

Jean Bodin – Six books of the commonwealth

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Book I

Concerning Sovereignty [CHAPTER VIII]

[O caráter eterno da soberania]

SOVEREIGNTY is that absolute and perpetual power vested in a commonwealth which in Latin is termed majestas ... The term needs careful definition, because although it is the distinguishing mark of a commonwealth, and an understanding of its nature fundamental to any treatment of politics, no jurist or political philosopher has in fact attempted to define it. ...

I have described it as perpetual because one can give absolute power to a person or group of persons for a period of time, but that time expired they become subjects once more. Therefore even while they enjoy power, they cannot properly be regarded as sovereign rulers, but only as the lieutenants and agents of the sovereign ruler, till the moment comes when it pleases the prince or the people to revoke the gift. The true sovereign remains always seized of his power. Just as a feudal lord who grants lands to another retains his eminent domain over them, so the ruler who delegates authority to judge and command, whether it be for a short period, or during pleasure, remains seized of those rights of jurisdiction actually exercised by another in the form of a revocable grant, or precarious tenancy. For this reason the law requires the governor of a province, or the prince's lieutenant, to make a formal surrender of the authority committed to him, at the expiration of his term of office. In this respect there is no difference between the highest officer of state and his humblest subordinate. If it were otherwise, and the absolute authority delegated by the prince to a lieutenant was regarded as itself sovereign power, the latter could use it against his prince who would thereby forfeit his eminence, and the subject could command his lord, the servant his master. This is a manifest absurdity, considering that the sovereign is always excepted personally, as a matter of right, in all delegations of authority, however extensive. However much he gives there always remains a reserve of right in his own person, whereby he may command, or intervene by way of prevention, confirmation, evocation, or any other way he thinks fit, in all matters delegated to a subject, whether in virtue of an office or a commission. Any authority exercised in virtue of an office or a commission can be revoked, or made tenable for as long or short a period as the sovereign wills. [...]

A perpetual authority therefore must be understood to mean one that lasts for the lifetime of him who exercises it. If a sovereign magistrate is given office for one year, or for any other predetermined period, and continues to exercise the authority bestowed on him after the conclusion of his term, he does so either by consent or by force and violence. If he does so by force, it is manifest tyranny. The tyrant is a true sovereign for all that. The robber's possession by violence is true and natural possession although contrary to the law, for those who were formerly in possession have been disseized. But if the magistrate continues in office by consent, he is not a sovereign prince, seeing that he only exercises power on sufferance. Still less is he a sovereign if the term of his office is not fixed, for in that case he has no more than a precarious commission. ...

[Soberania por contrato]

What bearing have these considerations on the case of the man to whom the people has given absolute power for the term of his natural life? One must distinguish. If such absolute power is given him simply and unconditionally, and not in virtue of some office or commission, nor in the form of a revocable grant, the recipient certainly is, and should be acknowledged to be, a sovereign. The people has renounced and alienated its sovereign power in order to invest him with it and put him in possession, and it thereby transfers to him all its powers, authority, and sovereign rights, just as does the man who gives to another possessory and proprietary rights over what he formerly owned. The civil law expresses this in the phrase 'all power is conveyed to him and vested in him'.^[4]

But if the people give such power for the term of his natural life to anyone as its official or lieutenant, or only gives the exercise of such power, in such a case he is not a sovereign, but simply an officer, lieutenant, regent, governor, or agent, and as such has the exercise only of a power inhering in another. [...]

[O caráter absoluto da soberania: not bound by the law]

Let us now turn to the other term of our definition and consider the force of the word absolute. The people or the magnates of a commonwealth can bestow simply and unconditionally upon someone of their choice a sovereign and perpetual power to dispose of their property and persons, to govern the state as he thinks fit, and to order the succession, in the same way that any proprietor, out of his liberality, can freely and unconditionally make a gift of his property to another. Such a form of gift, not being qualified in any way, is the only true gift, being at once unconditional and irrevocable. Gifts burdened with obligations and hedged with conditions are not true gifts. Similarly sovereign power given to a prince charged with conditions is neither properly sovereign, nor absolute, unless the conditions of appointment are only such as are inherent in the laws of God and of nature. ...

If we insist however that absolute power means exemption from all law whatsoever, there is no prince in the world who can be regarded as sovereign, since all the princess of the earth are subject to the laws of God and of nature, and even to certain human laws common to all nations. [...] On the other hand it is the distinguishing mark of the sovereign that he cannot in any way be subject to the commands of another, for it is he who makes law for the subject, abrogates law already made, and amends obsolete law. No one who is subject either to the law or to some other person can do this. That is why it is laid down in the civil law that the prince is above the law, for the word law in Latin implies the command of him who is invested with sovereign power. Therefore we find in all statutes the phrase 'notwithstanding all edicts and ordinances to the contrary that we have infringed, or do infringe by these present'. This clause applies both to former acts of the prince himself, and to those of his predecessors. For all laws, ordinances, letters patent, privileges, and grants whatsoever issued by the prince, have force only during his own lifetime, and must be expressly, or at least tacitly, confirmed by the reigning prince who has cognizance of them ... In proof of which, it is the custom of this realm for all corporations and corporate bodies to ask for the confirmation of their privileges, rights, and jurisdictions, on the accession of a new king. Even Parlements and high courts do this, as well as individual officers of the crown.

If the prince is not bound by the laws of his predecessors, still less can he be bound by his own laws. One may be subject to laws made by another, but it is impossible to bind oneself in any matter which is the subject of one's own free exercise of will. As the law says, 'there can be no obligation in any matter which proceeds from the free will of the undertaker'.[5] It follows of necessity that the king cannot be subject to his own laws. Just as, according to the canonists, the Pope can never tie his own hands, so the sovereign prince cannot bind himself, even if he wishes. For this reason edicts and ordinances conclude with the formula 'for such is our good pleasure', thus intimating that the laws of a sovereign prince, even when founded on truth and right reason, proceed simply from his own free will.

