

MONTESQUIEU

*The Spirit of
the Laws*

TRANSLATED AND EDITED BY

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BOOK 2

On laws deriving directly from the nature of the government

CHAPTER I

On the nature of the three varieties of governments

There are three kinds of government: REPUBLICAN, MONARCHICAL, and DESPOTIC. To discover the nature of each, the idea of them held by the least educated of men is sufficient. I assume three definitions, or rather, three facts: one, *republican government is that in which the people as a body, or only a part of the people, have sovereign power; monarchical government is that in which one alone governs, but by fixed and established laws; whereas, in despotic government, one alone, without law and without rule, draws everything along by his will and his caprices.*

That is what I call the nature of each government. One must see what laws follow directly from this nature and are consequently the first fundamental laws.

CHAPTER 2

On republican government and on laws relative to democracy

In a republic when the people as a body have sovereign power, it is a *democracy*. When the sovereign power is in the hands of a part of the people, it is called an *aristocracy*.

In a democracy the people are, in certain respects, the monarch; in other respects, they are the subjects.

They can be the monarch only through their votes which are their wills. The sovereign's will is the sovereign himself. Therefore, the laws

establishing the right to vote are fundamental in this government. Indeed, it is as important in this case to regulate how, by whom, for whom, and on what issues votes should be cast, as it is in a monarchy to know the monarch and how he should govern.

Libanius¹ says that *in Athens a foreigner who mingled in the people's assembly was punished with death*. This is because such a man usurped the right of sovereignty.

It is essential to determine the number of citizens that should form assemblies; unless this is done it cannot be known if the people have spoken or only a part of the people. In Lacedaemonia, there had to be 10,000 citizens. In Rome, which started small and became great, Rome, made to endure all the vicissitudes of fortune, Rome, which sometimes had nearly all its citizens outside its walls and sometimes all Italy and a part of the world within them, the number was not determined;² this was one of the great causes of its ruin.

A people having sovereign power should do for itself all it can do well, and what it cannot do well, it must do through its ministers.

Ministers do not belong to the people unless the people name them; therefore it is a fundamental maxim of this government that the people should name their ministers, that is, their magistrates.

The people, like monarchs and even more than monarchs, need to be guided by a council or senate. But in order for the people to trust it, they must elect its members, either choosing the members themselves, as in Athens, or establishing some magistrate to elect them as was occasionally the practice in Rome.

The people are admirable for choosing those to whom they should entrust some part of their authority. They have only to base their decisions on things of which they cannot be unaware and on facts that are evident to the senses. They know very well that a man has often been to war, that he has had such and such successes; they are, then, quite capable of electing a general. They know that a judge is assiduous, that many people leave the tribunal^a satisfied with him, and

¹[Libanius] *Declamations* 17 [*Hyperides oratio* 18.5-6] and 18 [*Strategi apologia* 44.15].

²See [M.'s] *Considerations on the Causes of the Greatness of the Romans and their Decline*, chap. 9, Paris, 1755 [chap. 9, p. 92; 1965 Eng. edn.].

^aFor *tribunal* we use "tribunal," and for *cour*, "court"; by keeping this distinction, we make the history of the development of tribunals as separate from the court of some king or nobleman easier to follow.

that he has not been convicted of corruption; this is enough for them to elect a praetor.^b They have been struck by the magnificence or wealth of a citizen; that is enough for them to be able to choose an aedile. All these things are facts that they learn better in a public square than a monarch does in his palace. But will the people know how to conduct the public business,^c will they know the places, the occasions, the moments, and profit from them? No, they will not.

If one were to doubt the people's natural ability to perceive merit, one would have only to cast an eye over that continuous series of astonishing choices made by the Athenians and the Romans; this will doubtless not be ascribed to chance.

It is known that in Rome, though the people had given themselves the right to elevate plebeians to posts, they could not bring themselves to elect them; and in Athens, although, according to the law of Aristides, magistrates could be drawn from any class, Xenophon³ says that it never happened that the common people turned to those classes that could threaten their well-being or glory.

Just as most citizens, who are competent enough to elect, are not competent enough to be elected, so the people, who are sufficiently capable to call others to account for their management, are not suited to manage by themselves.

Public business must proceed, and proceed at a pace that is neither too slow nor too fast. But the people always act too much or too little. Sometimes with a hundred thousand arms they upset everything; sometimes with a hundred thousand feet they move only like insects.

In the popular state, the people are divided into certain classes. Great legislators have distinguished themselves by the way they have made this division, and upon it the duration and prosperity of democracies have always depended.

Servius Tullius followed the spirit of aristocracy in the composition of his classes. In Livy⁴ and Dionysius of Halicarnassus⁵, we see how he

³[Xenophon, "The Old Oligarch," *The Constitution of Athens*] pp. 691, 692, Wecheliuss edition of 1596 [1.3].

⁴[Livy] bk. 1 [1.43].

⁵[Dion. Hal., *Ant. Rom.*] bk. 4, arts. 15ff. [4.15–21].

^bSee 11.14 (p. 173) for Montesquieu's explanation of the Roman magistracies.

^cMontesquieu uses *affaire* to refer to law-suits, translated "suits"; to issues before legislative bodies or sovereigns, translated "public business"; and to commercial transactions, translated "business."

put the right to vote into the hands of the principal citizens. He divided the people of Rome into one hundred and ninety-three centuries, forming six classes. He put the rich men, but in smaller numbers, into the first centuries; he put the less rich, but in larger numbers, into the following ones; he put the entire throng of the poor into the last century; and, since each century had only one voice,⁶ it was means and wealth that had the vote rather than persons.

Solon divided the people of Athens into four classes. Guided by the spirit of democracy, he made these classes in order to specify not those who were to elect but those who could be elected; and leaving to the citizens the right to elect, he wanted them⁷ to be able to elect judges from each of those four classes but magistrates from the first three only, where the well-to-do citizens were found.

Just as the division of those having the right to vote is a fundamental law in the republic, the way of casting the vote is another fundamental law.

Voting by *lot* is in the nature of democracy; voting by *choice* is in the nature of aristocracy.

The casting of lots is a way of electing that distresses no one; it leaves to each citizen a reasonable expectation of serving his country.

But as it is imperfect by itself, the great legislators have outdone each other in regulating and correcting it.

In Athens, Solon established that all military posts would be filled by choice but that senators and judges would be elected by lot.

He wanted the civil magistrates that required great expenditures to be given by choice and the others to be given by lot.

But in order to correct the vote by lot, he ruled that one could elect only from the number of those who presented themselves, that he who had been elected would be examined by judges,⁸ and that each judge could accuse him of being unworthy;⁹ this derived from both lot and

⁶ See [M.'s] *Considerations on the Causes of the Greatness of the Romans and Their Decline*, chap. 9, for how the spirit of Servius Tullius was preserved in the republic [chap. 8, pp. 86-87; 1965 Eng. edn.].

⁷ Dion. Hal. [*De antiquis oratoribus*], "Isocrates," vol. 2, p. 97, Wecheliuss edition [Isocrates 8]. [Julius] Pollux [*Onomasticon*], bk. 8, chap. 10, art. 130 [8.10.130]. Pollux does not mention election, only class divisions in accord with property evaluations and the tax to be paid. See below, bk. 13, n. 4].

⁸ See Demosthenes, *Orationes*, *De falsa legatione* [19.1-8] and *Against Timocrates* [24.21-22].

⁹ Two tickets were even drawn for each place, one assigning the place and the other naming the person who was to succeed to it in case the first was rejected.

choice. On completing his term, the magistrate had to go through a second judgment regarding the way in which he had conducted himself. People without ability must have been very reluctant to offer their names to be drawn by lot.

The law that determines the way ballots are cast is another fundamental law in democracy. Whether the votes should be public or secret is a great question. Cicero¹⁰ writes that the laws¹¹ that made them secret in the late period of the Roman republic were one of the major causes of its fall. Given that this practice varies in different republics, here, I believe, is what must be thought about it.

When the people cast votes, their votes should no doubt be public;¹² and this should be regarded as a fundamental law of democracy. The lesser people must be enlightened by the principal people and subdued by the gravity of certain eminent men. Thus in the Roman republic all was destroyed by making the votes secret; it was no longer possible to enlighten a populace on its way to ruin. But votes cannot be too secret in an aristocracy when the body of nobles casts the votes,¹³ or in a democracy when the senate does so,¹⁴ for here the only issue is to guard against intrigues.

Intrigue is dangerous in a senate; it is dangerous in a body of nobles; it is not dangerous in the people, whose nature is to act from passion. In states where the people have no part in the government, they become as inflamed for an actor as they would for public affairs. The misfortune of a republic is to be without intrigues, and this happens when the people have been corrupted by silver; they become cool, they grow fond of silver, and they are no longer fond of public affairs; without concern for the government or for what is proposed there, they quietly await their payments.

Yet another fundamental law in democracy is that the people alone should make laws. However, there are a thousand occasions when it is necessary for the senate to be able to enact laws; it is often even

¹⁰[Cicero] *De legibus*, bks. 1 and 3 [e.g., 3.15.33–3.17.40].

¹¹They were called balloting laws. Each citizen was given two ballots, the first marked with an A, for *Antiquo* [to reject or to leave something in its former condition]; the other with U and R, for *uti rogas* [to ask for an opinion or vote]. [Refers to Cicero, *De legibus* 3.34.37.]

¹²In Athens, hands were raised.

¹³As in Venice.

¹⁴The thirty tyrants of Athens wanted the votes of the Arcopagus to be public in order to direct them according to their fancy. Lysias, *Orationes, Against Agoratus*, chap. 8 [13.37].

appropriate to test a law before establishing it. The constitutions of Rome and Athens were very wise. The decrees of the senate¹⁵ had the force of law for a year; they became permanent only by the will of the people.

¹⁵See Dion. Hal. [*Ant. Rom.*], bk. 4 [4.80.2 and 4.74.2] and bk. 9 [9.37.2].

CHAPTER 3

On laws relative to the nature of aristocracy

In aristocracy, sovereign power is in the hands of a certain number of persons. They make the laws and see to their execution, and the rest of the people mean at best no more to these persons than the subjects in a monarchy mean to the monarch.

Voting should not be by lot; this would have only drawbacks. Indeed, in a government that has already established the most grievous distinctions, though a man might be chosen by lot, he would be no less odious for it; the noble is envied, not the magistrate.

When there are many nobles, there must be a senate to rule on the affairs that the body of nobles cannot decide and to take their preliminary steps for those on which it decides. In the latter case, it may be said that aristocracy is, in a way, in the senate, that democracy is in the body of nobles, and that the people are nothing.

It is a very fine thing in an aristocracy for the people to be raised from their nothingness in some indirect way; thus, in Genoa, the Bank of St George, administered largely by the principal men among the people,¹⁶ gives the people a certain influence in government, which brings about their whole prosperity.

Senators should not have the right to fill vacancies in the senate; nothing would be more likely to perpetuate abuses. In Rome, which was a kind of aristocracy in its early days, the senate did not name replacements; new senators were named by the censors.¹⁷

When an exorbitant authority is given suddenly to a citizen in a

¹⁶[Joseph] Addison, *Remarks on Several Parts of Italy in the Years 1701, 1702, 1703*, p. 16 [2, 24–25; 1914 edn.].

¹⁷At first they were named by the consuls.

republic, this forms^d a monarchy or more than a monarchy. In monarchies, the laws have protected the constitution or have been adapted to it; the principle of the government checks the monarch; but in a republic when a citizen takes exorbitant power,¹⁸ the abuse of this power is greater because the laws, which have not foreseen it, have done nothing to check it.

The exception to this rule occurs when the constitution of the state is such that it needs a magistracy with exorbitant power. Such was Rome with its dictators, such is Venice with its state inquisitors; these are terrible magistracies which violently return the state to liberty. But how does it happen that the magistracies are so different in these two republics? It is because, whereas Venice uses its state inquisitors to maintain its aristocracy against the nobles, Rome was defending the remnants of its aristocracy against the people. From this it followed that the dictator in Rome was installed for only a short time because the people act from impetuosity and not from design. His magistracy was exercised with brilliance, as the issue was to intimidate, not to punish, the people; the dictator was created for but a single affair and had unlimited authority with regard to that affair alone because he was always created for unforeseen cases. In Venice, however, there must be a permanent magistracy: here designs can be laid, followed, suspended, and taken up again; here too, the ambition of one alone becomes that of a family, and the ambition of one family, that of several. A hidden magistracy is needed because the crimes it punishes, always deep-seated, are formed in secrecy and silence. The inquisition of this magistracy has to be general because its aim is not to check known evils but to curb unknown ones. Finally, the Venetian magistracy is established to avenge the crimes it suspects, whereas the Roman magistracy used threats more than punishments, even for those crimes admitted by their instigators.

In every magistracy, the greatness of the power must be offset by the brevity of its duration. Most legislators have fixed the time at a year; a longer term would be dangerous, a shorter one would be contrary to the nature of the thing. Who would want thus to govern his domestic

¹⁸ This is what caused the overthrow of the Roman republic. See the *Considerations on the Causes of the Greatness of the Romans and their Decline*, Paris, 1755 [chap. 11, pp. 107–108; 1965 Eng. edn.].

^d Montesquieu often uses the verb *former* in the old sense of establishing by giving shape.

affairs? In Ragusa,¹⁹ the head of the republic changes every month; the other officers, every week; the governor of the castle, every day. This can take place only in a small republic²⁰ surrounded by formidable powers which could easily corrupt petty magistrates.

The best aristocracy is one in which the part of the people having no share in the power is so small and so poor that the dominant part has no interest in oppressing it. Thus in Athens when Antipater²¹ established that those with less than two thousand drachmas would be excluded from the right to vote, he formed the best possible aristocracy, because this census^e was so low that it excluded only a few people and no one of any consequence in the city.

Therefore, aristocratic families should be of the people as far as possible. The more an aristocracy approaches democracy, the more perfect it will be, and to the degree it approaches monarchy the less perfect it will become.

Most imperfect of all is the aristocracy in which the part of the people that obeys is in civil slavery to the part that commands, as in the Polish aristocracy, where the peasants are slaves of the nobility.

¹⁹ [Joseph Pitton] Tournefort, *Relation d'un voyage du Levant*. [Not in Tournefort; he did not write about Ragusa. A probable source is Louis Des Hayes Courmenin, *Voyage de Levant*, pp. 480, 484, 485; 1632 edn.].

²⁰ In Lucca, the magistrates are established for only two months.

²¹ Diodorus Siculus [*Bibliotheca historica*], bk. 18, p. 601, Rhodoman edition [18.18.4].

^e See 13.7 (p. 216) for a further discussion of the Athenian census.

CHAPTER 4

On laws in their relation to the nature of monarchical government^f

Intermediate, subordinate, and dependent powers constitute the nature of monarchical government, that is, of the government in which one alone governs by fundamental laws. I have said intermediate, subordinate, and dependent powers [indeed, in a monarchy, the prince is the source of all political and civil power.] These fundamental laws

^f The awkwardness of some of the sentences and paragraphs in this chapter reflects the difficulties inherent in asserting, in the middle of the eighteenth century in France, that intermediate powers, however understood, were intrinsic to monarchy.

necessarily assume mediate channels through which power flows; for, if in the state there is only the momentary and capricious will of one alone, nothing can be fixed and consequently there is no fundamental law.

