain a sense of pedigree to establish their heritable families and to protect the privileges. Although social acceptance of nobility was a function for the people until the sixteenth century, the blood tie and politico-economic benefits became the main factor for nobility, which became a matter of birth to gain sovereignty over lands, a tax collector. (Schalk, 1986: 24-27, 35-36; see also Aurell, 2000: 264-265; Pirenne, 1956: 193).

However, the power of the noble class did not last long. Charles VII (1422-1461), the king of France, was able to meet most of his military needs separately from the nobility by establishing the royal army with subsidizing the middle class. Nobles could not fight against an army of this size, over time, they became commanders in these royal armies and accepted the obedience of the power. This reunification of the central power, which was rooted in the 14th century, was legitimized by law studies based on Catholic rituals and canon law, while preserving the military image of the nobles, reduced their power in the political sphere except some of the loyal houses. It was not possible to meet the expenses of a standing army of this size with the royal income and loans at that time. Because of that, the king increased taxes and began to sell the high positions of the royal bureaucracy. These positions were purchased by

the rich nobility and bourgeois for their income and status[10] (Wiesner-Hanks, 2013: 94-95, 97-98, 104-105). This new state official hierarchy gradually replaced the nobility's government duties in the feudal order. Thus, with the ending of the social functions that provided legitimacy for the nobility, the governmental system of the medieval structure eroded (Tocqueville, 2011: 25).

In the social order and the political area, the rich middle class began to replace the nobility over a very long period. The path to nobility for the third estate was education. The new schools taught a humanist approach to the landowner bourgeois class, as well as vanity and the forms of politeness. Therefore, the intellectual class gained importance in the 16th century (Bauman, 1987: 26-27). It was thought that the control of a central government and uniformed law would be more successful than the uncertain laws and unbalanced powers of local authorities and cities for the protection of commercial relations (this approach was valid for all of Europe). Weak nobles who sold their lands and serfs could not resist the pressure of the bourgeois and the king for a long time (Huberman, 2019: 85-86).

In 1438, the French clergy adopted some conciliar reforms on papal power over the French Church called the *Pragmatic Sanction of Bourges*. According to this reformation, the supremacy of the general church councils over the pope on some rights such as jurisdiction, appointment, and taxation were recognized (Ozment, 1980: 188). Although this acceptance did not mean the establishment of an autonomous national church for France, it was an important step in practical religious autonomy and centralization of the monarchy. Even though the pressures of the papacy at the end of the 15th century managed to reestablish religious unity, the development of political authority in the 16th century could not be prevented. Hence the political division in the medieval period ended and conditions for modern/national power were created (Ozment, 1980: 189-190). Besides, the bourgeois' wealth and social status increased with these alterations and they obtained the particular authorities of the kingdom. With the support of the urban bourgeois and the enervating of feudal authorities, Louis XI (1461-1483) was able to absolute his power (İnalcık, 2019: 104, 108).

The French nationalization movement, which had been developing since the reign of Philippe IV (1285-1314) –e.g. using the term *patria* as the whole kingdom, martyrdom as death

[10] Two types of nobility emerged with sale of offices: the first one is the traditional warrior-knight nobility (*noblesse d'épée),* and the second is the nobility which the rich bourgeois acquired from the royal bureaucracy (*noblesse de robe*), Montesquieu was one of them, but it also required university education to meet the qualifications of the offices (Rudé, 2018: 13; Hof, 2017: 25-27).

for the crown–, was conceptualized by the 15th century and provided the legitimacy of the national monarchy (Kantorowicz, 2016: 235-237, 244). The theological perception of Rome in church doctrine was secularized, combined with Roman law studies, and transferred to the idea of the state. Thus, the universal imperial ideology of Rome was used by the national monarchies for secular purposes of kingdoms (Kantorowicz, 2016: 247). The economic devastation of the Hundreds Years' War overcame with the successful policies of Louis XI. This was an important point in establishing the kingdom's sovereignty over local powers (Pirenne, 1956: 218-219). The new social structure influenced political authority along with the development of thought.

2.1.2. England

The sharing of power between the monarch and the parliament which determined with the Magna Carta in England turned into a centralization movement in the second half of the 15th century, after the Hundreds Years' War when the kings managed the parliament according to their interests (Ozment, 1980: 183). The rulers that had the sovereign power in England were nobles after the war. England's land wealth was in the hands of the highest feudal families. They were using the parliament (and laws) to oppress other nobles. However, political power was not shared among these families. Barons were divided into two sides, the House of Lancaster and the House of York, for the Wars of the Roses (1455-1487). These conflicts created favorable conditions for the formation of the central monarchy, and Henry Tudor (Henry VII – 1485-1509) became king by putting these conflicts in order. It can be said that the solid formal structure of the English Middle Ages ended with the Tudors (İnalcık, 2019: 121-124). In case, it is a natural process that deforming the authorities at the local level (nobility), as in that period, leads to political centralization (Tocqueville, 2011: 61). As a consequence, we may assume that events in the historical process in England gave the opportunity of establishing the central kingdom to Henry Tudor.

Although a similar centralization process with other European countries is mentioned, the British monarchy has its unique structure and historical experience. Ernst H. Kantorowicz identifies this difference with arguments of Tudor era lawyers and their medieval connections: the practical results of the twelfth-century Roman law studies and theological/canonical doctrine. According to him, fifteenth-century lawyers in England defended that the king has two bodies. The natural body represents the king as a human-like anyone else: lives and dies. The political body, on the other side, symbolizes the perfection of the king with purification

from his natural body's weaknesses (Kantorowicz, 2016: 7-8). Negative features of the natural body such as old age, adulthood, sickness, and folly do not exist in the political body of the king. Thus, the King becomes incapable of making mistakes with his political body and it contains the king's human nature which regulates even the death of the king (Kantorowicz, 2016: 9-10, 12-14). The origin of the king's holiness was similar to the sacredness of the biblical prophet-kings which was gained by the grace of God and this authority –or the crown– was given to the king by the pope as a tradition. However, according to Thomas Hobbes, the people of the time thought and said that this authority was given to the king by God, and the pope as a symbol of the divine will (Hobbes, 1969: 12). Thus the king was ascended by God independently from the papacy which was one of the important arguments of the legal framework of the secular authorities in the early modern period and the eve of the Reformation.

The image of the King of England was a "corporation sole" based on canon law studies of Italian lawyers and theological discourse of the medieval age. Thus, the king had both a mystical appearance like Christ –or the pope– as his heir and legal power. European kingdoms used these theories of the medieval period in some cases (such as absoluteness of the King or hierarchical structure of law in France) until the end of the Middle Ages. Later, they secularized the approaches to kings with the establishment of modern monarchies. However, the thought process about the king was quite different in England with the development of the term "corporation" and two body approaches related to strong parliamentarism which were used only in England (Kantorowicz, 2016: 446-447). French parliamentary tradition, as is seen above, was a tool that kings of France did not practice constantly, and when they did, it was used to improve their own legitimacy.

During the late middle ages, thinkers in England recognized the realm as the head of the parliament, as the example of the head (the king) and the body (the parliament, nobles, and people), and the two institutions' entities depended on each other. The political body of the king existed because he was the head of the parliament, not his own presence. The parliament, continuation of the national assemblies of Anglo-Saxon rulers from the 10th century, had a great impact on the socio-political structure of England because of its political (acceptance of the collecting taxes) and institutional (the first and most important court of the state) significance. With the legitimacy gained by the parliament, the king was able to have a political body, purified from the weaknesses –even death; because the king never dies, in that period, he abdicates– of the natural body (Black, 2020: 156; Kantorowicz, 2016: 13-14, 225-227). Thus,

the British constitutional monarchy cannot be considered separate from the parliament as a tangible indication of a political body, and this was the difference from the continental kingdoms. In the records of the Parliament of the period of Henry IV (1399-1413), one of the parts of the king's oath before the accession was about protecting and supporting the legislation of the Parliament (Hobbes, 1969: 104). As in the 15th and 16th centuries' kingdoms of continental Europe, particularly France, the image of a king who is above and independent from the people and institutions never existed in England. Even though oppressions over parliament by the king during the Tudor period, the institution of every piece of the political body did not disappear from both political and legal area, and it continued to be a part of the "king's two bodies" discourse on the constitutional monarchy of England (Kantorowicz, 2016: 20, 382-383, 447-448). Therefore, the political institutions of England that can be seen in Montesquieu's works developed both legally and practically from the middle ages.

The idea and art life in England were poor compared to other European societies, with the heavy damage caused by wars. In the first half of the 15th century, the effects of the Renaissance did not spread to Britain. The printing press began to be used in the last quarter of the century. On the other hand, economically, the industry in England improved although there was a decrease in agricultural income. Therefore, they had the basic structure of economic development (İnalcık, 2019: 124). Also after a few years after the war, there was a rapid development in intellectual studies. Desiderius Erasmus (1466-1536), who went to England at the end of the 15th century, wrote in a letter to his friend that England is nearly equal to Italy in culture and science. He said that, including Latin and Greek, they used a method that "nor is this of a hair-splitting and jejune type; but, rather, is it profound, exact, and along classical lines" (Zweig, 1961: 47).

The socio-economic condition of England was similar to France in a general sense. There were mutual interests between the middle class and the King. Until the middle of the 14th century, England was an agricultural state. They were quite inadequate in industry and commerce. Although British woolen cloth was one of the best quality and most demanded products in Europe, its trade was in the hands of foreigners (mostly Italians). Even so, the king's power was quite dominant compared to other European states to ensure national interests. As of the 15th century, the British middle class and the king started to exclude foreign traders from the national market to establish and support the domestic one. England, which strengthened its industry with the allowed immigration in the middle of the 14th century, rivaled the great

powers of the wool trade with its national market again at the beginning of the 15th century. National and mercantilist policies made during this period reached their peak with the first modern King Henry VII, which was the announcement that England had established its national economy (Pirenne, 1956: 150-151, 199-200, 209, 217-218). During the Middle Age, these merchants were loaning money to the King for wars. In return, they persuaded political power to make laws according to their interests. Some members of the enriched British middle class also acquired high positions in the Kingdom and got those privileges from foreigners (Huberman, 2019: 86-87, 90-91).

2.2. Religious Reformation and the "Nation-States"

> "A hierarchical system ensured by authority; life firmly based on dogmatic principle – such were the things held dear by the people of the seventeenth century; but these – controls, authority, dogmas and the like– were the very things that their immediate successors of the eighteenth held in cordial detestation. The former were upholders of Christianity; the latter were its foes. The former believed in the laws of God; the latter in the laws of Nature; the former lived contentedly enough in a world composed of unequal social grades; of the latter the one absorbing dream was Equality." (Hazard, 1953: xv)

The early modern period represents an important point in understanding the stages of the intellectual process that developed with socio-political practices and matured with the Enlightenment. Secular thought and sciences, which had evolved with periodic crises from the late medieval to modern, acquired a form suitable for the structure that shaped modern thought after the Reformation. With the deformation of the old structure, the philosophical theories needed for the establishment of a new one were built with a more rational system (politics, religion, and morality) (Hazard, 1953: xvii). The development of concepts such as natural law[11], sovereignty, freedom, and skepticism in the sixteenth and seventeenth centuries, and their expression of modern/secular meanings shows their close relationship with the thought of the next period. Therefore, the process that started with late medieval thinkers and the humanist

[11] The goal of natural law thinkers was to confute the idea of the ruler with absolute authority developed by Machiavelli and Hobbes, restrict absolutism, and determine the rights of people against the ruler. With Grotius's definition of human beings as intelligent and morally liberal, the foundation was structured for the establishment of a universal and secular moral system based on natural law (*ratio*) (Hof, 2017: 153-155).

movement[12] should be considered as a long development process that evolved in the sixteenth century and had matured until the nineteenth century. The ideas produced as a solution to the crises in these centuries (occupations to Italy, religious wars, political legitimacy discussions, great discoveries, market struggles, etc.) constitute the framework of the political philosophy and structure. The new economic model, which emerged as a result of the consumption behavior and political decisions developed since the Renaissance, and the increasing agrarian capitalism in the Netherlands and Britain in particular, were the indicators of important developments. At the end of this process, the ancient structure and the thought of one creator, which also refers to one answer for every question, fall into abeyance and the separation of the meanings of former community-church union played an important role in the formation of the new political structure. Seventeenth-century political philosophy sought an answer to the controversial question of "what is sovereignty" which had enquired in the sixteenth century. Thus, while politics was theorized rationally with a pragmatic approach, it became a separate discipline and was not considered as a subject of religious ethics (Cameron, 2006b: 201-208). Therefore, "political science" emerged as an important discipline to understand the coetaneous

[12] The movement of humanism, which started in universities in the fourteenth century after the separation from the patronage of the clergy, became widespread in the Renaissance period and was at the center of European secularization until the seventeenth century. Ideas in the medieval-feudal society created the essential conditions for the humanist movement. Indeed, many 15th century thinkers' understandings were the unity of practical oratory and theological theory, named "*theologia rhetorica*", a hybrid of humanism and scholasticism although humanists charges frequently on scholasticism especially for its obscurity and impracticality (Ozment, 1980: 306). *Renaissances*, which almost synonym with humanism, was the preparation period of the Enlightenment, in which secular thinking was effective. In the late middle ages, humanist science replaced France-based scholastic thought in Italian schools. Rooting of this mentality provided the necessary conditions for the sixteenth century Reformation movement in universities and clergy. Scientifically, methodology became the standard for the reliability of academic resources. Therefore, examining the humanist intellectuals are important because they were the first common examples of modern European thought. The reworking and interpretation of classical texts was the preliminary preparation of the ground on which liberal and secular thought would develop in the following periods. The important contributions of the Renaissance in terms of political philosophy were the causing the birth of modern consciousness, moral autonomy, and support to individualist/secular people against medieval Christian culture according to Burckhardt (Ozment, 1980: 305), and as Hans Baron said, development of republican liberty and civic liability with moral and political edifying (Baron, 1955: viii-ix). Secularization, on the other hand, was an important dimension in the development of thought, but it did not fully acquire its modern meaning. It would be wrong to use the rational and irrational concepts in the contemporary sense for the medieval and early modern period. It must be said that in the pre-Reformation era, it was considered quite irrational to denial of God (Taylor, 2004: 23).

> "Secularism is considered as a key to intellectual development since it freed thinking about the universe from the limitations of church dogma. One goal of modernization has been the separation of the sphere of the church from that of intellectual activity more generally, science (in the broad sense of knowledge) on the one hand and theology on the other, which parallels the separation on the political level between church and state. Secularization is interpreted not as the abandonment of religious belief but as the confinement of 'religion' to its 'proper' sphere. God is not dead but lives in his own place, the City of God." (Goody, 2006: 241-242).

Therefore, it is quite meaningful that Jules Michelet (1798-1874) named his lecture on Renaissance as "Man's victory over God". For people, where the individual and his/her pleasures reached a peak with art and literature, the traditionally organized community culture (or the Church) and the authoritarian God-image lost their former value (Le Goff, 2015: 35).

developments. Thomas Hobbes summarized this situation in the preface of his book *De Cive*, published in 1642, that the goal of the civil sciences is "to make a more curious search into the rights of states and duties of subjects" (Skinner relayed from Hobbes, 1978b: 349).

Primarily, the Religious Reformation had a strong political side. Of course, it would be wrong to examine the whole process from a political perspective. However, the connections of the reformation with socio-political and economic changes were researched in studies after the nineteenth century, and they indicated that there were strong ties between political revolutions and the religious revolution (Smith, 2019: 236). Significant developments during this century naturally caused some alterations in political authorities. Biblical humanism and publications in national languages demonstrated the falsehood of the Church principles and created a huge lack of hierarchy in political authority (Skinner, 1978a: 212). The universal church-state ideal was renounced, national structures strengthened, and the state-church association came to an end, especially in Protestant regions. As a result of all these developments, the power and legitimacy theories were shaped for the restructuring of the secular authorities (Smith, 2019: 131). The common ideals which disappeared during the reformation process were replaced with national consciousness, and it resulted in the glorification of the secular authorities rather than the national unity (Smith, 2019: 135).

The sixteenth century was the age when developments were most intense and many developments were together: "The growth in population, the 'price revolution', the 'print revolution', the 'rise of capitalism', the Reformation and Counter-Reformation, the 'rise of the nation-states', the growth of secular thought in philosophy, politics, and science" (Cameron, 2006a: 8-9). Renaissance and humanism, which developed with the university network[13], was a step towards modernity in terms of setting the first examples of individualization and secularization in thought and social structure. Intellectual work in this period created an area where individuals could analyze themselves and their relations with the public. Socioeconomic developments pioneered the secularization/modernization of the political structure. Central

[13] The first universities were in two separate structures, pedagogically and institutionally. The first group, the northern schools (Paris, Oxford), in the form of a federation with a scholar network, provided education on liberal arts and theology, and they were under the tight control of the clergy. In the Mediterranean universities, on the other hand, student organization was active and there was less control than in the North. The most important disciplines in these universities were law and medicine (Charle & Verger, 2005: 18). For further information about universities in the Renaissance and Reformation periods, see Christophe Charle & Jacques Verger, *Üniversitelerin Tarihi* (Dost Yayınevi, 2005), Part I.

monarchies, which were reconstructed independently from the Church, were proof that the pan-European idea of cultural and political unity had become fiction (Ozment, 1980: 8, 204).

On the eve of the Religious Reformation, the kingdoms had solved two important problems: First, they provided their sovereignty by establishing central armies and made the regional authorities loyal to the concept of "nation". Secondly, they gained the power to prevent foreign interventions (especially from Rome[14]) in their country (Ozment, 1980: 182). The new type of individual, on the other hand, could rebel against the traditional structure and inequality with the encouragement of Renaissance thought. Therefore, the equality promised by the new urban order for individuals led to opposition to the feudal structure and socioeconomic inequalities (Lindberg, 2010: 38). Early capitalism, which dominated the economy with colonial relations and new production techniques, made city-type commerce and social standards requested compared to rural life (Scott, 2006: 18).

2.2.1. The Reformation and Absoluteness Process in France

The French Reformation is directly linked to France's national structure. The relationship between the clergy, society, and the kingdom was more singular, and the development in the historical process created a different structure between the ecclesiastical hierarchy and the estates than in other European societies (Febvre, 1973: 80-81). The kings used Catholic rituals and church history as a source of legitimacy alongside their power and prestige while accepting their reign as their divine right. In return, they preserved the Catholic faith and the Church against heretics. This alliance was based on mutual benefits that neither side wanted to lose (Diefendorf, 2004: 150). Another political struggle that took place behind the Reformation was the power conflicts of noble families. The Catholic House of Guise and House of Bourbon, who later took over the crown, were units in the Reformation events and conflicted with each other to influence the crown (İnalcık, 2019: 239-240). Therefore, the effects of political interests in

[14] One of the most effective powers against centralized kingdoms was the Catholic Church. Even though the clergy was exempt from most taxes in the kingdom, they intervened in states directly and indirectly. For example, the appointment of Bishops was under the authority of the Pope. The regional power of the diocese, as well as the enormous incomes, created a crisis between the two authorities. As another example, the Church judged people by canonic law and courts. Some of these were against the laws and regulations of the kingdom or local governments. Another problem constituted by the Church's judicial power (*potestas jurisdictionis*) was the disruption of commercial relations, the basic need of free cities. The fact that kings were sufficient in maintaining order and Roman law studies in Northern Italy led to the idea that an alternative system could be applied (Huberman: 97-98, 108-109). Along with the worldly support of the secular authorities in the fifteenth century encouraged them to accuse the papacy of interfering with their internal affairs and to engage in decentralization (Ozment, 1980: 205).

the Reformation process in France can be seen with its units. For this reason, France experienced great wars and bloody massacres in the sixteenth century with the Catholic-Protestant struggles in which the whole society was included.

In fact, during the reign of Francis I (1515-1547), Reformation efforts in France took place without any deprecation until the end of the 1520s for many reasons. The king's power to appoint bishops[15] made them loyal to the nation and central kingdom. On the other hand, the king of France did not have the political advantages that he would gain from the support of Protestantism, such as the king of England or the German princes. On the contrary, his support for Protestantism would damage his policy of absolute monarchy. Likewise, the majority of the noble class were loyal to their king. Therefore, they had no interest in supporting the secessionists that would disrupt the royal order. For these reasons, the ruling bodies of the kingdom did not react positively or negatively to the Reformation movements during this period. With the Protestant activities carried out in this process, the idea of the reformation in religion could be rooted in France (Lindberg, 2010: 237-238, 260-261). Luther's thoughts were promulgated in society, mostly through the university milieux, as well as traders and artists. On the other hand, the conservative members of the high court of Parliament launched the anti-reform movement by declaring the French evangelists (Huguenots) as heretics with a radical decision. Protestants either went underground or fled abroad to escape the courts (Diefendorf, 2004: 151). The banners of Protestants in 1537 criticizing the Catholic theology were also criticizing the kingdom's legitimacy indirectly which was based on the same theology. For that, Francis began to make radical anti-reform policies. Protestantism was continued secretly due to the pressure of the central government, and the printing activities were carried out at a very low rate (unlike Germany) due to the kingdom's control over the printing press (Lindberg, 2010: 262-264). Since these events, because of the political accusations, reformation in France passed through with conflicts and massacres. Although the ideas of constitutional government were on the agenda in Europe during this period, the last decade of Francis's reign was the process of absolutization. Therefore, an absolutist kingdom idea was dominant in the theories developed in France (Skinner, 1978b: 259-260).

When the French Reformers realized that they could not succeed alone, they invoked Calvin in Geneva for help. Because of Calvin's writing in his native French language and

[15] In fact, similar to Spain, this agreement led kingdoms loyal to the Catholic Church during the Reformation. Unlike Britain or Germany, the economic incomes and appointment powers that were shared before the Reformation prevented conflicts between the papacy and the kingdoms in these regions (Skinner, 1978b: 60).

practicing Protestantism in Geneva, he became a propaganda instrument for Protestantism in France (Lindberg, 2010: 266). The new king Henry II (1547-1559) was much more brutal than his father. He established a court called *la chambre ardente* (the burning court) to judge the heretics. Geneva sent priests to organize the congregations in this anti-Protestant kingdom. With the help of Geneva's efforts and Calvin's organizational intelligence, as well as some nobles, the Reformed Church disseminated and strengthened in France (Lindberg, 2010: 267, 269). Under Henry's reign, lawyers studied legitimizing the king's absolute authority. The main theme of the thought was that the king had an imperium right in his land and had absolute legislative and executive power. Although the Parliament of Paris could control the king's actions on his subjects within the framework of the concept of justice, it could not interfere with the judicial decisions of the king. Therefore, the Parliament was not different from any other courts in France. The king's authority comprised all people under his rule, and some, such as members of the Parliament, could be privileged by the king. However, they could not use their privileges/rights against the king (Skinner, 1978b: 266). As a result of that, it can be said that a large part of French intellectuality works for the crown's excellence.

The disorder arising from the religious schism in the French region continued after Henry's death. The Protestant struggle was not just for freedom of worship and belief: a fundamental change of faith and radical regulation on the church was strongly demanded. Although Calvinist leaders kept a distance from provocations, sympathizers' hostile and unlawful attitudes towards the Catholic faith (physical attacks on church worshipers, defacing saints' statues and shrines, etc.) increased social polarization. During the Reformation process, the radicalism of all factors –kings, nobles, clergy, and third estate– was both the cause and effect of the violence in struggles. After Henry, Catherine de Medici, was in the saddle as a guardian of the young age of her children, despite that she was against Protestantism, tried to balance the two sides due to the dynamics in domestic politics. The Poissy Dialogue in 1561, no matter its failure, created a partial area of freedom for the Huguenots[16] (Diefendorf, 2004: 152-154). However, the change in the dynamics of domestic politics, the attitudes and provocations of the Catholic Guises and some Protestant nobility caused a reverse situation, and the bloody French religious wars that took place between 1562 and 1598 happened. On this point, the deaths of around 20,000 people during the Saint Bartholomew's Day massacre in

[16] There are different theories about the source of the term "Huguenots". The most probable one is that it is derived from a conflation of Swiss supporters of Genova called "Eidguenots" and the name of Calvinist Genovan exile Besançon Hugues (Ozment, 1980: 359).

1572 and the exiles of the survivors or forcing them to return to Catholicism show the severity of the religious schism in France. These conflicts are considered to be caused by political and economic reasons in the country, but it can also be said that the religious radicalism of the people of France had a great impact on that (Lindberg, 2010: 274-278). As a result, these massacres were recognized as the crime of the kingdom, and assailant studies on the legitimacy of the kingdom were published by Protestant thinkers. Criticisms targeting the king's advisors before massacres were later directly questioning the authority of the king and strongly emphasizing the republican ideas (İnalcık, 2019: 255). The absolutist arguments developed by the jurists of Henry's period were criticized with a humanist approach and the idea of constitutional government was defended. Authors such as Theodore Beza (1519-1605) and François Hotman (1524-1590) argued that the authority of the king originated from the people as long as protection of the law and that when the king loses its legitimacy (with any violence on people's right or law), the people can take back this power (Lindberg, 2010: 278). Also, Hotman reproduced an idea from the traditional understanding of the law that the greatest ruling authority in the kingdom was the Estates-General, representing all three estates (Skinner, 1978b: 312-313).

Due to the protection order against these reactional ideas of Protestant thinkers, studies were made that defend the monarchy. The most famous one of these studies was Jean Bodin's (1530-1596) *Les Six livres de la République* (1576), which criticizes Machiavelli and tries to reunite political authority with morality, even if the authority has absolute power. For Bodin, the state emerged from natural reality and social collaboration, and it is the organization of people who came together to live well and happily. By separating the state and the government for the first time, he defines sovereignty (*majestas*) as a character of the state. In his book, he defends the monarchy: he accepts that passive obedience to the king is necessary and criticizes opposition to the crown. Mixed government is essentially absurd and inconsistent. Although the king is *legibus solutus*[17], he must protect the laws (especially the customs), but the constitutional restrictions are void unless he requests it. Because only a strong monarchy can end the civil war and establish the social order. On this point, Bodin tried to refute the theses of the Huguenot thinkers: there is no valid reason to cause the subjects to fight against the ruler (Skinner, 1978b: 271, 284-285, 289; Smith, 2019: 142). In this respect, he responded to the

[17] Exempted from positive laws. The king is bound by the laws of nature and God, but also he should honor the contracts that he makes with his subjects. Therefore, the king should respect the natural rights and private ownership (Skinner, 1978b: 293-296).

ideas of Protestant thinkers that defended the legitimacy of the king should be abolished and deposed. On the other hand, in his study, he emphasized that a belief cannot be evaluated as absolute unless it is proven definitively and undoubtedly. He accepted that there must be one religion for a kingdom, and religious schism causes disagreement in society. However, if factions cannot be suppressed, tolerance (or bearing) is a more effective method. Thus, he paved the way for religious tolerance (Skinner, 1978b: 248, 253). With these thoughts, Bodin not only provided legitimacy for the absolute French monarchy but also influenced later political philosophy. He formed the basis of the seventeenth-century ideas, such as the principle of the divine right of the king defended by Protestant philosophers, especially Robert Filmer (1588-1653) (Skinner, 1978b: 301).

In the case of France, the authority of the crown was dominant. Most of the society declared loyalty to the king, including Catholic leagues that wanted to abolish the rights given to Protestants. However, the legitimacy of the kingdom was insufficient to stop the religious wars. The monarchy, which weakened considerably between the years 1576 and 1581 with the mismanagement of Henry III (1574-1589), caused religious conflicts again (İnalcık, 2019: 268). When the Estates-General opened in 1576, the clergy and nobility demanded the restoration of the Catholic unity, even if it meant a return to war. The essential goal of this demand was the preservation of the traditional structure. The representatives of the third estate were divided about endangering the peace. Conflicts and debates continued until the Edict of Nantes (April 1598). However, in contrast to Britain, although Protestantism in France was stronger, it failed. The reason for this can be attributed to the principle of "*cuius regio, eius religio*[18]", based on the accepted structure (form) of the kingdom of France and ruling bodies. Another approach on the issue is that the fact that Protestantism in France was much stronger and more daring than England until the mid-1560s disinclined the Huguenots from the idea of reconciliation and stubbornly led them to fight against civil authority. Despite the liberty under the reign of Elizabeth I, the Protestant struggles, which could be resolved only by the authority of the kingdom, resulted in the authoritarian attitude of the kings of France, the suppression of thought

[18] Lat. whose realm, their religion. After the victory of Protestant German Princes –who supported the Reformation ideas to protect their legitimacy, lands and authorities– over the imperial army in 1552, Augsburg Peace accepted in September 1555 (Ozment, 1980: 248-259). The Augsburg Peace legitimized the existence of more than one body (*cuius regio, eius religio* principle) both politically and religiously which ended the one truth-centered *corpus christianum* ideal, the unification under the one church and one empire that was theorized by St. Augustine (Spitz, 1974: 72). The rightfulness of the multiplicity with the Peace of Augsburg created a sense of toleration which ended the understanding of the holy unification. For the more information about the *cuius regio, eius religio* principle and its context with the French and English Reformations, see William Monter (2002), *The Fate of the English and French Reformations, 1554-1563*.

and conflict. The sanctity of the crown and the state, which resisted the Protestant belief, pushed France to become a monolithic community under the hegemony of the kingdom (Monter, 2002: 12-14).

King Henry IV (1589-1610) became Catholic and kept religion out of politics, believing that only a strong monarchy could preserve peace and integrity. While the Edict of Nantes protected the rights of the Catholic Church, it also gave political and social rights to Protestants who became a minority. Calvinism did not succeed in France, it was made possible only by the grace of the king, which was also the protector of all religious affairs. The ancient Gallican tradition of "*un roi, une loi, une foi*" (one king, one law, one faith) was protected by the feudal agents alongside the nationalized kingdom, and this phrase retained its effectiveness in France's politics. Although they seem to be opposite to each other, Louis XIV's promulgation of the Edict of Fontainebleau (1685) which revoked the Edict of Nantes for the integrity of the state, and his efforts to ensure the Catholic unity was a practice of this tradition (Lindberg, 2010: 257, 279-280). After Henry's death by assassination in 1610, Louis XIII (1610-1643), who raised with Catholic education, became the king and won victories over Protestants and destroyed the entire military power of the Huguenots. His son and heir Louis XIV's (1643-1715) conception of absolute monarchy included re-establishing Catholic unity in religion as well as in the kingdom. His abolishment of the Edict of Nantes was the declaration of this whole process (Diefendorf, 2004: 166-167).

Louis XIV, as *le Roi Soleil* (the Sun King), adopted the traditional French custom and established a structure over his subjects with a single religion by eliminating Protestantism as well as establishing a single political authority. Indeed, Protestant thought lost its influence at the end of the seventeenth century (Hazard, 1953: 81-82). Also, during the reign of Louis XIV, a political philosophy that constitutes the framework of the first examples of modern state practices developed with the establishment of law studies in philosophy. This period, in which individual rights and freedoms were discussed separately from the hegemony of the crown, played a leading role in the development of republican ideas in the 18th century (Hazard, 1953: xviii). It can be said that these ideas, which were developed in the second half of the seventeenth century, formed the intellectual framework of radical change movements in the next century for France, where the traditional structure was symbolically preserved. Louis XIV represented the *ancien régime* as an individual and a ruler tasked with protecting religion, taking his authority from God (Hazard, 1953: 293). Because in the last years of Louis, the issues of the

holiness of the kingdom and Catholicism were discussed. After the death of the king, these connections were rapidly weakened and anti-monarchical essays were written in support of parliamentarism in parallel with modern thought (Hazard, 1953: 235). Louis had the power to establish the unification between the elite groups that had expanded through intellectual movements. However, after his death, the privileges granted under his heir Louis XV could not be controlled (they were even more free and brave under the reign of Louis XVI) and "modern" ideas (Newton, Descartes, Voltaire, d'Alembert, etc.) were widely discussed in society. Louis XV, who spent the last four years of his life tackled against the parliamentarians to restore the monarchy and reunite the nation around the throne, failed to prevent the new thinking. When he died in 1774, he was buried at midnight quietly, as he was not loved by the public. Contrary to French tradition, there were no prayers for the king's salvation and even no ceremony. Jules Michelet interpreted this event as a symbol of the death of the monarchy in France (Furet, 1996: 13-19).

