

CHAPTER 8
*That All Forms of Government Do Not Suit
 All Countries*

FREEDOM is not a fruit of every climate, and it is not therefore within the capacity of every people. The more one reflects on this doctrine of Montesquieu, the more one is conscious of its truth. And the more often it is challenged, the more opportunities are given to establish it with new evidence.

In every government in the world, the public person consumes but does not produce anything. Whence does it obtain the substance it consumes? From the labour of its members. It is the surplus of private production which furnishes public subsistence. From this it follows that the civil state can subsist only if men's work yields more than they themselves need.

But this surplus is not the same in every country of the world. In some it is substantial, in others middling, in some nil, in others a deficit. The proportion depends on the fertility of the climate, on the kind of labour which the soil requires, on the nature of its products, on the strength of the inhabitants, and on the degree of consumption that is necessary for them, and on various other factors which go to make up the whole proportion.

In addition, all governments do not have the same nature; some are more voracious than others; and their differences are based on this next principle — that the further public contributions are from their source, the more burdensome they are. This burden should not be measured by the quantity of the contributions exacted, but by the distance they have to go to return to the hands from which they come; when this circulation is rapid and well established, it does not matter whether

much or little is paid; the people will always be rich and finances will flourish. Correspondingly, however little the people gives, when that little does not return to it, it soon exhausts itself in continuous payments; the state is never rich and the people is always penurious.

This demonstrates that the greater the distance between the people and the government, the more onerous the taxes become; so that in a democracy the people is least burdened, in an aristocracy more burdened, and in a monarchy it bears the greatest weight of all. Monarchy is thus suited only to opulent nations, aristocracy to those of moderate wealth and size, and democracy to small and poor countries.

Indeed, the more one reflects, the more one recognizes that in this matter there are differences between free states and monarchies: in the former everything is used for the common advantage, while in the latter, private power and public power are competitive, and the one is increased only by weakening the other. As for despotism, instead of governing the subjects in order to make them happy, it makes them miserable in order to govern them.

Thus in every climate there are natural factors on the basis of which one can determine the form of government to which that climate leads; and we can even say what sort of inhabitants each must have.

Mean and sterile places, where the product does not repay the labour, must remain uncultivated and deserted, or peopled only by savages. Places which yield only the bare necessities of men's lives must be inhabited by barbarous peoples, since no political society is possible. Places where the surplus of product over labour is moderate are suited to free peoples. Places where an abundant and fertile soil gives a lavish return for little labour will want monarchical government, so that the luxury of the prince may consume the surplus of the product of the subjects — for it is better that this surplus should be absorbed by

the government than dissipated by private persons. There are exceptions, I know, but these exceptions themselves confirm the rule, in that sooner or later they produce revolutions which put things back into the order of nature.

We must always distinguish general laws from particular causes which can modify their effect. If all the South were covered with republics and all the North with despotic states, it would still be true that, in terms of climate, despotism suits hot countries, barbarism cold countries, and that a good polity suits temperate regions. I realize that this general rule may be admitted and its application disputed; it could be argued that there are very fertile cold countries and very barren southern ones. But this is a difficulty only for those who fail to see the thing in all its ramifications. One must, as I have already said, consider the factors of production, strength, consumption and so on.

Suppose there are two equal territories, one yielding five units, the other ten. If the inhabitants of the former consume four and those of the latter nine, the surplus of the one will be one-fifth and of the other one-tenth. The ratio of these two surpluses will then be the inverse of that of their products, so that the territory yielding five units will show a surplus double that of the territory yielding ten.

But there is no question of a double product, and I do not believe anyone could venture to equate the fertility of a cold country with that of a hot country. But let us assume such equality; let us, for example, compare England and Sicily, Poland and Egypt. Farther south there will be Africa and India; farther north, there will be nothing. What differences in agricultural technique will be needed to achieve this equality of product? In Sicily, it is enough simply to scratch the soil, while in England, how much effort is needed to work it! Now where more hands are required to obtain the same product, the surplus is necessarily less.

Note a further point, that the same number of men consume much less in hot countries. The climate requires a man to be abstemious to keep fit – and Europeans who try to live in hot countries as they live at home die of dysentery and stomach disorders. 'We,' says Chardin, 'are carnivorous beasts, wolves, compared to the Asians. Some attribute the abstemiousness of the Persians to the fact that their country is less cultivated; but I, on the contrary, believe that their country is less rich in foodstuffs because the inhabitants need less. If their frugality [he continues] were the effect of the poverty of the soil, it would be the poor alone who ate little; in fact everybody does; and instead of finding people eating less or more in each province according to the fertility of the land, one finds the same frugality throughout the kingdom. They are very proud of their way of life, and say that one has only to look at their complexions to see how superior their way is to that of other nations. And indeed, the complexion of the Persians is clear, their skin is fair, delicate and smooth, while that of the Armenians, their subjects who live in the European manner, is rough and blotchy, and their bodies are fat and heavy.'

