

# MONTESQUIEU, HEGEL AND WEBER: FROM 'L'ESPRIT' TO 'DER GEIST'

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**Abstract:** This essay seeks to expose how the political thought of Montesquieu, Hegel and Weber share the conception of spirit as an organic element. For this purpose, it can be found in this paper a brief review over their social and political thought, focused on their idea of spirit. As a result, it is shown the central role the idea of spirit has in their work, as it is shared in different, but also similar, ways.

**Keywords:** Montesquieu, Hegel and Weber, L'ESPRIT' TO 'DER GEIST'.

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## 1. INTRODUCTION

Despite being from different countries and in different times, Montesquieu, Hegel and Weber are three thinkers that share commonalities and that revolutionized in the scenarios they were inserted in. Montesquieu rejected the moral judgment of political systems, trying to comprehend how each specific system should be to find its totality; Hegel revolutionized against the social contract conception of the State, understanding the State itself is the collectivity of the morality in society; and Weber analyzed the capitalist structure of the western world based on an ethical setting, a Protestant condition of the mind.

This essay seeks to expose some of the ideas of the thinkers, especially to what concerns 'The Spirit of Laws', the 'Elements of the Philosophy of Right', and 'The Protestant Ethics and the Spirit of Capitalism', in order to comprehend the main content of each work, but principally to connect them through the points where they speak the same 'language'. Proceeding, after reviewed the main contributions of each thinker, this essay relates their ideas, which analyze reality in a contextual way. Thus, and very importantly, the whole work of each thinker is not comprehended in this essay, and that is not the objective. Moreover, what are mainly at stake is the component of non-prejudice in Montesquieu, the question of morality and ethical life, in Hegel's work, and the religious ethics, in Weber. These topics combined appreciate the importance of the context in reality and, through the 'spirit', or 'geist', in German, the three thinkers can be easily related.

## 2. MONTESQUIEU AND 'THE SPIRIT OF THE LAWS'

Charles-Louis de Secondat, Baron de La Brède et de Montesquieu (1755 – 1689), was a French jurist, magistrate and president of the Court of Bordeaux, being one of the thinkers of the age of the Enlightenment, yet also making part of the French nobility of his time. Such condition made it possible for Montesquieu to combine opposite conceptions, such as the aristocratic trend of his family and the British constitutionalism (AMARAL, 2011). In fact, in Montesquieu's legacy, it can be found a new vision of how governments work – disregarding the moral judgment of the political system itself – and, due to that, it might be even possible for some political theorists, like Althusser, to affirm Montesquieu was the real father of political theory.

'The Spirit of the Laws' by Montesquieu was certainly a revolution in Political Theory, as the French thinker distances himself from the seventeenth and eighteenth centuries' philosophical trend of theorizing about the social contract – and, consequently, about the State of Nature and the Natural Law. According to Althusser (1972), the negation of society is what the most important political thinkers of the time, or so far, considered in their analysis of social life. Through the State of Nature – for Hobbes and Spinoza, a state of war; for Locke, a state of peace; and for Rousseau, solitude –, they

all illustrated the ideal of society to be constructed with the political apparatus. Thus, the modern political theorists until Montesquieu were more concerned in combating established orders that were based not in rationality, like based in divine justification, strength or paternalism. And Montesquieu, differently, sought to understand political systems, rather than founding new ones (ALTHUSSER, 1972).

“He [Montesquieu] only knows *facts*. If he refuses to judge *what is* by *what ought to be*, it is because he does not draw his principles from his ‘prejudices, but from the nature of things’ (SL, Preface). Prejudices: the idea that religion and morality can judge history. In this, Montesquieu broke absolutely with the theoreticians of natural law” (ALTHUSSER, 1972, p. 29).

