

checks he may receive from salutary laws. In order to give a newly-formed people a taste for the sound maxims of policy, and induce them to follow the fundamental rules of society, it is necessary that the effect should in a manner become the cause; that the spirit of union which should be the effect of social institutions should preside to form that institution itself, and that men should be such before the laws are made as the laws are designed to make them. For this reason, therefore, the legislator being capable of employing neither force nor argument, he is of necessity obliged to recur to an authority of an higher order, which may compel without violence, and persuade without conviction. Hence it is that the founders of nations have been obliged, in all ages, to recur to the intervention of celestial powers; and have honoured their gods with their own wisdom, in order that the people, by submitting themselves to the laws of the state in the same manner as to those of nature, and acknowledging the same power in the formation of the city as in the formation of man, might bend more freely, and bear more tractably the yoke of obedience and public felicity.

Now the determinations of that sublime reason, which soars above the comprehension of vulgar minds, are those which the legislator puts into the mouths of his immortal personages, in order to influence those by a divine authority, who could not be led by maxims of human prudence. It does not belong to every man, however, to make the gods his oracles, nor even to be believed when he pretends to be their interpreter. The comprehensive genius of the legislator is the miracle that proves the truth of

his mission. Any man may engrave tables of stone, hire an oracle, pretend to a secret communication with some deity, teach a bird to whisper in his ear, or hit upon other devices to impose on a people. But he who knows nothing more, though he may be lucky enough to get together an assembly of fools and madmen, will never lay the foundations of an empire; the fabric raised by his extravagance presently falling, and often burying him in its ruins. A transitory union may be formed from slight and futile connections; nothing but the dictates of wisdom, however, can render it durable. The Jewish law, still subsisting, and that of the son of Ismael, which for ten centuries hath governed half the world, are standing proofs of the superior genius of those great men by whom they were dictated: and though the vanity of philosophy, and the blind prejudice of party, see nothing in their characters but fortunate impostors, the true politician admires, in their respective institutions, that sagacious and comprehensive power of mind which must ever lay the lasting foundation of human establishments.

It must not, from all this, be concluded, however, that religion and government have, in our times, as Warburton alledges, one common object; but only that in the first establishment of societies, the one was made instrumental to the other.

CHAP. VIII. *Of the people.*

AS the architect, before he begins to raise an edifice, examines into the ground where he is to lay the foundation, that he may be able to
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judge whether it will bear the weight of the superstructure; so the prudent legislator does not begin by making a digest of salutary laws, but examines first whether the people for whom such laws are designed, are capable of supporting them. It was for this reason Plato refused to give laws to the Arcadians and Cyrenians, knowing they were rich and luxurious, and could not admit of the introduction of equality among them. It was for this reason that Crete, though it boasted good laws, was inhabited by such bad men: Minos had only endeavoured to govern a people already depraved by vice. Various have been the nations that have made a distinguished figure in the world, and yet have not been capable of being governed by good laws; and even those who are capable of being so governed, continued so but a short time. Nations, as well as individuals, are docile only in their infancy: they become incorrigible as they grow old. When customs are once established and prejudices have taken root among them, it is a dangerous and fruitless enterprize to attempt to reform them. A people cannot even bear to have their wounds probed, though in order to be cured; but resemble those weak and cowardly patients who shudder at the sight of their physician. Not but that sometimes, as there are distempers which affect the brain of individuals and deprive them of the capacity of remembering what is past, there happen in states such revolutions as produce the same effect on a people, when the horror of the past supplies the place of oblivion, and the state, inflamed and exhausted by civil wars, rises again, if I may so express myself, out of its own ashes, and reassumes the vigour of youth in for-

taking the arms of death. This was the case with Sparta in the time of Lycurgus, and of Rome after the Tarquins; and such hath been the case in modern times with Holland and Switzerland after the expulsion of their tyrants. But these events are rare; and are such exceptions as have their cause in the particular constitution of the state excepted. They cannot even take place twice among the same people: for though they may be made free when they are only barbarous and uncivilized; yet, when the resources of society are exhausted, they cannot be renewed. In that case, faction may destroy, but revolutions cannot re-establish their freedom; they require for ever after a master, and not a deliverer. Every free people, therefore, should remember this maxim, that though nations may acquire liberty, yet if once this inestimable acquisition is lost, it is absolutely irrecoverable.

There is in nations, as well as individuals, a term of maturity, at which they should be permitted to arrive before they are subjected to laws. This term, however, is not always easy to be known; and yet if it be anticipated, it may be of dangerous consequence. Again, one people may be formed to discipline in their infancy; while another may not be ripened for subjection till after many centuries. The Russians, for instance, will never be truly polished, because they were disciplined too soon. Peter had only an imitative turn: he had nothing of that true genius, whose creative power forms things out of nothing. Some of his measures, indeed, were proper enough, but most of them were ill-timed or ill-placed. He saw that his subjects were mere barbarians, but he did not see that they were not
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ripe for being made polite. He wanted to civilize them, when he should only have checked their brutality. He wanted to make them at once Germans and Englishmen; whereas he ought to have begun by making them first Russians; and thus he prevented his subjects from ever becoming what otherwise they might have been, by persuading them they were such as they were not. It is thus a French tutor forms his pupil to make a figure in his childhood, and to make none for ever afterwards. The empire of Russia, while it is ambitious of reducing all Europe to its subjection, will be subjected itself. Its neighbours, the Tartars, will in time become both its masters and ours. This event seems to me inevitable; all the monarchs in Europe seeming to act in concert, to accelerate such a revolution.

CHAP. IX. *The subject continued.*

IN the same manner as nature hath limited the dimensions of a well-formed human body, beyond which she produces only giants or dwarfs; so in the body-politic there are limits, within or beyond which a state ought not to be confined or extended; to the end that it may not be too big to be well governed, nor too little to maintain its own independency. There is in every body-politic a *maximum* of force which it cannot exceed, and from which it often recedes by extending its dominion. The more the social knot is extended, the more lax it grows; and in general, a little state is always proportionably stronger than a great one.

A thousand reasons might be given in sup-

port of this maxim. In the first place, the administration of government becomes always more difficult as the distance from the seat of it increases, even as a body has the greatest weight at the end of the longest lever. It becomes also more burdensome in proportion as it is divided into parts: for every town hath first its own particular government to pay; that of each district again is paid by the same people; next that of the province, then that of particular governments with their viceroys, all of whom are to be paid as they rise in dignity, and always at the expence of the unhappy people; whom, last of all, the supreme administration itself crushes with the whole weight of its oppression. It is impossible so many needless charges should not tend continually to impoverish the people; who, so far from being better governed by these different ranks of superiors, are much worse so than if they had but one order of governors in the state. And yet with this multiplicity of rulers, they are far from being furnished with proper resources for extraordinary occasions; but on the contrary, when they have occasion to recur to them, the state is always on the brink of ruin.

