Natural Law from the Perspective of Montesquieu (Charles-Louis de Secondat)

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Abstract

Natural law, as a foundational concept in political and legal philosophy, has been subject to diverse interpretations across intellectual traditions. This paper examines the conception of natural law in the thought of Montesquieu (Charles-Louis de Secondat), one of the most influential thinkers of the Enlightenment. Unlike classical natural law theorists such as Thomas Aquinas or John Locke, Montesquieu develops a sociologically grounded understanding of law, where natural law is not an abstract, universal prescription detached from reality, but rather a set of principles rooted in human nature and shaped by environmental, cultural, and political contexts.

Montesquieu's major work, The Spirit of the Laws, offers a comprehensive framework in which laws—including natural laws—are understood as relations arising from the nature of things. He identifies fundamental natural inclinations such as the desire for peace, self-preservation, and social interaction as the basis of natural law. However, he departs from earlier normative traditions by emphasizing the variability of legal systems according to factors such as climate, geography, economy, and customs. This relativistic and empirical orientation marks a significant transformation in natural law theory, bridging the gap between universal principles and contextual realities.

The study highlights how Montesquieu's reinterpretation of natural law contributed to the development of modern political thought, particularly in relation to the theory of separation of powers and constitutional governance. By integrating empirical observation with philosophical inquiry, Montesquieu reshaped natural law into a dynamic concept that accommodates diversity while maintaining a minimal universal core. The paper concludes that his approach represents a critical transition from metaphysical to sociological jurisprudence, influencing subsequent developments in legal theory and political science.

Keywords; Natural Law; Montesquieu; The Spirit of the Laws; Enlightenment; Legal Philosophy; Separation of Powers; Political Theory; Sociological Jurisprudence; Human Nature; Relativism.

Introduction

The concept of natural law has long occupied a central position in the history of philosophical inquiry, serving as a cornerstone for debates concerning justice, morality, and the legitimacy of political authority. From its classical articulation in ancient Greek philosophy to its

systematic development in medieval scholasticism and early modern political theory, natural law has been understood as a universal set of principles derived from reason, nature, or divine order. Thinkers such as Aristotle and Thomas Aquinas conceived natural law as an objective moral framework inherent in the structure of the universe, accessible through rational reflection and binding upon all human beings regardless of time or place. This universalist vision was later reformulated by early modern philosophers like John Locke, who grounded natural law in individual rights, particularly the rights to life, liberty, and property, thereby linking it to emerging theories of liberal governance.

Within this rich intellectual tradition emerges the distinctive contribution of Montesquieu, whose thought represents a turning point in the evolution of natural law theory. Writing during the Enlightenment, a period marked by a profound reexamination of established authorities and a growing emphasis on reason and empirical observation, Montesquieu sought to reconcile the universality of natural law with the diversity of human societies. His approach diverges significantly from that of his predecessors by rejecting purely abstract and normative formulations in favor of a more empirical and contextual analysis of laws. For Montesquieu, laws are not merely prescriptions imposed upon reality; they are expressions of the relationships that arise from the nature of things, including human beings and the societies they form.

In his seminal work, The Spirit of the Laws, Montesquieu articulates a comprehensive theory of law that integrates natural, political, and civil dimensions. He begins by identifying the fundamental laws of nature as those that govern human behavior in a pre-social condition. These include the instinct for self-preservation, the inclination toward peace, and the desire to live in society. Unlike earlier theorists who viewed natural law as a rigid and universal code, Montesquieu interprets these principles as general tendencies rather than strict rules, thereby allowing for variation in their expression across different contexts. This perspective reflects his broader methodological commitment to understanding social phenomena through observation and comparison, rather than through deductive reasoning alone.

A key feature of Montesquieu's thought is his emphasis on the influence of external factors—such as climate, geography, religion, economic structures, and cultural practices—on the formation and functioning of laws. He famously argues that laws must be adapted to the specific conditions of each society, suggesting that what is appropriate in one context may be unsuitable in another. This insight introduces a form of legal relativism that challenges the universality traditionally associated with natural law, while still preserving the idea that certain basic human inclinations provide a common foundation. In this sense, Montesquieu does not abandon natural law but reinterprets it in a way that accommodates both unity and diversity.