It is far otherwise with divine and natural laws. All the princes of the earth are subject to them, and cannot contravene them without treason and rebellion against God. His yoke is upon them, and they must bow their heads in fear and reverence before His divine majesty. The absolute power of princes and sovereign lords does not extend to the laws of God and of nature. He who best understood the meaning of absolute power, and made kings and emperors submit to his will, defined his sovereignty as a power to override positive law; he did not claim power to set aside divine and natural law.[6]

[Promessas e pactos dos príncipes]

But supposing the prince should swear to keep the laws and customs of his country, is he not bound by that oath? One must distinguish. If a prince promises in

his own heart to obey his own laws, he is nevertheless not bound to do so, any more than anyone is bound by an oath taken to himself. Even private citizens are not bound by private oaths to keep agreements. The law permits them to cancel them, even if the agreements are in themselves reasonable and good. But if one sovereign prince promises another sovereign prince to keep the agreements entered into by his predecessors, he is bound to do so even if not under oath, if that other prince's interests are involved. If they are not, he is not bound either by a promise, or even by an oath.

The same holds good of promises made by the sovereign to the subject, even if the promises were made prior to his election (for this does not make the difference that many suppose). It is not that the prince is bound either by his own laws or those of his predecessors. But he is bound by the just covenants and promises he has made, whether under oath to do so or not, to exactly the same extent that a private individual is bound in like case. A private individual can be released from a promise that was unjust or unreasonable, or beyond his competence to fulfil, or extracted from him by misrepresentations or fraud, or made in error, or under restraint and by intimidation, because of the injury the keeping of it does him. In the same way a sovereign prince can make good any invasion of his sovereign rights, and for the same reasons. So the principle stands, that the prince is not subject to his own laws, or those of his predecessors, but is bound by the just and reasonable engagements which touch the interests of his subjects individually or collectively. [...]

A law and a covenant must therefore not be confused. A law proceeds from him who has sovereign power, and by it he binds the subject to obedience, but cannot bind himself. A covenant is a mutual undertaking between a prince and his subjects, equally binding on both parties, and neither can contravene it to the prejudice of the other, without his consent. The prince has no greater privilege than the subject in this matter. But in the case of laws, a prince is no longer bound by his promise to keep them when they cease to satisfy the claims of justice. Subjects however must keep their engagements to one another in all circumstances, unless the prince releases them from such obligations. Sovereign princes are not bound by oath to keep the laws of their predecessors. If they are so bound, they are not properly speaking sovereign. ...

[As leis constitucionais]

The constitutional laws of the realm, especially those that concern the king's estate being, like the salic law, annexed and united to the Crown, cannot be infringed by the prince. Should he do so, his successor can always annul any act prejudicial to the traditional form of the monarchy,[7] since on this is founded and sustained his very claim to sovereign majesty. ...

As for laws relating to the subject, whether general or particular, which do not involve any question of the constitution, it has always been usual only to change them with the concurrence of the three estates, either assembled in the States-General of the whole of France, or in each bailiwick separately. [...]

From all this it is clear that the principal mark of sovereign majesty and absolute power is the right to impose laws generally on all subjects regardless of their consent ... And if it is expedient that if he is to govern his state well, a sovereign prince must be above the law, it is even more expedient that the ruling class in an aristocracy should be so, and inevitable in a popular state. A monarch in a kingdom is set apart from his subjects, and the ruling class from the people in an aristocracy. There are therefore in each case two parties, those that rule on the one hand, and those that are ruled on the other. This is the cause of the disputes about sovereignty that arise in them, but cannot in a popular state ... There the people, rulers and ruled, form a single body and so cannot bind themselves by their own laws. ...

[O direito natural como limite ao poder soberano]

But may it not be objected that if the prince forbids a sin, such as homicide, on pain of death, he is in this case bound to keep his own law. The answer is that this is not properly the prince's own law, but a law of God and nature, to which he is more strictly bound than any of his subjects. Neither his council, nor the whole body of the people, can exempt him from his perpetual responsibility before the judgement-seat of God [...]. For just as contracts and deeds of gift of private individuals must not derogate from the ordinances of the magistrate, nor his ordinances from the law of the land, nor the law of the land from the enactments of a sovereign prince, so the laws of a sovereign prince cannot override or modify the laws of God and of nature. ...

There is one other point. If the prince is bound by the laws of nature, and the civil law is reasonable and equitable, it would seem to follow that the prince is also bound by the civil law. As Pacatius said to the Emperor Theodosius 'as much is permitted to you as is permitted by the laws'. In answer to this I would point out that the laws of a sovereign prince concern either public or private interests or both together. All laws moreover can be either profitable at the expense of honour, or profitable without involving honour at all, or honourable without profit, or neither honourable nor profitable. When I say 'honour' I mean that which conforms with what is natural and right, and it has already been shown that the prince is bound in such cases. Laws of this kind, though published by the prince's authority, are properly natural laws. Laws which are profitable as well as just are even more binding on him. One need hardly concern oneself about the sanctity of laws which involve neither profit nor honour. But if it is a question of weighing honour against profit, honour should always be preferred. Aristides the Just said of Themistocles

that his advice was always very useful to the people, but shameful and dishonourable.

But if a law is simply useful and does not involve any principle of natural justice, the prince is not bound by it, but can amend it or annul it altogether as he chooses, provided that with the alteration of the law the profit to some does not do damage to others without just cause. [...]

A distinction must therefore be made between right and law, for one implies what is equitable and the other what is commanded. Law is nothing else than the command of the sovereign in the exercise of his sovereign power. [...] Since then the prince has no power to exceed the laws of nature which God Himself, whose image he is, has decreed, he cannot take his subjects' property without just and reasonable cause, that is to say by purchase, exchange, legitimate confiscation, or to secure peace with the enemy when it cannot be otherwise achieved. [...]

