Originalni naučni rad

Srđan Ž. SLOVIĆ*

The Institute for Serbian Culture – Pristina, Leposavic

THE CHOICE OF THE BEST POLITICAL REGIME – THEORETICAL DISCUSSION**

Abstract: The issue of the best political regime was always drawing the attention of political philosophers, and sociologists. That thread extends from Plato, Aristotle via medieval, and new era thinkers until these days. This issue becomes particularly important since there are tendencies of political regimes deteriorations – each right political regime gets its counterpart (tyranny/monarchy, oligarchy/aristocracy, and republic/democracy). The choice of the best political regime is linked with teleological character of human nature. As per Montesquieu, the basic objective of the government is maintenance of order, laws, political freedom, and property of the individual. That is the reason why Montesquieu opposes absolute monarchy of France of that period, and favours English system of reign. The issue of the best political regime with Hobbes may be drawn from his philosophical considerations, and may be linked with states, and individuals objectives – that objective is prosaic, and simple personified in the name of “survival”. Alexis de Tocqueville, the issue of the best political regime does not to be posed. It is, inevitably, democracy since during his analysis of the political system of USA, absolute monarchies became out of fashion, and monarchs became the ones who reigns but does not governs. Thus, governing is left to representative body, executives, and judicial one.

Key words: political regimes, Aristotle, Montesquieu, Hobbes, Tocqueville, choice, political philosophy.

INTRODUCTION

In order to give the answer to this complex issue, we should take into account a triple study of political regimes: philosophical, sociological, and legal. Philosophical study contains axiological objectives since it deals with value-related judgements; sociological study is based on facts non-entering

* Senior Research Associate, drsrdjans@gmail.com

** The research paper was written within the Project *Material and Spiritual Culture of Kosovo and Metohija* (No. 178028), approved and financed by the Ministry of Education, Science and Technological Development of the Republic of Serbia.

value-related judgement of some political regime, and legal, which deals with the constitution itself. Thus, it is about legal mechanism of rulers vote, pass the law, and regulations. Raymond Aron goes any further from the mentioned statement so that he is not stick to formal text analysis but he considers the way in which some legal rules are being applied in some time and space (Aron 1997: 35).

Sociological studies include parties, interest groups, the choice of politicians, functioning of parliament and others. They are almost never neutral. They will rarely raise the question of the best political regime as philosophers will do, but sociologist will remain stuck to some philosophy. It appears that the most suitable way of the best political system study the combination of philosophical, sociological and legal.

The analysis of this kind may be carried out on the oeuvres of the famous political philosophers (sociologists) whose role in the history of political thought was very important: since it is about the qualification of the political regimes Aristotle and Montesquieu are inevitable. We will also add Hobbes and Tocqueville.

ARISTOTLE'S AND MONTESQUIEU'S CLASSIFICATION AND ANALYSIS OF POLITICAL REGIMES

This analysis will be commenced with Aristotle's *Politics* since it had been for centuries a good combination of political philosophy and sociology. Thus, it contains in itself judgement values and fact analysis. Aristotle analysed thoroughly towns – states (polis), but not in the meaning of the word of constitution, but regime (Aron 1997: 35). By combining of these two types of research he established his famous classification of political regimes. There are real and distorted forms of political regimes. The real ones are monarchy, aristocracy, and republic, while distorted ones are tyranny, oligarchy, and democracy (Vujadinović–Milinković 1996: 59). In monarchy and tyranny sovereign power belongs to one man, and in aristocracy and oligarchy to few of them, and in democracy and republic to all citizens.

These Aristotle's studies make 4th, 5th, and 6th part of his *Politics*. Aristotle was especially interested in two questions: How one system is maintained or changed, and overthrown? Here Aristotle gives advice to all rulers in what way the best political regime is preserved. In that sense he makes a digression with Machiavelli by saying that distorted regimes are maintained or overthrown by the same means. All these ways of maintaining or distortion of political regimes represent a philosophical issue. Out of it arises the second issue: Which regime is the best? This issue is raised due to the fact there is

the tendency of political regimes deterioration. Each kind of real political regime is accompanied by its distorted counterpart: monarchy is threatened by tyranny, aristocracy by oligarchy, and republic by democracy. It is interesting to say that in Aristotle's time democracy represented the rule of shift majority. He found the solution in the way toward a mixed political regimes, which may be reached by the compliance to the principles of constitutionality and legality.

