

## “Particulars as the Key to the Universal In Montesquieu and Herodotus”

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This paper explores a connection between Montesquieu and Herodotus. It establishes that the two works’ arguments are similar in their overarching contours: they both make universal statements about the human good through an appreciation for the particularities of various human groups. Both works flirt with cultural relativism in the process of identifying what is objectively best for human beings. To establish this connection, this paper proceeds first by addressing Montesquieu’s direct references to Herodotus. It then attempts to collapse the dichotomy between “political science” and “history” that superficially appears to divide the two works. The next two sections address the relativistic impulse and the universal aspects, respectively, of both works. The final part of the paper clarifies that the universal messages of the two masterworks are similar, but not exactly identical.

Upon a superficial reading of *The Spirit of the Laws*, there does not appear to be a deep connection between Montesquieu and Herodotus. The former names the latter only *once* throughout the main body text of his lengthy masterwork. The primary architect of modern constitutionalism explicitly mentions the father of history in his attempt to draw a causal connection between climate, disease, and law. Montesquieu says, “Herodotus tells us that the laws of the Jews about leprosy were drawn from the practices of the Egyptians.”<sup>1</sup> Other than this single instance, Montesquieu only mentions Herodotus in a handful of footnotes. All but one of these footnotes are found in the chapter entitled “On laws in their relation to commerce, considered in the revolutions it has had in the world.”<sup>2</sup> Montesquieu uses these footnotes to

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<sup>1</sup> *Spirit of the Laws*. 240.

<sup>2</sup> These footnotes are found at *Id.* 364, 365, 371, 372, and 375.

provide historical context for his account of the advancements in naval technology and the effects of said advancements on commerce. After these references, Montesquieu's alludes to Herodotus one final time to establish that the Athenians used oxen as a means of trade before using metals.<sup>3</sup> On the surface of things, it seems that Montesquieu appreciates Herodotus only as one-among-many ancient historians from which he might cherry pick relevant facts to support his various claims. The surface of things can be misleading, though, and it would be irresponsible for a serious study to stop here before heeding Montesquieu's own plea 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."<sup>4</sup> With this caveat in mind, the question of connection between *The Spirit of the Laws* and the *Histories* seems less about direct quotations and more about overarching arguments. The obscure nature of these seemingly minor references establish Montesquieu's deep familiarity with Herodotus, and it is sensible to assume that this familiarity may have translated into some level of influence. Through this lense, a careful observer finds much fertile ground for study, and it is on this fertile ground upon which this endeavor intends to tread.

The most pressing and immediate difference between Herodotus and Montesquieu appears to be the subject of their inquiry. Montesquieu's work centers around political things. The word "law(s)" or "government(s)" appears in 30 of its 31 books.<sup>5</sup> Herodotus' work is ostensibly purely historical. Herodotus' proem identifies his goal as the investigation of "great and wonderful deeds" and the "causes that led [Greeks and barbarians] to war on each other."<sup>6</sup>

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<sup>3</sup> *Id.* 399.

<sup>4</sup> *Id.* xliii

<sup>5</sup> The only book titled without at least one of these two words still involves blatantly political topics. It is Book 13: "On the relations that the levy of taxes and the size of public revenues have with liberty"

<sup>6</sup> *Histories*. Proem. Page 3.

The binary classification between pure political theory and a pure history falls apart upon further investigation. Montesquieu's constant references to historical events evidences his tendency to also remark upon great events and their causes. Book 21 exemplifies this tendency, serving as a catalogue of historical analysis that fleshes out Montesquieu thoughts on commerce.

Montesquieu clearly sees history as a tool that effectively serves his purposes. Similarly, in an inverse fashion, close inspection reveals the political nature of Herodotus' work. The most obvious example of Herodotus' political interest is the discussion of the best regime among the Persian conspirators in Book III.<sup>7</sup> Beyond this immediately accessible example, it seems that political things are always lurking just under the surface of seemingly apolitical stories and observations throughout the *Histories*. The historical accounts of the rise of particular sovereigns -- such as Cyrus Or Deioces, to name a few examples from Book I -- lead a thoughtful reader towards contemplation of sovereignty in general. The myriad historical accounts of battles, tactical strategy, and other aspects of warfare likewise catalyze a theoretical consideration of military matters. Perhaps most importantly in light of Montesquieu's titular subject, Herodotus' extensive treatment of custom implies a similarly extensive concern for law.<sup>8</sup> Neither Herodotus nor Montesquieu are bound by the genre classifications that originally appear confining. Their works are both lifelong pursuits that make profound statements about the human things. The task of comparing the two works therefore becomes the task of revealing the nature of these statements and subsequently finding where they agree and disagree.

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<sup>7</sup> *Id.* 3.80-85. Page 245-248.

<sup>8</sup> It perhaps bears mentioning here the potentially obvious point that the ancient Greek word *nomos* can justifiably can be translated as both "custom" or "law." Many times, a single usage of the word by Herodotus can even be fairly translated either way.

