

1689-1755

Charles-Louis de Secondat, baron de La Brède et de Montesquieu was born on January 18, 1689 in the Château La Brède, near Bordeaux, France. He died in Paris on February 10, 1755, aged 66, succumbing to a fever. In 1700 he matriculated at the Collège de Juilly and in 1708 studied law in Bordeaux and Paris. When he was 26 he imitated his father by marrying a rich Protestant, Jeanne de Lartique, whose dowry was 100,000 livres. Their children included two daughters (one named Denise) and a son, Jean-Baptiste. In 1714 he became a judge in Bordeaux, and in 1716 he purchased a seat in the local parliament. With finances and social status thus secured, Montesquieu began studying Roman law carefully in order to advance his career, but also the natural sciences, in keeping with enlightened thought at the time. He also spent a great deal of time traveling in Europe, speaking with those political, cultural, and intellectual leaders from whom he thought he could learn, meanwhile leaving his estate in the capable hands of his wife.

His *Persian Letters* (1722) is in fact a satire of Parisian life, and has remained popular to this day, including such oddities as a discussion of Hobbes' political theory, the rudiments of demography, and a running comparison of Islamic and Christian civilizations. He also wrote a popular study of Rome's collapse (1734), but his masterpiece is *The Spirit of the Laws* (1748), for which he had been collecting information all his life, and which occupied 1,086 pages in two large volumes. In it he systematized all preceding theories of government and among other achievements, specified how the separation of powers ought to work, thereby much influencing the founders of the U.S. government. It is more the product of a leisurely provincial culture than the hectic Paris of the philosophes, but it has outlasted much of what was composed in the more exciting venues of the time. A foundational work in political theory, it continues to be studied and retranslated into every major language, recognized as the beginning point of the modern view of government based on a comparative examination of data, both historical and cross-cultural.

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THE SPIRIT OF THE LAWS, 1748

Of the Laws in Relation to the Nature of a Despotic Government

From the nature of despotic power it follows that the single person, invested with this power, commits the execution of it also to a single person. A man whom his senses continually inform that he himself is everything and that his subjects are nothing, is naturally lazy, voluptuous, and ignorant. In consequence of this, he neglects the management of public affairs. But were he to commit the administration to many, there would be continual disputes among them; each would form intrigues to be his first slave; and he would be obliged to take the reins into his own hands. It is, therefore, more natural for him to resign it to a vizier, and to invest him with the same power as himself. The creation of a vizier is a fundamental law of this government. . . .

The same may be said of the princes of the East, who, being educated in a prison where eunuchs corrupt their hearts and debase their understandings, and where they are frequently kept ignorant even of their high rank, when drawn forth in order to be placed on the throne, are at first confounded: but as soon as they have chosen a vizier, and abandoned themselves in their seraglio to the most brutal passions, pursuing; in the midst of a prostituted court, every capricious extravagance, they would never have dreamed that they could find matters so easy.

The more extensive the empire, the larger the seraglio; and consequently the more voluptuous the prince. Hence the more nations such a sovereign has to rule, the less he attends to the cares of government; the more important his affairs, the less he makes them the subject of his deliberations.

In What Manner the Laws of Civil Slavery Relate to the Nature of the Climate

I.—Of civil Slavery Slavery, properly so called, is the establishment of a right which gives to one man such a power over another as renders him absolute master of his life and fortune. The state of slavery is in its own nature bad. It is neither useful to the master nor to the slave; not to the slave, because he can do nothing through a motive of virtue; nor to the master, because by having an unlimited authority over his slaves he insensibly accustoms himself to the want of all moral virtues, and thence becomes fierce, hasty, severe, choleric, voluptuous, and cruel.

In despotic countries, where they are already in a state of political servitude, civil slavery is more tolerable than in other governments. Every one ought to be satisfied in those countries with necessities and life. Hence the condition of a slave is hardly more burdensome than that of a subject.

But in a monarchical government, where it is of the utmost importance that human nature should not be debased or dispirited, there ought to be no slavery. In democracies, where they are all upon equality; and in aristocracies, where the laws ought to use their utmost endeavors to procure as great an equality as the nature of the government will permit, slavery is contrary to the spirit of the constitution: it only contributes to give a power and luxury to the citizens which they ought not to have. . . .