The closer men are to the equator, the more frugally they live. They eat hardly any meat; rice, maize, couscous, millet and cassava are their daily food. In India there are millions of men whose food costs less than a penny a day. In Europe itself we notice a marked difference of appetite between the peoples of the north and those of the south. A Spaniard could live eight days on the dinner of a German. In countries where men are more gluttonous, luxury is turned towards the things men consume. In England, it shows itself in tables loaded with meats; in Italy one is regaled on sugar and flowers.

Luxury in clothing reveals similar differences. In countries

where the changes of season are swift and violent, people have

better and simpler clothes; in countries where they dress only

for appearance, people care more for show than utility, and

clothes themselves are a luxury. In Naples you will see men strolling daily along the Posillipo in gold-embroidered jackets and no hose. It is the same thing with buildings; people attach importance to magnificence when they have nothing to fear from the climate. In Paris or London people want to be housed warmly and comfortably. In Madrid, they have superb reception rooms, but no windows that close and their bed-rooms are like rat holes.

Foodstuffs are more substantial and richer in hot countries – this is a third difference and it does not fail to influence the second. Why does one eat so many vegetables in Italy? Because they are good, nourishing and of excellent flavour. In France, where they get nothing but water, they are not at all nourishing, and count for nothing at the table; but even so they take up no less ground and cost just as much to cultivate. Experiment has shown that the wheats of Barbary, otherwise inferior to those of France, yield much more flour; and that the French wheats, in turn, yield more than those of the North. From this one can deduce that a similar gradation may be observed along a line from the equator to the pole. Now is it not a tangible disadvantage to have a smaller amount of nourishment in an equal quantity of produce?

To all these various considerations, I may add another which flows from, and which reinforces them, that is, that hot countries need fewer inhabitants than cold countries, and can feed more – which provides a double surplus to the advantage of despotism. The wider the area that is occupied by the same number of people, the more difficult revolts become; for the inhabitants cannot get together quickly and secretly, while it is always easy for the government to discover plots and to cut communications. On the other hand, the more a numerous people is packed together, the less easily can the government infringe on the sovereign; popular leaders deliberate as securely in their private rooms as the prince in his council, and

the crowd gathers as swiftly in the public squares as the troops in their barracks. It is thus to the advantage of tyrannical government to act over great distances. With the aid of strongpoints to serve as fulcra, its strength increases with distance, on the principle of leverage.*
The strength of the people, on the contrary, is effective only if it is concentrated; it evaporates and is lost when it is dispersed, just as gunpowder scattered on the ground ignites only grain by grain. The least populous countries are thus the most fitted to tyranny; wild beasts reign only in deserts.

CHAPTER 9

The Signs of a Good Government

WHEN, therefore, one asks what in absolute terms is the best government, one is asking a question which is unanswerable because it is indeterminate; or alternatively one might say that there are as many good answers as there are possible combinations in the absolute and relative positions of peoples. But if it is asked by what signs one can tell whether a given people is well or badly governed, that is another matter; and as a question of fact it could be answered.

Even so, it is not really answered, because everyone will want to answer it in his own way. Subjects prize public tranquillity; citizens the freedom of the individual – the former prefer security of possessions, the latter security of person; subjects think the best government is the most severe, citizens

* This does not contradict what I said in Book II, Chapter 9, about the disadvantages of a large state, for there I was dealing with the authority of the government over its own members, and here it is a question of the government's strength over the subjects. Its scattered members serve it as so many fulcra to exert pressure on the people from a distance, but it has no such fulcrum to exert pressure on its own members. Thus in the one case the length of the lever is its weakness; in the other, its strength.

that it is the mildest; the former want crimes to be punished, the latter want them prevented; subjects think it is a good thing to be feared by their neighbours, citizens prefer to be ignored by them; the former are satisfied so long as money circulates, the latter demand that the people shall have bread. But even if there were agreement on these and suchlike points, should we be any more advanced? Moral dimensions have no precise standard of measurement; even if we could agree about signs, how should we agree on their value?