The starting point for the understanding of Montesquieu is the fact that he admits there are laws for everything, laws that govern the reality of things and the relations between all beings. In fact, what differentiates Montesquieu from the contractualists is that he admits there are laws before the laws created by men. Such law condition is observed in facts, how things work, and through this Newtonian conception of the nature, Montesquieu deals with politics and society. Nevertheless, according to the thinker, there are two types of laws, which should be taken notice: there are the laws that order the actions of men (general laws), and there are the laws ordained by men (the ones they provide themselves, the human laws). The former, is where the scientist Montesquieu enters in scene, once he seeks to comprehend the general laws that reign humanity, such like Newton did to the nature of physics. The latter, however, may be seen as a contradiction of Montesquieu, once the legislator Montesquieu theorizes what laws *ought to be*. Yet, it would be a mistake to call Montesquieu an idealist: rather than proposing an abstract end to society, he seeks “the correction of errant consciousness by well-founded science” – the exchange of the unconscious consciousness by the scientific consciousness” (ALTHUSSER, 1972, p. 38). As Montesquieu dictated, there were already laws before the laws made by men. These first laws, therefore, shall be respected for political perfection.

From Book XIV, hence, Montesquieu starts to adduce materialistic and moral factors that affect the types of governments, in a deterministic way. Climate, soil, manners and morals, commerce, money, population and religion, for instance, are explained by the thinker as fundamental parts of the determination of the laws in a specific territory. Some of those claims may today seem biological determinism in the bad sense, but it must be credited that Montesquieu sought to solve the issue of why societies behaved differently, in a way that had not been done so far in that time. For instance, he claimed that in places with colder temperatures, men had its extremities contracted, which made the blood flow stronger from and to the heart, and consequently made them stronger. Such fact would have made men more self-confident, with more courage, and with a bigger knowledge of their superiorities towards others: the outcome would be people more frank. The cold would also cause less sensitiveness to pleasures, hence, fewer vices and more virtues. On the other hand, people from hotter countries will lose strength, and then, will be lazier, which would result in less developed societies, in his conception (MONTESQUIEU, 2013). Montesquieu would also, for instance, speak of the impact of territorial size and insular conditions in liberty, when he speaks of people from islands:

“Island peoples are more inclined to liberty than continental peoples. Islands are usually small; one part of the people cannot as easily be employed to oppress the other; the sea separates them from great empires, and tyranny cannot reach them; conquerors are checked by the sea; islanders are not overrun by conquest, and they preserve these laws more easily” (MONTESQUIEU, 2013, p. 288).

Some of those will impact political reality, determining whether the political system in a given territory might be a republic, a monarchy, or despotism. And, after all, these factors cannot be changed. Climate, soil, population, extension of territory – those factors are immutable. Religion, manners, morals, etc, are nailed in the history of a society, are an organic part of it. This is the truth Montesquieu looks at, and, based on it, he studies political theory and the efficacy of political systems (ALTHUSSER, 1972).

In essence, Montesquieu theorizes there are three types of government: republic, monarchy and despotism, and each one has its own nature and his own principle. The nature is ‘that by which it is constituted’ (the answer for the questions: ‘who holds power?’, ‘how does the holder of power exercise that power?’); and the principle is the ‘passion by which it is made to act’ (“the concrete form of existence of a society of men”). Hence, “for the men subject to a particular type of government to be precisely and lastingly subject to it, the mere imposition of a political form (nature) is not enough, they must also have a disposition to that form, a certain way of acting and reacting which will underpin that form” (ALTHUSSER, 1972, p. 45).

Thus, the first political system Montesquieu introduces is the republic, a system based in the Greek and Italian city-states of the ancient world and in the Middle Ages (concerning Italy). “Republican government is that in which the people as a body, or only a part of the people, have sovereign power” (MONTESQUIEU, 2013, p. 10). As Durkheim (1997) puts it, Montesquieu characterizes the republic as a type because it only flourished in small towns, and never sought expansion of its limits. As Montesquieu describe the system called as republic, it is one where everyone is equal or, at least, alike. The common interest is very much regarded and people in authority are not superior to the rest, yet they only temporarily have the power of governmental office. Wealth, also, should not be something to differentiate the people within a republic and, in fact, people should have modest means, to be sufficiently equal. Hence, the division of labour has no space in a republic (except the temporary rotation in the government), and people may work for subsistence, in equally divided pieces of land. To epitomize, in a republic, the law lays down for everyone (DURKHEIM, 1997).

