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V.14 How laws are relative to the principles of despotic government

- The Spirit of Law - Book V. That the laws made by the legislator must be relative to the principle of the government -

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The principle of despotic government is fear ; but timid, ignorant, and downtrodden peoples do not require many laws.

Everything should be centered on two or three ideas, therefore no new ones are needed. When you train an animal, you make sure not to have him change master, routine, and pace ; you impress two or three motions on its brain, not more.

When the prince is closeted, he cannot leave the sojourn of delights without dismaying all those who are retaining him there. They cannot bear to let his person and his power pass into other hands. Therefore he rarely wages war in person, and hardly dares do it through his lieutenants.

Such a prince, accustomed in his palace to meeting no resistance, resents being resisted arms in hand ; he is thus usually driven by either anger or vengeance. Besides, he can have no notion of true glory. Wars must therefore be waged in all their natural fury, and the law of nations has less application there than elsewhere.

Such a prince has so many flaws that one would have to fear exposing his natural stupidity for everyone to see. He is hidden, and no one knows his current state. Happily, men are such in this country that they need no more than a name to govern them.

Charles XII, being at Bender, and finding some resistance in the Swedish senate, wrote that he would send them one of his boots to command them. That boot would have governed like a despotic king.

If the king is a prisoner, he is assumed to be dead, and another ascends the throne. Treaties made by the prisoner are ignored : his successor would not ratify them ; in reality, as he is the laws, the state and the prince, and the minute he is no longer prince he is nothing, if he were not presumed dead the state would be destroyed.

One of the things that most persuaded the Turks to make their separate peace with Peter I was that the Muscovites told the vizier that in Sweden another king had been placed on the throne. [\[1\]](#)

The preservation of the state is no more than the preservation of the prince, or rather of the palace where he is enclosed. Nothing which does not directly threaten that palace or capital city makes any impression on ignorant, arrogant, and prejudiced minds ; and as for the sequence of events, they cannot follow, foresee, or even think about it. Politics, its resources, and its laws must be very circumscribed there, and the political government is as simple as the civil government. [\[2\]](#)

It all comes down to reconciling the political and civil government with the domestic government, the officers of the state with those of the seraglio.

Such a state will be in the best situation when it can regard itself as alone in the world, and when it is surrounded by deserts and separated from the peoples it calls barbarians. Unable to count on the militia, it will do well to destroy a part of itself.

As the principle of despotic government is fear, its end is tranquility ; but it is not a peace, it is the silence of those cities that the enemy is about to occupy.

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Strength lying not in the state but in the army that founded it, the defense would require the preservation of that army ; but it is fearsome to the prince. How then to reconcile the security of the state with the security of the person ?

Just look, I ask you, at the ingenuity with which the Muscovite government is seeking its way out of despotism, which is even more burdensome to itself than to its peoples. They have quashed the great corps of troops, they have lightened punishment for crimes, they have instituted tribunals, they have begun to know laws ; they have instructed the peoples. But there are particular causes which might bring it back to the misfortune it was trying to flee.

In these states, religion has more influence than in any other ; it is a fear added to fear. In Mohammedan empires, it is religion in part that gives these peoples the impressive respect they have for their prince.

It is religion that somewhat corrects the Turkish constitution. Subjects who are not attached by honor to the glory and grandeur of the state are attached to them by the force and principle of religion.

Of all despotic governments, there is none that more damns itself than one in which the prince declares himself owner of all the landed property and the heir of all his subjects. Abandonment of cultivation of the land is always the result ; and if in addition the prince is a merchant, every kind of enterprise is undermined.

In these states no one repairs or improves anything. [3] They build houses only for their lifetime, they dig no ditches and plant no trees ; they take everything from the earth, and put nothing back ; all is fallow, all is barren.

Do you think that laws that suppress ownership of land and the inheritance of property will reduce the avarice and cupidity of the great ? No, they will stimulate that cupidity and that avarice. They will be motivated to commit a thousand provocations, because they will believe that only the gold and silver they can steal or hide is really theirs.

In order that all not be lost, it is well for the prince's avidity to be tempered by some duties. Thus, in Turkey, the prince is content to collect a duty of three percent on the value of the succession. [4] But inasmuch as the sultan gives most of the lands to his militia, and disposes of them as he sees fit ; as he seizes all the successions of officers of the empire ; as, when a man dies without male heirs, the sultan gets the property, and the daughters only the usufruct ; there are times when most of the state's properties are owned temporarily.