If justice is the end of the law, the law the work of the prince, and the prince the image of God, it follows of necessity that the law of the prince should be modelled on the law of God.

The True Attributes of Sovereignty [CHAPTER X] [...]

[Soberano como legislador]

The first attribute of the sovereign prince therefore is the power to make law binding on all his subjects in general and on each in particular. But to avoid any ambiguity one must add that he does so without the consent of any superior, equal, or inferior being necessary. If the prince can only make law with the consent of a superior he is a subject; if of an equal he shares his sovereignty; if of an inferior, whether it be a council of magnates or the people, it is not he who is sovereign. The names of the magnates that one finds appended to a royal edict are not there to give force to the law, but as witnesses, and to make it more acceptable ... When I say that the first attribute of sovereignty is to give law to all in general and each in particular, I mean by this last phrase the grant of privileges. I mean by a privilege a concession to one or a small group of individuals which concerns the profit or loss of those persons only. ...

It may be objected however that not only have magistrates the power of issuing edicts and ordinances, each according to his competence and within his own sphere of jurisdiction, but private citizens can make law in the form of general or local custom. It is agreed that customary law is as binding as statute law. But if the sovereign prince is author of the law, his subjects are the authors of custom. But there is a difference between law and custom. Custom establishes itself gradually over a long period of years, and by common consent, or at any rate the consent of the greater part. Law is made on the instant and draws its force from him who has

the right to bind all the rest. Custom is established imperceptibly and without any exercise of compulsion. Law is promulgated and imposed by authority, and often against the wishes of the subject. For this reason Dion Chrysostom compared custom to the king and law to the tyrant. Moreover law can break custom, but custom cannot derogate from the law, nor can the magistrate, or any other responsible for the administration of law, use his discretion about the enforcement of law as he can about custom. Law, unless it is permissive and relaxes the severity of another law, always carries penalties for its breach. Custom only has binding force by the sufferance and during the good pleasure of the sovereign prince, and so far as he is willing to authorize it. Thus the force of both statutes and customary law derives from the authorization of the prince ... Included in the power of making and unmaking law is that of promulgating it and amending it when it is obscure, or when the magistrates find contradictions and absurdities. ...

All the other attributes and rights of sovereignty are included in this power of making and unmaking law, so that strictly speaking this is the unique attribute of sovereign power. It includes all other rights of sovereignty, that is to say of making peace and war, of hearing appeals from the sentences of all courts whatsoever, of appointing and dismissing the great officers of state; of taxing, or granting privileges of exemption to all subjects, of appreciating or depreciating the value and weight of the coinage, of receiving oaths of fidelity from subjects and liege-vassals alike, without exception of any other to whom faith is due. ...

But because law is an imprecise and general term, it is as well to specify the other attributes of sovereignty comprised in it, such as the making of war and peace. This is one of the most important rights of sovereignty, since it brings in its train either the ruin or the salvation of the state.[...]

The third attribute of sovereignty is the power to institute the great officers of state. It has never been questioned that the right is an attribute of sovereignty, at any rate as far as the great officers are concerned. [...]

The fourth attribute of sovereignty, and one which has always been among its principal rights, is that the prince should be the final resort of appeal from all other courts... [...]

With this right is coupled the right of pardoning convicted persons, and so of overruling the sentences of his own courts, in mitigation of the severity of the law, whether touching life, property, honour, or domicile. [...]

Faith and homage are also among the most important attributes of sovereignty, as was made clear when the prince was described as the one to whom obedience was due without exception.

As for the right of coinage, it is contained within the law-making power, for only he who can make law can regulate currency. [...]

The right of levying taxes and imposing dues, or of exempting persons from the payment of such, is also part of the power of making law and granting privileges. [...]

BOOK II

Of the Different Kinds of Commonwealth [CHAPTER I]

[Os tipos de Estado]

Now that we have determined what sovereignty is, and have described its rights and attributes, we must consider in whom it is vested in every kind of commonwealth, in order to determine what are the various possible types of state. If sovereignty is vested in a single prince we call the state a monarchy. If all the people share in it, it is a popular state. If only a minority, it is an aristocracy.

It is desirable to be exact in the use of these terms in order to avoid the confusion which has arisen as a result of the great variety of governments, good and bad. This has misled some into distinguishing more than three kinds of commonwealth. But if one adopts the principle of distinguishing between commonwealths according to the particular virtues and vices that are characteristic of each, one is soon faced with an infinity of variations. It is a principle of all sound definition that one should pay no regard to accidental properties, which are innumerable, but confine oneself to formal and essential distinctions. Otherwise one becomes entangled in a labyrinth which defies exact analysis. For there is no reason why one should stop short at the difference between good and bad. There are other inessential variations. A king can be chosen for his strength, his beauty, his fame, his noble birth, his wealth, all of them matters of indifference. Or he may be chosen because he is the most warlike or most peace-loving, the wisest, the most just, a lover of display, of great learning, the most prudent, the most modest, the simplest, the most chaste. One could add to the list indefinitely and arrive at an infinity of types of monarchy. It would be the same in the case of aristocracies. The ruling class might be drawn from the rich, the nobles, or those esteemed as wise, or just, or warlike. Moreover, one would have to make a similar reckoning of bad qualities. The result would be merely absurd, and for this reason such a method of classification must be rejected.

Since then the nature of things is not changed by their accidental properties, we conclude that there are only three types of state, or commonwealth, monarchy, aristocracy, and democracy. A state is called a monarchy when sovereignty is vested in one person, and the rest have only to obey. Democracy, or the popular state, is one in which all the people, or a majority among them, exercise sovereign power collectively. A state is an aristocracy when a minority collectively enjoy sovereign power and impose law on the rest, generally and severally.