6.—The true Origin of the Right of Slavery It is time to inquire into the true origin of the right of slavery. It ought to be founded on the nature of things; let us see if there be any cases where it can be derived thence.

In all despotic governments people make no difficulty in selling themselves; the political slavery in some measure annihilates the civil liberty.

According to Mr. Perry, the Muscovites sell themselves very readily: their reason for it is evident—their liberty is not worth keeping.

At Achim every one is for selling himself. Some of the chief lords have not less than a thousand slaves, all principal merchants, who have a great number of slaves themselves, and these also are not without their slaves. Their masters are their heirs, and put them into trade. In those

states, the freemen being overpowered by the government, have no better resource than that of making themselves slaves to the tyrants in office.

This is the true and rational origin of that mild law of slavery which obtains in some countries: and mild it ought to be, as founded on the free choice a man makes of a master, for his own benefit; which forms a mutual convention between the two parties.

7.—*Another Origin of the Right of Slavery* There is another origin of the right of slavery, and even of the most cruel slavery which is to be seen among men. There are countries where the excess of heat enervates the body, and renders men so slothful and dispirited that nothing but the fear of chastisement can oblige them to perform any laborious duty: slavery is there more reconcilable to reason; and the master being as lazy with respect to his sovereign as his slave is with regard to him, this adds a political to a civil slavery.

Aristotle endeavors to prove that there are natural slaves; but what he says is far from proving it. If there be any such, I believe they are those of whom I have been speaking.

But as all men are born equal, slavery must be accounted unnatural, though in some countries it be founded on natural reason; and a wide difference ought to be made between such countries, and those in which even natural reason rejects it, as in Europe, where it has been so happily abolished.

Plutarch, in the "Life of Numa," says that in Saturn's time there was neither slave nor master. Christianity has restored that age in our climates.

8.—*Inutility of Slavery among us* Natural slavery, then, is to be limited to some particular parts of the world. In all other countries, even the most servile drudgeries may be performed by freemen.

Experience verifies my assertion. Before Christianity had abolished civil slavery in Europe, working in the mines was judged too toilsome for any but slaves or malefactors: at present there are men employed in them who are known to live comfortably. The magistrates have, by some small privileges, encouraged this profession; to an increase of labor they have joined an increase of gain; and have gone so far as to make those people better pleased with their condition

than with any other which they could have embraced.

No labor is so heavy but it may be brought to a level with the workman's strength, when regulated by equity, and not by avarice. The violent fatigues which slaves are made to undergo in other parts may be supplied by a skilful use of ingenious machines. The Turkish mines in the Bannat of Temeswaer, though richer than those of Hungary, did not yield so much; because the working of them depended entirely on the strength of their slaves.

I know not whether this article be dictated by my understanding or by my heart. Possibly there is not that climate upon earth where the most laborious services might not with proper encouragement be performed by freemen. Bad laws having made lazy men, they have been reduced to slavery because of their laziness.

9.—*Several Kinds of Slavery* Slavery is of two kinds, real and personal. The real annexes the slave to the land, which Tacitus makes the condition of slaves among the Germans. They were not employed in the family: a stated tribute of corn, cattle, or other movables, paid to their master, was the whole of their servitude. And such a servitude still continues in Hungary, Bohemia, and several parts of Lower Germany.

Personal slavery consists in domestic services, and relates more to the master's person.

The worst degree of slavery is when it is at once both real and personal, as that of the Helotes among the Lacedaemonians. They underwent the fatigues of the field, and suffered all manner of insults at home. This helotism is contrary to the nature of things. Real slavery is to be found only among nations remarkable for their simplicity of life: all family business being done by the wives and children. Personal slavery is peculiar to voluptuous nations; luxury requiring the service of slaves in the house. But helotism joins in the same person the slavery established by voluptuous nations and that of the most simple.

10.—*Regulations necessary in respect to Slavery* But of whatsoever kind the slavery be, the civil laws should endeavor on the one hand to abolish the abuses of it, and on the other to guard against its dangers.