The research which regime is the best is justified due to the teleological character of humannature. In the moment when we accept the teleological comprehension of human nature, when we accept purposeful character of human nature, it is justified to raise the issue of the best regime. As per Aristotle, the best regime is republic. It is about political regime which connects the virtues of all real political regimes: the unity of governing and strategic planning realized by monarchy in the conditions of war, power efficacy in aristocracy, where the most competent are posed at highest positions, and cohesion of citizens in republic (Aristotel 1988: 94). On the other hand, Aristotle takes into account mixed political regimes as well. They need not to be built upon real political regimes. Their combination is the one of the real and distorted political regimes: monarchy, oligarchy, and democracy. This hybrid regime is more qualitative if it contains in itself middle class. Aristotle distinguishes three classes: very rich, very poor, and middle class. Middle fortune is the best one, since the voice of reason is best followed then (Vujadinović–Milinković 1996: 60). The best state community is the one based upon middle class. It is as per Aristotle, „since middle class is the easiest to be governed due to its number while due to great disproportion between rich and poor as extreme democracy or non-controlled oligarchy are appearing. The best law-makers stem from the middle class“ (Aristotel 1988: 138).

Regarding the possibility of political regimes deterioration, Aristotle introduces the possibility of constitution, and law deterioration. A right constitution implies a right law and vice versa. The deteriorated constitutions do not correspond to virtues as noble's origin, fortune, equity, and courage. A mere insist on equality may have an impact on the deterioration of constitution, and law. There are natural and positive laws while the first one is general and unwritten, and the later one is of lower rang, and relates to special cases.

It may be seen from the above mentioned that the criterion of this classification is the number of sovereign power owners. Nevertheless, these three ideas of the Aristotle's philosophy were being abandoned by the time, and compensated by another ones. This Aristotle's classification was not given for good, but it appears to be at first sight as supra-historical one. The first who will abandon this universal classification will be Montesquieu.

Montesquieu makes the classification of governments on republic, monarchy, and despotic ones (Монтескје 1989: 8). Such government classification represents three forms of intellect manifestation. Republic is divided on aristocracy and democracy. Democracies rest on several basic principles: people nominate legal, and executive power, and the majority of subjects has got legal capacity to perform legal and executive power. Montesquieu did not categorize these three types of government as per their structure but as per their legitimating principles derived from general spirit of the special people. Basic feature of monarchies is the canalizing of one will into the one of all. Despotic power has got one rule: there is not power in it (Словић 2017: 21–36). By resting on classical postulates on Athens' democracy the three principles of governing are immanent to the three forms of governing: virtue, honour, and fear (Словић 2017: 21–36).

The fragility of republican constitutions requests that republican government should rest on the habits and attitudes of citizens due to support, since civic virtue gives adequate strength behind the authority of laws. In democratic form of the republican power we should be careful that personal ambition did not overcome the spirit of equality and undermine democratic powers. It is the reason why Montesquieu maintains that republican governments may exist only at small territories (Монтескје 1989: 165). In case republican government is aristocratic, its sense of virtue should be manifested among the governing nobility. Montesquieu favorized this form of governing as more energetic than democracy.

While love toward virtue forms a leading principle of republican government, with monarchy the laws themselves are virtue. In monarchies Montesquieu as the ruling principle considers the honour of royal origin of law, and not, as with republics, virtue's belonging to them. On the other hand, laws in monarchic governments reflect the identity separated from the sovereign where independent legal body creates a barrier against despotism. Laws are for Montesquieu relationships which condition the existence of everything – from Deity to material world, from human to animal. He makes the distinction between natural and social laws and thinks the natural are coming before the social ones. They were created by the supreme reason and are unchangeable, while the social are changeable, since their creator was frequently restricted and subject to prejudices. Their value mostly depends on the fact in what measure the lawmaker managed to make them in compliance with people's life (Radonjić 2010: 260).

The leading principle of despotic reign is fear, because of the fact the despot rules without any quantity of people's will. By reigning in that way, the fear from his power is the fact which makes coercion on the execution of his decisions.