The term "the king never dies" used by Jean Bodin and the religious sources of the kingdom were also valid for France, as seen in the Two Bodies theory in England. The funeral, statues, and insignia dedicated in the name of the king after his death maintained this idea for generations –and the situation after the death of Louis XV should be interpreted with this perspective. Therefore, the king of France had a sacred place for the ruling organization (Greengrass, 2006: 65). But in the case of France, the source of the King's political existence was God and only himself, not any other secular institutions. The Estates-General, the traditional representative assembly of France, was never summoned by the king between 1484 and 1560 until the religious crisis with the Huguenots. The Parliament of Paris, the supreme judicial body, was underestimated by royal officials (Nauert, 2006: 135). Also, the royal council and other councils established in the second half of the 16th century (*conseil d'état privé* and *conseil d'état et des finances*) were directly under the hegemony of the king and dominated by the crown (Greengrass, 2006: 67-68). Thus, the holiness of the king was provided by the kingdom itself, without obtaining legitimacy by a parliament (this idea can be supported by the apocryphal statement "*l'État c'est moi*[19]", which is considered to belong to Louis XIV). The text of Louis XV (1710-1774), which was declaimed by his adviser before the Paris Parliament in 1766, shows that the kingdom in France was sanctified and absolutized independently from

[19] Fr. I am the state

any councils as a political tradition, and a symbol of the domination of the kingdom over society:

> "To attempt to establish such pernicious innovations as principles is to affront the magistrature, to betray its interests and to ignore the true, fundamental laws of the state, as if it were permissible to disregard the fact that in my person alone lies that sovereign power whose very nature is the spirit of the counsel, justice and reason. From me alone the courts receive their existence and authority. The fullness of this authority, which they exercise in my name only, remains permanently vested in me, and its use can never be turned against me. Legislative power is mine alone, without subordination or division. It is by my sole authority that the officers of my courts effect, not the creation of the law, but its registration, promulgation and execution, and that they have the right of remonstrance, as is the duty of good and faithful counsellors. Public order in its entirety emanates from me. I am its supreme guardian. My people are one with me, and the rights and interests of the nation – which some dare to make into a body separate from the monarch – are of necessity united with my own and rest entirely in my hands." (Furet, 1996: 4-6)

This publication of Louis XV reveals two important points for France in the mid-eighteenth century: First, the developing modern and libertarian thought was widely discussed in France adequate to influence the Parliamentary agenda and to engage the attention of the king to write a warning[20]. Secondly, the kingdom of France insisted on maintaining its formal-absolute structure against these ideas and declared to Parliament and people that this structure would be protected by the authority of the king without any compromise on the unity of the kingdom and the power of the crown.

Another important point is that France, which failed to satisfy production, was economically in a difficult situation with public debts and state tax burdens. The taxes collected to meet the expenses increased economic imbalance and inflation which also caused poverty of the population. Thus, the people of southern France, in particular, fell into the hands of landowners (church, nobility, or bourgeoisie) and were condemned to the debt of feudal taxes (Scott, 2006: 40). Despite the similarity of the economic and political process in Western

[20] For example, Henri de Boulainvilliers asserted in his *History of the Ancient Government of France* (1727) that the French monarch has no differences from the Turkish sultans, because the king has absolute power on the decision-making process and monopolized the executive and legislative power (De Dijn, 2013: 66).

Europe, unlike Britain, the third estate in France was more concerned with the soil rather than production (with the effect of famines and demographic pressure), and the rural economy and feudal relations (social structure, legal and institutional foundations, property rights, etc.) were maintained (Scott, 2006: 41-42). The reason for this was that the strength of feudal relations in France, and on the other side, property rights, legal institutions, and market policies were not as developed as in England or the Low Countries in France. The difference between France's and Britain's economies was the result of political decisions. The arbitrary taxation of the kingdom and the decisions of the feudal authorities discouraged the commercial investment of the bourgeois and wealthy nobles. The bourgeois bought land to obtain the rights and privileges of the nobility[21] because of the insecure attitude of the political agents in France. On the other hand, the gain from the land rent was safer than trade, although it caused tax losses for the kingdom. While the industry was developing rapidly in Britain, France continued the feudal order with new similar units, as in Catholic Spain. The centralization of the kingdom paralleled the preservation of traditional structure and order (Black, 2006: 101-103; Cameron, 2006b: 201).

Resistance to the ideas of the eighteenth century came again from the ruling class of the old regime, the nobility. The nobles who wanted to preserve their privileges and power opposed movements against the traditional thought (Hazard, 1953: 293). The deformation of the noble class in France is mentioned before. This situation had its effect most clearly in the eighteenth century. The French nobles increased their individual privileges while losing much of their social reputation and the political functions that gave them legitimacy, which case was unique to France. As their rights to rule decreased, they obtained more privileges as servants of the king. The most problematic privilege in the eyes of the public was the taxation system. In France, which met its main income from taxes in the eighteenth century, in contrast to England, people that had economic privileges were not the poor people but the wealthy. The stiffness of social hierarchy was maintained by keeping the tax privileges of the nobility which had increased after the fifteenth century. The prosperous bourgeoisie and some nobles acquired these privileges by purchasing the royal offices. Therefore, the kingdom's tax burden became the people's debt. This unfair approach deepened over time and the nobility became a caste, not a social class (or aristocracy). Their closed structures and behavior that exclude and belittle the

[21] In France, the privileges that were purchased from the kingdom represented the same thing with liberty. Privileges meant the exemptions; the way to elude from economic, social and political pressures, and especially taxes (Furet, 1996: 7).

people and the bourgeois caused hatred in the society to nobility and became one of the important causes of the French Revolution. The nobility's restriction of their status to a matter of birth led to the exclusion and contempt of the middle class. Similarly, while the bourgeois hated the nobility to which they were not included, they excluded and belittled all those from the third estate except themselves. Therefore, in France, again in direct contrast with England, all estates that were removed from the instruments of government refused to collaborate with each other, social structure turned into a caste-like system that caused hostility to others[22] (Tocqueville, 2011: 80-84, 94, 179).

In the sixteenth century, with the legal regulations and the manners of the crown and the whole three estates, France had experienced a refeudalization process, a social change with economic and social alterations. It can be said that the structural change that was seen in all of Europe until that day could not be successful in France in the next period. For example, the idea of conservation of the estates of the realm was still on the agenda and defended in France in the sixteenth century. Claude de Seyssel, a counselor of Louis XII, in his book *La grant monarchie de France* (1518), argued that the privileges of the nobility, which was the second chamber in the French Estates-General, are the key to social and political harmony (Black, 2006: 104). This approach was very effective in the eighteenth century. Anne Robert Jacques Turgot (1727-1781) worked for the abolition of privileges, aiming to reform the tax system. But the judgment of the Paris Parliament, summoned in 1776, was that the abolition of privileges meant the end of the constitution, social order, and integrity of France. The nobility and the clergy who offered elite services to the kingdom (advising, fighting, education, etc.) had to be privileged. The third estate that could not provide this kind of qualified services should serve the king by paying taxes (Huberman, 2019: 164-165). During this period, some people were aware of the problems in France (like Montesquieu and Turgot) and the solution was searched. However, despite all the problems, the idea of socio-political and economic reformation was opposed and the

[22] Office sales, as previously said, were a major source of income for the kingdom. To maintain this income, new authorities were constantly established and more privileges were sold. The depression that France was in can be examined from this perspective. With the policies of Louis XI, the right to acquire the title of nobility was expanded. His aim was to increase the income of the kingdom as well as to reduce the power and dignity of the nobility. However, the fact that these sales became a privilege trade created the interclass hostility in society. Just as the nobility hated the bourgeois and the ordinary people – the third estate, there was also repulsion between the bourgeois who bought and did not buy the title of nobility. This antipathy can also be followed in the novels of the French writer Honoré de Balzac. In *Le pére Goriot* (1834) he explains the desire of the bourgeois for nobility and nobles' reaction to them with the words of a noblewoman in the novel: "There are poor bourgeois who, by taking our hats, hope to have our manners". For the bourgeois, gaining privileges was as important to magnificent urban life and freedoms as to the superiority of the nobility. Therefore, using their savings not for trade but for the privileges was the main reason why France fell behind in industry (Tocqueville, 2011: 85-88).

traditional order was wanted to be conserved. Political, economic, and legal inequality between social agents threatened France with a potential crisis. From this perspective, it can be said that all unsolved or unheeded problems were reasons for the Revolution.

2.2.2. Reformation Process and Sociopolitical Structure in England and Scotland: Establishment of Liberty and Equality

Reform in England is a highly controversial issue due to the links of social, political, and economic relations with religious policies. Although there are different views about the beginning of Protestantism and its acceptance from society, it is more likely that the English Reformation developed and was accepted slowly over twenty years (Haigh, 2004: 141). Many studies are showing that England and Scotland were not foreign to continental European ideas in the reformation period and that neither the beginning nor the expansion process of Protestantism was entirely dependent on royal acts (Lindberg, 2010: 293-294). First, in the pre-Reform era, the Church of England was legally –and mostly in practice– under the rule of the papacy. The clergy were loyal to the kingdom and the Pope. However, no definite interpretation can be made on the positive or negative influence of the Church on society in the late-medieval age. Some arguments show that both approaches (that the church is corrupted and the other one that it keeps society together in peace) are right for different perspectives. Therefore, it can be said that the actions of the church and the clergy affected – but not the only reason – the reformation process (Black, 2020: 176-178). Lutheran scholar William Tyndale (1494-1536) provided direct access to the scriptures from the public by his translations of the Bible, which also made a great contribution to the English language. In the same way as Luther, he debilitated the legitimacy of the clergy by changing the translations of the terms "church[23]" and "priest[24]". Tyndale was part of the Cambridge scholars[25] and working with them (Skinner, 1978b: 32-33; Lindberg, 2010: 299). Besides, there were heretic groups in England before Luther. Anti-clericalism, pioneered by John Wycliffe (c. 1330-1384), continued with the secret society of Lollards who read the Bible in English. Lawyer Simon Fish (1500-1531) criticized the degeneration of the church and wrote of the economic benefits of the monarchy's profits if it confiscates to clergy's properties. As can be seen in any other examples, there were many

[23] Lat. *ecclesia* as congregation of the faithful (*congregatio fidelium*).
[24] Lat. *presbyteros* as elder.
[25] Cambridge scholars were famous for their Protestant teachings.

arguments that Protestants could use on the eve of the Reformation. When Luther's preaches and doctrines reached England in the 1520s, the base was laid for their social understandability. Despite the resistance of Sir Thomas More, Protestantism began to affect the people (Lindberg, 2010: 295-297). However, it cannot be said that this is a rapid movement involving the whole society.

Henry VIII's (1509-1547) approaching to the Protestant partnership by clashing with Rome was not religious, but political and personal. His main purpose was to strengthen his kingdom and ensure the continuity of the power of his House (Lindberg, 2010: 300-301). Indeed, it can be said that he was successful in this because, in Henry's period, England had fully established its political authority and he left a strong legacy of power for his heirs. Henry's counselors cited the Old Testament to make the authority of the kingdom a sacred value. Therefore, Henry established the rule of law with the parliament while enervating traditional authority (Black, 2020: 201, 203-204). The establishment of the independent Church of England in 1534 and the Act of Supremacy[26] was the outcome of Henry's famous divorce (it defended that the main reason was not his love for Anne Boleyn but his need for a male heir) and the deterioration of relations with Catholic kings due to growing Protestant tendencies in the population (Lindberg, 2010: 301-302). Hence, Henry wanted to ally with the German Protestant princes but failed. Later, he decided to re-establish religious unity in the country within the Catholic doctrine. On the other side, Lutheran views continued to spread rapidly to England and Scotland through the trade network (Lindberg, 2010: 297, 316). Under the influence of Thomas Cromwell (1485-1540) and Thomas Cranmer (1489-1556), Henry allowed the translation of the Bible into English, and with this decision, the progress of Protestantism reached an unavertable point. The first steps towards the national church were taken by abolishing the church taxes that were collected by the papacy. In 1536 and 1539, he weakened the influence of the papacy by extinguishing the monasteries in England and strengthened his treasury by expropriating and selling the monastery lands (İnalcık, 2019: 221). Henry's expropriations and support for national religious practices unbalanced the traditional constitution of power and ended feudalism along with the authority of the Church (Smith, 2019: 238). In the Parliament, which convened in 1529, the House of Commons directly criticized the taxation and judicial powers of the Church. With the support of Thomas Cromwell, these criticisms became politics of the kingdom in 1532. Despite the defenses of the clergy, politics

[26] With the Act, Henry VIII was accepted as the "Supreme Head of the Church of England" by the Parliament.

became law by the King's decision: suitability of all church laws to national laws were controlled by a commission appointed by the king. Thus it became official that secular/national laws were superior to canon law and the church was no longer a *regnum* in the land of the English kingdom[27] (Skinner, 1978b: 83-85). Therefore, in the next period, England was ruled by a more secular government and policies in which commercial economy and nationalization developed.

The most important development for British society in the sixteenth and early seventeenth centuries was the large population growth with the decline in death rates. There were also changes in the economic and social structure with the increase in population. The enlargement of enclosure of the lands and farms, which caused great damage to the peasants in the first place, shows that both the implementation of the capitalist opportunism and renunciation of traditional duties of the landowners by getting involved in the new economic system (Black, 2020: 192-194). After Henry died in 1547, his son Edward VI (1547-1553) succeeded to the crown. Edward was constantly sick, so he was under the control of his advisers (especially Protestant Thomas Cranmer) throughout his reign. The laws of parliament on treason and heresy were abolished. Protestants who fled England because of the Catholic pressures returned and many German and Italian Calvinists were accepted to England (İnalcık, 2019: 221). British Protestantism was created within the framework of Calvinism during this period. When British and foreign Protestants had come to the country, they used Calvinist education to shape the English Reformation (Dawson, 2017: 440). Here, it is necessary to examine the governmental understanding of the Englishmen. As mentioned before, during the Tudor period, jurists strengthened and liberated the legal basis of the kingdom with studies of theology and Roman law. The existence of the king as a political body together with the parliament ensured the great loyalty of the people to the House of Tudor and particularly to their kings/queens. The reason why Lady Jane Grey could only become queen for nine days after Edward was this approach, which was accepted in England. This is also why, despite being a Catholic, Mary Tudor (1553-1558) succeeded to the throne due to her house (Lindberg, 2010: 308-309). Mary fought against Protestantism sincerely, but her effort ironically had the opposite effect. His marriage to the

[27] In fact, the Parliament restricted the Church's jurisdiction power with the *praemunire law* in 1353. According to the law, it was forbidden to judge any case that could be solved by English courts in another foreign court. The authority of the monarch in England was superior to all other foreign authorities, including the pope. It was argued that the ambassadors appointed by the pope had no jurisdiction power over English people (Skinner, 1978b: 51). However, during the Henry VIII period, the judicial mechanism of the Church was officially and unquestionably restricted by the secular authority, and even though the Church had the authority, its rule ended by the authority of the king.

Spanish Philip II caused the xenophobia which already existed in England, it turned to target Catholicism. Her anti-reform policies created antipathy in society and an attempt to reopen the monasteries made the new landholders enemies to her. The Protestants she killed appeared as great martyrs (Lindberg, 2010: 308-309). The death of Mary, along with her failed policies, also meant the end of the Catholic Restoration for England. The period of Elizabeth I (1558-1603) was the development of the Protestant nationality (her *religio*) in England, contrary to the case of the simultaneous Huguenots, together with the parliamentary administration (Monter, 2002: 11).

Under the reign of Elizabeth, Britain became an international power in addition to returning to Protestantism and experienced a cultural renaissance. What she wanted was not the acceptance of Protestantism, but to direct reform according to her interests to strengthen the kingdom like her father. Catholicism, by the decision of Pope Pius V, made her an illegitimate queen and ignored her authority. Protestantism, on the other hand, abolished the bishopric, which was the supporting authority of the kingdom (Lindberg, 2010: 315). The Anglican understanding was created as a solution to this crisis and represented the middle way. Of course, the Anglican approach did not please either side, but it did provide an area in which the two sides could coexist under the control of the crown (Lindberg, 2010: 312). Once again, the source of Elizabeth's power was the parliament and therefore the political body. In 1558, the Act of Supremacy was accepted by the parliament and Elizabeth became the "Supreme Governor of the Church of England" (Lindberg, 2010: 312-313). The jurists of the Elizabethan period designed a "Theology of Kingdom" as well as a "Christology of Kingdom" with the "two bodies-two natures" doctrine, which they strengthened with mystic-theological arguments (Kantorowicz, 2016: 16). This religious holiness was supported with the spirit of constitutionalism as a continuation of Henry VIII's policies by the crown and connected with the queen's body politics. In this respect, it formed a faith that transcends the government and motivated people's minds and emotions to political good (Dunham, 1971: 45). Although this legal design was a result of medieval studies, it remained valid until the end of the House of Stuart's reign (Kantorowicz, 2016: 42). During the process of diverging from Catholicism, with Cranmer's efforts, the theological arguments were separated from the canonical doctrine, but the holiness of the political body and its connection with God was preserved (Kantorowicz, 2016: 318). Thus, with the Act of Supremacy, Elizabeth's political body reached a very deep-rooted and mystical legitimacy. On the other hand, her legal association with the parliament, despite the divergency about freedom and rights that were requested constantly from the

parliament, is crucial to understanding the importance of the Parliament in the political tradition of England for the legitimacy of sovereignty (Smith, 2019: 144). Elizabeth's persistence of reluctance to marry was the cause of disagreement between her and her counselors-the parliament, but with the sanctity of the throne and the Queen's skill (the connection of the virginity with the holiness from religious teachings also had a positive effect on this situation), there was no crisis in the reign of Elizabeth about this issue (Greengrass, 2006: 63). The idea of reconciliation made Protestants more radical, and British Protestantism took the name Puritans (Lindberg, 2010: 313).

In the 1570s, the religious movement in all of Europe also affected England. The victory of Catholics in France also excited the nobility of the British Isles. Some revolting nobles opposed the queen for Catholicism as representatives of feudality. However, thanks to the authoritarian unity created by the emphasis on xenophobia in Elizabeth's policies, especially for Spanish, and the legitimacy effect of the Parliament, the revolt was suppressed before it became graver (İnalcık, 2019: 248). It cannot be said that Protestantism was fully accepted in society in the 1580s, but the old religion had lost its effectiveness. Also at that time, the English tendency towards Calvinism was more dominant than Luther's ideas. The republican structure in Calvin's political views was crucial in the social acceptance of the Commonwealth that was established in the next period (Smith, 2019: 136). Still, with the Spanish War that started in 1585, xenophobia increased English national consciousness. This situation led to the general acceptance of Protestantism and the Church of England, or hate of Catholicism. With that, the national church became a king-headed structure representing the nation, state, and local powers (Black, 2020: 224).

The independence wars of Scotland between 1296 and 1357 caused the formation of national consciousness. Scottish identity was shaped by opposition to their enemies, England, who were richer and stronger than them (Black, 2020: 167-168). In addition to the secular schools, the increase in literacy with printing activities that started in 1508 and the biblical pressures led to the formation of Protestant thought and the change of the old culture (Black, 2020: 17). Because of the absence of xenophobia in Scotland and its closeness with the French, the Calvinist theory was very effective. Under the influence of Protestant thinkers such as John Knox (c. 1513-1572), who was the head of the Scottish Reformation, the Scots adopted Calvin and Zwingli's ideas rather than Luther. The Catholic Queen Mary Stuart (1542-1567) made politics to protect her kingdom, and this was also true for her marriage. Her aim was to be

supported by the Protestant nobility. But this situation was noticed by Protestant thinkers. Knox accused Mary of treason and argued that a woman cannot rule the public. With the help of the nobles who wished to confiscate the properties of the Church, the "Scottish Reformation Parliament" was established in 1560 with the Protestant uprising, the Presbyterian ideas were accepted and the papacy was rejected (Lindberg, 2010: 317-320; İnalcık, 2019: 221-222). The Reformation Parliament, which was established after the Calvinist revolution, made the idea that the revolution could be successful for other Protestants in Europe. Thus, the ideas of the Huguenots' right of resistance to Catholic rulers had a practical result. This was an important step in the notion of the existence of secular authority attached to public consent (Skinner, 1978b: 339). Returning to her country from France in 1561, Mary, unlike Elizabeth, acted recklessly in her policies and did not approve of the changes in the population, and was dethroned by Protestants in 1567. This was the first example of a Catholic ruler being overthrown by a Protestant people (Black, 2020: 221-222). This situation encouraged radicalism in the political thinking of the Protestant thinkers.

Because of Elizabeth I's lack of an heir, King James I of Scotland (1567-1625 –or James IV of England and Ireland 1603-1625) ascended the throne of England. Francis Bacon described the unification of the Kingdoms of England and Scotland by the Stuart Dynasty under the name Great Britain as "an expression of the perfect unity of natural and political bodies" (Kantorowicz, 2016: 24-25). At the same time, the Stuarts were expelled twice as a result of internal disturbances in the country. Both events are of great importance to Britain's political and mental chemistry: the Civil Wars and the Glorious Revolution. The effects of these events were quite effective in the arguments defended by thinkers in their works and the change of the socio-political structure[28] (Black, 2020: 241-243). The keeping of the parliament by King James and his refusal to support the parliament, apart from budget needs, caused uneasiness among the members of the House of Commons, and this situation continued in the period of Charles I (1629-1640). Under the reign of Charles, serious economic problems happened with the cause of wars and these financial burdens also affected the parliament's attitude toward the crown. Charles did not implement a compromise policy, so polarization increased in the country,

[28] Universities and academies were at the center of these political reforms. The source of the British intellectual movement that was based on humanist education during and after the Reformation was the orations and lectures of scholars. Although the dominance of Latin continues, English and national consciousness became crucial via translations of classical works and national history studies –the university members had a contribution to this process (Daniell, 2003: 130). Scholars promulgated new ideas and received support from the people. According to Hobbes, the cause of the English Civil War (and the source of anti-king Protestant and liberal ideas) was universities, and the disorder would be repeated unless the regulation of universities (Hobbes, 1969: 58, 62, 71).

especially in the parliament. Despite all these problems and the legal status of the parliament, the people had no idea of overthrowing the king, because the long-established idea of the holiness of the king was still efficient in society. However, the riots that broke out in Scotland in 1638 and Ireland in 1641 led to the Civil War between libertarian Parliamentarians and the supporters of the King. Undoubtedly, one of the reasons for the war was the effort to rule a multinational kingdom (Black, 2020: 248-250). On the other side, it can be said that the social status of the parliament was underestimated by King Charles, about riot-supporters in England. However, these struggles were not based on the small group of people's attention, but socio-political demands of the dominant people of the country. "The Long Parliament", opened in 1640 to end the Scottish revolt, legitimized and ensured itself against the king's authority by emphasizing national identity and interests (Black, 2020: 251). The purpose of the opponents was the renewal of the Elizabethan conception of power about moderate policies and reformation of laws, education, and religion that supported and protected both estates of the subjects (Trevor-Roper, 1992: 218-221). Pamphlets and provocations that confronted the forces of the crown and parliament in 1641-1642 created a fear of chaos. Propaganda tools undoubtedly played a decisive role in the actions of political agents. Because, even though the Civil War was threatening for both sides, Elizabethan "middle way" policy was not able to work anymore, and the sixteenth-century reforms were the cause of the religious wars (Beaver, 2004: 312-314). On the other hand, social disorder threatened the legitimacy of both authorities. Thomas Hobbes described the degree of this chaos and deaths as:

> "If in time, as in place, there were degrees of high and low, I verily believe that the highest of time would be that which passed between the years of 1640 and 1660. For he that thence, as from the Devil's Mountain, should have looked upon the world and observed the actions of men, especially in England, might have had a prospect of all kinds of injustice, and of all kinds of folly, that the world could afford, and how they were produced by their hypocrisy and self-conceit, whereof the one is double iniquity, and the other double folly." (Hobbes, 1969: 1)

In 1642, when Charles besieged the Parliament with his army to end the opposition, the possibilities of compromise between two powers ended and the wars began, involving large sections of society. It can be said that there were socio-economic and geographical factors in social division. Parliamentarians were supported by wealthy and developed cities such as the south and east of the Island. Besides, Charles' support was limited to the north and west regions

that undeveloped territories such as Wales. Supporters of Charles were afraid of the religious, political, and intellectual change of the traditional structure. Another side, the parliamentarians fight for change (Black, 2020: 253). Therefore, the socio-economic structure of the society was one of the determining factors of a political faction. London and other commercial cities supported the Parliamentary forces, because of their passion, thinking that they could achieve the same prosperity as the Low Countries by establishing a similar system (Hobbes, 1969: 3-4). In both states, the gentry[29], which was the majority of the House of Commons, was powerful over secular authority as the backbone of the economy. Hence they were similar in management demands. However, there were important differences between the two gentries. First, the rich class in the Low Countries had adopted a general principle of equality (the concept of citizenship highly developed) and was steady democratic. The main purpose was to protect the common good. On the other hand, in Britain, there was an aristocratic, rigid hierarchy between the legacy of the monarchy and the middle class and it was anti-democratic. Also, the superiority of "free men" in society was accepted. Simply, Dutch tradition was more anti-hierarchical, anti-monarchical, and egalitarian than Britain. Therefore, there were critical differences with the Low Countries that the British gentry took as an example and these turned into partial tyranny under Cromwell's republican rule[30] (Israel, 2004: 8-10).

The reason why both sides had legitimacy from the people in this division (gentries - the king) was that the people of England accepted that the political system would reach the power of the king through parliamentary monarchy. The importance of parliament provided support in politics against the king throughout the Civil War. On the other hand, while the Parliamentary forces were collecting aid, they aimed to protect the political body (the symbol/idea of the unity of the Parliament and the king) and thus to ensure public peace (Hobbes, 1969: 113-114).

The Parliamentary army under Oliver Cromwell (1599-1658) defeated the royal army and the war ended in 1646 when Charles surrendered to the Scots (Black, 2020: 255). British parishes and communities experienced a fundamental change around this time, in the 1640s.

[29] The parliamentary gentry that shaped the 18th century politics in England. They are the urban aristocrats enrich with trade and bought land and status for privileges. Gentry had a powerful social status after the nobility (Israel, 2004: 8).

[30] Baruch Spinoza (1632-1677), in his work *Tractatus Theologico-Politicus* (1670), described the English Civil War and its subsequent structuring process as democratically defective and unsuccessful, same as Montesquieu's criticisms in his work *De l'esprit des lois*. According to Spinoza, the people of England expelled the tyrannical king, but under a different title, embraced a worse tyrant (Cromwell) as a leader. They noticed too late that changing the type of government and dethroning the legitimate king did not meet any requests of the people (Spinoza, 2007: 235-236). Therefore, it can be said that an oppressive government was implemented under the republic regime during the Cromwell period which was not so different from Charles's reign.

Although some traditional parish communities remained after the civil war, with the victory of the Parliamentarians, Protestantism settled in society. In this process, the division of Protestant communities as a result of political reactions caused them to be more exposed to the interventions of the civil authority on religious issues and shifted to the current of national debates (Beaver, 2004: 323-4). In 1645 feudal rights were abolished by the Parliament. After the Second Civil War in 1648, Charles was executed and the Commonwealth included all three kingdoms were established (Black, 2020: 260). The English Civil War is one of the first examples of republican/secular state formation, but also, one of the first examples of modern political actions when considering social participation. The source of the necessary intellectual and legal arguments for this was the ideas of Protestant thinkers. Cromwell, for example, adduced Buchanan's idea of resistance to demonstrate the legality of King Charles's execution (Skinner, 1978b: 347-348). On the other hand, commercial protectionism was at the center of the policies implemented by the Commonwealth. The national internal market was supported and a navy was established for its protection (Black, 2020: 263). However, there were divisions within the administration, particularly on constitutional and religious issues (Black, 2020: 264), which destroyed the image of the "stable government authority" of the Commonwealth.

The diversity of thought in 16th-century political philosophy created many problems that seventeenth-century philosophers had to answer. Considering the mentality of the age, political theories were a branch of moral philosophy and they were responsive thoughts developed to find solutions to crises. Numerous crises (religious, political, philosophical, etc.) that took place in the 16th century prompted thinkers to reflect on the political structure and led to the formation of a large and colorful political literature (Nauert, 2006: 134). Therefore, in parallel with the magnitude of the crises experienced, great theories began to be discussed in political philosophy. One of the most important of these reactions was *Leviathan* (1651) for Rousseau, describing the absolute secular authority that Thomas Hobbes justified with a strict description of the state of nature (Riley, 2006: 5).

Political unity could not be achieved after Cromwell's death, and the kingdom was reestablished in 1660. Charles II (1660-1685) was summoned to power and the period of the Restoration Monarchy began (Black, 2020: 267). The sanctity of the kingdom was not damaged during the restoration process, but sovereignty could be exercised by Parliament. So, after that, kings needed Parliamentary approval directly to rule the state (Black, 2020: 269).

On the other hand, King Charles was uncomfortable with the regulations on religious affairs, and some Catholic reactions caused unrest in the society. Of course, it would be a mistake to enlarge this situation to the extent that it causes a movement against the king by the people. However, Charles' secret negotiations with Louis XIV about the restoration of Catholicism caused great suspicions. In France, the abolishment of the Nantes Edict and Louis's action against Protestants greatly reduced the trust in Catholic rulers (Black, 2020: 271-272). All these led to serious opposition in the country against James II (1685-1688), who initiated the Catholicization process by closing the Parliament. Later, in 1688, seven politicians called William of Orange (William III - 1689-1702) to protect Protestantism and freedoms in Britain. One of William's goals was to end the power of Louis XIV, who wanted to influence both Low Countries and Britain to re-establishing the Catholic union. With a victory over James, William ascended the throne with Mary in 1689, and the Catholics' right to the throne in Britain was abolished (Black, 2020: 277-278). The idea of the Glorious Revolution provided a direct stream to form a nation in the modern sense without "blood and confusion" as in the Civil Wars (Trevor-Roper, 1992: 213). On the other side, William III was a limited king. To protect the financial structure and prevent corruption, it was decided to keep the Parliament open continuously and to hold elections every three years. Thus, after the Glorious Revolution, British politics was reshaped with a strong parliamentary monarchy, and the legal authority of Parliament took control of the sanctity of the kingdom. This structure is also the point that British power, where internal conflicts that had been continued for a long time ended, diverged from other European kingdoms (Black, 2020: 279-280). England had a modern structure in the seventeenth century as a nation:

> "In England, where one might be tempted at first glance to say that the old European constitution remained in force, things were no different. Once you look past the old names and set aside the archaic forms, you find that the feudal system had in substance been abolished in England by the seventeenth century. Classes mingled, the nobility faded, the aristocracy opened its gates, and wealth became power. Equality before the law existed, as did equality of taxation, freedom of the press, and public debate. All these new principles were unknown in the Middle Ages. Moreover, it was these innovations, introduced gradually and skillfully, that made it possible to revive the old body without risk to its integrity, giving it a new lease on life while preserving its ancient forms. The England of the seventeenth century was already a fully modern nation that merely

preserved within it, embalmed as it were, a few relics of the Middle Ages." (Tocqueville, 2011: 25)

William's victory was a symbol of sovereignty as well as a triumph of religious and intellectual freedom for the parliamentary monarchy. With the Bill of Rights[31] adopted in 1689, civil rights were enacted and protected. Likewise, with the Toleration Act[32]freedom of worship was provided to everyone, even if they have different beliefs, and religious oppression was ended (Im Hof, 2017: 77). Britain was in the profile of a state that promised freedom for all citizens after 1689 and kept this promise. This position of Britain made Louis XIV, a Catholic and expansionist absolute monarch, and his ideals an enemy of the public (Hazard, 1953: 83). Britain, which defeated Louis XIV at the end of the century with the power of the parliament, also destroyed the political domination of France as a new and powerful unit (Hazard, 1953: 62-63). Thus, from the beginning of the 18th century, the British Isles became prominent in European culture and politics (Hazard, 1953: 65). "British Republicanism", practiced in the seventeenth century, had its unique structure, although it was based on the ideas and practices developed since antiquity (especially from Rome and its "common interest" virtues). The administration that Cromwell established with the third estate without the king and the House of Lords, is considered as an example of a republic. During this period, republican thinkers such as James Harrington (1611-1677), Algernon Sidney (1623-1683), and John Milton (1608-1674) constituted the foundations of modern British Republicanism with the influence of Machiavelli's thoughts, referring to ancient Rome. Even if the kingdom was accepted again, the establishment of the institutions of the government within the framework of the Parliament's effectiveness shows that this regime was maintained with a unique structure (Nomer, 2013: 126-130).

According to Tocqueville, the main factor that distinguishes the British Commonwealth (parliament, judges, freedom, etc.) from other European states is the harmony and cooperation between social classes. While there were hierarchy and caste-like structuring in other territories, specifically in France, England had a social structure that enabled transitivity by being included

[31] With the restriction of the arbitrary rule of the government by the Bill of Rights, citizens were also entitled with the property, immunity, fair trial, etc. rights legally. In this regard, together with the Constitution of Virginia, it is the practical result of liberation theories (Hof, 2017: 155).

[32] One the reasons for the Toleration Act was that the theologians constantly argued even over simple matters because of their different views on religion, which were no longer welcome from the people. The development of rational thought made these discussions even more meaningless. On the other hand, the main reason was that sectarianism, which caused major crises in all European regions, had to end to establish stability (Hof, 2017: 141-142).

of the people in the administration process and institutions. The nobles and the people were able to do the same professions and had relations with each other[33] (Tocqueville, 2011: 81). This class collaboration was one of the important points of the social and political system in which Britain differed from other states in Europe. Although a hierarchy is mentioned especially within the Parliament, all classes in society were open to cooperation with others. Although the English social structure preserved the medieval model, it was constructed with a new form with liberty, and also modern economy and ideas. Although the social structure was hierarchical, it was not rigid (Black, 2006: 96-97). This characteristic of the Britain people shows the difference between the two examples when compared to France.