Nor is this all; the government not only becomes less vigorous and active in putting the laws in execution, removing private oppression, correcting abuses, or preventing the seditious enterprizes of rebellion in distant provinces; but the people have less affection for their chiefs, whom they never have an opportunity to see; for their country, which to them is like the whole world; and for their fellow-subjects, of which the greater part are utter strangers. The same laws cannot be convenient for so many va-

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rious people of different manners and climates, and who cannot be supposed to live equally happy under the same form of government. And yet different laws must occasion much trouble and confusion among people, who, living under the same administration, and carrying on a perpetual intercourse, frequently change their habitations, intermarry with each other, and, being educated under different customs, hardly ever know when their property is secure. Great talents lie buried, virtue lives obscured, and vice prevails with impunity, amidst that multitude of strangers which flock together round the chief seat of administration. The principals, overwhelmed with a multiplicity of business, can look into nothing themselves; the government of the state being left to their deputies and clerks. In a word, the measures to be taken, in order to maintain the general authority, on which so many distant officers are ever ready to encroach or impose, engross the public attention; there is none of it left to be employed about the happiness of the people, and indeed hardly any for their defence in case of need: thus it is that a body too unweildy for its constitution grows debilitated, and sinks under its own weight.

On the other hand, a state ought to be fixed on some basis, to secure its solidity, to be able to resist those shocks which it will not fail to encounter, and to make those efforts which it will find necessary to maintain its dependence. Nations have all a kind of centrifugal force by which they act continually against each other, and tend, like the vortices of Descartes, to aggrandise themselves at the expence of their neighbours. Thus the weak run in danger of being presently
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swallowed up by the strong; nor is there any security for them, but by keeping themselves in equilibrio with the rest, and making the compression on every side equal.

Hence we see it is prudent in some cases to extend, and in others to restrain, the limits of a state; nor is it one of the least arts in civil polity to distinguish between one and the other, and to fix on that advantageous proportion which tends most to the preservation of the state. It may be observed in general, that the reasons for extending dominion, relating to objects external and relative, ought to be subordinate to those for contracting it, whose objects are internal and absolute. A sound and vigorous constitution is the first thing to be considered; and a much greater reliance is to be made on a good government, than on the resources which are to be drawn from an extensive territory.

Not but that there have been instances of states so constituted, that the necessity of their making conquests hath been essential to their very constitution. It is possible also they might felicitate themselves on that happy necessity, which pointed out, nevertheless, with the summit of their grandeur, the inevitable moment of their fall.

CHAP. X. *The subject continued.*

THE magnitude of a body-politic may be taken two ways; viz. by the extent of territory, and the number of the people; a certain proportional relation between them constituting the real greatness of a state. It is the people which form the state, and the territory which affords subsistence to the people; this relation, there-

therefore exists, when the territory is sufficient for the subsistence of the inhabitants, and the inhabitants are as numerous as the territory can maintain. In this proportion consists the *maximum* of the force of any given number of people; for if the territory be too extensive, the defence of it is burdensome, the cultivation insufficient, and the produce superfluous: hence the proximate causes of defensive war. If, on the other hand, the territory be too small, the state is under the necessity of being obliged for part of its subsistence to its neighbours: hence the proximate causes of offensive war. Every people who, by their situation, have no other alternative than commerce or war, must be necessarily feeble: they must depend on their neighbours, on adventitious circumstances, and can only have a short and uncertain existence. They must conquer others, and thereby change their situation; or be conquered themselves, and thence be reduced to nothing. It is impossible such a state can preserve its independency but by its insignificance or its greatness.

It is not easy to calculate the determinate relation between the extent of territory and number of inhabitants sufficient for each other; not only on account of the difference in the qualities of the soil, in its degrees of fertility, in the nature of its productions, and in the influence of climate; but also on account of the remarkable difference in the temperament and constitution of the inhabitants; some consuming but little in a fertile country, and others a great deal on a barren soil. Regard must also be had to the degree of fecundity among the females, to the circumstances favourable or destructive to population.

lation, and to the number of people which the legislator may hope to draw from other countries by the advantages attending his scheme of government; so that he ought not to found his judgment on what actually exists, but on what he foresees may exist hereafter; not on the present state of population, but on that which will naturally succeed. In fine, there are a thousand occasions, on which local accidents acquire, or permit a state to possess, a larger share of territory than may appear actually necessary for present use. Thus a people may spread themselves over a large spot in a mountainous country, whose natural produce of wood or pasture requires less labour of cultivation; where experience teaches us that women are more fruitful than in the flat countries; and in which a large inclined superficies gives but a small horizontal base, by which only the land must be estimated in the affair of vegetation. A people, on the contrary, may inhabit a less space on the seashore, or even among rocks and almost barren sands; because the fishery supplies them with sustenance, instead of the produce of the earth; they can easily disburden their community by sending out colonies of its supernumerary inhabitants; and lastly, because it is necessary for them in such a case to live near to each other, in order to repel the invasions of pirates.

We may add to these conditional precautions, respecting the formation of a people, one that can be supplied by no other, but without which all the rest are useless: this is, that they should enjoy peace and plenty. For the time in which a state is forming, resembles that in which soldiers are forming a battalion; it is the moment
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in which they are least capable of resistance, and the most easily defeated. They would even make a greater resistance when put into absolute disorder afterwards, than during the interval of their first fermentation, when each is taken up more about his own particular rank than the common danger. Should a war, a famine, or a rebellion, break out at such a crisis, the state would infallibly be subverted.

Not but there have been many governments established in times of disorder and confusion: in such cases, however, those very governments subverted the state. Usurpers have always given rise to, or took the advantage of, those times of general confusion, in order to procure such destructive laws, which the people never could have been prevailed on to pass at a more dispassionate season. The choice of the proper time for the institution of laws, is one of the most certain tokens by which we may distinguish the design of a legislator from that of a tyrant.

If it be asked then, what people are in a situation to receive a system of laws? I answer, those who, though connected by some primitive union either of interest or compact, are not yet truly subjected to regular laws; those whose customs and prejudices are not deeply rooted; those who are under no fear of being swallowed up by a sudden invasion, and who, without entering into the quarrels of their neighbours, are able to encounter separately with each, or to engage the assistance of one to repel the other; a people whose individuals may be known to each other, and among whom it is not necessary to charge a man with a greater burden than it is possible for him to bear; a people who can
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subsist without others, and without whom all others might subsist *; a people neither rich nor poor, but possessed of a competence within themselves; a people, in short, who possess at once the consistency of an ancient nation, and the docility of a newly-created one. The great difficulty in legislation, consists less in knowing what ought to be established than what ought to be eradicated; and what renders it so seldom successful, is the impossibility of finding the simplicity of nature in the wants of society. It is true that all these circumstances are very rarely united; and it is for this reason that so few states have much to boast of in their constitution. There is still one country in Europe capable of receiving laws: this is the island of Corsica. The valour and constancy, with which those brave people recovered, and have defended their liberty, might deservedly excite some wise man to teach them how to preserve it. I cannot help surmising, that this little island will, one day or other, be the astonishment of Europe.

CHAP. XI. *Of the various systems of legislature.*

IF we were to inquire, in what consists precisely the greatest good, or what ought to be the end

† If two neighbouring people were so situated that one could not subsist without the other, the circumstances of the first would be very hard, and of the latter very dangerous. Every wise nation, in such a case, would extricate itself as soon as possible from such a state of dependence. The republic of Tlascala, situated in the heart of the Mexican empire, chose rather to be without salt, than purchase it, or even receive it gratis, of the Mexicans. The prudent Tlascalans saw through the snare of such liberality. Thus they preserved their liberty; this petty state, included within that great empire, being, in the end, the cause of its ruin.

end of every system of legislature, we should find it reducible to two principal objects, *liberty* and *equality*; liberty, because all partial dependence deprives the whole body of the state of so much strength; equality, because liberty cannot subsist without it.