Montesquieu and Herodotus agree that an appreciation of the idiosyncratic particulars of diverse peoples is necessary for understanding humanity as a whole. They both demonstrate a deep understanding for ways of life far removed from their own. Montesquieu's first book, entitled "On the laws in general," details man's ascent from the state of nature into society, but Book 2 immediately categorizes human regimes (and therefore humanity) into "three kinds of government: REPUBLICAN, MONARCHICAL, and DESPOTIC."<sup>9</sup> This tripartite division is consistently adhered to for the remainder of Part I. Parts II-VI will complicate these categories to some extent, but the fact remains that Montesquieu explicates *three* different varieties of regimes. Without dwelling on the potentially thorny question of exactly how Montesquieu classifies the French regime in which lived, we can logically conclude that he demonstrates a nuanced understanding of at least two regime types that are different from his own. This theoretical diversity in understanding clears Montesquieu's pathway for understanding diversity actualized in the world. This becomes clear even in Part I, which appears to be the most theoretical of the six parts. In Part I, Montesquieu draws contemporary examples from Persia<sup>10</sup>, Turkey,<sup>11</sup> Japan,<sup>12</sup> and various other nations. Montesquieu consistently demonstrates knowledge of the particulars of foreign cultures throughout *The Spirit of the Laws*. Beyond commenting on the governments of these nations, Montesquieu goes one step farther down the causal chain. He is interested in the climates, religions, marital customs, and other nuances of various nations. These particulars influence the regime and the laws. Taking climate as an example of this, Montesquieu states, "[T]he spirit and passions of the heart are extremely different in the various

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<sup>9</sup> *Spirit*. 10.

<sup>10</sup> *Id.* 28.

<sup>11</sup> *Id.* 74.

<sup>12</sup> *Id.* 86-88. (Chapter 13 of Book 6)

climates, laws should be relative to the differences in these passions and to the differences in these characters.”<sup>13</sup> He uses this knowledge of particular regimes (and the particular characteristics that establish said regimes) to bolster his theoretical arguments and demonstrate their immediate relevancy.

Herodotus also displays an astonishing knowledge of foreign cultures and their modes of life. Books II, III, and IV of his *Histories* respectively focus in on Egypt, Persia, and Scythia. Like Montesquieu, his inquiry goes beyond a single category and cannot be easily classified. For all three of these cultures, Herodotus provides information on religious practices, geography, architecture, clothing, wildlife, and various other characteristics. As classical scholar Seth Benardete beautifully articulated in his *Herodotean Inquiries*, Herodotus, like Montesquieu, ultimately combines these particulars “into a coherent whole that compels us to reflect on a universal question.”<sup>14</sup> Herodotus demonstrates that the ability to understand things which are foreign, things which are not your own, is an essential -- perhaps *the* essential -- ability necessary to articulate universal truths regarding the human things and the human condition. Montesquieu’s constant reference to nations other than France suggests that he recognizes this truth and its critical importance in making serious, universal arguments.

In addition to their understanding that a knowledge of foreign particulars is essential for *explaining* universal human things, Montesquieu and Herodotus also both demonstrate that such knowledge is critical for *changing* human things. Montesquieu recognizes that the various idiosyncrasies of a nation are generally dear to the people of nation. He explains that if a prince wanted to institute new customs he “must not change their [old] customs, but engage the people

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<sup>13</sup> *Id.* 231.

<sup>14</sup> *Herodotean Inquiries*. 6.

to change them themselves.”<sup>15</sup> Trying to achieve such ends through the violent enforcement of new laws is insufficient because the prince “must reform by laws what is established by laws and change by manners what is established by manners, and it is very bad policy to change by laws what should be changed by manners.”<sup>16</sup> This means that (even potentially positive) changes in custom ought to come organically and persuasively, rather than compulsively and synthetically through legal mandate. Herodotus holds a similar view. After the Persian king Cambyses fatally wounds a cow that the Egyptians held to be divine, Herodotus comments, “I am convinced... that Cambyses was seriously deranged. Otherwise he would not have endeavored to mock what is sacred and customary. For... so strongly do humans believe that their own customs are the best ones... Custom is king of all.”<sup>17</sup> Cambyses wished to mock Egyptian religion and demonstrate that the cow was not divine, but his egregious action led to no meaningful change in the minds of pious Egyptians. Instead, Cambyses soon dies on account of a wound in his thigh “in the very same spot he had earlier struck [the cow] god of the Egyptians.” Montesquieu and Herodotus recognize that forcefully or violently attempting to change a people’s customs can never be effective. It can be counterproductive in disastrous ways. To successfully change a nation’s customs, a leader must deeply understand the customs they wish to replace and persuade (rather than coerce) via example the people of that nation that an alternative custom is in their best interest.

The fact that Herodotus and Montesquieu are interested in an effective process by which one custom may be replaced by another suggests their belief in customs which are universally good or bad. If either thinker was a pure relativist, it would seem contradictory to waste time

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<sup>15</sup> *Spirit*. 316.

<sup>16</sup> *Id.* 315.