The most natural intermediate, subordinate power is that of the nobility. In a way, the nobility is of the essence of monarchy, whose fundamental maxim is: *no monarch, no nobility: no nobility, no monarch*; rather, one has a despot.

In a few European states, some people had imagined abolishing all the justices of the lords.⁸ They did not see that they wanted to do what the Parliament of England did. If you abolish the prerogatives of the lords, clergy, nobility, and towns in a monarchy, you will soon have a popular state or else a despotic state.

For several centuries the tribunals of a great European state have been constantly striking down the patrimonial jurisdiction of the lords and the ecclesiastical jurisdiction. We do not want to censure such wise magistrates, but we leave it to be decided to what extent the constitution can be changed in this way.

I do not insist on the privileges of the ecclesiastics, but I would like their jurisdiction to be determined once and for all. It is a question of knowing not if one was right in establishing it but rather if it is established, if it is a part of the country's laws, and if it is relative to them throughout; if between two powers recognized as independent, conditions should not be reciprocal; and if it is not all the same to a good subject to defend the prince's justice or the limits that his justice has always prescribed for itself.

To the extent that the power of the clergy is dangerous in republics, it is suitable in monarchies, especially in those tending to despotism. Where would Spain and Portugal have been, after the loss of their laws, without the power that alone checks arbitrary power? Ever a good barrier when no other exists, because, as despotism causes appalling ills to human nature, the very ill that limits it is a good.

Just as the sea, which seems to want to cover the whole earth, is checked by the grasses and the smallest bits of gravel on the shore, so monarchs, whose power seems boundless, are checked by the slightest obstacles and submit their natural pride to supplication and prayer.

In order to favor liberty, the English have removed all the intermedi-

⁸In French *justice* denotes both the abstract notion and the institution which judges. See 30.20 and note ^{bb} for Montesquieu's account of the justices of the lords.

ate powers that formed their monarchy. They are quite right to preserve that liberty; if they were to lose it, they would be one of the most enslaved peoples on earth.

Mr. Law, equally ignorant of the republican and of the monarchical constitutions, was one of the greatest promoters of despotism that had until then been seen in Europe.^h Besides the changes he made, which were so abrupt, so unusual, and so unheard of, he wanted to remove the intermediate ranks and abolish the political bodies;ⁱ he was dissolving²² the monarchy by his chimerical repayments and seemed to want to buy back the constitution itself.

It is not enough to have intermediate ranks in a monarchy; there must also be a depository of laws.^j This depository can only be in the political bodies, which announce the laws when they are made and recall them then they are forgotten. The ignorance natural to the nobility, its laxity, and its scorn for civil government require a body that constantly brings the laws out of the dust in which they would be buried. The prince's council is not a suitable depository. By its nature it is the depository of the momentary will of the prince who executes, and not the depository of the fundamental laws. Moreover, the monarch's council constantly changes; it is not permanent; it cannot be large; it does not sufficiently have the people's trust: therefore, it is not in a position to enlighten them in difficult times or to return them to obedience.

In despotic states, where there are no fundamental laws, neither is there a depository of laws.^j This is why religion has so much force in these countries; it forms a kind of permanent depository, and if it is not religion, it is customs that are venerated in the place of laws.

²²Ferdinand, King of Aragon, made himself Grand Master of the Orders, and that alone spoiled the constitution.

^hJohn Law (1671-1729). See 22.10 and note ^c for Montesquieu's account of Law's System.

ⁱ*corps politiques*, "political bodies," refers to political entities, including the *parlements*.

^jThe laws were in effect kept, held, by an entity whose responsibility was both to preserve and to use and interpret them. In English we retain something of this meaning in the term "deposition," or sworn evidence taken outside the court for later submission to the court. See 28.45 and note ^c for Montesquieu's explanation of the depository of the laws.

CHAPTER 5

On laws relative to the nature of the despotic state

A result of the nature of despotic power is that the one man who exercises it has it likewise exercised by another. A man whose five senses constantly tell him that he is everything and that others are nothing is naturally lazy, ignorant, and voluptuous. Therefore, he abandons the public business. But, if he entrusted this business to many people, there would be disputes among them; there would be intrigues to be the first slave; the prince would be obliged to return to administration. Therefore it is simpler for him to abandon them to a vizir²³ who will instantly have the same power as he. In this state, the establishment of a vizir is a fundamental law.

It is said that a certain pope, upon his election, overcome with his inadequacy, at first made infinite difficulties. Finally, he agreed to turn all matters of business over to his nephew. He was awestruck and said, "I would never have believed that it could be so easy." It is the same for the princes of the East. When, from that prison where eunuchs have weakened their hearts and spirits and have often left them ignorant even of their estate, these princes are withdrawn to be put on the throne, they are stunned at first; but when they have appointed a vizir, when in their seraglio they have given themselves up to the most brutal passions, when in the midst of a downtrodden court they have followed their most foolish caprices, they would never have believed that it could be so easy.

The more extensive the empire, the larger the seraglio, and the more, consequently, the prince is drunk with pleasures. Thus, in these states, the more peoples the prince has to govern, the less he thinks about government; the greater the matters of business, the less deliberation it is given.

²³ Eastern kings always have vizirs, says [John] Chardin [*Voyages*, "Description du gouvernement"; chap. 5, "Des charges"; 5, 339-340; 1811 edn.].



BOOK 3

On the principles of the three governments

CHAPTER I

The difference between the nature of the government and its principle

After having examined the laws relative to the nature of each government, one must look at those that are relative to its principle.

There is this difference¹ between the nature of the government and its principle: its nature is that which makes it what it is, and its principle, that which makes it act. The one is its particular structure, and the other is the human passions that set it in motion.

Now, the laws should be no less relative to the principle of each government than to its nature. Therefore, this principle must be sought. I shall do so in this book.

¹ This difference is very important, and I shall draw many consequences from it; it is the key to an infinity of laws.

CHAPTER 2

On the principle of the various governments

I have said that the nature of republican government is that the people as a body, or certain families, have the sovereign power; the nature of monarchical government is that the prince has the sovereign power, but that he exercises it according to established laws; the nature of despotic government is that one alone governs according to his wills and caprices. Nothing more is needed for me to find their three principles; they derive naturally from this. I shall begin with republican government, and I shall first speak of the democratic government.

CHAPTER 3

On the principle of democracy

There need not be much integrity for a monarchical or despotic government to maintain or sustain itself. The force of the laws in the one and the prince's ever-raised arm in the other can rule or contain the whole. But in a popular state their must be an additional spring, which is VIRTUE.

What I say is confirmed by the entire body of history and is quite in conformity with the nature of things. For it is clear that less virtue is needed in a monarchy, where the one who sees to the execution of the laws judges himself above the laws, than in a popular government, where the one who sees to the execution of the laws feels that he is subject to them himself and that he will bear their weight.

It is also clear that the monarch who ceases to see to the execution of the laws, through bad counsel or negligence, may easily repair the damage; he has only to change his counsel or correct his own negligence. But in a popular government when the laws have ceased to be executed, as this can come only from the corruption of the republic, the state is already lost.

It was a fine spectacle in the last century to see the impotent attempts of the English to establish democracy among themselves. As those who took part in public affairs had no virtue at all, as their ambition was excited by the success of the most audacious one² and the spirit of one faction was repressed only by the spirit of another, the government was constantly changing; the people, stunned, sought democracy and found it nowhere. Finally, after much motion and many shocks and jolts, they had to come to rest on the very government that had been proscribed.

When Sulla wanted to return liberty to Rome, it could no longer be accepted; Rome had but a weak remnant of virtue, and as it had ever less, instead of reawakening after Caesar, Tiberius, Caius,^a Claudius, Nero, and Domitian, it became ever more enslaved; all the blows were struck against tyrants, none against tyranny.

The political men of Greece who lived under popular government recognized no other force to sustain it than virtue. Those of today speak

²Cromwell.

^aCaligula.

to us only of manufacturing, commerce, finance,^b wealth, and even luxury.

When that virtue ceases, ambition enters those hearts that can admit it, and avarice enters them all. Desires change their objects: that which one used to love, one loves no longer. One was free under the laws, one wants to be free against them. Each citizen is like a slave who has escaped from his master's house. What was a *maxim* is now called *severity*; what was a *rule* is now called *constraint*; what was *vigilance* is now called *fear*. There, frugality, not the desire to possess, is avarice. Formerly the goods of individuals made up the public treasury; the public treasury has now become the patrimony of individuals. The republic is a cast-off husk, and its strength is no more than the power of a few citizens and the license of all.

There were the same forces in Athens when it dominated with so much glory and when it served with so much shame. It had 20,000 citizens³ when it defended the Greeks against the Persians, when it disputed for empire with Lacedaemonia, and when it attacked Sicily. It had 20,000 when Demetrius of Phalereus enumerated them⁴ as one counts slaves in a market. When Philip dared dominate in Greece, when he appeared at the gates of Athens,⁵ Athens had as yet lost only time. In Demosthenes one may see how much trouble was required to reawaken it; Philip was feared as the enemy not of liberty but of pleasures.⁶ This town, which had resisted in spite of so many defeats, which had been reborn after its destructions, was defeated at Chaeronea and was defeated forever. What does it matter that Philip returns all the prisoners? He does not return men. It was always as easy to triumph over the forces of Athens as it was difficult to triumph over its virtue.

How could Carthage have sustained itself? When Hannibal, as praetor, wanted to keep the magistrates from pillaging the republic, did

³Plutarch [*Vit.*], *Pericles* [37.4]; Plato, *Critias* [112d].

⁴There were 21,000 citizens, 10,000 resident aliens, and 400,000 slaves. See Athenaeus [*Naucratia*] [*Deipnosophistae*], bk. 6 [272c].

⁵It had 20,000 citizens. See Demosthenes, [*Orationes*] *Against Aristogeiton* [25.51].

⁶They had passed a law to punish by death anyone who might propose that the silver destined for the theatres be converted to the uses of war.

^bFinance, "finance," refers to both the debts and the receipts of the state; "finance" is linked with "fisc." See note ^h, bk. 30.

^cThe meaning of *gêne* goes as far as "torture," but "constraint" gets at the central meaning of something imposed from outside.

they not go and accuse him before the Romans? Unhappy men, who wanted to be citizens without a city and to owe their wealth to the hand of their destroyers! Soon Rome asked them to send three hundred of the principal citizens of Carthage as hostages; Rome made them surrender their arms and ships and then declared war on them. Given the things that a disarmed Carthage did from despair,⁷ one may judge what it could have done with its virtue when it had its full force.

⁷This war lasted three years.

CHAPTER 4

On the principle of aristocracy

Just as there must be virtue in popular government, there must also be virtue in the aristocratic one. It is true that it is not as absolutely required.

The people, who are with respect to the nobles what the subjects are with respect to the monarch, are contained by the nobles' laws. Therefore, they need virtue less than the people of a democracy. But how will the nobles be contained? Those who should see to the execution of the laws against their fellows will instantly feel that they act against themselves. Virtue must, therefore, be in this body by the nature of the constitution.

Aristocratic government has a certain strength in itself that democracy does not have. In aristocratic government, the nobles form a body, which, by its prerogative and for its particular interest, represses the people; having laws is enough to insure that they will be executed.

But it is as easy for this body to repress the others as it is difficult for it to repress itself.⁸ Such is the nature of this constitution that it seems to put under the power of the laws the same people it exempts from them.

Now such a body may repress itself in only two ways: either by a great virtue that makes the nobles in some way equal to their people, which may form a great republic; or by a lesser virtue, a certain moderation that renders the nobles at least equal among themselves, which brings about their preservation.

⁸Public crimes can be punished there because they are the business of all; private crimes will not be punished there, because it is not the business of all to punish them.

Therefore, *moderation* is the soul of these governments. I mean the moderation founded on virtue, not the one that comes from faintheartedness and from laziness of soul.

CHAPTER 5

That virtue is not the principle of monarchical government

In monarchies, politics accomplishes great things with as little virtue as it can, just as in the finest machines art employs as few motions, forces, and wheels as possible.

The state continues to exist independently of love of the homeland, desire for true glory, self-renunciation, sacrifice of one's dearest interests, and all those heroic virtues we find in the ancients and know only by hearsay.

The laws replace all these virtues, for which there is no need; the state excuses you from them: here an action done noiselessly is in a way inconsequential.

Though all crimes are by their nature public, truly public crimes are nevertheless distinguished from private crimes, so called because they offend an individual more than the whole society.

Now, in republics private crimes are more public, that is, they run counter to the constitution of the state more than against individuals; and, in monarchies, public crimes are more private, that is, they run counter to individual fortunes more than against the constitution of the state itself.

I beg that no one be offended by what I have said; I have followed all the histories. I know very well that virtuous princes are not rare, but I say that in a monarchy it is very difficult for the people to be virtuous.⁹

Read what the historians of all times have said about the courts of monarchs; recall the conversations of men from every country about the wretched character of courtiers: these are not matters of speculation but of sad experience.

Ambition in idleness, meanness in arrogance, the desire to enrich oneself without work, aversion to truth, flattery, treachery, perfidy, the

⁹I speak here about political virtue, which is moral virtue in the sense that it points toward the general good, very little about individual moral virtues, and not at all about that virtue which relates to revealed truths. This will be seen in book 5, chap. 2 [below].

abandonment of all one's engagements, the scorn of the duties of citizens, the fear of the prince's virtue, the expectation of his weaknesses, and more than all that, the perpetual ridicule cast upon virtue, these form, I believe, the character of the greater number of courtiers, as observed in all places and at all times. Now, it is very awkward for most of the principal men of a state to be dishonest people and for the inferiors to be good people, for the former to be deceivers and the latter to consent to be no more than dupes.

If there is some unfortunate honest man among the people,¹⁰ hints Cardinal Richelieu in his *Political Testament*, a monarch should be careful not to employ him.¹¹ So true is it that virtue is not the spring of this government! Certainly, it is not excluded, but it is not its spring.

¹⁰To be understood in the sense of the preceding note.

¹¹There it is said, "One must not employ people of low degree; they are too austere and too difficult" [Cardinal Richelieu, *Testament politique*, pt. 1, chap. 4, sec. 1; pp. 237-238; 1947 edn.].

CHAPTER 6

How virtue is replaced in monarchical government

I hasten and I lengthen my steps, so that none will believe I satirize monarchical government. No; if one spring is missing, monarchy has another, HONOR, that is, the prejudice of each person and each condition, takes the place of the political virtue of which I have spoken and represents it everywhere. It can inspire the finest actions; joined with the force of the laws, it can lead to the goal of government as does virtue itself.

Thus, in well-regulated monarchies everyone will be almost a good citizen, and one will rarely find someone who is a good man; for, in order to be a good man,¹² one must have the intention of being one¹³ and love the state less for oneself than for itself.

¹²These words, *good man*, are to be taken here only in a political sense.

¹³See note 9.