For myself, I am always astonished that people should fail to recognize so simple a sign, or be so insincere as not to accept it as such. What is the object of any political association? It is the protection and the prosperity of its members. And what is the surest evidence that they are so protected and prosperous? The numbers of their population. Then do not look beyond this much debated evidence. All other things being equal, the government under which, without external aids like naturalization and immigration, the citizens increase and multiply most, is infallibly the best government. That under which the people diminishes and wastes away is the worst. Statisticians, this is your problem: count, measure, compare.*

The Abuse of Government and its Tendency to Degenerate

Jus as the particular will acts unceasingly against the general will, so does the government continually exert itself against the sovereign. And the more this exertion increases, the more the constitution changes for the worse, and, as in this case there is no distinct corporate will to resist the will of the Prince and so to balance it, sooner or later it is inevitable that the prince will oppress the sovereign and break the social treaty. This is the inherent and inescapable defect which, from the birth of the political body, tends relentlessly to destroy it, just as old age and death destroy the body of a man.

There are two common ways by which a government degenerates – when it itself contracts and when the state dissolves.

The government contracts when its members pass from a greater to a smaller number, that is, from democracy to aristocracy, or from aristocracy to royal government. This is

* One must judge on the same principle the centuries that merit preference in respect of the prosperity of the human race. People have too much admired those that have witnessed a flourishing of crafts and letters without penetrating the secret purpose of their culture, and without considering its fatal consequences, *idque quid imperios humanitas vocabatur, cum pars servitutis esset.* Shall we never see behind the precepts of books the crude self-interest which prompts the authors to speak? No, whatever they may say, when, notwithstanding its brilliance, a country is depopulated, it is simply not true that all is going well; and it is not enough for a poet to have an income of 100,000 livres for his century to be the best of all. It is less important to consider the apparent repose and tranquillity of rulers than the wellbeing of whole nations and above all of the most populous states. A hailstorm may devastate a few cantons, but it rarely causes famine. Riots and civil wars may greatly alarm rulers, but they are not the true misfortunes of peoples, who can at least have a few months' respite during the quarrels as to who is to be the next tyrant. Their calamities and their happiness both arise from their permanent condition. When all

remain supine under the yoke, it is then that everything decays, it is then that the rulers can destroy them at their ease, *ubi solitudinem faciunt pauci appellant.* When the quarrels of the state disturbed the kingdom of France, and the Coadjutor of Paris attended the *Parlement* with a dagger in his pocket, this did not prevent the French people living happily and multiplying in a free and decent ease. In ancient times, Greece flourished at the height of the cruellest wars; blood flowed in torrents, but the whole country was thickly populated. 'It appeared,' says Machiavelli, 'that in the midst of murder, proscription and civil wars, our republic became stronger than ever; the civil virtue of the citizens, their morals, and their independence, served more effectively to strengthen it than all their dissensions may have done to weaken it.' A little disturbance gives vigour to the soul, and what really makes the species prosper is not peace but freedom.

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its natural tendency.* If it were to move in the other direction from a smaller number to a greater, the government might be said to slacken; but such an inverse progression is impossible. For indeed, a government never changes its form unless its exhausted energies are too feeble to maintain its original form.

* The slow formation and progress of the Republic of Venice in its lagoons provides a notable example of this progression; and it is really astonishing that after more than twelve hundred years, the Venetians seem still to be at the second stage, which began with the Serrar di Consiglio in 1198. As for the ancient Doges, for whom the Venetians are reproached, whatever may be said by the *squinzino della libreria veneta*, there is proof that the Doges were not their sovereigns.

People will not fail to quote against me the case of the Roman Republic, which is said to have followed a reverse sequence, from monarchy to aristocracy and from aristocracy to democracy. But I am very far from sharing this opinion.

The first constitution of Romulus was a mixed government, which promptly degenerated into a despotism. For special reasons, the state perished before its time, just as one sometimes sees an infant die before reaching the age of maturity. The expulsion of the Tarquins was the real moment of the birth of the Republic. But it did not at first assume a fixed form, because the failure to abolish the patriciate left the task half-finished. For the hereditary aristocracy, which is the worst of all legitimate administrations, remained in conflict with democracy, and the form of government, continuously uncertain and wavering, was not fixed (as Machiavelli has proved) until the establishment of the tribunes; only then was there a true government and a true democracy. For indeed the people then was not only sovereign, but also magistrate and judge; and the senate was no more than a subordinate commission to temper and concentrate the government, while the consuls themselves – in spite of their being patricians, chief magistrates and absolute commanders in war – were never more in Rome than presidents of the people.

From that time, the government was seen to follow its natural inclination, and tend strongly towards aristocracy. The patriciate having as it were abolished itself, the aristocracy was no longer seated in the body of the patriachs, as in Venice and Genoa, but in the body of the senate composed of patricians and plebeians, even in the body of the tribunes, when they began to usurp the active power. For words do not alter things, and when the people have chiefs who govern on their behalf, this is still an aristocracy no matter what name those persons bear.