11.—*Abuses of Slavery.* In Mahomedan states, not only the life and goods of female slaves, but also what is called their virtue or honor, are at their master's disposal. One of the misfortunes of those countries is that the greatest part of the nation are born only to be subservient to the pleasures of the other. This servitude is alleviated by the laziness in which such slaves spend their days; which is an additional disadvantage to the state.

It is this indolence which renders the eastern seraglios so delightful to those very persons whom they were made to confine. People who dread nothing but labor may imagine themselves happy in those places of indolence and ease. But this shows how contrary they are to the very intent of the institution of slavery.

Reason requires that the master's power should not extend to what does not appertain to his service: slavery should be calculated for utility, and not for pleasure. The laws of chastity arise from those of nature, and ought in all nations to be respected.

If a law which preserves the chastity of slaves be good in those states where arbitrary power bears down all before it, how much more will it be so in monarchies, and how much more still in republics?

The law of the Lombards has a regulation which ought to be adopted by all governments. "If a master debauches his slave's wife, the slave and his wife shall be restored to their freedom." An admirable expedient, which, without severity lays a powerful restraint on the incontinence of masters!

The Romans seem to have erred on this head. They allowed an unlimited scope to the master's lusts, and, in some measure denied their slaves the privilege of marrying. It is true, they were the lowest part of the nation; yet there should have been some care taken of their morals, especially as in prohibiting their marriage they corrupted the morals of the citizens.

12.—*Danger from the Multitude of Slaves* The multitude of slaves has different effects in different governments. It is no grievance in a despotic state, where the political servitude of the whole body takes away the sense of civil slavery. Those who are called freedmen in reality are little more so than they who do not come within that class; and

as the latter, in quality of eunuchs, freedmen, or slaves, have generally the management of all affairs, the condition of a freedman and that of a slave are very nearly allied. This makes it therefore almost a matter of indifference whether in such states the slaves be few or numerous.

But in moderate governments it is a point of the highest importance that there should not be a great number of slaves. The political liberty of those states adds to the value of civil liberty; and he who is deprived of the latter is also bereft of the former. He sees the happiness of a society, of which he is not so much as a member; he sees the security of others fenced by laws, himself without any protection. He perceives that his master has a soul, capable of enlarging itself; while his own labors under a continual depression. Nothing more assimilates a man to a beast than living among freedmen, himself a slave. Such people as these are natural enemies of society; and their number must be dangerous.

It is not therefore to be wondered at that moderate governments have been so frequently disturbed by the revolts of slaves, and that this so seldom happens in despotic states.

Of Laws in Relation to the Principles Which Form the General Spirit, the Morals, and Customs of a Nation

3.—*Of Tyranny* Where are two sorts of tyranny: one real, which arises from oppression; the other is seated in opinion; and is sure to be left whenever those who govern establish things shocking to the existing ideas of a nation.

Dio tells us that Augustus was desirous of being called Romulus; but having been informed that the people feared that he would cause himself to be crowned king, he changed his design. The old Romans were averse to a king, because they could not suffer any man to enjoy such power; these would not have a king, because they could not bear his manners. For though Caesar, the Triumvirs, and Augustus were really invested with regal power, they had preserved all the outward appearance of equality, while their private lives were a kind of contrast to the pomp and luxury of foreign monarchs; so that when the Romans were resolved to have no king, this only signified that

they would preserve their customs, and not imitate those of the African and Eastern nations.

The same writer informs us that the Romans were exasperated against Augustus for making certain laws which were too severe; but as soon as he had recalled Pylades, the comedian, whom the jarring of different factions had driven out of the city, the discontent ceased. A people of this stamp have a more lively sense of tyranny when a player is banished than when they are deprived of their laws.

4.—*Of the general Spirit of Mankind* Mankind are influenced by various causes: by the climate, by the religion, by the laws, by the maxims of government, by precedents, morals, and customs; whence is formed a general spirit of nations.

In proportion as, in every country, any one of these causes acts with more force, the others in the same degree are weakened. Nature and the climate rule almost alone over the savages customs govern the Chinese; the laws tyrannize in Japan; morals had formerly all their influence at Sparta; maxims of government, and the ancient simplicity of manners once prevailed at Rome.