Moreover, Montesquieu's analysis of political systems further illustrates his innovative approach to natural law. His theory of the separation of powers—dividing governmental authority into legislative, executive, and judicial branches—can be seen as an application of natural law principles to the organization of political institutions. By advocating for a balance of powers, he seeks to prevent tyranny and safeguard individual liberty, aligning political structures with the fundamental needs and tendencies of human nature. This contribution has had a lasting impact on constitutional design, influencing modern democratic systems around the world.

In examining natural law from the perspective of Montesquieu, it becomes evident that his work represents a synthesis of philosophical reflection and empirical investigation. He transforms natural law from a static and universal doctrine into a dynamic and context-sensitive framework, capable of addressing the complexities of human societies. This transformation not only enriches the theoretical understanding of law but also provides practical insights into the development of just and effective legal systems.

Therefore, this study aims to explore the key dimensions of Montesquieu's conception of natural law, analyzing its foundations, its distinctive features, and its implications for modern legal and political thought. By situating his ideas within the broader history of natural law theory, the paper seeks to demonstrate how Montesquieu redefined the relationship between universality and particularity, offering a nuanced vision that continues to resonate in contemporary debates on law, governance, and human rights.

In Leo Strauss's reading of Montesquieu, he finds him not enthusiastic about the idea of natural law as a basis for establishing human society and enacting laws based on the faculties and capacities that nature has endowed us with. This is because Montesquieu seeks a more suitable principle. He is a model of the democratic philosopher who defends the idea of the greatest happiness for the greatest number of people; indeed, he is a messenger of England, determined to establish the most rational and the freest system. Therefore, a system based purely on nature is one that suffers from an inherent crisis from the outset, and thus it is necessary and preferable to add a legislative touch to every law, whatever its origin.

Strauss recalls the main trends of political philosophy and shows how they all seek "the best," even positivism and historicism, as they aim to establish laws of political behavior by separating facts from values, which allows political science to understand and formulate its laws. Historicism holds that there is no best system due to the diversity of conditions and the cultural and historical circumstances of human societies; consequently, there is no such thing as political truth or political science. In this context, Strauss proposes a rereading of The Spirit of Laws in a rational manner, away from considering those laws as relative, positive, and historical. Montesquieu knew how to think within different conditions, that is, in his attempt to find a universal general rule—through which he refutes the historicist tendency—by which rules and systems can be judged; a rule in which facts are not separated from values. It is as if he knew how to determine truth in the modern world and to identify the system that suits it, and to confer upon it the attribute of truth.

Before reaching this level or form of modernity, it must be understood that Montesquieu does not immediately conceive law as a standard that grants freedom to governance; rather, he first considers it as a necessary relation derived from the nature of things. It is the necessary relation that cannot change between things. Thus, there is a First Reason—the Creator—and laws are the relations between things and between them and the First Reason. Here, Strauss finds that [1] He fully understands the importance of this revolutionary definition of law, just as he describes Montesquieu's approach in conceiving human laws as the product of intelligence, in contrast to the laws of institutions and bodies, that is, positive law which humans have striven to

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[1] Leo Strauss, E. Voeglin. Correspondance 1934 – 1964 Foi et philosophie politique…, p. 80

establish. Just and positive laws are derived from the nature of things or through direct influence upon them. Here, Strauss notes that Montesquieu is not Spinoza.

It is therefore necessary for there to be a legislator to produce laws, and The Spirit of Laws aims to determine the nature of good laws and what the best laws are for a particular people under specific circumstances, as well as the general laws governed by causes and principles that do not change. It is clear that Montesquieu does not merely transfer the method of natural sciences to the social sciences and then to the process of decision-making. The Spirit of Laws remains the most innovative and boldest work, expressing both being and ought (man and law), which is not provided by the model of natural law as found in the philosophy of (Plato – Aristotle – Cicero – Saint Thomas).