The abuse of aristocracy gave birth to civil war and the triumvirate. Sulla, Julius Caesar and Augustus became in fact as good as monarchs, and finally under the despotism of Tiberius the state was dissolved. Roman history, then, does not belie my principle: it confirms it.

If it slackened while expanding, its strength would be absolutely null, and it would be even less likely to survive. It must therefore wind up and tighten the mechanism as it begins to slacken, for otherwise the state which depends on it will fall into ruin.

The dissolution of the state may take place in two ways.

First it takes place when the prince ceases to administer the state according to the law and usurps the sovereign power. Then a remarkable change occurs; for it is not the government but the state which contracts – by which I mean that the state as a whole is dissolved and another is formed inside it, one composed only of members of the government and having no significance for the rest of the people except that of a master and a tyrant, so that the moment the government usurps sovereignty, the social pact is broken, and all the ordinary citizens, recovering by right their natural freedom, are compelled by force, but not morally obliged, to obey.

The same situation occurs when the members of the government separately usurp the power which they ought only to exercise as a body; for this is no less an infraction of the law, and it produces an even greater disorder. For then there are, so to speak, as many princes as there are magistrates, and the state being no less divided than the government, perishes or changes its form.

When the state is dissolved, the abuse of government, whatever it may be, takes the general name of *anarchy*. More precisely democracy degenerates into *ochlocracy*, aristocracy into *oligarchy*, and I would add that royal government degenerates into *tyranny*, except that this last word is ambiguous and requires explanation.

In the commonly understood sense, a tyrant is a king who governs by force and without regard to justice and the law. In the exact sense, a tyrant is an individual who arrogates to himself royal authority without having any right to it. It is

thus that the Greeks understood the word 'tyrant'. They applied it indiscriminately to good and bad princes whenever their authority was not legitimate.* Thus *tyrant* and *'usurper'* are perfectly synonymous words. To give different names to different things, I call a usurper of royal authority a 'tyrant' and the usurper of the sovereign power a 'despot'. The tyrant is one who intrudes, contrary to law, to govern according to the law; the despot is one who puts himself above the law. Thus the tyrant need not be a despot, but a despot is always a tyrant.

CHAPTER II

The Death of the Body Politic

SUCH is the natural and inevitable tendency of the best constituted governments. If Sparta and Rome perished, what state can hope to last for ever? If we wish, then, to set up a lasting constitution, let us not dream of making it eternal. We can succeed only if we avoid attempting the impossible and flattering ourselves that we can give to the work of man a durability that does not belong to human things.

The body politic, no less than the body of a man, begins to die as soon as it is born, and bears within itself the causes of its own destruction. Either kind of body may have a constitution of greater or less robustness, fitted to preserve it for a longer or

**Omnis enim et hancimur et dicuntur Tyranni qui potestate utinam perpetua, in ea Civitatis quae libertate sua est.* ('For all are thought and called tyrants who exercise perpetual power in a city accustomed to freedom.' Cornelius Nepos, *Life of Miltiades*.) It is true that Aristotle (*Nicomachean Ethics*, viii, 10) distinguishes between a tyrant and a king, saying the former governs for his own advantage while the latter governs only for the advantage of his subjects; but in addition to the fact that in general all the Greek authors used the word 'tyrant' in another sense, as we see above all in the *Fiero* of Xenophon, it would follow from Aristotle's criterion, that there had never yet been a single king since the beginning of the world.

shorter time. The constitution of a man is the work of nature; that of the state is the work of artifice. It is not within the capacity of men to prolong their own lives, but it is within the capacity of men to prolong the life of the state as far as possible by giving it the best constitution it can have. And although even the best constitution will come to an end, it will do so later than any other, unless some unforeseen hazard fells it before its time.

The principle of political life dwells in the sovereign authority. The legislative power is the heart of the state, the executive power is the brain, which sets all the parts in motion. The brain may become paralysed and the individual still live. A man can be an imbecile and survive, but as soon as his heart stops functioning, the creature is dead.

It is not through the law that the state keeps alive; it is through the legislative power. Yesterday's law is not binding today, but silence gives a presumption of tacit consent and the sovereign is taken to confirm in perpetuity the laws it does not abrogate while it has power to abrogate them. Everything which it has once declared to be its will, it wills always – at least until it issues a revocation.