CHAPTER 7

On the principle of monarchy

Monarchical government assumes, as we have said, preeminences, ranks, and even a hereditary nobility. The nature of *honor* is to demand preferences and distinctions; therefore, honor has, in and of itself, a place in this government.

Ambition is pernicious in a republic. It has good effects in monarchy; it gives life to that government; and it has this advantage, that it is not dangerous because it can constantly be repressed.

You could say that it is like the system of the universe, where there is a force constantly repelling all bodies from the center and a force of gravitation attracting them to it. Honor makes all the parts of the body politic move; its very action binds them, and each person works for the common good, believing he works for his individual interests.

Speaking philosophically, it is true that the honor that guides all the parts of the state is a false honor, but this false honor is as useful to the public as the true one would be to the individuals who could have it.

And is it not impressive that one can oblige men to do all the difficult actions and which require force, with no reward other than the renown of these actions?

CHAPTER 8

That honor is not the principle of despotic states

Honor is not the principle of despotic states: as the men in them are all equal, one cannot prefer oneself to others; as men in them are all slaves, one can prefer oneself to nothing.

Moreover, as honor has its laws and rules and is incapable of yielding, as it depends on its own caprice and not on that of another, honor can be found only in states whose constitution is fixed and whose laws are certain.

How could honor be endured by the *despot*? It glories in scorning life, and the despot is strong only because he can take life away. How could honor endure the despot? It has consistent rules and sustains its caprices; the despot has no rule, and his caprices destroy all the others.

Honor, unknown in despotic states where even the word to express it is often lacking,¹⁴ reigns in monarchies; there it gives life to the whole body politic, to the laws, and even to the virtues.

¹⁴See [John] Perry [*The State of Russia under the Present Czar*], p. 447 [262] [p. 217; 1967 edn.].

CHAPTER 9

On the principle of despotic government

Just as there must be *virtue* in a republic and *honor* in a monarchy, there must be FEAR in a despotic government. Virtue is not at all necessary to it and honor would be dangerous.

The prince's immense power passes intact to those to whom he entrusts it. People capable of much self-esteem would be in a position to cause revolutions. Therefore, *fear* must beat down everyone's courage and extinguish even the slightest feeling of ambition.

A moderate government can, as much as it wants and without peril, relax its springs. It maintains itself by its laws and even by its force. But when in despotic government the prince ceases for a moment to raise his arm, when he cannot instantly destroy those in the highest places,¹⁵ all is lost, for when the spring of the government, which is *fear*, no longer exists, the people no longer have a protector.

Apparently it was in this sense that the cadis claimed that the Grand Signior was not obliged to keep his word or his oath if by doing so he limited his authority.^{16d}

The people must be judged by the laws, and the important men by the prince's fancy; the head of the lowest subject must be safe, and the pasha's head always exposed. One cannot speak of these monstrous governments without shuddering. The Sophi of Persia, deposed in our time by Myrrweis, saw his government perish before it was conquered because he had not spilled enough blood.¹⁷

¹⁵As often happens in military aristocracy.

¹⁶[Paul] Rycout, *The History of the Present State of the Ottoman Empire* [bk. 1, chap. 2; pp. 4-5; 1703 edn.].

¹⁷See Father [Jean Antoine] du Cerceau's [translation of Judasz Tadeusz Krusinski's] *Histoire de la dernière révolution de Perse* [1, 135-136; 1740 Eng. edn.].

^dThe Grand Signior was the Turkish sultan.

History tells us that Domitian's horrible cruelties so frightened the governors that the people revived somewhat during his reign.¹⁸ In the same way, a flood, destroying everything on one bank, leaves stretches of land on the other where meadows can be seen in the distance.

¹⁸His was a military government, which is one of the kinds of despotic government. [For example, Suetonius, *Vitae duodecim Caesarum, Domitian*, 10-14, 23.1; and Tacitus, *Agricola*.]

CHAPTER 10

The difference in obedience between moderate governments and despotic governments

In despotic states the nature of the government requires extreme obedience, and the prince's will, once known, should produce its effect as infallibly as does one ball thrown against another.

No tempering, modification, accommodation, terms, alternatives, negotiations, remonstrances, nothing as good or better can be proposed. Man is a creature that obeys a creature that wants.

He can no more express his fears about a future event than he can blame his lack of success on the caprice of fortune. There, men's portion, like beasts', is instinct, obedience, and chastisement.

It is useless to counter with natural feelings, respect for a father, tenderness for one's children and women, laws of honor, or the state of one's health; one has received the order and that is enough.

In Persia, when the king has condemned someone, no one may speak to him further about it or ask for a pardon. If he were drunken or mad, the decree would have to be carried out just the same;¹⁹ if it were not, he would be inconsistent, and the law cannot be inconsistent. This has always been their way of thinking: as the order given by Ahasuerus to exterminate the Jews could not be revoked, it was decided to give them permission to defend themselves.^c

There is, however, one thing with which one can sometimes counter

¹⁹See [John] Chardin [*Voyages*, "Description du gouvernement," chap. 2, "De la nature du gouvernement"; 5, 229; 1811 edn.].

^cAhasuerus is the Hebrew form of Xerxes (Xerxes I in this instance).

the prince's will:²⁰ that is religion. One will forsake one's father, even kill him, if the prince orders it, but one will not drink wine if the prince wants it and orders it. [The laws of religion are part of a higher precept, because they apply to the prince as well as to the subjects.] But it is not the same for natural right; the prince is not assumed to be a man.

In monarchical and moderate states, power is limited by that which is its spring; I mean honor, which reigns like a monarch over the prince and the people. One will not cite the laws of religion to a courtier: he would feel it was ridiculous; instead one will incessantly cite the laws of honor. This results in necessary modifications of obedience; honor is naturally subject to eccentricities, and obedience will follow them all.

Though the way of obeying is different in these two governments, the power is nevertheless the same. In whatever direction the monarch turns, he prevails by tipping the balance and he is obeyed. The whole difference is that, in the monarchy, the prince is enlightened and the ministers are infinitely more skillful and experienced in public affairs than they are in the despotic state.

²⁰Ibid. [John Chardin, *Voyages*, "Description du gouvernement des Persans"; 5, 233-235; 1811 edn.].

CHAPTER II

Reflections on all this

Such are the principles of the three governments: this does not mean that in a certain republic one is virtuous, but that one ought to be; nor does this prove that in a certain monarchy, there is honor or that in a particular despotic state, there is fear, but that unless it is there, the government is imperfect.



BOOK 4

That the laws of education should be
relative to the principles of the
government

CHAPTER I

On the laws of education

The *laws of education* are the first we receive. And as these prepare us to be citizens, each particular family should be governed according to the plan of the great family that includes them all.

If there is a principle for the people taken generally, then the parts which compose it, that is, the families, will have one also. Therefore, the laws of education will be different in each kind of government. In monarchies, their object will be *honor*; in republics, *virtue*; in despotisms, *fear*.

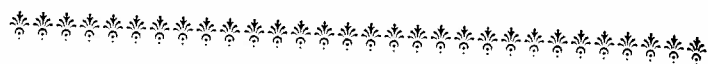
CHAPTER 2

On education in monarchies

In monarchies the principal education is not in the public institutions where children are instructed; in a way, education begins when one enters the world. The world is the school of what is called *honor*, the universal master that should everywhere guide us.

Here, one sees and always hears three things: that *a certain nobility must be put in the virtues, a certain frankness in the mores, and a certain politeness in the manners*.

The virtues we are shown here are always less what one owes others than what one owes oneself; they are not so much what calls us to our fellow citizens as what distinguishes us from them.



BOOK 5

That the laws given by the legislator should be relative to the principle of the government

CHAPTER 1

The idea of this book

We have just seen that the laws of education should have a relation to the principle of each government. It is the same for the laws the legislator gives to the society as a whole. This relation between the laws and the principle tightens all the springs of the government, and the principle in turn receives a new force from the laws. Thus, in physical motion, an action is always followed by a reaction.

We shall examine this relation in each government, and we shall begin with the republican state, which has virtue for its principle.

CHAPTER 2

What virtue is in the political state

Virtue, in a republic, is a very simple thing: it is love of the republic; it is a feeling and not a result of knowledge; the lowest man in the state, like the first, can have this feeling. Once the people have good maxims, they adhere to them longer than do those who are called *honnêtes gens*.^a Corruption seldom begins with the people; from their middling enlightenment they have often derived a stronger attachment to that which is established.

Love of the homeland leads to goodness in mores, and goodness in mores leads to love of the homeland. The less we can satisfy our

^aSee note ^b, bk. 4.

The laws given by the legislator

particular passions, the more we give ourselves up to passions for the general order. Why do monks so love their order? Their love comes from the same thing that makes their order intolerable to them. Their rule deprives them of everything upon which ordinary passions rest; what remains, therefore, is the passion for the very rule that afflicts them. The more austere it is, that is, the more it curtails their inclinations, the more force it gives to those that remain.

CHAPTER 3

What love of the republic is in a democracy

Love of the republic in a democracy is love of democracy; love of democracy is love of equality.

Love of democracy is also love of frugality. As each one there should have the same happiness and the same advantages, each should taste the same pleasures and form the same expectations; this is something that can be anticipated only from the common frugality.

Love of equality in a democracy limits ambition to the single desire, the single happiness, of rendering greater services to one's homeland than other citizens. Men cannot render it equal services, but they should equally render it services. At birth one contracts an immense debt to it that can never be repaid.

Thus distinctions in a democracy arise from the principle of equality, even when equality seems to be erased by successful services or superior talents.

Love of frugality limits the *desire to possess* to the mindfulness required by that which is necessary for one's family, and even by that which is superfluous for one's homeland. Wealth gives a power that a citizen cannot use for himself, for he would not be equal. It also procures delights that he should not enjoy, because these would likewise run counter to equality.

Thus by establishing frugality in domestic life, good democracies opened the gate to public expenditures, as happened in Athens and Rome. Magnificence and abundance had their source in frugality itself; and, just as religion requires unsullied hands so that one can make offerings to the gods, the laws wanted frugal mores so that one could give to one's homeland.

The good sense and happiness of individuals largely consists in their having middling talents and fortunes. If a republic whose laws have formed many middling people is composed of sober people, it will be governed soberly;^b if it is composed of happy people, it will be very happy.

^bSee note ^a, bk. 1. Here *sage* must mean a quality available to *médiocre*, "middling," people.

CHAPTER 4

How love of equality and frugality is inspired

Love of *equality* and love of *frugality* are strongly aroused by equality and frugality themselves, when one lives in a society in which both are established by the laws.

In monarchies and despotic states, no one aspires to equality; the idea of equality does not even occur; in these states everyone aims for superiority. The people of the lowest conditions desire to quit those conditions only in order to be masters of the others.

It is the same for frugality; in order to love it, one must practice it. Those who are corrupted by delights will not love the frugal life; and if this had been natural and ordinary, Alcibiades would not have been the wonder of the universe. Nor will those who envy or admire the luxury of others love frugality; people who have before their eyes only rich men, or poor men like themselves, detest their poverty without loving or knowing what puts an end to poverty.

Therefore, it is a very true maxim that if one is to love equality and frugality in a republic, these must have been established by the laws.

CHAPTER 5

How the laws establish equality in democracy

Some legislators of ancient times, like Lycurgus and Romulus, divided the lands equally. This could happen only at the founding of a new republic; or when the old one was so corrupt and spirits so disposed

that the poor believed themselves obliged to seek, and the rich obliged to suffer, such a remedy.

If the legislator who makes such a division does not give laws to maintain it, his is only a transitory constitution; inequality will enter at the point not protected by the laws, and the republic will be lost.

One must, therefore, regulate to this end dowries, gifts, inheritances, testaments, in sum, all the kinds of contracts. For if it were permitted to give one's goods to whomever one wanted and as one wanted, each individual will would disturb the disposition of the fundamental laws.¹

In Athens, Solon¹ acted inconsistently with the old laws, which ordered that goods should remain in the family of the testator,² when he permitted one to leave one's goods to whomever one wanted by testament provided one had no children. He acted inconsistently with his own laws; for, by cancelling debts, he had sought equality.

The law that forbade one to have two inheritances was a good law for democracy.³ It originated in the equal division of the lands and portions given to each citizen. The law did not want any one man to have several portions.

The law ordering the closest male relative to marry the female heir arose from a similar source. Among the Jews, this law was given after a similar division. Plato,⁴ who founds his laws on this division, gives it also, and it was an Athenian law.

There was a certain law in Athens of which, so far as I know, no one has understood the spirit. Marriage was permitted to the step-sister on the father's side, but not to the step-sister on the mother's side.⁵ This usage originated in republics, whose spirit was to avoid giving two portions of land and consequently two inheritances to one person. When a man married the step-sister on the father's side, he could

¹Plutarch [*Vit.*] *Solon* [21.2].

²Ibid. [Plutarch, *Vit.*, *Solon* 21.2.]

³Philolaus of Corinth established in Athens that the number of portions of land and that of inheritances would always be the same. Aristotle, *Pol.*, bk. 2, chap. 12 [1274b4-5].

⁴[Plato] *Republic*, bk. 8. [See *Laws* 924c-925e.]

⁵Cornelius Nepos [*Liber de excellentibus duobus exterrarum gentium*], "Preface" [4]; this usage belonged to earliest times. Thus Abraham says of Sarah [Genesis 20.12]: "She is my sister, daughter of my father and not of my mother." The same reasons had caused the same law to be established among different peoples.

⁶Montesquieu distinguishes here, and at note ^a, bk. 27, between *volontés*, "wills," and *testaments*, "testaments," which may or may not be guided by those wills.

receive only one inheritance, that of his father; but, when he married the step-sister on the mother's side, it could happen that the father of this sister, in the absence of male children, might leave her the inheritance, and that the brother, who had married her, might consequently receive two of them.

Let not what Philo says be proposed to me as an objection:⁶ that, although in Athens one might marry a step-sister on the father's side and not on the mother's side, in Lacedaemonia one could marry a step-sister on the mother's side and not on the father's side. For I find in Strabo⁷ that in Lacedaemonia when a step-sister married a brother, she had half the brother's portion for her dowry. It is clear that this second law was made to curb the bad consequences of the first. In order to prevent the goods of the step-sister's family from passing to the brother's, half the brother's goods were given to the step-sister as a dowry.

Seneca,⁸ speaking of Silanus, who had married his step-sister, says that such permission had restricted application in Athens and was applied generally in Alexandria. In the government of one alone, the question of maintaining the division of goods hardly arose.

In order to maintain this division of lands in a democracy, it was a good law that wanted the father of several children to choose one to inherit his portion⁹ and have his other children adopted by someone who had no children, so that the number of citizens might always be maintained equal to the number of shares.

Phaleas of Chalcædon¹⁰ devised a way of rendering fortunes equal in a republic where they were not equal. He wanted the rich to give dowries to the poor and to receive none from them, and the poor to receive silver for their daughters and to give none. But I know of no republic that adopted such a rule. It places the citizens under such strikingly different conditions that they would hate the very equality that one sought to introduce. It is sometimes good for laws not to appear to go so directly toward the end they propose.

Although in a democracy real equality is the soul of the state, still this

⁶[Philo Judæus] *De specialibus legibus* [III.22; chap. 4].

