

DEFENCE  
*John Adams*  
OF THE

Constitutions of Government

OF THE

UNITED STATES OF AMERICA.

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Boston.

*All nature's difference keeps all nature's peace.*

POPE.

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# P R E F A C E.

THE arts and sciences, in general, during the three or four last centuries, have had a regular course of progressive improvement. The inventions in mechanic arts, the discoveries in natural philosophy, navigation, and commerce, and the advancement of civilization and humanity, have occasioned changes in the condition of the world, and the human character, which would have astonished the most refined nations of antiquity. A continuation of similar exertions is every day rendering Europe more and more like one community, or single family. Even in the theory and practice of government, in all the simple monarchies, considerable improvements have been made. The checks and balances of republican governments have been in some degree adapted by the courts of princes. By the erection of various tribunals, to register the laws, and exercise the judicial power—by indulging the petitions and remonstrances of subjects, until by habit they are regarded as rights—a controul has been established over ministers of state, and the royal councils, which approaches in some degree, to the spirit of republics. Property is generally secure, and personal liberty seldom invaded. The press has great influence, even where it is not expressly tolerated; and the public opinion must be respected by a minister, or his place becomes insecure. Commerce begins to thrive: and if religious toleration were established, and personal liberty a little more protected, by giving an absolute right to demand a public trial in a certain reasonable time—and the states invested with a few more privileges, or rather restored to some that have been taken away—these governments would be brought to as great a degree of perfection, they would approach as near to the characters of governments of laws and not of men, as their nature will probably admit of. In so general a refinement, or more properly reformation of manners and improvement in knowledge, is it not unaccountable that the knowledge of the principles and construction of free governments, in which the happiness of life, and even the further progress of improvement in education and society, in knowledge and virtue, are so deeply

deeply interested, should have remained at a full stand for two or three thousand years?—According to a story in Herodotus, the nature of monarchy, aristocracy, and democracy, and the advantages and inconveniences of each, were as well understood at the time of the neighing of the horse of Darius, as they are at this hour. A variety of mixtures of these simple species were conceived and attempted, with different success, by the Greeks and Romans. Representations, instead of collections, of the people—a total separation of the executive from the legislative power, and of the judicial from both—and a balance in the legislature, by three independent, equal branches—are perhaps the three only discoveries in the constitution of a free government, since the institution of Lycurgus. Even these have been so unfortunate, that they have never spread: the first has been given up by all the nations, excepting one, who had once adapted it; and the other two reduced to practice, if not invented, by the English nation, have never been imitated by any other except their own descendants in America. While it would be rash to say, that nothing further can be done to bring a free government, in all its parts, still nearer to perfection—the representations of the people are most obviously susceptible of improvement. The end to be aimed at, in the formation of a representative assembly, seems to be the sense of the people, the public voice: the perfection of the portrait consists in its likeness. Numbers, or property, or both, should be the rule; and the proportions of electors and members an affair of calculation. The duration should not be so long that the deputy should have time to forget the opinions of his constituents. Corruption in elections is the great enemy of freedom. Among the provisions to prevent it, more frequent elections, and a more general privilege of voting, are not all that might be devised. Dividing the districts, diminishing the distance of travel, and confining the choice to residents, would be great advances towards the annihilation of corruption. The modern aristocracies of Holland, Venice, Berne, &c. have tempered themselves with innumerable multitudes of checks, by which they have given a great degree of stability to that form of government: and though liberty and life can never be there enjoyed so well as in a free republic, none is perhaps more capable of profound sagacity. We shall learn to prize the checks and balances of a free government, and even those of the modern aristocracies.

if we recollect the miseries of Greece which arose from their ignorance of them. The only balance attempted against the ancient kings was a body of nobles ; and the consequences were perpetual altercations of rebellion and tyranny, and butcheries of thousands upon every revolution from one to the other. When the kings were abolished, the aristocracies tyrannized ; and then no balance was attempted but between aristocracy and democracy. This, in the nature of things, could be no balance at all, and therefore the pendulum was for ever on the swing. It is impossible to read in Thucidydes, lib. iii. his account of the factions and confusions throughout all Greece, which were introduced by this want of an equilibrium, without horror. During the few days that Eurymedon, with his troops continued at Corcyra, the people of that city extended the massacre to all whom they judged their enemies. The crime alledged was, their attempt to overturn the democracy. Some perished merely through private enmity ; some for the money they had lent, by the hands of the borrower. Every kind of death, every dreadful act, was perpetrated. Fathers slew their children ; some were dragged from altars, some were butchered at them ; numbers, immersed in temples, were starved. The contagion spread through the whole extent of Greece : factions raged in every city, the licentious many contending for the Athenians, and the aspiring few for the Lacedæmonians. The consequence was, seditions in cities, with all their numerous and tragical incidents. Such things ever will be, says Thucidydes, so long as human nature continues the same. But if this nervous historian had known a balance of three powers, he would not have pronounced the distemper so incurable, but would have added—*so long as parties in cities remain unbalanced.* He adds—Words lost their signification ; brutal rashness was fortitude ; prudence, cowardice ; modesty, effeminacy ; and being wise in every thing, to be good for nothing : The hot temper was manly valor ; calm deliberation, plausible knavery ; he who boiled with indignation, was trust-worthy ; and he who presumed to contradict, was ever suspected. Connection of blood was less regarded than transient acquaintance : associations were not formed for mutual advantage, consistent with law, but for rapine against all law : trust was only communication of guilt : revenge was more valued, than never to have suffered an injury : perjuries were master-pieces of cunning ; the dupes only blushed,

still more by checking its ministers, and preventing them from running into abuses of power, and wanton despotism: otherwise the people would be pushed to extremities and insurrections. It is thus that the nobles reconcile the monarchical authority to the obedience of the subjects; but take away the standing armies, and leave the nobles to themselves, and they would overturn every monarchy in Europe, in a few years, and erect aristocracies.

It is become a kind of fashion among writers, to admit, as a maxim, that if you could be always sure of a wise, active and virtuous prince, monarchy would be the best of governments. But this is so far from being admissible, that it will for ever remain true, that a free government has a great advantage over a simple monarchy. The best and wisest Prince, by means of a free communication with his people, and the greater opportunities to collect the best advice from the best of his subjects, would have an immense advantage in a free state more than in a monarchy. A senate consisting of all that is most noble, wealthy, and able in the nation, with a right to counsel the crown at all times, is a check to ministers, and a security against abuses, that a body of nobles who never meet, and have no such right, can never accomplish. Another assembly composed of representatives chosen by the people in all parts, gives the whole nation free access, and communicates all the wants, knowledge, projects, and wishes of the nation, to government; excites an emulation among all classes, removes complaints, redresses grievances, affords opportunities of exertion to genius though in obscurity, and gives full scope to all the faculties of man; opens a passage for every speculation to the legislature, to administration, and to the public: it gives a universal energy to the human character, in every part of the state, which never can be obtained in a monarchy.

There is a third particular which deserves attention both from governments and people. The ministers of state, in a simple monarchy, can never know their friends from their enemies: cabals in secret undermine their influence, and blast their reputations. This occasions a jealousy ever anxious and irritated, which never thinks the government safe without an encouragement of informers and spies, throughout every part of the state, who interrupt the tranquillity of private life, destroy the confidence of families, in their own domestics and one another, and poison freedom in its sweetest retirements. In a free government,

ment, on the contrary, the ministers, can have no enemies of consequence but among the members of the great or little council, where every man is obliged to take his side, and declare his opinion, upon every question. This circumstance alone, to every manly mind, would be sufficient to decide the preference in favour of a free government. Even secrecy, where the executive is entire in one hand, is as easily and surely preserved in a free government as in a simple monarchy; and as to dispatch, all the simple monarchies of the whole universe may be defied to produce greater or more examples of it than are to be found in English history.—An Alexander, or a Frederic, possessed of the prerogatives only of a king of England, and leading his own armies, would never find himself embarrassed or delayed in any honest enterprize. He might be restrained, indeed, from running mad, and from making conquests to the ruin of his nation, merely for his own glory; but this is no argument against a free government.—There can be no free government without a democratical branch in the constitution. Monarchies and aristocracies are in possession of the voice and influence of every university and academy in Europe. Democracy, simple democracy, never had a patron among men of letters. Democratical mixtures in government have lost almost all the advocates they ever had out of England and America.

Men of letters must have a great deal of praise, and some of the necessaries, conveniences, and ornaments of life. Monarchies and aristocracies pay well and applaud liberally. The people have almost always expected to be served gratis, and to be paid for the honor of serving them; and their applause and adorations are bestowed too often on artifices and tricks, on hypocrisy and superstition, on flattery, bribes, and largesses. It is no wonder then that the democracies and democratical mixtures are annihilated all over Europe, except on a barren rock, a paltry fen, an inaccessible mountain, or an impenetrable forest. The people of England, to their immortal honor, are hitherto an exception; but to the humiliation of human nature, they shew very often that they are like other men. The people in America have now the best opportunity, and the greatest trust, in their hands, that Providence ever committed to so small a number, since the transgression of the first pair: if they betray their trust, their guilt will merit even greater punishment than other nations have suffered,

ed that any persons employed in that service had any interviews with the gods, or were in any degree under the inspiration of heaven, any more than those at work upon ships or houses, or labouring in merchandize or agriculture : it will for ever be acknowledged that these governments were contrived merely by the use of reason and the senses. As Copley painted Chatham, West, Wolf, and Trumbull, Warren and Montgomery ; as Dwight, Barlow, Trumbull, and Humphries composed their verse, and Belknap and Ramzay history ; as Godfrey invented his quadrant, and Rittenhouse his planetarium ; as Boylston practised inoculation, and Franklin electricity ; as Paine exposed the mistakes of Raynal, and Jefferson those of Buffon, so unphilosophically borrowed from the *Recherches Philosophiques sur les Américains*, those despicable dreams of De Paw—neither the people, nor their conventions, committees, or sub-committees, considered legislation in any other light than ordinary arts and sciences, only as of more importance. Called without expectation, and compelled without previous inclination, though undoubtedly at the best period of time both for England and America, to erect suddenly new systems of laws for their future government, they adopted the method of a wise architect, in erecting a new palace for the residence of his sovereign. They determined to consult Vitruvius, Palladio, and all other writers of reputation in the art ; to examine the most celebrated buildings, whether they remain entire or in ruins ; compare these with the principles of writers ; and enquire how far both the theories and models were founded in nature, or created by fancy : and, when this should be done, as far as their circumstances would allow, to adopt the advantages, and reject the inconveniences, of all. Unembarrassed by attachments to noble families, hereditary lines and successions, or any considerations of royal blood, even the pious mystery of holy oil had no more influence than that other of holy water : the people universally were too enlightened to be imposed on by artifice ; and their leaders, or more properly, followers, were men of too much honour to attempt it. Thirteen governments thus founded on the natural authority of the people alone, without a pretence of miracle or mystery, which are destined to spread over the northern part of that whole quarter of the globe, are a great point gained in favour of the rights of mankind. The experiment

ment is made, and has completely succeeded: it can no longer be called in question, whether authority in magistrates, and obedience of citizens, can be grounded on reason, morality, and the Christian religion, without the monkery of priests, or the knavery of politicians. As the writer was personally acquainted with most of the gentlemen in each of the states, who had the principal share in the first draughts, the following letters were really written to lay before the gentleman to whom they are addressed, a specimen of that kind of reading and reasoning which produced the American constitutions.

It is not a little surprising that all this kind of learning should have been unknown to any illustrious philosopher and statesman, especially one who really was, what he has been often called, "a well of science." But if he could be unacquainted with it, or it could have escaped his memory, we may suppose millions in America have occasion to be reminded of it.—The writer has long seen with anxiety the facility with which philosophers of greatest name have undertaken to write of American affairs, without knowing any thing of them, and have echoed and re-echoed each other's visions. Having neither talents, leisure, nor inclination, to meet such champions in the field of literary controversy, he little thought of venturing to propose to them any questions: circumstances, however, have lately occurred, which seemed to require that some notice should be taken of one of them. If the publication of these papers should contribute any thing to turn the attention of the younger gentlemen of letters in America to this kind of enquiry, it will produce an effect of some importance to their country. The subject is the most interesting that can engage the understanding or the heart; for whether the end of man, in this stage of his existence, be enjoyment or improvement, or both, it can never be attained so well in a bad government as a good one.

The practicability or the duration of a republic in which there is a governor, a senate, and a house of representatives, is doubted by Tacitus, though he admits the theory to be laudable:—"Cunctas nationes et urbēs, populus, aut priores, aut singuli, regunt. Delecta ex his et constituta reipublicæ forma, laudari facilius quam inveniri; vel, si evenit, haud diuturna esse potest." Ann. lib. iv.—Cicero asserts—"Statuo est

“ se optime constitutam rempublicam, quæ ex tribus  
 “ generibus illis regali, optimo, et populari, modice con-  
 “ fusa.” Frag.—in such peremptory terms the superiority  
 of such a government to all other forms, that the loss of  
 his book upon republics is much to be regretted. From  
 a few passages that have been preserved, it is very prob-  
 able he entered more largely into an examination of the  
 composition of monarchical republics than any other an-  
 cient writer. He was so far from apprehending “ dis-  
 putes” from a variety of orders, that he affirms it to be  
 the firmest bond of justice, and the strongest anchor of  
 safety to the community. As the treble, the tenor, and  
 the bass exist in nature, they will be heard in the concert:  
 if they are arranged by Handel, in a skillful composition,  
 they produce rapture the most exquisite that harmony  
 can excite; but if they are confused together without  
 order, they will

“ Rend with tremendous sound your ears asunder.”

“ Ut in fidibus ac tibiis, atque cantu ipso, a vocibus  
 “ concentus est quidam tenendus ex distinctis sonis, quem  
 “ immutatem ac discrepantem aures eruditæ ferre non pos-  
 “ sunt; isque concentus, ex diffimilimarum vocum moderatione,  
 “ concors tamen efficitur et congruens: sic ex summis et infimis et  
 “ mediis interjectis ordinibus, ut sonis, moderata ratione, civi-  
 “ tas consensu dissimilimorum concinit; et quæ harmonia  
 “ a musicis dicitur incantu, ea est in civitate concordia, arc-  
 “ tissimum atque optimum omni in republica vinculum  
 “ incolumitatis quæ sine justitia nullo pacto esse potest.”

Cicero, Frag. de Repub.—As all the ages of the world  
 have not produced a greater statesman and philosopher  
 united in the same character, his authority should have  
 great weight. His decided opinion in favour of three  
 branches is founded on a reason that is unchangeable;  
 the laws, which are the only possible rule, measure, and se-  
 curity of justice, can be sure of protection, for any course  
 of time, in no other form of government: and the very  
 name of a republic implies, that the property of the peo-  
 ple should be represented in the legislature, and decide  
 the rule of justice.—“ Respublica est res populi. Populus  
 “ autem non omnis cœtus multitudinis, sed cœtus juris  
 “ consensu, et utilitatis communione sociatus.” Frag.  
 de Repub.

“ Respublica res est populi, cum bene ac juste geritur,  
 “ sive ab uno rege, sive a paucis optimatibus, sive ab uni-  
 verſo

“ verso populo. Cum vero injustus est rex, quem ty-  
“ rannum voco ; aut injusti optimates, quorum consensus  
“ factio est ; aut injustus ipse populus, cui nomen usita-  
“ tum nullum reperio, nisi ut etiam ipsum tyrannum ap-  
“ pellem ; non jam vitiosa, sed omnino nulla res publica est ;  
“ quoniam non est res populi, cum tyrannus eam factione  
“ capessat : nec ipse populus est si sit injustus, quoniam  
“ non est multitudinis juris consensu, et utilitatis unione  
“ sociata.” Frag. de Repub.

“ Ubi vero iustitia non est, nec jus potest esse ; quod  
“ enim jure fit, profecto juste fit ; quod autem fit injuste,  
“ nec jure fieri potest. Non enim jura dicenda sunt, vel  
“ putanda, iniqua hominum constituta, cum illud etiam  
“ ipsi jus esse dicant quod de justitiæ fonte manaverit ;  
“ falsumque sit, quod a quibusdam non recta sentientibus  
“ dici solet, id jus esse, quod ei, qui plus potest, utile est.”  
According to this, a simple monarchy, if it could in reality  
be what it pretends to be—a government of laws, might  
be justly denominated a republic. A limited monarchy,  
therefore especially when limited by two independent  
branches, an aristocratical and a democratical power in the  
constitution, may with strict propriety be called by that  
name.

If Cicero and Tacitus could visit the earth and learn  
that the English nation had reduced the great idea to practice,  
and brought it nearly to perfection, by giving each  
division a power to defend itself by a negative ; had found  
it the most solid and durable government, as well as the  
most free ; had obtained, by means of it, a prosperity  
among civilized nations in an enlightened age, like that  
of the Romans among Barbarians : and that the Americans,  
after having enjoyed the benefits of such a constitution  
a century and a half, were advised by some of the  
greatest philosophers and politicians of the age to renounce  
it, and set up the governments of ancient Goths  
and modern Indians—what would they say ? That the  
Americans would be more reprehensible than the Cappadocians,  
if they should listen to such advice. It would  
have been much to the purpose to have inserted a more  
accurate investigation of the form of government of the  
ancient Germans and modern Indians ; in both, the ex-  
istence of the three divisions of power is marked with a  
precision that excludes all controversy. The democratical  
branch, especially, is so determined, that the real so-  
vereignty

vereignty resided in the body of the people, and was exercised in the assembly of king, nobles, and commons together. These institutions really collected all authority into one center of kings, nobles and people. But small as their numbers, and narrow as their territories were, the consequence was confusion ; each part believed it governed the whole : the chiefs thought they were sovereign ; the nobles believed the power to be in their hands ; and the people flattered themselves that all depended upon them. Their purposes were well enough answered, without coming to an explanation, while they were few in numbers, and had no property ; but when spread over large provinces of the Roman empire, now the great kingdoms of Europe, and grown populous and rich, they found the inconvenience of not knowing each its place. Kings, nobles and people claimed the government in turn: and after all the turbulence, wars, and revolutions, which compose the history of Europe for so many ages, we find simple monarchies established every where. Whether the system will now become stationary, and last for ever, by means of a few further improvements in monarchical governments, we know not ; or whether still further revolutions are to come. The most probable, or rather the only probable change is, the introduction of democratical branches into those governments. If the people should ever aim at more, they will defeat themselves ; and indeed if they aim at this, by any other than gentle means, and by gradual advances ; by improvements in general education, and informing the public mind. The system of legislators are experiments made on human life and manners, society and government. Zoroaster, Confucius, Mithras, Odin, Thor, Mahomet, Lycurgus, Solon, Romulus, and a thousand others, may be compared to philosophers making experiments on the elements. Unhappily a political experiment cannot be made in a laboratory, nor determined in a few hours. The operation once begun, runs over whole quarters of the globe, and is not finished in many thousands of years. The experiment of Lycurgus lasted seven hundred years, but never spread beyond the limits of Laconia. The process of Solon blowed out in one century ; that of Romulus lasted but two centuries and a half ; but the Teutonic institutions, described by Cæsar and Tacitus, are the most memorable experiment merely political, ever yet made in human affairs.

affairs. They have spread all over Europe, and have lasted eighteen hundred years. They afford the strongest argument that can be imagined in support of the point aimed at in these letters. Nothing ought to have more weight with America, to determine her judgment against mixing the authority of the one, the few, and the many, confusedly in one assembly, than the wide-spread miseries and final slavery of almost all mankind, in consequence of such an ignorant policy in the ancient Germans. What is the ingredient which in England has preserved the democratical authority? The balance, and that only. The English have, in reality, blended together the feudal institutions with those of the Greeks and Romans; and one of all have made that noble composition, which avoids the inconveniences, and retains the advantages, of both. The institutions now made in America will never wear wholly out for thousands of years: it is of the last importance then that they should begin right; if they set out wrong, they will never be able to return, unless it be by accident, to the right path. After having known the history of Europe, and of England in particular, it would be the height of folly to go back to the institutions of Woden and Thor, as they are advised to do: if they had been counselled to adopt a simple monarchy at once, it would have been less mysterious. Robertson, Hume and Gibbon have given such admirable accounts of the feudal institutions, and their consequences, that it would have been more discreet to have referred to them, perhaps without saying any thing more upon the subject. To collect together the legislation of the Indians, would take up much room, but would be well worth the pains. The sovereignty is in the nation, it is true, but the three powers are strong in every tribe; and their royal and aristocratical dignities are much more generally hereditary, from the popular partiality to particular families, and the superstitious opinion that such are favourites of the God of War, than the late writers upon this subject have allowed.

*Grosvenor Square,  
January 1, 1787.*

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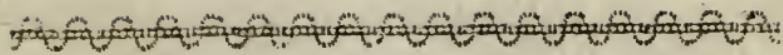
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## LETTER I.

GROSVENOR-SQUARE, Oct. 4, 1786.

My dear Sir,

THREE writers in Europe, of great abilities, reputation, and learning, Mr. Turgot, the Abbé De Mably, and Dr. Price, have turned their attention to the constitutions of government in the United States of America, and have written and published their criticisms and advice. They had all the most amiable characters, and unquestionably the purest intentions. They had all experience in public affairs, and ample information in the nature of man, the necessities of society, and the science of government.

There are in the productions of all of them, among many excellent things, some sentiments, however, that it will be difficult to reconcile to reason, experience, the constitution of human nature, or to the uniform testimony of the greatest statesmen, legislators, and philosophers of all enlightened nations, ancient and modern.

Mr. Turgot, in his letter to Dr. Price, confesses, "that he is not satisfied with the constitutions which have hitherto been formed for the different states of America." He observes, "that by most of them the customs of England are imitated, without any particular motive. Instead of collecting all authority into one cen-

" ter,

## 4      *Preliminary Observations.*

" ter, that of the nation, they have established  
" different bodies, a body of representatives, a  
" council, and a governor, because there is in  
" England a house of commons, a house of  
" lords, and a king. They endeavour to ba-  
" lance these different powers, as if this equili-  
" brium, which in England may be a necessary  
" check to the enormous influence of royalty,  
" could be of any use in republicks founded  
" upon the equality of all the citizens, and as if  
" establishing different orders of men was not a  
" source of divisions and disputes."

There has been, from the beginning of the revolution in America, a party in every state, who have entertained sentiments similar to these of Mr. Turgot. Two or three of them have established governments upon his principle: and, by advices from Boston, certain committees of counties have been held, and other conventions proposed in the Massachusetts, with the express purpose of deposing the governor and senate, as useless and expensive branches of the constitution; and as it is probable that the publication of Mr. Turgot's opinion has contributed to excite such discontents among the people, it becomes necessary to examine it, and, if it can be shown to be an error, whatever veneration the Americans very justly entertain for his memory, it is to be hoped they will not be misled by his authority.

L E T T E R

## LETTER II.

My dear Sir,

M R. Turgot is offended, because the customs of England are imitated in most of the new constitutions in America, without any particular motive. But, if we suppose that English customs were neither good nor evil in themselves, and merely indifferent; and the people, by their birth, education, and habits, were familiarly attached to them; was not this a motive particular enough for their preservation, rather than endanger the public tranquillity, or unanimity, by renouncing them? If those customs were wise, just, and good, and calculated to secure the liberty, property, and safety of the people, as well or better than any other institutions ancient or modern, would Mr. Turgot have advised the nation to reject them, merely because it was at that time justly incensed against the English government? What English custom have they retained which may with any propriety be called evil? Mr. Turgot has instanced only in one, viz. "that "a body of representatives, a council, and a go- "vernour, has been established, because there is "in England a house of commons, a house of "lords, and a king." It was not so much be- cause the legislature in England consisted of three branches, that such a division of power was adopted by the states, as because their own as- semblies had ever been so constituted. It was not so much from attachment by habit to such a plan of power, as from conviction that it was founded in nature and reason, that it was continued.

Mr.

Mr. Turgot seems to be of a different opinion, and is for "collecting all authority into one center, the nation." It is easily understood how all authority may be collected into "one center," in a despot or monarch; but how it can be done, when the center is to be the nation, is more difficult to comprehend. Before we attempt to discuss the notions of an author, we should be careful to ascertain his meaning. It will not be easy, after the most anxious research, to discover the true sense of this extraordinary passage. If, after the pains of "collecting all authority into one center," that center is to be the nation, we shall remain exactly where we began, and no collection of authority at all will be made. The nation will be the authority, and the authority the nation. The center will be the circle, and the circle the center. When a number of men, women, and children are simply congregated together, there is no political authority among them; nor any natural authority, but that of parents over their children. To leave the women and children out of the question for the present, the men will all be equal, free, and independent of each other. Not one will have any authority over any other. The first "collection" of authority must be an unanimous agreement to form themselves into a *nation, people, community, or body politic,* and to be governed by the majority of suffrages or voices. But even in this case, although the authority is collected into one center, that center is no longer the nation, but the majority of the nation. Did Mr. Turgot mean, that the people of Virginia, for example, half a million of souls scattered over a territory of two hundred leagues square, should stop here, and have no other authority

thority by which to make or execute a law, or judge a cause, but by a vote of the whole people, and the decision of a majority ! Where is the plain large enough to hold them ; and what are the means, and how long would be the time necessary to assemble them together ?

A simple and perfect democracy never yet existed among men. If a village of half a mile square, and one hundred families, is capable of exercising all the legislative, executive, and judicial powers, in public assemblies of the whole, by unanimous votes, or by majorities, it is more than has ever yet been proved in theory or experience. In such a democracy, the moderator would be king, the town-clerk legislator and judge, and the constable sheriff, for the most part ; and, upon more important occasions, committees would be only the councillors of both the former, and commanders of the latter.

Shall we suppose then, that Mr. Turgot intended that an assembly of representatives should be chosen by the nation, and vested with all the powers of government ; and that this assembly shall be the center in which all the authority shall be collected, and shall be virtually deemed the nation. After long reflection I have not been able to discover any other sense in his words, and this was probably his real meaning. To examine this system in detail may be thought as trifling an occupation, as the laboured reasonings of Sidney and Locke, to shew the absurdity of Filmar's superstitious notions, appeared to Mr. Hume in his enlightened days. Yet the mistakes of great men, and even the absurdities of fools, when they countenance the prejudices of numbers of people, especially in a young country, and under new governments, cannot be too fully confuted.

You will not then esteem my time or your own mispent, in placing this idea of Mr. Turgot in all its lights; in considering the consequences of it; and in collecting a variety of authorities against it.

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## LETTER III.

S T. MARINO.

My dear Sir,

"**A**SOCIETY of gods would govern themselves democratically," says the eloquent philosopher of Geneva; who however would have agreed, that his "gods" must not have been the classical deities: since he knew from the highest authority, the poets, who had their information, from those divinities the Muses, that all the terrors of the nod, the arm, and the thunderbolts of Jupiter, with all the energy of his undisputed monarchy, were insufficient to hold *them* in order. As it is impossible to know what would have been his definition of the gods, we may quietly pursue our enquiry, whether it is practicable to govern *men* in this way. It would be very surprising, if, among all the nations that have existed, not one has discovered a secret of so much importance. It is not necessary for us to prove that no such government has existed; it is incumbent on him who shall embrace the opinion of Mr. Turgot, to name the age, the country, and the people, in which such an experiment has been tried. It might be easier to determine the question concerning the practicability

lity or impracticability, the utility or in utility, of a simple democracy, if we could find a number of examples of it. From the frightful pictures of a democratical city, drawn by the masterly pencils of ancient philosophers and historians, it may be conjectured that such governments existed in Greece and Italy, at least for short spaces of time : but no particular history of any one of them is come down to us ; nor are we able to procure any more satisfaction to our curiosity from modern history. If such a phenomenon is at this time to be seen in the world, it is probably in some of those states which have the name of democracies, or at least in such as have preserved some share in the government to the people. Let us travel to some of those countries, and examine their laws.

The republic of St. Marino, in Italy, is sometimes quoted as an instance ; and therefore it is of some importance to examine, 1. Whether in fact this is a simple democracy ; and 2. Whether, if it were such, it is not owing to particular circumstances, which do not belong to any other people, and prove it to be improper for any other, especially the United States of America, to attempt to imitate it.

The Republic of St. Marino, as Mr. Addison informs us, stands on the top of a very high and craggy mountain, generally hid among the clouds, and sometimes under snow, even when the weather is clear and warm in all the country about it.

This mountain, and a few hillocks that lie scattered about the bottom of it, is the whole circuit of the dominion. They have, what they call, three castles, three convents, and five churches,

churches, and reckon about five thousand souls in their community.

St. Marino was its founder, a Dalmatian by birth, and by trade a mason. He was employed about thirteen hundred years ago, in the reparation of Rimini, and after he had finished his work, he retired to this solitary mountain as very proper for the life of a hermit, which he led in the greatest austeries of religion. He had not been long here, before he wrought a reputed miracle, which, joined with his extraordinary sanctity, gained him so great an esteem, that the princes of the country made him a present of the mountain, to dispose of it at his discretion. His reputation quickly peopled it, and gave rise to the republic which calls itself after his name. The best of their churches is dedicated to the saint, and holds his ashes. His statue stands over the high altar, with the figure of a mountain in his hands, crowned with three castles, which is likewise the arms of the commonwealth. They attribute to his protection the long duration of the state, and look on him the greatest saint next the blessed Virgin. In their statute-book is a law against such as speak disrespectfully of him, who are to be punished in the same manner as those who are convicted of blasphemy. This petty republic has lasted thirteen hundred years, while all the other states of Italy have several times changed their masters and forms of government. Their whole history consists of two purchases of a neighbouring prince, and two wars, in which they assisted the people against a lord of Rimini.

They would probably sell their liberty as dear as they could to any that attacked them; for there is but one road by which to climb up to them.

them. All that are capable of bearing arms, are exercised and ready at a moment's call.

The sovereign power of the republic was lodged, originally, in what they call the *arengo*, a great council, in which every house had its representative ; but because they found too much confusion in such a multitude of statesmen, they devolved their whole authority into the hands of the council of sixty. The *arengo*, however, is still called together in cases of extraordinary importance ; and if, after due summons, any member absents himself, he is to be fined. In the ordinary course of government, the council of sixty, which notwithstanding the name, consists but of forty persons, has in its hands the administration of affairs, and is made up of half out of the noble families, and half out of the plebeian. They decide all by balloting, are not admitted until five-and-twenty years old, and choose the officers of the commonwealth.

No sentence can stand that is not confirmed by two thirds of this council ; no son can be admitted into it during the life of his father, nor two be in it of the same family, nor any enter but by election. The chief officers of the commonwealth are the two *capitanos*, who have such a power as the old Roman consuls had, but are chosen every six months. Some have been *capitanos* six or seven times, though the office is never to be continued to the same persons twice successively. The third officer is the commissary, who judges in all civil and criminal matters : but because the many alliances, friendships, and intermarriages, as well as the personal feuds and animosities that happen among so small a people, might obstruct the course of justice, if one of their own number had the distribution of it, they have always a foreigner for this employ,

whom they choose for three years, and maintain out of the public stock. He must be a doctor of law, and a man of known integrity. He is joined in commission with the *capitaneos*, and acts something like the recorder of London under the lord mayor. The fourth man in the state is the physician : another person, who makes no ordinary figure in the republic, is the schoolmaster. Few in the place but have some tincture of learning.

The people are esteemed very honest, and rigorous in the execution of justice, and seem to live more happy and contented among their rocks and snows, than others of the Italians do in the pleasantest vallies in the world. Nothing indeed can be a greater instance of the natural love mankind has for liberty, and of their aversion to arbitrary government, than such a savage mountain covered with people, and the Campagna of Rome, which lies in the same country, almost destitute of inhabitants.

This is the account of St. Marino. Yet, if all authority is here collected in one center, that center is not the nation. Although the original representation in the *arengo* was of houses, that is to say, of property, rather than of the persons of the citizens, and consequently not very equal, as it excluded all personal property ; as well as all who had no property ; yet even such an agrarian, it seems, was not a sufficient check to licentiousness, and they found it necessary to institute a senate of forty men. Here, at least, commenced as complete an aristocracy as that of ancient Rome ; or, to express it more exactly, as complete a separation of the aristocratical from the democratical part of the community : and there are two remarkable circumstances in confirmation

mation of this ; one is, that there are not only noble families in this *illusterrima republicā Sancti Marini*, but the constitution has limited the choice of the electors so far as to oblige them to choose one half of the senate out of these nobles ; the other is, that the names of the agents for the commonwealth, of the notary, and the witnesses to two instruments of purchases made at seventy years distance from one another, one in 1100, the other in 1170, are the same.—It is not credible that they were the same persons : they were probably sons or grandsons—which is a strong proof of the attachment to aristocratical families in this little state, and of their desire to continue the same blood and the same names in public employments, like the Oranges, Fagels, De Lindens, &c. in Holland, and like innumerable other examples in all nations.

Another remarkable circumstance is, the reluctance of the citizens to attend the assembly of the *arengo*, which obliged them to make a law, obliging themselves to attend, upon a penalty. This is a defect, and a misfortune natural to every democratical constitution, and to the popular part of every mixed government. A general or too common disinclination to attend, leaves room for persons and parties more active to carry points by faction and intrigue, which the majority, if all were present, would not approve.

It is curious to see how many checks and limitations are contrived for this legislative assembly. Half nobles, half plebeians—all upwards of five-and-twenty years old—two thirds must agree—no son can sit with his father; never two of the same family.

The *capitaneos* have the executive, like the Roman consuls, and the commissary has the judicial.

cial.—Here again are remarkable limitations : he must be a foreigner, and he is for three years. This is to give some degree of stability to the judicial power, and to make it a real and powerful check both to the executive and legislative.

We are not indeed told whether the council of forty are elected annually or for life. Mr. Addison may, from his well-known character, be supposed to have been more attentive to the grand and beautiful monuments of ancient arts of every kind which surrounded him in Italy, than to this rough hillock, although the form of government might have excited his curiosity, and the simplicity of manners his esteem ; he has accordingly given a very imperfect sketch of its constitution and history. Yet enough appears to shew incontestibly, that St. Marino is by no means a perfect democracy. It is a mixture of monarchy, aristocracy, and democracy, as really as Sparta or Rome were, and as the Massachusetts, New-York, and Maryland now are, in which the powers of the governor, senate, and assembly, are more exactly ascertained and nicely balanced, but they are not more distinct than those of the *capitanos*, council of forty, and the *arengo* are in St. Marino.

Should it be argued that a government like this, where the sovereignty resides in the whole body of the people, is a democracy, it may be answered, that the right of sovereignty in all nations is unalienable and indivisible, and does and can reside no where else ; but not to recur to a principle so general, the exercise as well as right of sovereignty, in Rome, resided in the people, but the government was not a democracy. In America, the right of sovereignty resides indisputably in the body of the people, and they have the whole-

whole property of land. There are no nobles or patricians—all are equal by law and by birth. The governors and senates, as well as representative assemblies, to whom the exercise of sovereignty is committed, are annually chosen. Governments more democratical never existed; they are vastly more so than St. Marino. Yet the annual administration is divided into executive, legislative, and judicial powers; and the legislature itself is divided into monarchical, aristocratical, and democratical branches; and an equilibrium has been anxiously sought for in all their deliberations and actions, with infinitely more art, judgment, and skill, than appears in this little Italian commonwealth.

The liberty and the honesty of these people is not at all surprising. In so small a state, where every man personally knows every other, let the form of government be what it will, it is scarcely possible that any thing like tyranny or cruelty can take place. A king, or a decemvirate intrusted with the government, would feel the censures of the people, and be constantly conscious of the facility of assembling the whole, and apprehensive of an exertion of their strength.