All the ancients agree that there are at least three types of commonwealth. Some have added a fourth composed of a mixture of the other three. Plato added a fourth type, or rule of the wise. But this, properly speaking, is only the purest form that aristocracy can take. He did not accept a mixed state as a fourth type. Aristotle accepted both Plato's fourth type and the mixed state, making five in all. Polybius distinguished seven, three good, three bad, and one composed of a mixture of the three good. Dionysius Halicarnassus only admitted four, the three pure types, and a mixture of them. Cicero, and following his example, Sir Thomas More in his *Commonwealth*, Contarini,[1] Machiavelli,[2] and many others have held the same opinion. This view has the dignity of antiquity. It was not new when propounded by Polybius, who is generally credited with its invention, nor by Aristotle. It goes back four hundred years earlier to Herodotus. He said that many thought that the mixed was the best type, but for his part he thought there were only three types, and all others were imperfect forms. I should have been convinced by the authority of such great names, but that reason and common sense compels me to hold the opposing view. One must show then not only why these views are erroneous but why the arguments and examples they rely on do not really prove their point. ...

[Contra o governo misto]

If sovereignty is, of its very nature, indivisible, as we have shown, how can a prince, a ruling class, and the people, all have a part in it at the same time? The first attribute of sovereignty is the power to make law binding on the subject. But in such a case who will be the subjects that obey, if they also have a share in the law-making power? And who will be the law-giver if he is also himself forced to receive it from those upon whom he has imposed it? One is forced to the conclusion that if no one in particular has the power to make law, but it belongs to all indifferently, then the commonwealth is a popular state. If power is given to the people to make law, and appoint to office, but all other powers are denied them, it must nevertheless be recognized that these other powers, vested in officials, really belong to the people, and are only entrusted by them to the magistrates. The people, having instituted the latter, can also deprive them, and the state therefore remains a popular one. In order to confirm what I have just said, let us look more closely at the examples of mixed states cited by Polybius, Contarini and others. ...

One of the examples given is Rome, whose constitution, it is alleged, was a mixture of monarchy, democracy, and aristocracy, in such a way that according to Polybius the Consuls embody the monarchical principle, the Senate the aristocratic, the Estates of the people the democratic. Halicarnassus, Cicero, Contarini, and others have accepted this analysis, inaccurate as it is. In the first place monarchical power cannot subsist in two persons simultaneously, since monarchy by definition is the rule of one. If it is divided, there is either no monarchy, or no kingdom. One could, with more reason, describe the Doge of Genoa or Venice as a monarch. But

in any case what kingly power could be ascribed to the Consuls, seeing that they could not make law, declare war and peace, appoint any officials, pardon any offenders, spend a penny of public money, or even condemn a citizen to corporal punishment except in time of war? This last power belongs to any leader in the field. These would also have to be called kings, and with more reason. The Constable in this realm, and the great Pascha in Turkey have ten times the power of the two Consuls put together, yet they are no more than the subjects and slaves of the prince, as the Consuls were of the people. ...

Again, conduct of affairs of state undertaken by the Senate, and the decisions reached by it, had no force unless confirmed by the people, or assented to by the tribunes, as will be explained more fully when we come to deal with the council in the state. There can be no real doubt that the Roman constitution, from the moment that the kings were expelled, was popular, except for the two years of the Decemvirate, erected to revise the laws and customs. This temporarily converted the constitution into an aristocracy, or rather, oligarchy. I have said above that the authority of magistrates, of whatever degree they may be, is never properly their own, but enjoyed by them as a trust. It is clear that the people originally elected the Senate, but in order to get rid of the burden of so doing, they committed this power to the censors, who were, of course, also elected by the people. Thus all the authority of the Senate derived from the people. The people were accustomed to confirm or annul, ratify or veto the decisions of the Senate according to their good pleasure.

Contarini has analysed the Republic of Venice in the same way, describing it as a mixture of three pure types, as was that of Rome. He identifies royal power with that of the Doge, aristocratic with the Senate, and popular with the Great Council... But it is only a small minority of Venetians, drawn from noble families, that enjoys sovereign power. By no means all gentlemen who are natives of Venice are participants, for some of these citizens are eligible for the Great Council and others are not, although they may be of the same extraction, the same kin, and even bear the same names. I need not explain how this comes to be so, for it is all in Sabellico.[3] The Great Council, says Contarini, has power to make and unmake laws, institute and deprive officials, hear appeals, determine peace and war, pardon the convicted. But in saying this Contarini is condemned out of his own mouth. If it is as he says, it follows that the constitution of the Republic is an aristocracy, even though the Great Council's only direct power is the institution to office, for whatever power these officials enjoy, they hold them in trust. It follows that neither the Ten, nor the Senate, nor the Ministers of State, nor even the Doge himself with the six ducal councillors have any authority save by commission, and depend on the good pleasure of the Great Council. ...

There are those who say, and have published in writing, that the constitution of France is a mixture of the three pure types, the Parlement representing aristocracy, the Estates-General democracy, and the King monarchy.[4] But this is an opinion not only absurd but treasonable. It is treasonable to exalt the subjects to be the equals and colleagues of their sovereign prince. And what resemblance is there to a popular form of government in the Estates, seeing that each particular member and all in general, kneel in the king's presence, and address him by humble prayers and supplications, which he accepts or rejects as he thinks fit. What counter-weight of popular sovereignty can be set against the monarchy in an assembly of the three estates, or even an assembly of the entire people, were that physically possible, seeing that they approach the king with supplication and entreaty, and address him in terms of reverence? So far from diminishing the power of a sovereign prince, such an assembly enhances and emphasizes it. The king can attain no higher degree of honour, power, and glory, than he enjoys at the moment when an infinite number of princes and seigneurs, an innumerable multitude of people of all sorts and conditions, cast themselves at his feet, and pay homage to his majesty. The honour, glory, and power of princes lies in the obedience, homage, and service of their subjects.