5.—*How far we should be attentive lest the general Spirit of a Nation be changed* Should there happen to be a country whose inhabitants were of a social temper, open-hearted, cheerful, endowed with taste and a facility in communicating their thoughts; who were sprightly and agreeable; sometimes imprudent, often indiscreet; and besides had courage, generosity, frankness, and a certain notion of honor, no one ought to endeavor to restrain their manners by laws, unless he would lay a constraint on their virtues. If in general the character be good, the little foibles that may be found in it are of small importance.

They might lay a restraint upon women, enact laws to reform their manners and to reduce their luxury, but who knows but that by these means they might lose that peculiar taste which would be the source of the wealth of the nation, and that politeness which would render the country frequented by strangers?

It is the business of the legislature to follow the spirit of the nation, when it is not contrary to the principles of government; for we do nothing

so well as when we act with freedom, and follow the bent of our natural genius.

If an air of pedantry be given to a nation that is naturally gay, the state will gain no advantage from it, either at home or abroad. Leave it to do frivolous things in the most serious manner, and with gayety the things most serious.

6.—*That Everything ought not to be corrected* Let them but leave us as we are, said a gentleman of a nation which had a very great resemblance to that we have been describing, and nature will repair whatever is amiss. She has given us vivacity capable of offending, and hurrying us beyond the bounds of respect: this same vivacity is corrected by the politeness it procures, inspiring us with a taste of the world, and, above all, for the conversation of the fair sex.

Let them leave us as we are; our indiscretions joined to our good nature would make the laws which should constrain our sociability not at all proper for us.

7.—*Of the Athenians and Lacedaemonians* The Athenians, this gentleman adds, were a nation that had some relation to ours. They mingled gayety with business; a stroke of raillery was as agreeable in the senate as in the theatre. This vivacity, which discovered itself in their councils, went along with them in the execution of their resolves. The character of the Spartans was one of gravity, seriousness, severity, and silence. It would have been as difficult to bring over an Athenian by teasing as it would a Spartan by diverting him.

8.—*Effects of a sociable Temper* The more communicative a people are the more easily they change their habits, because each is in a greater degree a spectacle to the other, and the singularities of individuals are better observed. The climate which influences one nation to take pleasure in being communicative, makes it also delight in change, and that which makes it delight in change forms its taste.

The society of the fair sex spoils the manners and forms the taste; the desire of giving greater pleasure than others establishes the embellishments of dress; and the desire of pleasing others more than ourselves gives rise to fashions. This fashion is a subject of importance; by encouraging

a trifling turn of mind, it continually increases the branches of its commerce.

9.—*Of the Vanity and Pride of Nations* Vanity is as advantageous to a government as pride is dangerous. To be convinced of this we need only represent, on the one hand, the numberless benefits which result from vanity, as industry, the arts, fashions, politeness, and taste; on the other, the infinite evils which spring from the pride of certain nations, as laziness, poverty, a total neglect of everything—in fine, the destruction of the nations which have happened to fall under their government, as well as of their own. Laziness is the effect of pride; labor, a consequence of vanity. The pride of a Spaniard leads him to decline labor; the vanity of a Frenchman to work better than others.

All lazy nations are grave; for those who do not labor regard themselves as the sovereigns of those who do.

If we search amongst all nations, we shall find that for the most part gravity, pride, and indolence go hand in hand.

The people of Achim are proud and lazy; those who have no slaves, hire one, if it be only to carry a quart of rice a hundred paces; they would be dishonored if they carried it themselves.

In many places people let their nails grow, that all may see they do not work.

Women in the Indies believe it shameful for them to learn to read: this is, they say, the business of their slaves, who sing canticles in the pagodas. In one tribe they do not spin; in another they make nothing but baskets and mats; they are not even to pound rice; and in others they must not go to fetch water. These rules are established by pride, and the same passion makes them followed. There is no necessity for mentioning that the moral qualities, according as they are blended with others, are productive of different effects; thus pride, joined to a vast ambition and notions of grandeur, produced such effects among the Romans as are known to all the world.