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VI.6 That in a monarchy ministers must not judge

- The Spirit of Law - Book VI. Consequences of the principles of the various governments with respect to the simplicity of the civil and criminal laws, the form of judgments, and the establishment of punishments -

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Another great disadvantage in monarchy is for the prince's ministers themselves to judge contentious causes. Still today we see states where there are innumerable judges to decide fiscal matters, and where the ministers (who would believe it ?) still want to judge them. A flood of observations come to mind ; I will make just this one.

There is by the nature of things a sort of contradiction between the monarch's council and his tribunals. The councils of kings should be composed of few persons, and judicial tribunals require many. The reason is that, in the former, causes must be taken up with a degree of passion, and followed up in the same way, which one can hardly expect from more than four or five men who make it their business. There must be judicial tribunals which are on the contrary detached, and to which all causes are, in a sense, indifferent.