



Science, Education and Innovations in the Context of Modern Problems

Issue 12, Vol. 8, 2026

RESEARCH ARTICLE 

## Natural Law, Liberty, and Social Order in Montesquieu's Political Philosophy: A Critical Reassessment Through Leo Strauss's Interpretation

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**Issue web link**

<https://imcra-az.org/archive/387-science-education-and-innovations-in-the-context-of-modern-problems-issue-12-vol-8-2025.html>

**Keywords**

Montesquieu, natural law, political philosophy, liberty, social order, Leo Strauss, virtue, democratic governance

**Abstract**

This study examines the concept of natural law from the perspective of Montesquieu, highlighting his approach to law as derived from the nature of human society rather than abstract metaphysical principles. Unlike classical natural law theorists, Montesquieu emphasizes the relationship between law, human capacities, and the socio-political environment, advocating a system that balances freedom and order. His philosophy reflects a pragmatic understanding of law, where the principles of governance are adapted to cultural, climatic, and historical conditions, aiming to maximize the welfare and liberty of citizens. This perspective challenges rigid interpretations of natural law, proposing a flexible framework in which laws evolve with human societies while maintaining their ethical and rational foundations. The study also engages Leo Strauss's reading of Montesquieu, which underscores the tension between virtue and liberty in political systems and the modern relevance of natural law theory in democratic governance.

**Citation**

Nasrallah A. (2025). Natural Law, Liberty, and Social Order in Montesquieu's Political Philosophy: A Critical Reassessment Through Leo Strauss's Interpretation. *Science, Education and Innovations in the Context of Modern Problems*, 8(12), 1676-1682. <https://doi.org/10.56334/sei/8.12.142>

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Received: 12.03.2025

Accepted: 15.09.2025

Published: 11.12.2025 (available online)

## Introduction

In Leo Strauss's reading of Montesquieu, he finds him unenthusiastic about the idea of natural law in the hypothesis of establishing human society and enacting laws based on the faculties and abilities naturally bestowed upon us. This is because Montesquieu seeks a more suitable principle. He is a model of the democratic philosopher advocating the greatest happiness for the greatest number of people, indeed a "messenger of England" determined to establish the most rational and free system. Therefore, a system based solely on nature is inherently self-crisis-ridden from the start, making it necessary and desirable to add a legislative touch to any law, regardless of its origin.

### 1. Strauss and Political Philosophy

Strauss recalls the main currents of political philosophy, showing how they all seek “the best,” even positivism and historicism, which aim to establish laws of political conduct by separating facts from values, enabling political science to perceive and establish its laws. Historicism holds that there is no superior system due to differing cultural and historical conditions of human societies, and thus no so-called political truth or political science. In this context, Strauss proposes a rereading of *The Spirit of Laws* in a logical manner, away from the relativism, positivism, and historicism of those laws. Montesquieu knew how to think within varying circumstances, attempting to find a universal principle—thus refuting the historical approach—through which rules and systems can be judged, a principle where facts and values are not separated. That is, he knew how to determine truth in the modern world, define the system that suits it, and ascribe truth to it.

Before reaching this modern level or image, it must be understood that Montesquieu does not immediately understand law as a standard granting administrative freedom, but rather first sees it as a necessary relation derived from the nature of things. It is the necessary relationship that cannot change between things. There is a first intellect—the Creator—and laws are the relation between things and between them and the first intellect. Here, Strauss fully grasps the importance of this revolutionary definition of law, just as he describes Montesquieu’s administration of human laws as the fruit of intelligence, unlike institutional and positive law, which humans have constructed. Just and positive laws derive from the nature of things or through their direct influence. Strauss notes here that Montesquieu is not Spinoza.