The poverty of this people appears, by the fine of one penny imposed upon absence from the *arengo*; and by the law, that an ambassador should have a shilling a day. This however is a salary in proportion to the numbers of the people, as thirty guineas a day would be to an ambassador from the United States. It appears also, from the physician's being obliged to keep a horse; probably there is not a carriage, nor another saddle-horse, in the commonwealth.

A handful of poor people, living in the simplest manner, by hard labour, upon the produce of

of a few cows, sheep, goats, swine, poultry, and pigeons, on a piece of rocky, snowy ground, protected from every enemy by their situation, their superstition, and even by their poverty, having no commerce nor luxury, can be no example for the commonwealth of Pennsylvania, Georgia, or Vermont, in one of which there are possibly half a million of people, and in each of the other at least thirty thousands, scattered over a large territory.

Upon the whole, a stronger proof cannot be adduced of the necessity of different orders, and of an equilibrium between them, than this commonwealth of St. Marino, where there are such strong symptoms of both, in a society, where the least occasion for them appears that can be imagined to take place in any conceivable situation.

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## LETTER IV.

BISCA Y.

Dear Sir,

**I**N a research like this, after those people in Europe who have had the skill, courage, and fortune, to preserve a voice in the government, Biscay, in Spain, ought by no means to be omitted. While their neighbours have long since resigned all their pretensions into the hands of kings and priests, this extraordinary people have preserved their ancient language, genius, laws, government, and manners, without innovation, longer than any other nation of Europe. Of Celtic extraction, they once inhabited some of the

the finest parts of the ancient Boetica ; but their love of liberty, and unconquerable aversion to a foreign servitude, made them retire, when invaded and overpowered in their ancient seats, into these mountainous countries, called by the ancients Cantabria. They were governed by counts, sent them by the kings of Oviedo and Leon, until 859, when finding themselves without a chief, because Zeno, who commanded them, was made prisoner, they rose and took arms to resist Ordogne, son of Alfonsus the Third, whose domination was too severe for them, chose for their chief an issue of the blood-royal of Scotland, by the mother's side, and son-in-law of Zeno their governor, who having overcome Ordogne, in 870, they chose him for their lord, and his posterity, who bore afterwards the name of Haro, succeeded him, from father to son, until the king Don Pedro the Cruel, having put to death those who were in possession of the lordship, reduced them to a treaty, by which they united their country, under the title of a lordship, with Castile, by which convention the king of Spain is now lord of Biscay. It is a republic ; and one of the privileges they have most insisted on, is not to have a king : another was, that every new lord, at his accession, should come into the country in person, with one of his legs bare, and take an oath to preserve the privileges of the lordship. The present king of Spain is the first who has been complimented with their consent, that the oath should be administered at Madrid, though the other humiliating and indecent ceremony has been long laid aside.

Their solicitude for defence has surrounded with walls all the towns in the district. They are

are one-and-twenty in number; the principal of which are, Orduna, Laredo, Portugalete, Durango, Bilbao, and St. Andero. Biscay is divided into nine merindades, a sort of jurisdiction like a bailiwick, besides the four cities on the coast. The capital is Bilbao.—The whole is a collection of very high and very steep mountains, rugged and rocky to such a degree, that a company of men posted on one of them might defend itself as long as it could subsist, by rolling rocks on their enemy. This natural formation of the country, which has rendered the march of armies impracticable, and the daring spirit of the inhabitants, have preserved their liberty.

Active, vigilant, generous, brave, hardy, inclined to war and navigation, they have enjoyed, for two thousand years, the reputation of the best soldiers and sailors in Spain, and even of the best courtiers, many of them having, by their wit and manners, raised themselves into offices of consequence under the court of Madrid. Their valuable qualities have recommended them to the esteem of the kings of Spain, who have hitherto left them in possession of those great immunities of which they are so jealous. In 1632, indeed, the court laid a duty upon salt: the inhabitants of Bilbao rose, and massacred all the officers appointed to collect it, and all the officers of the grand admiral. Three thousand troops were sent to punish them for rebellion: these they fought, and totally defeated, driving most of them into the sea, which discouraged the court from pursuing their plan of taxation; and since that time the king has had no officer of any kind in the lordship, except his corregidor.

Many writers ascribe their flourishing commerce

merce to their situation : but, as this is no better than that of Ferrol or Corunna, that advantage is more probably due to their liberty. In riding through this little territory, you would fancy yourself in Connecticut : instead of miserable huts, built of mud, and covered with straw, you see the country full of large and commodious houses and barns of the farmer ; the lands well cultivated ; and a wealthy, happy yeomanry. The roads, so dangerous and impassable in most other parts of Spain, are here very good, having been made at a vast expence of labour.

Although the government is called a democracy, we cannot here find all authority collected into one center ; there are, on the contrary, as many distinct governments as there are cities and merindades. The general government has two orders at least ; the lord or governor, and the bienniel parliament. Each of the thirteen subordinate divisions has its organized government, with its chief magistrate at the head of it. We may judge of the form of all of them by that of the metropolis, which calls itself, in all its laws, the noble and illustrious republic of Bilbao. This city has its alcalde, who is both governor and chief justice, its twelve regidores or counsellors, attorney-general, &c. and by all these, assembled in the consistorial palace under the titles of *concejo, justicia, y regimiento*, the laws are made in the name of the lord of Biscay, and confirmed by him.

These officers, it is true, are elected by the citizens, but they must by law be elected, as well as the deputies to the bienniel parliament or junta general, out of a few noble families, unstained, both by the side of father and mother, by any mixture with Moors, Jews, new converts, peni-

tentiaries of the inquisition, &c. They must be natives and residents, worth a thousand ducats, and must have no concern in commerce, manufactures, or trade ; and, by a fundamental agreement among all the merindades, all their deputies to the junta general, and all their regidores, findics, secretaries, and treasurers, must be nobles, at least knights, and such as never exercised any mechanical trades themselves or their fathers. Thus we see the people themselves have established by law a contracted aristocracy, under the appearance of a liberal democracy. Americans, beware !

Although we see here in the general government, and that in of every city and merindad, the three branches of power, of the one, the few, and the many ; yet, if it were as democratical as it has been thought by some, we could by no means infer, from this instance of a little flock upon a few impracticable mountains, in a round form of ten leagues diameter, the utility or practicability of such a government in any other country.

The disposition to division, so apparent in all democratical governments, however tempered with aristocratical and monarchical powers, has shewn itself, in breaking off from it Guipuscoa and Al-laba : and the only preservative of it from other divisions, has been the fear of their neighbours. They always knew, that as soon as they should fall into factions, or attempt innovations, the court of Spain would interpose, and prescribe them a government not so much to their taste.

## THE GRISONS.

IN the republic of the Three Leagues of the Grisons, the sovereign is all the people of a great part of the ancient Rhetia. This is called a democratical republic of three leagues. 1. The League of the Grisons. 2. the League Caddee. 3. The League of Ten Jurisdictions. These three are united by the perpetual confederation of 1472, which has been several times renewed. The government resides sovereignly in the commons, where every thing is decided by the plurality of voices. The commons elect and instruct their deputies for the general diet, which is held once a year. Each league elects also its chief or president, who presides at the dietes, each one in his league. The general diet assembles one year at Ilanz, in the league of the Grisons ; one year at Coire, in the league Caddee ; and one year at Davons in the league of Ten Jurisdictions. There is another ordinary assembly, composed of chiefs and of three deputies from each league, which is held at Coire, in the month of January. Besides these regular assemblies, they hold congresses whenever the necessities of the state require them ; sometimes of the chiefs alone, sometimes of certain deputies from each league, according to the importance of the case : these assemblies are held at Coire. The three leagues form but one body in general affairs ; and, although one league has more deputies than another, they count the voices without distinction of leagues. They conduct separately their particular affairs. Their country is thirty-five leagues in length, and thirty in breadth.

Even in this happy country, where there is more equality than in almost any other, there are noble families, who, although they live like their neighbours by the cultivation of the earth, and think it no disgrace, are very proud of the immense antiquity of their descent, and boast of it, and value themselves upon it, as much as Julius Cæsar did, who was descended from a goddess.

THE UNITED PROVINCES OF THE LOW COUNTRIES.

THERE are in Friesland and Overyssell, and perhaps in the city of Dort, certain remnants of democratical powers, the fragments of an ancient edifice, which may possibly be re-erected ; but as there is nothing which favours Mr. Turgot's, idea, I shall pass over this country for the present.

LETTER V.

SWITZERLAND.

My dear Sir,

IT is commonly said, that some of the cantons of Switzerland are democratical, and others aristocratical : and if these epithets are understood only to mean, that one of these powers prevails in some of those republics, and the other in the rest, they are just enough ; but there is neither a simple democracy, nor a simple aristocracy, among them. The governments of these confederated states,

ates, like those of the United Provinces of the Netherlands, are very complicated, and therefore very difficult to be fully explained ; yet the most superficial enquirer will find the most evident traces of a composition of all the three powers in all of them.

To begin with the cantons commonly reputed democratical.

## DEMOCRATICAL CANTONS.

### A P P E N D E L.

THE canton of Appenzel consists of a series of vallies, scattered among inaccessible rocks and mountains, in all about eighteen miles square. The people are laborious and frugal, and have no commerce but in cattle, hides, butter, cheese, and a little linen made of their own flax. It has no walled towns, and only two or three open boroughs, and a few small villages : it is, like New-England, almost a continued village, covered with excellent houses of the yeomanry, built of wood, each of which has its territory of pasture grounds, commonly ornamented with trees ; neatness and convenience are studied without, and a remarkable cleanliness within. The principal part of the inhabitants have preserved the simplicity of the pastoral life. As there are not, at most, above fifty thousand souls, there cannot be more than ten thousand men capable of bearing arms. It is not at all surprising, among so much freedom, though among rock and herds, to hear of literature, and men of letters who are an ornament to their country.

Nevertheless, this simple people, so small in number, in so narrow a territory, could not agree. After a violent contest, in which they were in danger of a civil war, by the mediation of the other cantons, at the time of the Reformation, they agreed to divide the canton into two portions, the Outer and the Inner Appenzel, or Rhodes Exterior and Rhodes Interior. Each district has now its respective chief magistrate, court of justice, police, bandaret, and deputy to the general diet, although the canton has but one vote, and consequently loses its voice if the two deputies are of different opinions. The canton is divided into no less than twelve communities; six of them called the Inner Appenzel, lying to the east; and six the Outer, to the west. They have one general sovereign council, which is composed of one hundred and forty-four persons, twelve taken from each community.

The sovereignty resides in the general assembly, which, in the interior Rhodes, meets every year at Appenzel, the last Sunday in April; but, in the exterior Rhodes, it assembles alternately at Trogen and at Hundwyl. In the interior Rhodes are the chiefs and officers, the land amman, the tything-man, the governor, the treasurer, the captain of the country, the director of the buildings, the director of the churches, and the ensign. The exterior Rhodes have ten officers, viz. two land ammans, two governors, two treasurers, two captains, and two ensigns. The interior Rhodes is subdivided into six lesser ones, each of which has sixteen counsellors, among whom are always two chiefs. The grand council in the interior Rhodes as also the criminal jurisdiction, is composed of one hundred and twenty-eight persons, who assemble

semble twice a year, eight days after the general assembly, and as many other times as occasions require. Moreover, they have also the little council, called the weekly council, because it meets every week in the year. The exterior Rhodes are now divided into nineteen communities ; and the sovereignty of them consists in the double grand council of the country, called the old and new council, which assembles once a year, eight days after the assembly of the country, at Trogen or at Herisaw, and is composed of ninety and odd persons. Then follows the grand council, in which, besides the ten officers, the reigning chiefs of all the communities have seats, the directors of the buildings, the chancellor, and the sautier, which make thirty-five persons ; the reigning land amman presides. After this comes the little council from before the fittern, which is held every first Tuesday of each month at Trogen : the reigning land amman is the president, to whom always assists, alternately, an officer, with a member of council from all the thirteen communities, the chancellor of the country, and the sautier, and consists of twenty and odd persons. The little council from behind the fittern is held under the presidency of the reigning land amman, whenever occasion requires : it is held at Herisaw, Hundwyl, or Urnaeschen : at it assist the chancellor of the country, and the sautier, with the counsellors of the six communities behind the fittern, appointed for this service.

Let me ask, if here are not different orders of men, and balances in abundance ? Such an handful of people, living by agriculture, in primitive simplicity, one would think might live very quietly, almost without any government at all ; yet, instead of being capable of collecting all

all authority into one assembly, they seem to have been forcibly agitated by a mutual power of repulsion, which has divided them into two commonwealths, each of which has its monarchical power in a chief magistrate ; its aristocratical power in two councils, one for legislation, and the other for execution ; besides the two more popular assemblies. This is surely no simple democracy.—Indeed a simple democracy by representation is a contradiction in terms.

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## LETTER VI.

UNDERWALD.

My dear Sir,

**T**H E canton of Underwald consists only of villages and boroughs, although it is twenty-five miles in length, and seventeen in breadth. These dimensions, it seems, were too extensive to be governed by a legislation so imperfectly combined, and nature has taught and compelled them to separate into two divisions, the one above, and the other below, a certain large forest of oaks, which runs nearly in the middle of the country, from north to south. The inferior valley, below the forest, contains four communities ; and the superior, above it, six. The principal or capital is Sarnen. The sovereign is the whole country, the sovereignty residing in the general assembly, where all the males of fifteen have entry and suffrage ; but each valley apart has, with respect to its interior concerns, its land amman, its officers, of administration, and its public assembly, composed.

posed of fifty-eight senators, taken from the communities. As to affairs without, there is a general council, formed of all the officers of administration, and of fifty-eight senators chosen in the said councils of the two valleys. Besides this, there are for justice and police, the chamber of seven, and the chamber of fifteen, for the upper valley, and the chamber of eleven for the lower.

Here again are arrangements more complicated, and aristocratical preferences more decided, in order to counterpoise the democratical assembly, than any to be found in America, and the land amman is as great a man in proportion as an American governor. Is this a simple democracy? Has this little clan of graziers been able to collect all authority into one centre? Are there not three assemblies here to moderate and balance each other? and are not the executive and judicial powers separated from the legislative? Is it not a mixed government, as much as any in America? although its constitution is not by any means so well digested as ten at least of those of the United States; and although it would never be found capable of holding together a great nation.

L E T T E R

## LETTER VII.

## GLARIS.

My dear Sir,

THE canton of Glaris is a mountainous country, of eight miles long and four wide, according to their own authors, perhaps intending German miles; but twenty-five miles in length and eighteen in breadth, according to some English accounts. The commerce of it is in cheese, butter, cattle, linen, and thread. Ten thousand cattle, and four thousand sheep, pastured in summer upon the mountains, constitute their wealth.

The inhabitants live together in a general equality, and most perfect harmony; even those of the different persuasions of Catholics and Protestants, who sometimes perform divine service in the same church, one after the other: and all the offices of state are indifferently administered by both parties, though the Protestants are more in number, and superior both in industry and commerce. All the houses are built of wood, large and solid, those of the richest inhabitants differing only from those of the poorer, as they are larger.

The police is well regulated here, as it is throughout Switzerland. Liberty does not degenerate into licentiousness. Liberty, independence, and an exemption from taxes, amply compensate for a want of the refinements of luxury. There are none so rich as to gain an ascendency by largesses. If they err in their councils, it is an error of the judgment, and not of the heart. As there

there is no fear of invasion, and they have no conquests to make, their policy consists in maintaining their independence, and preserving the public tranquillity. As the end of government is the greatest happiness of the greatest number, saving at the same time the stipulated rights of all, governments like these, where a large share of power is preserved by the people, deserve to be admired and imitated. It is in such governments that human nature appears in its dignity, honest, brave, and generous.

Some writers are of opinion, that Switzerland was originally peopled by a colony of Greeks, the same greatness of soul, the same spirit of independence, the same love of their country, has animated both the ancients and the moderns, to that determined heroism which prefers death to slavery. Their history is full of examples of victories obtained by small numbers of men over large armies. In 1388 the Austrians made an irruption into their territory, with an army of fifteen thousand men ; but instead of conquering the country as they expected, in attacking about four hundred men posted on the mountains at Næfel, they were broken by the stones rolled upon them from the summit : the Swiss, at this critical moment, rushed down upon them with such fury, as forced them to retire with an immense loss. Such will ever be the character of a people, who preserve so large a share to themselves in their legislature, while they temper their constitution, at the same time, with an executive power in a chief magistrate, and an aristocratical power in a wise senate.

The government here is by no means entirely democratical. It is true that the sovereign is the whole country, and the sovereignty resides in the

the general assembly where each male of fifteen with his sword at his side, has his seat and vote. It is true, that this assembly, which is annually held in an open plain, ratifies the laws, lays taxes, enters into alliances, declares war and makes peace.

But it has a first magistrate in a land amman, who is the chief of the republic, and is chosen alternately from among the Protestants and from among the Catholics. The Protestant remains three years in office ; the Catholic two. The manner of his appointment is a mixture of election and lot. The people choose five candidates, who draw lots for the office. The other great offices of state are appointed in the same manner.

There is a council called a senate, composed of the land amman, a stadtholder, and sixty two senators, forty-eight Protestants and fourteen Catholics, all taken from fifteen tagwen or corvees, into which the three principal quarters or partitions of the country are subdivided for its more convenient government. In this senate called the council of regency, the executive power resides. Each tagwen or corvee furnishes four senators ; besides the borough of Glaris, which furnishes six.

Instead of a simple democracy, it is a mixed government, in which the monarchical power in the land amman, stadtholder or pro-consul, the aristocratical order in the senate, and the democratical in the general assembly, are distinctly marked. It is, however, but imperfectly balanced ; so much of the executive power in an aristocratical assembly would be dangerous in the highest degree in a large state, and among a rich people. If this canton could extend its dominion,

minion, or greatly multiply its numbers, it would soon find the necessity of giving the executive power to the land amman, in order to defend the people against the senate ; for the senate, although it is always the reservoir of wisdom, is eternally the very focus of ambition.

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## LETTER VIII.

ZUG.

My dear Sir,

THE canton of Zug is small, but rich, and divided into mountains and plains. The sovereign is the city of Zug, and part of the country. It is divided into five quarters, which possess the sovereignty ; the city of Zug is two, and the country three, Mentzingen, Egeri, and Bar. The government is very complicated, and the sovereignty resides in the general assembly of the five quarters, where each male person of fifteen years of age has admittance and a voice. It assembles annually, to enact laws, and choose their magistrates. Thus these five quarters make a body of a democratical republic which commands the rest of the canton. They furnish alternately the land amman, the head or chief of the state, who must always reside at Zug with the regency of the country, although he is chosen by the suffrages of all the quarters collectively. He continues three years in office when taken from the district of Zug, and but two when chosen from any of the others.

The council of regency, to whom the general administration of affairs is intrusted, is composed of forty senators, thirteen from the city, and twenty-seven from the country.

The city, moreover, has its chief, its council, and its officers apart, and every one of the other quarters has the same.

It is a total misapplication of words to call this government a simple democracy : for, although the people are accounted for something, and indeed for more than in most other free governments ; in other words, although it is a free republic, it is rather a confederation of four or five republics, each of which has its monarchical, aristocratical, and democratical branches ; than a simple democracy. The confederation too has its three branches ; the general assembly, the regency of senators, and the land amman ; being different orders tempering each other, as really as the house, council, and governor, in any of the United States of America.

## LETTER IX.

U R I.

My dear Sir,

**T**H E canton of Uri, the place of the birth and residence of William Tell, shook off the yoke of Austria in 1308, and, with Switz and Underwald, laid the foundation of the perpetual alliance of the cantons, 1315. The canton consists only of villages and little towns or boudades,

gades, and the whole is divided into ten genossamen, or inferior communities. It has no city. Altdorf, where the general assemblies are held, and the land amman and regency resides, is the principal village.

The land amman and the principal magistrates are elected in the general assembly, in which all the male persons of fifteen years of age have a right to a seat and a vote.

The senate or council of regency, in whom is vested the executive power, is composed of sixty members, taken equally from each genossamen, though they reside at the capital borough. From this council are taken all the necessary officers.

There are two other councils ; one called the chamber of seven, and the other the chamber of fifteen, for the management of lesser affairs.

The valley of Urseren, three leagues in length and one in breadth, marches under the banners of Uri ; but it is but an ally, connected by treaty in 1410. It has its proper land amman and council, and has also a bailiwick subject to it.

The village of Gersaw is a league in breadth, and two in length : there are about a thousand inhabitants. This is the smallest republic in Europe : it has however its land amman, its council of regency, and its general assembly of burgesses, its courts of justice and militia, although it is said there is not a single horse in the whole empire. Such a diminutive republic, in an obscure corner, and unknown, is interesting to Americans, not only because every spot of earth on which civil liberty flourishes deserves their esteem, but upon this occasion is particularly important,

portant, as it shews the impossibility of erecting even the smallest government, among the poorest people, without different orders, councils, and balances.

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## LETTER X.

S W I T Z.

My dear Sir,

THE canton of Switz has the honour of giving the name to the whole confederation, because the first battle for independence was fought there : yet it consists only of villages divided into six quarters, the first of which is Switz, where the ordinary regency of the country resides. The sovereign is the whole country ; that is to say, the sovereignty resides in the general assembly of the country, where all the males of fifteen years of age have a right of entry and suffrage.

Yet they have their land amman ; and their ordinary regency at which the land amman presides, composed of sixty counsellors, taken equally from the six quarters. All the necessary officers are taken from this council.

There are, besides the secret chamber, the chamber of seven, and the chamber of nine, for finance, justice, and police.

L E T T E R XI.

ARISTOCRATICAL REPUBLICS.

T H E C A N T O N O F B E R N E.

My dear Sir,

IT is scarcely possible to believe that Mr. Turner got, by collecting all authority into one center could have intended an aristocratical assembly. He must have meant, however, a simple form of government of some kind or other ; and there are but three kinds of simple forms, democracy, aristocracy, and monarchy. As we have gone through most, if not all, the governments in Europe in which the people have any share ; it will throw much light upon our subject if we proceed to the aristocracies and oligarchies ; for we shall find all these under a necessity of establishing orders, checks and balances, as much as the democracies. As the people have been always necessitated to establish monarchical and aristocratical powers, to check themselves from rushing into anarchy ; so have aristocratical bodies ever been obliged to contrive a number of divisions of their powers to check themselves from running into oligarchy.

The canton of Berne has no other sovereign than the single city of Berne. The sovereignty resides in the grand council, which has the legislative power, and the power of making peace, war, and alliances, and is composed of two hun-

dred counsellors and ninety-nine assessors, the election of whom is made, by the seizeniers and the senate, from the citizens, from whom they are supposed virtually to derive their power ; but a general assembly of the citizens is never called together, on any occasion, or for any purpose, not even to lay taxes, nor to make alliances or war. To be eligible into the grand council, one must be a citizen of Berne, member of one of the societies or tribes, and at least in the thirtieth year of his age.

The executive power is delegated by the grand council to the senate or little council, which is composed of twenty-seven persons, including the two avoyers or chiefs of the republic, the two treasurers of the German country, and of the pays de Vaud, and the four bannerets or commanders of the militia, taken from the four first tribes, for the four districts of the city. Vacancies in this senate are filled up by a complicated mixture of ballot and lot : twenty-six balls, three of which are gold, are drawn out of a box by the several senators ; those who draw the golden ones nominate three electors out of the little council ; in the same manner, seven members are designated from the grand council, who nominate seven electors from their body ; these ten nominate ten candidates to be voted for in the grand council : the four of these who have the most votes, draw each of them a ball out of a box, which has in it two of gold and two of silver ; the two who draw the gold are voted for in the grand council, and he who has the most votes is chosen, provided he be married, and has been ten years in the grand council.

Vacancies in the grand council are filled up, at certain periods of about ten years, and two new members

members are appointed by each avoyer, one by each seizenier and senator, and two or three others by other officers of state : if there are more vacancies, they are filled by the election of the seizeniers and senators.

The seizeniers, who have this elective power, are drawn by lot from among those members of the grand council who have held the office of bailiffs, and who have finished the term of their administration. The bannerets and seizeniers have, by the constitution, an authority, for three days in Easter, resembling that of the censors in ancient Rome, and may deprive any member of either council of his place ; but, as their sentence must be confirmed by the great council, they never exercise their power. There are six noble families at Berne, who enjoy the precedence of all the other senators, although more ancient members, and have rank immediately after the bannerets.

The principal magistrates are, the two avoyers, who hold their offices for life ; the two treasurers, who continue for six years ; and the four bannerets, who remain only four. The avoyer officiate alternately a year ; and the reigning avoyer, although he presides in council, in an elevated seat under a canopy, and has the public seal before him, has no vote except in cases of equal divisions, and never gives his opinion unless it is required. The avoyer, out of office, is the first senator and president of the secret council.

The secret council is composed of the avoyer out of office, the four bannerets, the two treasurers, and two other secret counsellors taken from the senate. In this body all affairs that require

quire secrecy, and some of these are of great importance, are debated and determined.

The grand council assembles and deliberates by its own authority at stated times, and superintends all affairs, although the most important are delegated generally to the senate. The whole administration is celebrated for its uncommon moderation, precision, and dispatch.

There are seventy-two bailiwicks, distributed in four classes, comprehending a country of sixty leagues in length, or a third part of all Switzerland, subject to this city. The bailiffs are appointed by lot from the grand council. They were formerly chosen, but this method rendering all the members dependent upon a few, who had the most influence, it had too strong a tendency to an oligarchy. The bailiwicks are the most profitable places, and are filled from the grand council. The bailiffs live in much splendour, and are able to lay up two or three thousand pounds sterling a year, besides discharging all their expences. They represent the sovereign authority, put the laws in execution, collect the revenues, act as judges in civil and criminal causes ; but an appeal lies to Berne, in civil causes to the courts of justice, and in criminal to the senate : but as the judges on appeal are persons who either have been or expect to be bailiffs, there is great reason to be apprehensive of partiality.

There is no standing army, but every male of sixteen is enrolled in the militia, and obliged to provide himself an uniform, a musket, powder and ball ; and no peasant is allowed to marry, without producing his arms and uniform. The arms are inspected every year, and the men exercised. There are arsenals of arms at Berne, and in

in every bailiwick, sufficient for the militia of the district, and a sum of money for three months pay. The dragoons are chosen from the substantial farmers, who are obliged to provide their own horses and accoutrements. There is a council of war, of which the avoyer out of place is president, in peace; in war, a general is appointed to command all the forces of the state.

There is a political seminary for the youth, called the exterior state, which is a miniature of the whole government. The young men assemble and go through all the forms; they have their grand council, senate, avoyers, treasurers, bannerets, seizeiners, &c.: the post of avoyer is sought with great assiduity. They debate upon political subjects, and thus improve their talents by exercise, and become more capable of serving the public in future life.

The nobility in this country are haughty, and much averse to mixing in company, or any familiar conversation with the common people: the commons are taught to believe the nobles superiors, whose right it is to rule; and they believe their teachers, and are very willing to be governed.

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## L E T T E R XII.

F R I B O U R G.

My dear Sir,

THE canton of Fribourg is aristocratical, not having more than forty families, who can have any part in the government. These all live very nobly; that is to say, without commerce, manufactures, or trades.

The

The sovereignty and legislative authority resides in the council of two hundred persons, composed of the two avoyers, who are for life; twenty-two counsellors; four bannerets; sixty other counsellors, from whom the twenty-four who compose the senate, in which resides the executive power, are taken when they are to be replaced; and one hundred and twelve others, whom they call the grand senate of two hundred.

The two avoyers are elected by the plurality of suffrages of all the citizens. They hold their offices for life, and preside alternately a year. The twenty-two counsellors are also for life, and are designated by lot, as well as the bannerets, whose charges continue but three years. The sixty are also nominated by lot, and are drawn from the hundred and twelve, called the two hundred. These last come forward in the state by the presentation and nomination of the secret chamber, composed of twenty-four besides the bannerets, who are the chiefs of it. This chamber, which is sovereign, besides the right of nomination to the state, has alone that of correction, and of proposing regulations.

The two avoyers, the twenty-two counsellors, and the four bannerets, form the little senate, which hears and determines civil causes, and assembles every day.

The affairs of state are carried before the grand senate of two hundred.

The tribes are corporations of tradesmen, who have no part in government, and who assemble in their abbays, only for the affairs of their occupations, and all their statutes are approved or rejected by the senate.

There are thirty-one bailiwicks subject to this canton. The method of determining the members

bers of the little senate and secret council is another check. The names of the candidates in nomination are placed in a box, containing as many partitions as there are persons: the ballots are thrown into this box by the electors, without knowing how the names are placed; and the candidate whose name occupies the division, which receives by accident the most ballots, has the lot. This is to guard against the influence of families; for, among those few families from which alone any candidate can be taken, some have more influence than others. The canton contains sixty-six thousand souls. Its land produces good pasture, some corn, and little wine; it has no commerce, and not much literature. It has more troops in foreign service than any other canton in proportion. As the rivers and lakes have a direct communication with the sea, they might have a valuable commerce; but as none of the persons concerned in government can be merchants, no commerce can ever be in fashion, except that of their noble blood to foreign sovereigns. It is no doubt much to the honour of their fidelity and valour, to be chosen so generally to be the life-guards of princes; but whether they can vindicate such a traffic, upon principles of justice, humanity, or policy, or from the imputation of a more mercenary spirit than that of ordinary commerce, is for them to consider. The conservation of the oligarchy is entirely owing however to this custom: for a youthful fiery nobility at home in idleness, would necessarily become ambitious of popularity, and either procure, by intrigues and insurrections, a greater share of importance to the people, or set up one of the greatest genius and enterprize among them for a despot. In foreign service they exhaust their restless years, and return,

turn, after the deaths of their fathers, fatigued with dissipation, to enjoy their honours and estates ; to support those laws which are so partial to their wishes ; and to re-assume the manly simplicity of manners of their native country.

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## LETTER XIII.

## S O L E U R E.

My dear Sir,

**T**HE canton of Soleure, seven leagues in breadth and twelve in length, contains fifty thousand souls, and the Patrician families are in quiet possession of all the public offices. The sovereign is the city of Soleure; and the sovereignty resides in the grand council, consisting of two avoyers, who preside alternately, and whose election depends upon the council, and all the citizens in general, who are divided into eleven tribes ; of twenty-three of the thirty-three senators taken from the tribes, each of which furnishes three ; and of sixty-six members who represent the citizens, and are taken also from the tribes in equal numbers, viz. six from each tribe.

The senate is composed of the two avoyers, and the thirty-three senators taken from the tribes, making thirty-five in all, who are called the little council, conduct the affairs of state, and judge causes civil and criminal. The two councils make together the number of one hundred, without computing the avoyer in office, who presides in chief. This body, named the grand council, makes laws and statutes ; treats of alliances, peace and

and war; decides appeals in the last resort; elects the treasurer, the fourth in rank in the state, and the exterior bailiffs. The thirty-three senators consist of eleven alt-raths or senior counsellors, and twenty-two yunk-raths or juniors. Upon the removal by death of one of the alt-raths, the eldest of the yunk-raths succeeds him, and this vacancy is filled, out of the great council, by election of the eleven alt-raths. From among the alt-raths, the two avoyers, the banneret, and the treasurer, the four principal magistrates of the commonwealth, are chosen; and on the death of an avoyer, the banneret succeeds to his place, after having gone through the formality of a nomination by the general assembly of citizens. Vacancies in the grand council are supplied by the alt-raths, from the same tribe to which the deceased member belonged. There is an annual meeting of the whole body of the citizens, in which the avoyers and banneret are confirmed in their places: the senior and junior counsellors at the same time mutually confirm each other. All these confirmations are matters of course, and mere form. All other public employments are disposed of by the senate.

The revenues of the public, and salaries of offices, are very considerable, and afford the few distinguished families very profitable emoluments. The grand sautier is annually elected by all the citizens. There are several tribunals and chambers: the secret council, formed of the two avoyers, the banneret, the treasurer, the most ancient of the senators of the first order or alt-raths, the secretary of state, and attorney-general: the council of war: the council of justice, which is composed of six members of the little council, and eleven members of the grand council, one

of whom is furnished by each tribe; the grand fautier presides in it, instead of the avoyer in office; the consistory, and the chamber of orphans. This canton has a large country subject to it, comprehending eleven bailiwicks.

The soil is extremely fertile, yet there is a want of hands for agriculture, and population decreases; although commodiously situated for commerce, they have none. These circumstances are enough to shew the blessings of a government by a few noble families. They shew another thing, still more curious; to wit, the consequences of mixing the nobles and commons together. The latter have here been induced to reduce their own constitutional share in the government to a mere form, and complaisantly to resign all the substance into the hands of those whom they think their natural superiors: and this will eternally happen, sooner or later, in every country, in any degree considerable for extent, numbers, or wealth, where the whole legislative and executive power are in one assembly, or even in two, if they have not a third power to balance them.

Let us by no means omit, that there is a grand arsenal at Soleure, as there is at Berne, well stored with arms in proportion to the number of inhabitants in the canton, and ornamented with the trophies of the valour of their ancestors.

Nor should it be forgotten, that a defensive alliance has subsisted between France and several of these cantons, for more than a century, to the great advantage of both. These republicans have found in that monarchy a steady, faithful, and generous friend. In 1777 the alliance was renewed in this city of Soleure, where the French ambassador resides; and extended to all the cantons. In the former treaty an article was inserted,  
that

that if any dissensions should arise between the cantons, his majesty should, at the request of one of the parties, interpose his mediation by all gentle means to bring about a reconciliation: but if these should fail, he should compel the aggressor to fulfil the treaties between the cantons and their allies. As this article was manifestly incompatible with that independence which republicans ought to value above all things, it has been wisely omitted in the new treaty; and it would have become the dignity of the Swiss character to have renounced equally those pensions, which are called Argents de Paix et d'Alliance, as inconsistent not only with a republican spirit, but with that equality which ought to be the foundation of an alliance.

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## LETTER XIV.

LUCERNE.

My dear Sir,

THE canton of Lucerne comprehends a country of sixteen leagues long and eight wide, containing fifteen bailiwicks, besides several cities, abbeys, monasteries, seigniories, &c. The inhabitants are almost wholly engaged in agriculture, and the exportation of their produce. Their commerce might be greatly augmented, as the river Reuss issues from the lake, passes through the town, and falls into the Rhine.

The city contains less than three thousand souls, has no manufactures, little trade, and no encouragement for learning: yet the sovereign is this single city, and the sovereignty resides in the little

little and great council, having for chiefs two avoyers, who are alternately regents. There are five hundred citizens in the town, from whom a council of one hundred are chosen, who are nominally the sovereignty; out of this body are formed the two divisions, the little council, senate, or council of state, consisting of thirty-six members, divided into two equal parts of eighteen each, one of which makes choice of the other every half year. The whole power is actually exercised by this body, the two divisions of which administer the government by turns. They are subject to no controul, are neither confirmed by the sovereign council, nor by the citizens; the division which retires confirming that which comes in. As the vacancies in the senate are filled up by themselves, all power is in possession of a few Patrician families. The son succeeds the father, and the brother his brother.

The grand council consists of sixty-four persons, taken from the citizens, who are said to have their privileges; but it is hard to guess what they are, as the elections are made by the little and great council conjointly.

The administration, the police, the finances, and the whole executive power, is in the senate, which is constantly sitting.

The grand council is assembled only upon particular occasions, for the purpose of legislation. The senate has cognizance of criminal causes, but in capital cases the grand council is convoked to pronounce sentence: in civil causes an appeal lies from the senate to the grand council; but these appeals can be but mere forms, the same senators being in both courts.