I have already explained the nature of social liberty; and with regard to equality, we are not to understand by that term, that individuals should all absolutely possess the same degree of wealth and power; but only that, with respect to the latter, it should never be exercised contrary to good order and the laws; and with respect to the former, that no one citizen should be rich enough to buy another, and that none should be so poor as to be obliged to sell himself †. This supposes a moderation of possessions and credit on the side of the great, and a moderation of desires and covetousness on the part of the little.

This equality, they tell us, is a mere speculative chimera, which cannot exist in practice. But though abuses are inevitable, does it thence follow they are not to be corrected? It is for the very reason that things always tend to destroy this equality, that the laws should be calculated to preserve it.

These general objects of legislature, however, should be variously modified in different

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† Would you give a state consistency and strength? prevent the two extremes as much as possible; let there be no rich persons nor beggars. These two conditions, naturally inseparable, are equally destructive to the commonwealth: the one furnishes tyrants, and the other the supporters of tyranny. It is by these the traffic of public liberty is carried on; the one buying, the other selling it.

countries, agreeable to local situation, the character of the inhabitants, and those other circumstances which require that every people should have a particular system of laws, not always the best in itself, but the best adapted to that state for which it is calculated. If, for example, the soil be ungrateful and barren, or the country too small for its inhabitants, cherish industry and the arts, the productions of which may be exchanged for the commodities required. On the other hand, if your country abounds in fertile hills and plenteous vales; if you live on a rich soil in want of inhabitants; apply yourselves to agriculture, which affords the means of population; and banish the destructive arts, which serve only to ruin a country, by gathering the few inhabitants of it together in one particular spot or two, to the depopulation of all the rest †. Do you occupy an extensive and commodious situation by the sea-side? Cover the ocean with your ships, cultivate the arts of navigation and commerce: you will by these means enjoy a brilliant but short existence. On the contrary, do the waves only waste their strength against your inaccessible rocks? Remain barbarous and illiterate; you will live but the more at ease, perhaps more virtuous, assuredly more happy. In a word, besides the maxims common to all nations, every people are possessed in themselves of some cause which influences them in a particular manner, and

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† The advantage of foreign commerce, says the Marquis d'A. is productive only of a delusive utility to the kingdom in general. It may enrich a few individuals, and perhaps some cities; but the whole nation gains nothing by it, nor are the people the better for it.

renders their own system of laws proper only for themselves. It is thus that in ancient times among the Hebrews, and in modern times among the Arabians, religion was made the principal object of national concern; among the Athenians, this object was literature; at Carthage and Tyre, it was commerce; at Rhodes, it was navigation; at Sparta war, and at Rome public virtue. The author of the *Spirit of laws* hath shewn, by a number of examples, in what manner the legislator should model his system agreeable to each of these objects.

What renders the constitution of a state truly solid and durable, is that agreement maintained therein between natural and social relations, which occasions the legislature always to act in concert with nature, while the laws serve only to confirm and rectify, as it were, the dictates of the former. But if the legislator, deceived in his object, should assume a principle different from that which arises from the nature of things; should the one tend to slavery and the other to liberty, one to riches, the other to population, one to peace, the other to war and conquests; the laws would insensibly lose their force, the constitution would alter, and the state continue to be agitated till it should be totally changed or destroyed, and nature have resumed its empire.

CHAP. XII. *On the division of the laws.*

IN order to provide for the government of the whole, or give the best possible form to the constitution, various circumstances are to be taken into consideration. Of these the first is the

action of the whole body operating on itself; that is, the relation of the whole to the whole, or of the sovereign to the state, which relation is composed of those between the intermediate terms, as will be seen hereafter.

The laws which govern this relation bear the name of politic laws; and are also called fundamental laws, not without some reason when they are wisely ordained. For if there be only one good method of government in a state, the people who have been so happy as to hit on that method ought to abide by it: but, wherefore should a people, whose laws are bad or defective, esteem such laws to be fundamental? Besides, a nation is in any case at liberty to change even the best laws, when it pleases: for if a people have a mind even to do themselves an injury, who hath any right to prevent them?

The second circumstance is the relations which the members of the community bear to each other and to the whole body; the first of which should be as little, and the last as great, as possible; so that every citizen should live in a state of perfect independence on all the rest, and in a state of the greatest dependence on the city. Both these are ever effected by the same means: for it is the power of the state only that constitutes the liberty of its members. On this second kind of relation is laid the immediate foundation of the civil laws.

It may be proper to consider also a third species of relation between the individual and the law; which gives immediate rise to penal statutes: these, however, are in fact less a distinct species of laws than the sanction of all the others.

To these three kind of laws, may be added a fourth,

fourth, more important than all the rest; and which are neither engraven on brass or marble, but in the hearts of the citizens, forming the real constitution of the state. These are the laws which acquire daily fresh influence, and, when others grow old and obsolete, invigorate and revive them: these are the laws which keep alive in the hearts of the people the original spirit of their institution, and substitute insensibly the force of habit to that of authority. The laws I here speak of are, manners, customs, and, above all, public opinion; all unknown or disregarded by our modern politicians, but on which depends the success of all the rest. These are the objects on which the real legislator is employed in secret, while he appears solely to confine himself to those particular regulations which compose only the preparatory centre of the vault, of which manners, more slow in their progress, form in the end the immoveable arch.

Of these classes, politic laws, or those which constitute the form of government, are relative only to my present subject:

B O O K III.

BEFORE we enter on a discussion of the several forms of government, it will not be improper to ascertain the precise meaning of that term; which as yet hath not been well explained.

CHAP. I. *On government in general.*

I MUST previously caution the reader to per-
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ruse this chapter very deliberately, as it is impossible to render myself clearly intelligible to such as are not attentive.

Every free action hath two causes, which concur to effect its production; the one moral, *viz.* the will which determines the act; the other physical, *viz.* the power which puts it in execution. When I walk, for instance, toward any particular object, it is first necessary that I should will to go, and secondly that my feet should bear me forward. A paralytic may will to run, and an active racer be unwilling: the want of power in the one hath the same effect as the want of will in the other; both remain in their place. The body-politic hath the same principles of motion; which are distinguished also in the same manner by power and will; the latter under the name of the *legislative* power, and the former under that of the *executive* power. Nothing is or ought to be done without the concurrence of both.

We have already seen that the legislative power belongs to the people in general, and can belong to none else. On the other hand, it is easy to conclude, from the principles already established, that the executive power cannot appertain to the generality, as legislator or sovereign; because this power is exerted only in particular acts, which are not the province of the law, nor of course that of the sovereign, whose acts can be no other than laws.

To the public force, therefore, should be annexed a proper agent, which may re-unite and put it in action, agreeable to the directions of the general will; serving as a communication between the state and the sovereign, and effect-
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ing the same purpose in the body-politic, as the union of the soul and body in man. Such is the rationale of government, so generally confounded with the sovereign, of which it is only the ministry.

What then is government? It is an intermediate body established between the subject and the sovereign, for their mutual correspondence; charged with the execution of the laws, and with the maintenance of civil and political liberty.