It is therefore necessary to have a legislator to produce laws. *The Spirit of Laws* aims to determine the essence of good laws, the best laws for a particular people under specific circumstances, and the universal laws governed by unchanging causes and reasons. Clearly, Montesquieu does not merely transpose the method of natural sciences to social sciences in decision-making. *The Spirit of Laws* remains a work of originality and boldness, expressing existence and duty (man and law), which the natural law model of (Plato, Aristotle, Cicero, Thomas Aquinas) does not provide. Natural law allowed Thomas Aquinas to define the essence of the good according to human ends and his understanding of particular perfection. That perfection and law have no place here. It is therefore necessary to acknowledge the history of modern rupture and the crisis of natural law, which is no longer the law of reason but the law of desire or necessity (self-preservation through acquiring perfections and avoiding pains). This is a human characteristic, and achieving benefits seems both a duty of the state and of the individual.

Politics no longer concerns itself with the pursuit of virtue and its promotion, but only ensures individual comfort, basic needs, and freedom. Its task seems to discover material laws governing humans as Newton discovered material laws governing the physical world.

Montesquieu differs from Hobbes and Locke in adopting innumerable positions for innumerable circumstances rather than proposing a universally valid theory. “Montesquieu shares with his predecessors the view of natural law as a law of fortune, not intelligence or reason.

## 2. The Inauguration of the Book of *The Spirit of Laws*

The laws cited in the first book of *The Spirit of Laws* are initially merely rational laws,” yet they are laws shared with animals and humans, such as the desire for life, the pursuit of peace, food, marriage, or reproduction. These are not in any way standards of moral action. Virtue does not arise from satisfying basic needs but from conscious effort. Therefore, Strauss argues Montesquieu refuses to base virtue on nature because that would invite moral indolence. Even virtue based on Christian piety is rejected as passive; it suffices to confess sins to gain forgiveness, rendering such virtue miserable, abandoned, and a relic of the past. Modern political philosophy replaced it with the principle of freedom, providing humans safety. Political freedom allows people to live peacefully, not to dominate through desire. A political system based on freedom rejects desire and establishes social harmony where individual freedom does not conflict with that of others, without self-denial or ignoring one’s needs. Society needs humans aware of their interests, not saints—humans who appear extraordinary but are naturally exceptional.

This intelligent distinction proposed by Montesquieu, Strauss believes, reopens the debate between classical and modern political philosophy. If natural principles no longer serve as ends of the system (emotions allow the value system to collapse), rational principles become the alternative. Strauss goes further in his reading of Montesquieu, beyond surface reading, to the depth unnoticed by others. According to him, Montesquieu ultimately considers political virtue a moral or religious virtue (uniting theology with reason) as Plato did. He also relies on a hidden philosophy (self-denial or non-disclosure of ideas to the public). Political order cannot be conceived without virtue.

Modernity implies moral tolerance linked to the desire for development, welfare, and ending destructive biases, even if this kindness is accompanied by moral corruption. Perfection is not required for Montesquieu; only the greatest happiness for the greatest number within human limitations. Freedom entails costs, including moral corruption both personally and socially.

We must accept this social form of virtue related to human characteristics, not self-discipline equivalent to commitment and deprivation. It is a partial movement replacing freedom with virtue, giving meaning through action, breaking the constraint binding politics to virtue rather than freedom. It also rejects predestined Christianity. Montesquieu praises commerce as a sign of wealth, valuing human reason and effort. It is a source of peace, prosperity, and freedom, enabling escape from princes' oppression, whom Strauss sees as the "liberal illusion at its noblest." Commerce fostered radical enlightenment tendencies; a wealthy society can reject blind obedience. Yet war, repression, and intolerance require laws and legislation. Strauss shows that Montesquieu is, in some sense, a founding father of the U.S. Constitution and liberal democracy, which should defend what is best in human life, especially freedom.

### 3.Critiques

Strauss critiques the natural law and history approach for interpreting *The Spirit of Laws*, suggesting it bases political standards solely on human nature to meet basic needs. Socially, the individual should serve the group while defending personal interests as the "fundamental moral phenomenon." Basic needs come first, then political needs, but this can lead to bias and conflict. Gaps emerge when no legal or moral foundation exists, as with Hobbes, Locke, or Rousseau.