<sup>17</sup> *Histories*. 3.38. Page 224.

contemplating such a process. Herodotus' expresses his belief in a universal right with his praise or criticism of various customs. He thinks that the Persian custom of keeping children away from their fathers until they are five years old is "worthy of praise."<sup>18</sup> He later describes the Babylonian custom of ritual prostitution as "the most disgusting of all Babylonian customs. Such instances are admittedly rare throughout the *Histories*, but they nonetheless provide a powerful rebuke against charges that Herodotus engages in relativism. Herodotus can discuss the customs of other cultures in a mostly neutral manner, but this should not indicate that he necessarily holds neutral views about those customs or does not believe in an objective good. Montesquieu expresses a similar understanding. He describes Alexander's forbiddance of the Bactrian custom of feeding their elders to dogs as "a triumph gained over superstition."<sup>19</sup> Beneath the veneer of relativism, the true, universal good shimmers.

The presence of the good leads naturally to the question of the best. This question of the best subsequently transforms into a question of the superior regime. A full investigation into what Herodotus or Montesquieu consider to be the best regime for human beings would be beyond the scope of this project, but there is room to trace an outline of their thoughts with an eye towards revealing similarities. Herodotus never explicitly offers his opinion on political matters, but his work clearly indicates a favoring of democracy over other regimes. This is perhaps most directly evidenced by the paradigm of democracy, Athens, successfully -- and seemingly miraculously -- defeating the paradigm of tyranny, Persia under Xerxes' rule. A resourceful, relatively small group of free men successfully defeated the strongest and largest army the world had ever known. The aforementioned discussion among the Persian conspirators

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<sup>18</sup> *Id.* 73.

<sup>19</sup> *Spirit.* 142.

in Book III offers another endorsement of democracy. Otanes advocates for a democratic Persian regime by arguing, “The rule of the majority... not only has the most beautiful and powerful name of all, equality, but in practice, the majority does not act at all like a monarch... for in the many is the whole.”<sup>20</sup> Though this argument fails to convince the other six conspirators, Herodotus later informs the reader, “Otanes’ family is the only free one among the Persians.”

Democratic thinking once again secures freedom, which, based on Solon’s conversation Croesus,

<sup>21</sup> Herodotus seems to view as a prerequisite for human happiness. The work’s final lines also imply Herodotus’ preference for freedom (and therefore democracy). A group of free Persians choose “to dwell in a poor land rather than to be slaves to others and to cultivate the plains.”<sup>22</sup>

Montesquieu is more candid about his preferred regime than Herodotus. He expresses great admiration for the constitution of England, which he calls the “one nation in the world whose constitution has political liberty for its direct purpose.”<sup>23</sup> Montesquieu’s praise comes primarily on account of England’s balance between legislative and executive power. Balance of power serves as “the fundamental constitution of the government of which we are speaking... The [legislative power] will be bound by the executive power, which will itself be bound by the legislative power.”<sup>24</sup> Montesquieu’s other major point of praise for England is the presence of juries in place of permanent magistrates. This contributes greatly to his critically important tranquility of spirit by ensuring that “[j]udges are not continually in view; one fears the magistracy, not the magistrates.”<sup>25</sup>

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<sup>20</sup> *Histories*. 246.

<sup>21</sup> *Id.* 1.30-32. Page 19-20.

<sup>22</sup> *Id.* 9.121. Page 722.

<sup>23</sup> *Spirit*. 156.

<sup>24</sup> *Id.* 164.

<sup>25</sup> *Id.* 158.



Montesquieu clearly values “liberty” in a similar way to which Herodotus values “freedom.” By this, they certainly mean somewhat similar things and therefore hold somewhat similar beliefs regarding the best of all possible human regimes. That being said, it is important not to conflate the two words or assume that Herodotus and Montesquieu are saying the exact same thing. Montesquieu’s “liberty”<sup>26</sup> is less grandiose and noble than what Herodotus probably has in mind with his “freedom.” Montesquieu understands this difference and believes that “things were done in [ancient] governments that we no longer see and that astonish our small souls.”<sup>27</sup> Notwithstanding this difference, it is apparent here at the end of this inquiry that Herodotus and Montesquieu have a lot in common. They both present lengthy, nuanced works that defy straightforward classification. These works take on the most pressing and fundamental human questions. They construct a cohesive, universal argument using an extensive knowledge of particular human things. In doing so, they have both done a tremendous service for all of humanity, their rightful audience and ultimate subject.

*“I have neither given nor received unauthorized aid.”*

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<sup>26</sup> Which he defines as “the right to do everything the laws permit” on page 155.

<sup>27</sup> *Id.* 35.

## Works Cited

Benardete, Seth. *Herodotean Inquiries*. South Bend: St Augustine's, 2009. Print.

Herodotus, Robert B. Strassler, and Andrea L. Purvis. *The Landmark Herodotus: The Histories*.  
New York: Anchor, 2009. Print.

Montesquieu, Charles De Secondat, Anne M. Cohler, Basia Carolyn. Miller, and Harold Samuel  
Stone. *The Spirit of the Laws*. Cambridge: Cambridge UP, 1989. Print.