⁷[Strabo, *Geographica*] bk. 10 [10.4.20].

⁸"In Athens it [marriage] was permitted to a half [sister]; in Alexandria to a full [sister]" [1...]. Seneca, *De morte Claudii* [Apokolokyntosis (*The Pumpkinification of the Divine Claudius*) 9.2].

⁹Plato makes a similar law. Bk. 3 of the *Laws* [740b-c].

¹⁰Aristotle, *Pol.*, bk. 2, chap. 7 [1266a39-1266b5].

equality is so difficult to establish that an extreme precision in this regard would not always be suitable. It suffices to establish a census¹¹ that reduces differences or fixes them at a certain point; after which, it is the task of particular laws to equalize inequalities, so to speak, by the burdens they impose on the rich and the relief they afford to the poor. Only wealth of middling size can give or suffer these kinds of adjustments, because, for men of immoderate fortunes, all power and honor not accorded them is regarded as an affront.

Every inequality in a democracy should be drawn from the nature of democracy and from the very principle of equality. For example, it can be feared there that people who need steady work for their livelihood might become too impoverished by a magistracy, or that they might neglect its functions; that artisans might become arrogant; that too-numerous freed men might become more powerful than the original citizens. In these cases, equality among the citizens¹² in the democracy can be removed for the utility of the democracy. But it is only an apparent equality that is removed; for a man ruined by a magistracy would be in a worse condition than the other citizens; and this same man, who would be obliged to neglect its functions, would put the other citizens in a condition worse than his, and so forth.

¹¹Solon made four classes: the first, those who had five hundred minas of income, whether in grain or in liquid products; the second, those who had three hundred and could keep a horse; the third, those who had only two hundred; the fourth, all those who lived by their hands. Plutarch [*lit.*], *Solon* [18.1-2].

¹²Solon excludes from burdens all those in the fourth census [hundred]. [Plutarch, *lit.*, *Solon* 18.2.]

CHAPTER 6

How laws should sustain frugality in democracy

It is not sufficient in a good democracy for the portions of land to be equal; they must be small, as among the Romans. Curius said to his soldiers,¹³ "God forbid that a citizen should esteem as little that land which is sufficient to nourish a man."

As the equality of fortunes sustains frugality, frugality maintains the

¹³They asked for a larger portion of the conquered land. Plutarch, *Moralia*, *Regum et imperatorum apophthegmata* [194c].

equality of fortunes. These things, although different, are such that they cannot continue to exist without each other; each is the cause and the effect; if one of them is withdrawn from democracy, the other always follows.

Certainly, when democracy is founded on commerce, it may very well happen that individuals have great wealth, yet that the mores are not corrupted. This is because the spirit of commerce brings with it the spirit of frugality, economy, moderation, work, wisdom, tranquillity, order, and rule. Thus, as long as this spirit continues to exist, the wealth it produces has no bad effect. The ill comes when an excess of wealth destroys the spirit of commerce; one sees the sudden rise of the disorders of inequality which had not made themselves felt before.

In order for the spirit of commerce to be maintained, the principal citizens must engage in commerce themselves; this spirit must reign alone and not be crossed by another; all the laws must favor it; these same laws, whose provisions divide fortunes in proportion as commerce increases them, must make each poor citizen comfortable enough to be able to work as the others do and must bring each rich citizen to a middle level such that he needs to work in order to preserve or to acquire.

In a commercial republic, the law giving all children an equal portion in the inheritance of the fathers is very good. In this way, whatever fortune the father may have made, his children, always less rich than he, are led to flee luxury and work as he did. I speak only of commercial republics, because, for those that are not, the legislator has to make many other regulations.¹⁴

In Greece there were two sorts of republics. Some were military, like Lacedaemonia; others, commercial, like Athens. In the former, one wanted the citizen to be idle; in the latter, one sought to instill a love for work. Solon made idleness a crime and wanted each citizen to account for the way he earned his living. Indeed, in a good democracy where spending should be only for necessities, each person should have them, for from whom would he receive them?

¹⁴Women's dowries should be much restricted there.

CHAPTER 7

Other means of favoring the principle of democracy

An equal division of lands cannot be established in all democracies. There are circumstances in which such an arrangement would be impractical and dangerous and would even run counter to the constitution. One is not always obliged to take extreme courses. If one sees that this division, which should maintain the mores, is not suitable in a democracy, one must have recourse to other means.

If a fixed body is established that is in itself the rule in mores, a senate to which age, virtue, gravity and service give entrance, the senators, who are seen by the people as simulacra of gods, will inspire feelings that will reach into all families.

The senate must, above all, be attached to the old institutions and see that the people and the magistrates never deviate from these.

With regard to mores, much is to be gained by keeping the old customs. Since corrupt peoples rarely do great things and have established few societies, founded few towns, and given few laws; and since, on the contrary, those with simple and austere mores have made most establishments, recalling men to the old maxims usually returns them to virtue.

Furthermore, if there has been some revolution and one has given the state a new form, it could scarcely have been done without infinite pain and work, and rarely with idleness and corrupt mores. The very ones who made the revolution wanted it to be savored, and they could scarcely have succeeded in this without good laws. Therefore, the old institutions are usually correctives, and the new ones, abuses. In a government that lasts a long time, one descends to ills by imperceptible degrees, and one climbs back to the good only with an effort.

It has been asked whether the members of the senate of which we are speaking should be members for life or chosen for a set time. They should doubtless be chosen for life, as was done in Rome,¹⁵ Lacedaemonia,¹⁶ and even Athens. The senate in Athens, a body that

¹⁵There the magistracies were for one year and the senators for life.

¹⁶"Lycurgus," says Xenophon, *The Constitution of the Lacedaemonians* [10.1-2], "wanted the senators elected from among the old men so that they should not be neglected even at the end of their lives; and by establishing them as judges of the courage of the young people, he made the old age of the former more honorable than the strength of the latter."

changed every three months, must not be confused with the Areopagus, whose members were established for life, a permanent model, as it were.

Here is a general maxim: in a senate made to be the rule, and, so to speak, the depository of the mores, senators should be elected for life; in a senate made to plan public business, the senators can change.

The spirit, says Aristotle, ages like the body. This reflection is good only in regard to a single magistrate and cannot be applied to an assembly of senators.

Besides the Areopagus, Athens had guardians of the mores and guardians of the laws.¹⁷ In Lacedaemonia all the old men were censors. In Rome, two of the magistrates were the censors. Just as the senate keeps watch over the people, the censors must keep their eyes on the people and the senate. They must reestablish all that has become corrupted in the republic, notice slackness, judge oversights, and correct mistakes just as the laws punish crimes.

The Roman law that wanted the accusation of adultery to be made public maintained the purity of mores remarkably well; it intimidated the women and also intimidated those who kept watch over them.

Nothing maintains mores better than the extreme subordination of the young to the elderly. Both are contained, the former by the respect they have for the elderly, the latter by the respect they have for themselves.

Nothing gives greater force to the laws than the extreme subordination of the citizens to the magistrates. "The great difference Lycurgus set up between Lacedaemonia and other cities," says Xenophon,¹⁸ "consists above all in his having made the citizens obey the laws; they hasten when the magistrate calls them. But in Athens, a rich man would despair if one believed him dependent on the magistrate."

Paternal authority is also very useful for maintaining mores. We have already said that none of the forces in a republic is as repressive as those in other governments. The laws must, therefore, seek to supplement them; they do so by paternal authority.

In Rome fathers had the right of life and death over their own

¹⁷The Areopagus itself was subject to the censorship.

¹⁸[Xenophon] *The Constitution of the Lacedaemonians* [8.2]. [Athens is not explicitly mentioned in the original.]

children.¹⁹ In Lacedaemonia each father had the right to correct the child of another.

In Rome paternal power was lost along with the republic. In monarchies, where there is no question of such pure mores, one wants each person to live under the power of magistrates.

The laws of Rome, which accustomed young people to dependency, delayed their coming of age. Perhaps we were wrong to take up this usage; this much constraint is not needed in a monarchy.

The same subordination in a republic could make it possible for the father to remain the master of his children's goods during his life, as was the rule in Rome. But this is not in the spirit of monarchy.

¹⁹One can see in Roman history with what advantage to the republic this power was used. I shall speak only of the time of the greatest corruption. Aulus Fulvius was on his way to find Catilina; his father called him back and put him to death. Sallust, *Catilina* [39.5]. Several other citizens did the same. Cass. Dio [*Historia Romana*], bk. 37 [37.36.4].

CHAPTER 8

How laws should relate to the principle of the government in aristocracy

In an aristocracy, if the people are virtuous, they will enjoy almost the same happiness as in popular government, and the state will become powerful. But, as it is rare to find much virtue where men's fortunes are so unequal, the laws must tend to give, as much as they can, a spirit of moderation, and they must seek to reestablish the equality necessarily taken away by the constitution of the state.

The spirit of moderation is what is called virtue in aristocracy; there it takes the place of the spirit of equality in the popular state.

If the pomp and splendor surrounding kings is a part of their power, modesty and simplicity of manners are the strength of nobles in an aristocracy.²⁰ When the nobles affect no distinction, when they blend

²⁰In our time the Venetians, who in many respects behaved very wisely, decided in a dispute between a Venetian nobleman and a gentleman of the mainland over precedence in a church that, outside of Venice, a Venetian nobleman had no preeminence over another citizen.



BOOK 8

On the corruption of the principles of the three governments

CHAPTER 1

The general idea of this book

The corruption of each government almost always begins with that of its principles.

CHAPTER 2

On the corruption of the principle of democracy

The principle of democracy is corrupted not only when the spirit of equality is lost but also when the spirit of extreme equality is taken up and each one wants to be the equal of those chosen to command. So the people, finding intolerable even the power they entrust to the others, want to do everything themselves: to deliberate for the senate, to execute for the magistrates, and to cast aside all the judges.

Then there can no longer be virtue in the republic. The people want to perform the magistrates' functions; therefore, the magistrates are no longer respected. The senate's deliberations no longer carry weight; therefore, there is no longer consideration for senators or, consequently, for elders. And if there is no respect for elders, neither will there be any for fathers; husbands no longer merit deference nor masters, submission. Everyone will come to love this license; the restraint of commanding will be as tiresome as that of obeying had been. Women, children, and slaves will submit to no one. There will no longer be mores or love of order, and finally, there will no longer be virtue.

One sees in Xenophon's *Symposium* an artless depiction of a republic

whose people have abused equality. Each guest in turn gives his reason for being pleased with himself. "I am pleased with myself," says Charmides, "because of my poverty. When I was rich I was obliged to pay court to slanderers, well aware that I was more likely to receive ill from them than to cause them any; the republic constantly asked for a new payment; I could not travel. Since becoming poor, I have acquired authority; no one threatens me, I threaten the others; I can go or stay. The rich now rise from their seats and make way for me. Now I am a king, I was a slave; I used to pay a tax to the republic, today the republic feeds me; I no longer fear loss, I expect to acquire."^a

The people fall into this misfortune when those to whom they entrust themselves, wanting to hide their own corruption, seek to corrupt the people. To keep the people from seeing their own ambition, they speak only of the people's greatness; to keep the people from perceiving their avarice, they constantly encourage that of the people.

Corruption will increase among those who corrupt, and it will increase among those who are already corrupted. The people will distribute among themselves all the public funds; and, just as they will join the management of business to their laziness, they will want to join the amusements of luxury to their poverty. But given their laziness and their luxury, only the public treasure can be their object.

One must not be astonished to see votes given for silver. One cannot give the people much without taking even more from them; but, in order to take from them, the state must be overthrown. The more the people appear to take advantage of their liberty, the nearer they approach the moment they are to lose it. Petty tyrants are formed, having all the vices of a single one. What remains of liberty soon becomes intolerable. A single tyrant rises up, and the people lose everything, even the advantages of their corruption.

Therefore, democracy has to avoid two excesses: the spirit of inequality, which leads it to aristocracy or to the government of one alone, and the spirit of extreme equality, which leads it to the despotism of one alone, as the despotism of one alone ends by conquest.

It is true that those who corrupted the Greek republics did not always become tyrants. They had applied themselves more to eloquence than to military arts; besides, there was in the hearts of all Greeks an

^aXenophon, *Symposium* 4.30-31.

implacable hatred for those who had overthrown the republican government, which made anarchy crumble into dissolution instead of turning into tyranny.

But Syracuse, situated among many little oligarchies that had become tyrannies,¹ Syracuse, whose senate² is scarcely ever mentioned in history, endured misfortunes not produced by ordinary corruption. This town, always licentious³ or oppressed, equally tormented by its liberty and by its servitude, always receiving the one or the other like a tempest, and, in spite of its power abroad, always determined to revolution by the smallest foreign force, had an immense population whose only choice was the cruel one between giving itself to a tyrant and being one.

¹ See Plutarch in the lives of Timoleon and Dion [Vit.].

² It is the Six Hundred of which Diodorus [Siculus] speaks [Bibliotheca historica 19.5.6].

³ After driving out the tyrants, they made citizens of foreigners and mercenary soldiers, which caused civil wars. Aristotle, *Politics*, bk. 5, chap. 3 [1303a38–1303b2]. As the people had been the cause of the victory over the Athenians, the republic was changed. Ibid., chap. 4 [1304a27–29]. The passion of two young magistrates, the first taking a boy away from the other, the latter debauching the wife of the former, made the form of this republic change. Ibid., bk. 7, chap. 4 [1303b17–26].

CHAPTER 3

On the spirit of extreme equality

As far as the sky is from the earth, so far is the true spirit of equality from the spirit of extreme equality. The former consists neither in making everyone command nor in making no one command, but in obeying and commanding one's equals. It seeks not to have no master but to have only one's equals for masters.

In the state of nature, men are born in equality, but they cannot remain so. Society makes them lose their equality, and they become equal again only through the laws.

The difference between the democracy that is regulated and the one that is not is that, in the former, one is equal only as a citizen, and, in the latter, one is also equal as a magistrate, senator, judge, father, husband, or master.

The natural place of virtue is with liberty, but virtue can no more be found with extreme liberty than with servitude.

CHAPTER 4

A particular cause of the corruption of the people

Great successes, especially those to which the people contribute much, make them so arrogant that it is no longer possible to guide them. Jealous of the magistrates, they become jealous of the magistracy; enemies of those who govern, they soon become enemies of the constitution. In this way the victory at Salamis over the Persians corrupted the republic of Athens;⁴ in this way the defeat of the Athenians ruined the republic of Syracuse.⁵

The republic of Marseilles never underwent these great shifts from lowliness to greatness; thus, it always governed itself with wisdom; thus, it preserved its principles.

⁴ Aristotle, *Pol.*, bk. 5, chap. 4 [1304a22–24].

⁵ Ibid. [Aristotle, *Pol.* 1304a27–29].

CHAPTER 5

On the corruption of the principle of aristocracy

Aristocracy is corrupted when the power of the nobles becomes arbitrary; there can no longer be virtue either in those who govern or in those who are governed.

When the ruling families observe the laws, it is a monarchy that has many monarchs and is quite good by its nature; almost all these monarchs are bound by the laws. But when these families fail to observe the laws, it is a despotic state that has many despots.