If then there is no vestige of popular sovereignty in the assembly of the three estates of this realm, no more, or even less, than there is in those of Spain and England, still less is there any trace of aristocratic authority either in the Court of Peers, or any assembly of the officers of the kingdom, seeing that in the king's presence the authority of all corporations and colleges, of all officers of the realm collectively or severally, is suspended, so that no magistrate whatsoever has power to issue commands in his presence, as we shall show in due course. ...

But, someone may say, could you not have a commonwealth where the people appointed to office, controlled the expenditure of the revenue and had the right of pardon, which are three of the attributes of sovereignty; where the nobles made laws, determined peace and war, and levied taxes, which are also attributes of sovereignty; and where there was a supreme magistrate set over all the rest, to whom liege-homage was due by all the people severally and collectively, and who was the final and absolute resort of justice. Would not such arrangements involve a division of sovereign rights, and imply a composite commonwealth which was at once monarchical, aristocratic and popular? I would reply that none such has ever existed, and could never exist or even be clearly imagined, seeing that the attributes of sovereignty are indivisible. Whoever could make laws for all the rest, that is to say command or forbid whatever he wished, without there being any right to appeal against or resist his orders, could forbid the declaration of war, the levying of taxes, the swearing of oaths of fealty, without his consent. Or the man to whom liege-homage was due could forbid both nobles and people from obedience to any person but himself. Such situations could only be resolved by an appeal to arms,

until by this means it was decided whether final authority remained in the prince, or a ruling class, or in the people ... Since the King of Denmark has been compelled to share sovereign power with the nobility, that kingdom has never enjoyed any secure peace. The same is true of Sweden, where the King is so mistrustful of the nobles that he employs a German as Chancellor, and a Norman gentleman called Varennes as Constable. ...

There is just one other point to be considered. The Republic of Rome, under the Empire of Augustus, and for long after, was called a principality. This appears to be a form of commonwealth not mentioned by Herodotus, Plato, Aristotle or even Polybius, who enumerated seven ... But I would reply that in many aristocratic or popular states one particular magistrate has precedence over all the rest in dignity and authority. Such are the Emperor in Germany, the Doge in Venice, and in ancient times the Archon in Athens. But this does not change the form of the state ... A principality is nothing but an aristocracy or a democracy which has a single person as president or premier of the republic, but who nevertheless holds of those in whom sovereign power resides.

Concerning Royal Monarchy [CHAPTER III]

A TRUE king is one who observes the laws of nature as punctiliously as he wishes his subjects to observe his own laws, thereby securing to them their liberty, and the enjoyment of their own property. I have added these last qualifications in order to distinguish kingship from despotism. A despot can be a just and virtuous prince, and an equitable governor of his people, but he is the master of their persons and their goods. If a despot who has overcome his enemies in a just war, restores to them their liberty, and permits them to dispose of themselves and their possessions as they wish, he ceases to be a despot and becomes a king. ...

In defining royal monarchy I have said that the subjects should obey the king, to make it clear that sovereign majesty is vested in him, and I have said that the king should obey the laws of nature, to show that he should govern in accordance with the principles of natural justice, which are as obvious, as clear and illuminating as the light of the sun.

It is therefore the authentic mark of kingship that the prince is as mild and pliable to the laws of nature as he wishes his subjects to be to him. This means that he is one that fears God, is merciful to the afflicted, prudent in his undertakings, brave in action, modest in prosperity, constant in adversity, true to his plighted word, wise in council, careful of his subjects, helpful to his friends, terrible to his enemies, courteous to men of good birth, a scourge of evil-doers, and just towards all.

Book IV

The Rise and Fall of Commonwealths [CHAPTER I]

[...] Once the commonwealth has come into existence, if it is well ordered, it can secure itself against external enemies or internal disorders. Little by little it grows in strength till it reaches the height of its perfection. But the uncertainty and mutability of human affairs make it impossible that this pre-eminence should last long. Great states often fall suddenly from their own weight. Others are destroyed by the violence of their enemies at the very moment when they feel themselves most secure. Others decay slowly and are brought to their ends by internal causes. As a general rule the most famous commonwealths suffer the greatest changes of fortune. This is no occasion of condemnation, especially if the change is due to external forces, as most often happens, for the most successful states are those that most provoke envy ... Wherefore it is of the greatest importance to understand the causes of these revolutions before either condemning or emulating.

I mean by change in the commonwealth, change in the form of government, as when the sovereignty of the people gives way to the authority of a prince, or the government of a ruling class is replaced by that of the proletariat, or the reverse in each case. If the constitution of the sovereign body remains unaltered, change in laws, customs, religion, or even change of situation, is not properly a change in the commonwealth, but merely alteration in an already existing one. On the other hand the form of the government of a commonwealth may change while the laws and customs remain what they were, except as they affect the exercise of sovereign power. [...]

I have already said that there are only three forms of commonwealth. It follows that there are properly speaking only six types of revolution that can befall them, that is to say from monarchy into a popular state and from popular state into monarchy, or from monarchy into aristocracy and aristocracy into monarchy, or from aristocracy to popular state and popular state into aristocracy. But each form of commonwealth can undergo six kinds of imperfect revolution, that is to say from kingship to despotism, despotism to tyranny, tyranny to kingship, kingship to tyranny, tyranny to despotism, despotism to kingship. The same changes can occur in the other two forms of the commonwealth, for an aristocracy can be legitimate, despotic, or factious, and a popular state legitimate, despotic, or anarchic. I call the change from a legitimate aristocracy to a factious one, or from a tyranny to a monarchy imperfect, because there is only a change in the quality of persons governing, good or bad. But sovereignty remains in the monarch in one case, and in the aristocracy in the other. ... [...]