Despotism is the most efficient way of reigning in the empires where population does not have tradition of self-reigning too. Typical example of despotism for Montesquieu are Eastern despotises, where he added China as well. The essence of despotic reign is the fact that despot reigns without restricted laws or tradition, and possesses the land of his subjects as well. All relating to despotism tackles the absence of freedom, rule of law, economic prosperity and institution of private property. The ideal of republic for Montesquieu were antique Greek polis, the ideal of monarchy European kingdoms, and the one for despotism were Asian empires. The characteristic of despotic regime is that only one person has got the safety: despot.

The abandonment of the Aristotle's thesis that as a criterion the number of power holders was not taken into account was because of the fact there was not a difference in the number of power holders between, for example, monarchy and despotism since sovereignty in both cases belonged to one person. Since he is prone to legalism, Montesquieu reshaped this issue by another one: is sovereign power carried out in accordance with determined laws or without any rules? It can be seen that Montesquieu introduced one more criterion in the classification: the form of power execution. Montesquieu does not speculate about the best regime, but observing the moderate regimes (republic or monarchy) he stated that something that maintained some regime is virtue in republic, and honour in monarchy. Montesquieu realized vital relationship between cultural organization of society and its form of reign. Each society is characterized by a special feeling for reign from which none political structure can deviate. He maintains that government may survive only in the consent with the spirit of law. In that sense he states that „laws are established, but habits in behaviour are inspiring us – the first ones are deriving from the general spirit, and the second ones from the special institution“ (Монтескье 1989: 297). As political regime is linked with social organization, it is impossible to search for the best one in advance.

HOBBS' AND TOCQUEVILLE'S INTERPRETATION OF POLITICAL REGIMES

Hobbes did not deal with the choice of the best political regime. Nevertheless, by analysing of his basic attitudes of natural and social state we are facing with the fact the best political regime is linked with monarchy. In the spirit of his mechanistic interpretation of the world Hobbes defines natural state as the one of „the war of all against everybody“. In that state „man not only lives in the continuous fear and danger of violent death, but his potentially

short life is deprived of security, and highly poor since there is no industry, agriculture, commerce, science, and art there. Man's life is lonely, evil, brutal, poor and barren" (Hobbes 1991: 88–89). Interest is reigning over the man's behaviour.

In the war of everybody against everybody, and under the condition of mental and physical equality of people, man is sentenced to self-destruction. What leads man toward the state of nature makes an impact on his exit from it (the fear from death, wish for better life). These are rudimentary ways of the exit from the state of nature. Bad experience from the state of nature makes man start with the use of his reasonable capacities. The exit from the state of nature leads gradually toward social (contractual) state. The social state is a precondition of the peace establishing among people. All these elements of peaceful relationships establishing are nothing more than the ones of natural law which man finds them via his reason. Such principles are necessary for much more comfortable life and self-preservation with the aim of mutual existence. Natural laws are the ones of coexistence. Hobbes in his 14th and 15th Chapter of *Leviathan* quotes 19 natural laws, and gives the 20th in conclusions. All natural laws are explained by the sentence „act toward others in a manner that you wish others to act toward you“ (Hobbes 1991: 89). Famous Kant will derive from this his categorical imperative.

Hobbes does not get in touch natural law with human passions. The one who does this he is sentenced to failure, since it is getting back to natural state. Hobbes differs from other theoreticians of natural law, in the first place from Spinoza, who considers people as they are, but not as they are supposed to be. The difference consists of his advocating of the concept of absolute monarchy, and he was subject to many critics since he advocates the absolute power of state authorities. The initial premises of these two thinkers are the same, but they differ as per the interpretation of natural right. As per Hobbes, natural laws limit natural rights of people although they do not abolish them so that state becomes the master over its subjects. For Spinoza, natural law is not the negation of natural right, but it is one thing; natural law is the realization of general right – the law of self-preservation. The state has got the reason of its existence, as per Hobbes, only if it meets people's needs. Natural law limits natural right because it is the end of the state of nature, and the social one is being created.