In this case the republic continues to exist only with regard to the nobles and only among them. The body that governs is a republic and the body that is governed is a despotic state; they are the two most ill-matched bodies in the world.

Extreme corruption occurs when nobility becomes hereditary;⁶ the nobles can scarcely remain moderate. If they are few in number, their power is greater, but their security diminishes; if they are greater in number, their power is less and their security greater; so that power

⁶ The aristocracy changed into an oligarchy.

keeps increasing and security diminishing up to the despot in whose person lies the extreme of power and danger.

Therefore, a large number of nobles in an hereditary aristocracy will make the government less violent; but as there will be little virtue there, one will fall into a spirit of nonchalance, laziness, and abandon, which will make a state with neither force nor spring.⁷

An aristocracy can sustain the force of its principle if the laws are such that they make the nobles feel more strongly the perils and fatigues of command than its delights, and if the state is in such a situation that it has something to dread, and if security comes from within and uncertainty from without.

A certain kind of confidence is the glory and security of a monarchy, but, by contrast, a republic must dread something.⁸ Fear of the Persians maintained the laws among the Greeks. Carthage and Rome intimidated one another and were mutually strengthened. How singular! The more secure these states are, the more, as with tranquil waters, they are subject to corruption.

⁷Venice is one of the republics which has best corrected, by its laws, the drawbacks of hereditary aristocracy.

⁸Justin attributes the extinction of virtue in Athens to the death of Epaminondas. No longer rivalrous, the Athenians spent their income on festivals, "more frequently in attendance at the table [theater is the reading in modern texts] than at the camp" [L.]. Then the Macedonians came out of obscurity. [Justin, *Epitoma historiarum Philippicarum*], bk. 6 [6.9.4].

CHAPTER 6

On the corruption of the principle of monarchy

Just as democracies are ruined when the people strip the senate, the magistrates, and the judges of their functions, monarchies are corrupted when one gradually removes the prerogatives of the established bodies^b or the privileges of the towns. In the first case, one approaches the despotism of all; in the other, the despotism of one alone.

"What ruined the dynasties of Tsin and Sui," says a Chinese author, "is that the princes, instead of limiting themselves like the ancients to a general inspection, which is the only one worthy of a sovereign, wanted

^b*prérogatives des corps.*

to govern everything by themselves without an intermediary."⁹ Here the Chinese author gives us the cause for the corruption of almost all monarchies.

A monarchy is ruined when a prince believes he shows his power more by changing the order of things than by following it, when he removes the functions that are natural to some to give them arbitrarily to others, and when he is more enamoured of what he fancies than of what he wills.

A monarchy is ruined when the prince, referring everything to himself exclusively, reduces the state to its capital, the capital to the court, and the court to his person alone.

Finally, it is ruined when a prince misunderstands his authority, his situation, and his people's love, and when he does not realize that a monarch should consider himself secure, just as a despot should believe himself imperiled.

⁹"Compilation of works done under the Ming," reported by Father [Jean Baptiste] du Halde [*Description de l'Empire de la Chine* 2, 781 H; 2, 648 P].

CHAPTER 7

Continuation of the same subject

The principle of monarchy has been corrupted when the highest dignities are the marks of the greatest servitude, when one divests the important men of the people's respect and makes them into vile instruments of arbitrary power.

It has been corrupted even more when honor has been set in opposition to honors and when one can be covered at the same time with infamy¹⁰ and with dignities.

It has been corrupted when the prince changes his justice into

¹⁰Under the reign of Tiberius statues were raised and the triumphal ornaments were given to informers, which so degraded these honors that those who had deserved them scorned them. Fragment of [Cass.] Dio [*Historia Romana*], bk. 58 [58.4.8], drawn from the *Extracts of Virtues and Vices* of Constantine Porphyrogenitus. See in Tacitus how Nero, on the discovery and punishment of a supposed conspiracy, gave Petronius Turpilianus, Nerva, and Tigellinus triumphal ornaments. [Tacitus] *Annales*, bk. 14 [15.72]. See also how the generals scorned to wage war because they despised the honors. "The distinction of the triumph having been debased" [L.]. Tacitus, *Annales*, bk. 13 [13.53].

severity, when he puts a Medusa's head on his breast¹¹ as did the Roman emperors, and when he takes on that menacing and terrible air which Commodus required in his statues.¹²

The principle of monarchy has been corrupted when some singularly cowardly souls grow vain from the greatness of their servitude and when they believe that what makes them owe everything to the prince makes them owe nothing to their homeland.

But, if it is true (as has been seen through the ages) that insofar as the monarch's power becomes immense, his security diminishes, is it not a crime of high treason against him to corrupt this power to the extent of changing its nature?

¹¹In this state the prince well knew what the principle of his government was.

¹²Herodianus [*Ab excessu divi Marci* 1.14.9].

CHAPTER 8

A danger of the corruption of the principle of monarchical government

It is not a drawback when the state passes from moderate government to moderate government, as from republic to monarchy or from monarchy to republic, but rather when it falls and collapses from moderate government into despotism.

Most European peoples are still governed by mores. But if, by a long abuse of power or by a great conquest, despotism became established at a certain time, neither mores nor climate would hold firm, and in this fine part of the world, human nature would suffer, at least for a while, the insults heaped upon it in the other three.

CHAPTER 9

How much the nobility is inclined to defend the throne

The English nobility was buried with Charles I in the débris of the throne; and before that, when Philip II sounded the name of liberty in French ears, the crown had always been sustained by that nobility

which holds it an honor to obey a king but regards it as the sovereign infamy to share power with the people.

The house of Austria tried persistently to oppress the Hungarian nobility. It did not know how much it would one day prize that nobility. It sought among these peoples silver they did not have; it did not see the men who were there. When the many princes had divided the states of the Hungarian monarchy among themselves, all its pieces fell, so to speak, one on top of the other, immobile and inactive: the only life that then remained was in the nobility, which grew indignant, forgot everything in order to fight, and believed that its glory lay in dying and in forgiving.

CHAPTER 10

On the corruption of the principle of despotic government

The principle of despotic government is endlessly corrupted because it is corrupt by its nature. Other governments are destroyed because particular accidents violate their principle; this one is destroyed by its internal vice if accidental causes do not prevent its principle from becoming corrupt. Therefore, it can maintain itself only when circumstances, which arise from the climate, the religion, and the situation or the genius of the people, force it to follow some order and to suffer some rule. These things force its nature without changing it; its ferocity remains; it is, for a while, tractable.

CHAPTER 11

Natural effects of the goodness and of the corruption of the principles

Once the principles of the government are corrupted, the best laws become bad and turn against the state; when their principles are sound, bad laws have the effect of good ones; the force of the principle pulls everything along.

The Cretans, in order to keep the highest magistrates dependent on the laws, used a very singular means: that of *insurrection*. Part of the

citizenry would rise up,¹³ put the magistrates to flight, and oblige them to return to private life. This was supposedly done in pursuance of the law. Such an institution, which established sedition in order to prevent the abuse of power, seemed bound to overthrow any republic at all. It did not destroy that of Crete: here is why.¹⁴

When the ancients wanted to speak of a people who had the greatest love of the homeland, they cited the Cretans. *The homeland, a tender name among the Cretans*, said Plato.¹⁵ They called it by a name that expresses a mother's love for her children.¹⁶ Now, love of the homeland corrects everything.¹⁷

The laws of Poland have also their *insurrection*. But the drawbacks that result from it show clearly that only the people of Crete were in a state to use such a remedy successfully.

The gymnastic exercises established among the Greeks depended no less on the goodness of the principle of government. "The Lacedaemonians and the Cretans," said Plato,¹⁷ "opened those famous academies that gave them such a distinguished rank in the world. At first modesty was alarmed, but it yielded to public usefulness." In Plato's time, these institutions were remarkable;¹⁸ they were related to a great purpose, the military art. But when the Greeks were no longer virtuous, these institutions destroyed the military art itself; one no longer went down to the wrestling arena to be trained but to be corrupted.¹⁹

Plutarch tells us²⁰ that, in his time, the Romans thought these games were the principal cause of the servitude into which the Greeks had

¹³ Aristotle, *Pol.*, bk. 2, chap. 10 [1272b1-15].

¹⁴ One always united first against the enemies from the outside; this was called *syncretism*. Plutarch, *Moralia*, p. 88 [*De fraterno amore* 490b].

¹⁵ [Plato] *Republic*, bk. 9 [575d].

¹⁶ Plutarch, *Moralia*, in the treatise *An seni respublica gerenda sit* [792e].

¹⁷ [Plato] *Republic*, bk. 5 [452c-d].

¹⁸ Gymnastic was divided into two parts, dancing and wrestling. In Crete there were the armed dances of the Curettes; in Lacedaemonia, those of Castor and Pollux; in Athens, the armed dances of Pallas, quite proper for those who are not yet of an age to go to war. Wrestling is the image of war, says Plato, *Laws*, bk. 7 [814d; see also 795e-796d]. He praises in antiquity the establishment of only two dances, the pacific and the pyrrhic. See how the latter dance was applied to the military art. Plato, *ibid.* [*Laws* 814d-816d].

¹⁹ "... Or the lustful wrestling arenas of the Lacedaemonians who are beloved of Leda" [L.] Martial [*Epigrammaton*], bk. 4, epig. 55 [4.55.6-7].

²⁰ [Plutarch] *Moralia*, in the treatise *Quaestiones Romanae* [bk. 2, ques. 40, 274d-e].

¹⁷ These observations are reinforced by the fact that the word *patrie*, "homeland," is a feminine noun, and easily lends itself to personification as a mother.

fallen. On the contrary: it was the Greeks' servitude that had corrupted these exercises. In Plutarch's time,²¹ the parks, where one fought naked, and the wrestling matches, made the young people cowardly, inclined them to an infamous love and made only dancers of them; but in Epaminondas' time, wrestling had brought victory to the Thebans at the battle of Leuctra.²²

There are few laws that are not good when the state has not lost its principles; and, as Epicurus said, speaking of wealth, "It is not the drink that is spoiled, it is the jar."

²¹ Plutarch, *ibid.* [*Moralia, Quaestiones Romanae*, bk. 2, ques. 40; 274d-e].

²² Plutarch, *Moralia, Quaestionum convivialium*, bk. 2 [bk. 2, ques. 5; 639f-640a].

CHAPTER 12

Continuation of the same subject

In Rome, judges were taken from the order of senators. The Gracchi transferred this prerogative to the knights. Drusus gave it to both senators and knights; Sulla, to senators alone; Cotta, to senators, knights, and public treasurers. Caesar excluded these last. Antony made decurions of senators, knights, and centurions.

When a republic has been corrupted, none of the ills that arise can be remedied except by removing the corruption and recalling the principles; every other correction is either useless or a new ill. So long as Rome preserved its principles, judgments could be in the hands of the senators without suffering abuse; but when it had been corrupted, regardless of the body to which judgments were transferred, whether to senators, knights, or public treasurers, or to two of these bodies, to all three together, or to any other body at all, the result was always bad. Knights had no more virtue than senators, public treasurers no more than knights, and the latter as little as centurions.

When the Roman people had secured their participation in the patrician magistracies, it was natural to think that their flatterers would be the arbiters of the government. No: one saw these people, who had opened the common magistracies to plebeians, always elect patricians. Because the people were virtuous, they were magnanimous; because they were free, they scorned power. But when they had lost their principles, the more power they had, the less carefully they managed it,

until finally, having become their own tyrant and their own slave, they lost the strength of liberty and fell into the weakness of license.

CHAPTER 13

The effect of the oath on a virtuous people

There has never been a people, says Livy,²³ to whom dissoluteness came later than to the Romans and among whom moderation and poverty were honored longer.

The *oath* had so much force among these people that nothing attached them more to the laws. In order to observe an oath, they often did what they would never have done for glory or for the homeland.

When the consul Quinctius Cincinnatus wanted to raise an army against the Aequi and the Volscians, the tribunes objected. "All right, then," he said, "let all those who swore their oath to the consul last year march under my banner."²⁴ In vain the tribunes cried out that no one was still bound by that oath and that when it had been sworn, Quinctius was a private citizen: the people were more religious than those who attempted to guide them; the people would not listen to the distinctions and interpretations of the tribunes.

When these same people wanted to withdraw to the Mons Sacer, they felt restrained by the oath they had sworn to follow the consuls to war.²⁵ They formed the design of killing the consuls; they were made to understand that the oath would none the less continue to exist. One can judge their idea of the violation of an oath by the crime they wanted to commit.

After the battle of Cannae, the people were frightened and wanted to withdraw to Sicily; Scipio made them swear they would remain in Rome; the fear of breaking their oath overcame every other fear. Rome in the storm was a vessel held by two anchors: religion and mores.

²³[Livy] bk. 1 [Preface; 11].

²⁴Livy, bk. 3 [3.20.4].

²⁵Ibid. Livy, bk. 2 [2.32.1-2].

CHAPTER 14

How the slightest change in the constitution entails the ruin of the principles

Aristotle speaks to us of the republic of Carthage as a well-regulated republic. Polybius tells us that during the Second Punic War,²⁶ the trouble in Carthage was that the senate had lost almost all its authority. Livy teaches us that when Hannibal returned to Carthage, he found the magistrates and principal citizens turning the public revenues to their own profit and abusing their power. Therefore, the virtue of the magistrates fell along with the authority of the senate; everything flowed from the same principle.

The prodigious results of the censorship among the Romans are well known. At one time it became oppressive but was kept up because there was more luxury than corruption. Clodius weakened it; by that weakening, corruption became even greater than luxury; and the censorship²⁷ abolished itself, so to speak. Having been altered, demanded, resumed, and abandoned, it was entirely suspended until it became useless, I mean during the reigns of Augustus and Claudius.

²⁶About a hundred years later [Polybius, *Historia* 6.51].

²⁷See [Cass.] Dio [*Historia Romana*], bk. 38 [38.13.2]; Plutarch [*Vit.*], *Cicero* [29-30.2; 34.1-2]; Cicero, *Epistolae ad Atticum*, bk. 4, letters 10 and 15 [4.9 and 16]; [Pseudo] Asconius [Pedianus], *Scholia Sangallensis Ciceronis, In Divinationem* [3.8; 2.189; see also Freinsheim, *Supplementorum Livianorum*, 103.109].

CHAPTER 15

Some very effective means of preserving the three principles

I shall be able to be understood only when the next four chapters have been read.

CHAPTER 16

Distinctive properties of the republic

It is in the nature of a republic to have only a small territory; otherwise, it can scarcely continue to exist. In a large republic, there are large fortunes, and consequently little moderation in spirits: the depositories are too large to put in the hands of a citizen; interests become particularized; at first a man feels he can be happy, great, and glorious without his homeland; and soon, that he can be great only on the ruins of his homeland.

In a large republic, the common good is sacrificed to a thousand considerations; it is subordinated to exceptions; it depends upon accidents. In a small one, the public good is better felt, better known, lies nearer to each citizen; abuses are less extensive there and consequently less protected.

What made Lacedaemonia last so long is that, after all its wars, it always remained within its territory. Lacedaemonia's only goal was liberty; the only advantage of its liberty was glory.