The constitutional monarchy that was established provided its legitimacy with the development of political theories and law studies up to this date. Especially the theories of Calvinist revolutionaries and Protestant thinkers provided the foundation for the development of "modern" philosophy in the seventeenth and eighteenth centuries. It can be said that it is a line starting from French scholar Jean Gerson to the Glorious Revolution and modern legal thought (Skinner, 1978b: 123-124). John Locke is at an important point in this line. He aimed to systematically construct modern political thought with natural laws by refuting the theories of Thomas Hobbes and Robert Filmer. Although parallel with Pufendorf[34] in thought, what affected Locke were the concept of consent of Vitoria, the radical Reformation with communal notions, and the Calvinist theories of resistance (Seidler, 1993: 569). Locke's *The Second Treatise of Government* (1690) is considered the classical text of radical Calvinist politics. It is a legacy of sixteenth-century constitutional radical Calvinist thought and the classical tradition of mixed constitutionalism with the idea that emphasizes the citizens are the supervisors over

[33] Tocqueville describes this situation very successfully using the word gentleman. In France, *gentilhomme* was used to refer to a particular group (*noblesse*) even after the revolution. In England, on the other hand, in the seventeenth century, the group expressed by the word (*gentleman*) expanded and even was used for men in the third estate. In America, where equality increased, it was used for all male citizens (Tocqueville, 2011: 81-82). Thus, even the change in the use of the word in the process shows the rigidity (or caste-like system) between classes in societies.

[34] Samuel von Pufendorf (1632-1694), improved the natural law thoughts of Grotius and Hobbes and created its modern meaning, defined moral obligations by classifying social responsibilities with the idea of ethical voluntarism (perfect and imperfect duties and rights). He explained the subject of obedience in social relations with the terms of benefit and consent. The legal process was also part of this obedience. According to him, a society exists when people fulfill their perfect duties, and when they practice their imperfect duties the society becomes well-being. The state is established with the consent of men to provide stability. The state is a different term from society, but not unrelated. It is established by a contract (the consent of men) approved by the community. Thus, he rejected the negative structure in Hobbes' description of the state of nature and accepted that consent is one of the fundamental requirements of the state as well as individual interests. With these thoughts, Pufendorf influenced political philosophers of the next century, including John Locke and David Hume (Seidler, 1993: 562-568).

the government and will decide the rightness of its actions. This idea was instrumental in the British Civil War and the resistance of the Huguenots. By changing the basic dynamic of this thought, Locke added that the legitimacy of the people's resistance to power is not based on God's order but on natural rights. His institutionalization of the idea of the "crown in parliament" was effective in the foundation of the formal structure of British Republicanism (Skinner, 1978b: 239-240; Oğuz, 2013: 102-104). Locke established the ground of legitimacy with a philosophy appropriate to the period when rights and tolerance were developing. He defended the separation of executive and legislative powers to protect freedom in society. Against Filmer's patriarchal monarchy theory which had the same result as Hobbes, Locke defended that secular authorities were established with a contract based on the consent of the people including the right of resistance to a tyrannical king from a state of nature that more optimistic than Hobbes's description (Hazard, 1953: 64, 278).

Rural economic developments happened in England between 1450 and 1700, similar to the Low Countries. Proprietary rights and regulations in the courts increased competition while securing landowners' economic investments. It can be said that the British economy made a great improvement in this process. One-fourth to one-third of the farmland was owned by yeomen. Open land pastures and arable lands were enclosed by the owners to satisfy the needs of the growing wool industry. While this situation caused the impoverishment of some peasants, some of them gained their proprietary rights. Subsequently, this whole process, including the orientation of investors to the land, created agrarian capitalism. Therefore, the non-intervention policy of the Parliament on the enclosures of lands provided the development of property rights, even though it caused the poverty of the peasants. Landlords and yeomen embraced agrarian capitalism, the result of the political and socio-legal developments were unique to England. Therefore, instead of adopting the revised feudal laws as in France, a special socio-legal structure was established. Supporting the national market encouraged privatizations and agricultural investments (Scott, 2006: 46-48; Smith, 2019: 86-87). This development was the bridge between late medieval merchant capitalism and modern industrial capitalism. Unlike other European kingdoms, Britain had an early orientation towards industrialization with its rural economy and capitalist entrepreneurs. The ongoing feudal structure and privileges (including the charm of aristocratic life) in continental Europe led the bourgeois to buy land (which caused refeudalization), and rent-seeking opportunities were preferred over entrepreneurship. In England, where property rights, market needs, and jurisdiction were strong,

the bourgeois had the opportunity to take risks by focusing on investments (Scott, 2006: 53-57).

2.3. General Evaluation

In the mid-eighteenth century, France and Britain had their own structure that differed them politically, economically, and socially which were shaped in their modernization processes from feudality to the eighteenth century. The differences between the traditional understanding of French (the unity of political power in the hand of monarch) and British people (parlimentarism and natural rigths of subjects) led the formation of these genuine structures. The mentioned regulations were related with these fundamental factors of each societies and it can be asserted that they affected the thoughts of Montesquieu and David Hume, citizens of these countries and witnesses of these developments and circumstances. In that case, the historical background of France and Britain helps to enlighten the intellectual background of the thoughts of Montesquieu and Hume.

Briefly, under the reign of Louis XIV, the French monarchy had been completed absolutization with the political and religious unification, and this orthodoxy was sustained until the death of Louis XV. Moreover, privileges that caused inequality and conflicts in society increased after the sixteenth century and were conserved with legislative regulations. Social functions of the "qualified" classes, however, were replaced by the authority of the king and the new type nobles who bought their titles with office sales. On the other hand, the economy of France was still bounded to the soil and taxes; feudal relations were effective with different aspects and the industry and commerce were not developed as Britain and Holland. Therefore, the French kingdom had an unstable economical and socio-political order. Because of these reasons, problems of the French monarchy were quite noticeable for a philosopher such as Montesquieu, and in his political science studies that examined governments and laws of the period, as will be seen below, Montesquieu concentrated his attention to these issues and produced ideas to restore the government and to reorganize the society according to needs of modern Europe, as can be seen specifically in the last part of the *Spirit*.

Britain, on the other side, embraced modern developments in all areas. The commercial mixed government, a limited monarchy with a stable parliamenterism that can be defined as a midway of French monarchy and Holland republic, encouraged entrepreneurship and social

cooperation through protection of properties and personal rights. Britain promised to its citizens liberty, fair hearing, and protection from the arbitrary power of monarch and classical understanding of feudality. Therefore, free thought and industrial developments occurred via works of the gentry and university milieux for a long period. From this point of view, it can be said that the agenda of David Hume was not related to fixing the problems of government or society, but constitute a philosophy that favorable to nationalized and secular socio-political structure of modern Britain as John Locke. In other words, Hume found a ground to develop his ideas that based on a secular epistemology and empirical methodology. Hereby, the conditions of England and France in the mid-eighteenth century with their all factors are important to enlighten the cirscumstances of philosophers' countries and should be considered throughout the research to understand the effects of the period on philosophers' thoughts.

3. MONTESQUIEU AND THE SPIRIT OF THE LAWS

In addition to Hume, in many studies, Montesquieu has been mentioned as an environmental determinist like many thinkers before him such as Hippocrates, Aristotle, Ibn Khaldun, and Bodin, because of his notable work *The Spirit of the Laws*, published in Geneva in 1748 anonymously. In this work, generally, Montesquieu examined the relationship between governments, laws, and physical-moral causes that affects the structure of a society. At first view, influences of the climate, terrain, population, and religion to the mores, manners, customs, and laws refer to the causality that determines the governments and characters of nations (Kriesel, 1968: 558). In the *Persian Letters* (1721), *Considerations on the Causes of the Greatness of the Romans and Their Decline* (1734), and *An Essay on the Causes that May Affect Men's Minds and Characters* (remarked as the "storehouse of ideas" for the *Spirit of the Laws*, written between 1736 and 1743), he already mentioned his ideas on climate as a determining factor on political institutions and human behavior (Richter, 1976: 133-135; Shackleton, 1955: 329). However, in this research, the political determination problem of Montesquieu is examined as a rebuttal to these arguments in the *Spirit*, in which he developed his views with examples based on his observations, readings, and connections with other dynamics.

According to Shklar (1987), *The Spirit of the Laws* has three crucial points as most of the great political theory works. Firstly, the philosophical one is to define the general concepts, nature, classifications, and the causes of the variety of social rules. The second is the historical purpose, which is also the method to establish an empirical science of human law, Montesquieu used historical examples in the work for both the explaining the laws of societies and their diversities with different national characters, and showing their effects on the nature of things[35]. Lastly, Montesquieu aimed to start a polemic in his country to warn the citizens and legislators about the dangers of despotism and to encourage them for the moderation of the government (Shklar, 1987: 68-69).

Indeed, in the Preface of the work, Montesquieu wrote "I believed that, amidst the infinite diversity of laws and mores, they were not led by their fancies alone" (SL xliii), and in the following chapters, he identified the causes as physical and moral factors of the personalities of the people and the law-making process. Particularly, the first books of the first part included

[35] According to Althusser, Montesquieu was the only philosopher in his period who rejected the traditional idealism and concentrated on the diversities and variations of the laws in the historical facts (Althusser, 1972: 30).

the types of laws, governments, and principles and the third part concentrated on the connection between climate and laws that have caused to the reputation of Montesquieu. However, these approaches constituted a small part of the work, as examined below. Together with the book XIX, Montesquieu produced ideas on political liberty and alternatives to physical and moral necessities that may lead to the freedom of people. Montesquieu aimed to show a possibility that physical effects, which are the origins of the general spirit, can be overcome with moral responses if the legislators learn to analyze and manipulate them (Richter, 1976: 133). Ana J. Samuel (2009) suggested that *The Spirit of the Laws* should be considered as a dialectical work that was organized to compare the opposite approaches[36], a macro-organizational and dialectical structure focused on the contradiction between freedom and determinism, because the first three parts (except book XIX which is the change point) and the latter three parts that are in order to praxis, asserts different views on determinism (Samuel, 2009: 306). In this case, different studies interpreted Montesquieu as a determinist –which approach was mostly defended in early works–, a possibilistic, a political particularistic[37], and a liberal thinker who defended the free will of human beings as intelligent creatures. Therefore, the *Spirit* should be examined completely with Montesquieu's references to human nature, liberty, and the other relations of society to clarify the main argument of the work.

Before the investigation, it also should be considered that Montesquieu concentrated on the social elements instead of individuals in his works (Masterson, 1981: 210), which is one of the crucial differences between him and Hume's early writings. In *Essai sur les causes qui peuvent affecter les esprits et les caractères* [An Essay on the Causes that May Affect Men's Minds and Characters], he wrote:

[36] In the Preface of the *Spirit*, Montesquieu wrote that: "I ask a favor that I fear will not be granted; it is that one not judge by a moment's reading the work of twenty years, that one approve or condemn the book as a whole and not some few sentences. If one wants to seek the design of the author, one can find it only in the design of the work" (SL xliii). According to this explanation, it is quite reasonable to consider that the *Spirit* was organized for an intentional purpose of Montesquieu with its parts and books (Lowenthal, 1959: 487).

[37] The possibilistic and particularistic views are not examined in this study because of the scope of the research. Briefly, for possibilistic approach, Montesquieu claimed that civilized societies can change their political and social structures that under the effect of physical causes with moral regulations and international relations. Thus, physical causes and regulations became possibilities for a civilized society to restructure their laws and governments. For the detailed information, see Karl M. Kriesel (1968), *Montesquieu: Possibilistic Political Geographer*. For the political particularistic view which based on the relativity of the "most natural" government idea of Montesquieu, Keegan Callanan (2014), *Liberal Constitutionalism and Political Particularism in Montesquieu's "The Spirit of the Laws"*, 591-592. For another view on political ontology of Montesquieu, "indeterminate transcendent constraint", see David Lay Williams (2010), *Political Ontology and Institutional Design in Montesquieu and Rousseau*, 534-539.

> "These causes become less arbitrary as they have a more general effect. Thus we know what gives a certain character to a nation better than what gives a certain mentality to an individual, what modifies a gender than what affects a man, what forms the spirit of the societies which have embraced a kind of life than that of one person" (Montesquieu, 1892: 109).

Montesquieu accepted society as a composition of citizens instead of individuals by rejecting the methodological individualism of Grotius and Pufendorf. With this holistic perspective, Montesquieu assumed people as sociable and defined social institutions and roles of citizens which form the social organization (Young, 1981: 42). This methodology of Montesquieu eased his investigations to reach a point about the causes of variety between societies. Indeed, the changeability of the impacts on individual behaviors may obstruct a study based on observations and natural law studies. However, Montesquieu's approach (he have been identified as a social scientist since the eighteenth century by some thinkers such as La Roche, Comte, and Durkheim because of that[38]) is creating a scope that makes it easy to follow the arguments and separates him from the philosophical discussions and the methodology of Hume. On the other side, both of the thinkers were interested in the philosophy of history and produced historical works, like most eighteenth-century philosophers. In the same vein as Hume and as a pioneer, Montesquieu examined social history through institutions and external causes (one of the differences between them was the subject of their studies: maxims of conscious activities of individual and societal institutions) and used these studies as arguments in his books (Carrithers, 1986: 61-65), particularly in the *Spirit* and *Considerations*.

3.1. Determinism and Freedom of Intelligent Beings in The Spirit of the Laws

At the beginning of the first book, Montesquieu rejected the humanist idea of fortune that affects everything in the world, "Those who have said that a blind fate has produced all the effects that we see in the world have said a great absurdity", and introduces the human as an intelligent being: "for what greater absurdity is there than a blind fate that could have produced intelligent beings?" The causality and God's order replaced the fortune, for Montesquieu, which

[38] For further information about the discussions on Montesquieu's methodology (his views on natural laws, contrast of social phenomena-individualism, human nature, etc.) and interpretations about it, see David Young (1981), *Montesquieu's Methodology: Holism, Individualism, and Morality*, 37-41.

were the reasons for the variety of laws that represents the relations of all creatures[39] in the world (SL I.1: 3). In this respect, it should be considered that Montesquieu was deeply and emotionally religious, and this identity affected his explanation of the natural laws, political and social morality. The origin of the natural laws and relation of things was the system created by God. The human limitations he mentioned in the work are based on this religious view (Masterson, 1981: 205, 212). Indeed, in the *Defence of the Spirit of the Laws*, Montesquieu wrote that he does not just believe, but also loves Christianity (Montesquieu, 2019: 893).

Also, Montesquieu used an Aristotelian method (observation and comparison of facts) in his political researches, he shared the same opinion with Aristotle on the most natural form of government –which is changeable to the circumstances of each example (Aristotle, 1998). On the other hand, he had a Catholic-Platonist education in Collège de Juilly, where Montesquieu received religious teachings and studied French Platonists such as Malebranche and Bernard Lamy. His theories on natural and historical causality are very likely based on French skeptic Descartes because many parts of his arguments (especially historical researches) and dualism of human nature were organized regarding Cartesian causality (Williams, 2010: 529; Carrithers, 1986: 78), which also one of the crucial point that criticized by Hume in his *Treatise*. The *Spirit* includes the answers to the human nature, liberty, and political organization ideas of Hobbes and Aristotle with the natural sociability of humanity and the state of nature (Gearhart, 1980: 183). This explanation enlightens the natural law ideas of Montesquieu. On the other hand, he asserted three determination sources of political determinism with his first book: physical, subrational, and social (Samuel, 2009: 307). To understand the main theme of the work, they should be clarified with several arguments.

3.1.1. Three Challenges against Human Freedom

Montesquieu classified the laws and stated that the physical world is governed by a uniform law, the natural one with God's order. However, intelligent beings do not follow the invariable laws constantly –and even their own laws, because, although they have a physical nature and they are subject to the laws of God, they can act by themselves (SL I.1). This paradox, humanity are both the subject and the violator of natural laws, allows two possible

[39] The creatures were sorted by Montesquieu nearly same as Descartes' description in his Meditations: the divinity, the material world, the intelligences superior to men (Descartes used "angels"), animals, and lastly men (Lowenthal, 1959: 487).

consequences: the first, people are determined by the natural laws because they (their emotions, bodies, personalities, etc., and regarding this, laws and governments) are affected by physical factors and that constitutes the physical determination. The second one is more liberal which is assumed that people are intelligent beings and have the power to follow their own will. Within this framework, Montesquieu's ideas on physical and moral causes are can be explained by accepting him as a dualist philosopher who was influenced by Descartes and determined two categories of substance for humanity as an intelligent being: material and immaterial. People are material because they are influenced and sometimes determined by natural laws/physical factors, and they are immaterial because they can violate the natural laws through moral laws[40] (Williams, 2010: 529). For Montesquieu, there was no philosophical doctrine until Descartes to explain the immateriality of human nature (the soul), which gave humanity the faculty of free will and separate them from animals that were governed by natural laws (Masterson, 1981: 215). As it can be seen in this diversity, Montesquieu's defense of human agency is based on resistance and disobedience to nature, the effects of physical factors on the material body (Krause, 2003: 240). This approach opens a door to break the chains of determinism, but not clarified in the first book.

In the second chapter of the first book, Montesquieu discussed the human nature and natural laws that uniquely derive from the creations. According to Montesquieu, in the state of nature, people concentrated on the protection of their beings, so they had no speculative knowledge and fear was the main feeling for these savages[41]. Because of the fear of everything, there was no equality, and men "would not seek to attack one another, and peace would be the first natural law." The second law seeks nourishment, to feed the needs of the body, and the third one is the desire to maintain his species which causes the feeling of pleasure and charm between the two genders. In the progress of time, people gained the knowledge that made it

[40] This explanation can be also useful to reach the human freedom despite the physical causes in the *Spirit* through the immaterial will of humanity. This argument is clarified extensively in David Lay Williams (2010), *Political Ontology and Institutional Design in Montesquieu and Rousseau*.

[41] Montesquieu opposed the state of nature definitions of Hobbes and Spinoza by saying that it is wrong to associate the problems that arose after people had started to live in a society with the state of nature. In the state of nature, people were not in conflict with each other, in other words, they did not dare. The common fear pushed them to live together. Thus, society was formed and the degeneration began. Therefore the conflicts that Hobbes described occurred after the state of nature. The establishment of societies enabled people to create reasons to defend themselves and threaten other societies to domination (SL I.2: 6; Montesquieu, 2019: 887-888; Shackleton, 1964: 4). For a view on the relation between the Montesquieu's rejection of the social contract theory and the naturality of social institutions, see Louis Althusser (1972), *Politics and History: Montesquieu, Rousseau, Hegel and Marx*. Althusser claimed that Montesquieu rejected the social contract theory as an admirer of the feudal structure, because it means that the social institutions are established among equal people, and therefore the inequalities between people in feudal structure are against the nature which justify the bourgeois revolution.

possible to share their intelligence with other intelligent beings. After that, the desire to live with other men, the fourth law, emerged and the society was established. Lastly, the author emphasized that the most important one within these laws, the fifth law is to know and to seek God through the idea that derived from knowledge and nature (SL I.2). The first three laws, as it can be seen, are common with animals and describe the instinct of survival, preservation of their own species. After people got knowledge that is not shared with animals, society and seeking God occurred. This shared nature with animals causes the subrational determination (Samuel, 2009: 307).

The fourth and fifth laws are related to people who have the knowledge and intend to establish society. After that, they had lost their "feeling of weakness" and then equality was provided, which occurred "the idea of empire and domination" and therefore "the state of war begins". Every society improved their strength and used their power to other societies that caused the need for laws to regulate the relations; rights of nations for between societies, political rights for "those who govern and those who are governed", and civil rights for every citizen with one another[42] (SL I.2-3). These legal regulations formed the social determination. Thereby, each of the first three chapters highlights three different challenges against human freedom (Samuel, 2009: 307). Along with these three determination sources, the question that how a person acts by their own will as an intelligent being (human agency) is answered with the latter parts of the *Spirit*.

3.1.2. Physical Determination on Laws and Governments

The effects of climate on health and character were not new ideas for the eighteenth century. In antique Greece, Hippocrates and Aristotle wrote about the effect of physical phenomena on human character and behavior, and these writings influenced Montesquieu's observations. In modern political theorists, Bodin had already determined the impacts of climate on societies before Montesquieu. Moreover, most of his contemporary aesthetics writers, Barclay and Dubos, discussed the effects of climate on human sensibilities and the differences

[42] Political laws were established after people had left their freedom in the state of nature and had decided to live in a government organization. Civil laws, on the other hand, were established after people had abdicated their natural property partnership and accepted proprietary rights. Thereby, political laws gave people the right of liberty and the civil laws ensure the rights of property (SL XXVI.15). The different structure of each society causes that political laws should be created differently and protected by civil law. After the establishment of the government, the freedom of the society have been protecting by the civil laws. Only societies that governed by these laws are considered as free (SL XXVI.20).

in artistic taste. As well as the effect of climate on people, identifying the natural characters with the physical factors was common in the eighteenth century, even more radical than Montesquieu[43]. The only philosopher in that period who thought that climate has no impact on the national character was David Hume. Montesquieu, on the other hand, was the first philosopher who systematically studied the effects of climate on the characters, laws, and manners of nations (Fletcher, 1934: 29; Shklar, 1987: 94).

Montesquieu improved his approach to physical determination with the subsequent chapters of Part 1, and he began with the governments. According to Montesquieu, there are three types of government:

> "…one, *republican government is that in which the people as a body* [democracy], *or only a part of the people* [aristocracy], *have sovereign power; monarchical government is that in which one alone governs, but by fixed and established laws; whereas, in despotic government, one alone, without law and without rule, draws everything along by his will and his caprices."* (SL II.1: 10)

In Book III, the principles of each government that are should be related to the laws and nature of the governments[44] and prevent corruption[45] and alteration (SL III.1). The rigid relation between the principles and laws provides freedom in society. The principle of democracy where

[43] For instance, Daniel Defoe wrote an ungentle poet in 1700 on the characters of European nations:

Pride, the First Peer, and President of Hell,
To his share Spain, the largest province fell…
Lust chose the torrid zone of Italy,
Where Blood ferments in Rapes and Sodomy…
Drunkness, the darling favourite of Hell,
Chose Germany to rule…
Ungovern'd Passion settled first in France,
Where mankind lives in haste, and thrives by chance.
A dancing nation, fickle and untrue… (Hazard, 1953: 54-55).

In addition to Defoe, Jean Gailhard wrote a poem on the characters of four nations (French, Spanish, Italian, and German) in 1678 in his work *The Complete Gentlemen*, which includes descriptions about their behoviors, speech, diet, etc. (Hayman, 1971: 4-5). For other studies about the national characters in the seventeenth and eighteenth centuries, see Hayman's article *Notions on National Characters in the Eighteenth Century* (Huntington Library Qarterly, 39(1), 1-17).

[44] For Montesquieu, its nature makes government "what it is", and the principle is that "which makes it act" (SL III.1: 21).

[45] In *The Spirit of the Laws*, Montesquieu clarified the term of "corruption" more specific than classical thoughts with two different organization, the deformation of socialization, and the form of government and the behavior of people (general spirit). The first source of corruption rooted to socialization of humanity, the emergence of domination and the limitation of freedom as social determinism. This corruption of people happened inevitably with the establishment of societies. The second one starts with the deformation of the principle that makes the government act, and the deterioration of the social behavior that against the spirit or the national character. The corruption that occurs after the societies and governments can be prevented by compatible laws and manners (Sparling, 2016: 159-168).

every citizen is responsible for the political order and execution of laws is the virtue[46] (SL III.3), love of the laws and homeland, and every citizen should have this love and who must accept "the public interest over one's own" (SL IV.5: 36). This dedication of citizens refers to the high cost of republican government which makes it difficult to establish a republican government with modern people who seek their interests for modern needs, which will be discussed in detail below. For the aristocracy, on the other hand, only nobles who have the power to execute the law must be virtuous (SL III.4).

In monarchies, intermediate and subordinate powers form the nature of the government. In monarchical regimes, the king is the source of all political and civil power. The relationship between this power and the people is provided through the mediate channels, and thus the stability obtained by fundamental laws can be achieved. Otherwise, the laws and government will constantly change due to the will and caprices of the prince. The most natural mediate power is nobility because of their unique position. The nobles are at the center of the monarchy: "no monarch, no nobility: no nobility, no monarch; rather, one has a despot" (SL II.4: 18). According to Montesquieu, the abolition of the privileges of the nobility, clergy, and cities ends with the fall of the monarchy. In this case, he advocated that the form of government will be democratic or despotic by giving the example of the British Parliament[47]. Although Montesquieu did not insist on protecting the privileges of the clergy, he acknowledged that it is a necessary class for the monarchy. Correspondingly, the principle of the monarchy is honour (SL II.4). There is little need for virtue to maintain political relations in one-person governments. Kingdoms can protect their stability without the contribution of political virtue. However, this does not mean vice, it means that virtue is not needed for the continuity of the regime. In the functioning of the monarchy, honour replaces virtue and maintains order along with the laws. In the structuring of the monarchy (nobility, privileges, birthright, etc.), unlike

[46] At the beginning of the work, Montesquieu gives a warning that virtue is used with its political meaning. Therefore, the principle of virtue states the love of homeland, equality, and laws, not Christian ethics (SL xli) and is preserved with the small-sized lands, frugality, and authority distinction (Keohane, 1972: 388).

[47] According to Montesquieu, the British people gained their freedom by abrogating the intermediary institutions and fought to protect their freedom. If they could not, they would be people who were enslaved because of the absence of intermediary classes and institutions (SL II.4: 18-19). On the other hand, about intermediate powers, the effective role of the nobility in the feudal system, mentioned in the first part of this research, was influential in the writings of Montesquieu. The nobles and the clergy, who were considered as the executives of the social order, gained a new function as the provider of the relationship between the king and people. With this approach, the tendency to maintain the authorities of feudal classes and relations can be seen both in France and in the defense of Montesquieu.

the republic, ambition and the desire to win titles have positive consequences, and these are inherent in honour (SL III.5-7).

Montesquieu argued that the laws of monarchy should be applied to protect the nobility who linked the power of the king and the powerlessness of the people. Keeping the property in the noble family is essential for the robustness of the government. On the other hand, these privileges should be limited to the sovereign classes, if applied to the people, they would corrupt the monarchical rule (SL V.9). Besides, another duty of the laws is to regulate the decisions of the prince. The prince, who is the only person in power, can take decisions faster than the republican regime. However, this advantage can become unfavorable if he acts impatiently. The duty of the laws and nobles is to prevent the haste of the prince. The fact that many classes support the state and are loyal to the prince makes the monarchy more secure and stable. The disorder of the public causes extremism. The nobles, on the other hand, prevent their excesses as an intermediate class (regulator) and protect public welfare/government[48] (SL V.10-11).

Lastly, in despotism, which is the only government that is not moderate, to prevent the status quo and the obedience to the despot, fear is the spring of the regime to stableness. The law and the principle have to be uniform under the rule of the despot to protect the order of the government in despotism, like other types of government (SL III.9: 28). Montesquieu accepted despotism as a government, but he never approved and used it as a bad scenario of a corrupted moderate government. Along with the principles, Montesquieu believed that he ensures the preservation of each government by laws that suitable for their nature. For that, laws must preserve the principle. Otherwise, the government will corrupt and alter to despotism (SL III.11: 30; VIII.6: 116). Moreover, Montesquieu suggested that legislators should follow the principle in their action (SL III.1: 21), and founders of a government should consider the physical factors of the state and land: climate, size of the territory[49], and characteristics of people. Therefore, when Montesquieu lessened the social dimension of determination in Part 1, he strengthened

[48] The nobility that Montesquieu gave a vital role for the preservation of the monarchy, can be understood better when taken together with the process described in the history of France. This emphasis can be considered as a defense against the arguments of abolishing the privileges of the nobles, their social status, and authority in France, as in England. Because, as mentioned in the first chapter, the functions of the nobles decreased in the previous centuries, and in the 1700s it became an undesirable estate.

[49] According to Montesquieu, the nature of republic is suitable to small sized territories (SL VIII.16: 124), a monarchical government is for a medium size territory (SL VIII.17: 125), and despotism is for large empires (SL VIII.19: 126): "If the natural property of small states is to be governed as republics, that of medium-sized ones, to be subject to a monarch, and that of large empires to be dominated by a despot, it follows that, in order to preserve the principles of the established government, the state must be maintained at the size it already has and that it will change its spirit to the degree to which its boundaries are narrowed or extended." (SL VIII.20: 126)

the physical limitations by improving the bonds and their functions. The size of the territory determines the type of government, the political laws, and its principle, so also the civil and criminal laws of a state (Samuel, 2009: 309).

In Part 3, Montesquieu developed his ideas on physical determination through climate and its relations with laws. His view on climate has an essential role for determinism: terrain and climate influence the political and social characters, particularly the contrast between cold and hot climatic zones. Montesquieu advocated that these climatic differences must have an impact on laws as well as people (Williams, 2010: 527).

> "If it is true that the character of the spirit and the passions of the heart are extremely different in the various climates, *laws* should be relative to the differences in these passions and to the differences in these characters." (SL XIV.1: 231)

From Book XIV to XVIII, Montesquieu argued slavery and defined the relations between physical causes and determination under several concepts. In Book XIV, he examined the influences of climate on people physically with his observations and reasoning. Cold climate people are vigorous, brave, and honest. They do not have many desires and neither follow their passions. The hot climate, vice versa, provides the opposite character to people. They become ambitious, timid, and weak. Virtues are more common in northern states, on the contrary, immorality is prevalent in the South. As an extreme example, Eastern laws, manners, and traditions are changed rarely, because the hot climate makes these people lazy. In moderate states, on the other hand, different personalities can exist because the climate is not dominant on the people (SL XIV.2-4). In Book XV, the subject of civil slavery and its relations with laws and climate were examined by Montesquieu, and at the beginning, declared that he against slavery[50]. But political practices and process causes different examples, in case, despotism is the only regime that appropriates to slavery caused by the climate. In monarchical governments (because of the dignity and status of humanity) and republics (because of the principle of equality which is a critical element of the constitution), slavery is against their nature and moderate climate (SL XV.1). Furthermore, in hot climates, if people are not forced or

[50] In this regard, he makes an explanation with the idea that "every human being is born equal", which is seen in Rousseau's thoughts. According to Montesquieu, slavery is against the nature. Except for some particular despotic countries, all work in society can be done by free people. He wrote that the cause of slavery may be laziness that based on badly-made laws rather than the climate. On the other hand, slavery is a harmful practice. The acts of the slave is determined by the orders of the master, not by moral virtues. Moreover, the master corrupts due to his status and comfort and loses his virtues (SL XV.1, 7-8). As be mentioned below, this approach of Montesquieu enlightens his view of determinism and human freedom.

encouraged to work (this hypothesis is important, as will be mentioned below, because Montesquieu accepted the authority of legislator to direct people against the climatic effects), the climate makes people incline laziness, and therefore slavery (SL XIV.7, 9; XV.7). Eventually, Montesquieu identified the effects of climate by the relation of the hot temperature and slavery.

Book XVI of the *Spirit* concentrates on domestic slavery, the condition of women. The variety of the climate affects the status and rights of women in society. For example, because of the hot climate in Islamic states, polygamy is legal and accepted as normal. Women in that territories mature and beautify in their early ages, and therefore get older earlier. In a cold climate, women are superior to men rationally, because they have to protect themselves. Lastly, in moderate states, women and men almost live in the same conditions, so there is equality between them which forms the principle of monogamy[51] (SL XVI.2). The private life of humanity, thereby, determined by climate ultimately, and marriage standards not based on free choices but turns to civil servitude. Along with these two books, Montesquieu connected the two types of slavery (domestic and civil) with the nature of climate and this relation stands contrary with the execution of political liberty (Parizeau, 2016: 26).

Political slavery is one of the critical points about physical determination subject which examined in Book XVII. Montesquieu compared Asian and European governments through the climate and laws. He accepted that dominant climatic differences create different national characters, and which cause relations between two states as a conqueror and a conquered. Asia, a good example for that assumption, has a climate that includes hot and cold temperatures without moderate regions, and therefore there have been always wars between nations to dominate others. Likewise, there are different climates in Europe, but also broad temperate zones. The climate is nearly the same between neighbor states and this situation prevents the characteristic contrast and therefore struggles (SL XVII.3). Moreover, because of the constant wars caused by climatic differences and geographic circumstances, Asian states tend to be despotic to protect their existence. On the other hand, geography and climate divide Europe into middle-sized states and form them to need laws for the maintenance of the state. These favorable conditions in Europe answers to political liberty (SL XVII.6). Finally, in Book XVIII,

[51] Montesquieu explains this approach by giving examples from the regions governed by Muslim states. For him, the fact that Islam legitimizes polygamy caused that the religion is preferred in hot climates (Asia and North Africa). Therefore, Islam is not accepted in moderate Europe, for the same reason, Christianity is not embraced in Asian people (SL XVI.2: 265).

Montesquieu claims that the nature of the terrestrial factors is related to political liberty and laws. The main argument for that is the fertile lands make their people dependent on nature which means the people who live in fertile regions cannot be free and always obey the power because of their needs and favorableness to invasions, and people of fruitless lands are inclined to freedom for same reasons. Nature does not behave well to these people, so they have to work harder for their lives. So, they choose the moderate and pluralist governments and fight for their freedom (SL XVIII.1-3). Unlike climate, the terrain is not a certain deterministic source on slavery, because it can be altered by hardworking, and as Montesquieu asserted in XIV.7 in the case of monasticism, XIV.9, and XV.7, people can be encouraged by prizes and forced to work by laws. Hence, it can be understood that the complete effects of deterministic factors are valid for savages who are not moderated by the moral causes[52] (Kriesel, 1968: 560). On the other side, people can overcome the deterministic causes in several ways, which is the subject of the next heading.

Thereby, Montesquieu complicated the physical determination problem with the influences of climate and terrain on the people, laws, and governments in Part 3. Also, the social dimensions of these problems are still unreduced, because the impacts of physical factors seem quite rigid and connected with physical determination. On the other side, accusing Montesquieu as a determinist philosopher will not be completely true, because deterministic arguments constitute a small part of the *Spirit* (Kriesel, 1968: 559). In addition to this, he produced ideas that may provide human freedom despite deterministic factors.