It is no matter for wonder if there have been few virtuous princes. There are, after all, few virtuous men, and princes are not usually chosen even out of this small handful. It is therefore remarkable if one does, among many, find one excellent ruler. And once such a one is exalted to a position in which he has no superior save

God alone, assailed as he then is by all the temptations which are a trap even to the most assured, it is a miracle if he preserves his integrity.

BOOK V

The Order to be observed in adapting the Form of the Commonwealth to Divers Conditions of Men, and the means of determining their Dispositions. [CHAPTER I]

So far in discussing the commonwealth we have been concerned with general principles. It remains to discuss the particular characteristics of the different sorts of commonwealth that the diversity of races requires. Political institutions must be adapted to environment, and human laws to natural laws. Those who have failed to do this, and have tried to make nature obey their laws, have brought disorder, and even ruin, on great states. [...]

A wise ruler of any people must therefore have a thorough understanding of their disposition and natural inclinations before he attempts any change in the constitution or the laws. One of the greatest, if not the principal, foundation of the commonwealth is the suitability of its government to the nature of the people, and of its laws and ordinances to the requirements of time, place, and persons. For although Baldus says that reason and natural equity are not conditioned by time and place, one must distinguish between universal principles, and those particular adaptations that differences of places and persons require. The governments of commonwealths must be diversified according to the diversities of their situations. The ruler must emulate the good architect who builds with the materials locally available. The wise statesman must do this too, for he cannot choose such subjects as he would wish. [...]

Book VI

A Comparison of the three Legitimate Types of Commonwealth, Popular, Aristocratic, and Monarchical, concluding in favour of Monarchy [CHAPTER IV]^[2]

WE have now discussed the commonwealth fairly fully from all points of view. It remains to draw our conclusions, that is to say to consider the advantages and disadvantages of each type, and then pronounce on the best. This can only properly be done after one has discussed all aspects of the commonwealth, both general and particular ... Tyranny in a prince is evil, but it is even worse where many rule. As Cicero says, there is no more remorseless tyranny than that of the people. All the same it is a condition of things to be preferred to anarchy, where there is no form of a commonwealth whatsoever, and where none can command, and none are obliged

to obey. Let us avoid such evil conditions as these, and consider which is the best of the three legitimate forms of commonwealth, that is to say a popular state, an aristocracy, or a royal monarchy. In order to make my conclusions quite clear, I shall first set out the arguments for and against each type.

[Vantagens do governo popular]

In the first place it can be argued that the popular state is the most to be esteemed since it aims at an indifferent and equal rule of law, without favour or exception of persons. In such a state civil constitutions are brought into conformity with the laws of nature. In equalizing men it follows the order of nature, under which riches, estates, and honours are not attributed to one more than to another. Similarly, in a popular state all enjoy equality in respect of goods, honours, and legal rights, without any being privileged or entitled to prerogatives... [...] Again, if friendship is the necessary foundation of human society, and if equality is a condition of friendship, since there is no equality except in a popular state, it follows that this is the best form of the commonwealth, and ought to be preferred to all others. In it is to be found natural liberty, and equal justice for all, without fear of tyranny, cruelty or oppression, and the charms of a social intercourse open to all alike, which would seem to secure to men that felicity that nature intended for them. But there is an even stronger argument to prove that the popular state is the best, most worthy and most perfect form, and that is that democracies have generally produced the men who have most excelled in arms and in justice, the greatest orators, jurists, and craftsmen. In other commonwealths, factions among the ruling class, or the king's jealous regard for his own honour and glory, have discouraged subjects from attempting anything outstanding. And finally, it would seem that a popular state alone bears the true mark of a commonwealth. In it everyone partakes in the common good, having a share in the common property, the spoils of war, public honours, and conquered territory, whereas in an aristocracy a handful of the upper class, in a monarchy a single person, appear to convert what should be enjoyed in common to their private advantage. Briefly, if what is most to be hoped for in the commonwealth is that magistrates should be subject to the laws, and the subjects to the magistrates, this seems best secured in a popular state where the law is lady and mistress of all.

These are the principal arguments in favour of the popular state. They appear conclusive, but in effect are no better than spiders' webs, glittering, subtle, and fine-drawn, but of no strength. In the first place, there has never been a commonwealth in which it has been found possible to preserve equality of property and of honours. With regard to honours, such equality is contrary to the laws of nature, for by nature some are wiser and more inventive than others, some formed to govern and others to obey, some wise and discreet others foolish and obstinate, some with the ascendancy of spirit necessary to guide and command others, some endowed only

with the physical strength to execute orders. As to natural liberty, which is so much cried up in the popular state, if such a condition were realized anywhere, it would preclude the existence of any magistrates, laws, or form of state, since such presuppose inequalities. As for the common good, it is quite clear that there is no form of commonwealth where it is less regarded than in a popular state. ...