It was in the spirit of the Greek republics for them to be as satisfied with their lands as they were with their laws. Athens was seized with ambition and transmitted it to Lacedaemonia; but this was in order to command free peoples rather than to govern slaves; to be at the head of the union rather than to shatter it. All was lost when a monarchy rose up, a government whose spirit tends more toward expansion.

It is difficult for any government other than the republican to continue to exist in a single town unless there are particular circumstances.²⁸ A prince of such a small state would naturally be inclined to oppression because he would have a great power and few ways to enjoy it or to make it respected; therefore he would trample his people greatly. Then again, such a prince would be easily oppressed by a foreign force or even by a domestic force; the people could come together and unite against him at any moment. Now, when the prince of a single town is driven from his town, the proceeding is finished; if he has several towns, it has just begun.

²⁸ As when a small sovereign maintains himself between two great states by their mutual jealousy; but he exists only precariously.

CHAPTER 17

Distinctive properties of monarchy

A monarchical state should be of a medium size. If it were small, it would form itself into a republic; if it were quite extensive, the principal men of the state, being great in themselves, away from the eyes of the prince, with their court outside of his court, and, moreover, secured by the laws and by the mores from hasty executions, could cease to obey; they would not fear a punishment that was so slow and so distant.

Thus, Charlemagne had scarcely founded his empire before it had to be divided, either because the governors of the provinces did not obey, or because they would obey better if the empire were divided into several kingdoms.

After Alexander's death, his empire was divided. How could those important men of Greece and Macedonia, who were once free or were at least leaders of conquering peoples then so scattered across that vast conquest, how could they have obeyed others?

After Attila's death, his empire was dissolved; the many kings who were no longer constrained could not take up their chains again.

In these cases, the quick establishment of unlimited power is the remedy which can prevent dissolution: a new misfortune after that of expansion!

Rivers run together into the sea; monarchies are lost in despotism.

CHAPTER 18

That the Spanish monarchy was a particular case

Let Spain not be cited as an example; rather, it proves what I say. In order to hold America, it did what despotism itself does not do; it destroyed the inhabitants. In order to preserve its colony Spain had to keep it dependent even for its subsistence.

Spain attempted despotism in the Low Countries, and, as soon as it had abandoned this attempt, it became more encumbered. On the one hand, the Walloons would not be governed by the Spaniards, and, on the other, the Spanish soldiers refused to obey the Walloon officers.²⁹

²⁹ See [Jean] Le Clerc, *Histoire des Provinces-Unies des Pays-Bas* [e.g. 1, 81; 1737-1738 edn].

Spain maintained itself in Italy only by enriching Italy and ruining itself, for those who wanted to be rid of the king of Spain were nevertheless not in a humor to relinquish his money.

CHAPTER 19

Distinctive properties of despotic government

A large empire presupposes a despotic authority in the one who governs. Promptness of resolutions must make up for the distance of the places to which they are sent; fear must prevent negligence in the distant governor or magistrate; the law must be in a single person; and it must change constantly, like accidents, which always increase in proportion to the size of the state.

CHAPTER 20

Consequence of the preceding chapters

If the natural property of small states is to be governed as republics, that of medium-sized ones, to be subject to a monarch, and that of large empires to be dominated by a despot, it follows that, in order to preserve the principles of the established government, the state must be maintained at the size it already has and that it will change its spirit to the degree to which its boundaries are narrowed or extended.

CHAPTER 21

On the Chinese empire

Before completing this book, I shall answer an objection that may be raised about all I have said to this point.

Our missionaries speak of the vast empire of China as of an admirable government, in whose principle intermingle fear, honor, and

virtue. I would therefore have made an empty distinction in establishing the principles of the three governments.

I do not know how one can speak of honor among peoples who can be made to do nothing without beatings.³⁰

Moreover, our men of commerce, far from giving us an idea of the same kind of virtue of which our missionaries speak, can rather be consulted about the banditry of the mandarins.³¹ I also call to witness the great man, Lord Anson.

Besides, Father Parennin's letters on the proceeding that the emperor caused to be brought against the neophyte princes of the blood³² who had displeased him show us a tyrannical plan consistently followed and affronts to human nature done as a matter of rule, that is, in cold blood.

We also have letters from M. de Mairan and the same Father Parennin concerning the government of China. After some very sensible questions and answers, the aura of the marvelous vanishes.

Could it not be that the missionaries were deceived by an appearance of order, that they were struck by that continuous exercise of the will of one alone by which they themselves are governed and which they so like to find in the courts of the kings of India? For, as they go there only to make great changes, it is easier for them to convince princes that they can do everything than to persuade the peoples that they can suffer everything.³³

Finally, there is often something true even in errors. Particular and perhaps unique circumstances may make it so that the Chinese government is not as corrupt as it should be. In this country causes drawn mostly from the physical aspect, climate, have been able to force the moral causes and, in a way, to perform prodigies.

The climate of China is such that it prodigiously favors the reproduction of mankind. Women there have such great fertility that

³⁰The stick governs China, says Father [Jean Baptiste] du Halde [*Description de l'Empire de la Chine*, "Des prisons"; 2, 156-157 H; 2, 132-133 P; 2, 226 L].

³¹See, among others, the relation of Lange [*Recueil de voyages au Nord*, "Journal du Sieur Lange continuant ses négociations à la cour de la Chine, 1721-1722"; vol. 8; 1727 edn].

³²Of the family of Sourniama, *Lettres édifiantes et curieuses*, 18 [Lettre du P. Parennin, Pékin, July 20, 1726; 18, 33-122; Pékin, August 24, 1726; 18, 248-311; 1728 edn].

³³In Father [Jean Baptiste] du Halde, see how the missionaries used the authority of Kang-hi to silence the mandarins who always said that by the laws of the country a foreign form of worship could not be established in the empire. [Jean Baptiste du Halde, *Description de l'Empire de la Chine*, "De l'établissement et du progrès de la religion chrétienne," 3, 126-136 H; 3, 104-111 P.]

Part 1

nothing like it is seen elsewhere on earth. The cruellest tyranny cannot check the progress of propagation. The prince cannot say, with the Pharaoh, *Let us oppress them wisely*. He would be reduced, rather, to formulating Nero's wish that mankind should have only one head. Despite tyranny, China, because of its climate, will always populate itself and will triumph over tyranny.

China, like all countries where rice is grown,³⁴ is subject to frequent famines. When the people are starving, they scatter to seek something to eat. Everywhere bands of three, four, or five robbers form: most are immediately wiped out; others grow and are also wiped out. But, in such a great number of distant provinces, a group may meet with success. It maintains itself, grows stronger, forms itself into an army, goes straight to the capital, and its leader comes to the throne.

The nature of the thing is such that bad government there is immediately punished. Disorder is born suddenly when this prodigious number of people lacks subsistence. What makes it so hard to recover from abuses in other countries is that the effects are not felt; the prince is not alerted as promptly and strikingly as in China.

He will not feel, as our princes do, that if he governs badly, he will be less happy in the next life, less powerful and less rich in this one; he will know that, if his government is not good, he will lose his empire and his life.

As the Chinese people become ever more numerous despite exposing their children,³⁵ they must work tirelessly to make the lands produce enough to feed themselves; this demands great attention on the part of the government. It is in its interest for everyone at every moment to be able to work without fear of being frustrated for his pains. This should be less a civil government than a domestic government.

This is what has produced the rules that are so much discussed. Some have wanted to have laws reign along with despotism, but whatever is joined to despotism no longer has force. This despotism, beset by its misfortunes, has wanted in vain to curb itself; it arms itself with its chains and becomes yet more terrible.

Therefore, China is a despotic state whose principle is fear. In the first dynasties, when the empire was not so extensive, perhaps the government deviated a little from that spirit. But that is not so today.

³⁴See bk. 23, chap. 14, below.

³⁵See the memoir of one Tsongtu, *Lettres édifiantes et curieuses*, 21 "Expédients pour faire défricher les terres incultes" [22.210–223; 1736 edn].

Part 2





BOOK 11

On the laws that form political liberty in its relation with the constitution

CHAPTER 1

General idea

I distinguish the laws that form political liberty in its relation with the constitution from those that form it in its relation with the citizen. The first are the subject of the present book; I shall discuss the second in the next book.

CHAPTER 2

The various significations given to the word liberty

No word has received more different significations and has struck minds in so many ways as has *liberty*. Some have taken it for the ease of removing the one to whom they had given tyrannical power; some, for the faculty of electing the one whom they were to obey; others, for the right to be armed and to be able to use violence; yet others, for the privilege of being governed only by a man of their own nation, or by their own laws.¹ For a certain people liberty has long been the usage of wearing a long beard.² Men have given this name to one form of government and have excluded the others. Those who had tasted republican government put it in this government; those who had enjoyed monarchical government placed it in monarchy.³ In short, each

¹ Cicero [*Epistolae ad Atticum* 6.1.15] says, "I have copied Scaevola's edict, which permits the Greeks to end their differences among themselves according to their laws; this makes them regard themselves as free peoples."

² The Muscovites could not bear Czar Peter's order to cut them off.

³ The Cappadocians refused the republican state the Romans offered them.

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has given the name of *liberty* to the government that was consistent with his customs or his inclinations; and as, in a republic, one does not always have visible and so present the instruments of the ills of which one complains and as the very laws seem to speak more and the executors of the law to speak less, one ordinarily places liberty in republics and excludes it from monarchies. Finally, as in democracies the people seem very nearly to do what they want, liberty has been placed in this sort of government and the power of the people has been confused with the liberty of the people.

CHAPTER 3

What liberty is

It is true that in democracies the people seem to do what they want, but political liberty in no way consists in doing what one wants. In a state, that is, in a society where there are laws, liberty can consist only in having the power to do what one should want to do and in no way being constrained to do what one should not want to do.

One must put oneself in mind of what independence is and what liberty is. Liberty is the right to do everything the laws permit; and if one citizen could do what they forbid, he would no longer have liberty because the others would likewise have this same power.

CHAPTER 4

Continuation of the same subject

Democracy and aristocracy are not free states by their nature. Political liberty is found only in moderate governments. But it is not always in moderate states. It is present only when power is not abused, but it has eternally been observed that any man who has power is led to abuse it; he continues until he finds limits. Who would think it! Even virtue has need of limits.

So that one cannot abuse power, power must check power by the arrangement of things. A constitution can be such that no one will be

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constrained to do the things the law does not oblige him to do or be kept from doing the things the law permits him to do.

CHAPTER 5

On the purpose of various states

Although all states have the same purpose in general, which is to maintain themselves, yet each state has a purpose that is peculiar to it. Expansion was the purpose of Rome; war, that of Lacedaemonia; religion, that of the Jewish laws; commerce, that of Marseilles; public tranquillity, that of the laws of China;⁴ navigation, that of the laws of the Rhodians; natural liberty was the purpose of the police of the savages; in general, the delights of the prince are the purpose of the despotic states; his glory and that of his state, that of monarchies; the independence of each individual is the purpose of the laws of Poland, and what results from this is the oppression of all.⁵

There is also one nation in the world whose constitution has political liberty for its direct purpose. We are going to examine the principles on which this nation founds political liberty. If these principles are good, liberty will appear there as in a mirror.

Not much trouble need be taken to discover political liberty in the constitution. If it can be seen where it is, if it has been found, why seek it?

⁴The natural purpose of a state having no enemies on the outside or believing them checked by barriers.

⁵Drawback of the *liberum veto*.

CHAPTER 6

On the constitution of England

In each state there are three sorts of powers: legislative power, executive power over the things depending on the right of nations, and executive power over the things depending on civil right.

By the first, the prince or the magistrate makes laws for a time or for always and corrects or abrogates those that have been made. By the

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second, he makes peace or war, sends or receives embassies, establishes security, and prevents invasions. By the third, he punishes crimes or judges disputes between individuals. The last will be called the power of judging, and the former simply the executive power of the state.

Political liberty in a citizen is that tranquillity of spirit which comes from the opinion each one has of his security, and in order for him to have this liberty the government must be such that one citizen cannot fear another citizen.

When legislative power is united with executive power in a single person or in a single body of the magistracy, there is no liberty, because one can fear that the same monarch or senate that makes tyrannical laws will execute them tyrannically.

Nor is there liberty if the power of judging is not separate from legislative power and from executive power. If it were joined to legislative power, the power over the life and liberty of the citizens would be arbitrary, for the judge would be the legislator. If it were joined to executive power, the judge could have the force of an oppressor.

All would be lost if the same man or the same body of principal men, either of nobles, or of the people, exercised these three powers: that of making the laws, that of executing public resolutions, and that of judging the crimes or the disputes of individuals.

In most kingdoms in Europe, the government is moderate because the prince, who has the first two powers, leaves the exercise of the third to his subjects. Among the Turks, where the three powers are united in the person of the sultan, an atrocious despotism reigns.

In the Italian republics, where the three powers are united, there is less liberty than in our monarchies. Thus, in order to maintain itself, the government needs means as violent as in the government of the Turks; witness the state inquisitors⁶ and the lion's maw into which an informer can, at any moment, throw his note of accusation.

Observe the possible situation of a citizen in these republics. The body of the magistracy, as executor of the laws, retains all the power it has given itself as legislator. It can plunder the state by using its general wills; and, as it also has the power of judging, it can destroy each citizen by using its particular wills.

⁶In Venice.

There, all power is one; and, although there is none of the external pomp that reveals a despotic prince, it is felt at every moment.

Thus princes who have wanted to make themselves despotic have always begun by uniting in their person all the magistracies, and many kings of Europe have begun by uniting all the great posts of their state.

I do believe that the pure hereditary aristocracy of the Italian republics is not precisely like the despotism of Asia. The multitude of magistrates sometimes softens the magistracy; not all the nobles always concur in the same designs; there various tribunals are formed that temper one another. Thus, in Venice, the *Great Council* has legislation; the *Pregadi*, execution; *Quarantia*, the power of judging. But the ill is that these different tribunals are formed of magistrates taken from the same body; this makes them nearly a single power.

The power of judging should not be given to a permanent senate but should be exercised by persons drawn from the body of the people⁷ at certain times of the year in the manner prescribed by law to form a tribunal which lasts only as long as necessity requires.

In this fashion the power of judging, so terrible among men, being attached neither to a certain state nor to a certain profession, becomes, so to speak, invisible and null. Judges are not continually in view; one fears the magistracy, not the magistrates.^a

In important accusations, the criminal in cooperation with the law must choose the judges, or at least he must be able to challenge so many of them that those who remain are considered to be of his choice.

The two other powers may be given instead to magistrates or to permanent bodies because they are exercised upon no individual, the one being only the general will of the state, and the other, the execution of that general will.

But though tribunals should not be fixed, judgments should be fixed to such a degree that they are never anything but a precise text of the law. If judgments were the individual opinion of a judge, one would live in this society without knowing precisely what engagements one has contracted.

Further, the judges must be of the same condition as the accused, or

⁷ As in Athens.

^a These *juges*, "jurors," as the office is called in English, are judges as they make the judgments.

his peers, so that he does not suppose that he has fallen into the hands of people inclined to do him violence.