3.1.3. Justifying Freedom from the Determination

In Part 2 of the work, Montesquieu examined the social determination problem again with a different view. In this time, instead of the problems of internal warfare, Montesquieu discussed governments' reactions in external warfare, in the case of defensive and offensive force (Samuel, 2009: 309). In Book IX, *On the laws in their relation with defensive force*, the federal republican regime is identified with its laws and relations[53], as an exception of the three

[52] The term of savage (*sauvage*) meant shy, wild, and asocial as well as brutal and savage in the eighteenth century France (Krause, 2003: 248). Same as Baruch de Spinoza, in *Pensées*, Montesquieu suggested that the activity and desires of humanity lead them to happiness and development (Masterson, 1981: 208). Therefore, savages who are not working for the development cannot reach to the civilization and moderation.

[53] According to Montesquieu, because republics are small-sized, they are always threatened by an external power, and if they are large they will be destroyed by their own internal problems. The federal republic has the internal advantages of the republic and the external power of the monarchy. That way, they become more secure and stable.

governments. However, about offensive power, the monarchy is the only government that has the power to offensive acts. Republics, federations, and despotisms are not proper for wars and conquests, because republics and federations have an opposite internal principle and unable to maintain a war physically, and despotism always under the threat of internal powers. On the other hand, a monarchical regime can enjoy the freedom of conquests unless the maximum natural size of territories for the government. Monarchy is under the effect of physical causes like other regimes internally, but they have power against other nations and determinist external factors (SL X.6-16).

At the beginning of Book XI, Montesquieu described political liberty as that, in a society with laws, citizens should be able to do what they should want, and not be forced to do what they should not want. In a shorter definition, liberty is the right to do what is permitted by law or depends on the tranquility of laws. The restriction of freedom by laws does not contradict but protects freedom because of the security of citizens. Political liberty only suits the nature of moderate governments that are ruled by law, and it can be granted as long as there is no abuse of power[54] (SL XI.3-4; Callanan, 2014: 592). This understanding of political liberty which includes the security of the citizens was unknown to the ancients, and also was a criticism to Machiavelli's approach to the government in *The Prince* (Sullivan, 2006: 268, 273). Moreover, he introduced a new regime that freer than monarchies as a new exception of three governments in Chapter 6, *On the Constitution of England*. Montesquieu examined British liberty through laws that provide stability and freedom to society. In the chapter, firstly, he identified three powers of the state. Legislative power consists of making temporal and permanent laws, and correcting and abolishment of them. Executive power establishes security by preserving invasions and the internal order, and decides the war and peace. The third one, judicial power, punishes criminals and resolves the disagreements between citizens. Because the legislative and executive powers refer to legislation and execution of the laws, they should be separated in a state to obtain liberty, otherwise, there will be tyrannical government or despotism. Similarly, judicial power should be separated both of them to provide liberty in society. In contrast to

In this form of government, people renounce the state they want to establish and ally with others to become citizens of a stronger authority. In this respect, it is a larger society that includes communities. Holland and Switzerland are examples to the federal republics. These confederate governments not only protect the republican structure in their internal affairs, but also provide security by fighting against external attacks. However, the federation should be consisted of republics and governed by the same laws. The structure of monarchies does not suitable to the federal republic (SL IX.1-2).

[54] The concept of freedom does not refer to metaphysical discussion on free will in the work. Montesquieu focused on its practical context, political liberty. For him, "pure liberty is a philosophical state rather than a civil one" (Krause, 2003: 243-244).

Turks, European kingdoms are moderate, because "the prince, who has the first two powers, leaves the exercise of the third to his subjects" (SL XI.6: 156-157). Thusly, Montesquieu represents his famous separation of power.

Thereafter, Montesquieu concentrated on legislative power and institutions of the English government. There is always a group in society who are separated from the populace because of their birth, wealth, and honour. If the state designates the same position and voice to them, it will be slavery, not freedom for these elite groups. Because, the populace constantly acts against them, and in this case, it will end in the hate of nobles against the state and legislation. To overcome this problem, there should be an assembly for nobles different from the parliament of commons, and this assembly should not be in the decision-making process but control the laws (SL XI.6). For Montesquieu, this bicameral legislation structure of England was useful, because both, it is defending the rights and existence of nobility, and providing plurality in legislative power to establish freedom.

On the contrary of legislation, for Montesquieu, the executive power should be in the hands of one person, a monarch, because "the part of the government that almost always needs immediate action is better administered by one than by many, whereas what depends on legislative power is often better ordered by many than by one" (SL XI.6: 161). Here, Montesquieu defended the monarchical power, because its nature favorable for immediate actions. After a couple of sentences, Montesquieu claims that if there is more than one person at the head, or executive power is shared by some people from the legislative body, there will be no liberty. Moreover, executive power is restricted through its nature in the constitutional monarchy, so even though the legislative bodies can control the actions of the executive power[55], they should not limit more, particularly through the authority of suspension and regulation (SL XI.6). This type of government is different from the monarchy because of its functions. The principle of monarchies is honour, as seen before, not liberty as in this case. The three powers in states are used in different relations, and according to these practices, states either be freer or oppressive. If the monarchy does not use the aforementioned practices, it will

[55] According to Montesquieu, legislative powers do not have the authority of judge over the head of government, the monarch. Otherwise, the government will be a republic without freedom, as England in Cromwell period. As the reason for that, Montesquieu defends the sanctity of the king. As seen in the first chapter of the research, the king's sacredness with his political body was valid for the seventeenth century in both France and England. Montesquieu maintains this idea due to its relationship with the feudal structure in France. He advocates that the king cannot manage badly on his own (purification from mistakes), and if there is a mistake, it will be caused by ministers and advisors who do not obey the law (SL XI.6: 162; XVIII.23; XXXI.17).

lose liberty and become despotic (SL XI.7). With this explanation, Montesquieu clarified one of the ways to the political freedom to overcome the determination sources, especially the social dimension, by including the people in the decision-making process along with the preservation of social status and hierarchy of the moderate monarchy. In Book XII, he introduced the second need for political liberty, people need to be secure to feel free. Although there are established liberal institutions (separation of power and rule of law), liberty requires that citizens must know they are politically secure (one of the main elements for that is the separation of judicial power), which is the psychological dimension of political liberty. Freedom from fear is procured with the "right kinds of mores, manners, and received examples" (Callanan, 2014: 592).

Book XIX is a change point of the *Spirit*, thereafter, Montesquieu demonstrated that liberty can be established with some practices and regulations despite determinist factors, as mentioned above. The book includes the relation of laws and the principles that form the general spirit, the mores, and the manners of a nation. In chapter 3, Montesquieu determined two types of tyranny. The first one, real tyranny, refers to the violence of the government. The second, on opinion, is the establishment of governments that against the "nation's way of thinking" (SL XIX.3: 309). For the author, there are many causes that govern people: "climate, religion, laws, the maxims of the government, examples of past things, mores, and manners; a general spirit is formed as a result". One of these causes becomes dominant in every society, and the other causes adapt to the dominant one (SL XIX.4: 310). Montesquieu's general spirit, or the national character, is composed of institutional factors rather than the psychology of individual behavior. This spirit of a nation is the interactions (harmonization) of these social elements, and its relation to other institutions is also executed through the societal-institutional roles of people (Young, 1981: 43).

The legislative body is charged to protect the general spirit. If the spirit is compatible with the principle of government, the legislator should not change it to protect free will and human nature (SL XIX.5). However, if it is decided to change the mores and manners that harmful to the general spirit, this change should not be made through the laws –which would be tyrannical, but with other mores and manners suitable to the general spirit[56]. Another method to replace

[56] According to Montesquieu, mores and manners are the customs that laws are not capable of or not decide to determine. The main difference between them is the laws are address to citizens, while the customs deal with the people (SL XIX.16). The laws of a nation that has good mores will be simple, otherwise, laws will be more complex and detailed (SL XIX.22).

mores is presenting to people new examples. In this regard, Montesquieu gave the example of Peter I of Russia. Peter tried to civilize people forcefully, which succeeded, but for Montesquieu, it was not necessary. Even though the changes (or inspirations) were against the former manners, people tended to new manners retrieved from Europe because of the climate and conquests (SL XIX.14). So the legislators can organize the "causes" to reduce the harm of many factors, such as the monastic intend or laziness in hot climatic territories and freedom of people who lives in fertile lands, both the consequences of physical deterministic factors. In that way, both dimensions of political liberty can be established. Additionally, some of the moral causes such as laws, mores, manners, and maxims can be the main factor that dominates the physical ones, and also changed by people, as Montesquieu described, and this approach demonstrates that human will and acts can shape the general spirit and overcome the consequences of other causes which based on the physical and subrational determinations[57] (Samuel, 2009: 313; see also Kriesel, 1968: 567). For example, Chinese people succeeded to establish a monarchy even their climate forces them to live under a despotic regime. Chinese labor, manners, and excellent laws of first legislators necessarily moderated the power and constituted a lawful authority collectively as antique Egypt (SL XVIII.6). Another example from the Book is that the change of mores of women "will no doubt affect the government" (SL XIX.15: 316), so the liberation of women from the enslavement caused by the climate and mores in despotic regimes can moderate the laws and governments (Callanan, 2014: 598).

Moreover, in Chapter 27, Montesquieu claimed that the manners of English people follow the laws along with the climate and geography, because of the importance of liberty in that nation. The economic and political practices, which are motivated by the structure of England mentioned in Chapter 6 of Book XI, affect the traditions, religion, and morality of the general spirit. However, this desire for liberty of English people is peculiar to their character, not for French people (SL XIX.27). Thereby, Montesquieu advocated that the practices and needs of a nation can change the rigid rules determined by the climate. Of course, it is not a rejection of physical factors, but this explanation encourages the freedom of people by highlighting the

[57] In 1750, Montesquieu made a defence to the criticisms of clerical writers, *Responses and Explanations given to the Faculty of Theology*, in which he wrote: "It would appear that the author of the Spirit of the Laws ought to be the last to be accused of having ignored the power of moral causes, and hence, morality itself. If he spoken much of moral causes throughout almost all of his work, because it involved moral causes. And it may be said that the book called the Spirit of the Laws consists of a perpetual triumph of morality over climate, or rather of the general triumph over physical causes." (Richter relayed from Montesquieu, 1976: 137).

significance of human choices, political actions, and economic situation (particularly commerce, which is the main topic of Part 4, and religion in Part 5).

Montesquieu examined the nature, history, and effects (on laws, mores, governments, etc.) of commerce in Part 4. For him, modern history is engineered by negotiation, not armed force. In internal and external politics, stable relations are making a government moderate, and commerce is an important instrument for these developments (Mason, 1994: 70). Indeed, according to Montesquieu, commerce softens the barbarous mores and provides the coordination and relation between nations, therefore, the chance to compare the mores of other nations with their own.

> "Commerce cures destructive prejudices, and it is an almost general rule that everywhere there are gentle mores, there is commerce and that everywhere there is commerce, there are gentle mores. Therefore, one should not be surprised if our mores are less fierce than they were formerly. Commerce has spread knowledge of the mores of all nations everywhere; they have been compared to each other, and good things have resulted from this." (SL XX.1: 338)

The commerce, in this Part, symbolized the improvement of the mores of nations and indicates the order between them because of the interests. The nature of commerce causes peace because two nations that make trades with each other become dependent. Economical needs of nations create mutual benefits, and nations do not intend to end it[58], because protecting the welfare through trade is more beneficial than the profits of wars (SL XX.2). So, commercial practices can restructure the laws and governments of a nation. Beyond the deterministic factors, a nation can make their government and laws moderate through commerce, in that way, they can replace their mores with moderate/good ones.

Moreover, commerce is related to the structure of the government and laws, the constitution. In monarchies, trades make on luxury goods, because of the needs of elite groups and the principle of the government (SL XX.4). Montesquieu did not discuss deeply French commerce in this Part, however, he clarified the general structure of the commerce for monarchical regimes in Chapter 10. Economic commerce is not suitable for governments where

[58] According to Montesquieu, the spirit of commerce produces the "certain feeling for exact justice" which opposite to moral virtues. Indeed, the nations that act only by the spirit of commerce (Holland), people sell everything, even small activities based on humanity and moral virtues. Thereby, the commerce unites nations, but it does not unite individuals (SL XX.2: 338-339).

one-person rule[59]. Their needs are based on luxury, as mentioned, and the hierarchical structure is proper for the commerce system. In case, the money, "the faculty of having everything without any power", and the power "with the faculty of having nothing at all" would be separated. In that kind of government, it causes many problems, one of them is that the prince eventually gets these treasures for himself. In monarchies, the environment of confidence cannot be provided, therefore commerce in these nations will be limited (SL XX.10: 344).

This explanation refers to the problem of the French economy in the eighteenth century, the refeudalization tendency, as mentioned in the first chapter of the research. In strong monarchies, social order can lead the commerce relations to order of the estates of the realm. In this regard, Montesquieu has praised the general process of France. For example, according to him, the noble's commercial actions are against the spirit of commerce and the principle of monarchy. In this case, office sales in France is a wisely and correct decision. Bourgeois can buy the title of nobility even they are not noble. The status and privileges that they can obtain encourage them to work harder. This situation is very beneficial, although it may harm the virtues of the nobility. *Noblesse de robe* is in a position in society between the populace and the high nobility and has a great contribution to the rise of France. Therefore, the laws of France have an important role in the development of the state (SL XX.22). Here, Montesquieu exemplified the success of commerce and legal practices over the principle of government, the general spirit, and determinist approaches along with the history of French social structure and laws which is the subject of Part 6. Even though the practice of office sales is harmful to social order (the importance of nobility and their unique position should be considered) and against the spring of monarchy (the principle of the monarchy is honour, especially for nobles and they cannot be included in the trade. However, the bourgeois is not –maybe should not– interested in honour even after getting the title of nobility, but the importance of them is their contribution to the French economy, as Montesquieu concentrated on).

[59] As an exception of monarchy, England is a special example for this approach too. The parliament of England makes decisions to protect the trade and national interest. In this point, England protect their freedom again in commercial relations by using own British laws. In contrast to other states, England prefers its political interests against the interests of its commerce (SL XX.7). What refers this statement is that the market policies of England to support domestic industry (excluding the foreign merchants, forbiddance of the exportation of raw materials, encouraging the sea trade, etc.). Montesquieu supports the laws on property and commerce (mostly cites Magna Carta), policies, and manners of the people of England in the next chapters of the Part. Because they were able to regulate their social, religious, and political structure suitable to commercial-liberal government. He acclaimed England as "This is the people in the world who have best known how to take advantage of each of these three great things at the same time: religion, commerce, and liberty" (SL XX.7: 343).

Another important point to the effect of commerce that Montesquieu mentioned in his work is the permission of the interest. Goods can be either sold or rented, on the other hand, money, as the price of things, can be rented but not be sold. To the maintenance of commerce, there should a small price of money, otherwise, the trader attempts nothing. Lending money without interest is a good thing, so it can be a religious counsel, but it cannot be forbidden by civil law to protect the price of money and commercial relations (SL XXII.19). In the past, the people misunderstood the trade (or manipulated by Scholastic thinkers) and humiliate the merchants, especially the theologians. For that, one of the most important ways to reach wealth was left to Jews. In time, trade got crucial again (with the importance of money, invention of letters of exchange, and loans of princes) and rulers decided that the utilized the bourgeois' fortune is more useful for their power. After that, trade became integrity again forcefully, and "theologians were obliged to curb their principles" (SL XXI.20: 389). At this point, again, commerce leads to change a rule, but this time one had a religious background. In the first chapter of the research, the attitudes of the clergy and nobles against commerce and the change are mentioned. Montesquieu interpreted this change as a cause of commercial needs, and the theological understanding was changed intentionally because of the secular benefits which demonstrate that human will can alter the normative acceptance of historical practices.

In the conclusion of Part 4 about human freedom, Montesquieu answered the deterministic problems with the effects of commerce. Firstly, two nations that trade with each other do not intend to start a war with each other, because maintaining commerce is more beneficial; and people gain the sense of exact justice, therefore they do not steal or fight with others. This explanation solves the social determinism of humanity by providing domestic and external peace. Secondly, commerce causes the will of development and discovery to the improvement of trade, because of that, humanity can overcome the challenges and determinations of physical factors. Finally, as seen in the recognition of usury, commercial needs moderates people, their rules, and acceptances. The judgment of clergy was softened by political authorities, and force the clergy to approve that. So, it can be said that subrational determination can be overcome with commerce (Samuel, 2009: 315-316).

Additionally, the next book of the work improved the arguments of human liberty through religion. Part 5 is related to religion, and its connections with the spirit of nations and laws. In this Part, Montesquieu stated that he studied the subject by their profits to the civilized world,

not for seeking the truth, and as someone "who writes about politics", not as a theologian (SL XXIV.1).

Nevertheless, during the work, Montesquieu highlighted that Christianity (more specifically Catholicism[60]) is a different and unique religion that forbids cruelty and provides goodness, welfare, and civilization. In the case of climate and governments, the people embrace a religion that most suitable for their governmental understanding, laws, and climate. For example, because of their structure, Eastern states accept Islam. Europeans believe in Christianity because of their moderate structure, the inclination of common sense, and will of freedom, so they did not tend to Islam for these reasons[61] (SL XXIV.26). Christianity advises gentleness, therefore, it is favorable for moderate governments and against despotism. On the other side, Islam offers more radical and tyrant rules so that it is congruous to despotism. If the scope of the effects of the religion is limited with mores, it is clear that Christianity is much more beneficial than Islam (SL XXIV.3-4). In brief, a well-chosen religion (Christianity seems the best choice) can moderate a society with its mores and a government with its laws. Thereby, Montesquieu revealed another source for moderation and a way to overcome deterministic forces, social, subrational, and physical dimensions. For the physical dimension of determinism, a good example for this approach is Ethiopia, given by the author. Despite the large size of the empire and hot climate, the Ethiopian empire is not ruled by despotism, because the Christian religion established and has protected the European mores and laws there. Unlike its despotic neighbor governments affected by physical factors, Ethiopia preserves its moderate government (SL XXIV.3).

Moreover, for Montesquieu, believing God(s) can be unnecessary for people, but it is necessary for a monarch. Because religions soften the princes by fear and love and provide his tyrannical decisions. In this case, even paganism is more useful than atheism (SL XXIV.2). Because religion is an instrument that affects and directs the people. About the general spirit, the religion of the nation should be compatible with civil laws. All religions, does not matter

[60] According to Montesquieu, Catholicism is better suits to monarchical regimes because it supports the clergy, and Protestantism is for republicans (for Northern states) because it promotes liberty better than Catholicism (SL XXIV.5).

[61] Montesquieu compared Christianity and Islam in large section of the Part 5. For him, only intolerant religious (Islam) desire to expanse. One of the duties of the states and laws is protecting the religion of the nation and provide the invasion of other religious teachings. However, Christianity is an exception of the rule, because it is a blessing for humanity to reach civilization and good laws (SL XXV.10). Therefore, Christianity should not be prevented by laws and governments. The perfection of its message contains the best political and civil laws. There is no law that better than Christianity to lead people to become good citizens (Montesquieu, 2019: 915).

given by God or not, must support the morality of the society, and have regulations that profitable to social order. Both, civil laws and religion, aim to make people good citizens. If one of them could not fulfill this duty, the other should work more: if the religion is less repressive, civil law should repress more (SL XXIV.8, 14). Similarly, if the political order is subverted, religion must provide the order and lead people to assist the political power (SL XXIV.16). Therefore, as mentioned above for Christianity, religion can provide moderation and liberty in society through regulations and religious teachings, and prevent cruelty/despotism. In this respect, according to Montesquieu, the social and subrational dimensions of determinism can be eliminated by religious practices.

After the examination of general conditions, in Part 6, Montesquieu investigated a more significant subject, the history of laws, institutions, and estates of France. As the *Spirit* has its own macrodesign, the last part was organized as a microdesign, according to reach the French liberty and moderation. Montesquieu aimed to demonstrate the history and origins of the French laws (land distribution practices) for guiding the legal reforms. In a letter dated March 1748, Montesquieu stated that "the two books on feudal laws (XXX and XXXI) are necessary for his work to be complete" (Samuel, 2009: 318). In general view, books XXVII to XXXI are different from other books of the work, they focused on Roman and Franco-German laws, the history of human liberty with juridical practices, and institutional structures in order. With the last part, readers can understand the goal of the *Spirit of the Laws* and Montesquieu, promoting moderation and human liberty (Carrese, 2003: 13-14; see also Rahe, 2009: 89-90). They include the political practices and historical backgrounds of the arguments in the first five parts.

The first two books of Part 6 are related to civil law, Book XXIX is a continuation of previous books, and the last two books are on feudal laws. Firstly, Book XXVII is about the history of Roman inheritance laws and claims that the laws on dividing lands are related to the political and civil laws. In the historical process, political laws followed the change of mores, traditions, and civil laws of Rome, the government became a monarchy, and also the inheritance system was changed too (SL XXVII.1). In the next book, Montesquieu showed that the same process with Rome happened in French history in three periods along with legal practices (Samuel, 2009: 319). In the first period, besides Roman and Germanic laws, there was a variety of practices, for the author, because of the Germanic traditions (SL XXVIII.2). The acceptance of the hereditary fiefs at end of the Carolingian Empire caused the impracticability of former civil laws, even though their spirits remained. Moreover, France was ruled by small lordships

that loyal to feudal dependency instead of political dependency, so a uniform law could not be used throughout the whole land. This situation became worse after the invasions of Normans. There were almost no literate people, so written laws disappeared and were forgotten. Therefore, people returned to unwritten usage (SL XXVIII.9-11), which indicated the end of the first period. After that, the period that domination of a system of nobility includes courage and honour with fighting established through unwritten legal practices, as Montesquieu described during Chapters 13 to 29. However, Saint Louis made a legal reform to abolish the juridical struggles and to provide the legal hierarchy (SL XXVIII.29). Effects of this reform were examined in Chapters 29-38. Then, Roman law studies (rediscovering the *Digest* of Justinian around 1137) in Italian universities spread to France (SL XXVIII.42), as mentioned in Chapter I of the research. These Roman law studies provided a basis for the French laws and rights, development of law, and caused the writing of French customs. In the last period, Charles VII put in order the written local customs and organized them (SL XXVIII.44-45). The outcome was the unified French civil law, which combines Roman and Germanic laws, mores, and customs.

This history of the development of French civil laws comprises an important admonition to legislators, which was clarified by Montesquieu in Book XXIX, *On the way to compose the laws*. For him, a legislator should have a moderate behavior, the moral and political good is found between two limits (SL XXIX.1). To ensure moderation, a legislator should seek the temperateness and common sense (XXIX.1-2), should understand the laws and their backgrounds (circumstances, the intention of former legislators, aims of laws, their relations with manners, mores, and customs, etc.) (XXIX.3-15), should know the important things of legislation process (plain language, briefness, simplicity, etc.) (XXIX.16). Montesquieu believed that, if they follow these rules, legislators can moderate governments and provide social order and liberty with legal regulations.

3.2. Montesquieu on the Most Natural Government

In *The Spirit of the Laws*, same as Aristotle, Montesquieu stated the importance of participation and reforms made by competent and informed statesmen and found the goodness between extremes. Aristotle's purpose was the virtues and moral goods. Montesquieu, on the other hand, suggested that the legislators should be flexible to overcome the extremes and to regulate the laws and manners of the government for political liberty, which regards the political

goods and realistic view against Aristotle's moralism (Radasanu, 2010: 283, 286). Additionally, Montesquieu examined the governments and their natures with the same methodology as Aristotle (classified governments as democracy, oligarchy, aristocracy, and monarchy). They both investigated the "constitutions" of states to find the most suitable type of government for a specific society. Beyond the influence of Aristotle, Montesquieu left the traditional structure with his classification of governments with focusing on their functions (the essential duty of the government is providing the security), principles, and count of the members in executive power through the nature of humanity, not with their goodness and corrupted cases[62] (Pangle, 1973: 48-50; Gearhart, 1980: 183-184). These diversities answer the comparison between the two philosophers and determine Montesquieu's views on governments. Furthermore, their – different but parallel – ideas on the most suitable governments for the modern period are also consequences of their thoughts on national characters.

Briefly, Montesquieu's three forms of government (democracy and aristocracy as republics, monarchies, and despotisms) depend on several physical and moral causes because the nature of governments is related to the nature of society as mentioned above. Moreover, every government should be compatible with the spirit of nature and the general spirit to prevent corruption and alteration: virtue for republics, honour for monarchies, and fear for despotism. The best (or the most natural) form of government is not certain for this approach, because of the variety of national characters and causes which are the significant situations that the society lives in. The practicality of a government is related to the adaptation of these factors with laws and manners. Therefore, even though he suggested that it should be moderate, the most suitable government of Montesquieu in the *Spirit* for the modern world seem as deliberately agnostic (De Dijn, 2013: 68-69), which is important to understand the main purpose of the work. Thusly, the best option for the modern people of Montesquieu, particularly for France, will be discussed below.

3.2.1. Modern Governments

Montesquieu's thorough classifications of governments show that republics and despotisms are not functional in the modern period. The goal of the republican principle is the

[62] Functional differences between monarchy and despotism can be considered as an exception for this suggestion. Because, for Montesquieu, one of the essential duties of the legislators, laws, and customs is protecting the state from the corruption and despotism.

love of the republic, and which means to love of equality. For Montesquieu, it is quite difficult to establish this love in citizens (SL V.3-5), especially in a commercial period. Additionally, republican government is convenient to small-sized lands, otherwise, the republic will corrupt (SL VIII.16), and it is weak to protecting the state and security of the people (SL IX.1). Therefore, the republican government (both democracy and aristocracy) is not a good option for societies that have different characters. Additionally, the republic was drawn by Montesquieu as a classical regime, all the examples in his work belonged to the antique period (Keohane, 1972: 395). Despotism, on the other hand, is only reasonable for societies who are governed by physical causes –could not moderate themselves with regulations, as mentioned above. For Montesquieu, despotism is a naturally corrupted government because of its principle, the fear, which therefore not suitable to modern-moderate European governments (Sparling, 2016: 164). On the other hand, Montesquieu identified the rule of despotism which had modern interests and practices with a negative meaning. In addition to the one-man rule through his passions, the importance of commercial relations in the eighteenth century was reconstructing the chemistry of a new kind of despotism which is governed by the individual interests and principle of avarice, not fear, without intermediate institutions that replaced by the offices (Boesche, 1990: 759). This new type of government and way of life threatened the monarchical governments and nations who carried the spirit of honour with their corrupted behaviors. Hence, the only monarchy left as a circumstantially best regime, which has the power to sustain security, conquests, and stability (SL V.10-11; IX.5; X.9).

> "Maybe there are *three species of government*. But one, the republic, does not exist except in historical memory. We are left with monarchy and despotism. But despotism is no more than abusive, perverted monarchy. We are thus left with monarchy alone, a monarchy to be protected from its perils." (Althusser, 1972: 86)

However, monarchy refers to a general subject that the rule of one person with laws and includes different practices. The two successful practices of monarchy in the eighteenth century, French-type monarchy and English commercial republicanism were the alternatives to modern nations for the *Spirit* (Radasanu, 2010: 291), their functions and suitability will be discussed below.

Apart from his reputation as a modern liberal thinker, many studies claimed that Montesquieu was a defender of the liberal republicanism for modern governments through the English model where he stayed for two years, between 1729 and 1731 (De Dijn, 2014: 22; 2011:

188). For example, Thomas L. Pangle (1973) examined Montesquieu's view on the antique republics through the first eight books of the *Spirit* in the fourth chapter of his book and reached that Montesquieu aimed to find a type of government as an alternative to the participatory republics of classical times for modern periods. Moreover, antique Greek and Roman republics offered a free life and participation in government for their citizens, but the citizens must leave their own desires willingly for the sake of the republic, which attitude is named as virtues. Despite the greatness of these republics, the renounce of self-interests is quite difficult for modern societies because modern life and relations create private benefits (Pangle, 1973: 48-106). Then, in Chapter 5 named *Liberal Republicanism*, he claimed that Montesquieu's alternative government to shape the future is the commercial English republic with the characteristics and relations of England, based on the arguments in books XI and XIX of the *Spirit*. Pangle reminds the effects of commerce such as security, moderation, and relations with other countries. Along with its importance, in a world that stands by commerce, it cannot be expected to renounce of self-interests of people for the common good. Therefore, because of their ability to commerce, England is a good example of modern politics (Pangle, 1973: 107-160).

Same as Pangle, Paul A. Rahe (2009) examined the *Spirit* in parts and claimed that he was a defender of modern republicanism. Because the purpose of modern governments is to protect the liberty of their society. For "other" monarchies, the caprices of the monarch can demolish the established liberty and lead to despotism by violating laws, which is not possible in a government with separated powers and strong parliaments (Rahe, 2009: 63-143). English commercial monarchy, on the other hand, is more suitable than others. Because, as Montesquieu mentioned in Part 4, commerce is directly related to the political liberty, institutions, and economic sustainability of a government especially in the modern period. For this reason, the English model has an advantage over other monarchical examples in the long-term for modern societies (Rahe, 2009: 188-191).

Also, Mark Hulliung presented Montesquieu as a defender of English republican by some erroneous arguments[63] from the *Spirit* in his book *Montesquieu and the Old Regime* (1976). For Hulliung, Montesquieu criticized the "entire system" of the old regime and accepted the English

[63] Richter (1979) and Forbes (1978) wrote in their reviews of the Hulliung's work that many arguments of Hulliung about the nobility and monarchy are contradictory if they are compared with the *Spirit* as a whole. Because, for them, Montesquieu suggested quite different views in the *Spirit* about the *ancien régime* and monarchies which are not included the book, and Hulliung's arguments based on very selective and partial arguments of Montesquieu.

politics and society as a dream system for the modern world because of its democratic and republican spirit. Therefore, Montesquieu wished to replace the French monarchy with the English-type modern republic (Richter, 1979: 437-438). As the last example, Judith N. Shklar defended that the only regime in modern Europe that provides political liberty for Montesquieu is England, through the institutions, participation, and laws. She interpreted the ideas of Montesquieu as a demand for constitutional liberty for France, as in Britain, not as a utopia but as the best option for security and political liberty (Shklar, 1987: 85-91).

Indeed, in *The Spirit of the Laws*, Montesquieu acclaimed the English government's system and national character and accepted the English monarchy as a kind of republic (SL V.19) with the balance of power and the spirit of liberty, so he named it as a special example[64]. In Chapter 6 of Book XI, Montesquieu analyzed the political institutions and governmental powers of England and reached that the system of England well appropriate for political liberty. He also appreciated the general spirit of the English people because of their collaboration and desire for freedom in Chapter 27 of Book XIX, in which Montesquieu draw England as an alternative for antique republics. These political and social structures are both creating and protecting the spirit of England along with the physical factors. However, these moral and physical factors are unique to the English people and government, because this character is provided from the peculiar causes and Montesquieu concentrated on the continental monarchies, particularly France (Ellis, 1989: 690). Therefore, it is unlikely to accept the English government as the most answerable government to all modern societies in Europe for Montesquieu[65]. Moreover, the works of Pangle and Rahe are based on selective arguments (mostly the chapters on England) of the *Spirit*. If the work is examined as a whole, it will be revealed that there is a second alternative for republics without separation of power between

[64] After Chapter 6 of Book XI, the explanation of English government, Chapter 7 is named as "*The monarchies that we know*" by Montesquieu, which refers to the monarchies that are ruled with honour and formed with feudal estates like France, not a government with the spirit of equality and freedom. For Montesquieu, England is a special form of government which was closer to monarchy and may be counted as fourth regime that Montesquieu described in the *Spirit* (Keohane, 1972: 393).

[65] "It is not for me to examine whether at present the English enjoy this liberty or not. It suffices for me to say that it is established by their laws, and I seek no further. I do not claim hereby to disparage other governments, or to say that this extreme political liberty should humble those who have only a moderate one. How could I say that, I who believe that the excess even of reason is not always desirable and that men almost always accommodate themselves better to middles than to extremities?" (SL XI.6: 166)
Montesquieu never supported any kind of extremism, as noted before. In case of England, Montesquieu described the English liberty as extreme, which may cause the deformation of political liberty and general spirit. Sharon Krause asserted that even Montesquieu admired the English government because of the separation of powers, commercial successes, and legal regulations which refers to the spirit of liberty in England based on the English character and laws, his doubts about extremism was affecting his views of English constitution (Krause, 2000).

legislative and executive powers and representative institutions, the moderate monarchy[66]. In this case, besides the two chapters on English government, a large part of the (no less than twenty-eight chapters) *Spirit* is dedicated to the strengths and nature of the moderate monarchies that more available for political sustainability in modern Europe (De Dijn, 2014: 28-33).

