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V.16 On the communication of power

- 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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In the despotic government, power passes undivided into the hands of the man in whom it is being confided. The vizier is the despot himself, and each individual officer is the vizier. In the monarchical government, power is applied less directly ; the monarch, in delegating it, tempers it [1]. He makes such a distribution of his authority that he never gives part of it away without retaining a larger part for himself.

Thus, in monarchical states, the separate governors of the cities, not so beholden to the governor of the province as not to be even more beholden to the prince, and the particular officers of the military corps are not so dependent on the general that they are not even more dependent on the prince.

In most monarchical states it has been wisely instituted that those who have a fairly extensive command are attached to no corps of militia, so that, holding command only by a specific intention of the prince, able to be employed or not, they are in a sense in the service, and in a sense outside it.

This is incompatible with the despotic government. For if those who have no current position nevertheless possessed prerogatives and titles, the state would include men who were important in themselves, which would go against the nature of that government.

For if the governor of a city were independent of the pasha, every day accommodations would be necessary to reconcile them, which is absurd in a despotic government. And besides, if the individual governor could refuse to obey, how would the pasha answer for his province upon his head ?

In this government, authority cannot be evenly divided ; that of the least magistrate is not more evenly divided than the despot's. In moderated countries, the law is everywhere prudent, it is everywhere known, and the pettiest magistrates can follow it. But in despotism, where the law is but the will of the prince, how could a magistrate, even if the prince were wise, follow an intention which he does not know ? He has to follow his own.

Besides, the law being only what the prince wills, and the prince being able to will only what he knows, there must be countless persons who will in his place and as he would.

In short, the law being the momentary will of the prince, it is necessary that those who will for him should will instantly as he would.

[1] *Ut esse Phoebi dulcius lumen solet / Jamjam cadentis...* [Seneca, *Troades*, v. 1141-1142 : 'Thus is the light of the sun gentler when it is setting'].