As the senate constitutes above a third of the grand council, choose their own members, confer  
all

all employments, have the nomination to ecclesiastical benefices, two thirds of the revenues of the canton belonging to the clergy, their influence must be uncontrollable.

The two avoyers are chosen from the senate by the council of one hundred, and are confirmed annually. The relations of the candidates are excluded from voting: but all such checks against influence and family connections in an oligarchy are futile, as all laws are cyphers. There are also certain chambers of justice and police.

In some few instances, such as declaring war and making peace, forming alliances or imposing taxes, the citizens must be assembled and give their consent, which is one check upon the power of the nobles.

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## LETTER XV.

ZURICH.

My dear Sir,

THE canton of Zurich contains one hundred and fifty thousand souls, upon an area of forty miles by thirty, abounds in corn, wine, and all the ordinary productions of excellent pastures. Literature has been encouraged, and has constantly flourished in this country, from the time of Zuinglius to that of Gesner and Lavater. The inhabitants are industrious, their manufactures considerable, and their commerce extensive.

In the city is a public granary, an admirable resource against scarcity, and a magnificent arsenal well filled with cannon, arms, and ammunition, particularly musquets for thirty thousand

men ; the armour of the old Swiss warriors, and the bow and arrow with which William Tell shot the apple on the head of his son—

Who with the generous rustics fate,  
On Uri's rock, in close divan,  
And wing'd that arrow sure as fate,  
Which fix'd the sacred rights of man.

The sovereign is the city of Zurich. The sovereignty resides in the two burgomasters, in the little council composed of forty-eight members, and the grand council composed of one hundred and sixty-two members ; all taken from thirteen tribes, one of which is of the nobles, and the other twelve of citizens.

Although there are twelve thousand souls in the capital, and one hundred and fifty in the canton, there are not more than two thousand citizens. In early times, when the city had no territory round it, or a small one, the citizens were in possession of the government ; when they afterwards made additions by conquest or purchase, they still obstinately held this power, and excluded all their new subjects. It is an hundred and fifty years since a new citizen has been admitted : besides electing all the magistrates and holding all offices, they have maintained a monopoly of commerce, and excluded all strangers, and even subjects of the canton, from conducting any in the town. Such are commons, as well as nobles and princes, whenever they have power unchecked in their hands !

There is even in this commercial republic a tribe of nobles, who consider trade as a humiliation.

The

The legislative authority is vested in the grand council of two hundred and twelve, including the senate.

The senate consists of twenty-four tribunes, and four counsellors chosen by the nobles, to these are added twenty, elected by the sovereign council; making in all, with the two burgomasters, fifty: half of them administer six months, and are then succeeded by the rest. The burgomasters are chosen annually by the sovereign council, and one of them is president of each division of the senate, which has the judicial power, in criminal matters, without appeal, and in civil, with an appeal to the grand council.

The members of the senate are liable to be changed, and there is an annual revision of them, which is a great restraint.

The state is not only out of debt, but saves money every year against any emergency. By this fund they supported a war in 1712, without any additional taxes. There is not a carriage in the town, except it be of a stranger.

Zurich has great influence in the general diet, which she derives more from her reputation for integrity, and original Swiss independence of spirit, than from her power.

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## LETTER XVI.

S C H A F F H A U S E.

**T**HE sovereign is the city of Schaffhouse. The citizens, about sixteen hundred, are divided into twelve tribes, one of which consists of nobles, and eleven are ordinary citizens.

The

The sovereignty resides in the little and grand councils.

The senate, or little council of twenty-five, has the executive power.

The great council, comprising the senate, has the legislative, and finally decides appeals.

The burgomasters are the chiefs of the republic, and alternately preside in both councils.

Besides these, there are the secret council, of seven of the highest officers; the chamber of justice, of twenty-five, including the president; the prætorian chamber, of thirteen, including the president; the consistory, of nine; and the chamber of accounts, of nine. The city has ten bailliwicks subject to it.

#### THE CITY OF MULHOUSE.

THE sovereign is the city: the sovereignty resides in the little and the grand council. The lesser council is composed of twenty-four persons; viz. three burgomasters, who preside by turns, each one six months, nine counsellors, and twelve tribunes, who succeed by election, and are taken from the grand council.

The grand council is composed of seventy-eight, viz. the twenty-four of the lesser council, thirty-six members of the tribes, six from each, and eighteen taken from the body of the citizens, and elected, three by each one of the six tribes.

#### THE CITY OF BIENNE.

THE republic of Bienne contains less than six thousand souls.

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The regency is composed of the great council, in which the legislative authority resides, consisting of forty members; and of the little council, composed of twenty-four, who have the executive.

Each of these councils elect their own members, from the six confraternities of the city.

The burgomaster is chosen by the two councils, presides at their meetings, and is the chief of the regency; he continues in office for life, although he goes through the form of an annual confirmation by the two councils, when the other magistrates submit to the same ceremony. The burgomaster keeps the seal, and, with the banneret, the treasurers, and the secretary, forms the œconomical chamber, and the chamber of orphans.

This town sends deputies to the general diets, ordinary and extraordinary.

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## LETTER XVII.

### THE REPUBLIC OF ST. GALL.

My dear Sir,

THE republic of St. Gall is a league and a half in circumference, and contains nine thousand souls. The inhabitants are very industrious in manufactures of linnen, muslin, and embroidery, have an extensive commerce, and arts, sciences, and literature, are esteemed and cultivated

vated among them. They have a remarkable public library, in which are thirteen volumes of original manuscript letters of the first reformers. To see the different effects of different forms of government on the human character, and the happiness and prosperity of nations, it would be worth while to compare this city with Constance, in its neighbourhood.

This happy and prosperous, though diminutive republic, has its grand council of ninety persons, its little council of twenty-four, and three burgomasters. The little council consists of the three burgomasters, nine senators, and twelve tribunes. The grand council consists of all the little council, and eleven persons from each tribe ; for the city is divided into the society of the nobles, and six tribes of the artifans, of whom the weavers are the principal.

Besides these there are, the chamber of justice, the chamber of five, and some others.

#### G E N E V A.

IN the republic of Geneva, the sovereignty resides in the general council, lawfully convened, which comprehends all the orders of the state, and is composed of four syndics, chiefs of the republic, presidents of all the councils ; of the lesser council of twenty-five ; of the grand council of two hundred, though it consists of two hundred and fifty when it is complete ; and of all the citizens of twenty-five years of age. The rights and attributes of all these orders of the state are fixed by the laws. The history of this city deserves to be studied with anxious attention by

by every American citizen. The principles of government, the necessity of various orders, and the fatal effects of an imperfect balance, appear no where in a stronger light. The fatal slumbers of the people, their invincible attachment to a few families, and the cool deliberate rage of those families, if such an expression may be allowed, to grasp all authority into their own hands, when they are not controuled or over-awed by a power above them in a first magistrate, are written in every page. I need only refer you to Dr. d'Ivernois's Historical and Political View of the Constitution and Revolutions of Geneva in the Eighteenth Century, which you received from the author, to convince you of this.

Let me add here, that the facts relating to the Swiss cantons, and their environs, mentioned in these letters, are taken from the *Quarante Tables Politiques de la Suisse, par C. E. Faber, Bernsis, Pasteur, à Bischwiller, in 1746*; with some additional observations from the beautiful Sketches of Mr. Coxe, which I send you with this letter; and which you will find as instructive as they are entertaining.

The petty council is indifferently called the council of twenty-five, the *petit council*, or the *senate*.

The council of sixty is a body elected by the senate, and meets only for the discussion of foreign affairs.

The grand council, and council of two hundred, are one and the same body; it is still called the council of two hundred, though it now consists of two hundred and fifty members.

The general council, called indiscriminately the *sovereign council*, the *general assembly*, the *sovereign*

*reign assembly, the assembly of the people, or the council general, is composed of all the citizens or free men of twenty-five years of age.*

At the time of the Reformation, every affair, important or trifling, was laid before the general assembly ; it was both a deliberating and acting body, that always left the cognizance of details to four *sindics* : this was necessary, in that time of danger, to attach the affections of the citizens to the support of the commonwealth by every endearing tie. The city was governed by two *sindics* of its own annual election. The multiplicity of affairs had engaged each *sindic* to nominate some of the principal citizens to serve as *assessors*, during his administration ; these *assessors*, called *counsellors*, formed a council of twenty-five persons. In 1457 the general council decreed, that the council of twenty-five should be augmented to sixty. This body, in 1526, was augmented to two hundred.

Thus far the aristocratical gentlemen proceeded upon democratical principles, and all is done by the general assembly. At this instant commences the first overt act of aristocratical ambition.— Warm in their seats, they were loath to leave them, or hold them any longer at the will of the people. With all the subtlety, and all the sagacity and dress which is characteristic of this order of men in every age and nation, they prevailed on the people to relinquish for the future the right of electing *councillors* in the general assembly : and the people, with their characteristic simplicity, and unbounded confidence in their rulers when they love them ; became the dupes, and passed a law, that the two councils should for the future elect, or at least approve and affirm, each other.

other. This is a natural and unavoidable effect of doing all things in one assembly, or collecting all authority into one center. When magistrates and people meet in one assembly, the former will for ever do as they please, provided they proceed with any degree of prudence and caution.

The consequence was, that the annual reviews were a farce ; only in a very few instances, for egregious faults, were any excluded : and the two councils became perpetual, and independent of the people entirely. The illusions of ambition are very subtle ; if the motives of these magistrates, to extend the duration of their authority, were the public good, we must confess they were very ignorant. It is most likely they deceived themselves as well as their constituents, and mistook their own ambition for patriotism : but this is the progressive march of all assemblies ; none can confine themselves within their limits, when they have an opportunity of transgressing them. These magistrates soon learned to consider their authority as a family property, as all others in general, in similar circumstances, ever did, and ever will.

They behaved like all others in another respect too : their authority being now permanent, they immediately attack the *findics*, and transfer their power to themselves.

The whole history of Geneva, since that period, follows of course : the people, by their supineness, had given up all balances, and betrayed their own privileges, as well as the prerogatives of their first magistrates, into the hands of a few families.

The people of Geneva, as enlightened as any, have never considered the necessity of joining with the *findics*, nor the *findics* that of joining the

people, but have constantly aimed at an impossibility, that of balancing an aristocratical by a democratical assembly, without the aid of a third power.

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## LETTER XVIII.

L U C C A.

My dear Sir,

**T**H E government of this republic is said to be purely aristocratical ; yet the supreme power is lodged in the hands of two hundred and forty nobles, with the chief magistrate at their head, which is called confalloniero, or standard-bearer, and has the executive power. This magistrate is assisted by nine counsellors, called amziani, whose dignity lasts but nine months ; he has a life-guard of sixty Swiss, and lives in the republic's palace, as do his counsellors, at the public expence : after six years he may be re-chosen. The election of all officers is decided in the senate by ballot.

G E N O A.

**T**H E legislative authority of Genoa is lodged in the great senate, consisting of seniors, or the doge and twelve other members, with four hundred noblemen and principal citizens, annually elected. All matters of state are transacted by the

the seniors, the members of which hold their places for two years, assisted by some other councils ; and four parts in five of the senate must agree in passing a law. The doge is obliged to reside in the public palace the two years he enjoys his office, with two of the seniors, and their families. The palace where he resides, and where the great and little council, and the two colleges of the procuratori and gouvernatori assemble, is a large stone building in the center of the city. At the expiration of his time, he retires to his own house for eight days, when his administration is either approved or condemned : and in the latter case, he is proceeded against as a criminal. At the election of the doge, a crown of gold is placed on his head, and a scepter in his hand, as king of Corsica ; he is attended with life-guards, is clothed in crimson velvet, and styled Most Serene, the senators Excellencies, and the nobility Illustrious.

The nobility are allowed to trade in the wholesale way ; to carry on velvet, silk, and cloth manufactures ; and to have shares in merchant ships : and some of them, as the Palavacini, are actually the greatest merchants in Genoa.

The extent is about one hundred and fifty-two miles, the breath from eight to twenty miles.

L E T T E R

## LETTER XIX.

V E N I C E.

My dear Sir,

THE republic of Venice has existed longer than those of Rome or Sparta, or any other that is known in history. It was at first democratical; and their magistrates, under the name of tribunes, were chosen by the people in a general assembly of them. A tribune was appointed annually, to distribute justice on each of those islands which this people inhabited. Whether this can be called collecting all authority into one center, or whether it was not rather dividing it into as many parcels as there were islands, this simple form of government sufficed, in so small a community, to maintain order for some time; but the tyrannical administration of the tribunes, and their eternal discords, rendered a revolution necessary; and after long altercations, and many projects, the people, having no adequate idea of the only natural balance of power among three orders, determined that one magistrate should be chosen, as the center of all authority—the eternal resource of every ignorant people, harrassed with democratical distractions or aristocratical encroachments. This magistrate must not be called king, but duke, and afterwards doge; he was to be for life, but at his death another was to be chosen; he was to have the nomination of all magistrates, and the power of peace and war. The unbounded popularity and great real merit of Paul Luc Anafeste, added to the pressure of tribunary tyranny, and the danger of a foreign enemy,

enemy, accomplished this revolution. The new doge was to consult only such citizens as he should judge proper : this, instead of giving him a constitutional council, made him the master ; he however sent polite messages to those he liked best, *praying* that they would come and advise him. These were soon called pregadi, as the doge's council is still called, though they are now independent enough of him. The first and second doge governed mildly ; but the third made the people repent of their confidence : after serving the state by his warlike abilities, he enslaved it ; and the people having no constitutional means to restrain him, put him to death in his palace, and resolved to abolish the office. Hating alike the name of tribune and of doge, they would have a master of the militia, and he should be annually eligible. Factions too violent for this transient authority arose ; and, only five years after, the people abolished this office, and restored the power of the doge, in the person of the son of him whom in their fury they had assassinated. For a long course of years after this, the Venetian history discloses scenes of tyranny, revolt, cruelty, and assassination, which excite horror. Doges, endeavouring to make their power hereditary, associating their eldest sons with them in office, and both together oppressing the people ; these rising, and murdering them, or driving them into banishment, never once thinking of introducing a third order, between them and their first magistrate, or any other form of government by which his power or theirs might be limited. In the tenth century, a son of their doge took arms against his father, but was defeated, banished, and declared incapable of ever being doge ; yet no sooner was the father dead, than this worthless

son was elected, and brought back in great pomp to Venice : he became soon a tyrant and a monster, and the people tore him to pieces, but took no measure to frame a legal government. The city increased in commerce, and by conquests, and the new subjects were not admitted to the privileges of citizens : this accession of dominion augmented the influence of the doge. There was no assembly but that of the people, and another called the council of forty, for the administration of justice. This body in the twelfth century, formed something like a plan of government.

Although the descendants of the ancient tribunes and doges were generally rich, and had a spontaneous respect shewn to the antiquity of their families, they were not properly a nobility, having no legal rights, titles, or jurisdictions. As any citizen might be elected to a public office, and had a vote in the assemblies, it was necessary for the proudest among them to cultivate the good will of the multitude, who made and murdered doges. Through all the contests and dissensions among a multitude, always impatient, often capricious, demanding, at the same time, all the promptitude and secrecy of an absolute monarchy, with all the licence of a simple democracy, two things wholly contradictory to each other, the people had to their honour, still maintained their right to voting in assembly, which was a great privilege, and no body had yet dared to aim a blow at this acknowledged right of the people.

The council of forty now ventured to propose a plan like that of Mr. Hume in his idea of a perfect commonwealth, and like that which our friend

friend Dr. Price informs us, was proposed in the convention of Massachusett's.

The city was divided into six districts, called *festiers*. The council of forty proposed, that each of these partitions should name two electors, amounting to twelve in all, who should have the power of choosing, from the whole city, four hundred and seventy, who should have the whole power of the general assembly, and be called the grand council.

The people were amused with fine promises of order and regularity, and consoled with assertions that their right of election still continued, and that those who should not be chosen one year, might be the next ; and, not perceiving that this law would be fatal to their power, suffered that aristocracy to be thus founded, which subsists to this hour. The next proposal was, that a committee of eleven should be appointed to name the doge. Though the design of reducing the people to nothing might have been easily seen in these manœuvres, yet the people wearied, irritated, and discouraged, by eternal discords, agreed to both.

The council of forty, having thus secured the people, turned their eyes to the doge, whose authority had often been perverted to the purposes of oppression, and, having no legal check, had never been restrained but by violence, and all the confusions which accompany it. They proposed that a privy council of six should be appointed for the doge, one from each division of the city, by the grand council themselves, and that no orders should be valid without their concurrence : this passed into a law, with unanimous applause. They then proposed a senate of sixty, who were to be elected out of the grand council,

and

and to be called the pregadi : this too was approved. The grand council of four hundred and seventy, the senate of sixty, the six counsellors, and eleven electors, were accordingly all chosen, and the last were sworn to choose a doge, without partiality, favour, or affection : and the new chosen doge, having taken care to distribute money among the multitude, was received with universal acclamations. In his reign was instituted, by permission of the people, the curious ceremony of wedding the sea, by a ring cast into it, *in signum veri et perpetui imperii*. Under the next doge the avogadros were instituted, to see that the laws were fully executed.

In the thirteenth century, six new magistrates, called correctors, were created by the senate, to enquire into all abuses during the reign of a deceased doge, and report them to the senate ; and it was enacted that, the fortune of the doge should indemnify the state for whatever damage it had suffered during his administration : and these correctors have been appointed, at the decease of every doge since that time. In the next reign a new tribunal of forty was erected, for the trial of civil causes. In the thirteenth century, a new method of appointing the doge, by the famous ballot of Venice, a complicated mixture of choice and chance was adopted.

Each of the grand counsellors, now augmented to forty-one to avoid the inconvenience of an equal division, draws a ball out of a box, containing thirty gilt, and the rest white ; those who draw the gilt ones go into another room, where is a box with thirty balls, nine of which are gilt ; draw again, and those who obtain the gilt balls are the *first electors* ; who choose forty, comprehending themselves in that number ; the forty, by

by repeating the whole process, are reduced to twelve *second electors*, the first of whom names three, and the rest two a piece: these twenty-five draw again from as many balls, nine of which are gilt; this reduces them to nine *third electors*, each of whom chooses five: which forty-five are reduced, by a repetition of the ballot, to eleven *fourth electors*, and they have the appointment of forty-one, who are the direct electors of the doge. The choice generally turns upon two or three candidates, whose names are put into another box, and drawn out: the first whose name is drawn retires, and proclamation is made for objections against him; if any are made, he comes in, and is heard in his defence: then the electors proceed to determine by ayes and noes; if there are twenty-five ayes, he is chosen, if not, another name is read, and the same decision repeated, until there are twenty-five in the affirmative.

The grand council, ever anxious to limit the power of the doge, soon thought it improper that the public acts should be signed by chancellors appointed by him, and accordingly determined to appoint this officer themselves.

The senate then began to think it too great a respect to the people to have the new doge presented to them for their acclamations, and ordained that a syndic should congratulate him in the name of the people on his election. The populace, who had weakly surrendered their rights, were very angry at being deprived of this show, and proclaimed a doge of their own; but he was afraid of the contest, and retired, and the people having no man of weight to head them, gave up this point.

The new doge, who had much contempt for popular government, and some resentment for the slight

flight opposition he had met with, procured a law to be passed, that all the members of the grand council should hold their places for life, and transmit them to their posterity, and that their elections by the people's electors should cease. This establishment of an hereditary legislative nobility, no doubt shocked the citizens in general, but chiefly those of ancient families, who were not at that moment members of the grand council; to silence these, the most powerful of them were received into the grand council, and others were promised that they should be admitted at a future time. Commerce and wars soon turned the attention of the rest of the people from all thought about the loss of their privileges. Some few, however, some time after formed a plan, not to convene the people in a body, and new-model the constitution, but to assassinate the doge and council all together. The plot, which was carried on by the plebeians, was discovered, and the chiefs executed. Another originated amongst the nobles, some of them of the grand council, who being of very ancient families, could not bear to see so many citizens raised to a level with themselves, and others of the most distinguished of these, who were not of the grand council, and had not been received afterwards according to promise. This produced a skirmish in the city, but some of the conspiring nobles were killed, the rest routed, and many executed, but it was thought prudent to admit several of the most distinguished families. These two conspiracies produced a council of ten, upon which were afterwards engrafted the state inquisition.

Great care is taken in Venice, to balance one court against another, and render their powers mutual checks to each other. The college called  
the

the seigniory, was originally composed of the doge and six counsellors; to these were added six of the grand council chosen by the senate, and called the savii or sages; then five more for land affairs, and then five for sea affairs, in the room of whom, five young noblemen are now chosen every six months, who attend, without a vote, for their education; to these were added the three chiefs of the criminal court, from a jealousy of the power of the college, which is both the cabinet council, and the representative of the state, giving audience and answers to ambassadors, to agents of towns, and generals of the army; receives all petitions, summons the senate, and arranges its business.

There is one instance of a doge's concerting a conspiracy, to shake off the controul of the senate; but as it was an old man of fourscore, whose young wife on whom he doted, was not treated with sufficient respect by the nobility, we need not wonder, that he had not sense enough to think of introducing a regular, well balanced constitution, by a joint concurrence of the people, and the nobility: the whole plan was to massacre the grand council; and although he engaged in his design some of the highest officers, and a large party, the plot was discovered, the doge himself tried, condemned, and beheaded, as so infamous a piece of mad villainy justly deserved.

A punctual execution of the laws, is no doubt essential to the existence of this state, and there are striking instances of persons punishing their nearest relations, with the most unrelenting severity; without this, the doge on one hand, or the people on the other, would soon think of a union against the ruling nobility. The aristocracy is always sagacious, and knows the necessity of a rigorous impartiality, in order to preserve its

power, and all the barriers we have described have been erected for this purpose : but all would be insufficient to restrain their passions, without the lions mouths and the state inquisitors; these were engrafted on the council of ten. This terrible tribunal, is sovereign in all crimes against the state ; it consists of ten chosen yearly by the grand council ; the six of the seigniory assist, and the doges preside when they please. Three chiefs, appointed monthly by lot, to open all the letters seize the accused, take examinations, and prosecute the prisoner ; who is closely confined, allowed no council, and finally acquitted or condemned to death, in public or private, by the plurality of voices. This was the original tribunal, but it was not found sufficient, and the state inquisitors were erected in the beginning of the sixteenth century. This tribunal consists only of three persons, all taken from the council of ten, who have authority to decide, without appeal, on the life of every citizen, the doge himself not excepted. They employ what spies they please ; if they are unanimous, they may order a prisoner to be strangled in gaol, or drowned in the canal, hanged in the night, or by day, as they please ; if they are divided, the cause must go before the council of ten, but even here, if the guilt is doubtful, the rule is to execute the prisoner in the night. The three may command access to the house of every individual in the state, and have even keys to every apartment in the ducal palace, may enter his bed-chamber, break his cabinet, and search his papers. By this tribunal, have doge, nobility, and people, been kept in awe, and restrained from violating the laws ; and to this is to be ascribed the long duration of this aristocracy.

Such are the happy effects of the spirit of families, when they are not bridled by an executive authority, in the hands of a first magistrate on one hand, and by an assembly of the people in person, or by adequate representation on the other. Such are the blessings which, in course of ages, spring from a neglect in the beginning, to establish three orders, and a perfect balance between them. There can be, in the nature of things, no balance without three powers. The aristocracy is always more sagacious than an assembly of the people collectively, or by representation, and always proves an overmatch in policy, sooner or later. They are always more cunning too than a first magistrate, and always make of him a doge of Venice, a mere ceremony, unless he makes an alliance with the people to support him against them. What is the whole history of the wars of the barons but one demonstration of this truth ! What are all the standing armies in Europe, but another. These were all given to kings by the people, to defend them against aristocracies. The people have been generally of Mr. Turgot's mind, that balances and different orders, were unnecessary, and harassed to death with the domination of noble families, they have generally surrounded the thrones with troops, to humble them. They have succeeded so far as generally to make the nobles dependent on the crown, but having given up the balance which they might have held in their own hands, they are still subject to as much aristocratical domination, as the crowns think proper to permit. In Venice, the aristocratical passion for curbing the prince and the people, has been carried to its utmost length. It is astonish-

ing to many, that any man will accept the office of doge. These sagacious nobles, who always know at least the vices and weaknesses of the human heart better than princes or people, saw that there would be generally vanity enough in an individual to flatter himself, that he had qualities to go through his administration without incurring censure, and with applause ; and farther, that the frivolous distinction of living in the ducal palace, and being the first man in the nation, though it were only the first among equals, would tempt most men to risque their lives and fortunes ; and accordingly it has so happened. There has been an uncommon solicitude all along to restrain his power : this no doubt was to prevent him from a possibility of negotiating with the people against them : on the other hand there has been uncommon exertions to annihilate every power, every hope in the people ; this was to prevent them from having a legal possibility of applying to the doge for assistance. All this together would not however have succeeded, if death, in the shape of the inquisition, had not been made to stare both doge and people in the face, upon the first thought of conferring together.

The nobles are divided into six classes.  
1. Twelve of the most ancient families. 2. Four families that in the year 880 subscribed to the building of the abbey of St. George. 3. Those whose names were written in the golden book, in 1296. 4. Those that were ennobled by the public in 1385. 5. Those who purchased their nobility for one hundred thousand ducats in 1646. And 6. The strangers who have been received into the number of nobility : the whole make about two thousand five hundred.

There

There are four councils: the doge and six signoria. 2. The consiglio grande, in which all the nobles have seats and voices. 3. Consiglio de pregadi, of 250, and is the soul of the republic. 4. Consiglio proprio delli dieci—and the state inquisitors.

THE REPUBLIC OF THE UNITED PRO-  
VINCES OF THE LOW COUNTRIES.

HERE were a Stadholder, an assembly of the States General, a council of state: the Stadholder hereditary had the command of armies and navies, and appointment of all officers, &c.

Every province had an assembly besides, and every city, burgomasters, counsellors, and sche-pens or judges, besides an hooft officer, and his dienders, for the police.

The history of this country, and its complicated constitutions, affords an inexhaustible store of materials to our purpose, but, considering the critical situation of it, prudence dictates to pass it over: with all the sagacity, and more wisdom than Venice or Berne, it has always had more consideration of the people than either, and has given more authority to the first magistrate: they have never had any exclusive preferences of families or nobles. Offices have, by law at least, been open to all men of merit.

## LETTER XX.

ENGLAND.

My dear Sir,

POLAND and England. The histories of these countries would confirm the general principle we contend for: the last especially. But who can think of writing upon this subject after De Lolme, whose book is the best defence of the political balance of three powers that ever was written.

If the people are not equitable represented in the house of commons, this is a departure in practice from the theory.—If the lords return members of the house of commons, this is an additional disturbance of the balance: whether the crown and the people in such a case will not see the necessity of uniting in a remedy, are questions beyond my pretensions: I only contend that the English constitution is, in theory, the most stupendous fabrick of human invention, both for the adjustment of the balance, and the prevention of its vibrations; and that the Americans ought to be applauded instead of censured for imitating it, as far as they have. Not the formation of languages, not the whole art of navigation and ship building, does more honour to the human understanding than this system of government. The Americans have not indeed imitated it in giving a negative, upon their legislature to the executive power; in this respect their balances are incomplete, very much I confess to my mortification: in other respects, they have some of them fallen short

short of perfection, by giving the choice of some militia officers, &c. to the people—these are however small matters at present. They have not made their first magistrates hereditary, nor their senators : here they differ from the English constitution, and with great propriety.

The Agrarian in America, is divided into the hands of the common people in every state, in such a manner, that nineteen twentieths of the property would be in the hands of the commons, let them appoint whom they could for chief magistrate and senators ; the sovereignty then, in fact, as well as morality, must reside in the whole body of the people; and an hereditary king and nobility, who should not govern according to the public opinion, would infallibly be tumbled instantly from their places : it is not only most prudent then, but absolutely necessary, to avoid continual violence, to give the people a legal, constitutional, and peaceable mode of changing these rulers, whenever they discover improper principles or dispositions in them. In the present state of society, and with the present manners, this may be done, not only without inconvenience, but greatly for the happiness and prosperity of the country. In future ages, if the present states become great nations, rich, powerful, and luxurious, as well as numerous, their own feelings and good sense will dictate to them what to do: they may make transitions to a nearer resemblance of the British constitution, by a fresh convention, without the smallest interruption to liberty. But this will never become necessary, until great quantities of property shall get into few hands.

The truth is, that the people have ever governed in America: all the weight of the royal governors and councils, even backed with fleets

and armies, have never been able to get the advantage of them, who have always stood by their houses of representatives in every instance, and carried all their points; and no governor ever stood his ground against a representative assembly; as long as he governed by their advice he was happy; as soon as he differed from them he was wretched, and soon obliged to retire.

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## LETTER XXI.

P. O. L. A. N. D.

My dear Sir,

**T**H E king of Poland is the first magistrate in the republic, derives all his authority from the nation.—He has not the power to make laws, raise taxes, contract alliances, or declare war, nor to coin money, nor marry, without the ratification of the diet.

The senate is composed of the clergy and nobility; the third estate, or people, is not so much as known. The grand marshal, the marshal of the court, the chancellor, vice chancellor, and the treasurer, are the first senators.

The nobility, or gentry, possess the dignities and employments, in which they never permit strangers, or the commonalty, to have any participation: they elect their king, and would never suffer the senate to make themselves masters of this election. The peasants are slaves to the gentry; having no property, all their acquisitions are made for their masters, and are exposed to all their passions, and are oppressed with impunity.

The

The general diets, which are usually held at Warsaw or Grodno, are preceded by particular assemblies of palatinates, in which the deputies are chosen for the general assembly, and instructed : the deputies assembled in general diet, proceed to the election of a marshal, who has a very extraordinary power, that of imposing silence on whom he pleases ; he is the chief or speaker of the assembly.

At the death, abdication, or deposition of a king, the primate calls the assembly of the electors to an open field near Warsaw. Here the electors take an oath, not to separate until they shall have unanimously elected a king, nor to render him when elected any obedience, until he has sworn to observe the *Pacta Conventa*, and the laws.

The candidates must let their gold glitter, and give splendid entertainments, which must be carried into debauch : the nobility are captivated, with the attractions of magnificence and Hungarian wine, and infallibly declare in favour of the candidate who causes it to flow in the greatest profusion. The ambassadors enter upon intrigues even in public : the nobility receive their presents sell their suffrages with impunity, and render the throne venal, but often behave with little fidelity to the candidate in whose interest they pretend to be engaged, and, forgetting the presents they have received, espouse the cause of a more wealthy competitor without hesitation. When the candidate has gained all the suffrages, he is declared king, and sworn to observe the *Pacta Conventa*, and the laws, and then crowned. The Poles are polite and friendly, but magnificence is the foible of the nobility, and they sacrifice all things to luxury: as they seldom see any person superior to them.

them in their own country, and treat their inferiors with an air of absolute authority, they live in all the splendor of princes. This is the account of the Abbe des Fontaines in the year 1736; it is to be hoped things have since changed for the better, but if this account was the true, who can wonder at what happened since.

Here again is no balance; a king and an assembly of nobles, and nothing more: the nobles here discover their unalterable disposition, whenever they have the power, to limit the king's authority; and there being no mediating power of the people, collectively or representatively, between them, the consequence has been, what it always will be in such a case, confusion and calamity.

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## LETTER XXII.

### POLAND.

My dear Sir,

SINCE the letter concerning Poland was sent you, Mr. Coxe's travels into that kingdom, &c. have fallen into my hands: and they contain so many facts material to our argument, that it is very proper to send you the substance of this account; indeed there is scarcely a book in the world, in any manner relative to the history of government, or to those branches of philosophy on which it depends, which is not much to our purpose.

In the most ancient times, which records or history elucidate, the monarchy of Poland, like all

all others denominated feudal, was in theory, and pretension absolute. The barons too, in this country, as in all others, were very often impatient under such restraint. When the prince was an able statesman and warrior, he was able to preserve order: but when he was weak and indolent, it was very common for two or three barons in conjunction to make war upon him; and sometimes it happened that all together leagued against him at once. In every feudal country, where the people had not the sense and spirit to make themselves of importance, the barons became an aristocracy, incessantly encroaching upon the crown, and, under pretence of limiting its authority, took away from it one prerogative after another, until it was reduced down to a mere doge of Venice, or avoyer of Berne; until the kings, by incorporating cities and granting privileges to the people, set them up against the nobles, and obtained by their means standing armies, sufficient to controul both nobles and commons.

The monarchy of Poland, nearly absolute, sunk in the course of a few centuries, without any violent convulsion, into an aristocracy.

It came to be disputed whether the monarchy was hereditary or elective, and whether its authority was sovereign or limited. The first question is resolved, by supposing that the crown continued always in the same family, although, upon the death of a king, his successor was recognized in an assembly of the nobles. The second, may be answered by supposing, that when the king was active and capable, he did as he pleased; but when he was weak, he was dictated to by a licentious nobility. Casimir the Great retrenched the authority of the principal barons, and granted immunities to the lesser nobility and gentry;

gentry ; well aware that no other expedient could introduce order, except a limitation of the vast influence possessed by the Palatines or principal nobility. If this prince had been possessed of any ideas of a free government, he might easily have formed the people and inferior gentry into an assembly by themselves, and, by uniting his power with theirs, against the encroachments of the nobles upon both, have preserved it. His nephew, Louis of Hungary, who succeeded him, being a foreigner, was obliged by the nobility to subscribe conditions at his accession, not to impose any taxes by his royal authority, without the consent of the nation, that is of the nobles, for no other nation is thought on : that in case of his demise without male heirs, the privilege of appointing a king should revert to the nobles. In consequence of this agreement Louis was allowed to ascend the throne : having no son, with a view of insuring the succession to Sigismund his son in law, he promised to diminish the taxes, repair the fortresses at his own expence, and to confer no offices or dignities on foreigners.

Louis died : but Sigismund was emperor, and therefore powerful, and might be formidable to the new immunities. The Poles, aware of this, violated the compact with Louis, neglected Sigismund, and elected Ladislaus, upon his ratifying Louis's promises, and marrying his daughter.

Ladislaus, having relinquished the right of imposing taxes, called an assembly of prelates, barons, and military gentlemen, in their respective provinces, in order to obtain an additional tribute. These provincial assemblies gave birth to the Dietines ; which now no longer retain the power of raising money in their several districts, but only elect the nuncios or representatives for the diet.

Ladislaus

Ladislaus the third, the son of the former, purchased his right to the succession, during the life of his father, by a confirmation of all the concessions before granted, which he solemnly ratified at his accession. Cassimir the third, brother of Ladislaus the third, consented to several further innovations, all unfavourable to regal prerogative. One was the convention of a national diet, invested with the sole power of granting supplies. Each palatinate or province was allowed to send to the general diet, besides the Palatines and other principal barons, a certain number of nuncios or representatives, chosen by the nobles and burghers. Is it not ridiculous, that this reign should be considered by the popular party, as the æra at which the freedom of the constitution was permanently established? This freedom, which consists in a king without authority; a body of nobles in a state of uncontroled anarchy; and a peasantry groaning under the yoke of feudal despotism: the greatest inequality of fortune in the world; the extremes of riches and poverty, of luxury and misery, in the neighbourhood of each other; a universal corruption and venality pervading all ranks: even the first nobles not blushing to be pensioners of foreign courts; one professing himself publicly an Austrian, another a Prussian, a third a Frenchman, and a fourth a Russian; a country without manufactures, without commerce, and in every view the most distressed in the world.—But to proceed with an enumeration of the measures by which they have involved themselves in these pitiable circumstances:

Cassimir was involved in several unsuccessful wars, which exhausted his treasures: he applied to the diet for subsidies.

