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**Charles Louis Montesquieu : between objective and legal laws ; Voltaire : movement or permanency? ; Emile Durkheim : society, science, religion**

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## ***Charles Louis Montesquieu*** ***Between objective and legal laws***

The work begins with some authors' opinions of Montesquieu (E. Cassirer, H. Arendt, L. Althusser, B. Binoche), followed by a brief curriculum vitae, where I emphasize Montesquieu's travels in Europe. Then, Montesquieu's method is analyzed as well as his relationship to natural sciences. His method is characterized as a combination of an objective approach (comparative method) with a subjective approach, where Montesquieu selects and assesses suitable ways of organizing the state. Montesquieu partly also managed to avoid anachronisms.

### **I. Montesquieu's conception of society**

The author first analyzes Montesquieu's conception of laws in physical nature as well as among people, if understood as subordinated to nature. Then, the author deals with the conception of natural law, especially in relation to the theory of social contract, and next Montesquieu's concept of the "spirit of nation" and the question how Montesquieu understood the effect of religion on society. It is shown that Montesquieu, despite his Christian background, attempted to assess religion objectively and focused on its social function independent of the "truth" of particular religious convictions. He rejected interference of religion with social life. Finally, the author inquires about the relationship between the spirit of laws and the spirit of nation in Montesquieu's work and concludes that the spirit of laws transcends the spirit of nation.

### **II. The Organization of the State**

Montesquieu compared three basic types of state that are governed by the principles of virtue, honor and fear. He emphasized the moderate character of republican and democratic establishment. Justice and individual freedom of citizens are further areas of establishment that derive from the main principle of state organization. The author then analyzes the relation of the individual types of organization to other factors. These are for instance the area, but also the problem of freedom. Montesquieu distinguished a philosophical conception of freedom, which emphasizes the freedom of will, from a political conception, which guarantees people's safety. Freedom, in his opinion, is the right to do what the laws permit. Freedom in the political sense is guaranteed by the division of powers. In this respect, the author points out the modern polemic on the relative vs. absolute independence of powers in Montesquieu's conception. Montesquieu himself stressed the need to maintain balance among the individual components of the state and its citizen groups.

The author further deals with Montesquieu's relationship to England and his emphasis on pro-population politics. She claims that Montesquieu placed a great emphasis on economy. He focused on the importance of free work. That was not considered absolutely free, either: people's activity was to be limited by laws where necessary. Montesquieu also considered important the

trade and barter, especially financial. He valued highly luxury as it provides people with job opportunities. A final problem that the author pursues in this work is Montesquieu's conception of war. Montesquieu dismissed war with the exception of defensive and preventive war. He was criticized by Voltaire for his acceptance of preventive war.

### **III. Conclusion**

Montesquieu balanced on the edge of the old and the new order. Although he criticized absolute monarchy from the feudalistic perspective, his idea of intermediary bodies could be employed by bourgeoisie as well, especially since Montesquieu even considered cities in this respect. Montesquieu introduces conflicting plurality in the characteristic of good organization of the state. It guarantees moderateness, which he considers an essential characteristic of a good regime.

## ***Voltaire***

### ***Movement or permanency?***

#### **I. Method**

Following a brief overview of Voltaire's life and work, the author analyzes his conception of philosophy. Voltaire strove to rid it of metaphysics and bring it closer to the sciences. He stressed empiricist theory of knowledge, which conflicted his belief in *a priori* laws.

Voltaire's historical method was also empiricist where possible. He relied on written sources, cited them (which was unusual in his times), and where possible he employed testimony of his contemporaries. He gave new contents to historiography, focusing it on political history as well as the history of civilization. His empiricist attitude was also manifested in his effort to come to probable conclusions where he lacked certainty. However, as he based his probability estimations on a static conception of human nature, he often arrived at anachronisms just like his contemporaries.

Voltaire consciously opposed old conceptions in methodology and in his work. Despite that, he also desired to arrive at knowledge by means of historical comparison.

The author describes Voltaire's relationship to Bossuet, Rousseau, Montesquieu, Pascal, and some other philosophers, scientists and artists of the past.

#### **II. Basic concepts of Voltaire's conception of history**

Two theories meet in Voltaire's conception of history. They are (1) history understood as the development of the spirit, which is progressive in a way, and (2) a static conception of history stemming from the permanent character of man. In the latter conception, Voltaire finds regularities related to man, who is, just like all other objects, governed by the laws of nature. Man is instinctively a social being. The instincts also manifest themselves in knowledge and morality.

The basis of human nature is constant; it even contains an impulse for development in the idea of human perfection. The particular details of development can, however, be given by chance. Voltaire considered man as a naturally social, vigorous, rational as well as emotional being. He also dealt with the problem of human races, which he sees as unequal, despite the common human nature. The basic elements of human nature, that is emotions and reason, are essential for civilization.

In the analysis of particular civilizations Voltaire stresses the importance of China. Europe is, however, considered unique due to its modern supremacy over the nations of other continents. Even though his thoughts on Jews reflect certain aversion, he advocates their human rights in Europe.

The concept of progress causes a lot of problems in the study of Voltaire's work. We can say that Voltaire favored the concept of progressive human development early in his life, but later he expressed pessimism, especially with respect to moral progress. It seems that the beginnings of the dialectics of good and evil, later developed by Classical German Philosophy can be traced to Voltaire's work.

### **III. Conception of religion**

It is necessary to distinguish whether Voltaire was a critic of the church or of religion (and which religion). He stressed the mistakes and crimes of Christianity in history and points out the close relationship of religion to superstition. On the other hand, he was not an atheist and identified atheism with a loss of moral consciousness.