Then, the monarchy is different from the republic, starting with its size: it is moderate, yet larger than the republic. However, the differences are deeper, not to say opposite to the republic. “Monarchical government is that in which one alone governs, but by fixed and established laws” (MONTESQUIEU, 2013, p. 10). Differently from the previous political system described by Montesquieu, a monarchy works through the division of labour. The social classes work like organs of a living being – some people work with agriculture, others with commerce, others with industry, and others make laws, and so forth. Furthermore, and very importantly, this division is static: “nobody is allowed to move away from their own role and into another” (DURKHEIM, 1997, p. 36e), as there is the existence of established social orders. In fact, each citizen, as part of a class, or organ, will care about its own interest, its private good, and, as everyone will do such, the common good will appear without noticing (the classes work for their own aggrandizement, they supervise and balance each other, and, through social order, they limit the power of the king). As a consequence of the monarchy, the conflict will bring the union of the society (DURKHEIM, 1997).

And, for last, despotism is a middle ground between the republic and the monarchy in its content. “In despotic government, one alone, without law and without rule, draws everything alone by his will and his caprices” (MONTESQUIEU, 2013, p. 10). In size, despotism “occurs amongst immense populations that occupy vast tracts of land” (DURKHEIM, 1997, p. 33e), yet it is a monarchy with the abolition of social orders and, consequently the division of labour. Everyone is equal, like in a republic, but there is one ruler, the despot (DURKHEIM, 1997).

Once understood the nature of the political systems, as characterized previously, Montesquieu seeks the principles that allow these systems to properly work. Through what would later become political sociology, Montesquieu breaks with the tradition of judging a political system based on its nature. Contrariwise, Montesquieu evaluates the success of the State based on its relation to society, which would later be the foundation of political sociology. Thus, he presents the principles, which should be enrooted in society for the success of each type of government. For the republic, the principle is political virtue; for monarchy, honor; and for despotism, it is fear. Therefore, success for Montesquieu it is not about which of those is the best system, yet how society is conditioned for the implementation of them.

For Montesquieu, equality and virtue (in the political sense) is the foundation of the republic. The society, where individuals are (must be) equal and are deprived of their own interests, has to be connected through the love for the country they are part of. Political virtue is an internal force, an impulse, an engine that makes people towards the common good (DURKHEIM, 1997). Without virtue, the society of the republic will be disconnected, and people would then operate individually – losing the equality factor. In this case, the republic would be ruined.

When it comes to monarchy, on the other hand, moderation and honor are essential factors for the maintenance of such system, once it is based on the division of labor that brings equilibrium for society. “He [Montesquieu] uses the term [honor] to describe a private ambition, of individuals or social classes, in which far from accepting a fall in their own standing they try to increase this as much as they can” (DURKHEIM, 1997, p. 38e). Such competitive division in society brings moderation, both from other classes, and from the king himself. However, there must also be moderation inside each class, so honor will not become excessive self-love (DURKHEIM, 1997). People must act based on what they represent to society, and not on their individual will. Without honor, there’s no moderation, and, thus, monarchy becomes tyranny.

And despotism needs fear to operate. Virtue cannot exist in this scenario, once there’s no collective interest. Also, there cannot be honor, as there’s no diversity (everyone is equally slaved by the tyrant. It needs to exist “unresisting obedience” and “passiveness”, and fear is the spirit that rules society to correspond to the tyrant’s will (DURKHEIM, 1997, p. 40e).

The spirits virtue, honor and fear, are respectively the conditions society must have to embrace successful republics, monarchy and despotism. And, through this, Montesquieu recognizes the importance that the relation of society with the State has. Therefore, more than geography, climate, soil and territorial extension, history plays a very important role in political theory, for Montesquieu:

“I believe in the fact that the category of the *totality* (and the *nature-principle* unity which is at core) is indeed a universal category, one which does not concern just the perfect adequacies: republic-virtue, monarchy-honor, despotism-fear. Manifestly, Montesquieu considers that *in any State, whether it is pure or impure, the law of this totality and its unity is supreme*. If the State is pure, the unity will be an adequate one. But if it is impure, it will be a *contradictory* one. [...] To say that therefore the nature-principle unity always survives but has become a contradiction is quite simply to state that *it is the relationship existing between the political form of a government and the passion then providing it with a content which governs the fate of a State*, its life its survival, its future, and hence its historical essence” (ALTHUSSER, 1972, p. 49).