Every supply was accompanied with a list of grievances, and produced a diminution of the royal prerogative. The barons, at the head of their vassals were bound to fight, and the king could require such feudal services in defence of the kingdom: but Casimir the third, to obtain pecuniary aids, gave up the power of summoning the nobles to his standard, and of enacting any law without the concurrence of the diet. John Albert, to procure an election in preference to his elder brother, assented to all the immunities extorted from his predecessors, and swore to their observance, in 1469. Alexander, his successor, declared in 1505, the following limitations of sovereign authority to be fundamental laws of the kingdom.

1. The king cannot impose taxes.
2. He cannot require the feudal services.
3. Nor alienate the royal domains.
4. Nor enact laws.
5. Nor coin money.
6. Nor alter the process in the courts of justice.

Sigismund the first, succeeded Alexander, and under his reign the Polish constitution was the most tolerable, as the property of the subject was best secured, and the crown had considerable influence; but this did not satisfy the nobles. Under Sigismund Augustus, son and successor of Sigismund the first, that favourite object of the Polish nobles, the free election of the king was publicly brought forward, and the king obliged to agree, that no future monarch should succeed to the throne, unless freely elected by the nation: before this, the sovereigns upon their accession, though formally raised by the consent of the nation, still rested their pretensions upon hereditary right, always styling themselves heirs of the kingdom of Poland. Sigismund Augustus was the last who bore that title; at his death, in 1572, all title to the crown

from

from hereditary right was formerly abolished, and the absolute freedom of election established upon a permanent basis: a charter of immunities was drawn up at a general diet, a ratification of which it was determined to exact of the new sovereign, prior to his election. This charter, called *pacta conventa*, contained the whole body of privileges obtained from Louis, and his successors, with the following additions: 1. That the king should be elective, and that his successor should never be appointed during his life. 2. That the diets, the holding of which depended solely upon the will of the kings, should be assembled every two years. 3. That every nobleman or gentleman in the realm should have a vote in the diet of election. 4. That in case the king should infringe the laws and privileges of the nation, his subjects should be absolved from their oaths of allegiance. From this period the *pacta conventa*, occasionally enlarged, have been confirmed by every sovereign at his coronation.

Henry of Valois, brother of Charles the ninth of France, who ascended the throne after the constitution was thus new modelled, secured his election by private bribes to the nobles, and by stipulating an annual pension to the republic from the revenues of France. His example has been followed by every succeeding king, who, besides an unconditional ratification of the *pacta conventa*, has always been constrained to purchase the crown by a public largess, and private corruption. Such is Polish liberty, and such the blessings of a monarchy elective by a body of nobles.

Under Stephen Bathori, the royal authority, or rather the royal dignity, was farther abridged, by the appointment of sixteen senators, chosen at each diet, to attend the king, and to give their

opinion in all matters of importance, so that he could not issue any decree without their consent. Another fatal blow was given to the prerogative in 1578, by taking from the king the supreme jurisdiction of the causes of the nobles: it was enacted, that without the concurrence of the king, each palatinate should elect in their dietines their own judges, who should form supreme courts of justice, called *tribunalia regni*, in which the causes of the nobles shall be decided without appeal, a mode which prevails to this day.

In the reign of John Cassimir, in 1652, was introduced the *liberum veto*, or the power of each nuncio to interpose a negative, and break up a diet, a privilege which the king himself does not enjoy. When the diet was debating upon transactions of the utmost importance, which required a speedy decision, a nuncio cried out, “I stop the proceedings,” and quitted the assembly: and a venal faction, who supported his protest, unheard of as it was, obtained the majority, and broke up the assembly in confusion. The constitution was thus wholly changed, and an unlimited scope given to faction. The innovation was supported by the great officers of state, the general, treasurer, and marshal, who being once nominated by the king, enjoyed their offices for life, responsible only to the diets, conscious that they could at all times engage a nuncio to protest, and thus elude an enquiry into their administration; it was also supported by the adherents of many nobles accused of capital crimes before the diet, the only tribunal before which they could be tried: all the nuncios who opposed the raising of additional subsidies by taxes, which the exigencies of the state then demanded, seconded the proposal of putting an end to the assembly. But the principal cause

cause of all were the foreign powers, interested to foment confusions in the Polish councils. Before this, they were obliged to secure a majority: afterwards, they might put an end to any diet, unfriendly to their views, by corrupting a single member. This *veto* broke up seven diets in the reign of John Casimir, four under Michael, seven under John Sobieski, and thirty during the reigns of the two Augusti. In consequence of this necessity of unanimity, which they call the dearest palladium of Polish liberty, Poland has continued above a hundred years almost without laws.

But as the king still bestowed the starosties, or royal fiefs, which are held for life, and conferred the principal dignities and great offices of state, he was still the fountain of honour, and maintained great influence in the councils of the nation; but this last branch of the royal prerogative was lately wrested from the crown at the establishment of the permanent council.

Thus it appears in the History of Poland, as in that of Venice, Genoa, Berne, Soleure, and all others, that the nobles have continued without interruption to scramble for dimunitions of the regal authority, to grasp the whole executive power, and augment their own privileges; and have attained a direct aristocracy, under a monarchical name, where a few are above the controul of the laws, while the many are deprived of their protection.

The present wretched state of the towns, compared with their former flourishing condition; the poverty of the peasants, whose oppressions have increased in proportion to the power of the nobles, having lost a protector when the king lost

lost his weight in the constitution ; the total confusion in all public affairs ; the diminution of importance, and loss of territory—all shew that absolute monarchy is preferable to such a republic. Would twelve millions of inhabitants, under an English constitution, or under the constitution of any one of the United States, have been partitioned or dismembered? No ; not by a league of all the absolute sovereigns of Europe against them at once.—Such are the effects of collecting all authority into one center, of neglecting an equilibrium of powers, and of not having three branches in the legislature.

The practice of cantoning a body of soldiers near the plain where the kings are elected, has been adopted by several foreign powers for near a century ; and, although it may be galling to the nobility, prevents the effusion of blood that formerly deluged the assembly. This was done, at the election of Stanislaus Augustus, by the empress of Russia and the king of Prussia ; five thousand Russian troops were stationed at a small distance from the plain of Vola.

Stanislaus was in the thirty-second year of his age when he ascended the throne, in 1764. From his virtues and abilities, the fairest hopes were conceived of his raising Poland from its deplorable situation ; but his exertions for the public good were fettered by the constitution, by the factions of a turbulent people, and the intrigues of neighbouring powers. His endeavours to introduce order at home, and independence abroad, which would have increased the power of his country, and her consideration with foreign nations, alarmed the neighbouring powers. The spirit of religious intolerance pronounced a civil war

war, and the senate petitioned the ambassador from Petersburg, not to withdraw the Russian troops. The royal troops, aided by the Russians, whose discipline was superior, were in favour of religious liberty. The Confederates, secretly encouraged by Austria, assisted by the Turks, and supplied with money and officers by the French, were able to protract hostilities from 1768 to 1772 : during this period the attempt was made to assassinate the king.

Count Pulaski, who was killed in the service of the United States, is said to have planned an enterprise so much to his dishonour. No good cause ever was, or ever will be, served by assassination ; and this is happily, in the present age, the universal sense of mankind. If a Papal nuncio was found in Poland, capable of blessing the weapons of conspirators against this tolerant king, he was a monster, whose bloody bigotry the liberal spirit of the Pope himself must, at this enlightened period, abominate. The king did himself immortal honour, by his intercession with the diet to remit the tortures and horrid cruelties decreed by the laws of most kingdoms in Europe against treason, and by his moderation towards all the conspirators.

We are now arrived at the consummation of all panegyrics upon a sovereignty in a single assembly—the Partition.

Prussia was formerly in a state of vassalage to this republic ; Russia once saw its capital and throne possessed by the Poles ; and Austria was indebted to John Sobieski, a sovereign of this country, for compelling the Turks to raise the siege of Vienna, but a century ago. A republic so lately the protector of its neighbours, would not, without the most palpable imperfections in

the orders and balances of its government, have declined in an age of general improvement, and become a prey to any invader—much less would it have forced the world to acknowledge, that the translation of near five millions of people, from a republican government to that of absolute empires and monarchies, whether it were done by right or by wrong, is a blessing to them. The partition was projected by the king of Prussia, who communicated it to the emperor and empress. The plague was one circumstance, and the Russian war against the Turks another, that favoured the design; and the partition-treaty was signed at Petersburg, in February 1772, by the Russian, Austrian, and Prussian plenipotentiaries. The troops of the three courts were already in possession of the greatest part of Poland, and the Confederates were soon dispersed. The partitioning powers proceeded with such secrecy, that only vague conjectures were made at Warsaw, and that lord Cathcart, the English minister at Petersburg, obtained no authentic information of the treaty until two months after its signature. The formal notification, to the king and senate at Warsaw, was made, by the Imperial and Prussian ambassadors, in September 1772, of the pretensions of their courts to the Polish territory. The remonstrances of the king and senate, as well as those of the courts of London, Paris, Stockholm, and Copenhagen, had no effect; and the most humiliating record that ever appeared in the annals of a republic, is seen in the king's summons—“ Since there are no hopes from any quarter, and any further delays will only tend to draw down the most dreadful calamities upon the remainder of the dominions which are left to the republic, the diet is convened for

" for the 19th of April, 1773, according to the  
" will of the three courts ; nevertheless, in order  
" to avoid all cause of reproach, the king, with  
" the advice of the senate, again appeals to the  
" guarantees of the treaty of Oliva." It is not  
to be doubted, that if there had been in Poland  
a people in existence, as there is in Holland, to  
have given this amiable prince only the authority  
of a stadholder, he would have said, " I will  
" die in the last ditch."

Of the dismembered provinces, the Russian, which is the largest territory, contains only one million and a half of souls ; the Austrian, which is the most populous, contains two millions and a half ; the Prussian, which is the most commercial, commanding the navigation of the Vistula, contains only eight hundred and sixty thousand, and has given a fatal blow to the commerce of Poland, by transferring it from Dantzick to Memel and Konigsburg.

The finishing stroke of all remains.—

The three ambassadors, on the 13th of September, 1773, delivered, " A part of those cardinal laws, to the ratification of which our  
" courts will not suffer any contradiction.

" I. The crown of Poland shall be for ever elective, and all order of succession proscribed : any person who shall endeavour to break this law, shall be declared an enemy to his country, and liable to be punished accordingly.

" II. Foreign candidates to the throne, being the frequent cause of troubles and divisions, shall be excluded ; and it shall be enacted, that, for the future, no person can be chosen king of Poland, and great duke of Lithuania, excepting a native Pole, of noble origin, and possessing land within the kingdom. The son, or grandson,

grandson, of a king of Poland, cannot be elected immediately upon the death of their father or grandfather; and are not eligible, excepting after an interval of two reigns.

“ III. The government of Poland shall be forever free, independent, and of a republican form.

“ IV. The true principle of said government consisting in the strict execution of its laws, and the equilibrium of the three estates, viz. the king, the senate, and the equestrian order, a permanent council shall be established, in which the executive power shall be vested. In this council, the equestrian order, hitherto excluded from the administration of affairs in the intervals of the diets, shall be admitted, as shall be more clearly laid down in future arrangements.”

Thus the supreme legislative authority resides in the three estates of the realm, the king, the senate, and equestrian order, assembled in a national diet; but each estate has no negative upon the other, and therefore is no balance, and very little check. The great families and principal palatines will still govern, without any effectual controul.

The executive power is now vested in the supreme permanent council; but here neither have they any checks, all being decided by the majority, and the same principal families will always prevail.

These august legislators have acknowledged the principle of a free republican government, that it consists in a strict execution of the laws, and an equilibrium of estates or orders: but how are the laws to govern? and how is the equilibrium to be preserved? Like air, oil, and water, shaken

shaken together in one bottle, and left in repose ; the first will rise to the top, the last sink to the bottom, and the second swim between.

Our countrymen will never run delirious after a word or a name. The name republic is given to things, in their nature as different and contradictory as light and darkness, truth and falsehood, virtue and vice, happiness and misery. There are free republics, and republics as tyrannical as an oriental despotism. A free republic is the best of governments, and the greatest blessing which mortals can aspire to. Republics which are not free, by the help of a multitude of rigorous checks, in very small states, and for short spaces of time, have preserved some reverence for the laws, and been tolerable ; but there have been oligarchies carried to such extremes of tyranny, that the despotism of Turkey, as far as the happiness of the nation at large is concerned, would perhaps be preferable. An empire of laws is a characteristic of a free republic only, and should never be applied to republics in general. If there should ever be a people in Poland, there will soon be a real king ; and if ever there should be a king in reality, as well as in name, there will soon be *a people* ; for instead of the trite saying, “ no bishop, no king,” it would be much more exact and important truth to say, no people, no king, and no king, no people, meaning by the word king, a first magistrate possessed exclusively of the executive power. It may be laid down as an universal maxim, that every government that has not three independent branches in its legislature will soon become an absolute monarchy ; or, an arrogant nobility, increasing every day in a rage for splendor and magnificence, will annihilate the people, and attended with their

their horses, hounds and vassals, will run down the king as they would hunt a deer, wishing for nothing so much as to be in at the death.

The philosophical king Stanislaus felt most severely this want of a people, in his observations on the government of Poland, published in the *Oeuvres du Philosophe bienfaisant*, tom. iii. he laments, in very pathetic terms, the miseries to which they were reduced.

“ The violences, “ says he, “ which the patri-  
“ cians at Rome exercised over the people of that  
“ city, before they had recourse to open force,  
“ and by the authority of their tribunes, ba-  
“ lanced the power of the nobility, are a striking  
“ picture of the cruelty with which we treat our  
“ plebeians. This portion of our state is more  
“ debased among us than they were among the  
“ Romans, where they enjoyed a species of li-  
“ berty, even in the times when they were most  
“ enslaved to the first order of the republic.  
“ We may say, with truth, that the people are,  
“ in Poland, in a state of extreme humiliation.  
“ We must, nevertheless, consider them as the  
“ principal support of the nation ; and I am per-  
“ suaded that the little value we set on them  
“ will have very dangerous consequences.—Who  
“ are they, in fact, who procure abundance in  
“ the kingdom ? who are they that bear the bur-  
“ thens, and pay the taxes ? who are they that  
“ furnish men to our armies ? who labour our  
“ fields ? who gather in the crops ? who sustain  
“ and nourish us ? who are the cause of our in-  
“ activity ? the refuge of our laziness ? the re-  
“ source for our wants ? the support of our lu-  
“ xury ? and indeed the source of all our plea-  
“ sures ? Is it not that very populace that we  
“ treat

“ treat with so much rigour? Their pains,  
“ their sweat, their labours, do not they merit  
“ any better return than our scorn and disdain?  
“ We scarcely distinguish them from the brutes,  
“ which *they* maintain for the cultivation of *our*  
“ lands! we frequently have less consideration  
“ for their strength, than we have for that of  
“ those animals! and too frequently we sell them  
“ to masters as cruel as ourselves, who immedi-  
“ ately force them, by an excess of hard la-  
“ bour, to repay the price of their new slavery!  
“ I cannot recollect without horror that law which  
“ imposes only a fine of fifteen livres upon a  
“ gentleman who shall have killed a peasant.—  
“ Poland is the only country where the populace  
“ are fallen from all the rights of humanity; we  
“ alone regard these men as creatures of another  
“ species, and we would almost refuse them the  
“ same air which they breathe with us. God, in  
“ the creation of man, gave him liberty—what  
“ right have we to deprive him of it? As it is  
“ natural to shake off a yoke that is rough, hard,  
“ and heavy, may it not happen that this peo-  
“ ple may make an effort to wrest themselves from  
“ our tyranny? Their murmurs and complaints  
“ must, sooner or later, lead to this. Hitherto,  
“ accustomed to their fetters, they think not of  
“ breaking them: but let one single man arise,  
“ amongst these unfortunate wretches, with a mas-  
“ culine and daring spirit, to concert and foment  
“ a revolt, what barrier shall we oppose to the  
“ torrent? We have a recent instance, in the  
“ insurrection in the Ukraine, which was only  
“ occasioned by the vexations of those among us  
“ who had there purchased lands. We despised  
“ the courage of the poor inhabitants of that  
“ country

“ country——they found a resource in despair,  
“ and nothing is more terrible than the despair of  
“ those who have no courage. What is the con-  
“ dition to which we have reduced the people of  
“ our kingdom? Reduced by misery to the state  
“ of brutes, they drag out their days in a lazy  
“ stupidity, which one would almost mistake for  
“ a total want of sentiment: they love no art,  
“ they value themselves on no industry; they  
“ labour no longer than the dread of chastisement  
“ forces them; convinced that they cannot enjoy  
“ the fruit of their ingenuity, they stifle their  
“ talents, and make no essays to discover them.  
“ ——hence that frightful scarcity in which we  
“ find ourselves of the most common artisans!  
“ Should we wonder that we are in want of  
“ things the most necessary, when those who  
“ ought to furnish them, cannot hope for the  
“ smallest profit from their cares to furnish us?  
“ It is only where liberty is found, that emula-  
“ tion can exist.”

It would be a pleasure to translate the whole; but it is too long. It is a pity that the whole people, whose misery he describes and laments, were not as sensible of the necessity of a less circumscribed royal authority.

## LETTER XXIII.

## RECAPITULATION.

My dear Sir,

**A**S we have taken a cursory view of those countries in Europe, where the government may be called, in any reasonable construction of the word, republican; let us now pause a few moments, and reflect upon what we have seen.

Among every people, and in every species of republics, we have constantly found a *first magistrate, a head, a chief*, under various denominations indeed, and with different degrees of authority, with the title of stadholder, burgomaster, avoyer, doge, confalloniero, president, syndick, mayor, alcalde, capitaneo, governor, or king: in every nation, we have met with a distinguished officer: if there is no example in any free government, any more than in those which are not free, of a society without a principal personage, we may fairly conclude, that the body politic cannot subsist without one, any more than the animal body without a head. If Mr. Turgot had made any discovery, which had escaped the penetration of all the legislators and philosophers, who had lived before him, he ought at least to have communicated it to the world for their improvement, but as he has never hinted at any such invention, we may safely conclude that he had none; and therefore that the Americaus are not justly liable to censures, for instituting governors.

In every form of government we have seen a *senate* or *little council*, a composition, generally of those officers of state, who have the most experience and power, and a few other members selected from the highest ranks, and most illustrious reputations. On these lesser councils, with the first magistrate at their head, generally rests the principal burden of administration, a share in the legislative, as well as executive and judicial authority of government. The admission of such senates to a participation of these three kinds of power, has been generally observed to produce in the minds of their members an ardent aristocratical ambition, grasping equally at the prerogatives of the first magistrate, and the privileges of the people, and ending in the nobility of a few families, and a tyrannical oligarchy: but in those states, where the senates have been debarred from all executive power, and confined to the legislative, they have been observed to be firm barriers against the encroachments of the crown, and often great supporters of the liberties of the people. The Americans then, who have carefully confined their senates to the legislative power, have done wisely in adopting them.

We have seen, in every instance, another and a larger assembly, composed of the body of the people, in some little states; of representatives chosen by the people in others; of members appointed by the senates, and supposed to represent the people, in a third sort; and of persons appointed by themselves or the senate, in certain aristocracies; to prevent them from becoming oligarchies. The Americans then, whose assemblies are the most adequate, proportional, and equitable representations of the people, that are known

known in the world, will not be thought erroneous in appointing houses of representatives.

In every republic, in the smallest and most popular, in the larger and more aristocratical, as well as in the largest and most monarchical, we have observed a multitude of curious and ingenious inventions to balance, in their turn, all those powers, to check the passions peculiar to them, and to controul them from rushing into those exorbitancies to which they are most addicted—the Americans will then be no longer censured for endeavouring to introduce an equilibrium, which is much more profoundly meditated, and much more effectual for the protection of the laws, than any we have seen, except in England :—we may even question whether that is an exception.

In every country we have found a variety of *orders*, with very great distinctions. In America there are different orders of *offices*, but none of *men*; out of office all men are of the same species, and of one blood ; there is neither a greater nor a lesser nobility—Why then are they accused of establishing different orders of men ? To our inexpressible mortification we must have remarked, that the people have preserved a share of power or an existence in the government, in no country out of England, except upon the tops of a few inaccessible mountains, among rocks and precipices, in territories so narrow that you may span them with an hand's breadth, where, living unenvied, in extreme poverty, chiefly upon pasture, destitute of manufactures and commerce, they still exhibit the most charming picture of life, and the most dignified character of human nature.

Wherever,

Wherever we have seen a territory somewhat larger, arts and sciences more cultivated, commerce flourishing, or even agriculture improved to any great degree, an aristocracy has risen up in a course of time, consisting of a few rich and honorable families, who have united with each other against both the people and the first magistrate; wrested from the former, by art and by force, all their participation in the government, and even inspired them with so mean an esteem of themselves, and so deep a veneration and strong attachment to their rulers, as to believe and confess them a superier order of beings.

We have seen these noble families, although necessitated to have a head, extremely jealous of his influence, anxious to reduce his power, and constrain him to as near a level with themselves as possible; always endeavouring to establish a rotation by which they may all equally in turn be entitled to the pre-eminence, and equally anxious to preserve to themselves as large a share of power as possible in the executive and judicial, as well as the legislative departments of the state.

These patrician families have also appeared in every instance to be equally jealous of each other, and to have contrived, by blending lot and choice, by mixing various bodies in the elections to the same offices, and even by the horrors of an inquisition, to guard against the sin that so easily besets them, of being wholly influenced and governed by a junto or oligarchy of a few among themselves.

We have seen no one government, in which is a distinct separation of the legislative from the executive power, and of the judicial from both, or

or in which any attempt has been made to balance these powers with one another, or to form an equilibrium between the one, the few, and the many, for the purpose of enacting and executing equal laws, by common consent, for the general interest, excepting in England.

Shall we conclude, from these melancholy observations, that human nature is incapable of liberty, that no honest equality can be preserved in society, and that such forcible causes are always at work as must reduce all men to a submission to despotism, monarchy, oligarchy, or aristocracy?

By no means.—We have seen one of the first nations in Europe, possessed of ample and fertile territories at home, and extensive dominions abroad, of a commerce with the whole world, immense wealth, and the greatest naval power which ever belonged to any nation, who have still preserved the power of the people, by the equilibrium we are contending for, by the trial by jury, and by constantly refusing a standing army. The people of England alone, by preserving their share in the legislature, at the expence of the blood of heroes and patriots, have enabled their kings to curb the nobility, without giving him a standing army.

After all, let us compare every constitution we have seen, with those of the United States of America, and we shall have no reason to blush for our country; on the contrary, we shall feel the strongest motives to fall upon our knees, in gratitude to heaven for having been graciously pleased to give us birth and education in that country, and for having destined us to live under her laws! We shall have reason to exult, if we

make our comparison with England and the English constitution. Our people are undoubtedly sovereign—all the landed and other property is in the hands of the citizens---not only their representatives, but their senators and governors, are annually chosen---there are no hereditary titles, honours, offices, or distinctions---the legislative, executive, and judicial powers are carefully separated from each other---the powers of the one, the few, and the many, are nicely balanced in their legislatures---trials by jury are preserved in all their glory, and there is no standing army---the *habeas corpus* is in full force---the press is the most free in the world---and where all these circumstances take place, it is unnecessary to add, that the laws alone can govern.

LETTER

## LETTER XXIV.

ANCIENT REPUBLICS, AND OPINIONS  
OF PHILOSOPHERS.

DR. SWIFT.

My dear Sir,

THE authority of legislators and philosophers, in support of the system we contend for, is not difficult to find. The greatest lights of humanity, ancient and modern, have approved it, which renders it difficult to explain how it comes, in this enlightened age, to be called in question, as it certainly has been, by others as well as Mr. Turgot. I shall begin with one, who, though seldom quoted as a legislator, appears to have considered this subject, and furnished arguments enough, for ever to determine the question. Dr. Swift, in his Contests and Diffensions between the Nobles and Commons of Athens and Rome, observes, that the best legislators of all ages agree in this, that the absolute power, which originally is in the whole body, is a trust too great to be committed to any one man or assembly; and therefore, in their several institutions of government, power in the last resort, was always placed by them in balance, among the one, the few, and the many; and it will be an eternal rule in politics, among every free people, that there is a balance of power to be held by every state within itself. A mixed government, partaking of the known forms received in the schools

schools, is by no means of Gothic invention, but hath place in nature and reason, and seems very well to agree with the sentiments of most legislators: for, not to mention the several republics of this composition in Gaul and Germany, described by Cæsar and Tacitus, Polybius tells us, the best government is that which consists of three forms, *regno, optimatum, et populi imperio.* Such was that of Sparta in its primitive institution by Lycurgus, who, observing the depravations to which every one of these was subject, compounded his scheme out of all; so that it was made up of *reges, seniores, et populus.* Such also was the state of Rome, under its consuls; and such, at Carthage, was the power in the last resort: they had their kings, senate, and people. A limited and divided power seems to have been the most ancient and inherent principle, both of the Greeks and Italians, in matters of government. The difference between the Grecian monarchies and Italian republics was not very great. The power of those Grecian princes, who came to the siege of Troy, was much of a size with that of the kings of Sparta, the archon of Athens, the suffetes at Carthage, and the consuls at Rome. Theseus established at Athens rather a mixed monarchy than a popular state, assigning to himself the guardianship of the laws, and the chief command in war. This institution continued during the series of kings to the death of Codrus, from whom Solon was descended, who, finding the people engaged in two violent factions, of the poor and the rich, and in great confusion, refusing the monarchy which was offered him, chose rather to cast the government after another model, wherein he made due provision for *settling the balance of power,* choosing a senate of four hundred,

hundred, and disposing the magistracies and offices according to men's estates, leaving to the multitude their votes in electing, and the power of judging certain processes by appeal. This council of four hundred was chosen, one hundred out of each tribe, and seems to have been a body representative of the people, though the people collective reserved a share of power to themselves.

In all free states, the evil to be avoided is tyranny; that is to say, the *summa imperii*, or unlimited power, solely in the hands of the one, the few or the many. Though we cannot prolong the period of a commonwealth beyond the decree of heaven, or the date of its nature, any more than human life beyond the strength of the seminal virtue; yet we may manage a sickly constitution, and preserve a strong one; we may watch, and prevent accidents; we may turn off a great blow from without, and purge away an ill humour that is lurking within; and render a state long lived, though not immortal. Some physicians have thought, that if it were practicable to keep the several humours of the body in an exact *balance* of each with its opposite, it might be immortal, and so perhaps would a political body, if the *balance of power* could be always held exactly even.

All independent bodies of men seem naturally to divide into the three powers, of the one, the few, and the many. A free people met together, as soon as they fall into any acts of civil society, do of themselves divide into three ranks. The first is, that of some one eminent spirit, who, having signalized his valour and fortune in defence of his country, or by the practice of popular arts at home, comes to have great influence

on the people; to grow their leader in warlike expeditions; and to preside, after a sort, in their civil assemblies. The second is, of such men as have acquired large possessions, and consequently dependencies, or descend from ancestors who have left them great inheritances, together with an hereditary authority; these, easily uniting in opinions, and acting in concert, begin to enter upon measures for securing their properties, which are best upheld by preparing against invasions from abroad, and maintaining peace at home: this commences a great council, or senate, for the weighty affairs of the nation. The last division is, of the mass of the people, whose part of power is great and indisputable, whenever they can unite, either collectively or by deputation, to exert it.

The true meaning of the balance of power is best conceived by considering what the nature of a balance is. It supposes three things: first, the part which is held, together with the hand that holds it; and then the two scales, with whatever is weighed therein. In a state within itself, the balance must be held by a third hand, who is to deal the remaining power with the utmost exactness into the several scales. The balance may be held by the weakest, who by his address, removing from either scale, and adding his own, may keep the scales duly poised: when the balance is broken by mighty weights falling into either scale, the power will never continue long, in equal division, between the two remaining parties; but, till the balance is fixed anew, will run entirely into one. This is made to appear by the examples of the Decemviri in Rome, the Ephori in Sparta, the four hundred in Athens, the thirty in Athens, and the Dominatio Plebis in Carthage and Argos.

In Rome, from the time of Romulus to Julius Cæsar, the commons were growing by degrees into power, gaining ground upon the patricians, inch by inch, until at last they quite overturned the balance, leaving all doors open to popular and ambitious men, who destroyed the wisest republic, and enslaved the noblest people, that ever entered on the stage of the world. Polybius tells us, that in the second punic war, the Carthaginians were declining, because the balance was got too much on the side of the people; whereas the Romans were in their greatest vigour, by the power remaining in the senate. The ambition of private men did by no means begin, or occasion the war, between Pompey and Cæsar, though civil dissensions never fail to introduce and spirit the ambition of private men; for while the balance of power is equally held, the ambition of private men, whether orators or commanders, gives neither danger nor fear, nor can possibly enslave their country; but that once broken, the divided parties are forced to unite each to its head, under whose conduct or fortune one side is at first victorious, and at last both are slaves. And to put it past dispute, that the entire subversion of Roman liberty was altogether owing to those measures, which had broke the balance between the patricians and plebeians, whereof the ambition of private men was but the effect and consequence; we need only consider that when the uncorrupted part of the senate, by the death of Cæsar, had made one great effort to restore their liberty, the success did not answer their hopes; but that whole assembly was so funk in its authority, that these patriots were obliged to fly, and give way to the madness of the people, who by their own dispositions

tions, stirred up by the harangues of their orators, were now wholly bent upon single and despotic slavery; else how could such a profligate as Anthony, or a boy of eighteen like Octavius, ever dare to dream of giving law to such an empire and such a people? Wherein the latter succeeded, and entailed the vilest tyranny, that Heaven in its anger, ever inflicted on a corrupt and poisoned people.

It is an error to think it an uncontrollable maxim, that power is always safer lodged in many hands than in one: for if these many hands be made up from one of those three divisions, it is plain, from the examples produced, and easy to be paralleled in other ages and countries, that they are as capable of enslaving the nation, and of acting all manner of tyranny and oppression, as it is possible for a single person to be, though we should suppose their number not only to be four or five hundred, but three thousand. In order to preserve a balance in a mixed state, the limits of power deposited with each party, ought to be ascertained and generally known: the defect of this is the cause of those struggles in a state about prerogative and liberty; about encroachments of the few upon the rights of the many, and of the many upon the privileges of the few; which ever did, and ever will, conclude in a tyranny; first either of the few or the many, but at last, infallibly, of a *single person*: for whichever of the three divisions in a state is upon the scramble for more power than its own, as one of the three generally is (unless due care be taken by the other two); upon every new question that arises, they will be sure to decide in favour of themselves; they will make large demands, and scanty concessions, ever coming

ing off considerable gainers;—thus at length the balance is broke, and tyranny let in, from which door of the three it matters not.

The desires of men are not only exorbitant, but endless: they grasp at all; and can form no scheme of perfect happiness with less. Ever since men have been formed into governments, the endeavours after universal monarchy have been bandied among them: the Athenians, the Spartans, the Thebans, and the Achaians, several times aimed at the universal dominion of Greece: the commonwealths of Carthage and Rome affected the universal empire of the world: in like manner has absolute power been pursued, by the several powers in each particular state, wherein single persons have met with most success, though the endeavours of the few and the many have been frequent enough; yet being neither so uniform in their designs, nor so direct in their views, they neither could manage nor maintain the power they had got, but were deceived by the popular ambition of some single person: so that it will be always a wrong step in policy, for the nobles or commons to carry their endeavours after power so far as to overthrow the balance. With all respect for popular assemblies be it spoken, it is hard to recollect one folly, infirmity, or vice, to which a single man is subject, and from which a body of commons, either collective or represented, can be wholly exempt; from whence it comes to pass, that in their results have sometimes been found the same spirit of cruelty and revenge, of malice and pride; the same blindness, and obstinacy, and unsteadiness; the same ungovernable rage and anger; the same injustice, sophistry, and fraud, that ever lodged in the breast of any individual. When a child grows easy by

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being humoured, and a lover satisfied by small compliances without further pursuits, then expect popular assemblies to be content with small concessions. If there could one single example be brought from the whole compass of history, of any one popular assembly, who, after beginning to contend for power, ever sat down quietly with a certain share ; or of one that ever knew, or proposed, or declared, what share of power was their due, then might there be some hopes, that it was a matter to be adjusted by reasonings, conferences, or debates. An usurping populace is its own dupe, a mere under-worker, and a purchaser in trust for some single tyrant, whose state and power they advance to their own ruin, with as blind an instinct, as those worms that die with weaving magnificent habits for beings of a superior order. The people are more dextrous at pulling down and setting up, than at preserving what is fixed ; and they are not fonder of seizing more than their own, than they are of delivering it up again to the worst bidder, with their own into the bargain. Their earthly devotion is seldom paid to above one at a time, of their own creation, whose oar they pull with less murmuring and more skill, than when they share the leading, or even hold the helm.

You will perceive by the style, that it is Dr. Swift that has been speaking ; otherwise you might have been deceived, and imagined that I was entertaining you with further reflections upon the short account previously given you in these letters, of the modern republics. There is not an observation here that is not justified by the history of every government we have considered. How much more maturely had this writer weighed the subject, than Mr. Turgot.—Perhaps

there

there is not to be found, in any library, so many accurate ideas of government, expressed with so much perspicuity, brevity, and precision.

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## LETTER XXV.

DR. FRANKLIN.

My dear Sir,

**A**S it is impossible to suppose that Mr. Turgot intended to recommend to the Americans a simple monarchy or aristocracy, we have admitted, as a supposition the most favorable to him, that, by collecting all authority into one center, he meant a single assembly of representatives of the people, without a governor, and without a senate; and although he has not explained whether he would have the assembly chosen for life, or years, we will again admit, as the most benign construction, that he meant the representatives should be annually chosen.

Here we shall be obliged to consider the reputed opinion of another philosopher, I mean Dr. Franklin: I say reputed, because I am not able to affirm that it is really his: it is, however, so generally understood and reported, both in Europe and America, that his judgment was in opposition to two assemblies, and in favour of a single one, that in a disquisition like this it ought not to be omitted. To be candid with you, a little before the date of Mr. Turgot's letter, Dr. Franklin had arrived in Paris with the American constitutions, and among the rest that of Pennsylvania, in which

which there was but one assembly: it was reported too, that the Doctor had presided in the convention when it was made, and there approved it. Mr. Turgot, reading over the constitutions, and admiring that of Pennsylvania, was led to censure the rest, which were so different from it.—I know of no other evidence, that the Doctor ever gave his voice for a single assembly, but the common anecdote which is known to every body. It is said, that in 1776, in the convention of Pennsylvania, of which the Doctor was president, a project of a form of government by one assembly was before them in debate: a motion was made to add another assembly, under the name of a senate or council; this motion was argued by several members, some for the affirmative, and some for the negative; and before the question was put, the opinion of the president was requested: the president rose, and said, that “ Two assemblies appeared to him like a practice he had somewhere seen, of certain waggoners, who, when about to descend a steep hill, with a heavy load, if they had four cattle, took off one pair from before, and chaining them to the hinder part of the waggon, drove them up hill, while the pair before, and the weight of the load, over-balancing the strength of those behind, drew them slowly and moderately down the hill.”