If the legislative power leaves to the executive power the right to imprison citizens who can post bail for their conduct, there is no longer any liberty, unless the citizens are arrested in order to respond without delay to an accusation of a crime the law has rendered capital; in this case they are really free because they are subject only to the power of the law.

But if the legislative power believed itself endangered by some secret conspiracy against the state or by some correspondence with its enemies on the outside, it could, for a brief and limited time, permit the executive power to arrest suspected citizens who would lose their liberty for a time only so that it would be preserved forever.

And this is the only means consistent with reason of replacing the tyrannical magistracy of the *ephors* and the *state inquisitors* of Venice, who are also despotic.

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.

One knows the needs of one's own town better than those of other towns, and one judges the ability of one's neighbors better than that of one's other compatriots. Therefore, members of the legislative body must not be drawn from the body of the nation at large; it is proper for the inhabitants of each principal town to choose a representative from it.

The great advantage of representatives is that they are able to discuss public business. The people are not at all appropriate for such discussions; this forms one of the great drawbacks of democracy.

It is not necessary that the representatives, who have been generally instructed by those who have chosen them, be instructed about each matter of business in particular, as is the practice in the Diets of Germany. It is true that, in their way, the word of the deputies would better express the voice of the nation; but it would produce infinite delays and make each deputy the master of all the others, and on the most pressing occasions the whole force of the nation could be checked by a caprice.

Mr. Sidney says properly that when the deputies represent a body of

people, as in Holland, they should be accountable to those who have commissioned them; it is another thing when they are deputed by boroughs, as in England.^b

In choosing a representative, all citizens in the various districts should have the right to vote except those whose estate is so humble that they are deemed to have no will of their own.

A great vice in most ancient republics was that the people had the right to make resolutions for action, resolutions which required some execution, which altogether exceeds the people's capacity. The people should not enter the government except to choose their representatives; this is quite within their reach. For if there are few people who know the precise degree of a man's ability, yet every one is able to know, in general, if the one he chooses sees more clearly than most of the others.

Nor should the representative body be chosen in order to make some resolution for action, a thing it would not do well, but in order to make laws or in order to see if those they have made have been well executed; these are things it can do very well and that only it can do well.

In a state there are always some people who are distinguished by birth, wealth, or honors; but if they were mixed among the people and if they had only one voice like the others, the common liberty would be their enslavement and they would have no interest in defending it, because most of the resolutions would be against them. Therefore, the part they have in legislation should be in proportion to the other advantages they have in the state, which will happen if they form a body that has the right to check the enterprises of the people, as the people have the right to check theirs.

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.

Among the three powers of which we have spoken, that of judging is in some fashion, null. There remain only two; and, as they need a power whose regulations temper them, that part of the legislative body composed of the nobles is quite appropriate for producing this effect.

The nobility should be hereditary. In the first place, it is so by its nature; and, besides, it must have a great interest in preserving its

^bAlgernon Sidney, 1622–1683, an English Whig politician and author of *Discourses Concerning Government* (1698), chap. 3, sect. 38.

prerogatives, odious in themselves, and which, in a free state, must always be endangered.

But, as a hereditary power could be induced to follow its particular interests and forget those of the people, in the things about which one has a sovereign interest in corrupting, for instance, in the laws about levying silver coin, it must take part in legislation only through its faculty of vetoing and not through its faculty of enacting.

I call the right to order by oneself, or to correct what has been ordered by another, the *faculty of enacting*. I call the right to render null a resolution taken by another the *faculty of vetoing*, which was the power of the tribunes of Rome. And, although the one who has the faculty of vetoing can also have the right to approve, this approval is no more than a declaration that one does not make use of one's faculty of vetoing, and it derives from that faculty.

The executive power should be in the hands of a monarch, because the part of the government that almost always needs immediate action is better administered by one than by many, whereas what depends on legislative power is often better ordered by many than by one.

If there were no monarch and the executive power were entrusted to a certain number of persons drawn from the legislative body, there would no longer be liberty, because the two powers would be united, the same persons sometimes belonging and always able to belong to both.

If the legislative body were not convened for a considerable time, there would no longer be liberty. For one of two things would happen: either there would no longer be any legislative resolution and the state would fall into anarchy; or these resolutions would be made by the executive power, and it would become absolute.

It would be useless for the legislative body to be convened without interruption. That would inconvenience the representatives and besides would overburden the executive power, which would not think of executing, but of defending its prerogatives and its right to execute.

In addition, if the legislative body were continuously convened, it could happen that one would do nothing but replace the deputies who had died with new deputies; and in this case, if the legislative body were once corrupted, the ill would be without remedy. When various legislative bodies follow each other, the people, holding a poor opinion of the current legislative body, put their hopes, reasonably enough, in the one that will follow; but if the legislative body were always the same,

the people, seeing it corrupted, would expect nothing further from its laws; they would become furious or would sink into indolence.

The legislative body should not convene itself. For a body is considered to have a will only when it is convened; and if it were not convened unanimously, one could not identify which part was truly the legislative body, the part that was convened or the one that was not. For if it had the right to prorogue itself, it could happen that it would never prorogue itself; this would be dangerous in the event that it wanted to threaten executive power. Besides, there are some times more suitable than others for convening the legislative body; therefore, it must be the executive power that regulates, in relation to the circumstances it knows, the time of the holding and duration of these assemblies.

If the executive power does not have the right to check the enterprises of the legislative body, the latter will be despotic, for it will wipe out all the other powers, since it will be able to give to itself all the power it can imagine.

But the legislative power must not have the reciprocal faculty of checking the executive power. For, as execution has the limits of its own nature, it is useless to restrict it; besides, executive power is always exercised on immediate things. And the power of the tribunes in Rome was faulty in that it checked not only legislation but even execution; this caused great ills.

But if, in a free state, legislative power should not have the right to check executive power, it has the right and should have the faculty to examine the manner in which the laws it has made have been executed; and this is the advantage of this government over that of Crete and Lacedaemonia, where the *kosmoi* and the *ephors* were not held accountable for their administration.

But, whether or not this examination is made, the legislative body should not have the power to judge the person, and consequently the conduct, of the one who executes. His person should be sacred because, as he is necessary to the state so that the legislative body does not become tyrannical, if he were accused or judged there would no longer be liberty.

In this case, the state would not be a monarchy but an unfree republic. But, as he who executes cannot execute badly without having as ministers wicked counsellors who hate the law although the laws favor them as men, these counsellors can be sought out and punished.

And this is the advantage of this government over that of Cnidus, where the people could never get satisfaction for the injustices that had been done to them, as the law did not permit calling the *anymones*⁸ to judgment even after their administration.⁹

Although in general the power of judging should not be joined to any part of the legislative power, this is subject to three exceptions founded on the particular interests of the one who is to be judged.

Important men are always exposed to envy; and if they were judged by the people, they could be endangered and would not enjoy the privilege of the last citizen of a free state, of being judged by his peers. Therefore, nobles must not be called before the ordinary tribunals of the nation but before that part of the legislative body composed of nobles.

It could happen that the law, which is simultaneously clairvoyant and blind, might be too rigorous in certain cases. But the judges of the nation are, as we have said, only the mouth that pronounces the words of the law, inanimate beings who can moderate neither its force nor its rigor. Therefore, the part of the legislative body, which we have just said is a necessary tribunal on another occasion, is also one on this occasion; it is for its supreme authority to moderate the law in favor of the law itself by pronouncing less rigorously than the law.

It could also happen that a citizen, in matters of public business, might violate the rights of the people and commit crimes that the established magistrates could not or would not want to punish. But, in general, the legislative power cannot judge, and even less so in this particular case, where it represents the interested party, the people. Therefore, it can be only the accuser. But, before whom will it make its accusation? Will it bow before the tribunals of law, which are lower than it and are, moreover, composed of those who, being also of the people, would be swept along by the authority of such a great accuser? No: in order to preserve the dignity of the people and the security of the individual, that part of the legislature drawn from the people must make its accusation before the part of the legislature drawn from the nobles, which has neither the same interests nor the same passions.

⁸These were magistrates elected annually by the people. See Stephanus of Byzantium [*Ethnika* 686; 1958 edn].

⁹One could accuse the Roman magistrates after their magistracy. In Dion. Hal. [*Ant. Rom.*], bk. 9 [9.37.2-4], see the affair of the tribune Genutius.

This
republic

This last is the advantage of this government over most of the ancient republics, where there was the abuse that the people were judge and accuser at the same time.

Executive power, as we have said, should take part in legislation by its faculty of vetoing; otherwise it will soon be stripped of its prerogatives. But if legislative power takes part in execution, executive power will equally be lost.

If the monarch took part in legislation by the faculty of enacting, there would no longer be liberty. But as in spite of this, he must take part in legislation in order to defend himself, he must take part in it by the faculty of vetoing.

The cause of the change in government in Rome was that the senate, which had one part of the executive power, and the magistrates, who had the other, did not have the faculty of vetoing, as the people had.

Here, therefore, is the fundamental constitution of the government of which we are speaking. As its legislative body is composed of two parts, the one will be chained to the other by their reciprocal faculty of vetoing. The two will be bound by the executive power, which will itself be bound by the legislative power.

The form of these three powers should be rest or inaction. But as they are constrained to move by the necessary motion of things, they will be forced to move in concert.

As executive power belongs to the legislative only through its faculty of vetoing, it cannot enter into the discussion of public business. It is not even necessary for it to propose, because, as it can always disapprove of resolutions, it can reject decisions on propositions it would have wanted left unmade.

In some ancient republics, where the people as a body discussed the public business, it was natural for the executive power to propose and discuss with them; otherwise, there would have been a strange confusion in the resolutions.

If the executive power enacts on the raising of public funds without the consent of the legislature, there will no longer be liberty, because the executive power will become the legislator on the most important point of legislation.

If the legislative power enacts, not from year to year, but forever, on the raising of public funds, it runs the risk of losing its liberty, because the executive power will no longer depend upon it; and when one holds such a right forever, it is unimportant whether that right comes from

oneself or from another. The same is true if the legislative power enacts, not from year to year, but forever, about the land and sea forces, which it should entrust to the executive power.

So that the one who executes is not able to oppress, the armies entrusted to him must be of the people and have the same spirit as the people, as they were in Rome until the time of Marius. This can be so in only two ways: either those employed in the army must have enough goods to be answerable for their conduct to the other citizens and be enrolled for a year only, as was practiced in Rome; or, if the troops must be a permanent body, whose soldiers come from the meanest parts of the nation, legislative power must be able to disband them as soon as the legislature so desires; the soldiers must live with the citizens, and there must not be a separate camp, a barracks, or a fortified place.

Once the army is established, it should be directly dependent on the executive power, not on the legislative body; and this is in the nature of the thing, as its concern is more with action than with deliberation.

Men's manner of thinking is to make more of courage than of timidity; more of activity than of prudence; more of force than of counsel. The army will always scorn a senate and respect its officers. It will not make much of the orders sent from a body composed of people it believes timid and, therefore, unworthy to command it. Thus, whenever the army depends solely on the legislative body, the government will become military. And if the contrary has ever occurred, it is the effect of some extraordinary circumstances; it is because the army there is always separate, because it is composed of several bodies each of which depends upon its particular province, because the capitals are in excellent locations whose situation alone defends them and which have no troops.

Holland is even more secure than Venice; it could flood rebellious troops; it could leave them to die of hunger; since the troops are not in towns that could give them sustenance, their sustenance is precarious.

For if, in the case of an army governed by the legislative body, particular circumstances keep the government from becoming military, one will encounter other drawbacks; one of these two things must happen, either the army must destroy the government, or the government must weaken the army.

And this weakening will have a fatal cause: it will arise from the very weakness of the government.

If one wants to read the admirable work by Tacitus, *On the Mores of*

the Germans,¹⁰ one will see that the English have taken their idea of political government from the Germans. This fine system was found in the forests.

Since all human things have an end, the state of which we are speaking will lose its liberty; it will perish. Rome, Lacedaemonia, and Carthage have surely perished. This state will perish when legislative power is more corrupt than executive power.

It is not for me to examine whether at present the English enjoy this liberty or not. It suffices for me to say that it is established by their laws, and I seek no further.

I do not claim hereby to disparage other governments, or to say that this extreme political liberty should humble those who have only a moderate one. How could I say that, I who believe that the excess even of reason is not always desirable and that men almost always accommodate themselves better to middles than to extremities?

Harrington, in his *Oceana*, has also examined the furthest point of liberty to which the constitution of a state can be carried. But of him it can be said that he sought this liberty only after misunderstanding it, and that he built Chalcedon with the coast of Byzantium before his eyes.

¹⁰“On lesser matters the princes consult, on greater ones, everybody does; yet even when a decision is in the power of the people, it is thoroughly considered by the princes” [L.]. [Tacitus, *Germania*, chap. 11.]

James Harrington, *Commonwealth of Oceana*.

CHAPTER 7

The monarchies that we know

The monarchies we know do not have liberty for their direct purpose as does the one we have just mentioned; they aim only for the glory of the citizens, the state, and the prince. But this glory results in a spirit of liberty that can, in these states, produce equally great things and can perhaps contribute as much to happiness as liberty itself.

The three powers are not distributed and cast on the model of the constitution which we have mentioned; each instance shows a particular distribution of them and each approximates political liberty accord-

ingly; and, if it did not approximate it, the monarchy would degenerate into despotism.

CHAPTER 8

Why the ancients had no clear idea of monarchy

The ancients did not at all know the government founded on a body of nobility and even less the government founded on a legislative body formed of the representatives of a nation. The republics of Greece and Italy were towns in which each had its own government and assembled its own citizens within its walls. Before the Romans had swallowed up all the republics, there were almost no kings anywhere, in Italy, Gaul, Spain, Germany; all of these were small peoples or small republics. Even Africa was subject to a large republic; Asia Minor was occupied by Greek colonies. Therefore, there was no example either of deputies from towns or of assemblies of the estates; one had to go as far as Persia to find the government of one alone.

It is true that there were federal republics; many towns sent deputies to an assembly. But I say that there was no monarchy on this model.

Here is how the plan for the monarchies that we know was formed. The Germanic nations who conquered the Roman Empire were very free, as is known. On the subject one has only to see Tacitus on the *Mores of the Germans*. The conquerors spread out across the country; they lived in the countryside, rarely in the towns. When they were in Germany, the whole nation could be assembled. When they dispersed during the conquest, they could no longer assemble. Nevertheless, the nation had to deliberate on its business as it had done before the conquest; it did so by representatives. 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.

CHAPTER 9

Aristotle's manner of thinking

An awkwardness is clearly seen in Aristotle's treatment of monarchy.¹¹ He establishes five kinds: he does not distinguish among them by the form of the constitution but by accidental things, like the virtues or the vices of the prince, or by extrinsic things, like the usurpation of the tyranny or succession to it.

Aristotle includes in the list of monarchies both the empire of the Persians and the kingdom of Lacedaemonia. But who does not see that the one was a despotic state and the other a republic?

The ancients, who did not know of the distribution of the three powers in the government of one alone, could not achieve a correct idea of monarchy.

¹¹ [Aristotle] *Pol.*, bk. 3, chap. 14 [1284b35–1285b33].