Why then do ancient laws command so much respect? Precisely because they are ancient. We must believe that it is only the excellence of such laws that has enabled them to last so long; if the sovereign had not continually recognized them as salutary, they would have been revoked a thousand times. This is why the laws, far from growing weaker, constantly gain new strength in every well-constituted state; the prejudice in favour of antiquity makes them every day more revered; in those cases, on the other hand, where the laws become weaker with age, this shows that there is no longer any legislative power and that the state is dead.

CHAPTER I.2

How the Sovereign Authority Maintains Itself

THE sovereign, having no other force than the legislative power, acts only through the laws, and since the laws are nothing other than authentic acts of the general will, the sovereign can act only when the people is assembled. The people assembled, it will be said — what an illusion! It is indeed an illusion today; but two thousand years ago it was not.

Has human nature so much changed?

The boundaries of the possible in the moral realm are less narrow than we think; it is our own weaknesses, our vices and our prejudices that limit them. Base minds do not believe in great men, low slaves jeer in mockery at the word 'freedom'.

In the light of what has been done, let us consider what can be done. I shall not speak of the ancient republics of Greece; but the Roman Republic was, it seems to me, a large state and the town of Rome a large town: the last census gave four hundred thousand men in Rome carrying arms, and the last census calculation under the Empire more than four million citizens without counting subjects, foreigners, women, children or slaves.

One would suppose that it must have been difficult to bring together frequently the numerous people of the capital and its surroundings. In fact, very few weeks passed without the Roman people being assembled, even several times in one week. This people not only exercised the rights of sovereignty, but also a part of the government. It dealt with certain business; it tried certain cases; and the entire people in the public assemblies enacted the role of magistrate almost as often as that of citizen.

Looking back to the earliest history of nations, we notice

that the majority of ancient governments, even monarchical ones like those of the Macedonians and the Franks, had similar assemblies. In any case, the one indisputable fact I have cited answers our question; it seems to me good logic to reason from the actual to the possible.

CHAPTER I.3

The Same — Continued

It is not enough that the assembled people should have once determined the constitution of the state by giving sanction to a body of laws; it is not enough that it should set up a perpetual government, or that it should have provided once and for all for the election of magistrates. In addition to the extraordinary assemblies that unforeseen events may necessitate, there must be fixed and periodic assemblies which nothing can abolish or prorogue, so that on the appointed day the people is rightfully summoned by the law itself without any further formal convocation being needed.

But apart from these assemblies which are lawful by their date alone, any assembly of the people which has not been summoned by the magistrate appointed for that duty and according to the prescribed form must be held to be unlawful, and everything it does must be void, for the order to assemble should itself emanate from the law.

As to whether legitimate assemblies should be more or less frequent, this depends on so many circumstances that one cannot lay down in advance any precise rules. One can only say that in general the more strength the government has, the more frequently the sovereign should meet in assemblies.

This, I shall be told, may be good for one single town, but what is to be done if the state consists of several towns? Is the sovereign authority to be divided? Or should it be concen-

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trated in one single town holding the others as subject? I answer that neither the one thing nor the other should be done. In the first place, the sovereign authority is simply one single unit; it cannot be divided without being destroyed. In the second place, a town cannot legitimately be subject to another any more than a nation may be, because the essence of the political body lies in the union of freedom and obedience so that the words 'subject' and 'sovereign' are identical correlatives, the meaning of which is brought together in the single word 'citizen'.

I should answer further that it is always an evil to unite several towns in one nation, and whoever wishes to form such a union should not flatter himself that the natural advantages can be avoided. It is no use complaining about the evils of a large state to someone who wants only small ones. But how are small states to be given enough strength to resist large states, as the Greek cities once resisted a great king and as, more recently, Holland and Switzerland resisted the House of Austria?

Nevertheless, if the state cannot be limited to reasonable boundaries, there remains one remedy, and that is to have no fixed capital, but to move the seat of government from one place to another and to assemble the estates of the country in each in turn.

People the territory evenly, extend the same rights to everyone, carry the same abundance and life into every quarter – it is by these means that the state will become at once the strongest and the best governed that is possible. Remember that the walls of towns are made only from the debris of rural houses. Every time I see a mansion being built in the capital I fancy I can see the whole countryside covered with hovels.

CHAPTER 14

The Same – Continued

THE moment the people is lawfully assembled as a sovereign body all jurisdiction of the government ceases; the executive power is suspended, and the person of the humblest citizen is as sacred and inviolable as that of the highest magistrate, for in the presence of the represented there is no longer any representation. Most of the disturbances which took place in the Roman assemblies were the result of this rule being either unknown or neglected. The consuls were no more than the presidents of the people; the tribunes were mere speakers;* the senate was nothing at all.