The President of Pennsylvania might, upon such an occasion, have recollect ed one of Sir Isaac Newton’s laws of motion, viz. “ that re-action must always be equal and contrary to action,” or there can never be any *rest*.—He might have alluded to those angry assemblies in the Heavens, which so often overspread the city of Philadelphia, fill the citizens with apprehension and terror, threatening to set the world on fire, merely because

cause the powers within them are not sufficiently balanced. He might have recollect'd, that a pointed rod, a machine as simple as a waggoner, or a monarch, or a governor, would be sufficient at any time, silently and innocently, to disarm those assemblies of all their terrors, by restoring between them the balance of the powerful fluid, and thus prevent the danger and destruction to the properties and lives of men, which often happen for the want of it.

However, allusions and illustrations drawn from pastoral and rural life are never disagreeable, and in this case might be as apposite as if they had been taken from the sciences and the skies.—Harrington, if he had been present in convention, would have exclaimed, as he did when he mentioned his two girls dividing and choosing a cake, “ Oh ! the depth of the wisdom of God, which, in the simple invention of a carter, has revealed to mankind the whole mystery of a commonwealth ; which consists as much in dividing and equalizing forces ; in controuling the weight of the load and the activity of one part, by the strength of another ; as it does in dividing and choosing.” Harrington too, instead of his children dividing and choosing their cake, might have alluded to those attractions and repulsions, by which the balance of nature is preserved : or to those centripetal and centrifugal forces, by which the heavenly bodies are continued in their orbits, instead of rushing to the sun, or flying off in tangents among comets and fixed stars : impelled, or drawn by different forces in different directions, they are blessings to their own inhabitants and the neighbouring systems ; but if they were drawn only by one, they would introduce anarchy wherever they should go. There is no objection to such allusions,

sions, whether simple or sublime, as they may amuse the fancy and illustrate an argument: all that is insisted on is, that whatever there is in them of wit or argument, is all in favour of a complication of forces, of more powers than one; of three powers indeed, because a balance can never be established between two orders in society, without a third to aid the weakest.

All that is surprising here, is, that the real force of the simile should have been misunderstood: if there is any similitude, or any argument in it, it is clearly in favour of two assemblies. The weight of the load itself would roll the wagon on the oxen, and the cattle on one another, in one scene of destruction, if the forces were not divided and the balance formed; whereas by checking one power by another, all descend the hill in safety, and avoid the danger. It should be remembered too, that it is only in descending uncommon declivities that this division of strength becomes necessary. In travelling in ordinary plains, and always in ascending mountains, the whole team draws together, and advances faster as well as easier on its journey: it is also certain, there are oftener arduous steeps to mount, which require the united strength of all, with all the skill of the director, than there are precipices to descend, which demand a division of it.

Let us now return to Mr. Turgot's idea of a government consisting in a single assembly.—He tells us, our republics are “ founded on the equality of all the citizens, and therefore “ orders” “ and “ equilibriums” are unnecessary, and occasion disputes.”—But what are we to understand here by equality? Are the citizens to be all of the same age, sex, size, strength, stature, activity, courage, hardiness, industry, patience, ingenuity,

ty, wealth, knowledge, fame, wit, temperance, constancy, and wisdom? Was there, or will there ever be, a nation, whose individuals were all equal, in natural and acquired qualities, in virtues, talents, and riches? The answer of all mankind must be in the negative.—It must then be acknowledged, that in every state, in the Massachusetts for example, there are inequalities which God and nature have planted there, and which no human legislator ever can eradicate. I should have chosen to have mentioned Virginia, as the most ancient state, or indeed any other in the union, rather than the one that gave me birth, if I were not afraid of putting suppositions, which may give offence, a liberty which my neighbours will pardon: yet I shall say nothing that is not applicable to all the other twelve.

In this society of Massachusettens then, there is, it is true, a moral and political equality of rights and duties among all the individuals, and as yet no appearance of artificial inequalities of condition, such as hereditary dignities, titles, magistracies, or legal distinctions; and no established marks, as stars, garters, crosses or ribbands: there are, nevertheless, inequalities of great moment in the consideration of a legislator, because they have a natural and inevitable influence in society. Let us enumerate some of them:

1. There is an inequality of wealth: some individuals, whether by descent from their ancestors, or from greater skill, industry, and success in business, have estates both in land and goods of great value; others have no property at all; and all the rest of the society, much the greater number, are possessed of wealth, in all the variety of degrees, between these extremes: it will easily be conceived, that all the rich men will have money

of the poor, in the various trades, manufactures, and other occupations in life, dependent upon them for their daily bread: many of smaller fortunes will be in their debt, and in many ways under obligations to them: others, in better circumstances, neither dependent nor in debt, men of letters, men of the learned professions, and others, from acquaintance, conversation, and civilities, will be connected with them, and attached to them. Nay farther, it will not be denied, that among the wisest people that lives, there is a degree of admiration, abstracted from all dependence, obligation, expectation, or even acquaintance, which accompanies splendid wealth, ensures some respect, and bestows some influence.

2. Birth. Let no man be surprised, that this species of inequality is introduced here. Let the page in history be quoted, where any nation, ancient or modern, civilized or savage, is mentioned, among whom no difference was made between the citizens, on account of their extraction. The truth is, that more influence is allowed to this advantage in free republics, than in despotic governments, or than would be allowed to it in simple monarchies, if severe laws had not been made from age to age to secure it. The children of illustrious families, have generally greater advantages of education, and earlier opportunities to be acquainted with public characters, and informed of public affairs, than those of meaner ones, or even than those in middle life; and what is more than all, an habitual national veneration for their names, and the characters of their ancestors described in history, or coming down by tradition, removes them farther from vulgar jealousy, and popular envy, and secures them in some degree the favour, the affection, and respect of the public.

public. Will any man pretend that the name of Androoss, and that of Winthrop, are heard with the same sensations in any village in New-England? Is not gratitude the sentiment that attends the latter, and disgust the feeling excited by the former? In the Massachusetts, then, there are persons descended from some of their ancient governors, counsellors, judges, whose fathers, grandfathers, and great grandfathers, are remembered with esteem by many living, and who are mentioned in history with applause, as benefactors to the country, while there are others who have no such advantage. May we go a step farther—Know thyself, is as useful a precept to nations as to men. Go into every village in New-England, and you will find that the office of justice of the peace, and even the place of representative, which has ever depended only on the freeest election of the people, have generally descended from generation to generation, in three or four families at most. The present subject is one of those which all men respect, and all men deride. It may be said of this part of our nature, as Pope said of the whole:

Of human nature, wit her worst may write,  
We all revere it, in our own despight.

If, as Harrington says, the ten commandments were voted by the people of Israel, and have been enacted as laws by all other nations; and if we should presume to say, that nations had a civil right to repeal them, no nation would think proper to repeal the fifth, which enjoins honour to parents: if there is a difference between right and wrong; if any thing can be sacred; if there

there is one idea of moral obligation ; the decree of nature must force upon every thinking being, and upon every feeling heart, the conviction that honour, affection and gratitude are due from children, to those who gave them birth, nurture and education. The sentiments and affections which naturally arise, from reflecting on the love, the cares, and the blessings of parents, abstracted from the consideration of duty, are some of the most forcible and most universal. When religion, law, morals, affection, and even fashion, thus conspire to fill every mind with attachment to parents, and to stamp deep upon the heart their impressions, is it to be expected that men should reverence their parents while they live, and begin to despise or neglect their memories as soon as they are dead ? This is in nature impossible ; on the contrary, every little unkindness and severity is forgotten, and nothing but endearments remembered with pleasure.

The son of a wise and virtuous father finds the world about him sometimes as much disposed as he himself is, to honour the memory of his father ; to congratulate him as the successor to his estate ; and frequently, to compliment him with elections to the offices he held. A sense of duty, his passions and his interest, thus conspiring to prevail upon him to avail himself of this advantage, he finds a few others in similar circumstances with himself ; they naturally associate together, and aid each other. This is a faint sketch of the source and rise of the family spirit : very often the disposition to favour the family is as strong in the town, county, province, or kingdom, as it is in the house itself. The enthusiasm is indeed sometimes wilder, and carries away, like a torrent, all before it.

These

These observations are not peculiar to any age ; we have seen the effects of them in St. Marino, Biscay, and the Grisons, as well as in Poland, and all other countries. Not to mention any notable examples, which have lately happened near us, it is not many months since I was witness to a conversation between some citizens of Massachusetts : one was harranguing on the jealousy which a free people ought to entertain of their liberties, and was heard by all the company with pleasure ; in less than ten minutes the conversation turned upon their governor ; and the jealous republican was very angry at the opposition to him.—

"The present governor," says he, "has done us such services, that he ought to rule us, he and his posterity after him for ever and ever." Where is your jealousy of liberty ? demanded the other. "Upon my honour," replies the orator, "I had forgot that ; you have caught me in an inconsistency ; for I cannot know whether a child of five years old will be a son of liberty or a tyrant." His jealousy was the dictate of his understanding : his confidence and enthusiasm the impulse of his heart.

The pompous trumpery of ensigns, armorials, and escutcheons, are not indeed far advanced in America. Yet there is a more general anxiety to know their originals, in proportion to their numbers, than in any nation of Europe ; arising from the easier circumstances and higher spirit of the common people : and there are certain families in every state, as attentive to all the proud frivolities of heraldry. That kind of pride, which looks down on commerce and manufactures as degrading, may indeed, in many countries of Europe, be a useful and necessary quality in the nobility : it may prevent, in some degree, the whole nation

from

from being delivered up entirely to the spirit of avarice : it may be the cause, why honour is preferred by some to money : it may prevent the nobility from becoming too rich, and acquiring too large a proportion of the landed property. In America, it would not only be mischievous, but would expose the highest pretensions of the kind to universal ridicule and contempt. Those other hauteurs, of keeping the commons at a distance, and disdaining to converse with any but a few of a certain race, may in Europe be a favour to the people, by relieving them from a multitude of assiduous attentions and humiliating compliances, which would be troublesome ; it may prevent the nobles from caballing with the people, and gaining too much influence with them in elections and otherwise. In America, it would justly excite universal indignation ; the vainest of all must be of the people, or be nothing. While every office is equally open to every competitor, and the people must decide upon every pretension to a place in the legislature, that of governor and senator, as well as representative, no such airs will ever be endured. It must be acknowledged still, that some men must take more pains to deserve and acquire an office than others, and must behave better in it, or they will not hold it.

We cannot presume that a man is good or bad, merely because his father was one or the other ; and should always inform ourselves first, whether the virtues and talents are inherited, before we yield our confidence. Wise men beget fools, and honest men knaves ; but these instances, although they may be frequent, are not general. If there is often a likeness in feature and figure, there is generally more in mind and heart, because education contributes to the formation of these as well

well as nature. The influence of example is very great, and almost universal, especially of parents over their children. In all countries it has been observed, that vices, as well as virtues, run down in families, very often, from age to age. Any man may run over in his thoughts the circle of his acquaintance, and he will probably recollect instances of a disposition to mischief, malice, and revenge, descending, in certain breeds, from grandfather to father and son. A young woman was lately convicted at Paris of a trifling theft, barely within the law, which decreed a capital punishment. There were circumstances, too, which greatly alleviated her fault; some things in her behaviour that seemed innocent and modest: every spectator, as well as the judges, was affected at the scene, and she was advised to petition for a pardon, as there was no doubt it would be granted. "No," says she, "my grandfather, father, and brother, were all hanged for stealing; it runs in the blood of our family to steal, and be hanged; if I am pardoned now, I shall steal again in a few months more inexcuseably: and therefore I will be hanged now."—An hereditary passion for the halter is a strong instance, to be sure, and cannot be very common: but something like it too often descends, in certain breeds, from generation to generation.

If vice and infamy are thus rendered less odious, by being familiar in a family, by the example of parents, and by education, it would be as unhappy as unaccountable, if virtue and honour were not recommended and rendered more amiable to children by the same means.

There are, and always have been, in every state, numbers possessed of some degree of family pride, who have been invariably encouraged, if not flattered

tered in it, by the people. These have most acquaintance, esteem, and friendship, with each other, and mutually aid each other's schemes of interest, convenience, and ambition. Fortune, it is true, has more influence than birth; a rich man of an ordinary family, and common decorum of conduct, may have greater weight than any family merit commonly confers without it. 3. It will be readily admitted, there are great inequalities of merit, or talents, virtues, services, and, what is of more moment, very often of reputation. Some, in a long course of service in an army, have devoted their time, health, and fortunes, signalized their courage and address, exposed themselves to hardships and dangers, lost their limbs, and shed their blood, for the people. Others have displayed their wisdom, learning, and eloquence in council, and in various other ways acquired the confidence and affection of their fellow citizens, to such a degree, that the public have settled into a kind of habit of following their example and taking their advice. 4. There are a few, in whom all these advantages of birth, fortune, and fame are united.

These sources of inequality, which are common to every people, and can never be altered by any, because they are founded in the constitution of nature; this natural aristocracy among mankind, has been dilated on, because it is a fact essential to be considered in the institution of a government. It is a body of men which contains the greatest collection of virtues and abilities in a free government; is the brightest ornament and glory of the nation; and may always be made the greatest blessing of society, if it be judiciously managed in the constitution. But if it is not, it is always the most dangerous; nay, it may be added,

added, it never fails to be the destruction of the commonwealth. What shall be done to guard against it? Shall they be all massacred? This experiment has been more than once attempted, and once at least tried. Guy Faux attempted it in England; and a king of Denmark, aided by a popular party, effected it once in Sweden; but it answered no good end. The moment they were dead another aristocracy instantly arose, with equal art and influence, with less delicacy and discretion, if not principle, and behaved more intolerably than the former. The country, for centuries, never recovered from the ruinous consequences of a deed so horrible, that one would think it only to be met with in the history of the kingdom of darkness.

There is but one expedient yet discovered, to avail the society of all the benefits from this body of men, which they are capable of affording, and at the same time to prevent them from undermining or invading the public liberty; and that is to throw them all, or at least the most remarkable of them, into one assembly together, in the legislature; to keep all the executive power entirely out of their hands as a body; to erect a first magistrate over them, invested with the whole executive authority; to make them dependent on that executive magistrate for all public executive employments; to give that first magistrate a negative on the legislature, by which he may defend both himself and the people from all their enterprizes in the legislature; and to erect on the other side of them an impregnable barrier against them, in a house of commons, fairly, fully, and adequately representing the people, who shall have the power both of negativing all their attempts at encroachments in the legislature, and of withholding both from them and the crown all supplies,

plies, by which they may be paid for their services in executive offices, or even the public service carried on to the detriment of the nation.

We have seen, both by reasoning and in experience, what kind of equality is to be found or expected in the simplest people in the world. There is not a city nor a village, any more than a kingdom or commonwealth, in Europe or America; not a hord, clan, or tribe, among the negroes of Africa, or the savages of North or South America; nor a private club in the world; in which such inequalities are not more or less visible. There is then a certain degree of weight, in the public opinion and deliberations, which property, family, and merit will have: If Mr. Turgot had discovered a mode of ascertaining the quantity which they ought to have, and had revealed it to mankind, so that it might be known to every citizen, he would have deserved more of their gratitude than all the inventions of philosophers. But, as long as human nature shall have passions and imagination, there is too much reason to fear that these advantages, in many instances, will have more influence than reason and equity can justify.

Let us then reflect, how the single assembly in the Massachusetts, in which our great statesman wishes all authority concentered, will be composed. There being no senate nor council, all the rich, the honorable, and meritorious, will stand candidates for seats in the house of representatives, and nineteen in twenty of them obtain elections. The house will be found to have all the inequalities in it, that prevailed among the people at large. Such an assembly will be naturally divided into three parts.—The first is, of some great genius, some masterly spirit, who unites in himself all the

the qualities which constitute the natural foundations of authority ; such as benevolence, wisdom, and power : and all the adventitious attractions of respect ; such as riches, ancestry, and personal merit. All eyes are turned upon him for their president or speaker.—The second division comprehends a third, or a quarter, or, if you will, a sixth or an eighth of the whole ; and consists of those who have the most to boast of resembling their head.—In the third class are all the rest, who are nearly on a level in understanding, and in all things. Such an assembly has in it, not only all the persons of the nation who are most eminent for parts and virtues, but all those who are most inflamed with ambition and avarice, and who are most vain of their descent. These latter will, of course, constantly endeavour to increase their own influence, by exaggerating all the attributes they possess, and by augmenting them in every way they can think of ; and will have friends, whose only chance for rising into public view will be under their protection, who will even be more active and zealous than themselves in their service. Notwithstanding all the equality that can ever be hoped for among men, it is easy to see that the third class will in general be but humble imitators and followers of the second. Every man in the second class will have constantly about him a circle of members of the third, who will be his admirers ; perhaps afraid of his influence in the districts they represent, related to him by blood, connected with him in trade, or dependent upon him for favours.—There will be much envy too, among individuals of the second class, against the speaker, although a sincere veneration is shewn him by the majority, and great external respect by all. I said there

would be envy ; because there will be, among the second class, several, whose fortunes, families, and merits, in the acknowledged judgment of all, approach near to the first ; and, from the ordinary illusions of self-love and self-interest, they and their friends will be much disposed to claim the first place as their own right. This will introduce controversy and debate, as well as emulation ; and those who wish for the first place, and cannot obtain it, will of course endeavour to keep down the speaker as near upon a level with themselves as possible, by paring away the dignity and importance of his office, as we saw in Venice, Poland, and every where else.

A single assembly, thus constituted, without any counterpoise, balance, or equilibrium, is to have all authority, legislative, executive, and judicial, concentered in it. It is to make a constitution and laws by its own will, execute those laws at its pleasure, and adjudge all controversies, that arise concerning the meaning and application of them, at discretion. What is there to restrain them from making tyrannical laws, in order to execute them in a tyrannical manner.

Will it be pretended, that the jealousy and vigilance of the people, and their power to discard them at the next election, will restrain them ? Even this idea supposes a balance, an equilibrium, which Mr. Turgot holds in so much contempt ; it supposes the people at large to be a check and controul to the representative assembly. But this would be found a mere delusion. A jealousy between the electors and the elected neither ought to exist, nor is it possible to exist. It is a contradiction to suppose, that a body of electors should have at one moment a warm affection and entire confidence in a man, so as to intrust him with

with authority, limited or unlimited, over their lives and fortunes ; and, the next moment after his election, to commence a suspicion of him, that shall prompt them to watch all his words, actions, and motions, and dispose them to renounce and punish him. They choose him, indeed, because they think he knows more, and is better disposed, than the generality, and even than themselves very often. Indeed the best use of a representative assembly, arises from the cordial affection and unreserved confidence which subsists between it and the collective body of the people. It is by such a kind and candid intercourse alone, that the wants and desires of the people can be made known, on the one hand, or the necessities of the public communicated or reconciled to them, on the other. In what did such a confidence in one assembly end, in Venice, Geneva, Biscay, Poland, but in aristocracy, and an oligarchy ? There is no special providence for Americans, and their natures are the same with others.

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## LETTER XXVI.

D R. P R I C E.

Dear Sir,

**T**O demonstrate the necessity of two assemblies in the legislature, as well as of a third branch in it, to defend the executive authority ; it may be laid down as a first principle, that neither liberty nor justice can be secured to the individuals of a nation, nor its prosperity promoted,

moted, but by a fixed constitution of government, and stated laws, known and obeyed by all.— Mr. Turgot, indeed, censures the “ falsity of the “ notion, so frequently repeated by almost all “ republican writers, ‘ that liberty consists in be- “ ing subject only to the laws ;’ as if a man could “ be free while oppressed by an unjust law. “ This would not be true, even if we could sup- “ pose, that all laws were the work of an assem- “ bly of the whole nation ; for certainly every “ individual has his rights, of which the nation “ cannot deprive him, except by violence, and “ an unlawful use of the general power.”

We often hear and read of free states, a free people, a free nation, a free country, a free kingdom, and even of free republics ; and we understand, in general, what is intended, although every man may not be qualified to enter into philosophical disquisitions concerning the meaning of the word liberty, or to give a logical definition of it.

Our friend Dr. Price has distinguished very well, concerning physical, moral, religious, and civil liberty : and has defined the last to be “ the power of a civil society to govern itself, “ by its own discretion, or by laws of its own “ making, by the majority, in a collective body, “ or by fair representation. In every free state, “ every man is his own legislator. Legitimate “ government consists only in the dominion of “ equal laws, made with *common consent*, and “ not in the dominion of any men over other “ men.”

Mr. Turgot, however, makes the doctor too great a compliment, at the expence of former English writers, when he represents him as “ the “ first of his countrymen who have given a “ just

" just idea of liberty, and shewn the falsity, so  
" often repeated by almost all republican writers,  
" that liberty consists in being subject only to the  
" laws."

I shall chearfully agree with Mr. Turgot, that it is very possible that laws, and even equal laws made by common consent, may deprive the minority of the citizens of their rights. A society, by a majority, may govern itself, even by equal laws, that is by laws to which all, majority and minority, are *equally* subject, so as to oppress the minority. It may establish an uniformity in religion ; it may restrain trade ; it may confine personal liberty of all equally, and against the judgment of many, even of the best and wisest, without reasonable motives, use, or benefit. We may go further, and say, that a nation may be unanimously in consenting to a law restraining their natural liberty, property, and commerce, and their moral and religious liberties too, to a degree that may be prejudicial to the nation and every individual in it. A nation of Catholics might unanimously consent to prohibit labour upon one half the days in the year, as feast days. The whole American nation might unanimously consent to a Sunday law, and a warden act, which should deprive them of the use of their limbs one day in seven. A nation may unanimously agree to a navigation act, which should shackle the commerce of all. Yet Dr. Price's definition of civil liberty is as liable to this objection as any other. These would all be *equal laws*, made with *common consent* : these would all be acts of legitimate government. To take in Mr. Turgot's idea, then, we must add to Dr. Price's ideas of *equal laws* by *common consent*, this other—for the *general interest*, or the *public good*. But it is generally supposed, that nations

nations understand their own interest better than another; and therefore they may be trusted to judge of the public good: and in all the cases above supposed, they will be as free as they desire to be; and therefore may with great propriety be called free nations, and their constitutions free republics. There can be no way of compelling nations to be more free than they choose to be.

But Mr. Turgot has mistaken the sense of republican writers, especially of the English ones. What republican writers he had in view I know not. There is none, that I remember, of any name, who has given so absurd a definition of liberty. His countryman Montesquieu, who will scarcely be denominated a republican writer, has said something the most like it; but it is manifest that his meaning was confined to equal laws, made by common consent. Although there may be unjust and unequal laws, obedience to which would be incompatible with liberty; yet no man will contend, that a nation can be free, that is not governed by fixed laws. All other government than that of permanent known laws, is the government of mere will and pleasure, whether it be exercised by one, a few, or many. Republican writers in general, and those of England in particular, have maintained the same principle with Dr. Price, and have said, that legitimate governments, or well-ordered commonwealths, or well-constituted governments, were those where the laws prevailed; and have always explained their meanings to be, *equal laws* made by *common consent*, or the *general will*—that is to say, made by the majority, and equally binding upon majority and minority. As it is of importance to rescue the good old republican writers from such an imputation,

tation, let me beg your patience while we look into some of them.

Aristotle says, that “ a government, where the “ *laws alone* should prevail, would be the king-“ dom of God.” This indeed shows that this great philosopher had much admiration of such a government: but is not the assertion that Mr. Turgot condemns, viz. that liberty consists in being subject to the laws only.

Aristotle says too, in another place, “ Order is “ law, and it is more proper that law should go-“ vern, than any one of the citizens: upon the “ same principle, if it is advantageous to place “ the supreme power in some particular persons, “ they should be appointed to be only guardi-“ ans, and the servants of the laws.” These too are very just sentiments, but not a formal definition of liberty.

Livy too speaks of happy, prosperous, and glorious times, when “ Imperia legum poten-“ tiora fuerunt quam hominum.” But he nowhere says that liberty consists in being subject only to the legum imperio.

Sidney says, “ No sedition was hurtful to Rome, “ until, through their prosperity, some men gained “ a power above the laws.”

In another place he tells us too, from Livy, that some, whose ambition and avarice were impatient of restraint, complained that “ leges rem “ surdam esse, inexorabilem, salubriorem inopi “ quam potenti.”

And in another, that “ no government was “ thought to be well constituted, unless the laws “ prevailed against the commands of men.” But he has no where defined liberty to be subjection to the laws only.

Harrington says, “ Government *de jure*, or according to ancient prudence, is an art, whereby a civil society of men is instituted and preserved upon the foundation of *common interest*; or, to follow Aristotle and Livy, it is an empire of laws and not of men. And government, to define it according to modern prudence, or *de facto*, is an art, by which some man, or some few men, subject a city or a nation, and rule it according to his or their private interest; which, because the laws in such cases are made according to the interest of a man, or a few families, may be said to be the empire of men and not of laws.”

Harrington, Politicker, scene 2, agrees, that law proceeds from the will of man, whether a monarch or people; and that this will must have a mover; and that this mover is interest: but the interest of the people is one thing—it is the public interest; and where the public interest governs, it is a government of laws, and not of men: the interest of a king, or of a party, is another thing—it is a private interest; and where private interest governs, it is a government of men, and not of laws. If, in England, there has ever been any such thing as a government of laws, was it not *magna charta*? and have not our kings broken *magna charta* thirty times? Did the law govern when the law was broken? or was that a government of men? On the contrary, hath not *magna charta* been as often repaired by the people? and, the law being so restored, was it not a government of laws, and not of men? Why have our kings, in so many statutes and oaths, engaged themselves to govern by law, if there were not in kings a capacity of governing otherwise? It is true, that laws are neither made

made by angels, nor by horses, but by men. The voice of the people is as much the voice of men, as the voice of a prince is the voice of a man ; and yet the voice of the people is the voice of God, which the voice of a prince is not. The government of laws, said Aristotle, is the government of God. In a monarchy, the laws, being made according to the interest of one man, or a few men, must needs be more private and partial than suits with the nature of justice ; but in a commonwealth, the laws, being made by the whole people, must come up to the public interest, which is common right and justice—and if a man know not what is his own interest, who should know it ? and that which is the interest of the most or greatest number of particular men, being summed up in the common vote, is the public interest.

Sidney says, “ Liberty consists solely in an independency on the will of another ; and by a slave, we understand a man who can neither dispose of his person or goods, but enjoys all at the will of his master.” And again, “ As liberty consists only in being subject to no man’s will, and nothing denotes a slave but a dependence upon the will of another ; if there be no other law in a kingdom but the will of a prince, there is no such thing as liberty.”

Mr. Turgot might have perceived in these writers, that a government of laws, and not of men, was intended by them as a description of a commonwealth, not a definition of liberty. There may be various degrees of liberty established by the laws, and enjoyed by the citizens, in different commonwealths ; but still the general will, as well as the general interest, as far as it is understood by the people, prevails in all that can

be denominated free: as the society governs itself, it is free, according to the definition of Dr. Price. The enquiry of these writers, in such passages, was not into the highest point of liberty, or greatest degree of it, which might be established by the general will, and the common sense of interest, in their results or laws. They have taken it for granted, that human nature is so fond of liberty, that, if the whole society were consulted, a majority would never be found to put chains upon themselves, by their own act and voluntary consent.

But all men, as well as republican writers, must agree, that there can be no uninterrupted enjoyment of liberty, nor any good government, in society, without laws, or where standing laws do not govern. In despotic states, in simple monarchies, in aristocracies, in democracies, in all possible mixtures of these, the individual enjoys continually the benefit of law, as he does those of light and air, although, in most of those governments, he has no security for the continuance of it. If the laws were all repealed at once, in any great kingdom, and the event made known suddenly to all, there would scarcely a house remain in possession of its present inhabitant, in the great cities.

The great question therefore is, What combination of powers in society, or what form of government, will compel the formation of good and equal laws, an impartial execution, and faithful interpretation of them, so that the citizens may constantly enjoy the benefit of them, and be sure of their continuance. The controversy between Mr. Turgot and me is—whether a single assembly of representatives be this form. He maintains the affirmative. I am for the negative: because such

such an assembly will, upon the first day of its existence, be an aristocracy; in a few days, or years at least, an oligarchy; and then it will soon divide into two or three parties, who will soon have as many armies; and, when the battle is decided, the victorious general will govern without or with the advice of any council or assembly, as he pleases: or, if the assembly continues united, they will in time exclude the people from all share even in elections, and make the government hereditary in a few families. In order to be fully convinced of this, we must take an extensive view of the subject; and the first enquiry should be, what kind of beings men are? You and I admire the fable of Tristram Shandy more than the fable of the Bees, and agree with Butler rather than Hobbes. It is weakness rather than wickedness which renders men unfit to be trusted with unlimited power. The passions are all unlimited; nature has left them so: if they could be bounded, they would be extinct; and there is no doubt they are of indispensable importance in the present system. They certainly increase too, by exercise, like the body. The love of gold grows faster than the heap of acquisition: the love of praise increases by every gratification, till it stings like an adder, and bites like a serpent; till the man is miserable every moment when he does not snuff the incense: ambition strengthens at every advance, and at last takes possession of the whole soul so absolutely, that the man sees nothing in the world of importance to others, or himself, but in his object. The subtlety of these three passions, which have been selected from all the others because they are aristocratical passions, in subduing all others,

and

and even the understanding itself, if not the conscience too, until they become absolute and imperious masters of the whole mind, is a curious speculation. The cunning with which they hide themselves from others, and from the man himself too; the patience with which they wait for opportunities; the torments they voluntarily suffer for a time, to secure a full enjoyment at length; the inventions, the discoveries, the contrivances they suggest to the understanding, sometimes in the dullest dunces in world, if they could be described in writing, would pass for great genius.

We are not enough acquainted with the physical or metaphysical effects they may have on our bodies or minds, to be able to explain the particular reason why every instance of indulgence strengthens and confirms the subsequent emotions of desire. The cause has been hitherto too deep, remote, and subtle, for the search of corporeal or intellectual microscopes; but the fact is too decided to deceive or escape our observation. Men should endeavour at a *balance* of affections and appetites, under the monarchy of reason and conscience, within, as well as at a balance of power without. If they surrender the guidance, for any course of time, to any one passion, they may depend upon finding it, in the end, an usurping, domineering, cruel tyrant. They were intended by nature to live together in society, and in this way to restrain one another, and in general are very good kind of creatures; but they know each other's imbecility so well, that they ought never to lead one another into temptation. The passion that is long indulged, and continually gratified, becomes mad; it is a species

cies of delirium ; it should not be called guilt, but insanity : but who would trust his life, liberty, and property, to a madman, or an assembly of them ? it would be safer to confide in knaves. Five hundred or five thousand together, in an assembly, are not less liable to this extravagance than one. The nation that commits its affairs to a single assembly, will assuredly find that its passions and desires augment as fast as those of a king ; and therefore such a constitution must be essentially defective.

Others have seen this quality in human nature through a more gloomy medium.

Machiavel says, those who have written on civil government lay it down as a first principle, and all historians demonstrate the same, that whoever would found a state, and make proper laws for the government of it, must presume that all men are bad by nature ; and that they will not fail to shew that natural depravity of heart, whenever they have a fair opportunity ; and, though possibly it may lie concealed for a while, on account of some secret reason, which does not then appear to men of small experience, yet time, which is therefore justly called the father of truth, commonly brings it to light in the end. Machiavel's translator remarks, that although this seems a harsh supposition, does not every Christian daily justify the truth of it, by confessing it before God and the world ? and are we not expressly told the same in several passages of the holy scriptures, and in all systems of human philosophy ?

Montesquieu says, " Constant experience shews " us, that every man invested with power is apt " to abuse it : he pushes on, till he comes to " something that limits him." Is it not strange,

though true, to say, that virtue itself has need of limits? To prevent the abuse of power, it is necessary, that, by the very disposition of things, power should be a check to power. A government may be so constituted, as no man shall be compelled to do things to which the law does not oblige him, nor forced to abstain from things which the law permits.

Swift. So endless and exorbitant are the desires of men, that they will grasp at all, and can form no scheme of perfect happiness with less. It is hard to recollect one folly, infirmity, or vice, to which a single man is subjected, and from which a body of commons, collective or representative (and he might have added a body of nobles) can be wholly exempt.

Junius. Laws are intended, not to trust to what men will do, but to guard against what they may do.

Beccaria. *Ogni uomo si fa centro di tutte le combinazioni del globo.*

Rochefaucault. The ambitious deceive themselves, when they propose an end to their ambition; for that end, when attained, becomes a means.

De Lolme. Experience evinces, that the happiest dispositions are not proof against the allurements of power, which has no charms but as it leads on to new advances. Authority endures not the very idea of restraint; nor does it cease to struggle, till it has beaten down every boundary.

Hobbes, Mandeville, Rochefaucault, have drawn still more detestable pictures; and Rousseau, in his Inequalities among Mankind, gives a description of a civilized heart, too black and horrible to be transcribed.

Even our amiable friends, those benevolent Christian philosophers, Dr. Price and Dr. Priestley, acquaint

acquaint us, that they are constrained to believe human nature no better than it should be. The latter says, there is no power on earth but has grown exorbitant, when it has met with no controul.

The former. " Such are the principles that " govern human nature ; such the weakness and " folly of men ; such their love of domination, " selfishness and depravity, that none of them can " be raised to an elevation above others, without " the utmost danger. The constant experience of " the world has verified this, and proved that no- " thing intoxicates the human mind so much as " power. In the establishment, therefore, of civil " government, it would be preposterous to rely on " the discretion of any men. A people will never " oppres themselves, or invade their own rights ; " but if they trust the arbitrary will of a body or " succession of men, they trust enemies."

Shall we say, that all these philosophers were ignorant of human nature ? With all my soul, I wish it were in my power to quote any passages in history or philosophy, which might demonstrate all these satires on our species to be false. But the phenomena are all in their favour ; and the only question to be raised with them is, whether the cause is wickedness, weakness or insanity ? In all events, we must agree, that human nature is not fit to be trusted with Mr. Turgot's system, of all authority in a single assembly.

A single assembly will never be a steady guardian of the laws, if Machiavel is right, when he says, " Men are never good but through necessity : on " the contrary, when good and evil are left to their " choice, they will not fail to throw every thing in- " to disorder and confusion. Hunger and poverty " may make men industrious, but laws only can  
" make

" make them good ; for, if men were so of themselves, there would be no occasion for laws ; but, as the case is far otherwise, they are absolutely necessary. After the Tarquins were dead, who had been such a check upon the nobility, some other expedient was wanting to have the same effect ; so that, after much confusion and disorder, and many dangerous contests between the patricians and plebeians, certain officers, called tribunes, were created for the security of the latter, who, being vested with such privileges and authority as enabled them to become arbiters betwixt those two estates, effectually curbed the insolence of the former : or, in the language of Dr. Franklin, the people insisted upon hitching a yoke of cattle behind the waggon, to draw up hill, when the patricians before should attempt to go too fast : or, in the stile of Harrington, the commons, finding the patricians disposed to divide the cake unequally, demanded the privilege of choosing.

If Harrington's authority is not of great weight with some men, the reasons he assigns in support of his judgment are often eternal, and unanswerable by any man. In his *Oceana* he says, " Be the interest of popular government right reason, a man does not look upon reason as it is right or wrong in itself, but as it makes for him or against him : wherefore, unless you can shew such orders of a government, as, like those of God in nature, shall be able to constrain this or that creature to shake off that inclination which is more peculiar to it, and take up that which regards the common good or interest ; all this is to no more end, than to persuade every man, in a popular government, not to carve for himself of that which he likes best or desires most, but

" to

" to be mannerly at the public table, and give the  
" best from himself to decency and the *common interest*. But that such *orders* may be established, as  
" may, nay must, give the upper hand in all cases  
" to common right and interest, notwithstanding  
" the nearness that sticks to every man in private,  
" and this in a way of equal certainty and facility,  
" is known even to girls ; being no other than  
" those which are of common practice with them  
" in diverse cases. For example : Two of them  
" have a cake, yet undivided, which was given  
" between them. That each of them, therefore,  
" might have that which is due, " Divide," says  
" one, " and I will choose ; or let me divide, and  
" you shall choose." If this be but once agreed  
" upon, it is enough ; for the one dividing un-  
" equally loses, in regard that the other takes the  
" better half ; wherefore she divides equally, and  
" so both have right. And thus, what great philo-  
" sophers are disputing upon in vain, is brought  
" to light by two harmless girls ; even the whole  
" mystery of a commonwealth, which lies only in  
" dividing and choosing."