Thus, if Montesquieu revolutionized his time, it was through his conception of equilibrium: he could show that different types of political system can work, as long as they are coherent in its own apparatus and towards the conditions of societies. Once in equilibrium, they find their totality, and through that Montesquieu opened the door for more political thinkers, to come, that would justify the State based on history and societal conditions.

### 3. HEGEL AND THE “ELEMENTS OF THE PHILOSOPHY OF RIGHT”

Georg Wilhelm Friedrich Hegel (1770 – 1831), when 18 years old, joined the protestant seminary of Tübingen, where he gained access to philosophical and theological studies. Such process transformed Hegel, which was a Lutheran Christian that turned into theist and, later, the philosopher became one of the founders of German Idealism (AMARAL, 2011).

According to Riedel (1984), one of Hegel’s biggest contributions and revolutions can be already found in the title of his book: “Elements of the Philosophy of Right or Natural Law and Political Science in Outline”, as the thinker separates the concepts of Natural Law and Political Science – separating morality and politics. Until the seventeenth century, in Europe, politics was the science of *societas*, or *communitas civilis sive politica*, a heritage from the ancient Greek conception, in which “politics was the comprehensive science of legally ordered human society” (RIEDEL, 1984, p. 163). Later, with Machiavelli, Bodin and Hobbes, *societas civilis* was completely emancipated from old politics, as the modern state was separated from a restricted society, in a way that, as a consequence, the *civilis* would become opposite to *naturalis*. Such modern conception that the State of Nature was interrupted by the revolution of the State, temporally opposing the Civil Law to the Natural Law is, however, refuted by Hegel, as he enforces his sole conception of the ‘Philosophy of Right’ over the erroneous one of Natural Law and Political Science (RIEDEL, 1984).

“Hegel tries to mediate the contradiction between natural law and political science positively in a political philosophy grounded on law (Recht)” (RIEDEL, 1984), and this attempt encompasses a relative and subjective conception for reason, a new role for philosophy in society, an important function for history and a revolution in political theory.

It, first, needs to be attributed to Hegel his revolutionary-conservative facet, as he defines that ‘what is rational is real, and what is real is rational’. With the first part of the sentence (‘what is rational is real’), Hegel indicates that whatever reason points as rational, is real, or at least will become real. In other words, the future is already inserted in the present, once, if there is an idea, and it is rational, then it will become real. This is Hegel’s revolutionary side of the coin and, at the end of his own statement, comes his conservative facet: ‘what is real is rational’. So, the future is already inserted in the present, but the present is the way it is for a reason, which is rational (AMARAL, 2011). Two issues can be taken from his statement: the importance of the idea in reality (idealism) and the importance of history as well (historicism).

German Idealism, which Hegel is a component of, is based in the wondering about the relation between the objective domains and the subjective ones, as Kant previously claimed that humans have the power to give the law to nature, yet there is a nature to which the law is given. Bowie (2010) attests the German Idealism answers such question based in two possibilities. One sees subjectivity as the basis for the conception of the world, and the other is that the activity of the mind is what drives nature’s productivity. Thus, the first, sees the “I” in the very broad sense, as subjectivity is what articulates chaos – it makes nature intelligible.

“The idea is that this suggests the primacy of a certain kind of conception of ‘mind’, in the sense of what which gives rise to intelligible forms, over nature: without the activity of mind, nothing determinate can emerge at all. The core of philosophy thus become the activity of the subject, not the explanation of the objective natural world” (BOWIE, 2010, p. 33).

In that interpretation of idealism, there is objectivity in reality, but the subjective actor is the one that translates the objective information into an ordered reality. On the other hand, the second possibility is that subjectivity is inherent to nature, as the latter produces the former. Hence, self-determination as a consequence of the mind is natural, beyond personal choice: thinking is involuntary, thus. This conception breaks the objectivity of reality, as unconsciousness plays a role in transforming reality. “Once thought emerges, there is a degree of self-determination in thought: the question is how decisive this self-determination actually is. The thinking subject is here not fully transparent to itself and depends to some degree on something ‘unconscious’” (BOWIE, 2010, p. 33).

