

<http://montesquieu.ens-lyon.fr/spip.php?article2737>



XI.13 General reflections on the state of Rome after the expulsion of the kings

- The Spirit of Law - Book XI. On the laws that constitute political freedom in their relation to the constitution -

Date de mise en ligne : mardi 4 septembre 2018

Copyright © Montesquieu - Tous droits réservés

XI.13 General reflections on the state of Rome after the expulsion of the kings

One is never done with the Romans, as still today in their capital one leaves the new palaces aside to go look for ruins, or as the eye which has rested on the bright flowers of the prairies likes to look at boulders and mountains.

Patrician families had always had great prerogatives. These distinctions, great under the kings, became much more significant after their expulsion. That provoked the jealousy of the plebeians, who wanted to humble them. The contestations struck at the constitution without weakening the government : for provided the magistracies maintained their authority, it was fairly indifferent which family the magistrates belonged to.

An elective monarchy, as Rome was, necessarily supposes a powerful aristocratic body to support it ; otherwise it turns quickly into a tyranny or a popular state. But a popular state does not need this distinction of families to maintain itself. That is why the patricians, who were necessary parts of the constitution in the time of the kings, became a superfluous part of it in the time of the consuls ; the people could humble them without destroying themselves, and change the constitution without corrupting it.

When Servius Tullius had degraded the patricians, Rome had to fall from the hands of the kings into those of the people. But the people by humbling the patricians did not have to fear falling back into the hands of kings.

A state can change in two ways : either because the constitution is improved, or because it becomes corrupt. If the state has preserved its principles, and the constitution changes, that means it is improving itself ; if it has lost its principles at a time when the constitution changes, that means the constitution is becoming corrupt.

After the expulsion of the kings, Rome should have been a democracy. The people already had the legislative authority : it was their unanimous vote that had driven out the kings ; and if they did not persist in that intention, the Tarquins could at any moment return. To pretend that they would have wanted to get rid of them only to become the slaves of a few families was not reasonable. The situation of things therefore required that Rome be a democracy, and yet she was not. The power of the principal citizens would have had to be tempered, and the laws to have tended toward democracy.

States often flourish more during the gradual passage from one constitution to another than they did under either of the constitutions. That is when all the resources of the government are in play, when all the citizens have pretensions, when they attack or caress each other, and when there is noble emulation between those who defend the declining constitution and the proponents of the one that prevails.