Voltaire inquired into the origin of religion and attempted to analyze particular religions. He found a common basis to all of them – deism. As he understood the importance of religion for the existence of peaceful society, he suggested that people adopt deism including its philosophical concept of god. He advocated tolerance and stressed the need for the development of reason, which is the only tool in the fight against religious conflicts. He notes its boom in Europe in 17<sup>th</sup> and 18<sup>th</sup> centuries.

### **IV. Voltaire's conception of society**

Voltaire had a moderate conception of freedom and equality. As he struggled with the question of freedom in philosophy, he dealt with it practically and put it in the context of the idea of human rights. He primarily took equality to be equality before the law. He pointed out that economic conditions require the maintenance of property inequality among people.

Voltaire considered the history of civilization as the history of human spirit. It is, in his view, influenced by the climate, government, religion and morals. It is possible that morality and morals refer to two distinct entities in his work: an unconscious moral emotion that is everlasting and common to all people, and conscious morality that is subject to change.

Personality must be analyzed in relation to the people. Although Voltaire ascribes the people some qualities, he mostly criticizes it for apathy. As a result, the people must be led by a great ruler. Voltaire mainly praises personality for its character.

Voltaire desired a change in society, but not a radical one. As a result, he did not challenge the division of society into social strata. He only demanded

that they fulfill their roles. That demand concerned nobility as well as bourgeoisie. Voltaire did not appreciate them if they attempted to take control in their hands. If, however, they fulfilled their social functions, as cities did under the rule of Louise XIV, he praised them. That fact can result from Voltaire's attention to economy.

## **V. Conclusion**

Voltaire criticized his society, desired its change, but believed such change could be ensured by an enlightened ruler.

The question whether Voltaire was capable of historical view remains open. It is possible and likely that he was preparing such a view.

## ***Emile Durkheim*** ***Society, science, religion***

### **I. Durkheim's conception of sociology**

Durkheim's approach to sociology is empiricist. Sociology, thus, is not a science of society as such, but a science of particular societies. It is supposed to bring objective knowledge of objective social phenomena. (Those were understood as things.) Sociology should be similar to natural sciences in this respect. It should reveal laws. Durkheim prefers causal approach and often interprets it in a monocausalistic way. However, he acknowledges the interaction of social phenomena. Comparative history was Durkheim's tool for the investigation of causes. The author further deals with Durkheim's concept of the relation between sociology, philosophy and sciences. He rejected psychological explanation of social phenomena, criticized economics for its abstract conception of man and had reservations about philosophy.

In this section, the author mentions Durkheim's spiritual background. She explores his relationship to Comte (whom he considered too speculative) and shows Durkheim's critique of Spencer, Biologism, Social Darwinism, and finally Marxism. He reproaches Marxism for its overestimation of technology and economy.

### **II. Durkheim's view of society**

Society, in Durkheim's opinion, is more than just a sum of individuals. That is manifested by the existence of social pressure. When exploring society, Durkheim concentrates on the most objective, i. e., the most stable phenomena, one of which is the law, as we have the most written evidence about it. Collective conscience plays a major role in his theory. The meaning of the term is, however, different in different societies. It is diminishing in modern society, which results from the rise of individualism. Durkheim assesses individualism differently, he sees both its qualities and drawbacks.

To explain some conflicts in society and to avoid deciding between materialism and idealism, Durkheim stressed a double character of human beings. Humans have both individual and social character and these are mirrored by morality and religion on the one hand, and rationality on the other. At the same time, morality is sometimes a symbol of the average – "the normal".

Durkheim also deals with the development of society and relates it to the division of labor understood as alleviation of the struggle for life. (The weaker of the competitors does not die, but withdraws and finds another role.) A related theme is the theme of the main developmental stages of society – the mechanic and organic solidarity.

The author also analyzes the concept of anomie (normlessness), mainly with respect to suicide. Durkheim claims that society becomes normless with the rise of capitalism, which is related to moral poverty of man and his constant rush forward.

### **III. Science and politics**

Sociologists and philosophers of politics are part of society. They should participate in social life as they study society. They should not play the role of politicians, but that of counselors and educators.

Durkheim himself suggests how to overcome the state of normlessness in current society. He proposes decentralization based on professional distribution. He also demands the growth of morality in society. He sympathizes with socialism and believes that it could bring more justice into society.

### **IV. Religion**

Durkheim considers religion an elementary aspect of humanity. However, he understands it very broadly. He believes that the need for religion reflects something that in fact exists in society. Thus, the general characteristic of religion is the same in all societies (at this point Durkheim criticizes Lévy-Bruhl). He thinks that religion is hypostasis of consciousness of social, i. e. moral power, and that religious theory is a system of concepts that people use to imagine society. A religion that encourages social integration can prevent suicide. This does not apply to religions that emphasize individuality (such as Protestantism). When religions fall, we must rely on science. Its fight against religion, however, is unlikely to succeed. There will always be a form of religion, perhaps a religion of humanity.

The continuity in the spiritual life of society is also expressed by Durkheim's conviction about human as well as religious origin of elementary concepts and categories that man uses in thinking. Concepts correspond to reality since they are examined by collective experience; ordinary and scientific concepts differ in orderliness only. Religious concepts reflect more emotionality. Religion as (collective) thinking, which rises at the beginnings of society, expresses the supremacy of society over the individual. The categories of time, space, and causation are also of social origin.