After such idealist conceptions of society and politics, Hegel constructs a new meaning for philosophy, as the objectivity of reality is broken for the idealist school of thought. In that sense, Hegel breaks with the tradition of philosophy as the creator of simulative models of something existing outside itself. In fact, for the thinker, philosophy is at the end of the process of creation, rather than in the beginning – it is a post-performer of the objectivity of factual conditions, making part of the movement of the ideas and, at the same time, it becomes part of the process of objectivity (SASS, 1980).

“The Hegelian speculation represents itself as a theory and a practice of coherence and complexity. Hegel introduces the coherence of a highly flexible system of linguistic meanings and structures, a self-regulating system which is not, however, fixed and stabilized on a certain level once that level is reached. [...] In its ‘stimulating or apprehending of the complex factors of reality, philosophy brings itself into a unity with the process and progress of reality’” (SASS, 1980, p. 3).

With such assertion, Hegel denies that philosophy is the outcome of only speculative cognition of men. Contrariwise, philosophy encompasses speculative cognition, but is also the outcome of ways of acting, the political system people are inserted in, the social organization to which people belong, to artistic standards and to religion, as well. The combination of these factors impact philosophy and the ideas the subjects will produce. Not only, history does affect the formation process of ideas, and these ideas transform reality (SASS, 1980). Such predication comes back to Hegel’s revolutionary-conservative feature, of the rational-real and real-rational relation.

‘What is rational is real’ could be justified by the idealist conceptions of the role of ideas in reality and how they have the power to transform reality. ‘What is real is rational’, though, brings historicism into action, and comprehends the importance of history in how reality is in the present. Things are the way they are for a reason, and Hegel explains that through the significance of history.

For Hegel, there is no such thing as an unmediated empiricism of raw facts, as facts own the basic concepts of the nature of the historical process. For instance, in the thinker’s analysis, historical consciousness started with the formation of states, as they were “stable communities concerned with transmitting a permanent collective identity through time in the form of laws and institutions” (BROD, 1992, p. 16). In fact, states are the source of meaning in history and, thus, values are relative and each historical period has its own ethos. Yet, Hegel’s historicism is not simply a form of historical relativism, once each specific consciousness claims for its own validity and for universal acceptance.

“Hegel thus follow the philosophical tradition in operating from the hypothesis that the truths of reason will become manifest during the course of his investigations. [...] Hegel’s political philosophy, in its attempt to understand modern political society in continuity with, and with the concepts of, the historical-philosophical tradition, flies in the face of the deepest self-image of the age” (BROD, 1992, p. 19).

So, considering that, for Hegel, history is made by communities with a State, by the transmission of identity, and, consequently, the community brings the ethical life (as it is based on the relations of “I” with the others) (*moralität*), there is no pre-State. As an opposition to the overpast conception of State of Nature preceding the contractual Civil Law, the appearance of *moralität* is the appearance of the State. And *moralität* comes from the relations among people. For instance, rather than affirming the State established equality, as Hobbes attested, Hegel did argue that Christianity conditioned the people to be equal towards others, and from that moment people developed legal equality through the State. As Hegel would say, law is the expression of reason, so if it is real, it is rational. The State is, in some sense, the



development of the human beings, as Hegel divides his work in three parts, which evolve from the individual to the State. The first is the 'Abstract Right'; the second, "Morality"; and the third, the "Ethical Life".

In the 'Abstract Right' part, Hegel speaks of the person, as he mentions property, the relations and the concept of wrong and justice. Their pursuit of freedom is based on the relations to others: the materialization of the self and the limitations of it towards society is what Hegel classifies as liberty. From this, the relations materialize in contracts between people, which evolve to the market, and society becomes unified in a system of exchange – of free people with private property –, through contracts. The rights of the contracts are the expression of what the involved people are exchanging in benefits and duties; and the wrongs, in opposition to what is explicit, are the transgressions – purposeful or not. "When I say that the will which is free in and for itself, as it is in its abstract concept, is in the determinate condition of immediacy, this should be understood as follows. The completed Idea of the will is that condition in which the concept has fully realized itself and in which its existence [*Dasein*] is nothing but the concept's own development" (HEGEL, 2012, p. 67).