The members of which this body is composed, are called magistrates or *kings*, that is to say, *governors*, and the whole body bears the name of the *prince* *. Those, therefore, who affirm that the act, by which a people profess submission to their chiefs or governors, is not a contract, are certainly right; it being in fact nothing more than the conferring a simple commission on the said chiefs; an employ, in the discharge of which they act as mere officers of the sovereign, exercising in his name the power which it hath placed in their hands, and which it may limit, modify, or resume, whenever it pleases, the alienation of its right so to do being incompatible with the very nature and being of society.

I call therefore, the legal exercise of the executive power, the *Government* or supreme administration; and the individual or body charged with that administration, the *Prince* or the *Magistrate*.

In the government are to be found those intermediate forces, whose relations compose that
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† Thus, at Venice, the college of senators is called the most serene *prince*, even when the doge is not present.

of the whole to the whole, or of the sovereign to the state. This last relation may be represented by that of the extremes of a constant proportion, the mean proportional of which is the government. The government receives from the sovereign those orders which it gives to the people; so that, in order to keep the state in due equilibrio, there should, every thing considered, be the same equality between the momentum or force of the government taken in itself, and the momentum or force of the citizens, who are the sovereign considered collectively on one side, and subjects considered severally on the other.

It is, besides, impossible to vary any of these three terms, without instantly destroying the proportions. If the sovereign should be desirous to govern, or the magistrate to give laws, or the subjects refuse to obey, disorder must immediately take place; the will and the power thus no longer acting in concert, the state would be dissolved, and fall into despotism or anarchy. Add to this, that as there can be but one mean proportional between each relation, there can be but one good government for a state. But as a thousand events may change the relation subsisting among a people; different governments may not only be good for different people, but even for the same people at different periods of time.

In order to give the reader an idea of the various relations that may exist between these two extremes, I shall, by way of example, make use of the number of people, as a relation the most easily expressed.

We will suppose, for instance, that a state is composed of ten thousand citizens. The sovereign must be considered as collectively only
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and in a body; but every particular in quality of subject is considered as an individual: thus the sovereign is in this case to the subject as ten thousand to one; that is to say, every member of the state shares only the ten thousandth part of the sovereign authority, while at the same time he is subjected to it in his whole person. Again, should the number of people be increased to an hundred thousand, the submission of the subjects would receive no alteration, each of them being totally subjected to the authority of the laws; while his share in the sovereignty, and vote in the enactment of these laws, would be reduced to the hundred-thousandth part; a tenth less than before. Thus the subject, remaining always a single integer, the proportion between him and the sovereign increases as the number of citizens is augmented: whence it follows, that as a state increases, the liberty of the subject diminishes.

When I say the proportion increases, I mean that it recedes farther from the point of equality. Thus the greater the proportion, in the language of the geometricians, it is reckoned the less according to common acceptation: agreeable to the former, the relation, considered in point of quantity, is estimated by its extent; according to the latter, considered in point of identity, it is estimated by its proximation.

Now, the less proportion which particular voices bear to the general, that is to say, the manners to the laws, the more ought the general restrictive force to be augmented. Thus the government should be relatively more powerful as the people are more numerous.

On the other hand, the increasing greatness
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of a state affording the guardians of the public authority greater temptations and means to abuse their power, the more force a government is possessed of to restrain the people, the more ought the sovereign to be possessed of in its turn to restrain the government. I am not speaking here of absolute power, but of the relative forces of the component parts of the state.

It follows, from this two-fold relation, that the constant proportion between the sovereign, the prince, and the people, is not a mere arbitrary idea, but a necessary consequence of the very existence of the body-politic. It follows also, that one of the extremes, *viz.* the people as subjects, being a fixed term represented by unity wherever the two-fold ratio is increased or diminished, that the simple ratio must increase or diminish in like manner, and of course the mean term will be changed. Hence it appears there is no one settled constitution of government, but that there may be as many governments different in their nature as there are states differing in magnitude.

If any one should affect to turn my system into ridicule, and say, that, in order to find this mean proportional, and form the government as it ought to be, we have no more to do than to find the square root of the number of the people; I answer, that I here make use of the number of the people only by way of example; that the relations of which I have been speaking, are not only estimated by the number of individuals, but in general by the momentum or quantity of action, which arises from a combination of various causes; and though, in order to express myself concisely, I borrow the terms of geometry,

try, I am not ignorant that geometrical precision is not to be expected in treating of moral quantities.

The government is in miniature what the body politic containing it is at large. It is a moral person endowed with certain faculties, active as the sovereign, passive as the state, and capable of being resolved into other sensible relations, from which of course arises a new scale of proportion, and still another within this, according to the order of the courts of justice, till we arrive at the last indivisible term, that is to say, the sole chief or supreme magistrate, which may be represented in the centre of this progression, as an unity between the series of fractions, and that of whole numbers.

But, without embarrassing the reader with a multiplicity of terms, we shall content ourselves with considering the government as a new body in the state, distinct from the subjects and the sovereign, and existing between both.

There is this essential difference, however, between the government and the state, that the latter exists of itself, and the former only by means of the sovereign. Thus as the ruling will of the prince is, or ought to be, only the general will, or the law, the power of the prince is only that of the public centered in him; so that whenever he would derive from himself any absolute and independent act, the combination of the whole is effected. And if, at length, the prince should have a particular will of his own, more active than that of the sovereign, and should make use of the public power in his hands to enforce obedience to such particular will, forming, as it were, two sovereigns, the
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one of right and the other of fact, the social union immediately vanishes, and the body politic is dissolved.

In order that the body of government, nevertheless, may have an existence, a real life to distinguish it from that of the state; and that its members may act in concert, to answer the end for which it is instituted; it is necessary that it should be possessed of a particular identity, a sensibility common to all its members, a power and will of its own, for the sake of its preservation. Such a particular existence necessarily supposes that of assemblies and councils; of a power to deliberate and resolve; of the rights, titles, and privileges which belong exclusively to the prince, and render the situation of a magistrate the more honourable in proportion as it is more laborious. The difficulty lies in the method of disposing all the inferior parts of the whole body; so that, while it is strengthening its own constitution, it may not injure that of the state. At the same time, also, it should always distinguish between the peculiar force destined to its own preservation, and the public force destined to the preservation of the state; in a word, it should be always ready to sacrifice the government to the people, and not the people to the government.

To this we may add, that, although the artificial body of government be the work of another artificial body, and is possessed only of a borrowed and subordinate existence; this doth not prevent it from acting with different degrees of vigour and celerity, or from enjoying, if I may so express myself, a greater or less share of health and strength. In short, it may, without running diametrically opposite to the

purposes of its institution, deviate from them more or less, according to the mode in which it is constituted.

It is from all these differences that arise those various relations and proportions, which the government ought to bear toward the state, according to those accidental and particular relations in which the state is modified. For the best government in itself may often become the worst, if the relation of its component parts are not altered according to the defects of the body-politic to which it belongs.

CHAP. II. *On the principle which constitutes the different forms of government.*

TO explain the general cause of these differences, it is necessary to distinguish here between the prince and the government, in the same manner as I have already done between the sovereign and the state. The body of the magistracy may be composed of a greater or a less number of members. It hath been observed also, that the relation the sovereign bears to the subject increases in proportion to the number of people; thus, by an evident analogy, we may say the same of the relation between the government and the magistrates.