All those who have discussed the subject are agreed that the end of all commonwealths is the encouragement of honour and virtue. But a popular state is hostile to men of reputation. The preservation of a popular state, according to Xenophon, depends on the promotion of the most vicious, and least worthy, to all honours and offices. If the people are so ill-advised as to bestow honourable charges and dignities on upright and virtuous men, they lose their ascendancy. Honest men advance others like themselves, and such people only ever form a small handful of the community. The bad and the vicious, who are the great majority, are denied advancement, and gradually deprived and superseded by just and upright judges. In this way the best men come to control the state, and take it out of the hands of the people. For this reason, said Xenophon, the Athenians always gave audience to the most evil, knowing full well that they would say those things which were welcome and useful to the wicked men who made up the majority of the people. 'This is why', he said 'I blame the Athenians, for having chosen the worst form of commonwealth there is, but having chosen it, I commend them for conducting their affairs the way they did, that is to say for resisting, persecuting, and banishing the noble, the wise, and the virtuous, and for advancing the impudent, vicious, and evil. For the vice', he said, 'which you denounce so severely is the very foundation of the popular state.' As for justice, he thought that they cared nothing for it. They were only anxious to secure the profits of selling to the highest bidder, and to find means of ruining the rich, the noble, and the incorruptible. Such men they harassed without any justification, because of the hatred they felt for a type quite contrary to their own natural temperament. For this reason a popular state is always the refuge of all disorderly spirits, rebels, traitors, outcasts, who encourage and help the lower orders to ruin the great. The laws they hold in no esteem, for in Athens the will of the people was law. Such was Xenophon's judgement on the Athenian republic, which was the best-ordered of any popular state of its times, and he did not see how it could be in the least changed if the people were to be continued in authority ... Those who praise the Roman Republic to the skies should remember the disorders and evil commotions to which it was a prey. ...

Someone may quote against me the case of the Swiss republics. There you have admirable popular states which have nourished for upwards of three hundred years. They have not only rid themselves of tyrants, but helped to free their neighbours too. But I think the reason is first that a popular form of government is suited to the temperament of the inhabitants, as I said before, and second, that the most restless and intractable go abroad and take service with foreign princes. Those

that remain at home are the more peaceable and manageable, and have little desire to concern themselves with politics. ...

The ability to command cannot be made equal, as the citizens of popular states desire, for we all know that some have no more judgement than brute beasts, while in others the illumination of divine reason is such that they seem angels rather than men. Yet those who want to make all things equal want to give sovereign authority over men's lives, honour, and property, to the stupid, ignorant, and passionate, as well as to the prudent and experienced. In popular assemblies votes are counted, not weighed, and the number of fools, sinners, and dolts is a thousand times that of honest men. ...

I have said all this to bring out the disadvantages of the popular state, and to induce a little reason in those who would incite subjects against their natural prince, in the illusory hope of enjoying liberty under a popular government. But unless its government is in the hands of wise and virtuous men, a popular government is the worst tyranny there is.

[Vantagens e desvantagens da aristocracia]

Let us now see whether aristocracy is better than the others, as some think. If we adopt the principle that the mean between two undesirable extremes is the best, it follows that if such extremes are to be avoided, the mean is aristocracy, where neither one nor all have sovereign power, but a small number ... There is another argument of equal weight in favour of aristocracy, and that is that the right of sovereign command ought, by the light of natural reason to go to those most worthy of it. But worth must be identified with virtue, nobility, or riches, or all three. Whether one thinks it should be any one of these, or a combination of all three, the result is still an aristocracy. For the well-born, the rich, the wise, the worthy are always the minority among the citizens, wherever you go. Natural reason would thus seem to indicate that an aristocracy where a group of citizens, and that a minority, govern, is the best. More properly speaking it is the state in which only the most worthy are admitted as rulers. One can even argue that this means that government should be in the hands of the wealthy, since they are most concerned for the preservation of the commonwealth. They are interested because they undertake much heavier burdens than the poor, who having nothing to lose by it, back out of responsibility at will. For this reason Q. Flaminius bestowed sovereign power on the richest towns in Thessaly because, as he said, they had most interest in preserving the state. Moreover it would seem that aristocracy is necessarily the best state, for in either a popular state or a monarchy, though in appearance sovereignty belongs either to the people or the king, in effect they are compelled to leave government in the hands of the senate or the privy council which deliberate, and often enough determine, all important affairs of state. In fact, all types are in reality

aristocratic. If the people or the king is so ill-advised as to govern in any other way than through the advice of a wise council, ruin must inevitably follow.

Nevertheless all these reasons do not seem to me to add up to a sufficient total. The golden mean that everyone is looking for is not secured by a numerical calculation, but in the sphere of morals means the rule of reason, as all the philosophers agree ... The same disadvantages that we have noticed in the case of popular states characterize aristocracies, as a result of the multiplication of rulers. The greater the number of those that rule, the more opportunities are there for faction, the more difficult it is to arrive at any agreement, and the more irresponsible are the decisions taken. In consequence the aristocracies which have been the most lasting and the most stable have been those that have been ruled by the fewest in number. The thirty in Sparta, and the twenty or so in Pharsalia long maintained their authority. Others have not been so lasting ... It is very difficult for a handful of rulers to preserve their authority over a whole people who have no share in the honours of office, especially as the ruling class generally despise the populace, and the poor feel a deadly hatred of the rich. On the least disagreement between members of the ruling class — inevitable if they are naturally enterprising and aggressive — the most factious and ambitious go over to the people, and subvert the aristocratic form of the government. This has been the most frequent cause of the ruin of seigneuries such as those of Genoa, Siena, Florence ... In the state of fear in which they live, the ruling class do not dare to train their subjects to arms. They cannot go to war without being in danger of losing their authority should they lose a single battle. They cannot secure themselves against their enemies, and live in perpetual dread of defeat. A popular state is not exposed to such dangers, since everyone has a share in power. Therefore an aristocracy is in danger not only from foreign enemies, but also from their own subjects whom they must satisfy, or hold down by force. It is extremely difficult to satisfy them without admitting them to the estates, and impossible to concede honourable charges to them without converting the aristocracy into a popular state. As for holding them down by force, it offers no security, even when it can be done. It means inspiring fear and mistrust in those whom one should win over by services and patronage, otherwise the most insignificant foreign attack against the state, or the least disagreement within the ruling class, means that the people take up arms in the hope of shaking off their yoke. For this reason, in order to preserve their aristocratic form of state, the Venetians threw open certain minor offices to the people, intermarried with them, created a state debt to give them a vested interest in the regime, and totally disarmed them. ...