The relations of men lead Hegel to what would be the second part of his book, 'Morality'. As people related to each other, they judged each other, and they sought recognition in others, based on their own moral code. This subjectivity is a key factor in the relationships, as it brings the respect and recognition inside society.

"For the subjective will, the good is likewise absolutely essential, and the subjective will has worth and dignity only in so far as its insight and intention are in conformity with the good. [...] The right of the subjective will is that whatever it is to recognize as valid should be perceived by it as good, and that it should be held responsible for an action – as its aim translated into external objectivity – as right or wrong, good or evil, legal or illegal, according to its cognizance [*Kenntnis*] of the value which that action has in this objectivity" (HEGEL, 2012, p. 158).

And, thus, the third part of the book 'Ethical Life', divided into the sections 'Family', 'Civil Society' and 'the State', talks about the collectivity of these subjective conceptions of will, of right and wrong, and how it is materialized into the State – growing from the family to civil society. At this point, history and *moralität* relate to each other, and the State is an outcome – the Ethical life – rather than just a revolution of organization of society, through consent and social pact. For Hegel, the State and civil society co-found each other, as they are inseparable: the State is immanent from society, based on *moralität*. Yet, one could not say the State owns society, like in the ancient conception. "For in its theoretical understanding of the politically ordered human world, the state neither contains society in itself nor pre-supposes its existence; rather it is 'society', but 'civil' or 'political society'" (RIEDEL, 1984, p. 134). As, for Hegel, the real is the rational, and the State is the most rational representation, there would be no way out of this equation, than through the assumption that the Ethical Life is in fact the State. "The State is the actuality of the ethical Idea – the ethical spirit as substantial will, manifest and clear to itself, which thinks and knows itself and implements what it knows in so far as it knows it" (HEGEL, 2012, p. 275).

#### 4. WEBER AND "THE PROTESTANT ETHIC AND THE SPIRIT OF CAPITALISM"

Max Weber (1864 – 1920) was a German intellectual, graduated in Law, and has been considered one of the founders of modern sociology. With his main works, 'Economy and Society' and, specially, 'The Protestant Ethic and the Spirit of Capitalism', he researched society, comprehending the importance of factors in social organizations, such as religion for instance (GONZALEZ, 2002).

'The Protestant Ethic and the Spirit of Capitalism' is a historic-sociological study, which finds in the doctrinal content of Protestantism the explanation of the western world economy (capitalism). The rational modern organization of the capitalist company is how Weber starts his argument, and it is based on that he explains the protestant ethic.

"We call 'capitalist' economic action the one that is based in profit expectative through the use of exchange opportunities, which is, in the (formally) pacific possibilities of profit. In a last analysis, the appropriation (formal and actual) of profit follows its specific precepts, and (as long as it cannot be prohibited), it is not convenient to put it in the same category of oriented action to the possibility of benefit on exchange. Where the capitalist appropriation is rationally done, the correspondent action is rationally calculated in terms of capital" (FERREIRA, 2000, p. 1).

As Weber questioned about the reason why in his region there was a much bigger proportion of Protestants than Catholics in industrial activities, he developed his research to attest that the ethics Protestant people had, since reformation, in fact affected their reality in contraposition to Catholics (FERREIRA, 2000). Weber did recognize there were historical

developments of capitalist activities in different regions of the world, yet, he proposes an innovation the Protestant reformation brought (and which he accessed in his work): it is not solely the fact that capitalism was developed in regions of Protestant populations, but the condition the Protestants gave to the industrial capitalist production. Weber's emphasis is in the sobriety, through rational accountability of labor. In other words, it was about the mind settings Protestantism provided for the rational pursuit of profit (FRYDER et al.).

One of the biggest examples Weber uses in his argument is the dictum of Benjamin Franklin, one of the founders of the United States, which had Protestant background. "Remember that time is money. He that can earn ten shillings a day by his labour, and goes abroad, or sits idle, one half of that day, though he spends but sixpence during his diversion or idleness, ought not to reckon that the only expense; he has really spent, or rather thrown away, five shillings besides" (WEBER, 2005, p. 14).