Natural law, which allowed Thomas Aquinas to define the nature of the good according to the natural ends of man and according to his understanding of the idea of perfection, has no place here. It is therefore necessary to acknowledge the history of modern rupture and the crisis of natural law. It is no longer the law of reason but the law of desire or need (self-preservation through the acquisition of perfections and the avoidance of pain). This is a human trait, and the realization of benefits appears to be the duty of the state as well as the duty of the individual. Moreover, politics is no longer concerned with the search for virtue and its promotion, but works only to ensure comfort and the basic needs of the individual, and to guarantee his freedom. It is as if its task is to discover the material laws that govern human beings, just as Newton discovered the material laws that govern the physical world.[2]

Montesquieu differs from Hobbes and Locke in that he intends to adopt an unlimited range of positions for an unlimited range of circumstances, rather than speaking of a universally valid theory. Thus, "Montesquieu shares with his predecessors the view of natural law as a law of chance rather than a law of intelligence or reason, as the laws he refers to in Book One of The Spirit of Laws are initially merely rational laws."

However, these are laws shared by both animals and humans, such as the desire to live and the search for peace, food, and marriage or reproduction. These are by no means standards of moral action, for virtue does not arise from the satisfaction of our basic needs, but is the result of conscious effort and labor. For this reason, Strauss يرى that Montesquieu rejects grounding virtue in nature, since this would encourage moral laziness. Even virtue based on Christian religiosity is rejected because it is passive and requires no effort; it is enough for a person to acknowledge their sins to obtain forgiveness. It is therefore sufficient to consider that such a virtue is a miserable and abandoned one, essentially belonging to the past, and it seems to have given way in modern political philosophy to the principle of freedom.

It establishes the principle in which the human being finds security. Political freedom is what provides individuals with the space to live in peace, not that which allows desire to dominate.

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[2] Leo Strauss, Ibid, p. 80

Cicero: Marcus Tullius Cicero (106–43 BC), the Roman writer and distinguished orator of Rome, is considered a model in legislation, rhetoric, and constitutional law. One of the key principles of his philosophy is the attempt to recognize a single possible origin of the human race as a justification for equality among its members.

A political system based on freedom refutes the idea of desire and establishes the idea of social harmony, where the freedom of the self does not conflict with the freedom of others, without self-denial or the rejection of one's needs. Society does not need saints but rather human beings who are aware of their interests without excessive selfishness—those individuals who may appear as unnatural beings but are, in fact, perfectly natural.

This intelligent distinction proposed by Montesquieu, according to Strauss, reopened the debate between classical and modern political philosophy. If natural principles are no longer the ends of the system (since passions allow the collapse of the value system), then rational principles become the alternative. At this point, Strauss seeks to go further in his reading of Montesquieu, beyond a superficial reading to the depth of the text, which he believes no one has noticed. According to him, Montesquieu ultimately comes to consider political virtue as a moral or religious virtue (the unification of the theological…).[3]

in a rational way), as Plato did. He also adopts an esoteric philosophy (self-denial) or refrains from disclosing such ideas to the general public. A political system cannot be conceived without virtue. Modernity means—among other things—moral tolerance associated with the growing desire for development and well-being and the elimination of destructive prejudices, even if this gentleness and tolerance are accompanied by a form of moral corruption. Perfection is not required for Montesquieu; rather, only the achievement of the greatest happiness for the greatest number of people, within the limited capacities of human beings. The freedom enjoyed by humans must come at a cost, and among these costs is the moral corruption that accompanies it, both at the personal and the broader social level.

At that point, we must be satisfied with this social form of virtue linked to human nature rather than to self-discipline associated with commitment and deprivation. We are thus faced with a partial movement that replaces virtue with freedom and gives it meaning through action. This in itself involves breaking the bond that ties politics to virtue rather than freedom, and it also constitutes a rejection of deterministic Christianity. When Montesquieu refers to commerce as a sign of wealth in his time, he praises reason and human effort. It is a source of peace, prosperity, and freedom. He admires it because it represents a form of escape from the oppression of princes, whom Strauss considers to be "the liberal illusion in its noblest form."