Now, if all authority is to be collected into one central assembly, it will have the whole power of division and choice ; and we may easily conjecture what division and choice it will be. It will soon have possession of all the cakes, loaves, and fishes.

Harrington proceeds : " Nor has God, if his  
" works in nature be understood, left so much to  
" mankind to dispute upon, as who shall divide  
" and who choose, but distributed them for ever  
" into two orders ; whereof the one has the natural  
" right of dividing, and the other of choosing.  
" For example : A commonwealth is but a civil  
" society of men : let us take any number of men;

" as

" as twenty, and immediately make a common-  
" wealth. Twenty men, if they be not all ideots,  
" perhaps if they be, can never come so together,  
" but there will be such a difference in them, that  
" about a third will be wiser, or at least less foolish,  
" than all the rest. These, upon acquaintance,  
" though it be but small, will be discovered, and  
" (as stags that have the largest heads) lead the  
" herd : for while the six, discoursing and arguing  
" one with another, shew the eminence of their  
" parts, the fourteen discover things that they  
" never thought on, or are cleared in diverse truths  
" that formerly perplexed them : wherefore, in mat-  
" ters of common concernment, difficulty, or danger,  
" they hang upon their lips, as children upon their  
" fathers ; and the influence thus acquired by the  
" six, the eminence of whose parts are found to be  
" a stay and comfort to the fourteen, is the auth-  
" ority of the fathers—*auctoritas patrum*. Where-  
" fore this can be no other than a *natural aristoc-*  
" *racy*, diffused by God throughout the whole body  
" of mankind, to this end and purpose ; and there-  
" fore such as the people have not only a natural,  
" but a positive obligation to make use of as their  
" guides ; as where the people of Israel are com-  
" manded to take wise men, and understanding, and  
" known among their tribes, to be made rulers over  
" them. The six then approved of, as in the pre-  
" sent case, are the senate ; not by hereditary right,  
" or in regard to the greatness of their estates  
" only, which would tend to such power as would  
" force or draw the people ; but by election for  
" their excellent parts, which tends to the advance-  
" ment of the influence of their virtue or authority ;  
" that leads the people. Wherefore the office of  
" the senate is not to be commanders, but coun-  
" sellors

" sellers of the people ; and that which is proper  
" for counsellors is first to debate, and after-  
" wards to give advice in the business whereon  
" they have debated ; whence the decrees of the  
" senate are never laws, nor so called—*senatus con-*  
" *sulta* ; and these, being maturely framed, it is  
" their duty to propose to the people : wherefore  
" the senate is no more than the debate of the com-  
" monwealth. But to debate is to discern, or put  
" a difference between things, that, being alike,  
" are not the same ; or it is separating and weigh-  
" ing this reason against that, and that reason  
" against this ; which is *dividing*.

" The senate then having divided, who shall  
" choose ? Ask the girls ; for if she that divided  
" must have chosen also, it had been little worse  
" for the other, in case she had not divided at  
" all, but kept the whole cake to herself ; in re-  
" gard that, being to choose too, she divided ac-  
" cordingly.

" Wherefore, if the senate have any further  
" power than to divide, the commonwealth can  
" never be equal. But, *in a commonwealth consisting*  
" *of a single council, there is no other to choose than*  
" *that which divided* : whence it is, that such a  
" council fails not to *scramble*, that is, to be fac-  
" tious ; there being no dividing of the cake, in  
" that case, but among themselves : *nor is there any*  
" *other remedy, but to have another council to choose*.  
" The wisdom of the few may be the light of  
" mankind ; but the interest of the few is not the  
" profit of mankind, nor of a commonwealth :  
" wherefore, seeing we have granted interest to be  
" reason, they must not choose, lest they put out  
" their light. But as the council dividing consists  
" of the wisdom of the commonwealth, so the as-  
" sembly

"sembly or council choosing should consist of the  
" interest of the commonwealth; as the wisdom of  
" the commonwealth is in the aristocracy, so the in-  
" terest of the commonwealth is in the whole body  
" of the people: and whereas this, in case the  
" commonwealth consists of a whole nation, is too  
" unwieldy a body to be assembled, this council is  
" to consist of such a representative as may be  
" equal, and so constituted as it can never contract  
" any other interest than that of the whole people.  
" But, in the present case, the six dividing, and the  
" fourteen choosing, must of necessity take in the  
" whole interest of the twenty. Dividing and  
" choosing, in the language of a commonwealth, is  
" debating and resolving; and whatever, upon de-  
" bate of the senate, is proposed to the people, and  
" resolved by them, is enacted by the authority of  
" the fathers, and by the power of the people—  
" *auctoritate patrum et iussu populi*; which, concur-  
" ring, make a law."

Upon these principles, and to establish a method of enacting laws that must of necessity be wise and equal, the people of most of the United States of America agreed upon that division of the legislative power into two houses, the house of representatives and the senate, which has given so much disgust to Mr. Turgot. Harrington will shew us, equally well, the propriety and necessity of the other branch, the governor: but before we proceed to that, it may be worth while to observe the similitude between this passage, and some of those sentiments and expressions of Swift, which were quoted in a former letter; and there is in the Idea of a Patriot King, written by his friend Lord Bolingbroke, a passage to the same purpose, so nobly expressed, that I cannot forbear the pleasure of transcribing

scribing it. " It seems to me, that, in order to  
" maintain the moral system of the universe at  
" a certain point, far below that of ideal perfec-  
" tion (for we are made capable of conceiving  
" what we are not capable of attaining) it has  
" pleased the Author of Nature to mingle, from  
" time to time, among the societies of men, a few,  
" and but a few, of those on whom he has been  
" graciously pleased to confer a larger proportion  
" of the ethereal spirit, than, in the ordinary course  
" of his providence, he bestows on the sons of men.  
" These are they who engross almost the whole  
" reason of the species. Born to direct, to guide,  
" and to preserve, if they retire from the world,  
" their splendour accompanies them, and en-  
" lightens even the darkness of their retreat. If  
" they take a part in public life, the effect is never  
" indifferent: they either appear the instruments  
" of divine vengeance, and their course through  
" the world is marked by desolation and oppres-  
" sion, by poverty and servitude; or they are the  
" guardian angels of the country they inhabit, stu-  
" dious to avert the most distant evil, and to pro-  
" cure peace, plenty, and the greatest of human  
" blessings—liberty."

If there is then, in society, such a natural aristocracy as these great writers pretend, and as all history and experience demonstrate, formed partly by genius, partly by birth, and partly by riches, how shall the legislator avail himself of their influence for the equal benefit of the public? and how, on the other hand, shall he prevent them from disturbing the public happiness? I answer, by arranging them all, or at least the most conspicuous of them, together in one assembly, by the name of a senate; by separating them from all pretensions to

the executive power ; and by controuling, in the legislature, their ambition and avarice, by an assembly of representatives on one side, and by the executive authority on the other. Thus you will have the benefit of their wisdom, without fear of their passions. If among them there are some of Lord Bolingbroke's guardian angels, there will be some of his instruments of divine vengeance too : the latter will be here restrained by a three-fold tie ; by the executive power, by the representative assembly, and by their peers in the senate. But if these were all admitted into a single popular assembly, the worst of them might in time obtain the ascendancy of all the rest. In such a single assembly, as has been observed before, almost the whole of this aristocracy will make its appearance ; being returned members of it by the election of the people : these will be one class. There will be another set of members, of middling rank and circumstances, who will justly value themselves upon their independence, their integrity, and unbiassed affection to their country, and will pique themselves upon being under no obligation. But there will be a third class, every one of whom will have his leader among the members of the first class, whose character he will celebrate, and whose voice he will follow ; and this party, after a course of time, will be the most numerous. The question then will be, whether this aristocracy in the house will unite or divide ? and it is too obvious, that destruction to freedom must be the consequence equally of their union or of their division. If they unite generally in all things, as much as they certainly will in respecting each others wealth, birth, and parts, and conduct themselves with prudence, they will strengthen themselves by insensible degrees, by playing into each

each others hands more wealth and popularity, until they become able to govern elections as they please, and rule the people at discretion. An independent member will be their aversion; all their artifices will be employed to destroy his popularity among his constituents, and bring in a disciple of their own in his place.

But if they divide, each party will, in a course of time, have the whole house, and consequently the whole state, divided into two factions, which will struggle in words, in writing, and at last in arms, until Cæsar or Pompey must be emperor, and entail an endless line of tyrants on the nation. But long before this catastrophe, and indeed through every scene of the drama, the laws, instead of being permanent, and affording constant protection to the lives, liberties, and properties of the citizens, will be alternately the sport of contending factions, and the mere vibrations of a pendulum. From the beginning to the end it will be a government of men, now of one set, and then of another; but never a government of laws.

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## LETTER XXVII.

### MIXED GOVERNMENTS.

MACHIAVEL'S DISCOURSES UPON THE FIRST  
DECADE OF LIVY. BOOK I. C. 2.

My dear Sir,

**T**HE whole chapter is very much to the purpose, but the following paragraphs more particularly so.—According to some authors, there are but three sorts of governments, viz. monarchy or

or principality, aristocracy, and democracy ; and that those who intend to erect a new state, must have recourse to some one of these which he likes best. Others, and with more judgment, as many think, say there are six sorts ; three of which are very bad, and the other three good in themselves, but liable to be so corrupted that they may become the worst. The three good sorts have been just now mentioned : the other three proceed from these ; and every one of them bears such a resemblance to that on which it respectively depends, that a transition from one to the other is short and easy ; for monarchy often degenerates into tyranny, aristocracy into oligarchy, and democracy into licentious anarchy and confusion : so that whoever sets up any one of the former three sorts of government, may assure himself it will not be of any long duration ; for no precaution will be sufficient to prevent its falling into the other that is analogous to it, on account of the affinity which there seems to be in this case betwixt virtue and vice, perfection and imperfection.

This variety of governments among mankind appears to have been the effect of chance : for in the beginning of the world, the inhabitants being few, they sometimes lived separate from each other, like beasts ; but afterwards, as they multiplied, they began to unite for their mutual defence, and put themselves under the protection of such as were most eminent amongst them for courage and strength, whom they engaged to obey and acknowledge as their chiefs. Hence arose the distinction betwixt honest and dishonest, just and unjust : for when any one injured his benefactor, his ingratitude excited a sort of fellow-feeling and indignation in others, as well as kindness and respect for those that behaved differently ; and, as they considered that they might some time or other, perhaps, be treated

treated in the same manner themselves, if proper measures were not taken to prevent it, they thought fit to make laws for the reward of good men, and the punishment of offenders. This first gave rise to justice in the world ; and from this consideration it came to pass, in process of time, that, in the election of a new chief, they had not so much regard to courage and bodily strength, as to wisdom and integrity : but afterwards, as this kind of government became gradually hereditary instead of elective, the heirs of these chieftains soon began to degenerate from the virtue of their ancestors, and to behave themselves as if they thought the main duty of a prince consisted in surpassing all other men in luxury, extravagance, effeminacy, and every sort of voluptuousness ; by which, in a while, they first grew odious to their subjects, and then so jealous for themselves, that they were forced to distress and cut off others for their own security, and at last to become downright tyrants. This first occasioned combinations and conspiracies for the destruction of princes ; not amongst the weak and pusillanimous part of their subjects, but among such as, being more eminent for their generosity, magnanimity, riches, and birth, could not endure any longer to submit to these pitiful and oppressive governments.

The multitude, therefore, swayed by the authority of the nobles, rose in arms against their prince ; and being freed from his yoke, transferred their allegiance to their deliverers, who, being thoroughly disgusted at monarchy, changed the form of government, and took it into their own hands ; after which they conducted both themselves and the state according to the plan they had formed, preferring the common good to any particular advantage ; and behaving, in private as well as public affairs

affairs, with assiduity and moderation ; whilst the remembrance of their past sufferings continued fresh upon their minds. But this authority afterwards devolving upon their sons, who had not seen these changes, nor experienced the miseries of tyranny, they began to grow so dissatisfied with that sort of civil equality, that they cast off all restraint, and giving themselves up to rapine, ambition and lust, soon changed the government again from aristocracy into an oligarchy. Their administration, however, becoming as insupportable, in a while, as the tyranny of the other had formerly been, the people naturally began to look out for some deliverer ; and having fixed upon a leader, they put themselves under his banners, and established oligarchy. But when they had done this, and came to reflect upon the oppressions they sustained under a tyrant, they resolved never to be again governed by any one man, and therefore agreed to set up a popular government ; which was constituted in such a manner, that the chief authority was not vested either in a prince or in a junto of the nobility.

Now, as all new establishments are held in some degree of reverence and veneration at first, this form subsisted for some time ; though no longer than those people lived, who had been the founders of it : for, after their death, their descendants degenerated into licentiousness, and such a contempt for all authority and distinction, that, every man living after his own caprice, there was nothing to be seen but confusion and violence : so that, either by the advice of some good and respectable man, or compelled by the absolute necessity of providing a remedy for these disorders and enormities, they at last determined once more to submit to the dominion of one : from which state they fell again in time, through the same gradations, and from the above-

abovementioned causes, into misrule and licentiousness. Such is the rotation to which all states are subject ; nevertheless they cannot often revert to the same kind of government, because it is not possible that they should so long exist as to undergo many of these mutations : for it frequently happens, that when a state is labouring under such convulsions, and is destitute both of strength and counsel, it falls a prey to some other neighbouring community or nation that is better governed ; otherwise it might pass through the several abovementioned revolutions again and again to infinity.

All these sorts of government then, in my opinion, are infirm and insecure ; the three former from the usual shortness of their duration, and the three latter from the malignity of their own principles. The wisest legislators, therefore, being aware of these defects, never established any one of them in particular, but contrived another that partakes of them all, consisting of a prince, lords and commons, which they looked upon as more firm and stable, because every one of these members would be a check upon the other ; and of those legislators, Lycurgus certainly merits the highest praise, who constituted an establishment of this kind at Sparta, which lasted above eight hundred years, to his own great honour, as well as the tranquillity of the citizens.

Very different was the fate of the government established by Solon at Athens, which, being a simple democracy only, was of so short continuance, that it gave way to the tyranny of Pisistratus, before the death of the legislator : and though, indeed, the heirs of that tyrant were expelled about forty years after, and the Athenians not only recovered their liberty, but re-established

ed Solon's laws and plan of government, yet they did not maintain it above one hundred years, notwithstanding they made several new regulations to restrain the insolence of the nobles, and the licentiousness of the commons ; the necessity of which Solon had not foreseen : so that for want of tempering his democracy with a share of aristocracy, and princely power, it was of short duration in comparison of the constitution of Sparta.

But to return to Rome.—Though that city had not a Lycurgus to model its constitution at first, in such a manner as might preserve its liberty for a long course of time ; yet so many were the accidents which happened in the contests betwixt the patricians and plebeians, that chance effected, what the lawgiver had not provided for : so that, if it was not perfect at the beginning, it became so after a while ; for though the first laws were deficient, yet they were neither incapable of amendment, nor repugnant to its future perfection ; since not only Romulus, but all the rest of the kings that succeeded him, made several good alterations in them, and such as were well calculated for the support of liberty. But, as it was their intention to found a monarchy, and not a republic ; when that city had shaken off the yoke of a tyrant, there seemed to be many provisions still wanting for the further maintenance of its freedom. And notwithstanding tyranny was at last eradicated, by the ways and means above-mentioned, yet those who had chiefly contributed to it, created two consuls to supply the place of royalty ; by which it came to pass, that the name alone, and not the authority, of princes was extinguished : so that the supreme power being lodged only in the consuls and senate, the government

ment consisted of no more than two of the three estates, which we have spoken of before, that is, of royalty and aristocracy: it remained, therefore, still necessary to admit the people into some share of the government: and the patricians growing so insolent in time (as I shall shew hereafter) that the plebeians could no longer endure it, the latter took arms, and obliged them to relinquish part of their authority, lest they should lose the whole: on the other hand, the consuls and senators still retained so much power in the commonwealth, as enabled them to support their rank and dignity with honour. This struggle gave birth to certain officers, called tribunes of the people; after the creation of whom, that state became more firm and compact, every one of the three degrees above-mentioned having its proper share in the government; and so propitious was fortune to it, that although it was changed from a monarchy into an aristocracy, and afterwards into a democracy, by the steps and for the reasons already assigned, yet the royal power was never entirely abolished and given to the patricians, nor that of the patricians wholly to the plebeians: on the contrary, the authority of the three estates being duly proportioned and mixed together, gave it the highest degree of perfection that any commonwealth is capable of attaining to;—and this was owing in a great measure, if not altogether, to the dissentions that happened betwixt the patricians and plebeians, as shall be shewn more at large in the following chapters.

## LETTER XXVII.

## MIXED OR COMPOSED GOVERNMENTS.

SIDNEY, PAGE 22, § 10.

Dear Sir,

SOME small numbers of men, living within the precincts of one city, have, as it were, cast into a common flock the right which they had of governing themselves and children, and, by common consent, joining in one body, exercised such power over every single person as seemed beneficial to the whole; and this men call perfect democracy. Others chose rather to be governed by a select number of such as most excelled in wisdom and virtue; and this, according to the signification of the word, was called aristocracy. When one man excelled all others, the government was put into his hands, under the name of monarchy. But the wisest, best, and by far the greatest part of mankind, rejecting these simple species, did form governments mixed or composed of the three, as shall be proved hereafter, which commonly received their respective denomination from the part that prevailed, and did receive praise or blame, as they were well or ill proportioned.

Sidney, p. 138, § 16. The best governments of the world have been composed of monarchy, aristocracy, and democracy.

As for democracy, I believe it can suit only with the convenience of a small town, accompanied with such circumstances as are seldom found,

found. But this no way obliges men to run into the other extreme, in as much as the variety of forms, between mere democracy and absolute monarchy, is almost infinite. And if I should undertake to say, there never was a good government in the world, that did not consist of the three simple species of monarchy, aristocracy, and democracy, I think I may make it good. This at the least is certain, that the government of the Hebrews, instituted by God, had a judge, the great Sanhedrim, and general assemblies of the people. Sparta had two kings, a senate of twenty-eight chosen men, and the like assemblies. All the Dorian cities had a chief magistrate, a senate, and occasional assemblies. The cities of Ionia, Athens and others, had an Archon, the Areopagitæ, &c. and all judgments concerning matters of the greatest importance, as well as the election of magistrates, were referred to the people. Rome, in the beginning, had a king and a senate, while the election of kings, and judgments upon appeals, remained in the people; afterwards, consuls representing kings, and vested with equal power, a more numerous senate, and more frequent meetings of the people. Venice has at this day a duke, the senate of the pregadi, and the great assembly of the nobility, which is the whole city; the rest of the inhabitants being only incolæ, not cives; and those of the other cities or countries are their subjects, and do not participate in the government.

Genoa is governed in like manner; Lucca not unlike to them. Germany is at this day governed by an emperor, the princes or great lords in their several precincts; the cities by their own magistrates; and by general diets, in which the whole power of the nation resides, and where the emperor,

ror, princes, nobility, and cities have their places, in person, or by their deputies. All the northern nations, which, upon the dissolution of the Roman empire, possessed the best provinces that had composed it, were under that form, which is usually called the Gothic polity. They had king, lords, commons, diets, assemblies of estates, cortes, and parliaments, in which the sovereign powers of those nations did reside, and by which they were exercised. The like was practised in Hungary, Bohemia, Sweden, Denmark, Poland: and, if things are changed in some of those places within these few years, they must give better proofs of having gained by the change, than are yet seen in the world, before I think myself obliged to change my opinion.

Some nations, not liking the name of king, have given such a power as kings enjoyed in other places to one or more magistrates, either limited to a certain time, or left to be perpetual, as best pleased themselves: others, approving the name, made the dignity purely elective. Some have in their elections principally regarded one family as long as it lasted: others considered nothing but the fitness of the person, and reserved to themselves a liberty of taking where they pleased. Some have permitted the crown to be hereditary as to its ordinary course; but restrained the power, and instituted officers to inspect the proceedings of kings, and to take care that the laws were not violated. Of this sort were the Ephori of Sparta, the Maires du Palais, and afterwards the constable of France, the justicia in Arragon, the reichshofmee-ter in Denmark, the high steward in England; and in all places, such assemblies as are before-mentioned under several names, who had the power of the whole nation, &c.

Sidney, p. 147. § 18. It is confessed, that a pure democracy can never be good, unless for a small town, &c.

Sidney, p. 160. § 19. As to popular government in the strictest sense, that is, pure democracy, where the people in themselves, and by themselves, perform all that belongs to government, I know of no such thing; and, if it be in the world, have nothing to say for it.

Sidney, p. 161. If it be said, that those governments, in which the democratical part governs most, do more frequently err in the choice of men, or the means of preserving that purity of manners which is required for the well being of a people, than those wherein aristocracy prevails, I confess it, and that in Rome and Athens, the best and wisest men did for the most part incline to aristocracy. Xenophon, Plato, Aristotle, Thucydides, Livy, Tacitus, Cicero, and others, were of this sort. But if our author there seek patrons for his absolute monarchy, he will find none but Phalaris, Agathocles, Dionysius, Cataline, Cethegus, Lentulus, with the corrupted crew of mercenary rascals who did, or endeavoured to set them up: these are they, *qui bus ex honesto nulla est spes*: they abhor *the admision of the law*, because it curbs their vices, and make themselves subservient to the lusts of *a man* who may nourish them.

Sidney, p. 165. § 21. Being no way concerned in the defence of democracy, &c. I may leave our knight, like Don Quixotte, fighting against the phantasms of his own brain, and saying what he pleases against such governments as never were, unless in such a place as St. Marino, near Siniaglia, in Italy, where a hundred clowns govern

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a barbarous rock that no man invades, and relates nothing to our question. The republic of St. Marino, next to that of Millingen in Switzerland, is the smallest republic in Europe. The limits of it extend no farther than the base of the mountain on which it is seated. Its insignificance is its security. No neighbouring prince ever thought it worth his while to destroy the independency of such a Beehive. See Blainville's Travels, vol. ii. p. 227. Addison's Remarks on several parts of Italy.

Sidney, p. 258. However, more ignorance cannot be expressed, than by giving the name of democracy to those governments that are composed of the three simple species, as we have proved that all the good ones have ever been: for, in a strict sense, it can only suit with those, where the people retain to themselves the administration of the supreme power; and more largely, when the popular part, as in Athens, greatly over-balances the other two, and the denomination is taken from the prevailing part.

## LETTER XXVIII.

## MIXED GOVERNMENTS.

MONTESQUIEU, SPIRIT OF LAWS, B. II. C. VI.  
OF THE CONSTITUTION OF ENGLAND.

My dear Sir,

**I**N every government there are three sorts of power; the legislative, the executive in respect of things dependent on the law of nations, and the executive in regard to things that depend on the civil law.

By virtue of the first (i. e. the legislative power) the prince or magistrate enacts temporary or perpetual laws, and amends or abrogates those that have been already enacted. By the second, he makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions. By the third, he punishes criminals, or determines the disputes that arise between individuals. The latter we shall call the judiciary power, and the other simply the executive power of the state.

The political liberty of the citizen, is a tranquillity of mind, arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted, as that one citizen need not be afraid of another citizen.

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate, or the same senate should enact tyrannical

nical laws, to execute them in a tyrannical manner.

Again, there is no liberty, if the power of judging be not separated from the legislative and executive powers: were it joined with the legislative, the life and liberty of the citizens would be exposed to arbitrary controul; for the judge would then be legislator: were it joined to the executive power, the judge might behave with all the violence of an oppressor.

There would be an end of every thing (*tout sera perdu*) were the same man, or the same body, whether of princes, of the nobles, or of the people, to exercise those three powers; that of enacting laws, that of executing the public resolutions, and that of judging the crimes or differences of individuals.

Most kingdoms in Europe enjoy a moderate government, because the prince, who is invested with the two first powers, leaves the third to his subjects. In Turkey, where these three powers are united in the sultan's person, the subjects groan under the weight of a most frightful oppression. In the republics of Italy, where these three powers are united, there is less liberty than in our monarchies. Hence their government is obliged to have recourse to as violent methods for its support, as even that of the Turks; witness the state inquisitors at Venice, and the lion's mouth, into which every informer may at all hours throw his written accusations: what a situation must the poor citizen be in under those poor republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They might plunder the state by their general determinations; and as they have likewise the judiciary

judiciary power in their hands, every private citizen may be ruined by their particular decisions. The whole power is here united in one body ; and though there is no external pomp that indicates a despotic sway, yet the people feel the effects of it every moment.

Hence it is, that many of the princes of Europe, whose aim has been levelled at arbitrary power, have constantly set out with uniting in their own persons all the branches of magistracy, and all the great offices of state.

I allow, indeed, that the mere hereditary aristocracy of the Italian republics, does not answer exactly to the despotic power of the eastern princes. The number of magistrates sometimes softens the power of the magistracy ; the whole body of the nobles do not always concur in the same designs ; and different tribunals are erected, that temper each other. Thus, at Venice, the legislative power is in the council, the executive in the pregadi, and the judiciary in the quarantia. But the mischief is, that these different tribunals are composed of magistrates all belonging to the same body ; which constitutes almost one and the same power.

The judicary power ought not to be given to a standing senate ; it should be exercised by persons taken from the body of the people, as at Athens, at certain times of the year, and pursuant to a form and manner prescribed by law, in order to erect a tribunal that should last only as long as necessity requires.

By this means the power of judging, a power so terrible to mankind, not being annexed to any particular state or profession, becomes, as it were, invisible. People have not then the judges continually present to their view ; they fear the office, but not the magistrate.

In accusations of a deep or criminal nature, it is proper the person accused should have the privilege of chusing, in some measure, his judges, in concurrence with the law? or, at least, he should have a right to except against so great a number, that the remaining part may be deemed his own choice. The other two powers may be given rather to magistrates or permanent bodies, because they are not exercised on any private subject; one being no more than the general will of the state, and the other the execution of that general will.

But though the tribunals ought not to be fixed, yet the judgments ought, and to such a degree as to be always conformable to the exact letter of the law. Were they to be the private opinion of the judge, people would then live in society without knowing exactly the obligations it lays them under.

The judges ought likewise to be in the same station as the accused, or, in other words, his peers, to the end that he may not imagine he is fallen into the hands of persons inclined to treat him with rigour.

If the legislative leaves the executive power in possession of a right to imprison those subjects who can give security for their good behaviour, there is an end of liberty; unless they are taken up, in order to answer, without delay, to a capital crime; in this case they are really free, being subject only to the power of the law.

But should the legislature think itself in danger, by some secret conspiracy against the state, or by a correspondence with a foreign enemy, it might authorise the executive power, for a short and limited time, to imprison suspected persons; who, in that case, would lose their liberty only for a while, to preserve it for ever. And this is the only

only reasonable method that can be substituted to the tyrannical magistracy of the Ephori, and to the state inquisitors of Venice, who are also despotic.

As, in a free state, every man who is supposed a free agent, ought to be his own governor; so the legislative power should reside in the whole body of the people. But since this is impossible in large states, and in small ones is subject to many inconveniences; it is fit the people should execute by their representatives, what they cannot execute by themselves.

The inhabitants of a particular town are much better acquainted with its wants and interests, than with those of other places; and are better judges of the capacity of their neighbours, than of that of the rest of their countrymen. The members therefore of the legislature should not be chosen from the general body of the nation; but it is proper, that in every considerable place, a representative should be elected by the inhabitants.

The great advantage of representatives is, their being capable of discussing affairs; for this the people collectively are extremely unfit, which is one of the greatest inconveniences of a democracy.

It is not at all necessary that the representatives, who have received a general instruction from their electors, should wait to be particularly instructed on every affair, as is practised in the diets of Germany. True it is, that by this way of proceeding, the speeches of the deputies might with greater propriety be called the voice of the nation: but, on the other hand, this would throw them into infinite delays; would give each deputy a power of controuling the assembly; and

on

on the most urgent and pressing occasions, the springs of the nation might be stopped by a single caprice.

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## LETTER XXIX.

ANCIENT REPUBLICS, AND OPINIONS  
OF PHILOSOPHERS.

My Dear Sir,

**I**N searching for the principles of government, we may divide them into two kinds: the principles of authority, and the principles of power. The first are virtues of the mind and heart, such as wisdom, prudence, courage, patience, temperance, justice, &c.: the second are the goods of fortune, such as riches, extraction, knowledge, and reputation. I rank knowledge among the goods of fortune, because it is the effect of education, study, and travel, which are either accidents, or usual effects of riches or birth, and is by no means necessarily connected with wisdom or virtue: but, as it is universally admired and respected by the people, it is clearly a principle of power. The same may be said of reputation, which, abstracted from all consideration whether it is merited or not, well or ill founded, is another source of power.

Riches will hold the first place, in civilised societies at least, among the principles of power, and will often prevail, not only over all the principles of authority, but over all the advantages of birth, knowledge and fame. For, as Harrington says,

says, “ Men are hung upon riches, not of choice as upon the other, but of necessity and by the teeth : for as much as he who wants bread, is his servant that will feed him ; and if a man thus feeds a whole people, they are under his empire.” It already appears, that there must be in every society of men, superiors and inferiors, because God has laid in the constitution and course of nature the foundations of the distinction. And indeed, as Harrington says, “ an army may as well consist of soldiers without officers, or of officers without soldiers, as a commonwealth consist of a people without a gentry, or of a gentry without a people.”

“ Let states take heed,” says Lord Bacon, “ how their nobility and gentlemen multiply too fast, for that makes the common subject grow to be a peasant and base swain driven out of heart, and in effect but a gentleman’s labourer. How shall the plow then be kept in the hands of the owners, and not mere hirelings ? how shall the country attain to the character which Virgil gives of ancient Italy, *Terra potens armis, atque ubere gleba?* how, but by the balance of dominion or property ?”

Notwithstanding Mr. Turgot’s aversion to balances, Harrington discovered, and made out, as Toland his biographer informs us, that “ empire follows the balance of property, whether lodged in one, a few, or many hands.” A noble discovery, of which the honour solely belongs to him, as much as the circulation of the blood to Harvey, printing to Laurence Coster, or of guns compasses, or optic glasses, to the several authors. If this balance is not the foundation of all politics, as Toland asserts, it is of so much importance, that no man can be thought a master of the subject,

subject, without having well weighed it. Mr. Turgot, it is plain, had not the least idea of it.

"Tillage," says Harrington, "bringing up a good soldiery, brings up a good commonwealth: for where the owner of the plow comes to have the sword too, he will use it in defence of his own. Whence it has happened, that the people of England, in proportion to their property, have been always free, and the genius of this nation has ever had some resemblance with that of ancient Italy, which was wholly addicted to commonwealths, and where Rome came to make the greatest account of her rustic tribes, and to call her consuls from the plow: for in the way of parliaments, which was the government of this realm, men of country lives have been still intrusted with the greatest affairs, and the people have constantly had an aversion to the ways of the court. Ambition, loving to be gay and to fawn, has been a gallantry looked upon as having something in it of the livery; and husbandry, or the country way of life, though of a grosser spinning, as the best stuff of a commonwealth, according to Aristotle; such a one being the most obstinate assertress of her liberty, and the least subject to innovation or turbulency. Commonwealths, upon which the city life has had the greatest influence, as Athens, have seldom or never been quiet: but at best are found to have injured their own business by over-doing it. Whence the Urban tribes of Rome, consisting of the *turba forensis* and *libertinus*, that had received their freedom by manumission, were of no reputation in comparison of the rustics. A commonwealth, consisting but of one city, would doubtless be stormy, in regard that ambition would be every man's trade; but where it consists of a country, the plow in the hands of the owner finds him

him a better calling, and produces the most innocent and steady genius of a commonwealth.

Oceana, p. 37.—Domestic empire is founded upon dominion, and dominion is property, real or personal; that is to say, in lands, or in money and goods. Lands, or the parcels of a territory, are held by the proprietor or proprietors of it, in some proportion; and such (except it be in a city that has little or no land, and whose revenue is in trade) as is the proportion or balance of dominion or property in land, such is the nature of the empire. If one man be sole landlord of a territory, or over-balance the people—for example, three parts in four—he is grand seignior: for so the Turk is called from his property; and his empire is absolute monarchy. If the few, as a nobility and clergy, be landlords, or over-balance the people to the like proportion, it makes the Gothic balance, and the empire is mixed monarchy, as that of Spain, Poland, and once of England: and if the whole people be landlords, or hold the lands so divided among them, that no one man, or number of men, within the compass of the few, or aristocracy, over-balance them, the empire is a commonwealth.

If force be interposed in any of these three cases, it must either frame the government to the foundation, or the foundation to the government; or, holding the government not according to the balance, it is not natural, but violent: and therefore, if it be at the devotion of a prince, it is tyranny; if at the devotion of a few, oligarchy; or if in the power of the people, anarchy. Each of which confusions, the balance standing otherwise, is but of short continuance, because against the nature of the balance; which, not destroyed, destroys that which opposes it.

Here

Here it would be entertaining, to apply these observations to the force of fleets and armies, &c. applied by Great Britain in the late contest with America. The balance of land, especially in New-England, where the force was first applied, was neither in the king nor a nobility, but immensely in favour of the people. The intention of the British politicians was to alter this balance, “ frame the foundation to the government, by bringing the lands more and more into the hands of the governors, judges, counsellors, &c. &c. who were all to be creatures of a British ministry. We have seen the effects.” — The balance destroyed that which opposed it.

Harrington proceeds. — But there are certain other confusions, which, being rooted in the balance, are of longer continuance, and of worse consequence; as, first, where a nobility holds half the property, or about that proportion, and the people the other half; in which case, without altering the balance, there is no remedy, but the one must eat out the other: as the people did the nobility in Athens, and the nobility the people in Rome. Secondly, where a prince holds about half the dominion, and the people the other half, which was the case of the Roman emperors, (planted partly upon their military colonies, and partly upon the senate and the people) the government becomes a very shambles, both for the princes and the people. It being unlawful in Turkey that any should possess land but the grand seignior, the balance is fixed by the law, and that empire firm. Nor, though the kings often fell, was the throne of England known to shake, until the statute of alienations broke the pillars, by giving way to the nobility to sell their estates. While Lacedemon held to the division of land made by Lycurgus,

Lycurgus, it was immoveable ; but, breaking that, could stand no longer. This kind of law, fixing the balance in lands, is called Agrarian, and was first introduced by God himself, who divided the land of Canaan to his people by lot.

The public sword, without a hand to hold it, is but cold iron. The hand which holds this sword is the militia of the nation ; and the militia of a nation is either an army in the field, or ready for the field upon occasion. But an army is a beast that has a great belly, and must be fed ; wherefore this will come to what pastures you have, and what pastures you have will come to the balance of property, without which the public sword is but a name. He that can graze this beast with the great belly, as the Turk does his timariots, may well deride him that imagines he received his power by covenant. But if the property of the nobility, stocked with their tenants and retainers, be the pasture of that beast, the ox knows his master's crib ; and it is impossible for a king, in such a constitution, to reign otherwise than by covenant ; or, if he breaks it, it is words that come to blows.