Now the total force of the government, being always equal to that of the state, suffers no alteration; whence it follows, that the more such force is spent by the distribution of it among the members of the government, the less remains to be exerted on the whole body of people.

That government, therefore, which is in the hands of the greatest number of magistrates,

must be the most feeble. As this is a fundamental maxim, we shall take some pains to illustrate it.

In the person of the magistrate may be distinguished three wills essentially different. In the first place, the particular will of the individual, which tends only to his private advantage: secondly, that will which is common to him as a magistrate, tending solely to the advantage of the prince; being general with respect to the government, and particular with regard to the state, of which the government is only a part: and in the third place, the will of the people, or the sovereign will, which is general as well with regard to the state considered as a whole, as with regard to the government considered as a part of that whole.

In a complete system of legislature, the particular will, or that of the individual, should amount to nothing; the will of the body of government should be very limited, and of course the general or sovereign will the ruling and sole director of all the others.

According to the order of nature, however, these different wills are ranged in a contrary manner; being always more active as they are concentrated in themselves. Thus the general will is always the most feeble, that of the government next, and the will of the individual the strongest of all; so that each member of the administration is to be considered, first of all as an individual, secondly as a magistrate, and lastly as a citizen; a gradation directly opposite to that which the order of society requires.

The point being settled, let us suppose the administration of government committed to the
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hands of one man. In this case the will of the individual, and that of the body of the magistracy, are perfectly united, and of consequence the latter possesses the greatest degree of intensity. Now, as it is on the degree of the will that the exertion of force depends, and as the absolute force of the government never varies, it follows that the most active of all administrations must be that of a single person.

On the contrary, if we unite the administration and the legislature; if we make the prince the sovereign, and the citizens all so many magistrates; in this case, the will of the government, confounded with the general will, would possess no greater share of activity, but would leave the particular will of individuals to exert its whole force. Thus the government, having always the same degree of absolute force, would be at its *minimum* of relative force or activity.

These relations are incontestable, and may be farther confirmed by other considerations. It is evident, for example, that the magistrate is more active in that capacity than the citizen in his; and that of course the will of the individual must have a more considerable share of influence in the administration of government, than in the actions of the sovereign; every magistrate being almost always charged with some function of government, whereas no citizen, considered as an individual, discharges any function of the sovereignty. Beside this, the real force of a state increases, as the state increases in magnitude, tho' not always in the ratio of that magnitude; but while the state remains the same, it is in vain to increase the number of magistrates, as the government will not thereby acquire any

additional strength, because its force, being always that of the state, is constantly equal. And thus the relative force or activity of government is diminished, without its real and absolute force being augmented.

It is further certain, that public affairs must be transacted more or less expeditiously according to the number of people charged with their dispatch; that by laying too great a stress on prudence, too little is trusted to fortune; that the opportunity of success is thus frequently lost, and that by the mere force of deliberation the end of it is defeated.

This may serve to prove, that the reins of government are relaxed in proportion as the magistrates are multiplied; and I have before demonstrated, that the more numerous the people are, the more should the restraining power of government be increased: Hence it follows, that the proportion which the number of magistrates should hold to the government should be in the inverse ratio of the subjects to the sovereign; that is to say, the more extensive the state, the more contracted should be the government, the number of chiefs diminishing as that of the people increases.

I speak here only of the relative force of the government, and not of the rectitude or propriety of it. For, otherwise, it is certain, that the more numerous the magistracy is, the nearer doth the will of that body approach to the general will of the whole people; whereas, under a sole chief, the will of the magistracy is, as I have before observed, only that of an individual. Thus what is gained in one respect, is lost on the other; and the art of the legislator consists
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in tracing the fixed point, at which the force and the will of the government, always in a reciprocal proportion to each other, unite in that proportion which is most advantageous to the state.

CHAP. III. *Of the actual distinctions of governments.*

WE have treated, in the preceding chapter, of the reasons for distinguishing the several species and forms of government, by the number of the members composing them; it remains therefore to shew, in the present, how these distinctions are actually made.

The sovereign authority may, in the first place, commit the charge of the government to the whole people, or to the greater part of them; the number of magistrates in such case exceeding that of private citizens. This form of government is distinguished by the name of a democracy.

Or, otherwise, the supreme power may commit the office of government into the hands of a few, so that the number of private citizens may exceed that of magistrates; and this form bears the name of an aristocracy.

Or lastly, the government may be entrusted to one magistrate only, who delegates his power to all the rest. This third form is the most common, and is called a monarchy or a regal government.

It is to be observed that all these forms, and particularly the two former, are susceptible of different degrees of perfection, and admit indeed of considerable latitude in their modification: for a democracy may comprehend the

whole people, or be limited to the half. An aristocracy also may comprehend any quantity from the half of the people to the smallest number indefinitely. Nay a monarchy itself is susceptible of some distribution. Sparta, for instance, had constitutionally two kings at a time; and the Romans had even eight emperors at once, without the empire having been actually divided. Thus, we see, there is a certain point, at which each form of government is confounded with that to which it is nearest related; and thus, under three distinguishing denominations only, government is really susceptible of as many different forms as there are citizens in the state.

To go still farther; as even one and the same government is capable, in many respects, of being subdivided into parts, of which the administration may respectively differ, there may result from the varied combinations of these forms a multitude of others, every one of which may be again multiplied by all the simple forms.

Politicians have in all ages disputed much about the best form of government, without considering that each different form may possibly be the best in some cases, and the worst in others.

If in different states the number of supreme magistrates should be in the inverse ratio to that of the citizens, it follows that the democratical government is generally speaking better suited to small states, the aristocratical to middling states, and the monarchical to great states. This rule is deduced immediately from our principles; but it is impossible to particularise the multiplicity of circumstances which may furnish exceptions against it.

CHAP. IV. *Of a democracy.*

THE institutor of a law should certainly know better than any other person, how it ought to be understood and executed. It should seem therefore, that the best constitution must be that in which the legislative and executive powers are lodged in the same hands. It is this very circumstance, however, that renders such a government imperfect; because there doth not exist the necessary distinction, which ought to be made in its parts; while the prince and the sovereign, being one and the same person, only form, if I may so express myself, a government without a government.

It is not proper that the power which makes the laws should execute them, or that the attention of the whole body of the people should be diverted from general views to particular objects. Nothing is more dangerous than the influence of private interest in public affairs; the abuse of the laws by the government, being a less evil than the corruption of the legislature; which is infallibly the consequence of its being governed by particular views. For in that case, the state being essentially altered, all reformation becomes impossible. A people who would not abuse the power of government, would be no more propense to abuse their independence; and a people who should always govern well, would have no occasion to be governed at all.

To take the term in its strictest sense, there never existed, and never will exist, a real democracy in the world. It is contrary to the natural order of things, that the majority of a peo-

ple should be the governors, and the minority the governed. It is not to be conceived that a whole people should remain personally assembled to manage the affairs of the public; and it is evident, that no sooner are deputies or representatives appointed, than the form of the administration is changed.

It may be laid down indeed as a maxim, that when the functions of government are divided among several courts, that which is composed of the fewest persons will, sooner or later, acquire the greatest authority: though it were for no other reason than the facility with which it is calculated to expedite affairs.