By the law of Bantan, [5] the king takes the entire estate, even the wife, the children, and the house. In order to elude the cruellest provision of that law, they are forced to marry off the children at eight, nine or ten years of age, and sometimes earlier, so they will not find themselves an unfortunate part of the father's estate.

In states where there are no fundamental laws, there is no way succession to the empire can be fixed. The crown is at the prince's discretion, inside or outside his family. It would be futile were it established that the eldest would succeed him ; the prince could always choose someone else. The successor is declared by the prince himself, or by his ministers, or by a civil war. Thus that state has one more reason for dissolution than a monarchy.

Each prince of the royal family having equal eligibility, it happens that the one who ascends to the throne immediately has his brothers strangled, as in Turkey, or has their eyes put out, as in Persia, or drives them mad, as does the Mogol ; or if these precautions are not taken, as in Morocco, every vacancy of the throne is followed by a horrendous civil war.

By the constitutions of Muscovy, [6] the Tsar can choose whomever he wishes as his successor, either within his family or without. Such an establishment of succession causes a thousand revolutions and makes the throne as

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shaky as the succession is arbitrary. The order of succession being one of the things it most behooves the people to know, the best one is the most obvious, such as family, and a certain order of birth. Such a provision prevents plots and stifles ambition ; the mind of a weak prince is no longer captured, nor are the dying made to speak.

When the succession is established by a fundamental law, a single prince is successor, and his brothers have no right, real or apparent, to challenge him for the throne. A specific will of the father can be neither presumed nor given priority. It is therefore no more relevant to arrest the king's brother or put him to death than any other subject at all.

But in despotic states, where the monarch's brothers are equally his slaves and his rivals, prudence would dictate securing their persons, especially in Mohammedan countries, where religion regards victory or success as a judgment of God, in such a way that there no one is monarch *de jure*, but only *de facto*.

Ambition is much more aggravated in states where princes of the blood see that if they do not ascend to the throne they will be imprisoned or put to death, than here, where the princes of the blood enjoy a situation which, if less satisfying to ambition, is perhaps more satisfying to moderate desires.

The princes of despotic states have always abused marriage. They ordinarily take several wives, especially in that part of the world where despotism is, so to speak, naturalized, which is Asia. They have so many children by them that they can hardly have any affection for them, nor the children for their brothers.

The reigning family is like the state : it is too weak, and its head is too strong ; it appears extended, and reduces to nothing. Artaxerxes had all his children put to death for conspiring against him. [7] It is not plausible for fifty children to conspire against their father, and even less so for them to conspire because he did not want to yield his concubine to his eldest son. It is simpler to believe that it is all some intrigue of those Oriental seraglios, those places where artifice, cruelty, and ruse silently reign and cover themselves in utter darkness ; where an old prince, becoming more imbecilic by the day, is the first prisoner of the palace.

After all we have just said, it would seem that humankind would constantly be rising up against despotic government. But despite men's love of liberty, despite their hatred of violence, most peoples are submissive. That is easy to understand. In order to create a moderate government, the authorities must be combined, ordered, tempered, made to work ; ballast must be given to the one, so to speak, to enable it to stand up to another : this is a masterpiece of legislation which is rarely achieved by chance, and which prudence is rarely allowed to achieve. A despotic government, on the contrary is, so to speak, perfectly obvious ; it is everywhere uniform ; as it takes only passions to establish it, anyone can do it.

[1] Continuation of Pufendorf's *Histoire universelle*, on the treaty of Sweden (ch. x).

[2] According to Mr. Chardin, there is no council of state in Persia [VI, 25].

[3] See Ricault, *The Present State of the Ottoman Empire*, p. 196.

[4] See, on the inheritance of the Turks, *Lacedæmon ancient and modern*. See also Ricault, *The Present State of the Ottoman Empire*.

[5] *Recueil des voyages qui ont servi à l'établissement de la Compagnie des Indes*, vol. I. The law of Bago is less cruel ; if there are children, the king is heir only to two-thirds (*Ibid.*, vol. III, p. 1).

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[6] See the different constitutions, especially that of 1722.

[7] See Justinus.