Strauss is distinguished by his sharp reading and careful analysis of classical and modern political heritage, without awe. His perspective often shocks, especially when justifying reprehensible actions. Tyranny is intolerable not only to live with but to discuss, representing a black spot for those enforcing or subjected to it. Tyranny can be more or less oppressive—less rational or more so—thus a legitimate authoritarian system when aligned with social justice. Hobbes previously considered injustice as justice if distributed equally. If tyranny seeks welfare under certain circumstances, it is legitimate and justified. Despite being relative, human welfare is universal; everyone seeks to fulfill all needs. "The principle or goal is universal; only methods differ, and all methods, even crude ones, are proposed. Rejected for the uneducated but considered by philosophers understanding human nature. Choices relate to national interests, power, and social welfare. Welfare is relative, tied to social circumstances and satisfaction. Western welfare differs from Eastern, depending on awareness, civilization, and mastery over nature." Montesquieu rejects tying welfare to feelings (satisfaction); it is determined by human nature. If nature is the same, welfare is equally valid, independent of social status or sentiment. Food, self-preservation, reproduction, and freedom are not emotional issues; they underpin natural law in legislating rightful law.

The need to enhance equality among humans supports welfare as a natural right, not circumstantial. Strauss and Montesquieu differ from Hobbes by limiting human nature to the desire for a comfortable life. Strauss rejects Montesquieu's natural project originality, unlike Hobbes and Rousseau, who historicize natural states in the emerging Western society. The Western human is no longer singular, driven only by basic needs like an animal; he aspires to establish a civil (political) state. Social sentiments (ambition, desire for perfection) accompany the birth of traits related to desire. Humans cannot fully abandon the natural state. Some, indeed all governments—following Hobbes—make fear a principle of governance, ruling violently. Contemporary England could not rule its Far East and Middle East colonies without fear. Virtue appears as in ancient states; English-style freedom is relative or selective. Enlightenment philosophy in the West is therefore questionable and often challenged. Political virtue must be allowed by rulers, excluding virtue based on freedom (rejecting the idealist trend). This applies especially to honor regulating social sentiments in certain societies. Strauss terms this "honor of prostitutes," abandoning freedom-based political virtue for despotism under natural justification. Montesquieu rejects relinquishing dignity and honor, even against primitive desires and possession instincts.

### 4.Hobbes and he Concept of HONOR

Honor consequently has its own rules, which are supreme, and education and social welfare are obliged to follow them. More importantly, honor based on freedom—that is, morality grounded in freedom—has allowed us to enjoy a state of wealth and prosperity, but under tyranny this is not permitted. It is politically prohibited under authoritarian rule. Whether Strauss agrees or disagrees with tyranny or monarchy is irrelevant; it is evident that neither aligns with

an individual or social situation in which the value of freedom emerges or nearly emerges. Tyranny is the adversary of freedom and, in contrast, establishes its highest values solely on meeting basic needs, even if it superficially defends aristocratic morals. However, this aristocracy, which may arise from commerce and the accumulation of wealth, can transform despotic rule into republican governance. We have the French Revolution and its resulting transformations as 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 a system governed by the virtue of freedom. This pertains solely to the monarchy. With the emergence of democracy as an alternative to monarchy and feudalism, the aim was merely to overcome its drawbacks by redefining foundations, tools, and goals, insisting on virtue grounded in freedom and equality, which would surpass both. From this standpoint, social class (nobles and kings) was abolished, and people were allowed to live in freedom and security—a mark of rupture with the feudal-monarchical roots tracing back to classical governments.

Thus, “the concept of honor discussed by Hobbes under monarchy is a figment of imagination in Strauss’s view, and since people cannot act against their inclinations, it is entirely natural for them to establish a system that meets their basic needs and intellectual aspirations.” The matter is implicit for democracy, as it responds to both demands simultaneously. In this system, the legislator necessarily respects the genius of the people over that of the ruler, because the general will is the source of governance. Democracies, assumed to lack tyranny and to venerate freedom and equality, are rare; given differences in temperament between ruler and subjects, such democracies may, according to Strauss, occur in small, sparsely populated countries like Switzerland, where freedom, virtue, honor, and welfare have place and value.