Such a form of government supposes, also, the concurrence of a number of circumstances rarely united. In the first place, it is requisite that the state itself should be of small extent, so that the people might be easily assembled and all personally known to each other. Secondly, the simplicity of their manners should be such, as to prevent a multiplicity of affairs, and perplexity in discussing them: And thirdly, there should subsist a great degree of equality between the rank and fortunes of individuals; without which there cannot exist long any equality between them in point of right and authority. Lastly, there should be little or no luxury; for luxury must either be the effect of wealth, or it must make it necessary: it corrupts at once both rich and poor; the one by means of the possession of wealth, and the other by means of the want of it. Luxury makes a sacrifice of patriotism to indolence and vanity; it robs a state of its citizens, by subjecting them to each other, and by subjecting all to the influence of public prejudice.

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It is for this reason that a certain celebrated author hath laid down virtue as the first principle of a republican government: for all these circumstances cannot concur without the existence of public virtue. For want, however, of making proper distinctions, this great genius hath been led into frequent mistakes, as well as want of precision; not having observed, that, the sovereign authority being every where the same, the same principle must take place in every well constituted state; though, it is true, in a greater or less degree, according to the form of government.

To this it may be added, that no government is so subject to civil wars and intestine commotions as that of the democratical or popular form; because no other tends so strongly and so constantly to alter, nor requires so much vigilance and fortitude to preserve it from alteration. It is, indeed, in such a constitution particularly that the citizen should always be armed with force and constancy, and should repeat every day, in the sincerity of his heart, the saying of the virtuous Palatine *, *Malo periculosam libertatem quam quietum servitium.*

Did there exist a nation of gods, their government would doubtless be democratical; it is too perfect a form, however, for mankind.

CHAP. V. *Of an aristocracy.*

IN this form of government exist two moral persons, very palpably distinct, viz. the administration and the sovereign; which of course

† The Palatine of Posnania, father of the King of Poland, Duke of Lorrain.

possess two general wills, the one regarding the citizens universally, the other only the members of the administration. Thus, although the government may regulate the interior police of the state as it pleases, it cannot address the people but in the name of the sovereign, that is to say, the people themselves; which is a circumstance never to be omitted. The primitive societies of mankind were governed aristocratically. The heads of families deliberated among themselves concerning public affairs; the young people readily submitting to the authority of experience. Hence the names of *Priests*, the *Fathers*, the *Senate*, &c. The savages of North America are governed in the same manner to this day, and are extremely well governed.

But, in proportion as the inequality arising from social institutions prevailed over natural inequality, riches and power were preferred to age *, and the aristocracy became elective. At length power, transmitted with property from father to son, making whole families patrician, rendered the government hereditary, and boys of twenty became senators.

Aristocracy therefore is of three kinds; natural, elective, and hereditary. The first is applicable only to the most simple state of society, while the last is the worst of all kinds of government. The second is the best; and is what is most properly denominated an aristocracy.

Beside the advantage of the above-mentioned distinction, this form hath also that of the choice of its members. In a popular government, all
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* It is evident that the term *Optimates*, among the ancients, did not mean the best, but most powerful.

the citizens are born magistrates : but in this the number of the latter are very limited, and they become such only by election * ; a method by which their probity, their talents, their experience, and all those other reasons for preference in the public esteem, are an additional security that the people shall be wisely governed.

Again, their public assemblies are attended with more decorum ; affairs of state are more regularly discussed, and business executed with greater order and expedition ; while the credit of the state is better supported, in the eyes of foreigners, by a select number of venerable senators, than by a promiscuous or contemptible mob.

In a word, that order would be undoubtedly the best and most natural, according to which the wise and experienced few direct the multitude, were it certain that the few would in their government consult the interest of the majority governed, and not their own. It is absurd to multiply the springs of action to no purpose, or to employ twenty thousand men in doing that which an hundred properly selected would effect much better.

With regard to the particular circumstances requisite to this form of government ; the state should not be so small, nor the manners of the people so simple or so virtuous, as that the execution of the laws should coincide with the public will, as in a well-founded democracy. On
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* It is of great importance to regulate by law the method of chusing magistrates ; for, in leaving this to the prince, it is impossible to avoid falling into an hereditary aristocracy, as happened to the republics of Venice and Berne. Hence the first has been long since dissolved, but the second hath been supported by the great prudence of the senate. This is an exception, however, as dangerous as honourable.

the other hand also, the state should not be so extensive that the governors, distributed up and down its provinces, might be able to render themselves, each in his separate department, independent of the sovereign.

But if an aristocracy requires fewer virtues than a popular government; there are yet some which are peculiar to it; such as moderation in the rich, and content in the poor: an exact equality of condition would in such a government be quite improper; nor was it observed even at Sparta.

If a certain degree, however, of inequality in the fortunes of the people be proper in such a government, the reason of it is, that in general the administration of public affairs ought to be put into the hands of those persons who can best devote their time to such service. Not, as Aristotle pretends, that the rich ought always to be preferred merely on account of their wealth. On the contrary, it is very necessary that an opposite choice should sometimes teach the people, that there exist other motives of preference much more important than riches.

CHAP. VI. *On monarchy.*

HITHERTO we have considered the prince as a moral and collective personage, formed by the force of the laws, and as the depository of the executive power of the state. At present, it is our business to consider this power as lodged in the hands of a physical personage or real man, possessed of the right of exerting it agreeable to the laws. Such a person is denominated a monarch or king.

In other administrations it is common for a collective body to represent an individual being; whereas in this an individual is, on the contrary, the representative of a collective body; so that the moral unity which constitutes the prince, is at the same time a physical unity, in which all the faculties which the law combines in the former are combined naturally in the latter.

Thus the will of the people and that of the prince, together with the public force of the state, and the particular force of the government, all depend on the same principle of action: all the springs of the machine are in the same hand, are exerted to the same end; there are no opposite motions counteracting and destroying each other; nor is it possible to conceive any species of government in which the least effort is productive of so great a quantity of action. Archimedes, sitting at his ease on the shore, and moving about a large vessel on the ocean at pleasure, represents to my imagination an able monarch sitting in his cabinet, and governing his distant provinces, by keeping every thing in motion, while he himself seems immovable. But, if no other kind of government hath so much activity, there is none in which the particular will of the individual is so predominant. Every thing, it is true, proceeds toward the same end; but this end is not that of public happiness; and hence the force of the administration operates incessantly to the prejudice of the state.

Kings would be absolute; and they are sometimes told, that their best way to become so, is to make themselves beloved by the people. This maxim is doubtless a very fine one, and even

in some respects true. But unhappily it is laughed at in courts. That power which arises from the love of the people is without doubt the greatest: but it is so precarious and conditional, that princes have never been satisfied with it. Even the best kings are desirous of having it in their power to do ill when they please, without losing their prerogatives. It is to no purpose that a declaiming politician tells them, that the strength of the people being theirs, it is their greatest interest to have the people flourishing, numerous, and respectable: they know that this is not true. Their personal and private interest is, in the first place, that the people should be so weak and miserable as to be incapable of making any resistance to government. I confess indeed, that, supposing the people to be held in perfect subjection, it would be to the interest of the prince that they should be rich and powerful, because their strength, being also his, serves to make him respectable to his neighbours; but as this interest is only secondary and subordinate, and that these suppositions are incompatible, it is natural for princes to give the preference always to that maxim which is the most immediately useful. This is what Samuel hath represented very forcibly to the Hebrews; and Machiavel hath made evident to a demonstration. In affecting to give instructions to kings, he hath given the most striking lessons to the people: His book entitled *The Prince*, is particularly adapted to the service of republics.