These intervals of suspension, when the prince recognizes – or ought to recognize – who is superior, are always alarming for princes; and the assemblies of the people, which are the shield of the body politic and the brake on the government, have always been the nightmare of magistrates; hence the latter spare no effort in raising objections, problems, promises to turn the citizens against assemblies. When the citizens are avaricious, cowardly, pusillanimous, and love repose more than freedom, they do not hold out against the redoubled efforts of the government. It is thus that, as the opposing force increases continuously, the sovereign authority atrophies in the end and the majority of republics fall and perish before their time.

But between the sovereign authority and arbitrary government there is sometimes interposed an intermediate power of which we must now speak.

* The word is used here somewhat in the sense it has in the English parliament. The resemblance between these functions would have caused conflict between the Consuls and the Tribunes, even if all jurisdiction had been suspended.

CHAPTER I 5

Deputies or Representatives

As soon as public service ceases to be the main concern of the citizens and they come to prefer to serve the state with their purse rather than their person, the state is already close to ruin. Are troops needed to march to war? They pay mercenaries and stay at home. Is it time to go to an assembly? They pay deputies and stay at home. Thanks to laziness and money, they end up with soldiers to enslave the country and deputies to sell it.

It is the bustle of commerce and the crafts, it is the avid thirst for profit, it is effeminacy and the love of comfort that commute personal service for money. Men give up a part of their profits so as to increase the rest at their ease. Use money thus, and you will soon have chains. The word 'finance' is the word of a slave; it is unknown in the true republic. In a genuinely free state, the citizens do everything with their own hands and nothing by means of money; far from paying for exemption from their duties, they would pay to discharge them in person.

I am very far from sharing received ideas: I believe that compulsory service is less contrary to liberty than is taxation. The better the state is constituted, the more does public business take precedence over private in the minds of the citizens. There is indeed much less private business, because the sum of the public happiness furnishes a larger proportion of each individual's happiness, so there remains less for him to seek on his own. In a well-regulated nation, every man hastens to the assemblies; under a bad government, no one wants to take a step to go to them, because no one feels the least interest in what is done there, since it is predictable that the general will will not be dominant, and, in short, because

domestic concerns absorb all the individual's attention. Good laws lead men to make better ones; bad laws lead to worse. As soon as someone says of the business of the state - 'What does it matter to me?' - then the state must be reckoned lost.

The cooling-off of patriotism, the activity of private interest, the vastness of states, conquests, the abuse of government - all these have suggested the expedient of having deputies or representatives of the people in the assemblies of the nation. This is what in certain countries they dare to call the third estate - the private interest of two classes being there given first and second place, and the public interest only third place.

Sovereignty cannot be represented, for the same reason that it cannot be alienated; its essence is the general will, and will cannot be represented - either it is the general will or it is something else; there is no intermediate possibility. Thus the people's deputies are not, and could not be, its representatives; they are merely its agents; and they cannot decide anything finally. Any law which the people has not ratified in person is void; it is not law at all. The English people believes itself to be free; it is gravely mistaken; it is free only during the election of Members of Parliament; as soon as the Members are elected, the people is enslaved; it is nothing. In the brief moments of its freedom, the English people makes such a use of that freedom that it deserves to lose it.

The idea of representation is a modern one. It comes to us from feudal government, from that iniquitous and absurd system under which the human race is degraded and which dishonours the name of man. In the republics and even in the monarchies of the ancient world, the people never had representatives; the very word was unknown. It is remarkable in the case of Rome, where the tribunes were so sacred, that no one ever imagined that they might usurp the functions of the people; and in the midst of such a great multitude, they never attempted to pass on their own authority a single

plebisitum. One can judge, however, the embarrassment the crowd sometimes caused from what happened at the time of the Gracchi, when a great part of the citizens voted from the rooftops.

Where rights and freedom are everything, inconveniences are nothing. Among these wise people, everything was given its just measure; the lictors were allowed to do what the tribunes would not have dared to do; the people were not afraid that their lictors would wish to represent them.

To explain how, even so, the tribunes did represent the people, it is enough to consider how the government represents the sovereign. Since the law is nothing other than a declaration of the general will, it is clear that there cannot be representation of the people in the legislative power; but there may and should be such representation in the executive power, which is only the instrument for applying the law. This indicates that if we look carefully, we shall find that very few nations have laws. However that may be, it is certain that the tribunes, having no part of the executive power, could never represent the Roman people by the rights of their own office, but only by usurping those of the senate.