Nevertheless, Montesquieu advocates merely non-interference in aristocratic morality by replacing honor with welfare and propriety with taste. Therefore, replacing virtue with freedom changes nothing as long as ends are achieved. “It is a unilateral design of *The Spirit of Laws*, presenting liberalism against economic and political texts, that is, the liberal separation of powers with no return to the classical political model. It is the general intellectual trajectory based on mitigated judgments and rejection of regression.” Montesquieu, however—according to Strauss—gives the impression of oscillation and instability between the classical republic and the modern monarchy, between the type of republic represented in ancient Rome and that which embodies 18th-century England. At this intersection, he realizes that demands of virtue conflict with demands of freedom. From a rationalist perspective, freedom is distinct from virtue; it favors the English political system over ancient republics. Even from a humanist perspective, it is distinct from virtue, preferring a commercial, civilian system over a military one. At this precise moment, Strauss writes that Montesquieu attempts to find a substitute for virtue in a mental state created by commerce and material prosperity—or even the impression of the East—which tends to fade before the school of freedom.

##### 5. Montesquieu’s perspective on natural law

The central question remains for Strauss as it did for all previous political philosophers: What is political philosophy? To answer this, one must not only recall the philosophical efforts of outstanding individuals throughout history to give the matter essence and vision but also persist relentlessly in an unresolved struggle between ideals intersecting (virtue and commerce). This struggle intensifies when freedom emerges as a principle to consider in every design and definition of political philosophy. Abandoning freedom endangers the question of the best political system, for only within the state can one satisfy the desire to establish a just or free system. But what if this state is despotic (like Stalinist states)? Authoritarian rule is the worst enemy of preserving freedom; a state guaranteeing freedom as a supreme individual and social value is indispensable. This means defending the republic against tyranny and authoritarianism without altering the highest principles of human nature. This state must base itself on the beauty of citizens’ lives and protection of property, aiming to ensure people’s safety, care for their possessions, and guarantee their welfare and comfort—principles seemingly foundational to the British constitution. Therefore, according to Strauss, we may ask: Where lies the best system? In freedom or virtue?

The virtue camp in ancient times refers to totalitarian states—not in the sense of modern Russia or China, but that the state has the right to intervene continuously in individuals’ affairs (leading to a form of despotism). The English model, conversely, represents the prelude to liberal democracy later adopted by America. It is the modern model. Strauss notes that Montesquieu consistently invokes the idea of the overseer (policeman), appearing at the end of his analysis each time. Therefore, the question remains whether the British constitution venerated virtue or freedom, and thus whether it aims for a rational political system. Finally, Montesquieu expresses his view: “The British constitution guarantees the best kind of government a man can conceive.” He uses “best,” not “strongest,” indicating a general image of the best possible society. The feeling is not akin to being in southern France on a sunny day, yet

it excludes negative political practice to make British society the best. This may have been a radical choice for Montesquieu in favor of a specific form of government. Strauss cites an example of Stalin, drunk and about to execute his servant, asking: "Is this proof of authority and sovereignty? Remarkably, governmental corruption is worse than people under foreign domination, because escape from despotism usually occurs only through civil war, the worst experience for man in Hobbes's state of nature; external invasion can be addressed through negotiation."

In contemporary England, the system fulfills and preserves desire optimally, most rationally, and most consistently with human nature. Aside from existing objections, nothing better is assumed, or Montesquieu sought to combat the despotic tendencies of French monarchy by imitating England, or ideally, to spread this system worldwide. Thus, feudal abuses were first corrected. Montesquieu proposed abolishing feudal remnants while nobles defended their property and privileges within a fortified monarchy. This defense of privileges is understandable only within the old system, as Tocqueville notes; the power of nobles must transfer to the people, or they lose all justification for existence—not as individuals, but as a socio-political class. Yet, overthrowing feudal lords was not to abolish the state's function or apparatus. The French Revolution merely shifted controlling forces; the state remained intact under monarchy and republic alike. Nobles lost property rights, necessitating abandonment of all feudal remnants—a result achieved by the French Revolution.