The observe of natural laws is possible only in social state. In order to reach social state, the power authority is necessary. In social state reasonable part of human dominates, which, complemented by the desire for better and rational life takes out the man from misery of natural state. Man is able to consent with the laws of coexistence, since natural laws do not abolish man's natural right. The guarantor of natural right preservation is the state (*Leviathan*)

(Yurdusev 2006: 305–321). On the other hand, the contract without mutual coexistence of power cannot be efficient.

The issue of the best political regime choice may be concluded from his philosophical interpretations, and they may be linked with the aims of states and individuals – that aim is prosaic one and simple personified in the name of „survival“. Since there is a discrepancy between sensitive and reasonable part in human being, and the first one is getting preponderance, the conflict is likely to occur. The best regime is the one which guarantees the survival. In order to prevent it, a common law should exist, which would initiate adequate political regime capable of guaranteeing peace among citizens. Hobbes, basing himself on the teleological character of human nature, poses the question of the state's character which will guarantee peace of citizens. Such philosophical interpretation leads to the issue of sovereignty: what power should be given in order to prevent society from civic war? Living in accordance with virtue is the first answer to this issue. By transferring his right to sovereign or Leviathan, people ensure their survival and create conditions for better life. This right will be afterwards enlarged by Locke glorifying the state in the sense of the preservation of basic human rights, and especially to possession (Yurdusev 2006: 312). The basic pre-condition for that individual gives up from his freedom and natural rights is that the same should be done by other members of community, which precedes social state. Sovereignty is not absolute and unlimited.

Human passions may be responsible for the breach of contractual duties, and all due to the insufficient co-ordination between force and right. Hobbes indicates the fact that natural state is unbearable one. In order to get rid of it, people are unifying themselves and are giving up their freedom and right in order to be capable of ruling and all is given to sovereign, and for revanch, they are being provided with security and guarantee of natural rights. Sovereign dispose of the right to coercion for the purpose of peace preservation. Sovereign may be either one man (monarchy) or the assembly of all citizens (democracy) or one part of them (aristocracy). The subjects are submissive to him in order to be protected. All he does is supposed to be good, since his power is absolute, and power unlimited (*summa potestas*). His power is unlimited in the sense nobody can compare with him. If someone is able to compare with sovereign, then he could not perform his protective function. The latter sociologists and philosophers will study political regimes within the determinants of social milieu – Comte and Marx.

Tocqueville does not raise the issue of the best political regime – it is undoubtedly, democracy. In the time of his analysis of the political system of USA absolute monarchies had failed, and monarchs became the ones who ruled, but did not reigned. Thus, the management left to the representative

body, executive ones and to judicial power. His comprehensions of democracy were exposed in his oeuvre *Democracy in America*, as a result of his stay in USA. The first book was published in 1835, and the second one in 1840. The conceptual framework he started from was the analysis of the freedom preservation in democratic levelled society. As the initial fundament was the thinking of liberals from the restoration period. In the preface of the mentioned book he wished to explain literally the possibility of freedom preservation in democratic levelled society in which old aristocratic barriers against central power had disappeared. Tocqueville implicitly announce the possibility of political regimes deterioration independently of the fact that democratic revolution „levelled social conditions and made citizens more equal“ (Tocqueville, 2004: 3). Specific form of freedom which existed in France during *old regime* (*ancien régime*), where the power of nobles formed an insurmountable barrier against central authorities, could not be restarted. Since the return to old system is impossible „people who think that they can revive monarchy of Heinrich IV or Louis XIV appear to be as the ones who were exceeded by the time“ (Dijn 2008: 363).

Tocqueville does not approach to French revolution as the omen of the new and more equitable society, which was the feature of liberals (the rise of the third class, greater fortune, and enlightenment). These are the facts which contributed to the fall of feudalism. The new created society was not characterized by greater equality in economic sense, but in the absence of aristocracy and hierarchy of power execution. Tocqueville strictly separates industrial class of producers from aristocracy since it is much too mobile and rich from the rest of population. A special importance is given to inherited rights and puts them not only in civic order, but in the framework of political institutions. Thus, as the basic issue is raised the one of preservation of freedom and security in such levelled society. While liberals considered freedom as the full bloom of human capacities, Tocqueville idea of freedom was the opposition to arbitrariness. Freedom acts inventively to human life: encourages economic life in the state and stimulates patriotism. Freedom is not comprehended negatively as the limitation of the state, but as the guarantee against arbitrary state. American citizens carry out laws not only they are compelled by force, but due to the fact they realized society could not exist without regulated force.