3.2.2. Moderate Monarchies as an Alternative to Modern Europe

A crucial point (or the purpose) of *The Spirit of the Laws* is Montesquieu's warning to the French legislators. Montesquieu wrote his work about and for the France where the circumstances were profitable to moderation and reformation of laws (Shklar, 1987: 79; Masterson, 1981: 209), which is one of the reasons for the long monarchical examinations in the *Spirit* and this issue directly related with the history of France and the first chapter of the research. The second reason is that the Parisian intellectual milieu was discussing the monarchy of France and the king, particularly his despotic[67] tendencies. Henri de Boulainvilliers examined French history to establish a historical base for the liberty of the third estate of France and identified the modern French monarchy as despotism. According to him, the feudal government is "the masterpiece of the human mind", and the assembly of all estates (*États généraux*) is its legacy. However, in the process of time, France destroyed their liberty like Rome in the era of Cardinal Richelieu and Louis XIV: Romans had enjoyed their liberty until the reign of Augustus, then Franks in Gaul restored the liberty. But French kings abrogated the "particular powers" for a long period and constructed their absolute power which was completed by Louis XIV with his despotic rule (Ellis, 1989: 671-678). Boulainvilliers (who was entitled as a "noted republican" by Hume), with some members of the French nobility like Louis de Rouvroy, duc de Saint-Simon, defended that only the restoration of the Estates-General can prevent the despotic tendencies of Louis XIV and later his hair Louis XV and includes French people to the decision-making process (De Dijn, 2013: 71-74). On the other hand, there were also many voices who defended the absolute authority of the kings such as Gilbert-Charles Le Gendre, abbé de Saint-Pierre, and Jean-Baptiste Dubos. They claimed that the exalted authority of the

[66] Against the accusations to the French monarchs as despots in the first half of the eighteenth century, Montesquieu defended the French monarchical system and the legitimacy of the sovereign power of the king in *The Spirit of the Laws* (De Dijn, 2013: 87).

[67] The French word *despote* invented by Huguenots in the 1690s from a Greek origin word *despótēs* means "a master who ruled in a household over those who were slaves or servants by nature", and was used for Louis XIV because of his arbitrary rules and laws (Boesche, 1990: 741).

king was based on the very beginning of French history. Le Gendre explained the authority with the grace of God and the bravery of their ancestors. Moreover, similar to Montesquieu, Le Gendre accepted that the arbitrary power of a king refers to despotism that is executed with fear, which does not describe the French monarchy because Louis does not rule with his caprices but according to laws and with a temperative institution, the *Parlement* (De Dijn, 2013: 75-80). Abbé de Saint-Pierre felicitated the politics of Louis XIV because he reunited the French aristocracy and succeeded in the modernization of ancient government "with a despotism" (Ellis, 1989: 679-680).

Montesquieu followed this quarrel on modern monarchies and constituted his answers and historical-political arguments with *The Spirit of the Laws* (De Dijn, 2013: 80; Ellis, 1989: 689). In this case, two important consequences can be deduced from the previous chapters. The first one is that France was ruled by an absolute monarchy in the first half of the eighteenth century, with the laws and independent jurisdiction, and without the responsibilities and advantages of intermediary channels (nobles), effective parliaments, and social collaboration. According to Montesquieu's view of monarchy, it can be said that the French government was a moderate monarchy, but under the risk of change to despotism. The sacredness of the king, as Montesquieu suggested in the *Spirit*, was the source of powers and authorities in the states even for nobles. But, King Louis XV was not considering the intermediate institutions (the nobles) and kept his sovereign power (both the legislative and executive) in his hand only like the former king Louis XIV[68]. On the other hand, French nobility was corrupted, lost their responsibilities, and most importantly their principle of honour. Also, they became cast-like estates and were excluded from the decision-making process by the king[69]. The second important point that Montesquieu stated is the line between a monarchy and despotism very clearly, which was an answer to the quarrel (For A. de Dijn (2013) Montesquieu sided with the second group with his classification of the French government as a moderate monarchy) and also refers that monarchies can be altered to despotism with some incorrect practices. For him, the protectors of the moderate monarchies are steady laws, functional nobility and their spirit,

[68] Montesquieu disapproved Louis XIV's policies and decisions. For him, France moved backward in regards to liberty and politics under the reign of Louis XIV (Krause, 2003: 254).

[69] Montesquieu explained the deformation of modern nobles (and this was the main problem of French monarchy) with their inclination to money and privileges, and accused them to losing the honour which is the essential behavior of nobility. Because of that, he expressed the history of nobility in the last books of the *Spirit* (Gearhart, 1980: 193). This view of Montesquieu was a reaction to the problems of his society in the eighteenth century which clarifies the importance of the history of France and England. For the brief history of the eighteenth century France related with the Montesquieu's political reformation thoughts, see Andrea Radasanu (2010), *Montesquieu on Moderation, Monarchy and Reform*, 292-299 and Judith N. Shklar (1987), *Montesquieu*, 79-84.

honour which replaces the virtue of antique republics. So, these two conclusions reveal Montesquieu's discomfort about the French monarchy's absolutism in the eighteenth century. The modern government investigation of Europe was also related to the stability of the French monarchy for Montesquieu.

A large part of the *Spirit* focused on the monarchy, its moderation, and functions. In the first ten books, Montesquieu introduced the moderate monarchies as a most suitable alternative to antique republics in the modern world, because the principle of monarchy lead people to work for the common good without the crucial demands of republican virtue – love of equality and renunciation of individual interests to support the public good[70] (De Dijn, 2014: 30). European medium-sized states with temperate climates are appropriate for the monarchy (SL V.17), and they will get power to providing security and to conquest other nations (SL VI.2; X.9). Moreover, the stability of the moderate monarchy is preserved through the "hierarchical and harmonious" social order for Montesquieu which refers to the landed nobility, because they restrain the tendency of despotism and provide the relation between the monarch and people with the spirit of the monarchy (Ramgotra, 2014: 27). The critical problem of France in that period was the absolutism of the king and his potential to cause the alteration of the monarchy to despotism. The solution to this problem for Montesquieu was restoring the principle of honour. Against the suggestion of Boulainvilliers, the *parlements* could not solve this problem for Montesquieu because the main factor was the executive power and he emphasized that they do not have the authority to limitation of the prince (XI.7), but the "mediate channels" have the duty of restraining the monarch. Thereby, reestablishing the honour and regulation of the current feudal system was the key to French moderation (Radasanu, 2010: 302). The discussions about the *Spirit* in the second half of the eighteenth century in Europe show the same consequences, which are related to the monarchical institutions, relations, and structure against despotism (De Dijn, 2014: 38-39). This structure is more practicable than the separation of legislative and executive powers and parliamentary limitation regarding Montesquieu's expressions. In case, he emphasized that the alteration of the government is quite risky because the regulations against the general spirit will be tyrannical and damage political liberty. According to his arguments, the change of government (in this case, the replacement of the French monarchy with the English commercial republic) would be inconvenient for both the

[70] "*[In monarchies]*, the state continues to exist independently of love of the homeland, desire for true glory, self-renunciation, sacrifice of one's dearest interests, and all those heroic virtues we find in the ancients and know only by hearsay." (SL III.5: 25).

society and the government. After that, he suggested the manipulation of laws and mores by legislators according to external causes and manners of the society (Keohane, 1972: 396), which shows the way of reformation for his country.

On another point, Montesquieu did not disparage the commerce of the French monarchy. In the beginning, he claimed that republics are more favorable than monarchies for commerce because the consumptions of monarchic societies are mostly luxury goods contrary to republics because of social structure. But, for him, this does not mean that monarchies are excluded from commerce (SL XX.4). Moreover, another obstacle to the commerce for monarchies is that the principle of monarchy hinders the commercial activities of nobility. Montesquieu stated that this kind of practice weakens the monarchy, as in England (SL XX.21). Commercial practices, on the other hand, extinguishes the principle and functions of nobles. In monarchical-feudal societies, merchants were not respected, and the title of nobility was on stand opposite side (Radasanu, 2010: 298). Nevertheless, the French monarchy overcame this problem with office sales for Montesquieu. In addition to the sales' economic and behavioral profits, according to the separation of nobility, *nobless d'épée* is responsible for traditional duties of nobility and cannot enjoy the commercial earnings because of their positions, and *nobless de robe* who got rich with commerce can still engage in trade. The title of nobility encourages the tradesmen to work hard for the state (SL XX.22). Thereby, two benefits can be ensured that the rich people of society can get both the respectability from society with buying offices and the principle of honour and the dignity of nobility can be preserved. After all, he considered France as one of the biggest commercial states of Europe: "Europe carries on the commerce and navigation of the other three parts of the world, just as France, England, and Holland carry on nearly all the navigation and commerce of Europe" (SL XXI.21: 393) and asserted the French-type monarchy for modern nations as a strong alternative to his readers. Regarding the political liberty, which was identified as the security and safety in XII.2, continental monarchies (particularly France) offer the liberty to their people as same as antique republics and English nation for Montesquieu[71] with honour, the spring of monarchy (De Dijn, 2011: 186-190; Radasanu, 2010: 285).

[71] In his *Pensées*, soon after the publication of the *Persian Letters* in 1721, he wrote: "The only advantage which a free people has over another, is the security which everyone has that the capriciousness of a single person will not cost him his possessions or life. A subjected people which would have the same security, with or without good cause, would be as happy as a free people if its manners were similar in other respects: because manners contribute even more to Happiness than laws. This security of one's condition is not greater in England than it is in France, and it was by no means greater in some of the ancient Greek republics, which, as Thucydides says, were divided

Also, as examined in the first chapter, England and France have a different history that was shaped by several traditions and practices. Despite the same Germanic-Roman tradition, England established commercial liberty and social collaboration with steady laws, institutions, and also revolutions and acts like Magna Carta, civil wars, and the Glorious Revolution. For Montesquieu, English people can sacrifice everything (their comfort, fortune, interests, etc.) for their liberty, and such a society has the power to dethrone the king and become the new ruler with an equal system (SL XIX.27; see also XX.7). On the other side, the French people were not sharing the same concerns. Montesquieu was aware of this situation and examined that in *The Spirit of the Laws*. Montesquieu defended in several chapters of the *Spirit* that the feudal system was maintained with some regulations which eliminate the possibility of equality. The traditional nobility was effective in the social hierarchy with their characteristic behaviors. Honour and glory were essential for the prestige of nobles, which are related to militancy. In case, France had to capability to conquest and wars because of the monarchical regime. But England did not seek these tributes and conquests after the economic revolution and concentrated on defending the island and national interests (Radasanu, 2010: 296), which is quite foreign for French people and incompatible with continental geography.

In the last two books of the *Spirit* about the share of power and moderate legislations, which were carrying a warning to French legislators, Montesquieu improved this approach with the history of French laws, manners, and the evolution of the feudal system. Firstly, in Book XXX, Montesquieu examined the origins of French society, particularly nobility, and governmental relations. During the book, the history of the foundation of lordship; the authorities (military, judicial, and fiscal), responsibilities, and duties of nobles were examined. The monarchical regime of France shared powers between the king and nobles through the fair division of authorities and lands (XXX.3-20). This political, legal, and economic sharing power with its historical process demonstrates that France was a moderate monarchy because as Montesquieu clarifies in Part 1, the monarch shares his executive and juridical power (some of) his subjects.

In the last book, Montesquieu finishes his warning by showing the importance of power balance between the king and lords (with fair land division), not just sharing power, and illustrating three revolutions in French history caused by failure of power balance (Cox, 1983:

into two factions. And because liberty often gives birth in a State to two factions, the faction that has the upper hand will make use of its advantages without pity. A faction which rules is no less terrible than a prince in rage." (De Dijn relayed from Montesquieu, 2011: 185-186)

29-40). Firstly, Brunhilda revoked the fiefs of lords arbitrarily and disturbed the balance of power. In return, lords killed the Queen, and Clotaire made a reform that gave the rights of lords back (SL XXXI.1). After Clotaire's reforms which also regulated the feudal system, the monarchy was weakened and became a ceremonial authority (SL XXXI.2-5). Along with the lack of central power, the nobles who obtained great powers from the monarch challenged the king, and the second revolution happened (SL XXXI.6-7). The last instance was related to the strengthening of the monarchy in the Carolingian period, particularly during the reign of Charlemagne. He established a perfectly balanced system (SL XXXI.18). However, after Charlemagne, Louis the Pious could not maintain the empire and divided the lands among his sons (SL XXXI.20). Then, Charles the Bald made a reform for fiefs, he declared that the fiefs would pass the heirs as inheritances, and thusly destroyed the balance of power again (SL XXXI.28). The third revolution which was led by Hugh Capet was the consequences of this iniquity about the division of lands (SL XXXI.16). As it is seen, the last book is about the three revolutions caused by the imbalance of power and lands between the king and nobles. So, he advised the French legislators and rulers to reform the feudal system and the spirit and to moderate the monarchy (Samuel, 2009: 320-321).

The exposition of the French constitutional tradition of Montesquieu comprised and limited the human agency. According to moral and physical causes, the tradition has a unique structure of the French society and also carries the possibility of changes by human actions as in the examples. Montesquieu allowed human choices in the legislative process through French history, but not as radical as social contract theory because it was also affected by external factors. The history was not started with the pre-political French people by Montesquieu, therefore they depended on the moral and physical causes for their political decisions which limited human choices. The history of French laws was the practical example of Montesquieu's arguments in the *Spirit* and also complete them. In this regard, it carried criticism and advice to contemporaneous France (Krause, 2003: 257-261).

So, in books XXX and XXXI, Montesquieu suggested that the legal and social structure of a state is based on fundamental laws, a historical process, and customs. This history provided legitimacy for the state by creating a base for positive laws which only suitable to monarchy because of its nature (Bien, 1972: 154). The corruption of monarchy can be restored with the reestablishment of the original political order and the spirit which was demonstrated in the books by Montesquieu. In the case of a monarchy, honour addresses the ethos of the traditional

nobility. Thereby, the reforms of the French monarchy must focus on the principle of the aristocracy (Gearhart, 1980: 194-196). For these arguments, post-Christian, post-feudal, and commercial France with its new-gentle mores can provide liberty and security for the subjects (Radasanu, 2010: 305-306). Therefore, regulations and alterations are permissible with the moral factors of a society in monarchies, which approach paves the way for moderation practices for France without separation of powers, institutions, and social equality as in England.

4. DAVID HUME ON CAUSALITY AND DETERMINISM

David Hume is one of the well-known Scottish philosophers because of his works on philosophy, morality, history, and politics. He published his most extensive and popular work *A Treatise of Human Nature* in 1739 (hereinafter cited as T) which was "dead-born from the press" for Hume. Thereafter, he wrote an explanatory study, *An Enquiry concerning Human Understanding* (1748, EHU) as a follow-up work of Treatise's Books I and II, then for Hume "incomparably the best" book of him *An Enquiry concerning the Principles of Morals* (1751, EPM), and *The History of England* (1754-1762, History) (Norton, 2009a: 3-4, 25-26). Even though there are some brief interpretations about politics, he clarified his views again after the *Treatise* in his *Essays, Moral, Political, and Literary* (from 1741 to 1752, Essays), and *Political Essays* (1752, PE). These studies are all connected with the understanding of humanity and its relations that were explained in the *Treatise* and the *Enquiries* (Merrill, 2015: 130-131).

Before the examination of Hume's understanding of philosophy, his position about religion should be clarified to understand his view of human nature and his arguments against Montesquieu. Even though Hume never introduced himself as an atheist, he was invariably against the intellectual and moral teachings of Christianity[72]. On one hand, monotheist religions (particularly Christianity) provide an intellectual advance over polytheists for Hume, and on the other, monotheism causes both radicalism and intolerance in society against nonbelievers and heretics which sometimes extend to violence; and also creating dogmas and superstitions that prevent the intellectual developments[73] (Ayer, 2000: 31-32). This approach of Hume consists of a fundamental difference between him and Montesquieu. As explained in the previous chapter, Montesquieu accepted the divine order as a source of natural laws and believing Christianity provides development, moderation, and peace in society. Because it restricts the caprices of rulers and moderates the manners of society. So it can be said that the views of Montesquieu and Hume on religions are contrary particularly about the social role of

[72] On Hume's critique of religion, see J. C. A. Gaskin (1976). Hume's Critique of Religion. *Journal of the History of Philosophy*, 14(3), 301-311, and J. C. A. Gaskin (2009). Hume on Religion. In Norton, D. F. & Taylor, J. (Eds.), *The Cambridge Companion to Hume* (2nd ed.), 480-514. Cambridge: Cambridge University Press.

[73] "Two men travelling on the highway, the one east, the other west, can easily pass each other, if the way be broad enough: But two men, reasoning upon opposite principles of religion, cannot so easily pass, without shocking; though one should think, that the way were also, in that case, sufficiently broad, and that each might proceed, without interruption, in his own course. But such is the nature of the human mind, that it always lays hold on every mind that approaches it; and as it is wonderfully fortified by an unanimity of sentiments, so is it shocked and disturbed by any contrariety. Hence the eagerness, which most people discover in a dispute; and hence their impatience of opposition, even in the most speculative and indifferent opinions" (Essays, I.8: 60-61).

the religion. Moreover, Hume's position about religion can be considered as a political instrument especially in his later writings. He was careful about the dogmas and offensive nature of religions. Thereby, he asserted the importance of toleration as an artificial virtue which is a necessity for modern liberal governments. However, in his later writings, Hume defended the possible achievements of the union of political and ecclesiastical powers. In the case of Britain, Hume claimed that moderate Anglicanism is the most appropriate religion to British people as a political instrument in his *History* (Sabl, 2009: 511-513, 520). Eventually, his position before religion and its connections with society and science can be clarified by examining his methodology.

4.1. Hume's Methodology: Skepticism and Empiricism

Hume wrote in a section named "Advertisement to Books I and II" that he explained the purpose and methodology of philosophy in the Introduction of the *A Treatise of Human Nature* which is important to understand Hume's empirical methodology. According to him, philosophers cannot reach a consensus by constantly expressing different views on the same subject. In this disorder, eloquence comes to the fore because the reasoning cannot reach a definite conclusion. Speaking skill becomes more important than reasoning and arguments (T, Introduction: xix). Against that, Hume stated the importance of natural philosophy which was named as the "science of man" and based on the experimental method as Francis Bacon's (1561-1626) approach before him (Norton, 2009a: 4). For Hume, the science of man can be a foundation of other sciences and philosophy, and constitutes the connections between them.

> "There is no question of importance, whose decision is not compriz'd in the science of man; and there is none, which can be decided with any certainty, before we become acquainted with that science. In pretending therefore to explain the principles of human nature, we in effect propose a compleat system of the sciences, built on a foundation almost entirely new, and the only one upon which they can stand with any security." (T, Introduction: xx)

According to Hume, the science of man, which is "the only solid foundation" for both the theoretical sciences (Mathematics, natural sciences, and natural religion) and the practical sciences (Logic, Morals, Criticism, and Politics), is a key to solving the disorder in philosophy and sciences. And because of that, it must base on "experience and observation" to create "the

only solid foundation" for other sciences[74] (T, Introduction: xx). For Hume, the philosophical discussions that include some arguments beyond or transcendent human understanding (particularly teachings based on divine knowledge) should not be considered to an examination that focused on human nature: the only source of knowledge is experience and any other sources are not valid (Biro, 2009: 42). In this way, he believed that he can establish a verifiable science of human nature with the *Treatise* to end the philosophical and scientific disorder and to establish a reliable foundation for other sciences. It should be stated that, at the beginning of the eighteenth century, the empiricist methodology of Berkeley and Locke was quite influential in the intellectual world of Scotland and England along with the skeptic rationalism of Descartes (Hutton, 2012: 16; see also Parusniková, 2014: 581-588) and the Newtonian science. In his youth, Hume went to Edinburgh University in 1722 and had the education of Newtonian principles along with the classical languages, mathematics, and philosophy even though he did not take a degree (Penelhum, 1975: 11). Accordingly, Hume's tendency to empirical research with a skeptical and psychological methodology is reasonable. Moreover, French philosophy influenced the Scottish philosophers deeply, particularly Montesquieu with his analyzes on political and historical sociology (through the property, moral and physical causes, laws, etc.), modern governments (through commerce, liberty, laws, etc.), and anthropology, thereby he was referred to many works of Scottish philosophers, and Hume was one of them (Oz-Salzberger, 2003: 171-172; Israel, 2016: 120).

Another important point about Hume's methodology is his skeptical view of knowledge and the self, or identity that refers to "unity of the self" in Hume's psychological philosophy (Gleason, 1983: 911). The object of his science was the human's self with his/her knowable moral dimensions, which is not discussed in the first *Enquiry*[75], therefore he particularly examines the human mind. He described the self as "a bundle or collection of different perceptions" (T, I.4.6: 252) and "a kind of theatre where several perceptions successively make their appearance" (T, I.4.6: 253) which consisting of mind and body (T, II.1.9: 303). Due to the nature of impressions that are not "constant and invariable", the self is consistently changing (T, I.4.6: 251). In this regard, he asserted that the relation of the mind and body constitute the

[74] For example, about the politics, in his essay "Of the Original Contract", Hume wrote "A small degree of experience and observation suffices to teach us, that society cannot possibly be maintained without the authority of magistrates … observation of these general and obvious interests is the source of all allegiance, and of that moral obligation, which we attribute to it" (PE, 23: 196).

[75] For all of the changes from the Treatise to Enquiry that Hume made, see James H. Noxon (1973), *Hume's Philosophical Development: A Study of his Methods* (Oxford: Clarendon Press), 18-21.

self, and experiences had a crucial role with the perceptions in the formation of the mind and thereby the self. But these definitions cause a question that what is the source of the idea of the self/identity? Hume answers this question as a natural mistake, as a fiction of our imagination that considers the objects as unchangeable (T, 1.4.6: 253-254).

> "For when we consider any two points of this time, we may place them in different lights: We may either survey them at the very same instant; in which case they give us the idea of number, both by themselves and by the object; which must be multiply'd, in order to be conceiv'd at once, as existent in these two different points of time: Or on the other hand, we may trace the succession of time by a like succession of ideas, and conceiving first one moment, along with the object then existent, imagine afterwards a change in the time without any *variation* or *interruption* in the object; in which case it gives us the idea of unity. Here then is an idea, which is a medium betwixt unity and number; or more properly speaking, is either of them, according to the view, in which we take it: And this idea we call that of identity" (T, I.4.2: 201).

Therefore, the idea of a stable object represents a belief in the unity of two different circumstances of the object in time. However, Hume clarified the alteration of the mind in time as every object with the perceptions derived from the external world and ideas. In this respect, according to Hume, the idea of singular and stable self is based on a fiction of our imagination and thereby we cannot describe our mind and self with uniform definitions.

Secondly, Hume questioned the general acceptances (particularly causality of Cartesian philosophy and empiricism of British philosophers), philosophical speculations/dogmas, and metaphysical knowledge. In this perspective, he maintained the skeptic approach of Descartes, but this view does not explain the whole philosophy of Hume because he did not follow the mere skepticism and pure logical arguments[76] (Biro, 2009: 46; Noxon, 1973: 12-13). Hume was not radical or insistent about the skeptical perspective and he discussed that in Part 4 of Book I. It is well known that he criticized Cartesian understanding: human perceptions are "fallible and uncertain faculties" and the truth of the first judgment, the reason, is a reliable point for our

[76] Hume accepted the skepticism as an essential method, "if we are philosophers, it ought only to be upon sceptical principles" (T, I.4.7: 270), particularly against the superstitions. Similarly, a moderate form of Cartesian skepticism is a "necessary preparative to the study of philosophy, by preserving a proper impartiality in our judgments, and weaning our mind from all those prejudices, which we may have imbibed from education or rash opinion" (EHU, 12.4: 132). But he also condemned merely skeptical arguments because they "admit of no answer and produce no conviction" and the result of them is no more than "momentary amazement and irresolution and confusion" (EHU, 12.15: 136n).

understanding. But other causes in the chain of reasoning of Descartes are suspicious because of the "inconstancy of our mental powers" they may be mistaken or deceived. Thereby, we can consider all the knowledge as possibilities that can be stronger or weaker by its simplicity and our experiences (T, I.4.1: 180). Even though Hume had the same goal with Descartes, reaching the reliable/true knowledge (testing the "power of reason") with a skeptical approach, he criticized the Cartesian philosophy's reasoning chain because he rejected the righteousness of bonds of causal relations between ideas, which will be examined below in detail. For Hume, these skeptical practices that are grounded on mere thoughts constantly create possibilities instead of a certain knowledge which eventually reduced the "original evidence" to nothing through uncertainties and annihilates the faculty of judgment (T, I.4.1: 184, Noxon, 1973: 9).

Moreover, Hume questioned the assertion of the unreliability of senses in the *Treatise* which is quite difficult to understand[77]. For him, our perceptions of the external world – so the existence of external objects – are not independent of us/our mind. Our perceptions of external objects are indirect because our impressions and ideas are not representatives of the objects, or in a simpler way, we do not experience objects themselves but "mental representations" of them as Locke and Descartes claimed before Hume. The perceptions that are derived from the external objects are the only objects of the mind (Norton, 2009a: 7, 12-13). Thereby, if the coordination between "a thinking substance" and "external existence" is provided with impressions, "a continu'd and a distinct existence" (which is "entirely owing to the IMAGINATION") cannot be produced with senses. The body refers to a combination of impressions that are gathered by senses[78], and perceptions are not informed us "without a certain reasoning and experience". So "deceptions" that Descartes asserted cannot be originated from the impressions because we identify the external world only with our senses and thereby inside of our mind, so with our reason (T, I.4.2: 188-193) On the other side, even though our perceptions are not independent of our sense organs, the belief of the continued existence of the external world is crucial for "our survival" to locate our "selves" and the objects (Wright, 2009: 137-138). The belief of the continued and stable existence of the external world and our bodies can be falsifiable through the "experiments, which convince us, that our perceptions are not

[77] Jonathan Bennett described his thoughts on the existence of external world as "it is extremely difficult, full of mistakes, and – taken as a whole – a total failure; yet its depth and scope and disciplined complexity make it one of the most instructive arguments in modern philosophy" (Bennett, 1971: 313).
[78] "The subjects, then, of our present enquiry is concerning the causes which induce us to believe in the existence of body" (T, I.1.4.2: 187-188).

possest of any independent existence" (T, I.4.2: 210), because they are not independent from our perceptions.

He aimed to found a new science that produces scientific knowledge (also this approach is called "moderate/mitigated skepticism") with both skepticism and empiricism based upon experiences about human nature –which is kind of establishing a balance between rationalists and empiricists to establish a mediate ground between two radical poles: mere skepticism (represented by Pyrrhonism[79]) and Dogmatism. Hume aimed to question the former approaches about the mind and re-identify them with a reliable scientific method through experiences which also includes the moral sciences (Biro, 2009: 46, 67; Noxon, 1973: 13-15). This mitigated skepticism of Hume includes the involving the common life and business which prevent fanaticism and mistakes. Along with political reasoning and studies, social interaction and business activity lead the mind through experiences and practices. In that case, mere philosophy causes radical skepticism and cannot be enough to provide sufficient data to a science of human understanding (Wulf, 2000: 85-86). In his science, it can be claimed that Hume used the Newtonian experimental method (reduction of physical laws to one unchanging essential law, uniformity, through the gravitation) for the human mind at the first view[80]: analyzing the physical or observable causes (perceptions) to determine their effects on the object (the mind) with the process of production and composing of ideas (Jessop, 1966: 46-47; see also Forbes, 1975: 102 and Penelhum, 2009: 241-242). Indeed, Newtonian science was the pioneer intellectual approach of the Hume's period, and it would be a mistake to reject Newton's impacts on Hume's science even it cannot be accurately said that Hume was influenced by Newton directly or indirectly –from his education and other sources (Noxon, 1973: 76). For Capaldi, Hume was the first philosopher who understands Newtonian physics fully which can be observed from his thoughts about causation. Hume derived the fundamental elements of his assertions (especially his criticisms of ancient philosophy) from Newton (Capaldi, 1975: 50). However, as a moderate skeptic, Hume criticized Newton's argument several times. For instance, Hume was skeptical about Newton's unprovable a priori principles (non-experimental but deductible from some evidence) of the uniformity of natural laws and questioned their

[79] The skeptical tradition of philosophy that was founded by Pyrrho of Elis (c. 360-c. 270 BC). For detailed discussion about the influence of Pyrrhonism on Hume and his approaches (both his approvals and criticisms), see John P. Wright (2016), Hume's Skeptical Realism in *The Oxford Handbook of Hume* (Ed. Paul Russell, New York: Oxford University Press: 60-81), 61-66.

[80] Hume's acceptance is related with his view on the human nature that "the minds of men are mirrors to one another" and, as forementioned, the mind constitutes the self (T, II.2.5: 365).

reliability and righteousness particularly through his arguments on causality[81] (Bell, 2009: 153). Furthermore, about morality, Hume rejected both the religious approaches on virtues and vices and also scientific view to morality which contains many dangers for morality (Hume examined this subject in his *Dialogues concerning Natural Religion* and Chapter 11 of the second *Enquiry*) (Danford, 1982: 139-143). This approach can be clarified with the examination of Hume's studies on human understanding with his *Treaties* and *Enquiry concerning Human Understanding* (or the first Enquiry).

4.2. Hume's Analyzes of Human Nature

Hume dedicated the first two books of the *Treatise* to examining the science of human nature on human psychology through its relations with the external world. Throughout this research, Hume focused on the functions of the mind and passions to understand the human mind in scientific methodology. In this way, he aimed to reestablish a basis for moral, political, and social philosophy (Noxon, 1973: 4-5, 19). For that, as Hume explained the ultimate purpose of the *Treatise* in Introduction, he tried to organize the "science of man" which concentrates on the observable side of human nature. The science of human nature, in one sense, comprises all of Hume's philosophy because, for him, it provides a foundation for other sciences with an experimental method (Biro, 2009: 40). On the other hand, his science was quite "individualistic" in that it works on the conditions of an individual's mind and activities (Forbes, 1975: 105).

4.2.1. The Science of Mind

The *Treatise* consists of three books, and the first one is focused on the examination of human understanding. In the beginning, Hume defines the human mind as the perceptions[82] of every activity of the subject. The term "perceptions of the mind" was very clear for eighteenth-

[81] There are also some studies that question the effects of "Newtonian methodology" on Hume's science of man. Peter Jones, for example, suggested that even though Hume was familiar with Newton's works and influenced by Newton's experimental physics, Newton's science had limited impact on Hume's analyzes on human understanding (Jones, 1982: 11-19).

[82] Hume also illustrated his view in the first *Enquiry* as "Every one will readily allow, that there is a considerable difference between the perceptions of the mind, when a man feels the pain of excessive heat, or the pleasure of moderate warmth, and when he afterwards recalls to his memory this sensation, or anticipates it by his imagination" (EHU, 2.1: 14).

century philosophy because of Descartes's and Locke's definitions of the idea[83] which refers briefly to anything that the mind conceives from the experiences (Owen, 2009: 71). Then, he classified these perceptions in two headings by their "degrees of force and vivacity": impressions are "all our lively perceptions" (EHU, 2.3: 15) which "enter with most force and violence" and mean to "all our sensations, passions, and emotions", and ideas that "the faint images of these *[impressions]* in thinking and reasoning"[84] (T, I.1.1: 1). Thereby, the distinction of two kinds of perceptions refers to both depends on the degrees of force and vividness, and demonstrates the diversity between "feeling and thinking" (Noonan, 1999: 65). According to Hume's understanding, the perceptions are subjective and completely depend on the perceiver's mind. Because, eventually, our perceptions are formed with our experiences (impressions, and therefore ideas) through our own senses (Wright, 2016: 66-67). In an endnote here, Hume stated the importance of this division, because he believed that Locke's naming of "idea" for every perception (Locke, 1975: 47) causes a misleading for the human understanding. Impressions refer to a different kind of perception that "merely the perceptions themselves" for Hume, and along with some exceptions[85], the difference between them (between feeling and thinking) is clear for everyone.

After that, Hume defined another division of perceptions that includes the impressions and ideas according to their convenience to observation to limit the general acceptance about this issue. The simple ones are undividable perceptions, and the complex perceptions are produced with different simple perceptions and are separable into parts. Every simple impression is derived firstly from simple impressions (T, I.1.1). So our impressions must come before our ideas to create them because every ideas "are copy'd from our impressions" for Hume (T, I.3.1: 72), which is also known as the first principle or the copy principle, and this approach is also true for the inference of objects. Our experiences with several examples of an object provide the idea of this object in our mind (T, I.3.6: 87).

[83] Descartes described the ideas as "thoughts are apparently images of things" and which refer to "everything that is directly perceived by the mind" (Descartes, 2008: 26, 114). Locke, on the other side, identified the idea as "whatsoever is the Object of the Understanding when a Man thinks" (Locke, 1975, 1.1.8: 47)

[84] As it is seen in the Hume's skepticism, the existence of external objects are dependent with the mind, and as it is seen here, the connection of the self and external objects is provided with the impressions. Therefore, there can be no idea of a completely external and independent object from the mind in Hume's philosophy, and also there is no stable and continued object because of the variability of perceptions (Wright, 2009: 140).

[85] There are some particular situations that cause confusions about these distinction like hallucinations, dreams, and madness which can be experienced by every human-being (T, I.1.1: 2). Hallucinations and illusions cause errors because perceptions of the objects have no physical existence, but they derived from the mental images. During the hallucination, for example, all of our impressions are mental images and we confuse about the ideas and impressions (Dicker, 2016: 250).

> "An impression first strikes upon the senses, and makes us perceive heat or cold, thirst or hunger, pleasure or pain of some kind or other. Of this impression there is a copy taken by the mind, which remains after the impression ceases; and this we call an idea." (T, I.1.2: 7-8).

The division of perceptions as impressions and ideas is important to understand Hume's general philosophy because it is the ground for his thoughts on human understanding (e.g. associations, the self, beliefs, sympathy, and causality), the science of man which is also the main discipline for all other sciences and morality (Owen, 2009: 84).