We have already shewn, from the general relations of things, that a monarchy is suitable only to great states; and we shall be more particularly convinced of it, on a further examination.

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The more numerous the members of the public administration, the more is the relation between the prince and the subjects diminished, and the nearer it approaches to nothing, or that point of equality which subsists in a democracy. This relation increases in proportion as the government is contracted; and arrives at its *maximum* when the administration is in the hands of a single person. In this case, then; there is too great a distance between the prince and people, and the state is void of connection. To supply its place, therefore, recourse is had to the intermediate ranks of people. Hence the several orders of nobility. But nothing of this kind is suitable to a small state, to which these different ranks are very destructive.

If the good government of a state be a matter of difficulty under any mode of administration, it is more particularly so in the hands of a single person; and every body knows the consequences when a king reigns by substitutes.

Again, there is one essential and unavoidable defect, which will ever render a monarchical government inferior to a republic; and this is, that in the latter, the public voice hardly ever raises unworthy persons to high posts in the administration; making choice only of men of knowledge and abilities, who discharge their respective functions with honour: whereas those who generally make their way to such posts under a monarchical government, are men of little minds and mean talents, who owe their preferment to the meretricious arts of flattery and intrigue. The public are less apt to be deceived in their choice than the prince; and a man of real merit is as rarely to be found in the mini-

stry of a king, as a blockhead at the head of a republic. Thus, when by any fortunate accident a genius born for government takes the lead in a monarchy brought to the verge of ruin by such petty rulers, the world is amazed at the resources he discovers, and his administration stands as a singular epoch in the history of his country.

To have a monarchical state well governed, it is requisite that its magnitude or extent should be proportioned to the abilities of the regent. It is more easy to conquer than to govern. By means of a lever sufficiently long, it were possible with a single finger to move the globe; but to support it, requires the shoulders of an Hercules. When a state may with any propriety be denominated great, the prince is almost always too little. And when, on the contrary, it happens, which however is very seldom, that the state is too little for its regent, it must be ever ill-governed; because the chief, actuated by the greatness of his own ideas, is apt to forget the interest of his people, and makes them no less unhappy from the abuse of his superfluous talents, than would another of a more limited capacity for want of those talents which should be necessary. It is thence requisite, that a kingdom should, if I may so say, contract and dilate itself, on every succession, according to the capacity of the reigning prince: whereas the abilities of a senate being more fixed, the state, under a republican government, may be confined or extended to any determinate limits, and the administration be equally good. The most palpable inconvenience in the government of a sole magistrate, is the default of that continued succession, which, in the two other kinds, forms

forms an uninterrupted connection in the state. When one king dies, it is necessary to have another; but when kings are elective, such elections form very turbulent and dangerous intervals; and unless the citizens are possessed of a disinterestedness and integrity, incompatible with this mode of government, venality and corruption will necessarily have an influence over them. It is very rare that he, to whom the state is sold, does not sell it again in his turn, and make the weak repay him the money extorted from him by the strong. Every one becomes, sooner or later, venal and corrupt, under such an administration; while even the tranquillity, which is enjoyed under the kings, is worse than the disorder attending their *interregnum*.

To remedy these evils, crowns have been made hereditary, and an order of succession hath been established, which prevents any disputes on the death of kings: that is to say, by substituting the inconvenience of regencies to that of elections, an apparent tranquillity is preferred to a wise administration; and it is thought better to run the risk of having the throne supplied by children, monsters, and idiots, than to have any dispute about the choice of good kings. It is not considered, that, in exposing a state to the risk of such an alternative, almost every chance is against it.

Almost every thing conspires to deprive a youth, educated to the command over others, of the principles of reason and justice. Great pains, it is said, are taken to teach young princes the art of reigning; it does not appear, however, that they profit much by their education. It would be better to begin by teaching them

subjection. The greatest monarchs that have been celebrated in history, are those who were not educated to govern. 'This is a science of which those know the least who have been taught the most, and is better acquired by studying obedience than command. *Nam utilitissimus idem ac brevissimus bonarum malarumque rerum delectus, cogitare quid aut nolueris sub alio principe aut volueris.*

A consequence of this want of coherence, is the inconstancy of regal government, which is sometimes pursued on one plan, and sometimes on another, according to the character of the prince who governs, or of those who hold the reins of administration for him; so that its conduct is as inconsistent as the object of its pursuit is wavering. It is this inconstancy which keeps the state ever fluctuating from maxim to maxim, and from project to project; an uncertainty which does not take place in other kinds of government, where the prince is always the same. Thus we see, in general, that if there be more cunning in a court, there is more true wisdom in a senate; and that republics accomplish their ends, by means more constant and better pursued: while on the contrary, every revolution in the ministry of a court produces one in the state; it being the constant maxim with all ministers, and almost with all kings, to engage in measures directly opposite to those of their immediate predecessors. Again, it is from this very incoherence that we may deduce the solution of a sophism very common with regal politicians; and this is not only the practice of comparing the civil government of society to the domestic government of a family, and the
prince

prince to the father of it, (an error already exposed,) but also that of liberally bestowing on the reigning magistrate all the virtues he stands in need of, and of supposing the prince always such as he ought to be. With the help of this supposition, indeed, the regal government is evidently preferable to all others, because it is incontestably the strongest; and nothing more is required to make it also the best, than that the will of the prince should be conformable to the general will of the people.

But if, according to Plato, the king by nature is so very rare a personage, how seldom may we suppose nature and fortune hath concurred to crown him? If a regal education also necessarily corrupts those who receive it, what hopes can we have from a race of men thus educated? It is a wilful error, therefore, to confound a regal government in general with the government of a good king. But, to see what this species of government is in itself, it must be considered under the direction of weak and wicked princes; for such they generally are when they come to the throne, or such the throne will make them. These difficulties have not escaped the notice of some writers, but they do not seem to have been much embarrassed by them. The remedy, say they, is to obey without murmuring. God sends us bad things in his wrath, and we ought to bear with them as chastisements from on high. This way of talking is certainly very edifying; but I conceive it would come with greater propriety from the pulpit, than from the pen of a politician. What should we say of a physician who might promise miracles, and whose whole art should consist in
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preaching up patience and resignation? It is obvious enough that we must bear with a bad government, when we live under it; the question is to find a good one.

CHAP. VII. *Of mixed governments.*

THERE is no such thing, properly speaking, as a simple government. Even a sole chief must have inferior magistrates, and a popular government a chief. Thus, in the distribution of the executive power, there is always a gradation from the greater number to the less; with this difference, that sometimes the greater number depends on the less, and at others the less on the greater.

Sometimes indeed the distribution is equal, either when the constituent parts depend mutually on each other, as in the English government; or when the authority of each part is independent, though imperfect, as in Poland. This last form is a bad one, because there is no union in such a government, and the several parts of the state want a due connection.

It is a question much agitated by politicians; Which is best, a simple or mixed government? The same answer, however, might be given to it, as I have before made to the like question concerning the forms of government in general.