Moreover, commerce has contributed to the growth of radical Enlightenment tendencies. The richer and more prosperous a society is, the more capable it becomes of refusal rather than blind obedience and submission. However, issues such as war, oppression, and intolerance cannot be resolved by the wealth generated through commerce; they require laws and legislation. Here, Strauss reveals that Montesquieu is, in some sense, one of the founding fathers of the American Constitution and of liberal democracy, which must defend what is best in human life, foremost among them the value of freedom. Strauss, in Natural Right and History, also tends toward a distortion in interpreting The Spirit of Laws when he considers that it established the political standard based solely on human nature, in response to basic human needs. And in the relationship of the individual with others, that is, on…[4]

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[3] Leo Strauss, La critique de la religion chez hobbe…, p. 30

[4] Leo Strauss. Droit naturel et histoire, p. 59

At the social level, it is preferable for the individual to serve the community while also granting himself the right to preserve his own existence and defend his interests, as the "fundamental moral phenomenon," or by considering the pursuit of interest as a right equally shared by all people. It shows us that basic needs come first, followed by political needs, but this may lead to the emergence of bias and conflicts, and to a widening gap between people when there is no legal or legitimate support, as is the case with Hobbes, Locke, and even Rousseau, where politics can be based on a natural and universal foundation as well.

What distinguishes Strauss is his brilliant reading and solid analysis of both classical and modern political philosophical heritage without fear or hesitation. His view of things often appears shocking, especially when he justifies reprehensible actions, or those considered as such. Tyranny, which we all reject and cannot tolerate—neither living with it nor even speaking about it, as it represents a dark point for both those who practice it and those upon whom it is practiced—can be more or less oppressive, meaning more or less rational, to the extent that it may even be considered a principle of legitimacy. A tyrannical system can be legitimate when it adapts as best as possible to social justice. Did not Hobbes previously consider injustice to be justice if it were distributed equally among all?

Thus, if tyranny seeks well-being within a certain context, it may be legitimate and justified, and it is most in line with human nature, which is inclined toward evil (intention). Although it is a relative standard, human well-being is a universal principle, as everyone seeks a condition in which all their needs are fulfilled. This means that "the principle or the end is universal, while only the method is subject to difference." At that point, all methods can be proposed, including those that are crude and rejected. They are rejected by the common people, but for philosophers—who best understand human nature—all options are possible and available, especially when it comes to preserving supreme national interests, the strength of the political system, and social well-being.

However, well-being itself is a relative matter, as it is linked both to the social context and to satisfaction with that context. Well-being in the West is not the same as in the East; this is due to the level of awareness, civilization, and the possession of tools to control nature. Montesquieu rejects this view, as for him well-being is not linked to a subjective state (satisfaction), but is something determined by the nature…

man. If nature is one, then well-being must necessarily be of the same degree; it is a single concept, unrelated to social condition or sentiment. Are food, self-preservation, reproduction, and freedom matters of feeling or emotion? They are the foundations upon which natural law bases its legislation, which are considered the objective of legitimate right.

The need to promote equality among human beings leads to the belief that well-being is a natural right and not the product of a contingent circumstance. However, Strauss and Montesquieu differ here from Hobbes in that they reduce the usefulness of human nature to the mere desire to preserve a comfortable life. Here, Strauss rejects the originality of Montesquieu in the natural project, unlike Hobbes and Rousseau, who introduce historicity from the state of nature into the emerging Western society. The Western human being is no longer unified; he is no longer like an animal driven by similar impulses and needs that he satisfies while concerned with preserving his species, but rather aspires to establish a civil condition (the political state).