Among the Greeks, all that the people had to do, it did itself; it was continuously assembled in the market place. The Greek people lived in a mild climate; it was not at all avaricious; slaves did the work; its chief concern was its freedom. Without the same advantages, how can the same rights be preserved? Your harsher climate creates more necessities;* six months of the year the public places are uninhabitable; your muted tongues cannot make themselves heard in the open air; you care more for your profits than your freedom; and you fear slavery less than you fear poverty.

What? Is freedom to be maintained only with the support

* To adopt in cold countries the luxury and softness of the orientals is to

ask to have their chains, to make submission even more inevitable than theirs.

of slavery? Perhaps. The two extremes meet. Everything outside nature has its disadvantages, civil society more than all the rest. There are some situations so unfortunate that one can preserve one's freedom only at the expense of the freedom of someone else; and the citizen can be perfectly free only if the slave is absolutely a slave. Such was the situation of Sparta. You peoples of the modern world, you have no slaves, but you are slaves yourselves; you pay for their liberty with your own. It is in vain that you boast of this preference; I see more cowardice than humanity in it.

I do not mean by all this to suggest that slaves are necessary or that the right of slavery is legitimate, for I have proved the contrary. I simply state the reasons why peoples of the modern world, believing themselves to be free, have representatives, and why peoples of the ancient world did not. However that may be, the moment a people adopts representatives it is no longer free; it no longer exists.

All things carefully considered, I do not see how it will be possible henceforth among people like us for the sovereign to maintain the exercise of its rights unless the republic is very small. But if it is very small, will it not be subjugated? No. I shall show later* how the defensive strength of a large people can be combined with the free government and good order of a small state.

CHAPTER 16

That the Institution of the Government is not a Contract

ONCE the legislative power is well established, it remains to establish similarly the executive power; for the latter, which operates only by particular acts, is essentially different from

* This is what I intended to do in the remaining part of this work, when, in dealing with foreign relations, I should have come to the subject of confederations. This subject is entirely new, and its principles have yet to be established.

the former, and is naturally separate from it. If it were possible for the sovereign, considered as such, to have the executive power, then the *de jure* and the *de facto* would be so confused that people would no longer know what was law and what was not; and the body politic, thus perverted, would soon fall prey to that very violence it was instituted to prevent.

The citizens being all equal by the social contract, all may prescribe what all must do, instead of nobody having a right to demand that another shall do what he does not do himself. For it is precisely this right, indispensable for giving life and movement to the body politic, that the sovereign gives to the prince in instituting the government.

Several theorists have claimed that this act of institution is a contract between the people and the magistrates it sets over itself, a contract which stipulates between the two parties the conditions under which the one undertakes to command and the other to obey. It will be admitted, I am sure, that this is a strange way of contracting. But let us see if the theory is tenable.

First, the supreme authority can no more be modified than it can be alienated; to limit it is to destroy it. It is absurd and self-contradictory that the sovereign should give itself a superior; to undertake to obey a master would be to return to absolute freedom.

Furthermore, it is clear that this contract of the people with such or such persons would be a particular act. From this it follows that this contract could not be a law, or an act of sovereignty, and hence that it would be illegitimate.

We see further that the contracting parties would, between themselves, be subject only to natural law, and so without any guarantee of their reciprocal commitments — and this is wholly contrary to the civil state. Since the man who has force in his hand is always the master of what shall be done, this is like giving the name of 'contract' to the act of a man

who says to another: 'I give you all my property on condition that you give me back what you please.'

There is only one contract in the state: that of the association itself, and this excludes all others. One cannot imagine any public contract that would not be a violation of the original contract.

CHAPTER 17

The Institution of the Government

IN what conceptual terms then should we think of the act by which the government is instituted? I shall explain first that this act is complex, or composed of two others, namely the establishment of the law and the execution of the law. By the first, the sovereign enacts that there shall be a body of government established with such or such form; and it is clear that this act is a law.

By the second, the people names the magistrates who are to be invested with the government thus established. Since this nomination is a particular act, it is not a second law, but simply a sequel to the first and a function of government.

The difficulty is to understand how there can be an act of government before the government exists, and how the people, which is only sovereign or subject, can in certain circumstances become prince or magistrate.

Now it is here once more that the body politic reveals one of those astonishing properties by which it reconciles operations that seem to be contradictory. For this operation is accomplished by the sudden transformation of the sovereignty into democracy in such a way that without undergoing any visible change, and simply through a new relation of all to all, the citizens become magistrates and pass from general acts to particular acts, and from the law to its execution.

This change of relation is not a construction of speculative

theory without example in practice; it happens every day in the English parliament, where the lower House on certain occasions transforms itself into a committee of the whole House the better to discuss affairs, and so becomes a simple committee of that sovereign court which it was itself a moment before; then later it reports to itself, in its capacity of House of Commons, on what it has just settled as a committee of the whole House, and again debates under one name what it has already decided under another.