Thereafter, this idea that derived from an impression "produces the new impressions" in the mind, and the memory and imagination[86] copy these new impressions to new ideas. This process is maintained constantly by our mind with some relations (T, I.1.2: 8). The term of relation, on the other hand, has two meanings in Hume's philosophy. Relation refers to both the connection between ideas in imagination (the philosophical relations) and the evocation of one idea to another as an association between simple ideas (the natural relations) which are more related to common sense. Natural relations are maintained with the "nonreflective faculty" of imagination.

The reason is a reflective faculty that consists the theoretical reasoning and we use it for comparisons between ideas by their "philosophical" relations. Changing the idea in the mind by reason also causes a change of the relation between them, and therefore creates a new association with another idea (Biro, 2009: 48-49). Moreover, all these ideas are produced with seven philosophical relations: resemblance, identity, space and time, quantity, quality, contrariety, and causality (T, I.1.5). Hume categorized the philosophical relations into two classes. The first kind of relations totally depends on ideas and cannot be changed without the change of idea, which are resemblance, contrariety, quality, and quantity; and the second group (identity, space and time, and causality) comprises the relations that can change without any change of the ideas. According to Hume, only the first group of relations can be the "objects of

[86] Hume identified the functions of memory and imagination by their role in the process of the sensation of impressions in mind. Impressions that preserve its "first vivacity" as its first appearance in the mind and can be repeated are related with the faculty of memory; and when impressions lose their vivacity and become "faint and languid" ideas, they repeat with the faculty of imagination. Hume stated that ideas in memories are stronger and more reliable than imaginative ideas because the impressions that create the idea in the mind is still vivid and effective in the memory. Imagination is able to change the impressions or combine them with other impressions which are not actually existence (T, I.1.3: 8-9; Ayer, 2000: 39).

knowledge[87] and certainty" and the "foundation of science" because they depending on the ideas completely which means that they are logical and suitable to the instantiation of metaphysical necessity (T, I.3.1-2; Owen, 2009: 80-81). The second group (time and place, identity, and causality) of philosophical relations, on the other hand, can change without any alteration "on the objects themselves or on their ideas" which "cannot be foreseen by the mind" (T, 1.3.1: 69).

The second meaning of relation, however, clarifies the production of the complex ideas in the mind through a scientific methodology that bases on experiences as the first principle. The association of ideas is practiced universally with three "natural relations" or associations: "RESEMBLANCE, CONTIGUITY in time or place, and CAUSE and EFFECT" (T, I.1.4: 10-11). Hume asserted that the three qualities are the most appropriate relations to provide connections between simple ideas in mind to create the complex ideas, also frequently called them "fictions" because they are produced by imagination[88], and these associations are important particularly in the *Treatise* because both they can (or cannot) produce beliefs[89] in the mind and they have a crucial role for Hume's view of causal reasoning (Biro, 2009: 47-48; Owen, 2009: 87). We regularly link one object with another that resembles them through our reasoning. Similarly, when sensing the different objects, our minds seek the contiguity in space and time of the ideas throughout the thinking. And lastly, causation is the most extensive relation among them. With these three qualities, the mind can associate two different ideas naturally according to their relationship with each other (T, I.1.4; Noonan, 1999: 73). However, they can also cause errors by reason of the false relations between ideas. Besides contiguity and causality, the main source of the errors is the resemblance. Because there are many different ideas (and most of them are perceived by the mind) that resemble each other and our mind

[87] Hume separated human reason in three section as knowledge, proofs, and probabilities. Knowledge is derived from the comparison of ideas. Proofs are undisputable arguments that deductions of causality. Lastly, probabilities refers to uncertain species of reasoning (T, I.3.11).

[88] In this case, only complex impressions can include the similarity relation. Therefore, the only impressions that are established with another impression through the associations is complex ones which related with the imagination. Perceived objects are related in our faculty of imagination through the three relations that will be mentioned below. Additionally, it can be a third/mediate object that associate the first and second objects with causation (Noonan, 1999: 68, 72). Hume explains this with the blood tie, an example of the relation between distant cousins in Section 4 of Part 1.

[89] For a simple definition, the term of belief refer to more forceful or lively ideas (that can be true or false) in Hume's philosophy. The distinction between beliefs and ideas are similar with the distinction between ideas and impressions which is the degree of liveliness (or force and violence). For Hume, the origin of the beliefs (the vivid ideas) is the natural relations that is produced from only the causal associations of ideas (Owen, 2009: 86; Noonan, 1999: 73-74). Hume's view on beliefs, on the other hand, consists a part of his skepticism about human reason because they are expressing a sense of probability which causes errors in the mind (Wright, 2009: 135).

hardly separates the different ideas that remind each other and therefore confuse them (T, I.2.5; Noonan, 1999: 74). In the first *Enquiry*, Hume introduced these relations in a more general and nonabsolute way: "It is evident, that there is a principle of connexion between the different thoughts or ideas of the mind, and that, in their appearance to the memory or imagination, they introduce each other with a certain degree of method and regularity" (EHU, 3.1: 19).

The positions of the first two relations are very clear for Hume because he believed that the nature of the human mind practices them continuously to associate several ideas. On the other hand, causation, as the most extensive relation, has a special place for Hume and he was also very skeptical about the laws of causal relations because of former philosophers' acceptances (Biro, 2009: 67). In Section 4, he argued that if one object cause an action of another object or the first object has the power to produce the other object (this causation bond is the source of the relation of government and duty), and if we experienced the connection repeatedly, it becomes a causal inference which is not a priori, and these two objects are connected with the causation by our imagination (T, I.1.4). Thus, the question about the causality that how our mind is connecting two separable objects (the cause and effect) has a simple answer for Hume, "arbitrarily":

> "In a word, then, every effect is a distinct event from its cause. It could not, therefore, be discovered in the cause, and the first invention or conception of it, *a priori*, must be entirely arbitrary. And even after it is suggested, the conjunction of it with the cause must appear equally arbitrary; since there are always many other effects, which, to reason, must seem fully as consistent and natural. In vain, therefore, should we pretend to determine any single event, or infer any cause or effect, without the assistance of observation and experience" (EHU, 4.11: 32)

Furthermore, among the three philosophical relations of the second group, only the causality does not depend on "mere ideas" and "can be trac'd beyond our senses, and informs us of existences and objects, which we do not see or feel" (T, I.3.2: 74), and must be derived from the relations between ideas. The connection of different contiguous objects cannot be provided constantly, but the findings of our reasoning connect them indivisibly with "some secret causes" through our observations and experiments. Hume asserted that there are three essential relations between the cause and the effect. For the general opinion, to connect the different objects, all the causes and effects should be necessarily contiguous, and if it seems distant, there should be a chain of causes to connect them. Secondly, the cause has to be prior

and comes before the effect. However, even one object is prior and contiguous to another one it may not be the cause of the second. Therefore, there must be a "necessary connexion" between two objects that the effect must follow the cause every time (T, I.3.2: 73-77).

Nevertheless, Hume was skeptical about the general acceptance that "whatever begins to exist, must have a cause of existence"[90] (T, I.3.4: 78). As noted above, Hume accepted that the existence of an object can be known after it is experienced by the self. With the impression, the mind can change the idea of the object and also produce new ideas from the object. Similarly, we derive the idea of causal connections from our experiences, not from reason as an a priori knowledge. For example, the object of A evokes the existence/movement of B which is based on one of our experiences. In this example, after several repeats of our experiences, our mind infer that in every time Object A causes the existence of Object B, and thereby the mind has connected the A and B with each other –the idea of "constant conjunction" which is the solution to make causal inferences. Thereby, our mind identified A with B as a cause and an effect because of our prior experiences and if they repeat several times, they are associated with each other by our imagination and become a "custom". For Hume, the relation between the cause and effect is only derived from these customs or habits of the mind which identified as beliefs (a belief that B always follows A) that are the products of the faculty of imagination, and refer to "an act of sensitive, then of the cogitative part of our natures". Because, for Hume, our memory and reason are not able to produce causal inferences, estimate a future event with knowledge from past experiences (T, I.3.9; I.3.14; I.4.1: 183; Bell, 2009: 150-153).

Hume's essential intention about this case was finding the source of the idea of "necessary connexion" or the experience of constant conjunction:

> "There are no ideas, which occur in metaphysics, more obscure and uncertain, than those of *power*, *force*, *energy* or *necessary connexion*, of which it is every moment necessary

[90] For instance, Descartes wrote in his *Meditations* "now it is manifest by the natural light that there must be at least as much reality in the total and efficient cause as in its effect. For, I ask, from where could the effect derive its reality, if not from the cause? And how could the cause give it reality, if it did not also possess it?" (Descartes, 2008: 29). Also, Spinoza claimed in the *Ethics* that "from a given definite cause an effect necessarily follows; and, on the other hand, if no definite cause be granted, it is impossible that an effect can follow" (Spinoza, 2009: 6). Another point about this citation, there are some studies which defend that this necessity is not Hume's idea but demonstrate the general philosophical view, such as James A. Harris (2003), *Hume's Reconciling Project*. However, John P. Wright (2009) asserted that Hume repeated this discourse (and some similar expressions) in different cases (in both the *Treatise* and the first *Enquiry*) to introduce his own approaches to subject in his work *Hume's 'A Treatise of Human Nature': An Introduction* (Cambridge: Cambridge University Press), 177-178. As it will be seen later, Hume's intention was not rejecting the causality but questioned it to confute philosophical dogmas, and he used the existence of necessary connection to clarify the factors of necessities of human which will be discussed in the case of free will in this research.

for us to treat in all our disquisitions. We shall, therefore, endeavour, in this section, to fix, if possible, the precise meaning of these terms, and thereby remove some part of that obscurity, which is so much complained of in this species of philosophy" (EHU, 7.3: 58).

But, Hume claimed that the idea of causal inference is not based on necessity, but the opposite, the "necessary connexion" is based on the inferences but we cannot perceive a deeper relationship than the necessity. We can observe the priority and contiguity of the cause and effect during one of our experiences, therefore we can derive their ideas. On the other hand, the necessary connection between them which constantly connects the cause and effect is not observable, so there is no perceivable impression about it. After several observations of the contiguity and priority, our mind believes the regular constant relation between them, and "'Tis this impression, then, or *determination*, which affords me the idea of necessity" (T, I.3.6: 88; I.3.14: 155-156; Beebee, 2016: 230-231).

Moreover, even though a power connects the cause and effect while our experience, it does not mean that the power may exist constantly to connect the cause and effect because "particular powers, by which all natural operations are performed, never appear to the senses" (EHU, 5.3: 43). Hume rejected the "causal maxim" in philosophy that "every existence must have a cause of existence" because we cannot perceive the impression of the necessity[91] but we can only believe that, and thereby there is no logical source for the idea of necessary connection which is clearly not be derived from the reason but the past experiences. To examine with the same example, we experienced B after A and at this moment there was a power that connects the cause (A) and the effect (B). But this power[92] existed during our experience, and we consider that it stays constantly between two objects and every experience ends with the same outcome (T, I.3.6; Noonan, 1999: 102-104, 110-111; Ayer, 2000: 80). Every time, after the observation of the existence of a cause, we believe that the second object will occur or change because of the effect of the first object, and this necessity does not exist anywhere except inside of our mind (Owen, 2009: 86; Noonan, 1999: 110). However, Hume's claims about the causal relations are still polemical and were not exactly denial of the existence of necessary connections and causal power, which means also the rejection of sustained related

[91] In here, it should be considered that every source of human mind is based on perceptions (impressions and ideas) for Hume and every ideas is copied from the impressions –the first principle. Therefore, according to the "science of man", without the impression, we cannot reach the idea of the object.

[92] Hume connected the idea of necessity with power and described it as a "quality, which binds the effect to the cause, and renders the one an infallible consequence of the other" (EHU, 7.6: 59)

objects/events and external existences[93], but a skeptical (or maybe agnostical[94]) view because of the non-experimental nature of the necessity (particularly reliability of the beliefs which exist only in the mind) between the cause and effect[95] (Norton, 2009a: 15-16; see also Beebee, 2016: 241-243; Ayer, 2000: 24).

4.2.2. Passions

In Book II of the *Treatise*, Hume examined the passions to clarify the nature and effects of secondary impressions. As a legacy of Platonism and Stoicism, passions represented a negative meaning for human nature and were accepted as unnatural and irrational by some of the eighteenth century's philosophy. Against these claims, Hume defended the naturality of passions and their importance and effects on the human mind (Norton, 2009a: 18). Same as the division of perceptions as impressions and ideas, Hume divided the impressions into two headings. Firstly, the original impressions or "sensations" are derived from the senses from external objects without any primary impression or idea, and that originals include "all the impressions of the senses, and all bodily pains and pleasures"[96]. These impressions are reproduced new passions in the mind as the process of creating ideas. The new impressions that are derived from the originals and changed in the mind are named as the secondary impressions or "reflexions", and they consist of "the passions, and other emotions resembling them" (T, I.1.2: 7-8; II.1.1: 275). For Hume, passions have to be reasonable because if the mind believes the fault of the passion, we give up our desire to the object (T, II.3.3). Moreover, he also separated the reflective impressions into two kinds which are "far from being exact". The first kind, calm passions, are the senses of "beauty and deformity in action, composition, and external objects", and the violent passions are "love and hatred, grief and joy, pride and humility". Another distinction of passions that more useful than the former one is between direct and indirect passions. Direct passions include "desire, aversion, grief, joy, hope, fear,

[93] In the *Treatise*, he wrote that "there must always be a mixture of causes among the chances, in order to be the foundation of any reasoning" (T, I.3.11: 126).
[94] For a discussion about Hume's agnosticism, see J. Noxon (1964) Hume's Agnosticism (*The Philosophical Review*, 73(2), 248-261).
[95] Bernard McBreen (2007) made a comprehensive philosophical discussion about the causality of Hume with his realist and empiricist arguments in his article Realism and Empiricism in Hume's Account of Causality (*Philosophy*, 82(321), 421-436).
[96] Hume did not examine the original impressions deeply in his both studies on human nature that the *Treatise* and the *Enquiry concerning Human Understanding* (Ayer, 2000: 45).

despair, and security" and indirect passions refer to "pride, humility, ambition, vanity, love, hatred, envy, pity, malice, generosity" (T, II.1.1: 276-277).

Due to their positive or negative effects on the self, passions have impacts as associations with ideas and impressions. The objects that have positive effects on the self produce pride, and on the contrary, objects with negative effects produce humility[97]. As is seen, Hume uniformed their object, which is self, and for him, pride and humility are the consequences of the relation of objects with the self according to their impressions. In parallel with that, an object that relates with the self positively produces the passion of joy at first (which is slighter than pride for Hume because pride and humility need two objects which are the source of the emotion and the self, but pleasure needs just the object of source) and the opposite relation produces pain. Every object that "produces pleasure or pain" correlatively produces pride or humility in the self (T, II.1.2, 6; Wright, 2009: 193-194). In that case, Hume follows Spinoza's definition that effects of human relations with other objects on the self emerge with the emotions of pleasure and pain (Spinoza, 2009: 166). However, Hume assumed the process as a consequence of the relation between the objects and the self with perceptions. The body, on the other hand, has a critical role for Spinoza because of the actions and relations of the subject that produces other emotions such as love and hate (see Spinoza, 2009: 169-170; also see Locke's *Essay*, 1975, II.20), but Hume connected the whole process with the self which is nothing more than "a bundle of different perceptions" for him, and the existence of the body is related to senses which we believe it exists with the same sense of the existence of external objects which exist only in the mind (T, I.4.2: 187-192). Moreover, the terms of pleasure and pain are directly related to the personal utility that is completely related to passions (not reasonable) for Hume. Pleasure refers to the fundamental desire of a person, and pain is the opposite without a transcendental meaning and that utility represents goodness for us (Hardin, 2007: 30). He clarifies the pleasure and pain as:

> "Ask a man, *why he uses exercise*; he will answer, *because he desires to keep his health*. If you then enquire, *why he desires health*, he will readily reply, *because sickness is painful*. If you push your enquiries farther, and desire a reason, *why he hates pain*, it is

[97] The main causes of pride and humility/pleasure and pain for Hume are virtue and vice (which are "part of our characters") because they produce pleasure and pain in the self (T, II.1.7). Similarly, the beauty and deformity produces pleasure and pain by the self after the perception. If they are integrated with the self, the pleasure and pain transform to pride and humility, and if with other objects, become love and hatred (Penelhum, 2009: 248). Hume also examined the physical conditions (II.1.9), property (II.1.10), and fame (II.1.11) as the causes of pride and humility.

impossible he can ever give any. This is an ultimate end, and is never referred to any other object" (EPM, App. 1: 87).

Hume discussed the role of will on human nature in Part 3 separately from the theological discussions. He identified the will as "the internal impression we feel and are conscious of, when we knowingly give rise to any new motion of our body or new perception of our mind" which "arise immediately from good or evil, from pain or pleasure" like the direct passions such as "desire and aversion, grief and joy, hope and fear" (T, II.3.1: 399). So the will is influenced by passions only, and the reason is unable to affect the will because it is "the slave of the passions, and can never pretend to any other office than serve and obey them" (Norton, 2009a: 22), thereby "will itself is subject to nothing" (EHU, 8.94: 84n). Hume examined the liberty of will through the comparison of causality of matters and human understanding. As noted above, Hume intended to explain human nature with a scientific methodology that approved the uniformity of human nature, and his arguments were related to his contemporary studies of natural sciences. In this case, Hume reminded his assertions about causality, and this time, he used them to understand the mechanism of the human mind. He begins with a general acceptance that every external object acts with necessary conjunction, they do not include any sign of "indifference or liberty". Thereby, actions of mind should be considered as necessities like the nature of matters depending upon "a constant union with our motives, tempers, and circumstances" because of the "necessary connexion" between cause and effect (T, II.3.1: 399-403). For Hume, the factor that causes the necessity of will is the nature of the self, a bundle of different perceptions. Even we believe that we are able to choose a different option, Hume called that a "false sensation of liberty", we choose only according to our perceptions (Wright, 2009: 171).

> "The necessity of any action, whether of matter or of the mind, is not properly a quality in the agent, but in any thinking or intelligent being, who may consider the action, and consists in the determination of his thought to infer its existence from some preceding objects: As liberty or chance, on the other hand, is nothing but the want of that determination, and a certain looseness, which we feel in passing or not passing from the idea of one to that of the other" (T, II.3.2: 408).

The necessity of human actions refers to the determination of the mind's circumstance (which is "our situation and temper, and the most secret springs of our complexion and disposition") on the will. Circumstances of the mind can be deduced from human actions, and

similar motives and experiences. For Hume, this situation has been dissembled to protect the authority of selves on their goodness and evil because necessity is understood as a force that abolishes freedom which is one of the crucial arguments for both religious and political discourses through morality. However, that necessity of human agent has not the same meaning as the necessity of "senseless matter", as intelligible quality, humanity has its own peculiar system which necessitates that a person acts according to his/her perceptions that are the whole structure of the self, and this system does not abolish the morality[98]. Furthermore, Hume claimed that the rejection of necessity will be "destructive to all laws both divine and human" because it means that every action of the human will have a particular reason. And without them, human actions will be arbitrary, thereby we would not be responsible for our actions[99] (T, II.3.2: 409-411).

> "What would become of *history*, had we not a dependence on the veracity of the historian according to the experience which we have had of mankind? How could *politics* be a science, if laws and forms of government had not a uniform influence upon society? Where would be the foundation of *morals*, if particular characters had no certain or determinate power to produce particular sentiments, and if these sentiments had no constant operation on actions? And with what pretence could we employ our *criticism* upon any poet or polite author, if we could not pronounce the conduct and sentiments of his actors either natural or unnatural to such characters, and in such circumstances? It seems almost impossible, therefore, to engage either in science or action of any kind without acknowledging the doctrine of necessity, and this *inference* from motives to voluntary actions, from characters to conduct" (EHU, 8.18: 81).

In this regard, Hume's understanding of liberty is related to the psychological circumstances of individuals which is not suitable with Montesquieu's definition of political liberty. Montesquieu believed the impacts of external causes on social characters and public choices. And independently from these arguments, humanity have a will to choose as an

[98] Hume's understanding of liberty has a special meaning and related with his first principle. The necessity of our actions for Hume refers to freedom of acts which base on our will even if determined by perceptions, not any external force, which called as "liberty of spontaneity". So determination of the perceptions is not contrary to liberty, in fact, Hume believed that they compatible with each other till any external interferences (Penelhum, 2009: 252-253; see T, II.3.2: 407-408; EHU, 8.25: 85-86).

[99] About the Hume's approaches of determinism and moral responsibility, Tony Pitson (2016) argued this issue deeply with its connection with the concepts of agent and self by comparison with the contemporary studies of Hume's approaches in Hume, Free Will, and Moral Responsibility in *The Oxford Handbook of Hume* (Ed. Paul Russell, New York: Oxford University Press, 380-400).

intelligent being which approach is related to the theological position of Montesquieu. Hume, on the other hand, accepted that the activities of selves are affected by the impressions and the mind is not free from these perceptional oppressions. This distinction is important to understand the differences between Montesquieu and Hume about the causes that affect national characters, which will be examined below.

4.3. Origins of Morality

At the end of the Introduction, Hume asserted a disadvantage of moral philosophy which is that in moral philosophy (philosophy and science are almost interchangeable terms for Hume) we cannot use the experiments we got before on other examples like natural philosophy. Therefore, he suggests that "We must … glean up our experiments in this science from a cautious observation of human life, and take them as they appear in the common course of the world, by men's behaviour in company, in affairs, and in their pleasures". With this methodology, a science that is "not be inferior in certainty" and "much superior in utility" than other human comprehensions can be established[100] (T, Introduction: xxii-xxiii). Along with this definition, Hume identified morality with a scientific and more importantly a secular understanding (which base on passions and experiences) against Christian morality[101] (Wright, 2009: 202).

In Book III of *Treatise*, Hume analyzed morality – that "interests us above all" – as a continuation of his philosophy concentrated on the human understanding through the experimental method. For him, morality (the separation between vice and virtue) is not a speculative concept but a practical discipline and produces actions (T, III.1.1: 455-457). Moral tastes[102] are not derived from reason (which is not a faculty that have the power to cause actions and to affect passions) and from the matter of fact (because in that case, it can be deduced from

[100] Morality is an important part of humanity for Hume, and thereby he named the subtitle of the *Treatise* "An Attempt to Introduce the Experimental Method of Reasoning into Moral Subjects".
[101] Hume separated the religious and secular morality because religion may misguide moral rules because it affects the passions (Ayer, 2000: 113). With another purpose for this distinction, Montesquieu used the term of "political virtues" –that refer to "love of homeland, equality, and laws"– to separate his approaches from the Christian ethics, as noted in Chapter 3.
[102] Hume used the term "taste" instead of "judgment" about morality, because judgment has a sense of reasoning and for Hume, our moral tastes are not derived from reason but shared moral senses (Church, 2007: 173). In this research, the term "judgment" is used in several times to explain rational interpretations as Hume for not confusing readers about the general context of the subject with variety of the terms.

the fact by our understanding)[103], though it is derived from the "moral sense"[104] that provides impressions and senses (and also impressions of judgments that "concerning all kind of beauty, and tastes, and sensations", and they include particularly our approbation and disapprobation) with the observations of human actions (T, III.1.1-2: 467-471). In this sense, Hume connected the relation of the individual and society in the *Treatise* with the essential principles of human understanding (psychology and passions) that he examined in Book I and II. According to them, people are interdependent with each other because of their weaknesses and needs which makes society a natural unit: "'Tis by society alone he is able to supply his defects" (T, III.2.2: 485; see also PE, 12: 82). In a narrow sense, Hume grounded the moral principles on the effects of objects to the self, senses of pleasure and pain. For him, "noble and generous" actions (or virtues) produce pleasure, and on the contrary, viciousness cause pain (T, III.1.2: 470-471): "The pain or pleasure, which arises from the general survey or view of any action or quality of the *mind*, constitutes its vice or virtue" and the pain and pleasure cause the "approbation or blame", and for him, it is only "a fainter and more imperceptible love or hatred" (T, III.3.5: 614).

It can be said that Hume's science of morality refers to subjective moral tastes because it originated to experiences (and human will is nonfunctional in this process, we owe our actions to the passions and desires only which process makes our actions unquestionable for moral tastes till moral principles are not considered as subjective, dependable for every individual), and this approach of Hume solves the problem of possible moral skepticism (Schneewind, 1998: 359-361; cf. Pitson, 2016: 389-394). However, we can suggest two objections to this view. Firstly, as is mentioned at the end of Section 4.2.2, the necessity of the will is compatible with human liberty, because it refers to independence from the external forces, not from the self-mind. Furthermore, Hume's morality includes the reality of external objects through feelings (sympathy) even those derived from the passions, particularly through the sentiments of

[103] Hume explained this claim with the issue of incest: For humanity, incest is an unacceptable "turpitude" and crime. However, animals constantly exercise that with their children and siblings. Thereby, Hume thought that vices and virtues are not depend on the objects; and the moral and immoral acceptances have not derived by nature (the fact) or our reason (T, III.1.1: 467-470). Stephen R. L. Clark (1985) made a detailed research and examined the immorality of incest in Hume's philosophy with modern and antique thoughts in Hume, Animals and the Objectivity of Morals (*The Philosophical Quarterly*, 35(139), 117-133).

[104] Hume took this term, moral sense which is the subject of our actions (EHU, 8.99: 88), from the philosophies of Francis Hutcheson. In general Hume agreed Hutcheson's definition of morality that originated to passions (particularly passions and pain) and observations of others for him. Moreover, Hutcheson asserted that only benevolence can be accepted as a moral virtue and other virtues are derived from that (Wright, 2009: 235-238). In that case, even he accepted benevolence as a natural virtue, Hume did not agree this view because it is not explain the social behaviors of people without artificial virtues for him.

pleasure and pain that derived from an object or an action of the person. And this process forms a "common point of view" about morality for all humanity (Blackburn, 2016: 430), which will be examined below. Secondly, this "cautious observation" is limited to experiences (and significantly related to the first principle) but is not limited to the personal sight of the external objects. Investigation of human nature and their actions includes the historical and literary examples of societies[105] (Owen, 2009: 101), and he believed that history and philosophy are "inseparable", because Hume approved the uniformity of human nature[106] as a precondition of his philosophy (Carrithers, 1986: 61), and he asserted that studying of historical examples provide different perceptions which also improve virtues of people instead of philosophical reasoning and business relations (Wulf, 2000: 93). In the first *Enquiry*, Hume wrote:

> "Would you know the sentiments, inclinations, and course of life of the Greeks and Romans? Study well the temper and actions of the French and English: You cannot be much mistaken in transferring to the former *most* of the observations which you have made with regard to the latter. Mankind are so much the same, in all times and places, that history informs us of nothing new or strange in this particular. Its chief use is only to discover the constant and universal principles of human nature, by showing men in all

[105] In his essay "Of the Rise and Progress of the Arts and Sciences", he wrote, "*What depends upon a few persons is, in a great measure, to be ascribed to chance, or secret and unknown causes: What arises from a great number, may often be accounted for by determinate and known causes*" (PE, 11: 58) and which definition is quite similar with Montesquieu's understanding of "sociology" (analyzing people instead of individuals to excluding caprices of each person) in modern meaning and history. In that sense, Montesquieu's works encouraged Hume to interest history in two sense. Firstly, Montesquieu's analyzes of physical impacts caused an interest of empirical sociology which also used by Hume. Secondly, Montesquieu showed the opportunity to examine history (the uniform nature of subjects and matters) scientifically through traditional institutions and social organizations which includes ancient literature and experiences despite of Hume's interest on "methodological individualism". In that sense, Hume's reading of Montesquieu led him to examine history with the philosophical and empirical method (Melaney, 2008: 244-247).

[106] In *Treatise*, like the general acceptance of the eighteenth century philosophers, Hume accepted the observable uniformity of human nature which is qualitatively same between different people from different times and places, even though some differences which are rooted to different experiences and practices (Black, 1926: 86, 94-96; see also Sebastiani, 2011: 824 and Moore, 2009: 182). However, the difference between Hume's early and late works can be noticed easily. There are some studies that accept the *Essays* and *History* as continuations of Hume's approach from the *Treatise*, such as David F. Norton (2009a: 31). Indeed, Hume did not left his concerns and maintained his researches on understanding of human nature in his works (maybe more flexibly). However, as James Noxon successfully observed in his study *Hume's Philosophical Development* (Clarendon Press, 1973), Hume shifted (not left) his interest from the science of man, a psychological and empirical investigation of human nature, to observations of different historical political facts and organizations in *Essays* and *History of England* which include economic and political theories (Noxon, 1973: 24-25; see also McArthur, 2016: 493-496). For another relevant study that defends the independence of *History* from Hume's philosophical principles, see Duncan Forbes, *Hume's Philosophical Politics* (Cambridge University Press, 1975), 118-121. In this case, the goal of the Hume's later works were parallel with (and influenced by) the Montesquieu's methodology in the *Spirit*. Montesquieu's analyzes on historical sociology were revealed the characteristic differences of societies in different times and places. So Hume's intention of studying history with a scientific and humanistic approach that accepted social differences can be examined with Montesquieu's writings.

varieties of circumstances and situations, and furnishing us with materials from which we may form our observations and become acquainted with the regular springs of human action and behaviour." (EHU, 8.7: 75-76)

4.3.1. Sympathy: The Principle of Communication

Before examining the sources of morality, the connection between Book II (the passions) and morality should be examined to understand the fundamental acts of people in a society. Firstly, Hume reminded the essential principle of his philosophy (that the self is nothing but a collection of different perceptions which are derived from the impressions and ideas are produced with them in the mind) repeatedly in the first chapter. Secondly, as an indirect passion, pride has a crucial role in Hume's theory of morality because it forms a principle of communication, sympathy[107] (Norton, 2009a: 21-22), that "exactly correspondent to the operations of our understanding; and even contains something more surprising and extraordinary" (T, II.1.11: 320), and "nothing but a lively idea converted into an impression" (T, II.2.9: 385-386). With the principle of sympathy, as a secondary cause of pride and humility, Hume connected two parts of human relations in the *Treatise*: the individual (the mind with psychology and passions) and social (through moral tastes and communication with others) (Wright, 2009: 203).

According to Hume, people incline to share or "sympathize" other people's circumstances with the sentiments and ideas as communication between individuals (as forementioned, individuality is a product of social experiences) without thinking but the observations and imagination because of providing the coordination between people in society through the awareness of others. In this sense, "society and sympathy" are affected by all kinds of opinions of people[108] (Forbes, 1975: 105-107). While observing to any other person or object, the idea

[107] Before Hume, Lord Shaftesbury used the term "sympathy" as a human pleasure which produce "contentment and delight" through sharing. However, even Hume shared Shaftesbury's explanation of sympathy as a "principle of communication" with others, Shaftesbury did not see sympathy as a source of morality and judgments (for him, the source is reason). In that case, the difference between them about sympathy is Hume used the term as a source of knowledge about other people through sentiments (Hardin, 2007: 37).

[108] In society, the "freedom" actually refers the "necessity" for preserving the unity and order because of the necessary connection of causality and its meanings on the consequences which are discussed in the previous section about the free will. Furthermore, based on the past experiences, every society has expectations from its members that forms the minds (beliefs, opinions, etc.) of individuals (Forbes, 1975: 115). Indeed, according to pride and humility approaches of Hume, people constantly consider the approval or good opinion of others (shortly their judgments) to protect their self-value through sympathy (T, II.1.8: 303; Wright, 2009: 207-208).

of a sentiment (for Hume "we always form the idea of our own person") is converted to an impression by the mind and it affects the self as a passion and "produce an equal emotion, as any original affection"[109]. In short, the term of sympathy represents a "psychological mechanism" and provides a mechanism to share a stranger's sentiments. This process needs the relations of resemblance to maintain sympathy constantly and unconsciously. The resemblance relation is provided in two different paths. Firstly by "the general resemblance of our natures" which states that we sympathize with other human beings who share our general mental and physical structure, and secondly "peculiar similarities" between us and others such as "manners, or character, or country, or language" which strengthens the sympathy with the contiguity and causation: "The sentiments of others have little influence, when far remov'd from us, and require the relation of contiguity, to make them communicate themselves entirely. The relations of blood, being a species of causation, may sometimes contribute to the same effect". For Hume, sympathy provides the uniformity of reasoning and humor of a nation of the milieu of a person[110] (T, II.1.11: 316-318; Vitz, 2016: 313-314).

4.3.2. Virtues and Vices

Hume clarified his understanding of virtue and vice (which are the subjects of pride and humility) in the first chapter of Book III. Virtue[111], for him, "is nothing but a conformity to reason" and has a universal meaning that refers to the same judgment between moral good and evil for "every rational being" (T, III.1.1: 456). In this perspective, Hume divided moral virtues into two headings (which is not used in the second *Enquiry*). Firstly, the natural virtues are derived from natural instincts, such as benevolence and parenthood. If someone, a father, for example, does not perform his natural duties ("love of children" which is part of our nature and

[109] Accordingly, sympathy is more extraordinary than belief. Because, the source of sympathy is a transformation of an idea to an impression in the mind and enables to transfer an impression of an individual to another individual. On the other hand, belief is a lively idea and provide a connection with an unexperienced objects but which is eventually copied from an impression (transforming a sensory idea to an impression in the case of belief is named as hallucination by Hume in *Treatise* I.1.1) (Owen, 2009: 91-92).

[110] "To this principle we ought to ascribe the great uniformity we may observe in the humours and turn of thinking of those of the same nation … that this resemblance arises from sympathy … tho' they continue invariably the same, are not able to preserve the character of a nation the same for a century together" (T, II.1.11: 316-317).