Nevertheless, the persistence or emergence of social sentiments (such as ambition and the desire for perfection…) is undoubtedly accompanied by the birth of traits related to desire. Thus, it appears that human beings cannot completely detach themselves from the state of nature. Moreover, some governments—indeed all, according to Hobbes—make fear the principle of governance, ruling with violence and harshness. Contemporary England would not have been able to impose its authority over its colonies in the Far and Middle East without the power of fear. The face of virtue there is the same as the face of virtue in the states of ancient times. Therefore, freedom in the English model is a relative or selective matter, which renders the Enlightenment philosophical effort in the West questionable and often subject to criticism and doubt.

Here, it becomes necessary to make room for political virtue as determined by the ruler, and to exclude the notion of virtue based on freedom (a rejection of the idealist tendency). This also applies, particularly, to honor, which regulates the social sentiments produced by a certain type of society. This type is referred to by Strauss as the "honor of courtesans," which abandons political virtue based on freedom and inclines toward virtue based on despotism under natural justifications. Montesquieu…

Montesquieu refuses to abandon the idea of dignity and honor, even if this leads us to stand against primitive nature and the desire for possession and survival.

Honor, therefore, has its own rules, which are higher rules, and accordingly education and social care are obliged to follow them. More importantly, honor founded on freedom—that is, morality based on freedom—has allowed us to enjoy a state of wealth and well-being. However, under despotism this is not permitted; it is prohibited from the standpoint of despotic politics. It is not important whether Strauss agrees with tyrannical or monarchical systems of rule or not; it is evident that they do not harmonize with an individual or social condition in which the value of freedom prevails or nearly emerges. Despotism is the enemy of freedom, and in contrast, it establishes its higher values solely on the fulfillment of basic needs, even if it appears to defend aristocratic morals.

Yet this aristocracy, which may arise from commerce and the accumulation of wealth, can transform a despotic regime into a republican one. The French Revolution and the transformations it produced provide a clear example. The triumph of Enlightenment thought over feudalism indicates that society was ready and prepared for this transition—from a system governed by the virtue of desire to one governed by the virtue of freedom. It is primarily a matter of the monarchical system.

With the emergence of democracy as an alternative to monarchy and feudalism, it merely sought to eliminate their disadvantages by redefining its foundations, tools, and objectives, insisting on virtue based on the principles of freedom and equality, which would surpass both. From this perspective, class distinctions (nobles and kings) were abolished, and people were made to live in freedom and security. This represents one of the signs of the rupture with the foundations of feudal monarchy, which in turn trace back to classical forms of government.

Thus, "the concept of honor that Hobbes speaks of under the monarchical system is, in Strauss's view, a kind of illusion. Since people cannot act against their own inclinations, it is entirely

natural for them to tend toward establishing a system of governance that responds to their basic needs and their rational aspirations."[5]

The issue is implicit for democracy, as it responds to both demands simultaneously. The legislator in this system takes these matters into account, as it is necessarily wise for him to respect the genius of the people over that of the ruler, since the general will is the source of the political system. However, democracies—where tyranny is supposed to be absent and where freedom and equality are revered—are rare due to differences in temperament between rulers and the governed. According to Strauss, they may be realized in small states with limited populations, such as Switzerland, where freedom, virtue, honor, and well-being have value and place.

Nevertheless, Montesquieu only calls for non-interference in a form of aristocratic morality by replacing honor with well-being and propriety with taste. Thus, replacing virtue with freedom changes nothing as long as the goals are achieved. "The design of The Spirit of Laws is one-directional; it presents liberalism in the face of economic and political texts—that is, the liberalism of the separation of powers and the impossibility of returning backward toward the classical political model. It is a general intellectual line based on moderated judgments and the rejection of regression."