CHAPTER 10

The manner of thinking of other political men

In order to temper the government of one alone, Arribas,¹² king of Epirus, could imagine only a republic. The Molossians, not knowing how to restrict this power, made two kings;¹³ this weakened the state more than the command: one wanted rivals, and one had enemies.

Two kings were allowed only in Lacedaemonia; they did not form the constitution there but rather were a part of the constitution.

¹² See Justin [*Epitome historiarum Philippicarum*], bk. 17 [17.3.12].

¹³ Aristotle, *Pol.*, bk. 5, chap. 9 [1313a24].

CHAPTER 11

On the kings of heroic times among the Greeks

Among the Greeks in heroic times, a kind of monarchy was established that did not continue to exist.¹⁴ Those who had invented the arts, waged war for the people, assembled men who were scattered here and there or given them lands, won the kingdom for themselves and passed it down to their children. They were kings, priests, and judges. This is one of the five kinds of monarchy of which Aristotle speaks,¹⁵ and this is the only one that might arouse the idea of the monarchical constitution. But the plan of this constitution is the opposite of that of our monarchies today.

The three powers were distributed there so that the people had the legislative power,¹⁶ and the king, the executive power and the power of judging; whereas, in the monarchies we know, the prince has the executive and the legislative power, or at least a part of the legislative power, but he does not judge.

In the government of the kings of heroic times, the three powers were badly distributed. These monarchies could not continue to exist; for, as soon as the people could legislate, they could reduce royalty to nothing at the least caprice, as they did everywhere.

Among a free people who have legislative power, among a people enclosed within a town, where everything odious becomes even more odious, the masterwork of legislation is to know where properly to place the power of judging. But it could not be placed worse than in the hands of the one who already had executive power. The monarch became terrible immediately. But at the same time, since he did not legislate, he could not defend himself against legislation; he had too much power and he did not have enough.

It had not yet been discovered that the prince's true function was to establish judges and not to judge. The opposite policy rendered unbearable the government of one alone. All these kings were driven out. The Greeks did not imagine the true distribution of the three powers in the government of one alone, they imagined it only in the

¹⁴ Aristotle, *Pol.*, bk. 3, chap. 14 [1285b2–19].

¹⁵ Ibid. [Aristotle, *Pol.* 1285b2–19].

¹⁶ See Plutarch [*Vit.*], *Thesius* [24, 25.2]. See also Thucydides [*The Peloponnesian War*], bk. 1 [1.13].



BOOK 17

How the laws of political servitude are related to the nature of the climate

CHAPTER I

On political servitude

Political servitude depends no less on the nature of the climate than do civil and domestic servitude, as will be shown.

CHAPTER 2

Differences between peoples in relation to courage

We have already said that great heat enervates the strength and courage of men and that there is in cold climates a certain strength of body and spirit that makes men capable of long, arduous, great, and daring actions. This is noticeable not only from nation to nation but even from one part of the same country to another. The peoples of northern China¹ are more courageous than those of the south; the peoples of southern Korea² are not as courageous as those of the north.

Therefore, one must not be surprised that the cowardice of the peoples of hot climates has almost always made them slaves and that the courage of the peoples of cold climates has kept them free. This is an effect that derives from its natural cause.

This is also found to be true in America; the despotic empires of Mexico and Peru were near the equator, and almost all the small free peoples were and still are toward the poles.

¹ [Jean Baptiste] du Halde [*Description de l'Empire de la Chine*, "Province de Pe Tcheli"], vol. 1, p. 112 [1, 133–134 H; 1, 112 P; 1, 111 L].

² So say the Chinese books. Ibid. [Jean Baptiste du Halde, *Description de l'Empire de la Chine*, "Histoire de la Corée"], vol. 4, p. 448 [4, 557 H; 4, 448 P; 4, 423 L].

CHAPTER 3

On the climate of Asia

Accounts tell us³

that the north of Asia, that vast continent extending from about the fortieth parallel to the pole and from the border of Muscovy to the Eastern Ocean, has a very cold climate; that this immense terrain is divided from west to east by a chain of mountains that puts Siberia to the north and Greater Tartary to the south; that the climate of Siberia is so cold that, although the Russians have settlements along the Irtysh, they cultivate nothing there; that nothing grows in this country but a few small fir trees and shrubs; that the natives of the country are divided into destitute tribes like those of Canada; that the reason for this cold is, on the one hand, the elevation of the terrain, and on the other, that as one goes from south to north the mountains level out and the north wind blows everywhere unobstructed; and that, when this wind that makes Novaya Zemlya uninhabitable blows in Siberia, it makes it a wasteland. In Europe, on the other hand, the mountains of Norway and Lapland are admirable bulwarks shielding the countries of the north from this wind; that thus in Stockholm, which is at about 59 degrees latitude, the terrain can produce fruits, grains, and plants; and that around Abo, which is at 61 degrees north, just as at the 63rd and 64th degree, there are silver mines and the terrain is quite fertile.

We see further in the accounts

that Greater Tartary, which is to the south of Siberia, is also very cold; that the country is not cultivated; that only pastures for herds are found there; that as in Iceland some bushes but not trees grow there; that close to China and the Moguls there are some countries where a kind of millet grows, but where neither wheat nor rice can ripen; that there are scarcely any spots in Chinese Tartary, at the 43rd, 44th, and 45th parallel, where it does not freeze seven or eight months a year; so that it is as cold as Iceland although it should be warmer than the south of France; that there are no

³ See the *Recueil de Voyages au Nord*, vol. 8 ["Les mœurs et usages des Ostiackes," 8, 389–392; 1727 edn]; [Ebulgazi Bahadır Han, Khan of Khorezm] *Histoire généalogique des Tatars* [Bentinck's note, pt. 2, chap. 12, "De la tribu des Moguls," 1, 127–129; 1726 edn]; and Father [Jean Baptiste] du Halde, *Description de l'Empire de la Chine*, vol. 4 ["Voyage du Père Gerbillon en Tartarie"; 4, 103–528 H; 4, 87–422 P; 4, 214–380 L].

towns, except four or five near the Eastern Ocean and some that the Chinese have built close to China for political reasons; that in the remainder of Greater Tartary there are only a few located in the Boucharies, Turkistan, and Charizme; that the reason for this extreme cold is found in the nature of the terrain, which is nitrous, full of saltpeter, and sandy, as well as in its elevation. Father Verbiest had found that a certain spot eighty leagues north of the Great Wall, toward the source of the Kavamhuran, that rose three thousand geometric feet above the coast of the ocean near Peking; that this elevation⁴ is the cause for the fact that, although almost all the great rivers of Asia have their source in the countryside, it nevertheless lacks water, so it can be inhabited only near the rivers and lakes.

These facts stated, I reason thus: Asia has no temperate zone, properly so called, and the places situated in a very cold climate there are immediately adjacent to those that are in a very warm climate, that is, Turkey, Persia, the Mogul Empire, China, Korea, and Japan.

In Europe, on the other hand, the temperate zone is very broad, although the climates within it are very different from each other, as there is no relation between the climate of Spain and Italy and that of Norway and Sweden. But as the climate there grows colder gradually as one goes from south to north approximately in proportion to the latitude of each country, it happens that there each country is very like its neighbor, that there is not a notable difference between them, and that, as I have just said, the temperate zone is very broad.

From this, it follows that in Asia the strong and weak nations face each other: the brave and active warrior peoples are immediately adjacent to effeminate, lazy and timid peoples; therefore, one must be the conquered and the other the conqueror. In Europe, on the other hand, strong nations face the strong; those that are adjacent have almost the same amount of courage. This is the major reason for the weakness of Asia and the strength of Europe, for the liberty of Europe and the servitude of Asia: a cause that I think has never before been observed. This is why liberty never increases in Asia, whereas in Europe it increases or decreases according to the circumstances.

Although the Muscovite nobility was reduced to servitude by one of its princes, one will always see there marks of impatience that the southern climates do not produce. Did we not see aristocratic govern-

⁴Tartary is, then, a kind of high plateau.

ment established there briefly? Although another kingdom in the north has lost its laws, one can trust to the climate that it has not lost them irrevocably.

CHAPTER 4

A consequence of this

What we have just said agrees with the events of history. Asia has been subjugated thirteen times; eleven times by the peoples of the North, twice by those of the South. In the distant past, the Scythians conquered it three times, then the Medes and the Persians once each; then the Greeks, the Arabs, the Moguls, the Turks, the Tartars, the Persians, and the Afghans. I speak only of upper Asia and I say nothing of the invasions made in the southern part, which has continually suffered great revolutions.

In Europe, on the other hand, we know of only four great changes since the establishment of the Greek and Phoenician colonies: the first, caused by the Roman conquests; the second, by the inundations of the barbarians who destroyed these same Romans; the third, by the victories of Charlemagne; and the last, by the Norman invasions. And, upon examining these closely, one will find that, by these very changes, force was spread generally throughout all the parts of Europe. One knows the difficulty the Romans found in conquering Europe and the ease with which they invaded Asia. One knows the pains the northern peoples had to take to overthrow the Roman Empire, the wars and works of Charlemagne, the various enterprises of the Normans. The destroyers were constantly destroyed.

CHAPTER 5

That, when the peoples of northern Asia and those of northern Europe conquered, the effects of their conquests were not the same

The peoples of northern Europe have conquered as free men; the peoples of northern Asia have conquered as slaves and have been victorious only for a master.

The reason is that the Tartar people, Asia's natural conquerors, have become slaves themselves. They constantly conquer southern Asia, they form empires; but the part of the conquering nation that remains in this country is subject to a great master, who is despotic in the south, who also wants to be so in the north and who, with arbitrary power over the conquered subjects, claims it also over the conquering subjects. This can be seen today in that vast country called Chinese Tartary, which the emperor governs almost as despotically as China itself and which he extends every day by his conquests.

One can also see in the history of China that the emperors⁵ sent colonies of Chinese into Tartary. These Chinese became Tartars and mortal enemies of China, but that did not keep them from carrying the spirit of Chinese government into Tartary.

Often a part of the Tartar nation that conquered was itself driven out, and it went back to its deserts with a spirit of servitude acquired in the climate of slavery. The history of China furnishes us with great examples, as does our ancient history.⁶

This is why the genius of the Tartar or Getae nation has always been similar to that of the empires of Asia. The peoples in the latter are governed by the cudgel; the Tartar peoples, by the lash. The spirit of Europe has always been contrary to these mores; and what the peoples of Asia have always called punishment, the peoples of Europe have always called gross offence.⁷

⁵ As did Ven-ti [actually Vou-ti], fifth emperor of the fifth dynasty. [Father Jean Baptiste du Halde, *Description de l'Empire de la Chine*, "Fastes de la monarchie chinoise"; t, 354 H; t, 384 P; t, 352 L.]

⁶ The Scythians conquered Asia three times and were driven out three times. Justin, bk. 2 [Eptoma historiarum Philippicarum 2.3].

⁷ This is not at all contrary to what I shall say in bk. 28, chap. 20, on the manner of thinking of the German peoples concerning the staff. Whatever instrument it was, they always regarded as an affront the arbitrary power to beat and the action of beating.

When the Tartars destroyed the Greek empire, they established servitude and despotism in the conquered countries; when the Goths conquered the Roman empire, they founded monarchy and liberty everywhere.

I do not know if the famous Rudbeck, who in his *Atlantica*⁸ has so praised Scandinavia, has mentioned the great prerogative that should put the nations inhabiting it above all the peoples of the world: it is that they have been the source of European liberty, that is, of almost all of it that there is today among men.

The Goth Jordanes has called northern Europe the manufactory of the human species.⁸ I shall rather call it the manufactory of the instruments that break the chains forged in the south. It is there that are formed the valiant nations who go out of their own countries to destroy tyrants and slaves and to teach men that, as nature has made them equal, reason can make them dependent only for the sake of their happiness.

⁸ [Jordanes, *Getica*, chap. 4]: "the workshop for the human race" [L.].

⁸ Olof Rudbeck, *Atlantica*.

CHAPTER 6

An additional physical cause for the servitude of Asia and the liberty of Europe

In Asia one has always seen great empires; in Europe they were never able to continue to exist. This is because the Asia we know has broader plains; it is cut into larger parts by seas; and, as it is more to the south, its streams dry up more easily, its mountains are less covered with snow, and its smaller rivers⁹ form slighter barriers.

Therefore, power should always be despotic in Asia. For if servitude there were not extreme, there would immediately be a division that the nature of the country cannot endure.

In Europe, the natural divisions form many medium-sized states in which the government of laws is not incompatible with the maintenance of the state; on the other hand, they are so favorable to this that without

⁹ Waters are lost or evaporate before they converge or after they converge.

Part 3

laws this state falls into decadence and becomes inferior to all the others.

This is what has formed a genius for liberty, which makes it very difficult to subjugate each part and to put it under a foreign force other than by laws and by what is useful to its commerce.

By contrast in Asia there reigns a spirit of servitude that has never left it, and in all the histories of this country it is not possible to find a single trait marking a free soul; one will never see there anything but the heroism of servitude.

CHAPTER 7

On Africa and on America

This is what I can say about Asia and Europe. Africa has a climate like that of southern Asia, and it has the same servitude. America,¹⁰ destroyed and newly repopulated by the nations of Europe and Africa, can scarcely demonstrate its own genius today, but what we know of its former history is quite in conformity with our principles.

¹⁰The little barbarian peoples of America are called *Indios bravos* by the Spanish; they are much more difficult to subject than the great empires of Mexico and Peru.

CHAPTER 8

On the capital of the empire

One of the consequences of what we have just said is that it is important to a very great prince to choose well the seat of his empire. He who puts it in the south will run the risk of losing the north, and he who puts it in the north will easily preserve the south. I do not speak of particular cases: as mechanics has its frictions which often change or check its theoretical effects, politics, too, has its frictions.



BOOK 18

On the laws in their relation with the nature of the terrain^a

CHAPTER I

How the nature of the terrain influences the laws

The goodness of a country's lands establishes dependence there naturally. The people in the countryside, who are the great part of the people, are not very careful of their liberty; they are too busy and too full of their individual matters of business. A countryside bursting with goods fears pillage, it fears an army. "Who is it that forms the good party?" Cicero asked Atticus.¹ "Is it the people in commerce and in the countryside? Not unless we imagine that the people for whom all governments are equal provided they are tranquil oppose monarchy."

Thus, government by one alone appears more frequently in fertile countries and government by many in the countries that are not, which is sometimes a compensation for them.

The barrenness of the Attic terrain established popular government there, and the fertility of the Lacedaemonian terrain, aristocratic government. For, in those days in Greece, one did not want government by one alone; now, aristocratic government is more closely related to the government by one alone.

Plutarch tells us² that "when the sedition of Cylon has been pacified in Athens, the town fell back into its former dissensions and was divided into as many parties as there were sorts of territories in the country of Attica. The people in the mountains wanted popular government at any cost; those of the plains demanded government by

¹[Cicero, *Epistolae ad Atticum*] bk. 7 [7.7].

²[Plutarch, *Vit.*] *Solon* [13.1].

^a"Terrain," *terrein*, includes the quality of the soil as well as the configuration of the land – flat, hilly, etc.