It is obvious then that the principal foundation of an aristocracy is the preservation of concord within the ranks of the ruling class. If they can maintain their solidarity, they can maintain their government much better than can the people. But if they allow factions to develop, there is no form of government more

difficult to maintain, for the reasons I have given, especially if it is a military aristocracy, for nothing is more contrary to the temper of such than the preservation of peace. It is not to be wondered at that the aristocracies of Venice, Ragusa, and Lucca have endured for so many centuries, for they renounced all armed enterprises, and occupied themselves exclusively with commerce and banking. ...

[Vantagens e desvantagens da monarquia]

There remains monarchy to be considered. All great men have preferred it to any other form. Nevertheless it is beset by many dangers, for even when the succession of a new king means a change from a bad king to a good, or from a good king to a better, there is necessarily a change in the seat of sovereignty, and such a change is critical in all kinds of commonwealth. It is a matter of common experience that when a new prince succeeds, all sorts of new plans, new laws, new officials, new friends, new enemies, new customs, new social habits spring up. Most princes are pleased to introduce novelties of all sorts, just to get themselves talked about. This often entails the most serious consequences, not only for their individual subjects, but for the whole body of the commonwealth. Even when a prince is the wisest of men, and does not behave in this manner, the alliances and peace settlements made by his predecessor are dissolved by his death. That being so, neighbouring princes take up arms, and the stronger attacks, or dictates terms to the weaker. This cannot happen to the undying sovereigns of popular and aristocratic states, for they can make perpetual alliances ... The other drawback to monarchy is the danger of civil war between aspirants to the crown, especially where it is elective. This has often brought ruin on the state. Even when the crown is hereditary there is no little danger when there is a dispute between claimants of the same degree of relationship. Assassinations follow, and divisions among the subjects, and often the legitimate heir is expelled by the man with the worse title. We have had only too many examples of this before our eyes. Even when the succession is not in question, if the king is under age there are conflicts about the regency, either between the Queen Mother and Princes of the Blood, or among the Princes themselves. When God intended to punish the sins of the people, he threatened them with women and children as rulers ... Even if a people enjoys the greatest blessing it can hope for — and this seldom happens — and the prince on his accession is of mature years and experienced in affairs, nevertheless the enjoyment of sovereign power too often has the unhappy effect of making fools of wise men, cowards of brave ones, wicked men of honest. There have been too many instances for any examples to be necessary. ...

Such are the dangers inherent in the monarchical form of government. They are great enough. But they are not so great as those which threaten an aristocracy, and even less than those that threaten popular states. Most of these dangers are

avoided when the monarchy passes by hereditary succession, as we shall show in its proper place. Sedition, faction, civil war are a perpetual threat to all types of commonwealth, and the struggle for power in aristocracies and popular states is frequently much more bitter than in a monarchy. In a monarchy conflict over office and over political power only breaks out openly on the death of the prince, and then not very often.

[Monarquia e virtude]

The principal mark of a commonwealth, that is to say the existence of a sovereign power, can hardly be established except in a monarchy. There can only be one sovereign in the commonwealth. If there are two, three or more, not one of them is sovereign, since none of them can either impose a law on his companions or submit to one at their instance. Though one can imagine a collective sovereign power, vested in a ruling class, or a whole people, there is no true subject nor true protector if there is not some head of the state in whom sovereign power is vested, who can unite all the rest. A simple magistrate, not endowed with sovereign authority, cannot perform this function. Moreover if the ruling class, or the people are, as often happens, divided, the dispute can only be settled by force, and by one taking up arms against another. Even when the majority is agreed, it can easily happen with a people that the minority have considerable resources, and choose a leader whom they force upon the majority, and so carry all before them. We have plenty of evidence of the difficulties that arise in aristocracies and popular states when there is a divergence of opinion and diverse views taken by the magistrates. Some want peace, some war; some want this law, some another; some this president, some that, some alliance with the King of France, others with the King of Spain ... Again, in a popular or aristocratic state numbers always carry the day. But the wise and virtuous are only a small minority in any community, so that for the most part the more reasonable and discrete are compelled to give way to the majority, at the dictation of some impudent tribune or envious demagogue. But the sovereign monarch can seek the support of the smaller and wiser part, and choose expert advisers, experienced in affairs of state. In popular and aristocratic states, wise and foolish alike have to be admitted to the estates and to the councils. [...]

There is no need to insist further that monarchy is the best form, seeing that the family, which is the true image of the commonwealth has only one head, as we have shown. All the laws of nature point towards monarchy, whether we regard the microcosm of the body, all of whose members are subject to a single head on which depend will, motion, and feeling, or whether we regard the macrocosm of the world, subject to the one Almighty God. If we look at the heavens we see only one sun. We see that even gregarious animals never submit to many leaders, however good they may be ... Moreover we may observe that all the peoples of this world since the

most ancient times adopted the monarchical form of commonwealth by the light of natural reason. One hears nothing of aristocracies, much less of popular states among the Assyrians, Medes, Persians, Egyptians, Indians, Parthians, Macedonians, Celts, Gauls, Scythians, Arabs, Turks, Muscovites, Tartars, Poles, Danes, Spaniards, English, Africans, and inhabitants of Persia. Even the ancient inhabitants of Greece and Italy were ruled by kings alone until they were corrupted and degraded by ambition. It is a matter of wonder that the popular state of the Romans and the aristocracies of Sparta and Venice have endured for so long as four hundred years. There is reason to wonder how it came about that two or three republics among a hundred others managed to survive for several centuries, seeing that their form is contrary to the course and order of nature. But no one is surprised to see many great and powerful monarchies maintain themselves in all their glory for a thousand or twelve hundred years, for they are ordered according to the laws of nature. ...

It seems to me that for these reasons, and for others that one need not go in to, it is clear that of the three types of commonwealth monarchy is the most excellent. Among those that are not so well regulated, democracy is the most perverted.