Yet Montesquieu—according to Strauss—gives the impression of a state of hesitation and instability between the classical republic and the modern monarchy, and between one type of republic represented by ancient Rome and another embodied by eighteenth-century England. At this intersection, he realizes that the demands of virtue conflict with the demands of freedom. From a rationalist perspective, freedom is distinct from virtue; thus, he prefers the English political system over the ancient republics. Even from a human perspective, it is distinguished from virtue, as it favors a deliberative system of government over a military one. At this precise moment, Strauss writes that Montesquieu attempts to find an alternative to virtue in a mental state shaped by commerce and material well-being, or even by an impressionistic idea of the East, which tends to fade before the school of freedom. Thus, the central question remains, for Strauss as it did for all philosophers…[6]

politicians before him, which is: what is political philosophy? In order to answer this question, we must not only recall the philosophical effort made by outstanding thinkers throughout history to give this issue its essence and conceptualization, but the struggle must also continue relentlessly within an unresolved conflict between the ideals in which virtue and commerce intersect. This conflict becomes even more intense with the presence of the idea of freedom as a principle that must be considered in every attempt to define and structure political philosophy. Abandoning the idea of freedom may place the question of the best political system in danger, for then the desire to establish a just or free system can only be fulfilled within the state. But what if this state is despotic (like the one embodied by Stalinism)? A despotic system is the worst enemy of freedom in preserving it. Therefore, it is necessary to establish a state that guarantees and preserves freedom as a supreme individual and social value. This means defending the republic against tyranny and despotism, whose highest principles do not alter

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[5]Leo Strauss; critique de la religion chez hobbes, p. 35

[6] Leo Strauss. Qu'est ce que la philosophie politique?. Traduit de l'anglais par Olivier Sedeyn. Presse universitaire de France. 1re édition. 1992 Février. 108 B rd Saint Germain. 75006. Paris. 108

human nature. Such a state must be based on ensuring the well-being of individuals and the protection of property. Its aim should be to guarantee the safety of people, safeguard their property, and ensure their comfort and welfare. These appear to be the foundations of the British constitution. Thus, according to Strauss, we are entitled to ask ourselves: where does the best system lie? Is it on the side of freedom or on the side of virtue?

The camp of virtue in ancient times corresponds to what may be called totalitarian states—not in the sense of modern Russia or China, but in the sense that the state possesses the right to intervene continuously in the affairs of individuals (which leads to a form of despotism). In contrast, the English model represents a prelude to liberal democracy later embraced by America; it is the modern model. Strauss points out that Montesquieu constantly invokes the idea of the overseer (the police authority), or that it appears at the end of the analysis each time. Thus, the issue remains open regarding the English constitution—whether it sanctifies virtue or freedom—and consequently whether it aims at a sound political system.

Finally, Montesquieu states what he thinks: "The British constitution guarantees the best kind of government that man can conceive…"

he uses," and he does not use the word "stronger" when speaking of the English constitution, but rather the word "better." This presents a general picture of the best possible society. The feeling is not the same as being in southern France on a sunny day, yet it still excludes negative political practices, making British society the best society. Perhaps this choice was radical for Montesquieu in favor of a single form of government. Strauss cites an example of Stalin, in a state of drunkenness, about to execute his servant, asking: "Is this evidence of possessing authority and sovereignty? It is striking that government corruption is worse than the subjugation of a people under a foreign gas or occupier, because escaping despotism usually occurs only through civil war when revolting against a tyrant, and civil war is the worst experience for humans according to Hobbes in the state of nature, whereas an external invasion can be resolved through several options, including negotiations."

In contemporary England, we find a system that satisfies desire and preserves it in the best manner, being the most rational and most in harmony with human nature. Apart from existing objections, there is assumed to be nothing better. Or perhaps Montesquieu intended to combat the despotic tendencies of the French monarchy by calling for imitation of England, or even better, by expecting this system to spread worldwide. First, the violations of the aristocratic society would need reform. Therefore, Montesquieu suggested deciding to abolish remnants of feudalism, while the nobles defended the preservation of their property and privileges within the maintenance of a regulated monarchical system. This defense of privileges cannot be explained, as Tocqueville argues, except within the old order; the power of the nobles must pass to the people, otherwise the nobles would lose all justification for their existence, not as individuals, but as a political social class.

Nevertheless, the revolution against feudalism to end the rule of the nobles was not intended to abolish the state as a function or institution. This was the case with the achievements of the French Revolution: a shift occurred in the controlling powers, no more, no less, while the state

remained in both scenarios (under the monarchy and under the republic). The nobles no longer had the right…[7]

For the management of property and land, which means that all remnants of feudalism must be abandoned, and naturally, this is what the French Revolution accomplished.