Aristotle is full of this balance in divers places, especially where he says, that immoderate wealth, as where one man, or the few, have greater possessions than the equality or the frame of the commonwealth will bear, is an occasion of sedition, which ends, for the greater part, in monarchy ; and that, for this cause, the ostracism has been received in divers places, as in Argos and Athens ; but that it were better to prevent the growth in the beginning, than, when it has got head, to seek the remedy of such an evil.

Machiavel, not perceiving that if a commonwealth be galled by the gentry, it is by their

over-balance, speaks of the gentry as hostile to popular governments, and of popular governments as hostile to the gentry; which can never be proved by any one example, unless in civil war; seeing that, even in Switzerland, the gentry are not only safe, but in honour. But the balance, as I have laid it down, though unseen by Machiavel, is that which interprets him, where he concludes, "That he who will go about to make a commonwealth where there be many gentlemen, unless he first destroys them, undertakes an impossibility. And that he who goes about to introduce monarchy, where the condition of the people is equal, shall never bring it to pass, unless he cull out such of them as are the most turbulent and ambitious, and make them gentlemen or noblemen, not in name, but in effect; that is, by enriching them with lands, castles, and treasures, that may gain them power among the rest, and bring in the rest to dependence upon them; to the end that they, maintaining their ambition by the prince, the prince may maintain his power by them."

Wherefore, as in this place I agree with Machiavel, that a nobility, or gentry, over-balancing a popular government, is the utter bane and destruction of it, so I shall shew in another, that a nobility or gentry, in a popular government, not over-balancing it, is the very life and soul of it.

The public sword, or right of the militia, be the government what it will, or let it change how it can, is inseparable from the over-balance in dominion.

HARRINGTON'S PREROGATIVE OF POPULAR GOVERNMENT, c. iii. p. 226.

The balance of dominion in land is the natural cause of empire ; and this is the principle which makes politics a science undeniable throughout, and the most demonstrable of any whatever. — If a man, having one hundred pounds a year, may keep one servant, or have one man at his command, then, having one hundred times so much, he may keep one hundred servants ; and this multiplied by a thousand, he may have one hundred thousand men at his command. — Now that the single person, or nobility, of any country in Europe, that had but half so many men at command, would be king or prince, is that which I think no man can doubt. But “ No money, “ no Swiss.” — The reason why a single person, or the nobility, that has one hundred thousand men, or half so many, at command, will have the government, is, that the estate in land, whereby they are able to maintain so many, in any European territory, must over-balance the rest that remains to the people, at least three parts in four. Now, for the same reason, if the people hold three parts in four of the territory, it is plain there can neither be any single person or nobility able to dispute the government with them. In this case, therefore, except force be interposed, they govern themselves. So that, by this computation of the balance of property or dominion in the land, you have, according to the three-fold foundation of property, the root or generation of the three-fold kind of government or empire. If one man be sole landlord of a territory, or over-balance the whole people, three parts in four, or thereabouts, he is grand seignior ; for so the Turk, not from his

his empire, but property, is called ; and the empire, in this case, is absolute monarchy. If the few, or a nobility, or a nobility with a clergy, be landlords to such a proportion as over-balances the people in the like manner, they may make whom they please king ; or, if they be not pleased with their king, down with him, and set up whom they like better ; a Henry the fourth, or seventh, a Guise, a Montfort, a Nevil, or a Porter, should they find that best for their own ends and purposes : for as not the balance of the king, but that of the nobility, in this case, is the cause of the government, so not the estate of the prince or captain, but his virtue or ability, or fitness for the ends of the nobility, acquires that command or office. This for aristocracy, or mixed monarchy. But if the whole people be landlords, or hold the lands so divided among them, that no one man, or number of men, within the compass of the few, or aristocracy, over-balance them, it is a commonwealth. Such is the branch in the root, or the balance of property naturally producing empire.

Then follows a curious account of the laws in Israel against usury, and in Lacedemon against trade, &c. which are well worth studying.

Page 254.—That which, introducing two estates, causes division, or makes a commonwealth unequal, is not that she has a nobility, without which she is deprived of her most special ornament, and weakened in her conduct, but when the nobility only is capable of magistracy, or of the senate ; and where this is so ordered, she is unequal, as Rome. But where the nobility is no otherwise capable of magistracy, nor of the senate, than by election of the people, the commonwealth consists but of one order, and

is equal, as Lacedemon or Venice. Where the nobility holds half the property, or about that proportion, and the people the other half, the shares of the land may be equal; but in regard the nobility have much among few, and the people little among many, the few will not be contented to have authority, which is all their proper share in a commonwealth, but will be bringing the people under power, which is not their proper share in a commonwealth; wherefore this commonwealth must needs be unequal; and, except by altering the balance, as the Athenians did by the recision of debts, or as the Romans went about to do, by an agrarian, it be brought to such an equality, that the whole power be in the people, and there remain no more than authority in the nobility, there is no remedy, but the one, with perpetual feuds, will eat out the other, as the people did the nobility in Athens, and the nobility the people in Rome. Where the carcase is, there will be the eagles also; where the riches are, there will be the power: so if a few be as rich as all the rest, a few will have as much power as all the rest; in which case the commonwealth is unequal, and there can be no end of staving and tailing, till it be brought to equality.

The estates, be they one, or two, or three, are such, as was said by virtue of the balance upon which the government must naturally depend: exemplified in France, &c.

Page 256.—All government is of three kinds: a government of servants, a government of subjects, or a government of citizens. The first is absolute monarchy, as that of Turkey; the second aristocratical monarchy, as that of France; the

third a commonwealth, as Israel, Rome, Holland. Of these, the government of servants is harder to be conquered, and the easier to be held. The government of subjects is the easier to be conquered, and the harder to be held. The government of citizens is both the hardest to be conquered, and the hardest to be held.

The reason why a government of servants is hard to be conquered, is, that they are under a perpetual discipline and command. Why a government of subjects is easily conquered, is on account of the factions of the nobility.

The reasons why a government of citizens, where the commonwealth is equal, is hardest to be conquered, are, that the invader of such a society must not only trust to his own strength, inasmuch as the commonwealth being equal, he must needs find them united; but in regard that such citizens, being all soldiers, or trained up to their arms, which they use not for the defence of slavery, but of liberty, a condition not in this world to be bettered, they have, more specially upon this occasion, the highest soul of courage, and, if their territory be of any extent, the vailest body of a well-disciplined militia that is possible in nature: wherefore an example of such a one, overcome by the arms of a monarch, is not to be found in the world.

In the Art of Law giving, chap. i. he enlarges still farther upon this subject; and instances Joseph's purchase of all the lands of the Egyptians for Pharoah, whereby they became servants to Pharaoh; and he enlarges on the English balance, &c.

In America, the balance is nine-tenths on the side of the people: indeed, there is but one order; and

and our senators have influence chiefly by the principles of authority, and very little by those of power; but this must be postponed.

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## LETTER XXX.

ANCIENT REPUBLICS, AND OPINIONS  
OF PHILOSOPHERS.

My dear Sir,

MY design is more extensive than barely to shew the imperfection of Mr. Turgot's idea. This might be done in a few words, and a very short process of reasoning: but I wish to assemble together the opinions and reasonings of philosophers, politicians, and historians, who have taken the most extensive views of men and societies, whose characters are deservedly revered, and whose writings were in the contemplation of those who framed the American constitutions. It will not be contested, that all these characters are united in Polybius, who, in a fragment of his sixth book, translated by Edward Spelman, p. 391, at the end of his translation of the Roman Antiquities of Dionysius Hallicarnassensis, says:—  
“ It is customary to establish three sorts of governments; kingly government, aristocracy, and democracy: upon which one may very properly ask them, whether they lay these down as the only forms of government, or as the best; for in both cases they seem to be in an error, since it is manifest,

manifest, that the best form of government is that which is compounded of all three.—This is founded not only in reason but in experience, Lycurgus having set the example of this form of government in the institution of the Lacedemonian commonwealth."

Six kinds of government must be allowed: kingly government and monarchy, aristocracy and oligarchy, democracy, and the government of the multitude.

Lycurgus concluded, that every form of government that is simple, by soon degenerating into that vice that is allied to it, must be unstable. The vice of kingly government is monarchy; that of aristocracy, oligarchy; that of democracy, rage and violence; into which, in process of time, all of them must degenerate. Lycurgus, to avoid these inconveniences, formed his government not of one sort, but united in one all the advantages and properties of the best governments; to the end that no branch of it, by swelling beyond its due bounds, might degenerate into the vice which is congenial to it; and that, while each of them were mutually acted upon by *opposite powers*, no one part might incline any way, or *out-weigh* the rest; but that the commonwealth, being equally *poised* and *balanced*, like a *ship* or a *waggon*, acted upon by *contrary powers*, might long remain in the same situation; while the king was restrained from excess by the fear of the people, who had a proper share in the commonwealth; and, on the other side, the people did not dare to disregard the king, from their fear of the senate, who, being all elected for their virtue, would always incline to the justest side; by which means, that branch which happened to be oppressed became always superior, and, by the accessional weight of the senate, *out-balanced*

*balanced the other.—This system preserved the Lacedemonians in liberty longer than any other people we have heard of ever enjoyed it.*

All the three principal orders of government were found in the Roman commonwealth ; every thing was constituted and administered with that equality and propriety by these three, that it was not possible, even for a Roman citizen, to assert positively, whether the government, in the whole, was aristocratical, democratical, or monarchical. For when we cast our eyes on the power of the consuls, the government appeared entirely monarchical and kingly ; when on that of the senate, aristocratical ; and when any one considered the power of the people, it appeared plainly democratical.

The consuls, when they are at Rome, and before they take the field, have the administration of all public affairs ; for all other magistrates obey them, except the tribunes of the people : they introduce ambassadors into the senate ; they also propose to the senate those subjects of debate that require immediate dispatch ; and are solely entrusted with the execution of the decrees : to them belongs the consideration of all public affairs of which the people have cognizance, whom they are to assemble upon all occasions, and lay before them the decrees of the senate, then pursue the resolutions of the majority. They have almost an absolute power in every thing that relates either to the preparations of war, or to the conduct of it in the field ; for they may give what orders they please to their allies, and appoint the tribunes ; they may raise forces, and enlist those who are proper for the service : they also have a power, when in the field, of punishing any who serve under them ; and of expending as much as they please

pleas of the public money, being always attended by a quæstor for that purpose, whose duty it is to yield a ready obedience to all their commands. So that whoever casts his eyes on this branch may with reason affirm, that the government is merely monarchical and kingly.

The senate have, in the first place, the command of the public money: for they have the conduct of all receipts and disbursements; since the quæstors cannot issue money for any particular service without a decree of the senate, except those sums they pay by the direction of the consuls.

It has the power over all disbursements made by the censors, every fifth year, in erecting and repairing public buildings;—takes cognizance of all crimes committed in Italy, such as treasons, conspiracies, poisonings, and assassinations;—sends embassies out of Italy to reconcile differences, use exhortations, signify commands, admit alliances, or declare war;—determines, when ambassadors come to Rome, in what manner they are to be treated, and the answer to be given them. For these reasons, when a foreigner comes to Rome, in the absence of the consuls, the government appears to him purely aristocratical.

There is still a most considerable share in the government left for the people. They only have the power of distributing honours and punishments, to which alone both monarchies and commonwealths, in a word all human institutions, owe their stability: for wherever the difference between rewards and punishments is not understood, or injudiciously applied, there nothing can be properly administered, since the worthy and unworthy are equally honoured!

They often take cognizance of those causes where the fine is considerable, if the criminals are persons

persons who have exercised great employments; and in capital cases they alone have jurisdiction; and a custom prevails with them, to give those who are tried for their lives a power of departing openly to voluntary banishment.

They have the power of conferring the magistracy upon those they think worthy of it, which is the most honourable reward of merit any government can bestow.

They have the power of rejecting and confirming laws, and determine concerning peace and war, alliances, accommodations, and conventions.

So that, from hence again, one may with reason assert, that the people have the greatest share in the government, and that the commonwealth is democratical.

These orders, into which the commonwealth is divided, have the power to oppose, assist, and balance each other, as occasion may require.

Though the consul, at the head of his army in the field, seems to have an absolute power to carry every thing he proposes into execution, yet he still stands in need of the people and senate, and without their assistance can effect nothing; for neither corn, clothes, nor pay, can be furnished to the army without the consent of the senate; who have also the power of sending another general to succeed him, as soon as the year is expired, or of continuing him in the command. Again, they may either magnify and extol, or obscure and extenuate, the victories of the generals: for these cannot celebrate their triumphs unless the senate consents to it, and furnishes the necessary expence.

As the power of putting an end to the war is in the *people*, the generals are under a necessity of having their approbation, who have the right of ratifying and annulling all accommodations and conventions.

conventions. It is to the people that the generals, after the expiration of their command, give an account of their conduct: so that it is by no means safe for them to disregard the favour either of the senate, or of the people.

The senate is under a necessity of shewing a regard to the people, and of aiming at their approbation; as not having the power to punish crimes of the first magnitude with death, unless the people confirm the previous decree: if a law is proposed, by which part of the power of the senate is to be taken away, their dignities abolished, or even their fortunes diminished, the people have it in their power either to receive or reject it. If one of the tribunes of the people opposes the passing of a decree, the senate are so far from being able to enact it, that it is not even in their power to consult or assemble at all. For all these reasons, the senate stands in awe of the people.

The people also are subject to the power of the senate, and under an obligation of cultivating the good-will of all the senators, - who have many opportunities both of prejudicing and advantaging individuals. Judges are appointed out of the senate in most causes that relate to contracts, public or private. There are many rivers, ports, gardens, mines, and lands, and many works relating to erecting and repairing public buildings, let out by the censors, under the care of the senate; all these are undertaken by the people; some are purchasers, others partners, some sureties for the contracts. All these things are under the controul of the senate, which has power to give time, to mitigate, and, if any thing has happened to render the performance of the contract impracticable, to cancel it. The people, thus dependent on the senate, and apprehending the uncertainty of the occasions

occasions in which they may stand in need of their favour, dare not resist or oppose their will.

In like manner, they are not easily brought to obstruct the designs of the consuls, because all of them in general, and every one in particular, become subject to their authority, when in the field.

Such being the power of each order to hurt and assist each other, their union is adapted to all contingencies, and *it is impossible to invent a more perfect system.* When the common fear of a foreign enemy compels them to act in concert, such is the strength of the government, that nothing necessary is omitted, or comes too late, since all vie with each other in directing their thoughts to the public good, and their endeavours to carry their designs into execution. The commonwealth, from the peculiar frame of it, becomes irresistible, and attains whatever it proposes.

When, in consequence of victory, they live in prosperity and affluence, enjoying their good fortune free from the fear of a foreign enemy, they grow, through ease and flattery, insolent and proud; their commonwealth is then chiefly observed to relieve itself: for when any branch of it becomes ambitious, and, swelling beyond its bounds, aims at unwarrantable power, being subject to the controul of the other two, it cannot run into any excess of power or arrogance; but all three must remain in the terms prescribed by the constitution.

Thus, my dear Sir, you see that Polybius's opinion of different orders, checks and balances, in a commonwealth, is very different from that of Mr. Turgot. The Roman constitution formed the noblest people, and the greatest power, that has ever existed. But if all the powers of the consuls, senate, and people, had been centered in a single assembly of the people, collectively or representatively,

tively, will any man pretend to believe that they would have been long free, or ever great?

The distribution of power was however never accurately or judiciously made in that constitution: the executive was never sufficiently separated from the legislative, nor had these powers a controul upon each other defined with sufficient accuracy: the executive had not power to interpose and decide between the people and the senate.

As we advance in this correspondence, we may see cause to differ widely from the judgment of Polybius, “*that it is impossible to invent a more perfect system of government.*” We may be convinced that the constitution of England, if its balance is seen to play, in practice, according to the principles of its theory—that is to say, if the people are fairly and fully represented, so as to have the power of *dividing or choosing, of drawing up bill or down,* instead of being disposed of by a few lords,—is a system much more perfect. The constitutions of several of the United States, it is hoped, will prove themselves improvements, both upon the Roman, the Spartan, and the English commonwealths.

## LETTER XXXI.

ANCIENT REPUBLICS, AND OPINIONS  
OF PHILOSOPHERS.

My dear Sir,

THE generation and corruption of governments, which may in other words be called the progress and course of human passions in society, are subjects which have engaged the attention of the greatest writers; and whether the essays they have left us were copied from history, or wrought out of their own conjectures and reasonings, they are very much to our purpose, to shew the utility and necessity of different *orders* of men, and of an *equilibrium* of powers and privileges. They demonstrate the corruptibility of every species of simple government, by which I mean a power without a check, whether in one, a few, or many. It might be sufficient to shew this tendency in simple democracy alone, for such is the government of one assembly, whether of the people collectively or representatively: but as the generation and corruption of all kinds of government have a similitude with one another, and proceed from the same qualities in human nature, it will throw the more light upon our subject, the more particularly we examine it. I shall confine myself chiefly to Plato, Polybius, and your name-sake Sir Thomas Smith.

Polybius thinks it manifest, both from reason and experience, that the best form of government is not simple, but compounded, because of the ten-

tendency of each of the simple forms to degenerate ; even democracy, in which it is an established custom to worship the gods, honour their parents, respect the elders, and *obey the laws*, has a strong tendency to change into a government where the multitude have a power of doing whatever they desire, and where insolence and contempt of parents, elders, gods, and laws, soon succeed.

From whence do governments originally spring ? From the weakness of men, and the consequent necessity to associate, and he who excels in strength and courage gains the command and authority over the rest ; as among inferior animals, who are not influenced by opinion, the strongest are, by common consent, allowed to be masters. This is monarchy. But when the nation, by living together, acquires some tincture of honour and justice, gratitude, duty, and their opposites, and the monarch countenances these moral qualities, and treats every one according to his merit, they are no longer afraid of violence, but submit to him, and unite in supporting his government, although he may again become weak and advanced in years. By this means a monarch insensibly becomes a king, that is, when the power is transferred from courage and strength to reason. This is the origin of true *kingly government*, for the people preserve the command, not only to them, but to their descendants, being persuaded, that those who have received their birth and education from such men will resemble them in their principles. But if they are dissatisfied with their descendants, they then choose magistrates and kings, with regard only to superior sense and reason, and not to strength and courage, having by experience been convinced of the difference between them. Those who were once chosen and invested with the royal dignity,

dignity, grew old in the enjoyment of it, possessed themselves of a territory, surrounded it with walls, and fortified advantageous posts: thus consulting the security of their subjects, and supplying them with plenty of provisions, differing little in their clothes or tables from the people, with whom they passed their lives, they continued blameless and unenvied. But their posterity, succeeding to the government by right of inheritance, and finding every thing provided for security and support, they were led by superfluity to indulge their appetites, and to imagine that it became princes to appear in a different dress, to eat in a more luxurious manner, and enjoy, without contradiction, the forbidden pleasures of love. The first produced envy, the other resentment and hatred. By which means kingly government degenerated into tyranny.

At the same time a foundation was laid, and a conspiracy formed, for the destruction of those who exercised it; the accomplices of which were not men of inferior rank, but persons of the most generous, exalted, and enterprizing spirit; for such men can least bear the insolence of those in power. The people, having these to lead them, and uniting against their rulers, kingly government and monarchy were extirpated, and aristocracy began to be established, for the people, as an immediate acknowledgment to those who had destroyed monarchy, chose these leaders for their governors, and left all their concerns to them.

These, at first, preferred the advantage of the public to all other considerations, and administered all affairs, both public and private, with care and vigilance. But their sons, having succeeded them in the same power, unacquainted with evils, strangers to civil equality and liberty, educated from

their infancy in the splendor of the power and dignities of their parents, some giving themselves up to avarice, others to intemperance, and others to the abuse of women, by this behaviour changed *the aristocracy into an oligarchy*.

Their catastrophe became the same with that of the *tyrants*; for if any person, observing the general envy and hatred which these rulers have incurred, has the courage to say or do any thing against them, he finds the whole body of the people inspired with the same passions they were before possessed with against the tyrant, and ready to assist him. Thereupon they put some of them to death, and banish others; but dare not, after that, appoint a king to govern them, being still afraid of the injustice of the first; neither dare they entrust the government with any number of men, having still before their eyes the errors which those had before committed: so that having no hope, but in themselves, they convert the government from an *oligarchy to a democracy*, and take upon themselves the care and charge of public affairs.

And as long as any are living, who felt the power and dominion of the *few*, they acquiesce under the present establishment, and look upon equality and liberty as the greatest of blessings. But when a new race of men grows up, these, no longer regarding equality and liberty, from being accustomed to them, aim at a greater share of power than the rest, particularly those of the greatest fortunes, who, grown now ambitious, and being unable to obtain the power they aim at by their own merit, dissipate their wealth, by alluring and corrupting the people by every method; and when, to serve their wild ambition, they have once taught them to receive bribes and entertainments, from that moment the democracy is at an end,

end, and changes to force and violence. For the people, accustomed to live at the expence of others, and to place their hopes of a support in the fortunes of their neighbours, if headed by a man of a great and enterprizing spirit, will then have recourse to violence, and getting together, will murder, banish, and divide among themselves the lands of their adversaries, till, grown wild with rage, they again find a master and a monarch.

This is the rotation of governments, and this the order of nature, by which they are changed, transformed, and return to the same point of the circle.

Lycurgus, observing that all this was founded on necessity and the laws of nature, concluded, that every form of government that is simple, by soon degenerating into that vice that is allied to it, and naturally attends it, must be unstable. For as rust is the natural bane of iron, and worms of wood, by which they are sure to be destroyed, so there is a certain vice implanted by the hand of nature in every simple form of government, and by her ordained to accompany it. The vice of kingly government is monarchy; that of aristocracy, oligarchy; and of democracy, *rage and violence*; into which all of them, in process of time, must necessarily degenerate. To avoid which Lycurgus united in one all the advantages of the best governments, to the end that no branch of it, by swelling beyond its bounds, might degenerate into the vice that is congenial to it, and that, while each was mutually acted upon by *opposite powers*, no one part might out-weigh the rest. The Romans arrived at the same end by the same means.

Polybius, you perceive, my dear Sir, is more charitable in his representation of human nature than

than Hobbes, Mandeville, Rochefoucault, Machiavell, Beccaria, Rousseau, De Lolme, or even than our friend Dr. Price. He candidly supposes that the first kingly government will be wisely and honestly administered, during the life of the father of his people; that the first aristocracy will be conducted with caution and moderation, by the band of patriots to whom is due the glory of the expulsion of the tyrant; and that the people, for a generation at least, who have deposed the oligarchy, will behave with decorum.

But perhaps it might be more exactly true and natural to say, that the king, the aristocracy, and the people, as soon as ever they felt themselves secure in the possession of their power, would begin to abuse it.

In Mr. Turgot's single assembly, those who should think themselves most distinguished by blood and education, as well as fortune, would be most ambitious; and if they found an opposition among their constituents to their elections, would immediately have recourse to entertainments, secret intrigues, and every popular art, and even to bribes, to increase their parties. This would oblige their competitors, though they might be infinitely better men, either to give up their pretensions, or to imitate these dangerous practices. There is a natural and unchangeable inconvenience in all popular elections. There are always competitions, and the candidates have often merits nearly equal. The virtuous and independent electors are often divided: this naturally causes too much attention to the most profligate and unprincipled, who will sell or give away their votes for other considerations than wisdom and virtue. So that he who has the deepest purse, or the fewest scruples about using it, will generally prevail. It

It is from the natural aristocracy in a single assembly that the first danger is to be apprehended in the present state of manners in America ; and with a balance of landed property in the hands of the people, so decided in their favour, the progress to degeneracy, corruption, rage, and violence, might not be very rapid ; nevertheless it would begin with the first elections, and grow faster or slower every year.

Rage and violence would soon appear in the assembly, and from thence be communicated among the people at large.

The only remedy is to throw the rich and the proud into one group, in a separate assembly, and there tie their hands ; if you give them scope with the people at large, or their representatives, they will destroy *all equality and liberty, with the consent and acclamations of the people themselves.* They will have much more power, mixed with the representatives, than separated from them. In the first case, if they unite, they will give the law, and govern all ; if they differ, they will divide the state, and go to a decision by force. But placing them alone by themselves, the society avails itself of all their abilities and virtues ; they become a solid check to the representatives themselves, as well as to the executive power, and you disarm them entirely of the power to do mischief.

## LETTER XXXII.

ANCIENT REPUBLICS, AND OPINIONS  
OF PHILOSOPHERS.

Dear Sir,

DIONYSIUS Halicarnassensis, in his seventh book, has given us an excellent speech in the senate, made by Manlius Valerius, a man venerable for his age and wisdom, and remarkable for his constant friendship for the people.

" If any of you, fathers ! alarmed with an apprehension that you will introduce a pernicious custom into the commonwealth, if you grant the people a power of giving their suffrages against the patricians, and entertain an opinion that the tribunitian power, if considerably strengthened, will prove of no advantage, let them learn, that their opinion is erroneous, and their imagination contrary to sound reasoning : for if any measure can tend to preserve this commonwealth, to assure both her liberty and power, and to establish a perpetual union and harmony in all things, the most effectual will be to give the people a share in the government : and the most advantageous thing to us will be, not to have a simple and unmixed form of government ; neither a monarchy, an oligarchy, nor a democracy, but a constitution tempered with all of them : for each of these forms, when simple, very easily deviates into abuse and excess ; but when all of them are *equally* mixed, that part which happens to innovate, and to exceed the customary bounds, is always restrained by another that is sober, and adheres to the established order.—

order.—Thus monarchy, when it becomes cruel and insolent, and begins to pursue tyrannical measures, is subverted by an oligarchy, consisting of good men; and an oligarchy, composed of the best men, which is your form of government, when elated with riches and dependents, pays no regard to justice, or to any other virtue, and is destroyed by a wise people: and in a democracy, when the people, from being modest in their deportment, and observant of the laws, begin to run into disorders and excesses, they are forced to return to their duty by the power, with which, upon those occasions, the best man of the commonwealth is invested. You, fathers, have used all possible precautions to prevent monarchical power from degenerating into tyranny; for, instead of a single person, you have invested two with the supreme power; and though you committed this magistracy to them, not for an indefinite time, but only for a year, you nevertheless appointed three hundred patricians, the most respectable, both for their virtue and their age, of whom this senate is composed, to watch over their conduct; but you do not seem hitherto to have appointed any to watch over your own, and to keep you within proper bounds. As for yourselves I am as yet under no apprehensions, lest you should suffer your minds to be corrupted by great and accumulated prosperity, who have lately delivered your country from a long tyranny; and, through continual and lasting wars, have not as yet had leisure to grow insolent and luxurious. But with regard to your successors, when I consider how great alterations length of time brings with it, I am afraid, lest the men of power in the senate should innovate, and silently transform our constitution to a monarchical tyranny: whereas,

whereas, if you admit the people to a share in the government, no mischief can spring from the senate ; but the man who aims at greater power than the rest of his fellow citizens, and has formed a faction in the senate, of all who are willing to partake of his councils and his crimes (for those who deliberate concerning public affairs ought to foresee every thing that is probable) this great, this awful person, I say, when called by the tribunes to appear before the people, must give an account both of his actions and thoughts to this people, inconsiderable as they are, and so much his inferiors ; and, if found guilty, suffer the punishment he deserves : and, lest the people themselves, when vested with so great a power, should grow wanton, and, seduced by the worst of demagogues, become dangerous to the best of citizens (for the multitude generally give birth to tyranny) some person of consummate prudence, created dictator by yourselves, will guard against this evil, and not allow them to run into excess ; and being invested with absolute power, and subject to no account, will cut off the infected part of the commonwealth, and not suffer that which is not yet infected to be vitiated, reform the laws, excite the citizens to virtue, and appoint such magistrates as he thinks will govern with the greatest prudence : and having effected these things within the space of six months, he will again become a private man, without receiving any other reward for these actions, than that of being honoured for having performed them. Induced, therefore, by these considerations, and convinced that this is the most perfect form of government, debar the people from nothing ; but as you have granted them a power of choosing the annual magistrates, who are to preside over the

the commonwealth, of confirming and repealing laws, of declaring war, and making peace, which are the greatest and most important affairs that come under the consideration of our government, not one of which you have submitted to the absolute determination of the senate: allow them, in like manner, the power of trying offenders, particularly such as are accused of crimes against the state, of raising a sedition, of aiming at tyranny, of concerting measures with our enemies to betray the commonwealth, or of any other crimes of the like nature; for the more formidable you render the transgression of the laws, and the alteration of discipline, by appointing many inspectors, and many guards over the insolent and the ambitious, the more will your constitution be improved."

It is surprizing that Valerius should talk of an equal mixture of monarchical, aristocratical, and democratical powers, in a commonwealth where they were so unequally mixed as they were in Rome. There can be no equal mixture without a negative in each branch of the legislature. But one example of an equal mixture has ever existed in Europe, and that is in England. The consuls in Rome had no negative; the people had a negative, but a very unequal one, because they had not the same time and opportunity for cool deliberation. The appointment of tribunes was a very inadequate remedy. What match for a Roman senate was a single magistrate seated among them? his abilities could not be equal; his firmness could not be always depended on: but what is worse, he was liable to be intimidated, flattered and bribed. It is really astonishing, that such people as Greeks and Romans should ever have thought four or five ephori, or a single tribune,

or a college of ten tribunes, an adequate representation of themselves. If Valerius had proposed, that the consul should have been made an integral part of the legislature, and that the Roman people should choose another council of two or three hundred, equally representing them, to be another integral part, he would then have seen, that the appointment of a dictator could never in any case become necessary.

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## LETTER XXXIII.

ANCIENT REPUBLICS, AND OPINIONS  
OF PHILOSOPHERS.

PLATO.

My dear Sir,

PLATO has given us the most accurate detail of the natural vicissitudes of manners and principles, the usual progress of the passions in society, and revolutions of governments into one another.

In the fourth book of his Republic, he describes his perfect commonwealth, where kings are philosophers, and philosophers kings : where the whole city might be in the happiest condition, and not any one tribe remarkably happy beyond the rest : in one word, where the *laws govern*, and justice is established : where the guardians of the laws are such in reality, and preserve the constitution, instead of destroying it, and promote the happiness of the whole city, not their own particularly : where the state is one, not many : where there

there are no parties of the poor and the rich at war with each other ; where, if any descendant of the guardians be vicious, he is dismissed to the other classes, and if any descendant of the others be worthy, he is raised to the rank of the guardians : where education, the grand point to be attended to, produces good geniuses, and good geniuses, partaking of such education, produce still better than the former : where the children, receiving from their infancy an education agreeable to the laws of the constitution, grow up to be worthy men, and observant of the laws : where the system, both of laws and education, are contrived to produce the virtues of fortitude, temperance, wisdom, and justice, in the whole city, and in all the individual citizens : where, if among the rulers, or guardians of the laws, there be one surpassing the rest, it may be called a monarchy, or kingly government ; if there be several, an aristocracy.

Although there is but one principle of virtue, those of vice are infinite ; of which there are four which deserve to be mentioned. There are as many species of soul as there are of republics : five of each. That which is above described is one.

In the eighth book of his *Republic* he describes the other four, and the revolutions from one to another. The first he calls the Cretan, or Spartan, or the ambitious republic ; the second, oligarchy ; the third, democracy ; and the fourth, tyranny, the last disease of a city.

As republics are generated by the manners of the people, to which, as into a current, all other things are drawn, of necessity there must be as many species of men, as of republics. We have already, in the fourth book, gone over that which we have pronounced to be good and just. We are

are now to go over the contentious and ambitious man, who is formed according to the Spartan republic; and then, him resembling an oligarchy; then the democratic; and then the tyrannic man; that we may contemplate the most unjust man, and set him in opposition to the most just, that our enquiry may be completed! The ambitious republic is first to be considered: it is indeed difficult for a city in this manner constituted, i. e. like Sparta, to be changed; but *as every thing which is generated is liable to corruption, even such a constitution as this will not remain for ever, but be dissolved.* (I shall pass over all the astrological and mystical whimsies which we meet with so often in Plato, interspersed among the most sublime wisdom and profound knowledge, and insert only what is intelligible.) The amount of what he says in this place about numbers and music, is, that mistakes will insensibly be made in the choice of persons for guardians of the laws; and by these guardians, in the rewards and promotion of merit. They will not always expertly distinguish the several species of geniuses, the golden, the silver, the brazen, and the iron. Whilst iron shall be mixed with silver, and brass with gold, dissimilitude and discord arise, and generate war, and enmity, and sedition. When sedition is risen, two of the species of geniuses, the iron and brazen, will be carried away after gain, and the acquisition of lands and houses, gold and silver. But the golden and silver geniuses, as they are not in want, but naturally rich, will lead the soul towards virtue and the original constitution. Thus divided, drawing contrary ways, and living in a violent manner, will not this republic be in the middle, between aristocracy and oligarchy, imitating, in some things, the former republic, and in others oligarchy? They will honour their

their rulers, their military will abstain from agriculture and mechanic arts ; they will have common meals, gymnastic exercises, and contests of war, as in the former republic ; but they will be afraid to bring wise men into the magistracy, because they have no longer any such as are truly simple and inflexible, but such as are of a mixed kind, more forward and rough, more fitted by their natural genius for war than peace, esteeming tricks and stratagems ; such as these shall desire wealth, and hoard up gold and silver, as those who live in oligarchies. While they spare their own, they will love to squander the substance of others upon their pleasures : They will fly from the law, as children from a father, who have been educated not by persuasion but by force. Such a republic, mixed of good and ill, will be most remarkable for the prevalence of the contentious and ambitious spirit.

What now shall *the man* be, correspondent to this republic ? He will be arrogant and rough towards inferiors ; mild towards equals, but extremely submissive to governors ; fond of dignity and the magistracy, but thinking that political management, and military performances, not eloquence, nor any such thing, should entitle him to them : while young he may despise money, but the older he grows the more he will value it, because he is of the covetous temper, and not sincerely affected to virtue and reason. Such an ambitious youth resembles such a city, and is formed somehow in this manner :—His father, a worthy man, in an ill-regulated city, shuns honours, and magistracies, and law-suits, and all public business, that, as he can do no good, he may have no trouble. The son hears his mother venting her indignation, and complaining that

she is neglected among other women, because her husband is not in the magistracy, nor attentive to the making of money ; that he is unmanly and remiss, and such other things as wives are apt to cant over concerning such husbands. The domestics too privately say the same things to the sons, stimulating them to be more of men than their father, and more attentive to their money. When they go abroad they hear the same things, and see that those who mind their own affairs are called simple, and such as mind not their affairs are commended. The young man comparing the conduct, speeches, and pursuits of his father with those of other men, the one watering the rational part of his soul, and the others the concupiscent and irascible, he delivers up the government within himself to a middle power, that which is irascible and fond of contention, and so he becomes a haughty and ambitious man.—We have now the second republic, and the second man.