Montesquieu, however, did not regard peace and general welfare as the ultimate goal of modern politics; they are neither the end of history nor humanity's sole horizon. The continuous pursuit of knowledge ultimately leads humans to find the optimal system. Knowledge acquired in some countries, later transmitted elsewhere, is among the most reliable means affecting civil and criminal rulings. Given knowledge's continual advancement, humanity steadily moves toward forming the optimal or best system, independent of a historical moment ending the search for knowledge and the best methods. Historicism's claim of a stopping point for history is not based on reason or historical justification. Its misery stems from belief in abrupt halts or unjustified event cessation. Strauss notes this in Montesquieu's favor, considering knowledge a human concern aligned with reason's perception of life events, constantly seeking ethical happiness and material welfare.

Belief in unlimited scientific and technological power equates to believing in achieving the best in all domains. Montesquieu, in Strauss's view, is cautious and fearful, wary of widespread horrors like fear, torture, and death through wars or duels. The undeniable truth, based on political science, is the instinct of self-preservation—the sole universal human value every system seeks to affirm, reinforce, and defend. All constitutions must recognize this value as a principle of natural law, central to all legislation. Every source in political philosophy, religious, metaphysical, or ethical, must heed this, as with Hobbes, who made it a pivotal principle in his political-philosophical theory.

Political philosophy must thus incorporate both scientific and technological progress and diversity in ideas and values. Not all peoples are equally prepared for freedom; some yearn merely to escape violence and intolerance. Montesquieu saw European wealth and commerce eventually overcoming political violence, but catastrophic wars (World Wars I and II) tragically engulfed human life. Strauss sees in Montesquieu "one of the most important and potent symptoms of noble illusion," believing Europe immune from wars and savagery, ignoring that freedom, as a fundamental value, is costly, requiring payment—not materially, but potentially in virtue. Some values may be sacrificed to acquire freedom. Defending it in clubs, forums, and battlefields carries a cost—but what a cost!

### Conclusion

Montesquieu's perspective on natural law represents a dynamic and context-sensitive approach to legal and political philosophy. By grounding law in the nature of human society and its conditions—rather than in abstract universals—he emphasizes the importance of adapting legal systems to culture, history, and social structures. His vision balances liberty and social order, asserting that freedom is essential for individual and collective welfare while recognizing that governance must account for human capacities and limitations. Leo Strauss's reading of Montesquieu highlights the ongoing tension between virtue and liberty, revealing how natural law continues to influence modern democratic thought. Ultimately, Montesquieu's theory demonstrates that natural law is not static but evolves with human societies, offering valuable insights for contemporary efforts to design just, effective, and humane legal systems. His work underscores that the pursuit of liberty, justice, and welfare is inseparable from the careful structuring of political institutions that reflect both ethical principles and practical realities.

### Ethical Considerations

This study is a theoretical and interpretative philosophical analysis based exclusively on the critical reading of classical and modern philosophical texts, particularly the works of Montesquieu and Leo Strauss. It does not involve human participants, personal data, interviews, surveys, or experimental procedures. Therefore, ethical approval and informed consent were not required. The research was conducted in accordance with internationally accepted standards of academic integrity, proper citation practices, and responsible scholarship.

### Acknowledgements

The author would like to express sincere appreciation to colleagues at the Faculty of Human and Social Sciences, University of Mohammed Lamine Debaguine Setif 2, for their intellectual environment and academic support, which contributed to the development of this study. Gratitude is also extended to the scholars whose works on Montesquieu and political philosophy provided the foundational framework for this research.

### Funding

This research did not receive any specific grant from funding agencies in the public, commercial, or not-for-profit sectors.

### Conflict of Interest

The author declares that there is **no conflict of interest**, financial or otherwise, that could have influenced the preparation, interpretation, or presentation of this work.

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