As for Montesquieu, he did not view peace and general welfare as the ultimate goal or endpoint of modern politics; they are never a sign of the end of history nor the only possible horizon for humanity. The continuous pursuit of knowledge will ultimately lead humans to find the optimal system.

The knowledge acquired by humans, especially in some countries, which will be transmitted over time to other nations, is among the most reliable means that can intervene in establishing civil and criminal regulations. Since the advancement of knowledge is crucial and there is no indication that it will cease, humanity continuously and steadily moves toward forming the optimal or best system, without that system being confined to a historical moment in which the search for knowledge and the best means and tools ends. The historical approach, when it proposes a point at which history supposedly ends, does not in reality rest on rational or even historical grounds. The misery of historicism lies in its belief in a halt or, rather, in the unjustified cessation of the progression of events and occurrences in history.

This is one of the points Strauss notes in favor of Montesquieu: he considers knowledge a human matter, continuously aligned with the rational perception of life's events and occurrences, never ceasing, and in this movement, he strives toward the goal of achieving moral happiness and material welfare.

The belief in the unlimited power of science and technology is the belief in achieving the best in all domains. According to Strauss's interpretation, Montesquieu is a man of high caution and fear, a man who dreads the spread of dreadful matters such as fear, torture, and death through wars and duels, and because the indisputable truth based on science…[8]

Political philosophy is the instinct for self-preservation, and it is the only universal human value that every system aims to affirm, strengthen, and defend. All constitutions must place this value, as it is, at the center as a principle of natural law when enacting legislation. Every source in political philosophy—whether religious, metaphysical, or ethical—must pay attention to this, just as Hobbes did, making this idea a central issue in his political-philosophical theorizing.

Accordingly, political philosophy must encompass not only the idea of scientific and technological progress but also the diversity of ideas and values. Not all peoples are equally prepared for the concept of freedom; some peoples aspire merely to escape a state of violence and fanaticism. Yet, exiting this condition does not occur in a uniform way. Montesquieu saw that wealth and commerce in Europe would ultimately triumph over political violence, but what followed were destructive wars that tragically consumed human lives (World War I and II). Therefore, Strauss regards Montesquieu as "one of the most important and powerful symptoms

[7] Montesquieu, The Spirit of the Laws, translated by Adel Zaiter, Arab Words for Translation and Publishing, Vol. 1, 2nd edition, 2013, p. 28.

[8] Muna Fayyad. Alexis de Tocqueville and Democracy in America. Institute of Strategic Studies. Baghdad – Erbil – Beirut, 1st ed., 2007, p. 19.

Leo Strauss, Qu'est ce que la philosophie politique…, p. 153

of the noble illusion—the illusion that believed Europe was safe from wars and barbarism, oblivious to the fact that freedom, as a fundamental and crucial value, is also extremely costly, and its price must be paid—not materially, but perhaps measured through virtue." One may have to relinquish some of their values to possess the value of freedom; defending it in clubs, forums, and on the battlefields comes at a cost—but oh, what a cost!

Conclusion

In conclusion, the examination of natural law through the perspective of Montesquieu reveals a profound transformation in the history of legal and political thought. Rather than adhering to the rigid, universalist interpretations that characterized earlier traditions, Montesquieu offers a nuanced and dynamic understanding of natural law that bridges the gap between abstract philosophical principles and the concrete realities of human societies. His contribution lies not in rejecting natural law, but in redefining its scope, grounding it in human nature while simultaneously subjecting it to the influences of environmental, cultural, and institutional factors.

Montesquieu's reinterpretation represents a critical shift from the metaphysical and theological frameworks of thinkers such as Thomas Aquinas to a more empirical and sociological approach. While Aquinas conceived natural law as a reflection of divine reason embedded in the cosmic order, Montesquieu relocates it within the observable patterns of human behavior and social organization. In doing so, he aligns himself more closely with the intellectual spirit of the Enlightenment, which emphasized reason, experience, and scientific inquiry as the primary tools for understanding the world. Yet, unlike purely rationalist thinkers, he avoids reducing law to abstract deduction, insisting instead on the importance of context and diversity.

