

“Participation of the People Through Its Deputies.”
Montesquieu, Kant and Hegel on German Freedom

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I. Montesquieu, *On the Spirit of the Laws*

Book 11 “On the laws that form political liberty in its relation with the constitution”

Chapter 6 “The Constitution of England”

(1) “As, in a free state, every man, considered to have a free soul, should be governed by himself, the people as a body should have legislative power; but, as this is impossible in large states and is subject to many drawbacks in small ones, the people must have their **representatives** do all that they themselves cannot do.”

(2) “Thus, legislative power will be entrusted both to the body of the nobles and to the body that will be chosen to **represent the people**, each of which will have assemblies and deliberations apart and have separate views and interests.”

(3) “If one wants to read the admirable work by Tacitus, *On the Mores of the Germans*, one will see that the English have taken their idea of political government from the Germans. This fine **system** was found **in the forests**.”

Chapter 8 “Why the ancients had no clear idea of monarchy”

(4) “Here is the origin of **Gothic government** among us. It was at first a mixture of aristocracy and monarchy. Its drawback was that the common people were slaves; it was a good government that had within itself the capacity to become better. Giving letters of emancipation became the custom, and soon the **civil liberty of the people**, the prerogatives of the nobility and of the clergy, and the power of the kings, were in such concert that there has never been, I believe, a government on earth as well tempered as that of each part of Europe during the time that this government continued to exist; and it is remarkable that the corruption of the government of a conquering people should have formed the best kind of government men have been able to devise.”

Ia. Gibbon, *The Decline and Fall of the Roman Empire*

vol. 1, Chapter 9 “State Of Germany Until The Barbarians”

(5) “The most civilized nations of modern Europe issued from the woods of Germany, and in the rude institutions of those barbarians we may still distinguish the **original principles of our present laws and manners**.”

[II. Kant]

III. Hegel, *The Constitution of Germany*

(6) “Germany is no longer a **state**.”

(7) “Given the size of modern states, it is quite impossible to realise the ideal of giving all free men a share in the discussion and resolution [*Bestimmung*] of universal political issues. Political authority must be concentrated in one centre, both for the implementation [of decisions] by the government, and for the decisions themselves. If popular respect ensures that this centre is secure in itself and immutably sanctified in the person of a monarch chosen by birth and in accordance with natural law, the political authority can freely allow the **subordinate systems and bodies**, without fear or jealousy, to regulate a large part of the relationships which arise in society, and to maintain them in accordance with the laws; and every estate, city, village, commune, etc. can enjoy the **freedom** to do and implement for itself what lies within its province.”

(8) “Only the future can tell how dreary and spiritless life will be in a **modern state** like that which the **French Republic** has become, in which everything is regulated from above, and where nothing of universal significance is entrusted to the management and execution of interested sections of the people – if, that is, the present pedantic style of government can survive.

(9) “But what [sort of] life and what aridity prevails in another similarly regulated state, namely **Prussia**, will strike anyone who enters its first village or observes its complete lack of scientific and artistic genius, and who does not measure its strength in terms of the transient energy which a solitary genius was able for a time to extract from it.”

(10) “This **system of representation** is the system of all **modern European states**. It did not exist in the forests of Germania, but it did emerge from them; it marks an epoch in world history. The continuum [*Zusammenhang*] of world culture [*Bildung*] has led the human race from oriental despotism to a republic which ruled the world and then, through the decay of this republic, to the present mean between the two extremes; and the Germans are the people from whom this universal shape [*Gestalt*] of the world spirit was born.”

(11) “The principle of the original German state, which spread from Germany throughout the whole of Europe, was the **principle of monarchy**, a political power under a supreme head for the conduct of business of universal concern, in which the **people** were involved through their **representatives**.”

(12) “Without such a **representative body**, freedom is longer conceivable.”

(13) “In its negative sense, the ‘struggle for **German freedom**’ signified the endeavor to oppose universal monarchy; in positive terms, it became the attainment of complete independence by each member. In this enterprise, the countries stood by their princes and were at one with them, but they inevitably found that **German freedom** was not attained when their princes gained their sovereignty – quite the reverse.”