The Americans managed to preserve stable liberal system basing on the principle of division of power, which they were due to Montesquieu. Legislative power is two-housed: congress and representative house. Executive power is represented by the governor, who is moderator of the legislative power. President, from his side, has got a great autonomy related to legislature. Judicial power has got its autonomy at federal level, by which legislature is restricted

from the great amount of power concentration (Tocqueville 2004: 185). The power is approached to people and local self-management is getting the importance. This type of power Tocqueville calls (self-government). By the weakening of the federal bodies power, freedoms getting its importance. There is a different situation in America due to the division of power. Local institutions are the school of freedom (Tocqueville 2004: 68). Representative bodies are the only alternative to despotism in post-revolutionary societies (Dijn 2008:141). What Tocqueville was afraid of tackled the problem of increase of power in the hands of individual (Ludwig Hoffmann 2003: 269–299). That was his danger of political regimes deteriorations due to the tyranny of majority. In Marx's sense it was the dictatorship of proletariat. As soon as the thinking of majority was being formed, there was no obstacle which would stop its course. This means every authority is subject to control even if it comes from the people.

In order to prevent the appearance of non-liberal elements in democracy, Tocqueville suggests the following measurements

- The first measurement is decentralization, which allows to local government to slow down tensions coming out from central structure of the power. This tendency can be reinforced by the presence of judicial bodies since they „encourage the love toward the right and order“ (Tocqueville 2004: 311–318).
- From the previous one arises the second measure which consists of the reinforcement of the role of jurists. This kind of aristocratic class is a great critic of democracy. Their loyalty to the regime became a great obstacle in the strengthening of revolutionary spirit.

In his second book (1840), Tocqueville made an evolution: instead of self-government of people as the only alternative to despotism, he started advocating the role of intermediate bodies as the best way of the fight against the ruling of majority. It appears to be that Tocqueville in the second half of his book the model of self-ruling changed with the one of aristocratic freedom.

At the end of his study, Tocqueville reached the conclusion that levelled society was not the best protection from the tyranny of majority. In such circumstances it was difficult for individual to oppose the arbitrariness of government. Like Rousseau, he criticises enlightenment's idealism, which is typical for levelled society and made the man retreat toward privacy. Freedom was necessary for democratic man so as to fulfil his passion toward material goods. Impossibility of link perception between freedom and industry leads to the renouncement from political rights by which is increased interest for the regime, and less for freedom.

CONCLUSION

Each political regime wishes to be legitimate and acquires the citizen's loyalty. That regime is setting goals ahead citizens should be agreed on. The consent over the subjected ones should be given. That consensus was being obtained before hand by transferring authorizations to sovereign (Hobbes). Later on, that consensus would be reached by democratic elections and voting for the members of parliament (government), and are subjected to its laws.

Philosophers were always setting ahead some aims, and the difference consisted of the priority giving. The mentioned Hobbes was occupied with civic peace, since he lived in the period of revolutions so that all values were subjugated to peace establishment among peoples. Raymond Aron will have written several centuries later a famous oeuvre from the field of political philosophy. *Paix et guerre entre les nations* („Peace and War among Nations“). The basic goals of the states will be security including power, glory and ideas (СЛОВИЋ 2009: 78). Rousseau thought it was the most important thing to found legitimate power which could be derived from the consent of people. Social Contract indicates to the fact which conditions should be met in order to have legitimate power. The supreme arbiter is *General Will* (*Volonté générale*). It is not general will in neutral sense, but her aim is the elimination of particular interests.

The ideal regime would be the one which could reconcile different aims and interests. It could be in reality difficult to carry out their reconciliation. Tocqueville and Montesquieu tried, by the introduction of the category of *corps intermédiaire*, to save the possibility of deterioration of democratic political regimes, which consisted in the so-called tyranny of majority. What was rooted in the *Ancien régime*, (pluralistic liberalism) had to be abandoned in order to preserve democracy.