[111] Hume did not share the ancient sense of glory and bravery (virtues of noblesse d'épée) in his definiton of virtue, which damage to politeness and commerce (Wulf, 2000: 98). This approach has a close meaning to the Montesquieu's spirit of virtue instead of his view of nobility. Modern educations "instil more humanity and moderation" than ancients (PE, 10: 56), which provide politeness and liberty in modern period. He wrote, "The barbarity of the ancient tyrants ... which animated those ages, must have banished every merchant and manufacturer, and have quite depopulated the state, had it subsisted upon industry and commerce" (Essays, II.11: 419).

became social expectation to the common good), he will encounter individual and social disapproval because of the sympathy and approbation of others: an irresponsible father will "hate himself" and feel shame. On the other hand, Hume suggested that the natural virtues do not answer the cause of some public duties we practice. Moreover, duties that regard public interest are not strong enough to repress private interests. Therefore, there must be a second kind of virtue, justice, which is quite "advantageous to the society". For Hume, "the sense of justice and injustice is not deriv'd from nature", it is about the self-love of people and "arises artificially, tho' necessarily from education, and human conventions". This definition led Hume to define the artificial virtues as the sources of justice, which refers to non-natural moral products ("human artifice") of society according to meet the necessary needs of society and executed with a sense of obligation[112] (T, III.2.1: 483; III.3.1: 579; Hoy, 2000: 31-32; Wright, 2009: 261-265). Additionally, in parallel with Plato and Aristotle, Hume accepted the essential

[112] Hume described the establishment of society similar with Hobbes and Montesquieu. According to their natures, different sexes establish a connection between them as a family (which is the cause of why "love of children" considered as a natural virtue for Hume). Then, because of their needs and the advantages of cooperation, families started to live together and founded society. This process enlightens two important points about Hume's understanding of society. Firstly, the "*selfishness* and *limited generosity*" of the human nature makes difficult to living in a society for an individual as an owner of private properties. Consequently, our natural psychological condition is not suitable to living in a society till the establishment of justice (Wright, 2009: 265-267). Therefore, Hume suggested that we need "artificial virtues": the experiences of people led them to invention of justice which "arises gradually, and acquires force by a slow progression, and by our repeated experience of the inconveniences of transgressing it" (T, III.2.2: 490). Secondly, in parallel with Montesquieu, Hume rejected the social contract theory and described it as "a mere philosophical fiction, which never had, and never cou'd have any reality" (T, III.2.2: 493). About this topic, I believe that clarifying Hume's argument is important to determine the critical distinction between the thoughts of Hume and Montesquieu on government. It is noted that both philosophers rejected the contractarian theory. As mentioned in the Third Chapter, Montesquieu opposed the state of nature and contractarian theories because of his natural law theories and order of the historical process. However, in contrast with Montesquieu, Hume did not follow the natural law theories and contractarian view, he repeated this in the *Treatise* and essay "Of the Original Contract". First of all, he separated society and government, which both refer to the same foundation process in contractarian theory, and he explained the foundation of society as a natural process of human history with their defections and needs, and government as a need for society in that period. About the foundation of government, he admitted that the historical role of an original contract is reasonable. He wrote in his essay "it cannot be denied, that all government is, at first, founded on a contract, and that the most ancient rude combinations of mankind were formed entirely by that principle" (PE, 23: 187-188). Therefore, the principles of contractarian theory about the formation of government (Hume particularly targeted its assertions about the legitimacy of governments) that were rejected by Hume are not clear in the first sense. In this regard, Frederick G. Whelan summarized Hume's obligations in three headings. Firstly, in this theory, it assumed that there is no institution before the contract, which is "purely conjectural" and for this reason, there cannot be any connection (which means also there cannot be any duty and loyalty to the government because of the oath the primitive people gave) with modern societies. Secondly, for Hume, the origins of the governments are usually based on the force with usurpation and conquests, which eliminates the consent of people and abolish the legitimacy of government because of its violent actions which are immoral and against the governments' fundamental duties. Lastly, even if the governments were founded with a contract, it is not important because the only source of legitimacy for governments is protecting the utility of their subjects (both individual and public interests) through peace, order, security, and property rights (Whelan, 1994: 202-210). This views of Hume led him to conclude his famous judgment: "these two kinds of duty *[allegiance and justice]* are exactly on the same footing, and have the same source both of *their first invention* and *moral obligation*" (T, III.2.8: 543). The political theories of Hume will be explained in detail later.

role of the motivation of a person's action as well as the action itself. The motivation that leads the action has a crucial role for its moral values: "the ultimate object of our praise and approbation is the motive, that produc'd them". Moreover, Hume supposed that there must be a common factor "in human nature" to provide the "General Point of View" for moral judgments (Sayre-McCord, 2016: 436-437).

> "In short, it may be establish'd as an undoubted maxim, *that no action can be virtuous, or morally good, unless there be in human nature some motive to produce it, distinct from the sense of its morality*" (T, III.2.1: 479).

Hume asserted, in parallel with Bernard Mandeville[113], justice is a product of the development process of humanity which regulates to discovered rules of society to maintaining order and particularly originated to the property because of the selfishness of human nature. The necessity of living in a society (because it is a natural unit that every human being needs to satisfy his/her own interests) is also causes the desire of regarding public utility which requires a motivation that leads people to work for public cost in addition to their properties. Thereby, even we think oppositely, justice (the psychology of duty) is originated from self-interest, not from altruism or natural instincts. According to Hume, after it is known with "repeated experiences", justice motivates people in regard to their "self-love" or "reputation" (Gill, 2006: 228-230; see also Ayer, 2000: 109-111 and Venning, 1976: 80-81). According to this explanation, it can be said that the source of justice is not prior to (or in) the fact, but derived after the experiences as a human artifice. Hence, the "wild uncultivated" societies could not understand justice until they learn their self-interests and experience private properties. After that, they can understand the importance of rules of justice and maintaining them (Norton, 2009b: 296-299). Hume explained the motivation of self-interest on our desire to fulfill social duties with an analogy in both the *Treatise* and the first *Enquiry*:

"Thus two men pull the oars of a boat by common convention, for common interest, without any promise or contract: Thus gold and silver are made the measures of exchange; thus speech and words and language are fixed by human convention and agreement. Whatever is advantageous to two or more persons, if all perform their part; but what loses all advantage, if

[113] "ALL untaught Animals are only sollicitous of pleasing themselves, and naturally follow the bent of their own Inclinations, without considering the good or harm that from their being pleased will accrue to others" (Mandeville, 1988: 77). About the comparison of Mandeville's and Hume's thoughts on virtues (both natural and artificial) in detail, also see Jeffrey Church's (2007) Selfish and Moral Politics: David Hume on Stability and Cohesion in the Modern State (*The Journal of Politics*, 69(1), 169-181).

only one perform, can arise from no other principle. There would otherwise be no motive for any one of them to enter into that scheme of conduct" (EPM, App. 3: 95; a similar analogy in T, III.2.2: 490).

As noted, Hume's definition of sympathy is related to both the resemblance with others' feelings and the instinct of approval by society as positive (pride) and negative meanings (humility) based on the natural need of living in a society. Similarly, Hume suggested that there are two points that important to understanding justice. Firstly, justice has been developed according to the necessities and circumstances to make society livable which are based on our self-interests; and after it established, morality which refers to respect these rules to protect the benefits and public utility maintains justice through sympathy and which provide a sense to work for public utilities instead of personal interests for maintaining justice[114] (Norton, 2009b: 292, 300-301; Hoy, 2000: 34-35). However, emphasizing the artificial nature of justice is not mean that it is also arbitrary. Because it should be noticed that it is a product of human experiences and practiced with a non-natural (artificial) motive according to these experiences of society (Sayre-McCord, 2016: 443-444; see also Merrill, 2015: 108-113). Along with the need for "approbation" from the society that regulates the acts of people for public interests, the selfishness of human nature which motivates people to act with their self-interests leads people to work for the common good because of the advantages of living in a society. Thus, Hume defined "three fundamental laws" that people deduce from the passion of self-interest by their understanding and "the peace and security of human society entirely depend" in compliance with justice: "*the stability of possession, of its transference by consent,* and *of the performance of promises*". For Hume, "society is absolutely necessary for the well-being of men and these *[three laws]* are as necessary to the support of society" (T, III.2.6: 526; Wright, 2009: 268). Moreover, obligations of these rules are originated from passions and experience. The approbation of people is derived from the consequences of actions through the "sympathy with public interests[115]" according to their suitability of the justice and social utility. After people experience these consequences, they produce ideas about their righteousness, and then sympathy is formed with these experiences to define virtues and vices. Together with the

[114] "*Thus self-interest is the original motive to the* establishment *of justice: but a sympathy with public interest is the source of the* moral approbation, *which attends that virtue*" (T, III.2.2: 499-500).

[115] "Virtue is consider'd as means to an end. Means to an end are only valued so far as the end is valued. But the happiness of strangers affects us by sympathy alone. To that principle, therefore, we are to ascribe the sentiment of approbation, which arises from the survey of all those virtues, that are useful to society, or to the person possess'd of them. These form the most considerable part of morality" (T, III.3.6: 619).

approbation "private education and instruction" about repeated experiences or customs of society "contribute to the same effect" to practicing justice because an educated person is "more useful, both to himself and others" (T, III.2.2: 498-500; III.3.3: 603-604; EPM, 3: 33).

4.3.3. Hume's Later Works on Morality

In the second *Enquiry*, Hume extended his view on morality in *Treatise* which was based on both the association of ideas and sympathy for civilized mankind"[116]. Firstly, in the *Treatise*, there is a difficulty with the principle of sympathy: there must be a relation for the sharing of feelings between X and Y who is sympathized by X. The strength of the resemblance reinforces the bond of sympathy (Wright, 2009: 205-206). Hume overcame this disadvantage of sympathy through extended his view of sharing sentiments. In his later works (especially in the second *Enquiry*), Hume did not examine sympathy with its psychological connections and reidentified its scope with references to "mankind" and "humanity" (these terms were used in the *Treatise*, but they were not the main factors of moral connections. More accurately, he did not clarify its psychological ground as in the *Treatise*). In the case of resemblance, humanity replaced sympathy for reaching a wider perspective in moral relations (Hanley, 2011: 214-217). At the beginning of the *Enquiry*, he introduces benevolence and justice as the fundamental virtues. However, Hume examined benevolence under two headings: the particular benevolence refers to a motivation that leads us to concern other particular persons and which is considered as always virtuous. General benevolence, on the other hand, is used synonymously with sympathy and humanity to indicate its role in sharing feelings with others as a principle of communication. It is related to emotions of and for others through interests, not a motivation like particular benevolence. The difference that Hume made in the *Enquiry* is that sympathy, which is still the source of moral sentiments, means a sense of humanity that contains all of our species in a

[116] Same as Montesquieu, Hume's intend about morality is limited with civilized people who are "reasonable and humane" and can accommodate themselves into innovations (Forbes, 1975: 110). In Scotland, the term civil refers to counter meaning of rude, savage, and barbarian (Sebastiani, 2011: 828), like in France and Montesquieu's philosophy: "When the tempers of men are softened as well as their knowledge improved, this humanity appears still more conspicuous, and is the chief characteristic which distinguishes a civilized age from times of barbarity and ignorance" (PE, 14: 109). Additionally, Silvia Sebastiani argued that Hume's "humane" people comprise only white European people according to Hume's essays (particularly *On National Characters*) and examined Hume's political theories through his arguments on race and slavery in his work *The Scottish Enlightenment: Race, Gender, and the Limits of Progress* (Palgrave Macmillan, 1973), 32-43.

normative sense[117]. The narrow frame of sympathy, on the other side, can be extended with moral conversations (Taylor, 2009: 316-328).

Secondly, Hume redescribes morality as a general sense for humanity that involves different cultures and periods. Hume's understanding of sympathy and justice in the *Treatise* is related to his view of the uniformity of human nature. In different times and places, virtues and vices refer to almost identical attitudes because of the sameness of the passions (that leads to moral tastes according to utilities) which constitute the dominant part of human nature, as have emphasized before. In the second *Enquiry*, Hume claimed that even though humanity shares the same basis of morality, it diversified along with the differences of societies. As a result of this view, Hume accepted the variability (or relativity) of moral understandings. Although passions have the same framework and source, they may change in practices according to different places and times. (Forbes, 1975: 108-112). Although moral principles refer to the same thing in every time and every society, the meaning of each of them can be different. This view of Hume opened a door for dialectical interpretation of history that includes both the uniformity of human nature and social and historical circumstances (Sebastiani, 2011: 825; for example, see EPM, 6: 58 and EPM, 2: 19-20). Hence, about the historical societies or different cultures, we have to examine (or judge) their moral codes concerning their customs, manners, and ways of life because they can "alter the usefulness of qualities: They also alter their merit" (EPM, 6: 56) to some extent. For instance, in his essay "Of Refinement in the Arts", Hume asserted that different types of governments influence the moral codes and way of life in societies (Essays, II.2). For another example, in his *A Dialogue*, Hume wrote:

> "I shall conclude this long discourse with observing, that different customs and situations vary not the original ideas of merit (however they may, some consequences) in any very essential point ... But the merit of riper years is almost every where the same; and consists chiefly in integrity, humanity, ability, knowledge, and the other more solid band useful qualities of the human mind" (A Dialogue, in EPM: 118).

[117] Hume defined sympathy as "a cool preference of what is useful and serviceable to mankind, above what is pernicious and dangerous" (EPM, 9: 74) and explain its sameness for every human-being as "while the human heart is compounded of the same elements as at present, it will never be wholly indifferent to public good, nor entirely unaffected with the tendency of characters and manners. And though this affection of humanity may not generally be esteemed so strong as vanity or ambition, yet, being common to all men, it can alone be the foundation of morals, or of any general system of blame or praise. One man's ambition is not another's ambition; nor will the same event or object satisfy both: But the humanity of one man is the humanity of every one; and the same object touches this passion in all human creatures" (EPM, 9: 75).

Thereby, a researcher must recognize these differences in society to reach a correct result. As mentioned before, Hume's later intention about history led him to recognize social differences (manners, national characters, and social practices) and moral relativity (virtues, laws, etc.). In this respect, he accepted the differentness of national characters as Montesquieu, but with a different perspective which will be discussed below.

4.4. The Science of Politics

The connection between the "science of man" and mitigated skepticism of Hume (about the belief of necessary connection that is based on experiences and its unobservable impression) has a key role to understanding his political philosophy. Same as metaphysical (about the existence of the external world) and epistemological (certainty of knowledge) principles, Hume used the mitigated skeptic methodology to explain his theological and political ideas. This cautious approach of Hume to politics formed a moderate attitude to governments. He was aware of the dangers of the ideological principles of governments, political obedience (which may cause the tyranny and passiveness of citizens), and rebellions. Hume tried to moderate politics in two ways through avoiding radicalism and partisanship: moderating political discourses and moderating the intents of political actors. And in this "moderation" process, his mitigated skepticism has a crucial role in practicing the method (Wulf, 2000: 80-89). In parallel with that, according to Hume, politics can be examined as a science through observation and experiences to a general extent although there are some difficulties such as the unpredictability of political agents and actions which can be overcome with considering the uniformity of human nature in observations and long-term analyzes of human actions. In that way, political institutions and human behaviors can be evaluated based on their profits to human nature (Moore, 1977: 811-813).

In that case, Hume's ideas on morality and politics can be described with his usage of the functions of justice and government because they are parallel concepts in the history of the human process. Hume followed a process similar to Hobbes in the *Treatise*[118]: justice is an

[118] This similarity caused some accusations to Hume after the publication of the *Treatise* in which Hume's moral philosophy was introduced as a new kind of Hobbesian system (Mossner, 1980: 138-139). For a more contemporary example, Paul Russell wrote "Finally, that which concerns Hume in Book III of the Treatise is equally in line with Hobbes's major interests in *De Corpore Politico* … his discussion of the artificial virtues and vices (e.g., justice and injustice), which is in several respects quite Hobbesian, clearly accords with the subject matter of *De Corpore Politico*. Thus Hume covers such topics as property, promises (i.e., "contracts"), the origin of government, the source of allegiance, the right of rebellion etc. –thereby following the general plan of Hobbes's

artificial product and a necessary element for the existence of society which also originated from the self-interests of people. Government, on the other hand, is not as critical as justice in non-developed societies as Hobbes asserted, because the need for a government (or a power that controls and organizes the society) is not constant. In American tribes, for example, people live in small groups according to their basic needs without a constant political leader (Ayer, 2000: 112). Hume had an advantage against Hobbes here because Hobbes did not know any society to examine his theories about the state of nature (before the foundation of government). Hume, on the other hand, used this sample to enlighten the establishment of justice and government. As mentioned above, Hume rejected the contractarian view, and accepted society as a necessary organization to overcome the defects of human nature, and determined three natural laws that crucial to maintaining society and protecting the individual and social benefits through sympathy and justice instead of the obligation of promises. Thereby, after the formation of private properties and the foundation of justice, laws that are derived from justice are the keystones to order[119]. After that, because of the threat of war with other societies, the need for leadership as the first form of government occurs (Hardin, 2007: 105-113).

On the other side, in developed and complex societies where a person cannot sympathize with every citizen who is not contiguous, the government becomes a constant necessity to direct its citizens to their profits. In his essay "Of the Independency of Parliament", Hume asserted that self-check of people through honor is productive but "where a considerable body of men act together, this check is, in a great measure, removed" (PE, 5: 24). This problem can be overcome with the functions of government. Moreover, established laws that restrict self-interests are not durable because people prefer short-run utilities. This conflict of people causes damages to both his/herself and society. This situation creates the need for a power to protect the established rules and motivate people to care more about long-run interests and common utility, which is the basic cause of the foundation of government (Charron, 1980: 332-333). In

works" (Russell, 1985: 55-56; see also Moss, 2010). However, in addition to their views on contractarian theory, there is a very crucial point that caused the diversity between Hume's and Hobbes's political and moral theories which can be deduced from the Second Chapter of this research. Hobbes lived in a civil war period, without political and social order. Hume, on the other hand, experienced one of the most stable and wealthily period of Britain. Thereby, even though their terminology is quite similar their purposes and usage of these terms are different according to circumstances of their periods. Accordingly, Hume's account of human nature is not radically selfish as Hobbes's understanding because the humanity is naturally tended to generosity and benevolence with natural virtues for Hume (McArthur, 2016: 489-490).

[119] "Property is allowed to be dependent on civil laws; civil laws are allowed to have no other object, but the interest of society: This therefore must be allowed to be the sole foundation of property and justice. Not to mention, that our obligation itself to obey the magistrate and his laws is founded on nothing but the interests of society" (EPM, 3: 30n).

this sense, Hume can be considered as a liberal even though he is generally accepted as a conservative because of his skeptical approaches to morality and politics (particularly his suspicion about any change in an established political system)[120]. In the *Treatise* and essentially *Essays* (which has not got adequate attention from scholars because they accepted the *Essays* as a continuation of the *Treatise* and *Enquires* (Merrill, 2015:131)), he asserted that, after its establishment, government plays a critical role because of its functions on public order and morality of people, and the society needs the government to provide their rights and liberty[121]. Any attempt of "insurrection" inevitably cause violence and disorder[122]. With this approach, Hume can be counted as a modern conservative as Edmund Burke. On the other side, he described the government as a protector of private properties and liberty (includes free-market policies), and which arguments were quite liberal in that period. In this sense, the argument that offers "Hume had no specifically normative claim about the politics" has an accurate side[123] (McArthur, 2016: 492-500; about this point, see also Melaney, 2008: 253).

After all, it can be deduced from his early writings that Hume's attention about the government was on the maintaining of justice and social order who concentrated his attention on its duties and profits instead of its practices in the *Treatise*, *Essays*, and the second *Enquiry*. According to Hume, politicians are unreliable, and therefore the future of the government cannot be given up to them. So the foundation of a good and stable government is depending on a judicious constitution that is formed with judgments and experiments of legislators.

[120] Also Hume counted as a conservative because of his interest of actual events in the history instead of ideological assessments in his historical analyzes. For example, Hume discussed the philosophical discourses of the two parties in the parliament, Tories and Whigs, in his essays about their factual views. Firstly, in his essay "Of the Original Contract", he rejected to social contract theory of Whigs (PE, 23), and in the "Of Passive Obedience" he rejected the Tories' view of strict obedience to the traditional governments because the only duty of governments is providing the social and individual utilities (PE, 24). For detailed information about Hume's conservatism in his historical studies, see William D. Melaney's (2008) Hume's Secular Paradigm: Skepticism and Historical Knowledge (*History of Philosophy Quarterly*, 25(3), 243-257).

[121] "In reality, there is not a more terrible event, than a total dissolution of government, which gives liberty to the multitude, and makes the determination or choice of a new establishment depend upon a number, which nearly approaches to that of the body of the people" (Essays, II.12: 472).

[122] About the revolution, Hume believed that the Glorious Revolution is an exception for this approach. He wrote in the *History of England*, "revolution forms a new epoch in our constitution; and was a probably attended with consequences more advantageous to the people, than barely freeing them from an exceptionable administration", and in the same page "deciding many important questions in favour of liberty, and still more, by that great precedent of deposing one king, and establishing a new family, it gave such an ascendant to popular principles, as has put the nature of the constitution beyond controversy" (DeGabriele relayed from Hume, 2015: 137).

[123] "I am apt, however, to entertain a suspicion, that the world is still too young to fix many general truths in politics, which will remain true to the latest posterity. We have not as yet had experience of three thousand years; so that not only the art of reasoning is still defective in this science, as in all others, but we even want sufficient materials upon which we can reason. It is not fully known, what degree of refinement, either in virtue or vice, human nature is susceptible of; nor what may be expected of mankind from any great revolution in their education, customs, or principles" (PE, 10: 51).

Thereby people ensure their liberty from the abuses of political authority (Moore, 1977: 821-825).

> "Legislators, therefore, ought not to trust the future government of a state entirely to chance, but ought to provide a system of laws to regulate the administration of public affairs to the latest posterity. Effects will always correspond to causes; and wise regulations in any commonwealth are the most valuable legacy that can be left to future ages" (Essays, I.3: 24).

In the first sense, Hume shared Montesquieu's view about the importance of legal regulations, which assign a great task to legislators for providing long-term order in society considering liberty, security, and moderation. However, in a different essay, Hume wrote, "To balance a large state or society, whether monarchical or republican, on general laws, is a work of so great difficulty, that no human genius, however comprehensive, is able, by the mere dint of reason and reflection, to effect it. The judgments of many must unite in this work: Experience must guide their labour: Time must bring it to perfection: And the feeling of inconveniencies must correct the mistakes, which they inevitably fall into, in their first trials and experiments" (PE, 11: 67-68). The last quote shows that Hume diverged with Montesquieu about the source of legislators' judgments: They did not owe their good/bad decisions about laws to wisdom or genius but their personal experiments and reasoning. Montesquieu, on the other hand, believed the impact of personal qualities of legislators on making stable and sustained laws, as in his example of China.

4.4.1. National Characters

After a brief examination of Hume's philosophy and some comparisons of Hume and Montesquieu insofar, his approaches on national characters and the causes that affect social behaviors can be studied. It is now clear that Hume's philosophy moves from the individual (by human nature) to society. In addition to historical facts, the empiric and skeptic methodology of Hume, the "science of man" which includes analyzes of human understanding and morality according to the observation of human nature and experiences, was also used by him as a central instrument to understand the differences between national characters and to criticize the assertions of Montesquieu and other philosophers (such as Abbé Dubos) about the effects of physical causes on national characters (Moore, 2009: 183). In other words, Hume clarified his

approach to causes of human behaviors (the triumph of moral causes) in the *Treatise* before the publication of the *Spirit* (Fletcher, 1934: 30-31). Hume mentioned this issue in his several studies after the *Treatise* and wrote an essay about only this subject named "Of the National Character" published in 1748, a month after the *Spirit*, and concentrated on refuting the deterministic climate theory through the several moral factors that affect the uniformity of human nature (Sebastiani, 2013: 23-24), which is the main point of this research. In this section, Hume's claims about the differences and origins of national characters and his critiques to physical factors will be examined. Montesquieu's arguments which are clarified in Chapter 3, on the other hand, will be summarized briefly to show connections.

At the beginning of the essay, Hume stated that generalizing the national characters according to behaviors of some members or some rumors is a vulgar attitude because they are intended to "carry all *national characters* to extremes" and claim all of the members of a nation with the same manner. "Men of sense", on the other hand, avoid this strict judgment, but they accept that "each nation has a peculiar set of manners". For that view, Hume allowed the fundamental characteristic differences between national manners as the general understanding of the period. For instance, he supposed French people are smarter than Spanish, and English people are more knowledgeable than Dane which are allowed by many people (PE, 12: 78). Thus, the particular structures of each nation about their laws, manners, and behaviors are recognized by both philosophers. The variety between their thoughts is rooted in the reasons that cause these divergences.

Hume determined two sources of causes to explain the different national characters: moral and physical. Firstly, moral causes refer to several conditions that affect or motivate the mind of people, and thereby their actions, such as "the nature of the government, the revolutions of public affairs, the plenty or penury in which the people live, the situation of the nation with regard to its neighbours". The physical causes, which include "qualities of the air and climate", cause some alterations (that are sometimes overcome with reason) on the body that affects the manners and behaviors of people (PE, 12: 78-79). With this introduction, Hume states the two leading approaches to the subject. The first one is developed with the empirical method of Locke and Hume, as explained before. The second one, on the other hand, is explaining the variety of national characters with physical causes refers to Montesquieu's *The Spirit of the Laws*. In that case, Hume appreciated Montesquieu's work and allowed some of his arguments (and also supported some of them) fundamentally in his studies.

> "In general, we may observe, that all questions of property are subordinate to authority of civil laws, which extend, restrain, modify, and alter the rules of natural justice, according to the particular convenience of each community. The laws have, or ought to have, a constant reference to the constitution of government, the manners, the climate, the religion, the commerce, the situation of each society. A late author of genius, as well as learning, has prosecuted this subject at large, and has established, from these principles, a system of political knowledge, which abounds in ingenious and brilliant thoughts, and is not wanting in solidity" (EPM, 3: 20).

However, Hume's understanding of human nature had a different methodology from Montesquieu's approach. They did not agree about human nature, morality, and religion. Hume concentrated his attention on psychological conditions and causes of choice by rejecting the religious teachings, as opposite to Montesquieu. Thereby, the difference between them reveals from their philosophical thoughts at the beginning. In parallel with that, they did not compromise about the influences that differ national behaviors.

Hume maintained his essay by clarifying his ideas about moral causes. For a "superficial observer", national characters are formed with the moral causes because a nation consists of individuals and their psychological conditions shape the general manners, and that explains the general framework of nations and the particular character of some professions for Hume. He illustrates this view to explain the different personalities of a soldier and a priest which is common for all nations and ages (PE, 12: 79). On the other side, the physical causes that Montesquieu's main arguments about the effects of climate on people were suspicious arguments for Hume. He wrote, "I think" people do not "owe any thing of their temper or genius to the air, food, or climate" (PE, 12: 80). Hume continued his criticisms with a common acceptance that the underdeveloped condition of northern and southern people based on significant temperatures, as Montesquieu discussed in the third Part of the *Spirit*. For Hume, this situation is not based on physical differences but "poverty and misery" of the northern people and "indolence" of the southern people (PE, 12: 86). Moreover, two nations (e.g. antique Romans and modern Turks) may have the same virtuous behavior (candour) who live in distinct physical conditions (PE, 12: 88). In fact, Hume found that idea (the effect of physical causes on people through their impacts on body) reasonable, because native animals lose their particular

characteristics when they live in different circumstances[124], but which is not true for humanity. So he asks, "why not the same with men?" (PE, 12: 80-81).

The answer, of course, is directly related to his thoughts of the human mind, which has a "very imitative nature". Hume repeated the necessity of living in a society for "rational creatures", and as a consequence of that, people share each other's sentiments and passions (PE, 12: 82). Even though Hume did not mention it here, this process maintained through sympathy as a kind of communication as he defined in the *Treatise* and the second *Enquiry*. Thereafter, people established political organizations which consist of the need for defense, government, and commerce. This socio-political structure strengthened the communication between people with the same "speech or language" and because of that people have to "acquire a resemblance in their manners" which formed the national characters. The features of manners occur at different rates in each nation and if some of these features became significant in society, they "give a tincture to the national character". Every generation learns their manners from the formers and teaches the next generations (PE, 12: 82). In this process, the family (women are important here because of their duties of maternity and as a consumer for the market) has a social role for Hume. Because families transmit customs and manners of society to next generations as "a primary transmitter". Women, in this case, providing "sociability, sympathy, and humanity" in a moral sense through their feminine values, like in France[125] (Zagarri, 1992: 193-194; Sebastiani, 2011: 826). In this way, the national character is transferred to descendants through education and preserved with manners. As it is seen, this process is identical with Hume's thoughts on justice because they are rooted in the same principle: empirical science of man. Hence, Hume's moral understanding and rejection of physical causes can be explained with his philosophical thoughts on the science of mind and the foundation of morality and political organizations.

> "To this principle we ought to ascribe the great uniformity we may observe in the humours and turn of thinking of those of the same nation; and 'tis much more probable, that this

[124] In the endnote c, Hume stated that even this example is controversial because historical facts show that the main differences between animal species are depend on their "breeds" and the "skill and care in rearing them", and explained this situation to referring qualities of horses according to the compare of Caesar's writings and modern practices (PE, 12: 81n-82n).

[125] "The customs of some nations shut up the women from all social commerce: Those of others make them so essential a part of society and conversation, that, except where business is transacted, the male sex alone are supposed almost wholly incapable of mutual discourse and entertainment. As this difference is the most material that can happen in private life, it must also produce the greatest variation in our moral sentiments" (A Dialogue, in EPM: 116)

resemblance arises from sympathy, than from any influence of the soil and climate" (T, II.1.11: 316-317).

Nevertheless, it should be considered that the main concern of Hume in the essay was refuting Montesquieu's claims about the physical causes and demonstrating the efficacity of moral causes as only origins of national characters. However, in this section, it will be shown that Hume's claims about the physical causes were not completely contained to Montesquieu's intents in the *Spirit*. Montesquieu tried to find some solutions to overcome the effects of physical causes in his work, which is examined in the previous chapter. In this respect, it can be said that Hume discussed and criticized the partial arguments of Montesquieu, essentially about the influences of physical causes in the first three parts of the *Spirit*[126]. Reading Montesquieu's work as a defense of a determinist perspective that is grounded on physical causes will not be true. Because, even though Montesquieu accepted the physical circumstances' impacts on national characters, they are not dominant for civilized societies, so they are not also deterministic elements on national behaviors. Hume, on the other hand, totally rejected the effects of any kind of physical causes and anything that transcendent human mind which, I believe, originate the main difference between their approaches on national characters: "If we run over the whole globe, or revolve all the annals of history, we shall discover every where signs of a sympathy or contagion of manners, none of the influence of air or climate" (PE, 12: 83). Thereby, some of Hume's arguments about Montesquieu's thoughts are not valid in this sense. Even so, the arguments that Hume asserted are important to understand his view and enlighten the differences of their approaches, and they will be examined with his arguments in the essay.

Hume sorted his objections into nine arguments in the essay. Firstly, Hume asserted that "a very extensive government has been established for many centuries" constitutes its manners for all people in its borders, such as China, which includes different climates and airs (PE, 12: 83). As noted, Montesquieu used the same example to illustrate the superiority of moral

[126] As it will be discussed in detail later, Hume's objections to Montesquieu show that either he selectively read *The Spirit of the Laws* or he did not consider the Montesquieu's interests about the moral causes. Because Hume only focused on the effects of physical causes that Montesquieu asserted in the first three parts. As examined above, Montesquieu was not a deterministic about the effects of climate but tried to show the way for regulations of manners – that established with physical causes – through moral factors, the will of people. If the arguments of Hume are examined with the arguments of Montesquieu, it will be revealed that the selective reading is the most suitable explanation to understand the unconformity between Hume's accusations and Montesquieu's writings. Because, eventually, both of the philosophers believed the superiority of moral causes that shape the national characters.

regulations over physical causes. Successful legal regulations of early legislators of China, systematic labor, and manners altered the consequences of physical effects on people and provided to establish a monarchy instead of a despotic government (*SL*, XVIII.6). Thereby, Montesquieu's approach was not suited to Hume's accusation. Indeed, they both tried to show the effectiveness of moral causes, even Hume did not accept any effect of physical causes.

Secondly, two societies that live in small governments that contiguous to each other may have different characters. For example, "ATHENS and THEBES were but a short day's journey from each other; though the ATHENIANS were as remarkable for ingenuity, politeness, and gaiety, as the THEBANS for dulness, rusticity, and a phlegmatic temper" (PE, 12: 83). This criticism can be examined with the third one, in which Hume asserted that although there are the same environmental conditions, the characters of two societies who live under different governments may be different. It is not reasonable for two societies living on two different foothills of a mountain or different banks of a river to experience different physical conditions (PE, 12: 83). In that case, Montesquieu stated the impacts of governmental regulations in the last three parts of the *Spirit* (particularly the last part in which he examined the French laws and their history to show the importance of legal and moral regulations). Governments can change the harmful mores and manners through other manners and legal regulations which may also alter the general spirit (Samuel, 2009: 313-321). According to this sense, Hume's examples do not conflict with Montesquieu's arguments because Montesquieu also believed in the power of the people on both physical and moral causes.