It is the advantage peculiar to democratic government that it can be established in fact by a simple act of the general will. After this, the provisional government remains in office if such is the form adopted, or there is established in the name of the sovereign whatever government is prescribed by the law; and everything is then in order. It is not possible to institute the government in any other legitimate manner, without abandoning the principles established in earlier chapters.

CHAPTER I 8

Means of Preventing the Usurpation of Government

FROM these explanations, it follows, in confirmation of Chapter 16, that the act which institutes the government is not a contract but a law, and that the holders of the executive power are not the people's masters but its officers; and that the people can appoint them and dismiss them as it pleases; and that there is no question of their contracting, but of obeying; and that in discharging the functions which the state imposes on them, they are only doing their duty as citizens, without having any sort of right to argue terms.

Thus when it happens that the people institutes a hereditary government, whether monarchical in one family, or aristocratic in a class of citizens, it does not enter into any under-

taking; hereditary government is simply a provisional form that it gives to the administration until such time as it pleases to arrange it differently.

It is true that such changes are always dangerous, and that one should never touch an established government unless it has become incompatible with the public welfare; but such circumspection is a precept of politics and not a rule of law; and the state is no more bound to leave civil authority to its magistrates than military authority to its generals.

It is true again that in such cases one cannot observe with too great care all the formalities required to distinguish a correct and legitimate act from a seditious tumult, and the will of a whole people from the clamour of a faction. It is here above all that one must avoid yielding to socially harmful claims any more than is required by the strict application of the law; and it is from this obligation too that the prince derives a great opportunity of holding his power in defiance of the people, without it being possible to say that he has usurped it. For while appearing to exercise only his rights it is very easy for him to enlarge those rights and to prevent, on the pretext of public tranquillity, assemblies designed to re-establish good government; thus he exploits the silence which he prevents men breaking, and the irregularities which he makes them commit, to assume in his own favour the tacit consent of those whose mouths are closed by fear and to punish those who dare to speak. It was thus that the decemvirs, having been first elected for one year, and then continued for another, tried to retain their power in perpetuity, by no longer allowing the *comitia* to assemble. And it is by this simple means that all the governments of the world, once armed with the public force, sooner or later usurp the sovereign authority.

The periodic assemblies of which I have already spoken are the right means to prevent or postpone this evil, above all those assemblies where no formal convocation is needed; for

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then the prince cannot prevent their meeting without openly proclaiming himself a violator of the laws and an enemy of the state.

At the opening of these assemblies, of which the only purpose is the maintenance of the social treaty, two motions should be put, motions which may never be annulled and which must be voted separately:

The first: 'Does it please the sovereign to maintain the present form of government?'

The second: 'Does it please the people to leave the administration to those at present charged with it?'

I assume here what I believe I have demonstrated, namely, that there is not in the state any fundamental law which may not be revoked, not even the social pact; for if all the citizens assemble to end this pact by a common accord, one cannot doubt that it is very legitimately ended. Grotius indeed thinks that each citizen may renounce his membership of the state, and recover his natural liberty and his goods on withdrawing from the country.* And it would be absurd if all the citizens united could not do what each of them separately can do.

* It being understood that none may leave the country to evade his duty, or avoid saving his country when it needs him. In such a case, flight would be criminal and punishable; it would not be withdrawal but desertion.

BOOK IV

CHAPTER I

That the General Will is Indestructible

So long as several men assembled together consider themselves a single body, they have only one will, which is directed towards their common preservation and general well-being. Then all the animating forces of the state are vigorous and simple; its principles are clear and luminous; it has no incompatible or conflicting interests; the common good makes itself so manifestly evident that only common sense is needed to discern it. Peace, unity, equality are enemies of political sophistication. Upright and simple men are difficult to deceive precisely because of their simplicity; strategems and clever arguments do not prevail upon them; they are not indeed subtle enough to be dupes. When we see among the happiest people in the world bands of peasants regulating the affairs of state under an oak tree, and always acting wisely, can we help feeling a certain contempt for the refinements of other nations, which employ so much skill and mystery to make themselves at once illustrious and wretched?

A state thus governed needs very few laws, and whenever there is a need to promulgate new ones, that need is universally seen. The first man to propose such a law is only giving voice to what everyone already feels, and there is no question either of intrigues or of eloquence to secure the enactment of what each has already resolved to do as soon as he is sure that all the others will do likewise.

What misleads theorists is that, as a result of looking only at states which are badly constituted from the beginning, they are struck by the impossibility of maintaining such a régime