LITERATURE

- Aristotel 1988: *Politika*. Zagreb: Globus.
- Aron 1997: Rejmon Aron. *Demokratija i totalitarizam*. Prev. Dušan Janić. Novi Sad: Izdavačka knjižarnica Zorana Stojanovića.
- Dijn 2008: Annelien Dijn. *French Political Thought from Montersquieu to Tocqueville – Liberty in a Levelled Society*. Cambridge: Cambridge University Press.
- Hobbes 1991: Thomas Hobbes. *Leviathan* (1961). Ed. Richard Tuck. Cambridge: Cambridge University Press.
- Ludwig Hoffmann 2003: Stephan Ludwig Hoffmann. „Democracy and Associations in the Long Nineteen Century: toward a Transnational Perspective“. *The Journal of Modern History*, 75, 269–299.
- Монтескје 1989: Шарл Монтескје. *Дух закона*. Београд: Филип Вишњић.

- Radonjić 2010: Radovan. *Političke doktrine*. Cetinje: Obod Cetinje.
- Словић 2009: Срђан Словић. *Аронова теорија међународних односа и актуелно косовско питање*. Приштина/Лепосавић: Институт за српску културу.
- Словић 2017: Срђан Словић. „Монтескјеов концепт природног стања, природних и позитивних закона и облика владавине“. *Политичка ревија* 4, Вол. 54, 21–36.
- Tocqueville 2004: Alexis Tocqueville. *Democracy in America*. Ed. Oliver Dung. New York: The Library of America.
- Vujadinović-Milinković 1996: Dragica Vujadinović-Milinković. *Političke i pravne teorije*. Beograd: Pravni fakultet.
- Yurdusev 2006: Nuri Yurdusev. „Thomas Hobbes and International Relations – from Realism to Rationalism“, *Australian Journal of International Affairs*. Vol. 60.

Srđan Ž. SLOVIĆ

IZBOR NAJBOLJEG POLITIČKOG REŽIMA – TEORIJSKE RASPRAVE

REZIME

Pitanje izbora najboljeg političkog režima oduvek je privlačilo pažnju političkih filozofa i sociologa. Ta nit se proteže od Platona i Aristotela, preko srednjovekovnih i novovekovnih mislilaca, pa sve do današnjih dana. Ovo pitanje posebno dobija na značaju jer postoje tendencije kvarenja političkih režima – svaki ispravan oblik dobija svog pandana (tiranija/monarhija, oligarshija/aristokratija i republika/demokratija). Osnovni cilj vlade je, prema Monteskej, održavanje poretka, zakona, političke slobode i svojine pojedinaca. U tom cilju se Monteskej suprotstavlja apsolutnoj monarhiji Francuske toga perioda i favorizuje engleski sistem vladavine. Najbolji oblik vladavine je onaj u kome su zakonodavna, izvršna i sudska vlast podeljene i podložne proverbi kako bi se onemogućilo da jedna od njih dobije prevagu. Posedovanje sve tri vrste vlasti od jednog tela neumitno vodi ka despotizmu. Pitanje izbora najboljeg režima se kod Hobsa može izvući iz njegovih filozofskih razmatranja i možemo da ih povežemo sa ciljevima država i pojedinaca – taj cilj je prozaičan i jednostavan, oličen u imenu „opstanak“. Najbolji je onaj režim koji obezbeđuje opstanak. Opstanak može da obezbedi jedino suveren, na koga građani prenose svoja prava i tvore društveno stanje. Kod Tokvila se pitanje izbora najboljeg političkog režima uopšte ne postavlja. To je, nesumnjivo, demokratija, jer je za vreme njegove analize političkog sistema SAD apsolutnim monarhijama „odzvono“, a monarsi su postali oni koji vladaju, ali ne upravljaju. Dakle, upravljanje je ostavljeno predstavničkom telu, izvršnim organima i sudstvu. Proučavanje izbora najboljeg političkog režima treba biti kombinovano sa filozofskim, sociološkim i pravnim izborom. On sadrži skup aksioloških, činjeničnih i ustavnih elemenata proučavanja.

Ključne reči: politički režimi, Aristotel, Monteskej, Hobs, Tokvil, izbor, politička filozofija.