A central insight of Montesquieu's theory is that laws, including natural laws, must be understood as "relations arising from the nature of things," a formulation that encapsulates his methodological originality. This relational conception allows him to reconcile universality with particularity: while certain basic human inclinations—such as the desire for self-preservation, peace, and social interaction—are common to all, their legal and institutional expressions vary according to specific conditions. Climate, geography, economic structures, religion, and customs all play decisive roles in shaping legal systems. This perspective introduces a form of moderated relativism that challenges the absolutist tendencies of classical natural law without descending into complete subjectivism.

Moreover, Montesquieu's approach carries significant implications for political theory and governance. His analysis in The Spirit of the Laws demonstrates that political institutions must be designed in harmony with the underlying principles of human nature and the particular circumstances of each society. His doctrine of the separation of powers stands as one of the most influential applications of natural law reasoning in institutional design. By distributing authority among legislative, executive, and judicial branches, Montesquieu seeks to prevent the concentration of power and to protect individual liberty—objectives that resonate deeply with the core concerns of natural law theory. This contribution has had enduring significance, shaping constitutional frameworks in countries such as the United States and influencing modern democratic thought worldwide.

Furthermore, Montesquieu's work can be seen as a precursor to modern sociological jurisprudence. By emphasizing the interaction between law and social factors, he anticipates later developments in the sociology of law and comparative legal studies. His insistence that laws must be adapted to the "spirit" of each nation underscores the importance of cultural specificity and historical context in legal analysis. At the same time, his recognition of fundamental human tendencies ensures that his theory retains a universal dimension, preventing it from collapsing into relativism. This delicate balance between universality and diversity remains one of the most compelling aspects of his thought

It is also important to highlight that Montesquieu's conception of natural law contributes to contemporary debates on human rights and global governance. In a world characterized by cultural pluralism and political diversity, the challenge of reconciling universal principles with local traditions remains highly relevant. Montesquieu's framework offers valuable insights into this problem by suggesting that universal norms must be interpreted and implemented in ways that respect the specificities of different societies. His thought thus provides a foundation for a more flexible and context-sensitive approach to international law and human rights discourse. Additionally, Montesquieu's critique of despotism and his advocacy for moderate government reflect a deep commitment to liberty as a fundamental value grounded in human nature. Unlike Thomas Hobbes, who emphasized security and authority, or Jean-Jacques Rousseau, who prioritized the general will, Montesquieu seeks a balanced system in which freedom is preserved through institutional checks and balances. His vision of political order is neither absolutist nor utopian, but pragmatic and adaptable, reflecting his broader methodological orientation.

In synthesizing these elements, it becomes evident that Montesquieu's contribution to natural law theory lies in his ability to transform it into a living, evolving framework. He moves beyond the static conceptions of earlier traditions, introducing a dynamic model that accounts for change, diversity, and complexity. This transformation not only enhances the explanatory power of natural law but also increases its practical relevance in addressing the challenges of modern governance.

Ultimately, the study of natural law from the perspective of Montesquieu underscores the enduring importance of integrating philosophical reflection with empirical analysis. His work demonstrates that a comprehensive understanding of law requires attention not only to universal principles but also to the concrete conditions in which those principles are realized. By bridging the gap between theory and practice, Montesquieu provides a model of legal and political thought that continues to inspire scholars and practitioners alike.

In light of these considerations, it can be concluded that Montesquieu's reinterpretation of natural law represents a pivotal moment in the evolution of legal philosophy. His emphasis on context, his commitment to liberty, and his innovative methodological approach collectively contribute to a richer and more adaptable understanding of law. As contemporary societies continue to grapple with issues of justice, governance, and cultural diversity, Montesquieu's insights remain highly relevant, offering guidance for the development of legal systems that are both principled and responsive to the complexities of the human condition.

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