Based on such ethics, Weber differentiates the Protestants of the Catholics, in order to find the essence in Protestantism, which might explain the reason for materialism in the sect. For instance, Catholicism has a lack of worldliness, due to its ascetic condition: what matter are the spirit and the afterlife. Due to that, Catholics would miss what is good in earth – which will explain materialism in the Protestant ethic, as an opposition (WEBER, 2005, p. 9).

Nevertheless, Weber (2005) theorizes about the secular asceticism, which would be one way the Protestant ethic would deal with duty and profit. The fact they were materialist, doesn't mean they declined sins and moral deviations. Contrarily, every man should follow their own vocation, attributed by God, through their entire journey – for the glorification of God. And, despite being profit accepted by the sect, the way it was used could bring condemnations. If profit was used for the sins of the flesh and leisure, it would be wrong in this ethic. What was at stake is the increase of capital, to produce more (FRYDER et al.). "The infraction of its rules is treated not as foolishness but as forgetfulness of duty. That is the essence of the matter. It is not mere business astuteness, that sort of thing is common enough, it is an ethos" (WEBER, 2005, p. 17). Due to that, work is a commandment, a vocation enforced by God, and since then, the division of labour was also applied to society as something divine:

"In the Puritan view, the providential character of the game of private economic interests assumes a different emphasis. According to the Puritan tendency to pragmatic interpretations, the providential purpose of the division of labour is to be recognized by its fruitage. [...] The specialization of occupation takes, once it makes the development of skills possible, to qualitative and quantitative improvements in production" (WEBER, 2005, p. 76).

Thus, it becomes very clear that in Weber, there is a clear connection of the Protestant ethic and the capitalist system of production in the western world. The commitment to production, the pursuit of profit, the division of labour, and the increase of capital as a goal are consequent attitudes of the ethics of Protestantism. That is why, in Weber's analysis, in regions where there are both Protestant and Catholics, the former are richest and take the lead in industrial management and duties.

This contextual explanation of capitalism, despite having given Weber the title of being one of the founding fathers of sociology, could be also found in some sense in Montesquieu's and Hegel's philosophies. Weber speaks of the '*Geist des Kapitalismus*', yet both Montesquieu and Hegel dealt with this conception of '*Geist*' or '*L'esprit*', as a social institution that needs to exist in order to be found harmony with the political institutions – Hegel might even say they are the same thing. Not only, the three thinkers admit the importance of history in reality, as something that conditions human beings in the present based on their past.

## 5. CONCLUSION

It is expected that Hegel found support in Montesquieu's work, and Weber could also lean on Hegel, as they consider the importance of social context in reality and in ideas. Montesquieu, firstly, tries to find explanations for political facts in geography, climate, territory, morals and religion, considering that human relations are a consequence of laws that are natural. Hegel would adopt such argument and would even go beyond, attesting that rather than a consequence of factors such as religion and a costume, the State is the morality itself when shared by the collectivity, as the Ethical life. Weber, finally, did apply such concept of morality in the explanation of capitalism as an economic system of the western world, in a sociological way.

Hegel would claim that the real is the rational (or what makes sense), and that the rational is real, once there needs to exist conditions in the present for people to develop specific new ideas for the future. Such assertion would lead nowhere but to a place where only men can free themselves, and only men are capable of really deciding for themselves. The State is immanent from society, and, in fact, it is hard to separate it from civil society.

Weber, then, related such idea to the production organization of capitalism, as also a consequence of the mind settings of Protestantism – a new ethic introduced by Martin Luther in the XVI century. As applied Hegel's theory in Weber's observation of the proportion of Protestants leading industrial production in European countries, the latter reported the protestant ethical allowance of profit and of individualism that lead to the development of capitalism, which would also impact the dimension the State would have into the lives of individuals.

Thus, being Montesquieu the key-philosopher for the comprehension of the importance of 'L'esprit' in the totality of political systems, once his ideas were spread in a way that the 'Geist' Hegel and Weber leaned on still is determinant in nowadays politics and political theory. The three were essential in the absorption of contextualism in social studies, once The Spirit of Laws, the Elements of the Philosophy of Right, and The Protestant Ethics and the Spirit of Capitalism could, together, explain reality as a consequence of human laws, rather than an objective imposition of nature.

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