Fourthly, some of the nations who live with a foreign nation protect their manners and national characters despite their communication with others and different physical conditions, such as "JEWS in EUROPE, and the ARMENIANS in the east" who have a "peculiar character; and the former are as much noted for fraud, as the latter for probity". Fifthly two nations who have to speak different languages and believe in different religion but live together in one country may have different characters: "The integrity, gravity, and bravery of the TURKS, form an exact contrast to the deceit, levity, and cowardice of the modern GREEKS" (PE, 12: 84). Sixthly, which almost the same as the fourth, different nations may preserve their characters in different territories of the world, such as people who live in colonies maintain their manners of the homeland. In fact, there is no direct answer to this argument in the *Spirit*, still, it can be deduced from Montesquieu's other expressions. In that case, he repeatedly mentioned that physical causes only determine uncivilized savages' characters (see, for example, Kriesel, 1968:

560), and others can alter the effects through moral regulations. Hence, living in a foreign land for a man is not mean that the man will totally be shaped with the physical causes of that territory for Montesquieu. As noted, Montesquieu was not radical about causes that affect human behavior and did not believe in any kind of deterministic power. About Hume's example, from Montesquieu's view, it can be said that mores and manners of these people may provide their own national behaviors, and also they may change fractionally through communication with other people (in the same way, Hume recognized the moral change brought by communication in the essay). In parallel with that, Hume's eighth argument, "neighboring nations" who live in different countries may have the same manners because of (and based on) their communication with each other (PE, 12: 85), is actually not an objection to physical causes but a defense of Hume's moral discussions, and which ironically supports Montesquieu's arguments too. Like Hume, Montesquieu advocated the contributions of communication and stable relations between nations which make their spirit and manners temperate especially through the commercial relations because of individual and social interests (see SL XX.1-2).

Seventhly, the "manners of people" may change along with the different ages, periods, and governments. Every alteration can change the national characters. Hume illustrated this argument with examples that ancient Greeks and modern Greeks are quite different from each other, the same as ancient and modern Romans (PE, 12: 84). This argument of Hume completely coincides with Montesquieu's intend because he wrote a book about this subject in 1734 named *Considerations on the Causes of the Greatness of the Romans and Their Decline*. Moreover, in the last part of the *Spirit*, Montesquieu examined the alterations of French laws and manners along with the history of French social and legal traditions and regulations made by French leaders. Also, he repeated the argument – same nation may have different laws and characters at different times – for other nations in the *Spirit* which related with his thought on alteration of the general spirit and manners by people, governments, etc., as discussed before.

Lastly, national characters depend on the type of government and prevalent religion. In monarchies (e.g. France) and liberal states (e.g. Holland), where governmental and social characters are obvious, national characters become dominant over people. On the other hand, a country that is constituted with a mixed government and includes different sects and religions (e.g. Britain) does not have a peculiar character and includes several manners (PE, 12: 85-86). The relationship between the type of governments and general spirit is widely discussed in Part 1 and 2, and religion-general spirit in Part 4 in the *Spirit*. For Montesquieu, government and

religion are the factors that form the general spirit along with the many physical and moral causes: "climate, religion, laws, the maxims of the government, examples of past things, mores, and manners; a general spirit is formed as a result" (SL XIX.4: 310). A society that is ruled with a mixed government and recognizes different religions (or atheism) legally embraces the differences and has various factors that affect the general spirit. Thereby, Hume's arguments suit with Montesquieu's approaches in this sense. On the other hand, they agreed about the benefits of moderation for both society and politics. At the end of the essay, in parallel with Montesquieu, Hume suggested that moderate climates are suitable to the development of people because "their blood not being so inflamed as to render them jealous, and yet being warm enough to make them set a due value on the charms and endowments of the fair sex" (PE, 12: 91-92). As mentioned before, Montesquieu asserted that different personalities can occur in moderate governments in where the climate is not effective on people's bodies and characters (see SL XIV.2-4). In that case, Montesquieu accepted France and Holland as moderate governments in a moderate climate. Thereby, Hume's understanding of moderation is partially different from Montesquieu's view.

In subsequent pages, Hume questioned one of Montesquieu's "vulgar" observation "on which we can rest any weight" that Northern people tend to drink alcohol and Southern people have an inclination to "love and women". Hume claimed that this judgment can be explained with moral causes. Strong alcohols are rare in the North, therefore people desire them more. Furthermore, for Hume, alcohol consumption is not related to climate because antique Greeks were drinking a lot and made competitions among men although they were born in a hot climate, and this consumption even increased after they met with Persians through the "imitation of Persian manners" during the Alexander the Great's conquests (PE, 12: 90). With this example, we encounter an approach which nearly the same as Montesquieu's thesis of alteration of manners which practiced through the communication and interaction with other nations (imitating the good parts of manners of a foreign society). And in the South, because the heat "obliging men and women to go half naked", people desire opposite genders more, and also they become mature early comparing with other nations. Hume argued that this situation is also affecting the moral rules in Southern societies (PE, 12: 90). Similarly, in the *Spirit*, Hume stated the effects of climate on human nature about maturity and sexuality. Hot temperature makes people mature at early ages which determine the sexual life and marriages (SL XVI.2; see also Parizeau, 2016: 26). So Hume's example includes more moral qualifications for Montesquieu who concentrated on the physical effect of climate on the body. Eventually, they both agreed

to the consequences of climate on social life and moral codes which is a quite different point from Hume's first assertion about the physical causes. Additionally, Hume asserted that Russians were too jealous but their interactions with Europe "altered their manners" (PE, 12: 91). As we have seen, Montesquieu used the same example for the same purpose in Chapter 14 of Book XIX. Montesquieu asserted that in addition to climatic impacts, the communication of Russians to European people made their manners moderate (which was influenced the way of clothing and shape of the men's beard) and change their spirit as an ordinary process, and therefore Tsar's regulations were unnecessary and even cruel for society (SL XIX.14: 315-316).

In the light of this discussion, the similarity of both philosophers' approaches on national characters can be enlightened with these comparisons. In that case, it is clear that Hume did not fully aware of Montesquieu's intention and all of the assertions in the *Spirit*. Although he admitted his admiration in the second *Enquiry,* he criticized Montesquieu's specific arguments, which was correct to a limited degree because indeed Montesquieu gave great importance to physical causes and Hume rigorously rejected their any effects over humanity, but also he tried to establish a structure to show the necessities of moral causes for moderate-modern governments and societies. Furthermore, their living conditions or the different socio-political structures of France and Britain at the beginning of the eighteenth century (nations, governments, manners, politics, liberty, social acceptances, etc.) presumably influenced this distinction, which suggestion will be discussed in the next section. However, after a general examination of both philosophers' works, it can also be said that there are some differences in their thoughts particularly based on their views of human nature. As it is seen, Hume produced ideas about social behaviors in parallel with his "science of man" in the *Treatise* and the *Enquires*. And in these studies, Hume opposed the natural law theories (and also the state of nature theory), anything that above human understanding, and the liberty of will. Montesquieu, on the other side, devoted his interest in these subjects in a significant part of the *Spirit*. Thereby, these fundamental differences create some distinctions between the two philosophers about the national characters and their preferences about modern governments.

Furthermore, Montesquieu aimed to show the superiority of moral causes that affected the immaterial part of humanity over the effects of physical causes, particularly after Book XIX of *The Spirit of the Laws*. The human agency was effective on characters and history of societies in Montesquieu's thought, despite the relation between the nature and human body with the social practices, moral and legal regulations, religions, and commerce. In this perspective,

Montesquieu and Hume did not completely disagree about the foundation and the sources of laws. Montesquieu never rejected the impact of empirical knowledge and moral causes, in fact, he defended the power of human agency over the three challenges. However, the power of nature was genuine for him, which is the main difference between their thoughts on the subject, but humans have the power to resist and disobey that (Fletcher, 1934: 32). On the other hand, a complete reading of *The Spirit of the Laws* demonstrates that Montesquieu never intended to accept the climate and other physical effects on humans as certain deterministic factors[127]. This discrepancy between Montesquieu's purpose and Hume's criticisms can be explained with Hume's interest to some particular subjects of the *Spirit* or his lack of reading especially the last parts. In 1750, before Thomas Nugent's full translation in 1751, only two chapters (thirty pages) of the *Spirit* translated to Scottish in Edinburgh, which are about the constitution of England because of the relevance of readers, and Hume appreciated these chapters in one of his letter to Montesquieu and involved to translation process (Courtney, 2009: 31-34). In this respect, Hume's unawareness/unconcern about the last three parts of the *Spirit* and their meanings is a possible explanation.

For another point, Jean-Pierre Cléro (2012) asserted that some of the words and statements were translated incorrectly (or more specifically confused with each other, particularly the words authority and power from *autorité* and *pouvoir-puissance*, and will-would which are carried a crucial point of Montesquieu's thought between the real and fiction entities) to English and that change misled to Hume. For Cléro, the reason for this translation is the socio-political differences between France and England in the eighteenth century. Montesquieu wrote the *Spirit* for an audience who were living under an absolute monarchy. Thereby, the translator adapted the text for English people (Cléro, 2012: 75-89). After all, the arguments of Hume in the essay aims to first three-part of the *Spirit*, and as is shown, Montesquieu drew many alternatives and methods to overcome the physical determination sources with moral regulations. As a result of this view, describing Montesquieu's work as deterministic writing can be refused with the last three parts of the work, which is also answering the accusations of Hume in his *Of National Characters*.

[127] In a letter of Montesquieu to Hume written in 1749, after he read Hume's "masterfully written" essay "Of National Characters" which includes "full of new ideas and thoughts", Montesquieu stated his aggrement with Hume about the "much greater influence of moral causes than physical causes" (Burton relayed from Montesquieu, 1846: 456).

4.4.2. The Superiority of Mixed Constitutional Governments

As a consequence of the given information, Hume's ideas about the most suitable government in the modern period are directly related to his thoughts on the national characters. Social interactions and moral causes form the national characters and the mind. For this process, the liberty of people occurs as a necessity (which refers to independence from any external forces on choices in Hume's philosophy) for the development of commerce, free-thinking, and social interactions. Therefore, it can be said that liberal commercial governments (in other words, mixed constitutional governments – refers to Great Britain that carries peculiar structures of democracy, aristocracy, and monarchy – carry best conditions to political virtues and liberty) are more suitable to Hume's understanding of a "good government". For Hume, as parallel with Montesquieu, the development of arts and sciences is related to free governments. He believed that a modern constitutional government, which is grounded on laws, security, and liberty, can be established with experience and education. These free governments can enjoy the developments of science, arts, and liberty[128] (Hoy, 2000: 37-38; Moore, 1977: 820). Additionally, Hume did not agree with Montesquieu's principles of governments as preventers of corruption. Because, according to uniform human nature, men and politicians are motiavated by the avarice and self-interests which eventually causes the corruption of every political authority. Moreover, he also did not share Montesquieu's view on the position of nobles who repress the despotic tendencies of monarchs. In this respect, constitutions is the only way which should predict these corruptions and prevent them before the destruction of the government (Moore, 2009: 182).

[128] About his view of moderate states, in "Of the Rise and Progress of the Arts and Sciences", Hume wrote "My first observation on this head is, *That it is impossible for the arts and sciences to arise, at first, among any people unless that people enjoy the blessing of a free government*" (PE, 11: 61), "Were it possible, that, before science were known in the world, a monarch could possess so much wisdom as to become a legislator, and govern his people by law, not by the arbitrary will of their fellow-subjects, it might be possible for that species of government to be the first nursery of arts and sciences" (PE, 11: 62), and "Here then are the advantages of free states. Though a republic should be barbarous, it necessarily, by an infallible operation, gives rise to LAW, even before mankind have made any considerable advances in the other sciences. From law arises security. From security curiosity: And from curiosity knowledge. The latter steps of this progress may be more accidental; but the former are altogether necessary. A republic without laws can never have any duration. On the contrary, in a monarchical government, law arises not necessarily from the forms of government. Monarchy, when absolute, contains even something repugnant to law. Great wisdom and reflexion can alone reconcile them. But such a degree of wisdom can never be expected, before the greater refinements and improvements of human reason. These refinements require curiosity, security, and law. The first growth, therefore, of the arts and sciences can never be expected in despotic governments" (PE, 11: 63). Same as Montesquieu, Hume examined despotic rule as a deformation of governments through violation of laws, arbitrary power, and unsafety. And both of the philosophers suggested that despotic governments are not suitable to modern period and development of arts and sciences.

Commerce, on the other hand, is also related to these concepts for Hume: "*That nothing is more favorable to the rise of politeness and learning, than a number of neighbouring and independent states, connected together by commerce and policy*. The emulation, which naturally arises among those neighbouring states, is an obvious source of improvement: But what I would chiefly insist on is the stop, which such limited territories give both to *power* and to *authority*" (PE, 11: 64). It has emphasized before that Hume accepted selfishness (based on the desire of gain, or avarice to protect and increase property) as a leading passion for people in society (Skinner, 2009: 387), which paved the way for the progressive historical understanding of Hume that excludes ancient barbarism. In that case, politeness and sociability in the modern period are providing commercial relations which consists of a sense of character for modern people. And commercial relations became a "characteristic of advanced societies" in Hume's progressive history[129] (Sebastiani, 2011: 822, 829). He believed that property rights are a basic need for people, and its security is a crucial duty for a liberal and developed government (a limited one as Britain after 1688) and which demonstrates the stability of society (Venning, 1976: 81-82). He introduced this view as "*industry*, *knowledge*, and *humanity*, are linked together by an indissoluble chain, and are found, from experience as well as reason, to be peculiar to the more polished, and, what are commonly denominated, the more luxurious ages" (PE, 14: 107). This approach of Hume is very similar to Montesquieu's thought of commerce as a mediation instrument. Both of the philosophers accepted the profits of commerce in modern societies: it is protecting peace and softens the manners of people.

The intention of Hume about liberty and commerce is also related to Hume's period: the circumstances of Scotland in the early eighteenth century. Hume observed an undeveloped, xenophobic, and superstitious society in his youth. And this situation change after the beginning of the eighteenth century through commerce, wealth, and education. This improvement generated two consequences for Hume: Firstly he experienced the importance of liberty and commerce in a government for the development and wealth of a society. Because Hume suggested that this kind of government is able to provide a good life and opportunity to realize utilities for the citizens through education. Secondly, his thought that based on mitigated skepticism and empiricism could only be thrived in a liberal commercial republic along with

[129] "I shall therefore venture to acknowledge, that, not only as a man, but as a BRITISH subject, I pray for the flourishing commerce of GERMANY, SPAIN, ITALY, and even FRANCE itself. I am at least certain, that GREAT BRITAIN, and all those nations, would flourish more, did their sovereigns and ministers adopt such enlarged and benevolent sentiments towards each other" (PE, 18: 153).

the importance of middle-class with their rights and voices[130] (Wulf, 2000: 93-94). A large scale of richness in society such as England (refers to the English common/middle-rank men) ensures the balance of power between people and different political/social groups. In the feudal system, for instance, lords may use their power that originated from their richness from the soil to oppress the peasants, but it cannot be experienced in a liberal commercial government. As it is seen, the richness of the middle-rank men (of course, through the constitution, commerce, and security) who demand liberty for protecting their own situation is the "guarantors of political freedom" for Hume. Because they can control the acts of political authority and prevent political corruption (Merrill, 2015: 166-170).

> "… where luxury nourishes commerce and industry, the peasants, by a proper cultivation of the land, become rich and independent; while the tradesmen and merchants acquire a share of the property, and draw authority and consideration to that middling rank of men, who are the best and firmest basis of public liberty. These submit not to slavery, like the peasants, from poverty and meanness of spirit; and having no hopes of tyrannizing over others, like the barons, they are not tempted, for the sake of that gratification, to submit to the tyranny of their sovereign. They covet equal laws, which may secure their property, and preserve them from monarchical, as well as aristocratical tyranny" (PE, 14: 112).

So the moderate governments are the most suitable and fertile regimes to the modern period for both Montesquieu and Hume. Liberty is the keystone for this moderation which ensures justice, education, and wealth through laws, commerce, and education. However, it should be considered that their understandings of liberty (Montesquieu's political liberty and Hume's liberty of spontaneity) have some differences although they both exclude metaphysical meanings. As explained before, political liberty refers to respecting laws, and with the liberty of spontaneity Hume restricts the scope of liberty to only making choices without any external oppression. Either way, both of the approaches accept moderate governments depending on

[130] "Middle Station ... form the most numerous Rank of Men, that can be suppos'd susceptible of Philosophy; and therefore, all Discourses of Morality ought principally to be address'd to them. The Great are too much immers'd in Pleasure; and the Poor too much occupy'd in providing for the Necessities of Life, to hearken to the calm Voice of Reason. The Middle Station, as it is most happy in many Respects, so particularly in this, that a Man, plac'd in it, can, with the greatest Leisure, consider his own Happiness, and reap a new Enjoyment, from comparing his Situation with that of Persons above or below him" (Essays, III.3: 546).
"We may also remark of the middle Station of Life, that it is more favourable to the acquiring of *Wisdom* and *Ability*, as well as of *Virtue*, and that a Man so situate has a better Chance for attaining a Knowledge both of Men and Things, than those of a more elevated Station. He enters, with more Familiarity, into human Life: Every Thing appears in its natural Colours before him: He has more Leisure to form Observations; and has, beside, the Motive of Ambition to push him on in his Attainments; being certain, that he can never rise to any Distinction or Eminence in the World, without his own Industry" (Essays, III.3: 547-548).

stable laws, commerce, and liberty and security of citizens from the arbitrary rule of political authorities.

In the respect of moderate governments, Britain is a special example for Hume. At first, the British constitution had a modern form because of its secular and mixed structure which had shaped during the Tudor period (exercising sovereign authority through laws) and attained its final form with the Glorious Revolution in 1688 through historical practices. According to Hume, this date is a point that separated previous and new history in a secular approach for the achievement of liberty, which is depending on the evolution of institutions. For Hume, social regularities that provide stability cannot be originated to individual judgments but have to be protected by the law-based institutions, and Great Britain was the pioneer of this system in the eighteenth century. The new constitution establishes a basis to provide secular politics, prevent political crisis (which was delayed by wrong policies of Stuarts), and collaboration of the parliaments and the crown. Consequently, Hume believed that the English constitution is a paradigm that leads to historical change and modern liberal governments (Melaney, 2008: 247-250; Haakonssen, 2009: 357, 371-372). Additionally, a reasonable government that is established with stable laws can be considered immune from the resistance of society for Hume. Because any rebellion against this kind of government includes a danger for the public order and utilities. After the Glorious Revolution, with a transition from the arbitrary rule of James II to the liberal government of William and Mary, the new constitution creates an opportunity to overcome this problem by preventing arbitrary rules of the crown and tyranny (DeGrabriele, 2015: 141-142). Moreover, as quoted before, Hume saw politeness and good education in the same vein as liberty and commerce, which lead society to toleration (Conti, 2015: 167-172)[131], and Britain was the pioneer of Europe about these subjects at the beginning of the eighteenth century.

On the other side, even though Hume and Montesquieu praised their own governments, they also admired the other government because of their successes in the modern period according to their perspectives. As examined before, Montesquieu approved English commercial republicanism as a successful type of government for the modern period because it is suitable to commercial relations, liberty, and strong institutions through laws, parliaments, moderate manners, and social collaboration. Moreover, Britain had the power to provide

[131] Greg Conti (2015) studied Hume's understanding of toleration with the circumstances of Britain, in/after Civil Wars and Glorious Revolution through anticlericalism, secularism, and struggle against dogmas deeply in his article Hume's Low Road to Toleration (*History of Political Thought*, 36(1), 165-191).

security and to protect the interests of its subjects which is a crucial point to the durability of a government in modern times for Montesquieu (see 3.2.1). Similarly, Hume accepted the advantages and achievements of "civilized monarchies" which grounded on laws and commerce, particularly about the "polite arts", like France in the eighteenth century. He wrote, "in a civilized monarchy, as well as in a republic, the people have security for the enjoyment of their property; yet in both these forms of government, those who possess the supreme authority have the disposal of many honours and advantages, which excite the ambition and avarice of mankind" (PE, 11: 69). In that case, civilized monarchies are superior to other regimes in the development of arts[132].

However, as Montesquieu defined before him, Hume asserted that monarchical governments have also some disadvantages because of its structure: "The only difference is, that, in a republic, the candidates for office must look downwards, to gain the suffrages of the people; in a monarchy, they must turn their attention upwards, to court the good graces and favour of the great. To be successful in the former way, it is necessary for a man to make himself *useful*, by his industry, capacity, or knowledge: To be prosperous in the latter way, it is requisite for him to render himself *agreeable*, by his wit, complaisance, or civility" (PE, 11: 69). Unlike Montesquieu, Hume accepted this situation as a problem for society and government. This difference causes some negative effects in monarchical governments. Firstly, they are suitable to arts, but not scientific researches: "A strong genius succeeds best in republics: A refined taste in monarchies. And consequently the sciences are the more natural growth of the one, and the polite arts of the other" (PE, 11: 69; Haakonssen, 2009: 366-368). Liberal republics are more appropriate to the development of science because scientists can be supported by society and government in where equality and justice are protected with legal regulations.

Secondly, even though a civilized monarchy succeeded in providing security and obeying laws, it still not will be suitable for commerce completely. In "Of Civil Liberty", Hume explained this situation as "Commerce, therefore, in my opinion, is apt to decay in absolute governments, not because it is there less *secure*, but because it is less *honourable*. A subordination of ranks is absolutely necessary to the support of monarchy. Birth, titles, and

[132] Through these arguments and later works of Hume, C. J. Laursen (1992) asserted that Hume regarded the honorable and aesthetic part of politics, thereby he preferred French monarchy instead of mixed constitutional government of Britain (Laursen, 1992: 175-176). But, even though he is right about Hume's admiration to France, Hume also explained some disadvantages and deficiencies of monarchies, which will be explained below. Hence, it will be not true to see Hume as an absolutist or a defender of monarchism.

place, must be honoured above industry and riches. And while these notions prevail, all the considerable traders will be tempted to throw up their commerce, in order to purchase some of those employments, to which privileges and honours are annexed" (PE, 10: 55). With this quote, Hume's suspicion about the monarchies can be seen clearly: as noted, the mentality of traditional feudality about the sense of honour had an incompatible structure with commerce which can be easily followed in the historical process. And the conclusion of the second part of this research shows that this understanding was not totally changed in the eighteenth century, even for Montesquieu. Engaging in trade was not acceptable for noblesse d'épée, because it was accepted as a dishonorable profession. Although Montesquieu thought that it can be overcome with office sales and noblesse de robe, history demonstrates that Hume was right about the psychology and status of the French merchants. They intended to invest in soil and offices to earn the title of nobility because of their legal and social advantages, instead of enterprise to industry. And the importance of middle-class people to morality and education for Hume is considered, the danger of the desire of aristocratic life in monarchies can be understood clearly.

Therefore, like Montesquieu's interpretations of the British constitution that include both admiration and suspicion, despite his approval to the French constitution, state, and arts and politeness, Hume accepted the mixed constitutional governments (Britain) as the most suitable regime for modern periods and also for his mitigated skepticism. Because, in addition to liberty and rights of middle-class citizens who can understand virtues and acquire wisdom and ability, it provides liberty of commerce, education, and opportunity to the existence of several characters (not determine its subjects' characters as monarchies and liberal republics) (Wulf, 2000: 96; cf. De Dijn, 2013). Consequently, their thoughts on politics, which connected with their understandings of the origins of national characters and human nature, separated from each other because of their views about the "homeland" and for a Humean expression their personal experiences. Eventually, Montesquieu and Hume were concerned about the problems of their own societies and politics. And this situation determines the basic differences between the two philosophers.

5. CONCLUSION AND GENERAL EVALUATION

The variety of national characters is a well-known issue for the seventeenth and eighteenth centuries' authors, poets, and philosophers. After the great discoveries and the development of national languages, military, and commerce in the modernization process of Europe, philosophers and authors made some distinctions and comparisons between nations about their successes, laws, manners, and dominant behaviors to identify the variety of societies. So discussing the sources of these varieties caused extensive literature about this issue because of the numerous approaches made in that period. Montesquieu and Hume also contributed to these discussions with arguments derived from their own approaches.

Two Enlightenment philosophers, Montesquieu and Hume, examined the origins of national characters and the causes of their differences through human nature, morality, establishment of governments, history, and the sources of laws. For a distinction according to general acceptances about their thoughts, Montesquieu is considered as a philosopher/political scientist who advocated the dominance of physical conditions over nations with a strict determinism and English mixed government against absolutism, while Hume is considered as an empiricist-liberal philosopher who accepted moral causes as only sources of human behaviors, liberty and stable laws for a government and experimental knowledge for the foundation of the science of man as he described in the *Treatise* and his other writings. Although we are faced with two philosophers who make claims to moral or physical causes, Hume's attitude is actually more accurate. However, with a complete reading of the philosophers' works and a large-scale study, a different picture from these acceptances emerges, particularly about Montesquieu, which is essential to understand their arguments on laws and national characters. Because Hume aimed to refute an approach that defends the superiority of the physical causes (air, soil, temperature, etc.) in his essay "Of National Characters".

Nevertheless, Montesquieu asserted that many factors form the general spirit of a society, and physical causes consist of just one part of that. Other factors, moral ones, create a possibility to regulate laws and manners. In that case, after the analysis of the *Spirit*, it can be asserted that Montesquieu's intention in the *Spirit* was demonstrating the possibilities to alteration of physical causes through moral regulations: legislation, communication, religions, and commerce. In the first eighteen books of the *Spirit*, Montesquieu examined the influences of physical causes on bodies and that cause some significant impacts on human behavior for

uncivilized (savage) societies, which refer to noncommunication and underdevelopment. This situation also explains Montesquieu's understanding of the origins of various national characters. The last three parts, on the other hand, demonstrate that the civilization process of a society alters these impacts and moderates social manners, laws, and characters. At this point, it should be considered that Montesquieu examined natural characters and their alteration process through the circumstances of laws and manners. Therefore, although physical causes are the determinant of human behaviors at the beginning, they can be changed or softened with moral interventions in Montesquieu's philosophy, especially in the modern period. This approach shows that Hume's assertions in the essay do not correspond to Montesquieu's arguments in the *Spirit*.

From Hume's point of view, these arguments put forward by Montesquieu represent an effort to justify physical causes as determinative factors on human behaviors. This unconformity can be explained by the selective reading or peculiar interest of Hume about the *Spirit* and mistranslation of the work in English, as explained above, but eventually, the answer is not certain. The last three parts of the *Spirit* have special warnings to people for the moderation of manners and laws, especially for French legislators. On the other side, Hume subscribed to most of Montesquieu's arguments about moral factors that form the general spirit such as legal regulations, communication, and moderation (specifically, except direct impacts of physical ones). He discussed this issue with his philosophical methodology from the *Treatise* and the *Enquires*: a scientific examination of morality and politics through empirical analyses of psychological conditions of individuals, and he concluded his view that there is no effect of physical causes on human behaviors and national characters. The national characters and artificial virtues are based on the self-interests of humanity and formed only with moral causes: experiences, deductions, sympathy, and communication (both in the society and with other societies), and which products of people pass down with education. Even though humanity shares the same nature, there are significant differences between each nation's behaviors. This variety occurs from the different experiences and particular approaches to passions that are derived from the same sources and constitute the national characters. The political essays of Hume grounded on the same methodology and with experiences from the development process of Britain, he explained the variety of national characters with only moral causes in his essay "Of National Characters". In that, Hume examined the arguments of physical causes and discussed them with historical examples and ratiocinations, then show the effects of moral factors as true causes for the variety of national characters.

These differences between them are based on some critical points and there are still some situations that differentiate two philosophers' approaches about the foundation of governments, laws, and morality. Firstly, they were born and lived in two different and unique countries that were constituted particular legal, socio-political, and economical structures that were rooted in the middle ages, and which, I believe, is the source of the fundamental differentiation between philosophies of Hume and Montesquieu. In the first half of the eighteenth century, the French monarchy represented the old era because of the absolute power of the crown and feudal structure with some regulations such as stable laws, security, polite arts, and commerce. However, sociologically, the structure of the feudal era (estates of the realm) was preserved with some changes. The clergy and nobility preserved their privileges and reputations but had largely lost their feudal duties. The third estate could not contribute socio-economically because they were not included in the decision-making process. On the other hand, attitudes of the nobility and clergy to commerce as a dishonorable profession caused the wealthy bourgeois to not gain status and secure their property despite the all power they gained. The advantages of privileges led the bourgeois to buy titles rather than industrial investments. These circumstances resulted in the continuation of the soil-bound feudal economic system, although France had developed to some extent in commerce. Therefore, in this period, France was economically unstable, unable to provide social cooperation, religiously not free, and in a situation where new ideas and old structure struggled. In such a case, Montesquieu tried to motivate political authority and people to reorganize the socio-political structure of France according to modern needs with his works. Nevertheless, he was loyal to the French monarchical system which is a moderate successful government for him through its office sales, commercial achievements, stable laws, and preserving security. So these problematic situations of France determine Montesquieu's agenda to some extent.

British people, on the other hand, were successfully established their commercial mixed government with strong political institutions, individual rights, and stable laws from the middle age to the Glorious Revolution. With all these regulations, they were able to abolish feudal order and provide social collaboration, secularization, commercial development, and moderate government. In that sense, Hume could form his secular-empiric philosophy only in this kind of government, who experienced all the impacts of these regulations after the revolution. With these contributions, he developed his understanding of human nature which is based on scientific arguments, psychological analyses, and non-religious thoughts. Therefore, as a philosopher who experienced the benefits of these developments, Hume accredited British

mixed government as the most suitable and effective type of government in the modern period. Even though Hume appreciated France for polite arts, security, and durable laws, it is not suitable to individual rights because of the possibility of the arbitrary rule of the king and ill reputation of commerce. Britain, in that case, is more accomplished than France as a moderate government (which has a different meaning from Montesquieu's usage, refers to a middle-way of monarchies and liberal republics) because of its successes in commerce, individual rights (through the constitution, institutions, acts, etc.), and liberty. Hence, both philosophers defended their own governments with some suggestions of regulations about the issues they observed and derived from history.

Secondly, which is emerged by the first situation to some extent, their methodologies and sources of philosophies are different from each other. In the first book of the *Spirit*, Montesquieu asserted that causal relations and God's order are the main factors of every relation in nature and the effects we observed. As an outcome, divine and natural laws constitute nature (both human and external) and the relations of creatures, and people can understand these relations through reasoning as intelligent beings. In this respect, two methodological approaches of Montesquieu are revealed. Montesquieu was influenced by Descartes's methodology of causality and reasoning. Even though he used some scientific methods in his examination of societies (particularly effects of physical causes on the human body) he mostly generated ideas with causal relations. In that sense, Montesquieu made sociological analyzes in an extensive perspective instead of individual attitudes. Historical examples are good sources for this learning process. Besides, Montesquieu believed in God and the divine order of Christianity. For him, as noted, natural laws and all of the relations between creatures originated from the divine order of God. Moreover, Montesquieu demonstrated in Part 3 of the Spirit that religions have great impacts on the social and political organization of nations. In a positive sense, fear of a creature represses the cruelty of princes and a proper religion moderate social manners of society and regulate the socio-political structure as in Ethiopia through Christianity.

Hume, on the other side, rejected and criticized both of these approaches with a philosophical-psychological methodology. Firstly, Hume did not accept the philosophical acceptance that every existence must have a cause of existence because he claimed the necessary connection which bound cause and effect constantly is not perceivable, and as we have seen impressions of objects stand a critical point in Hume's view of human understanding. Impression of an object refers to everything that we can know about the object. So our tendency

to connect causes and their effects is nothing more than a habit, and we can only believe their relations which are generated by our imagination. Secondly, in addition to Cartesian skepticism to some extent, Hume constituted his philosophy with an empirical method similar to Locke which is based on perceptions completely and mere secularity. He rejected any kind of knowledge that transcendent human understanding. Therefore, religious teachings have no contribution to Hume's thoughts despite the effects of religions on moral and social issues in his late works. Besides the experimental method, as Montesquieu used before Hume and influenced him and other British philosophers, history is a good source for analyzing human nature because it includes many experiences of other people and extends the knowledge about human behaviors. Nonetheless, his view was based on the uniformity of human nature and understanding. So the methodological differences caused a distinctness between their views to historical examples, and also these differences form the diversity between their understandings of national characters and politics.

Finally, it is mentioned in the research that there are many arguable issues in the thoughts of Montesquieu and Hume. Scholars have developed different approaches to their philosophies, such as their methodologies and ideological attitudes which are noted with some references to related studies above. In this respect, identifying the philosophers within certain perspectives may lead to mistaken results. Because of the numerous works about several subjects of Hume and Montesquieu, specific and objective studies on their works will help to produce reliable consequences about the ideas and intentions of the philosophers which will also provide appropriate scope to the compatibility of the issue and research. For example, many studies on Montesquieu in Turkish literature that concentrated on the separation of powers or British governmental system have failed to introduce Montesquieu, because these subjects form a tiny part of Montesquieu's main work: from thirty-one books (every book includes around ten to thirty chapters) of the *Spirit*, separation of powers and British governmental system were explained in just one chapter (XI.6). Therefore, it can be said that the studies on Montesquieu are made in a too narrow scope to understand and explain his main work and its purpose, which can also be asserted for Hume's essays that contain most of his political and economic thoughts. In that case, there are many specific issues for a research about these two philosophers that can be studied in the Turkish academy to develop the literature.

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