A simple government is the best in itself, though for no other reason than that it is simple. But when the executive power is not sufficiently dependent on the legislative, that is to say, when there is a greater disproportion between the prince and the sovereign, than between the people and the prince, this defect must be

remedied by dividing the government ; in which case all its parts would have no less authority over the subject, and yet their division would render them collectively less powerful to oppose their sovereign.

The same inconvenience is prevented also by establishing a number of inferior magistrates, which tend to preserve a balance between the two powers, and to maintain their respective prerogatives. In this case, however, the government is not properly of a mixed kind ; it is only moderated.

The like means may also be employed to remedy an opposite inconvenience, as when a government is too feeble, by erecting of proper tribunals to concentrate its force. This method is practised in all democracies. In the first case, the administration is divided in order to weaken it, and in the second to enforce it : for a *maximum* both of strength and weakness is equally common to simple governments, while those of mixed forms always give a mean proportional to both.

CHAP. VIII. *That every form of government is not equally proper for every country.*

AS liberty is not the produce of all climates, so it is not alike attainable by all people. The more one reflects on this principle, established by Montesquieu, the more sensible we become of its truth. The more it is contested, the more we find it confirmed by new proofs.

Under every kind of government, the political personage, the Public, consumes much, but produces nothing. Whence then doth it derive

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rive the substance consumed? Evidently from the labour of its members. It is from the superfluity of individuals that the necessities of the public are provided. Hence it follows, that a social state cannot subsist longer than the industry of its members continues to produce such superfluity.

The quantity of this superfluity, however, is not the same in all countries. It is in many very considerable, in some but moderate; in others null, and again in others negative. The proportion depends on the fertility of the climate, the species of labour required in the cultivation of the soil, the nature of its produce, the strength of its inhabitants, the consumption necessary to their subsistence, with many other similar circumstances.

On the other hand, all governments are not of the same nature; some devour much more than others; and their difference is founded on this principle, *viz.* that the farther public contributions are removed from their source, the more burdesome they grow. It is not by the quantity of the imposition that we are to estimate the burden of it, but by the time or space taken up in its returning back to the hands from which it is exacted. When this return is quick and easy, it matters little whether such imposition be small or great; the people are always rich, and the finances in good condition. On the contrary, however low a people be taxed, if the money never returns, they are sure by constantly paying to be soon exhausted; such a state can never be rich, and the individuals of it must be always beggars.

• It follows hence, that the farther the people
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are removed from the seat of government, the more burdensome are their taxes: thus in a democracy their weight is least felt; in an aristocracy they fall more heavy; and in a monarchical state they have the greatest weight of all. Monarchy, therefore, is proper only for opulent nations; aristocracy for middling states; and a democracy for those which are mean and poor.

In fact, the more we reflect on this circumstance, the more plainly we perceive the difference in this respect between a monarchical and a free state. In the latter, all its force is exerted for the public utility; in the former, the public interest of the state and the private interest of the prince are reciprocally opposed, the one increasing by the decrease of the other. In a word, instead of governing subjects in such a manner as to make them happy, despotism makes them miserable, in order to be able to govern them at all.

Thus may we trace in every climate those natural causes, which point out that particular form of government which is best adapted to it, as well as even the peculiar kind of people that should inhabit it. Barren and ungrateful soils, whose produce will not pay for the labour of cultivation, would remain uncultivated and uninhabited; or, at best, would be peopled only with savages. Those countries from which the inhabitants might draw the necessaries of life, and no more, would be peopled by barbarians, among whom the establishment of civil polity would be impossible. Such places as might yield to their inhabitants a moderate superfluity, would be best adapted to a free people: while the country where fertile plains and plenteous
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vales more bounteously reward the labours of the cultivator, would best suit with a monarchical form of government, in order that the luxury of the prince might consume the superfluity of the subjects ; for it is much better that this superfluity should be expended by government than dissipated by individuals. I am not insensible that some exceptions might be made to what is here advanced ; these very exceptions, however, serve to confirm the general rule, in that they are sooner or later constantly productive of revolutions, which reduce things to their natural order.

We should always make a distinction between general laws, and those particular causes which may diversify their effects. For, though the southern climates should be actually filled with republics, and the northern with despotic monarchies, it would be nevertheless true in theory, that, so far as climate is concerned, despotism agrees best with an hot, barbarism with a cold, and good polity with a temperate region. I am aware farther, that, even granting the principle, the application of it may be disputed. It may be said, that some cold countries are very fertile, while others more warm and southern are very barren. This objection, however, hath weight only with such as do not examine the matter in every point of view. It is requisite to take into consideration, as I before observed, the labour of the people, their strength, their consumption, with every other circumstance that affects the point in question.

Let us suppose two countries of equal extent, the proportion of whose product should be as five to ten. It is plain that, if the inhabitants of the first consume four, and of the latter nine, the

the superfluity of the one would be $\frac{1}{4}$, and that of the other $\frac{1}{8}$. Their different superfluities being also in an inverse ratio to that of their produce, the territory whose produce should amount only to five, would have near double the superfluity of that which should amount to ten.

But the argument does not rest upon a double produce; nay, I doubt whether any person will place the actual fertility of cold countries in general, in a bare equality with that of warmer climates. We will suppose them, however, to be in this respect simply equal; setting England, for instance, on a balance with Sicily, and Poland with Egypt. Still farther to the South we have Africa and the Indies, and to the North hardly any thing. But to effect this equality in the produce, what a difference in the labour of cultivation! In Sicily they have nothing more to do than barely turn up the earth: in England agriculture is extremely toilsome and laborious. Now, where a greater number of hands is required to raise the same produce, the superfluity must necessarily be less.

Add to this, that the same number of people consume much less in a warm country than in a cold one. An hot climate requires men to be temperate, if they would preserve their health. Of this the Europeans are made sensible, by seeing those who do not alter their manner of living in hot countries, daily carried off by dysenteries and indigestion. Chardin represents us as beasts of prey, as mere wolves, in comparison of the Asiatics; and thinks those writers mistaken, who have attributed the temperance of the Persians to the uncultivated state of their country. His opinion is, that their country was so little culti-

vated, because the inhabitants required so little for their subsistence. If their frugality were merely the effect of the barrenness of their country, he observes, it would be only the poorer sort of them that should eat little; whereas their abstinence is general. Again, they would in such case be more or less abstemious in different provinces, as those provinces differed in degrees of sterility; whereas their sobriety is general, and prevails equally throughout the kingdom. He tells us, also, that the Persians boast much of their manner of living; pretending their complections only to be a sufficient indication of its being preferable to that of the Christians. At the same time he admits, that their complections are very fine and smooth; that their skin is of a soft texture, and polished appearance; while, on the other hand, the complection of the Armenians their subjects, who live after the European manner, is rough and pimply, and their bodies gross and unwieldy.

The nearer we approach to the line, it is certain, the more abstemious we find the people. They hardly ever eat meat; rice and maize are their ordinary food. There are millions of people in the Indies, whose subsistence does not amount to the value of a penny a day. We see even in Europe, a very sensible difference, in this respect, between the inhabitants of the North and South. A Spaniard will subsist a whole week on what a German would eat up at a single meal. In countries where the people are voracious, even luxury hath a tendency to consumption. Thus in England it displays itself in the number of dishes and quantity of solid meat on the table; while in Italy, a re-
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