This second republic will be succeeded by oligarchy, founded on men's valuations, in which the rich bear rule, and the poor have no share in the government. The change from the ambitious republic to oligarchy is made by that treasury which every one has filled with gold : for first of all they and their wives find out methods of expence, and to this purpose strain and disobey the laws ; one observing and rivalling another, the generality become of this kind ; and proceeding to greater desires of making money, the more honourable they account this to be, the more will virtue be thought dishonourable. Virtue is so different from wealth, that they always weigh against each other. Whilst wealth and the wealthy are held in honour in the city, both virtue and the good must be more dishonoured, and what is honoured

honoured is pursued, and what is dishonoured is neglected. Instead then of ambitious men, they will become lovers of gain. The rich they praise and admire, and bring into the magistracy, but the poor man they despise. They then make laws, marking out the boundary of the constitution, and regulating the quantity of oligarchic power, according to the quantity of wealth ; more to the more wealthy, and less to the less : so that he who hath not the valuation settled by law is to have no share in the government. What think you of this constitution ? If we should appoint pilots according to their valuation, but never entrust a ship with a poor man, though better skilled in his art, we should make very bad navigation.—Again, such a city is not one, but of necessity two ; one consisting of the poor, and the other of the rich, dwelling in one place, and always plotting against one another. They are, moreover, incapable to wage war, because of the necessity they are under, either of employing the armed multitude, and of dreading them more than the enemy, or to appear in battle, truly oligarchic, and at the same time be unwilling to advance money for the public service, through a natural disposition of covetousness.

In such a government almost all are poor, except the governors ; and where there are poor, there are somewhere concealed thieves, and purse-cutters, and sacrilegious persons, and workers of all other evils ; these the magistracy with diligence and force restrains : these are drones in a city with dangerous sting.

This is oligarchy. Now let us consider the man who resembles it. The change from the ambitious to the oligarchic man is chiefly in this manner :

ner:—The ambitious man has a son, who emulates his father, and follows his steps; afterwards he dashes on the city, as on a rock, wasting his substance in the office of a general, or some other principal magistracy; then falling into courts of justice, destroyed by sycophants, stripped of his dignities, disgraced, and losing all his substance. When he has thus suffered, and lost his substance, in a terror he pushes headlong from the throne of his soul that ambitious disposition; and, being humbled by his poverty, turns to the making of money, lives sparingly and meanly, and applying to work, scrapes together substance. He then seats in that throne the avaricious disposition, and makes it a mighty king within himself, decked out with Persian crowns, bracelets, and sceptres. Having placed the virtuous and ambitious disposition low on the ground, he reasons on nothing but how lesser substance shall be made greater, admires and honours nothing but riches and rich people. This is the change from an ambitious youth to a covetous one, and this is the oligarchic man.

Democracy is next to be considered, in what manner it arises, and what kind of man it produces when arisen. The change from oligarchy to democracy is produced through the infatiable desire of becoming as rich as possible. As those who are governors in it govern on account of their possessing great riches, they will be unwilling to restrain by law such of the youth as are dissolute, from having the liberty of squandering and wasting their substance; that so, by purchasing the substance of such persons, and lending them on usury, they may still become richer, and be held in greater honour. While they neglect education, and suffer the youth to grow licentious, they some-

sometimes lay under a necessity of becoming poor, such as are of no ungenerous disposition : these fit in the city, some of them in debt, others in contempt, hating and conspiring against those who possess their substance, and with others very desirous of a change. But the money-catchers, still brooding over it, and drawing to themselves exorbitant usury, fill the city with drones and poor. They neglect every thing but making of money, and make no more account of virtue than the poor do. When these governors and their subjects meet on the road, at public shews, in military marches, as fellow soldiers or sailors, or in common dangers, the poor are by no means contemned by the rich. A robust fellow, poor and sunburnt, beside a rich man, bred up in the shade, swoln with flesh, and panting for breath, and in agony of battle, thinks it is through his own and his fellows fault that such men grow rich, and says, Our rich men are good for nothing. The city soon grows into sedition between the oligarchic and democratic parties ; and the poor prevailing over the rich, kill some and banish others, and share the places in the republic, and the magistracies, equally among the remainder, and for the most part the magistracies are disposed in it by lot. In what manner do these live, and what sort of republic is this ? A democracy. The city is full of all freedom of action and speech, and liberty to do in it what any one inclines : every one will regulate his own method of life in whatever way he pleases. In such a republic will arise men of all kinds. This is the finest of all republics, variegated like a robe with all kinds of flowers, and diversified with all sorts of manners. The multitude, it is likely, judge this republic the best, like children and women gazing at

at variegated things. In truth it contains all kinds of republics, and it appears necessary for any one, who wants to constitute a city, as we do at present, to come to a democratic city, as to a general fair of republics, and choose the form that he fancies: he will not be in want of models. Is not this a sweet and divine manner of life for the present? To be under no necessity to govern, although you were able to govern; nor to be subject, unless you incline; nor to be engaged in war when others are; nor to live in peace when others do so, unless you be desirous of peace; and though there be a law restraining you from governing or administering justice, to govern nevertheless, and administer justice, if you incline?—Have you not observed, in such a republic, men condemned to death or banishment continuing still, or returning like heroes, and walking up and down openly, as if no one observed them? Is not this indulgence of the city very generous, in magnificently despising all care of education and discipline, and in not regarding from what sort of pursuits one comes to act in public affairs, but honouring him, if he only say he is well affected towards the multitude? These things, and such as these, are to be found in a democracy; and it would be a pleasant sort of republic, anarchical and variegated, distributing a certain equality to all alike, without distinction.

Let us consider now the character of a democratical man, and how he arises out of that parsimonious one, who, under the oligarchy, was trained up by his father in his manners. Such a one by force governs his own pleasures, which are expensive, and tend not to making money, and are called unnecessary. Eating, so far as conduces to preserve life, health, and a good habit of body, is a plea-

pleasure of the necessary kind: but the desire of these things, beyond these purposes, is capable of being curbed in youth; and, being hurtful to the body and to the soul, with reference to her attaining wisdom and temperance, may be called unnecessary: in the same manner we shall say of venereal desires, and others. We just now denominated a drone the man who was full of such desires and pleasures; but the oligarchic man, him who was under the necessary ones. The democratic appears to arise from the oligarchic man in this manner: When a young man, bred up without proper instruction, and in a parsimonious manner, comes to taste the honey of the drones, and associates with those vehement and terrible creatures, who are able to procure pleasures every way diversified, from every quarter; thence imagine there is the beginning of a change in him, from the oligarchic to the democratic. And as the city was changed by the assistance of an alliance from without, with one party of it, with which it is of kin, shall not the youth be changed in the same manner, by the assistance of one species of desires from without, to another within him, which resembles it, and is akin to it? By all means. If any assistance be given to the oligarchic party within him, by his father, or the others of his family, admonishing and upbraiding him, then truly arises sedition and opposition, and a fight within him, with himself. Sometimes the democratic party yields to the oligarchic; some of the desires are destroyed, others retire, on the rise of a certain modesty in the soul of the youth, and he is again rendered somewhat decent. Again, when some desires retire, there are others akin to them, which grow up, and, through inattention to the father's instructions, become both many and powerful,

draw

draw towards intimacies among themselves, and generate a multitude, seize the citadel of the soul of the youth, finding it evacuated of noble learning and pursuits, and of true reasoning, which are the best watchmen and guardians in the understandings of men beloved of the gods ; and then false and boasting reasonings and opinions, rushing up in their stead, possess the same place in such a one. These false and boasting reasonings, denominating modesty to be stupidity ; temperance, unmanliness ; moderation, rusticity ; decent expence, illiberality ; thrust them all out disgracefully, and expel them their territories, and lead in in triumph insolence and anarchy, and luxury and impudence, with encomiums and applauses, shining with a great retinue, and crowned with crowns. Insolence they denominate education ; anarchy, liberty ; luxury, magnificence ; and impudence, manhood. In this manner a youth, bred up with the necessary desires, changes into the licentiousness and remissness of the unnecessary and unprofitable pleasures ; his life is not regulated by any order, but deeming it pleasant, free, and happy, he puts all laws whatever on a level ; like the city, he is fine and variegated, and many men and women too would desire to imitate his life, as he hath in him a great many patterns of republics and of manners.

It remains, that we go over the most excellent republic, which is tyranny, and the most excellent man, who is the tyrant. The change is from democracy to tyranny, as from oligarchy to democracy. An insatiable desire of riches, and a neglect of other things, through attention to making money, destroys oligarchy ; and an insatiable thirst of liberty destroys democracy. When a city is under a democracy, and is thirsting after liberty,

berty, and happens to have bad cup-bearers, and grows drunk with an unmixed draught of it, beyond what is necessary, it punishes even the governors, if they will not be entirely tame, and afford a deal of liberty, accusing them as corrupted, and leaning towards oligarchy. Such as are obedient to magistrates are abused, as willing slaves, and good for nothing. Magistrates who resemble subjects, and subjects who resemble magistrates, are commended and honoured, both in public and private ; in such a city they of necessity soon go to the highest pitch of liberty, and this inbred anarchy descends into private families. The father resembles the child, and is afraid of his sons. The sons accustom themselves to resemble the father, and neither revere nor stand in awe of their parents. Strangers are equalled with citizens. The teacher fears and flatters the scholars, and the scholars despise their teachers and tutors. The youth resemble the more advanced in years, and rival them in words and deeds. The old men, sitting down with the young, are full of merriment and pleasantry, mimicking the youth, that they may not appear to be morose and despotic. The slaves are no less free than those who purchase them ; and wives have a perfect equality and liberty with their husbands, and husbands with their wives.—The sum of all these things, collected together, make the souls of the citizens so delicate, that if any one bring near to them any thing of slavery, they are filled with indignation, and cannot endure it ; and at length *they regard not the laws*, written or unwritten, that no one whatever, by any manner of means, may become their master. This is that government so beautiful and youthful, whence tyranny springs. But any thing in excess, in animal or vegetable bodies,

in seasons or in republics, is wont to occasion a mighty change to the reverse ; and excessive liberty seems to change into nothing but excessive slavery, both with a private person and a city. Thus licentiousness destroys the democracy. Out of no other republic is tyranny constituted but out of democracy ; and out of the most excessive liberty, the greatest and most savage slavery. The race of idle and profuse men, one part of which was more brave, and were leaders, the other more cowardly, and followers, we compared to drones, some with stings, others with none. These two springing up in a republic, raise disturbance, as phlegm and bile in a natural body. Let us divide a democratic city into three, as it really is ; for one such species as the above grows through licentiousness in it, no less than in the oligarchic, but is much more fierce : in oligarchy, because it is not in places of honour, but is debarred from the magistracies, it is unexercised, and does not become strong ; but in a democracy this is the presiding party, excepting a few ; and now it says and does the most outrageous things. Some other party is now always separated from the multitude ; and while the whole are somehow in pursuit of gain, such as are the most temperate become the wealthiest, and have the greatest quantity of honey ; hence the greatest quantity of honey, and what comes with the greatest ease, is pressed out of these by the drones. Such wealthy people are the pasture of the drones. The people who mind their own affairs, and meddle not with any others, who have not much property, but yet are the most numerous, and the most prevalent in democracy, whenever it is fully assembled, would be a third species : but it will not often fully assemble, if it does not get some share of the honey

honey. It does, however, always get a share, for their leaders rob those who have substance, and give it to the people, that they may have the most themselves. These, then, who are thus despoiled, are obliged to defend themselves, saying and doing all they can among the people. Others, then, give them occasion to form designs against the people, and so they become oligarchic, even although they should have no inclination to introduce a change of government: thence they go to accusations, law-suits, and contests, one with another, the leaders flandering, and the drones stinging.

The people are wont always to set some one in a conspicuous manner over themselves, to cherish him, and greatly to increase his power. Whenever a tyrant rises, it is from this root, and from nothing else, that he blossoms. What then is the beginning of a change, from a president into a tyrant?—The wolf in the temple of Arcadia, dedicated to Lycaean Jupiter, had this inscription, “That whoever tasted human entrails, mixed with other sacrifices, necessarily became a wolf.” In the same manner, he who, being president of the people, and receiving an extremely submissive multitude, abstaineth not from kindred blood, but unjustly accusing them, and bringing them into courts of justice, stains himself with blood-shed, and banishes and slays, and proposes the abolition of debts, and division of lands;—must not such a one either be destroyed by his enemies, or exercise tyranny, and, from being a man, become a wolf? He now becomes seditious towards those who have substance, and when he fails, he goes against his enemies with open force, and becomes an accomplished tyrant; and if they be unable to expel him, or put him to death by an accusation before the city, they conspire to cut him off privately

vately by a violent death. On this account, all those who mount up to tyranny invent the celebrated tyrannical demand of the people, certain guards for their persons, that the assistance of the people may be secured to them. The people, afraid of his safety, but secure as to their own, grant them. Then those who have substance, and the crime of hating the people, fly ; and if any one of them is caught, he is put to death. This president of a city, thus not behaving like a truly great man, tumbles down many others, and sits in his chair a consummate tyrant, instead of a president of the city. Consider now the happiness of the man and the city in which such a mortal arises : in the first days, he smiles, and salutes every one he meets, says he is no tyrant, promises many things, both in private and in public, frees from debts, distributes lands, both to the people in general and those about him, affects to be mild, and of the patriot spirit, towards all. But when he has reconciled to himself some of his foreign enemies, and tranquillity is restored, he raises wars, that the people may want a leader, and that, being rendered poor by the payment of taxes, they may be under a necessity of becoming intent on a daily sustenance, and less ready to conspire against him. If he suspects any of them, who are of free spirits, will not allow him to govern, in order to have some pretext for destroying them, he exposes them to the enemy. On these accounts, a tyrant is always under a necessity of raising war. While he is doing these things, he must become more hateful to his citizens : some of those who have been promoted along with him, and are in power, speak out freely, both to him and among themselves, finding fault with the transactions. It behoves the tyrant then to cut off all those who are of a more manly

manly spirit, if he means to govern, till he leave no one, friend or foe, worth any thing ; he must carefully observe who is courageous, magnanimous, wise, rich, and of necessity he must be an enemy to all these, and lay snares, until he cleanse the city of them. Thus he must live with wicked people, and be hated by them too, or not live at all ; the more he is hated, the more guards he will want. But the worthy men being destroyed, the worst must be his guards. What a blessed possession ! But this army of the tyrant, so beautiful, so numerous, and multiform, must be maintained. If there be any sacred things in the city, these they will spend, and the people obliged to pay the lighter taxes. When these fail, he and his drunken companions and associates, male and female, shall be maintained out of the paternal inheritance ; and the people who have made the tyrant shall nourish him. If the people be enraged, and say that they did not make him to be slaves to his slaves, but that they might be set at liberty from the rich in the city, who are now called good and worthy men, and order him and his companions to be gone out of the city, as a father drives out of his house his son, with his tumultuary, drunken companions ; then indeed the people shall know what a beast they are themselves, and what a beast they have generated, hugged, and bred up. While they are the weaker, they attempt to drive out the stronger. The tyrant will strip them of their armour. The people, defending themselves against the smoke of slavery, have fallen into the fire of despotism ; instead of that excessive and unseasonable liberty, embracing the most rigorous and wretched slavery of bondmen.—Thus, to speak modestly, we have sufficiently shewn how tyranny arises out of democracy, and what it is after it is risen.

END OF THE EIGHTH BOOK.

## THE NINTH BOOK.

THE tyrannical man himself remains yet to be considered, in what manner he rises out of the democratic, and what kind of man he is, and whether he is wretched or happy ; of those pleasures and desires which are not necessary, *some are repugnant to law* ; these indeed appear to spring up in every one, but being *chastised by the laws*, and the better desires, along with reason, they either forsake some men altogether, or are less in number, and feeble ; in others they are in greater number, and more powerful. These lawless desires are such as are excited in sleep, when the rational part of the soul which governs it is asleep, and the part which is brutal and savage, being filled with meats and drunkenness, frisks about, and pushing away sleep, wants to go and accomplish its practices ; in such a one it dares to do every thing, as being loosed and disengaged from all modesty and discretion ; for it scruples not the embraces, as it imagines, of gods, men, or beasts ; nor to kill any one ; in one word, is wanting in no folly nor impudence. There is in every one a certain species of desires, which is terrible, savage, and irregular, even in some who seem to us to be entirely moderate.

Recollect now what kind of man we said the democratic one was ; educated from his infancy under a parsimonious father, who valued the avaricious desires alone ; but being afterwards conversant with those who are more refined, running into their manner, and all sort of insolence, from a detestation of his father's parsimony ; however, having a better natural temper than those who corrupt him, and being drawn opposite ways, he settles into a manner in the middle of both, and participating moderately, as he imagines, of each

of them, he leads a life neither illiberal nor licentious, becoming a democratic man from an aristocratic. His son is educated in his manners, but the same things happening to him as to his father, he is drawn into all kinds of licentiousness, which is termed, however, by those who draw him off, the most complete liberty. His father, the domestics, and others, are aiding to those desires which are in the middle: but when the tyrant-makers have no hopes of retaining the youth in their power any other way, they contrive to excite in him a certain love, which presides over the indolent desires, and such as minister readily to their pleasures; and when other desires make a noise about him, full of their odours and perfumes, and crowns and wines, and the pleasures of the most dissolute kind, then truly he is surrounded with madness as a life guard, and that president of the soul rages with phrenzy, till he kills all modesty, is cleansed of temperance, and filled with additional madness. This is the formation of a tyrannical man. After this there are feastings among them, and revellings, banqueting, and mistresses, and all such things as may be expected where the tyrants love, drunkenness, and madness, govern all in the soul. After this there is borrowing and pillaging of substance, and searching for every thing which they are able, by rage and phrenzy, deceit and violence, to carry off; pilfering and beguiling parents. When the substance of father and mother fails, he will break into houses, rob in the streets, rifle temples. Those desires which heretofore were only loose from their slavery in sleep, when he was yet *under the laws* and his father, when under democratic government, now, when he is tyrannized over by his passions, shall be equally as loose when he is awake, and

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from no horrid slaughter or deed shall he abstain ; but the tyrant within him, *living without any restraint of law and government*, shall lead him on to every mad attempt. Such as these establish as tyrant, the man who among them hath himself most of the tyrant, and in greatest strength within his own soul. If the city relents, he shall bring in other young people, and chastise his formerly *beloved mother and father country*, as the Cretans say. But liberty and true friendship the tyrannic disposition never tasted. Let us finish then our worst man. He will be awake such as we described him asleep, and he who appears the most wicked, shall really be the most wretched ; as many men as many minds ; as city is to city, as to virtue and happiness, so will man be to man ; kingly government is the best, and tyranny is the worst. No city is more wretched than that which is under tyranny, nor any more happy than that under regal power. Both the city and the tyrant shall be slavish, poor, timorous ; and you will find more lamentations and groans, weepings and torments, than in any other city. *We should not merely conjecture about matters of such importance, but most thoroughly enquire into them, by reasoning of this kind, for the enquiry is concerning the most important matter, a good life and a bad.*

Such private men as are rich, and possess many slaves, have this resemblance at least of tyrants, that they rule over many : if they live securely, and are not afraid of their domestics, it is because the whole city gives assistance to each particular man : but if a god should lift a man, his wife and children, with fifty slaves, out of the city, and let them down in a desert, in what kind of fear would he be about himself, his wife and children, lest they should be destroyed by the domestics !

Such

Such, and much worse, is the tyrant in his tyrannical city ;—envious, faithless, cowardly, unjust, unfriendly, unholy, and a sink and breeder of all wickedness.

Now tell me which is the first and which the last, as to happiness, the regal, the ambitious, the oligarchic, the democratic, and the tyrannic man and city. The best and justest is the happiest.

Thus, Sir, you have some of Plato's sentiments of morals and politics ; how much they are to Mr. Turgot's purpose, we may shew in another letter : mean time I am, &c.

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## LETTER XXXIV.

My dear Sir,

I Promised you to add to the researches of Polybius and Plato, concerning the mutability of governments, those of Sir Thomas Smith, who, as he tells us, on the 28th of March, 1565, in the 7th of Eliz. and 51st year of his age, was ambassador from that queen to the court of France, and then published “The Commonwealth of England,” not as Plato made his Republic, Xenophon his Kingdom of Persia, or Sir Thomas Moore his Utopia, feigned commonwealths, such as never were nor shall be, vain imaginations, phantasies of philosophers, but as England stood, and was governed at that day.

In his 7th chapter, and the two following, he gives us his opinion of the origin of a kingdom, an

an aristocracy, and democracy. The third he supposes to grow naturally out of the second, and the second out of the first, which originated in patriarchal authority. But as there is nothing remarkable, either in favour of our system or against it, I should not have quoted the book in this place, but for the sake of its title. The constitution of England is in truth a republic, and has been ever so considered by foreigners, and by the most learned and enlightened Englishmen, although the word commonwealth has become unpopular and odious, since the unsuccessful and injudicious attempts to abolish monarchy and aristocracy, between the years 1640 and 1660.

Let us proceed then to make a few observations upon the discourses of Plato and Polybius, and shew how forcibly they prove the necessity of permanent laws, to restrain the passions and vices of men, and to secure to the citizens the blessings of society, in the peaceable enjoyment of their lives, liberties, and properties; and the necessity of different orders of men with various and opposite powers, prerogatives, and privileges, to watch over one another, to balance each other, and to compel each other at all times to be real guardians of the laws.

Every citizen must look up to the laws, as his master, his guardian, and his friend; and whenever any of his fellow citizens, whether magistrates or subjects, attempt to deprive him of his right, he must appeal to the laws; if the aristocracy encroach, he must appeal to the democracy; if they are divided, he must appeal to the monarchical power to decide between them, by joining with that which adheres to the laws; if the democracy is on the scramble for power, he must appeal to the aristocracy and the monarchy, which, by uniting,

ing, may restrain it. If the regal authority presumes too far, he must appeal to the other two. Without three divisions of power, stationed to watch each other, and compare each other's conduct with the laws, it will be impossible that the laws should at all times preserve their authority, and govern all men.

Plato has sufficiently asserted the honour of the laws, and the necessity of proper guardians of them ; but has no where delineated the various orders of guardians, and the necessity of a balance between them : he has, nevertheless, given us premises, from whence the absolute necessity of such orders and equipoises may be inferred ; he has shewn how naturally every simple species of government degenerates. The aristocracy, or ambitious republic, becomes immediately an oligarchy—What shall be done to prevent it ? Place two guardians of the laws to watch the aristocracy : one, in the shape of a king, on one side of it ; another, in the shape of a democratical assembly, on the other side. The aristocracy, become an oligarchy, changes into a democracy—How shall it be prevented ? By giving the natural aristocracy in society its rational and just weight, and by giving it a regal power to appeal to, against the madness of the people. Democracy becomes a tyranny—How shall this be prevented ? By giving it an able independent ally in an aristocratical assembly, with whom it may unite against the unjust and illegal designs of any one man.

## LETTER XXXV.

ANCIENT DEMOCRATICAL  
REPUBLICS.

## CARTHAGE.

My dear Sir,

**I**N order to shew the theory of Socrates, as reported by Plato, in a clearer light; and to be convinced, that he has not exaggerated in his description of the mutability in the characters of men, and the forms of government; we should look into the history of those ancient republics, from whence he drew his observations and reasonings. Although it is probable that Greece was his principal theatre, yet we may reasonably suppose that Carthage, and a multitude of other republics in Italy, besides that of Rome, were not unknown to him.

The history of Greece should be to our countrymen, what is called in many families on the continent a boudoir; an octagonal apartment in a house, with a full-length mirror on every side, and another in the cieling. The use of it is, when any of the young ladies, or young gentlemen, if you will, are at any time a little out of humour, they may retire to a place, where, in whatever direction they turn their eyes, they see their own faces and figures multiplied without end. By thus beholding their own beautiful persons,

sions, and seeing at the same time the deformity brought upon them by their anger, they may recover their tempers and their charms together. A few short sketches of the ancient republics will serve to shew, not only that the *orders* we defend were common to all of them; that the prosperity and duration of each was in proportion to the care taken to *balance* them; and that they all were indebted, for their frequent seditions, the rise and progress of corruption, and their decline and fall, to the imperfection of their orders, and their defects in the balance.

As there are extant no writings of any Carthaginian philosopher, statesman, or historian, we have no exact information concerning the form of their commonwealth, but what appears in a few hints of Greek and Roman authors. Their commerce and riches, their empire of the sea, and extensive dominion of two thousand miles on the sea-coast, their obstinate military contests with Rome, and the long duration of their government, prove both that their population and power were very great, and their constitution good; especially as, for the space of five hundred years, their tranquillity was never interrupted by sedition, nor their liberties attempted by the ambition of any of their citizens.

The national character was military, as well as commercial; and, although they were avaricious, they were not effeminate.

The monarchical power was in two suffetes, the aristocratical in the senate, and the democratical was held by the people in a body. These are said to have been nicely balanced, but we know not in what manner. The chief magistrates were annually elected by the people. The sena-

tors were elected too, and, although it is not certain, it is most probable, by the people; but it appears, that three qualifications were indispensable in every senator—birth, merit, and wealth: this last requisite rendered commerce honourable, even in the first of the patricians and senators themselves, and animated the commercial genius of the nation. This government thus far resembles those of the United States of America more than any other of the ancient republics, perhaps more than any of the modern: but when we enquire for the balance, it is not to be found. The suffetes had not more authority than Roman consuls; they had but a part of the executive power, and none of the legislative: much of the executive, and all the legislative, was in the senate and people.—The balance then could only be between these two. Now it is impossible to balance two assemblies, without introducing a third power; one or other will be most powerful, and whichever it is, it will continually scramble till it gets the whole: in fact, the people here had the whole, as much as in any of our states; so that while the citizens were uncorrupted, and gave their votes honestly for suffetes and senators, all went well: and it is extremely remarkable, that with all their acknowledged eagerness for money, this people were so many centuries untainted with luxury and venality; and preserved their primitive frugality of manners, and integrity in elections. As to the Roman accusations of insincerity, there is no more reason to believe them, than there would be to believe a Carthaginian who should retort the reproach. This, as well as other instances, may lead us to doubt the universality of the doctrine, that commerce corrupts manners.

manners. There was another remarkable institution, that the senate should always be unanimous; and if any one senator insisted upon his own opinion, against all the rest, there could be no decision, but by an appeal to the people.— This again gave a strong democratical cast to the constitution. Such a tendency could only be balanced by the laws, which, requiring a large fortune for every senator and public officer, in order to support his dignity, and secure him against the temptations to corruption, confined the choice to the first families and abilities united.— This was liable to great objection; because great abilities might often be possessed by men of obscurer original, and smaller property, who were thereby excluded. To this law, nevertheless, may be ascribed the duration of the republic.

Another remarkable check, which was perhaps the original model from whence the Venetian inquisition was copied, was a committee of one hundred and four members of the senate, appointed to watch the ambition of the great families. To this body all their admirals and generals were required to render an account of their conduct at the end of every year.

Out of this body were elected a sub-committee of five, who had very great power: their office was for life; and they filled up their own vacancies out of the one hundred and four, and all the vacancies, even in the one hundred and four, out of the senate; they had the supreme tribunal of criminal jurisdiction. This power must have been terrible to all; to the people, senate, and suffetes; yet it was the check which preserved the state from sedition and convulsions.

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It grew unpopular; and the law which at last made it annual and elective, probably laid the foundation of the ruin of the commonwealth, by changing the balance, and introducing the *dominatio plebis*. The balances in this, the most democratical republic of antiquity, contrived by the people themselves to temper their own power, are extremely remarkable: the suffetes represented, like the consuls at Rome, the majesty of the commonwealth, and had a share of executive authority; the council of five had criminal jurisdiction, and inquisitorial power; the one hundred and four were a body chosen out of the senate, by the five, for their support; then comes the senate at large; and, last of all, the people at large. Here are five orders completely distinct, besides the necessary legal qualification of great wealth: yet all these checks, although they preserved the state five hundred years, could not prolong its period above seven hundred; because, after all, the balance was not natural, nor effectual. The executive power was not separated from the legislative; nor the different parts of the legislature properly divided or balanced: the executive power and judicial were both chiefly in legislative hands.

The noble families, thus secured in possession both of legislative and executive power, could not be restrained by all the ligaments which had been contrived to preserve the equipoise between them and the people: they divided into two factions, with the family of Hanno at the head of one, and that of Barcas of the other; first attacked the council of five, whose power was unpopular, as well as odious to the nobles; easily procured a law to make that annually elective;

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or, in other words, an instrument always in the hands of the prevailing faction, as such a small body, so changeable, must ever be; and over-turned the constitution. The Romans had all the advantage of these dissensions in the war, by which they finally destroyed their rival power so effectually, that scarce a trace of it remains to be seen, even in ruins. Their virtues were not extinguished to the last, and some of the greatest examples of patriotism and heroism were exhibited even in their expiring agonies.

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## LETTER XXXVI.

## ANCIENT ARISTOCRATICAL REPUBLICS.

ROME.

My dear Sir,

DIONYSIUS Halicarnassensis has not only given us his own judgment, that the most perfect form of government is that which consists of an equal mixture of monarchy, aristocracy, and democracy, in the speech which he puts into the mouth of Valerius, but has repeated the same sentiment, in his own name, in other parts of his work. In the seventh section of his second book of the Roman Antiquities, he says

of Romulus, that he was extremely capable of instituting the most perfect form of government. And again, “ I shall first speak of the form of government he instituted, which I look upon, of all others, to be the most self-sufficient to answer all the ends both of peace and war.” This is a mixture of monarchy, aristocracy, and democracy, extolled by Polybius ; and is nearly the same with that of Lycurgus, instituted at Sparta about one hundred years before. As the constitutions of Rome and Sparta lasted so many centuries longer than others of Greece and Italy, and produced effects so amazing upon the human character, we may rationally ascribe that duration, and those effects, to this composition, although the balance was very imperfect in both. The legal power, both of the kings and people, in both, were unequal to that of the senate, and therefore the predominant character in both was aristocracy. In Sparta, the influence of the monarchy and democracy was derived chiefly from the oath taken by the kings and ephori to support each other.—An authority founded thus in opinion, in religion, or rather superstition, not in legal power, would keep the senate in some awe, but not in any certain restraint.

Romulus divided all the people into three parts, and appointed a person of the first rank to be the chief of each of them. Then he subdivided each of these into ten others, and appointed as many of the bravest men to be the leaders of these. The greater divisions he called tribes, and the lesser curiae : the commanders of the tribes were called tribuni, and those of the curiae, curiones. He then divided the land into thirty

thirty portions, and gave one of them to each curia. He distinguished those who were eminent for their birth, virtues, and riches: and to these he gave the name of fathers. The obscure, the mean, and the poor, he called plebeians, in imitation of the government at Athens, where, at that time, those who were distinguished by their birth and fortune were called “well-born,” to whom the administration of government was committed; and the rest of the people, who had no share in it, “husbandmen.” Romulus appointed the patricians to be priests, magistrates, and judges. The institution, by which every plebeian was allowed to choose any patrician for his patron, introduced an intercourse of good offices between these orders, made the patricians emulate each other in acts of civility and humanity to their clients, and contributed to preserve the peace and harmony of Rome in so remarkable a manner, that in all the contests which happened for six hundred and twenty years, they never proceeded to bloodshed.

The king, according to the institution of Romulus, had several important functions, viz. 1. Supremacy in religion, ceremonies, sacrifices, and worship. 2. The guardianship of the laws, and administration of justice, in all cases, whether founded on the law of nature, or the civil law: he was to take cognizance of the greatest crimes in person, leaving the lesser to the senate; and to observe, that no errors were committed in their judgments: he was to assemble both the senate and the people; to deliver his opinion first, and pursue the resolutions of the majority.—Romulus, however, wisely avoided that remarkable Spartan absurdity, of two kings.

The senate were to deliberate, and determine, by a majority of votes, all questions which the king should propose to them. This institution also Romulus took from the constitution of the Lacedæmonians. The kings, in both constitutions, were so far from being absolute, that they had not the whole executive power, nor any negative upon the legislature; in short, the whole power of the government was vested in the senate.

The people had three privileges; to choose magistrates (yet all the great employments must be confined to the patricians); to enact laws; and to determine concerning war, when proposed by the king: but the concurrence of the senate being necessary to give a sanction to their decisions, their power was not without controul.

To separate the executive from the legislative power, and the judicial from both, and to give the king, the senate, and people, each a negative in the legislature, is so simple, and to us appears so obvious an improvement of this plan, that it is surprizing it did not occur to Romulus, as well as to Lycurgus: but in those early times, perhaps neither kings, nor nobles, nor people, were willing to have their prerogatives and privileges so exactly ascertained. The nobles, in both nations, had almost all the influence, and were no doubt as jealous of royal as they were of popular power. It is certain that, although the government was called monarchical, it was in reality aristocratical in an high degree. There is a remarkable example of aristocratical art, in the manner of obtaining the determination of the people: they were not permitted to vote in one common assembly; they were called in their curiæ;

riæ ; the majority of votes in a curiæ decided its voice ; and a majority of curiæ was the resolve of the whole people.

Had Romulus died in peace, and left a son, his monarchy would probably have descended in his family : but a contest arose immediately here (as it has done in all other nations where the people had not a negative, and where the executive power has been partly in the hands of a king, and partly in a senate) between the king and the nobles ; and Romulus was put to death by the patricians, for aiming, as they pretended, at more power than his share. This enabled the patricians to carry their first point ; for it is always the first point of the aristocracy to make the first magistrate elective : in this they are always at first joined by the people ; but, after seeing the use which the nobles make of these elections a few times, the people themselves have always made it hereditary.

Numa was chosen, a man of peace, piety, and humanity, who had address enough to make the nobles and people believe that he was married to the goddess Egeria, and received from his celestial consort all his laws and measures.

Tullius Hostilius, a man of great merit, was chosen in his stead ; but after a glorious, at least a victorious, reign of thirty-two years, was murdered by the patricians, headed by Ancus Marcius, grandson of Numa by his only daughter, who thought his family-right prior to that of Tullius.

Ancus was elected king, and died a natural death.

Lucius Tarquinius, after a reign of thirty-eight years, in which he had enlarged the territory, beautified the city, and shewn himself worthy of  
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the crown, was assassinated in his palace by the two sons of Ancus Marcius, who had learned the family policy : but their project was unfortunate ; the people loved Lucius, executed the instruments of the murder, banished the two sons of Ancus, and confiscated their estates.

Servius Tullius, who had married the daughter of Lucius, was now elevated to the throne by the people, much against the will of the senate and patricians, because Lucius was not one of them, but of Greek extraction. Tullius was chiefly supported by the people, always disagreeable to the patricians, who held his advancement to the throne to be illegal. The administration of Tullius is an artful system of duplicity, to preserve his character of the man of the people, and, at the same time, appease the fury of the patricians, by really undermining the authority of the people, and throwing the whole power into their hands. In pursuance of his principle to please both sides, he made excellent equitable regulations for registering the people, establishing a militia, and proportioning the burdens of war according to the property and abilities of all ranks ; but he sub-divided the six classes into one hundred and ninety-three centuries : the first class was composed wholly of the rich, and contained ninety eight of the centuries : If the centuries of the first class were unanimous, as they generally were, they carried every point by a majority of three ; if they disagreed, the centuries of the second class were called ; if they disagreed, the third came forward ; and so on, till ninety-seven centuries agreed : if the numbers continued equal, ninety-six to ninety-six, the sixth class was called, which was composed wholly of the poorest people, and contained

contained but one century ; but even the votes of the fourth class were rarely called for, and the votes of the fifth and sixth were generally useless. When the people voted by curiæ, the vote of every citizen was given, and, as the poor were most numerous, they were always sure of a large majority ; but when thus taken by centuries, that numerous body of the poor, which composed the sixth century, were wholly insignificant, and those of the fifth and fourth very nearly so. By changing the votes from curiæ to centuries, Tullius wholly changed the fundamental constitution, and threw the elections of magistrates civil and military, the power of enacting and repealing laws, declaring war, and making peace, all into the power of the rich patricians. The people had not sense enough to see this ; nor to see another thing of more importance, viz. that the king had been driven to the necessity of this artful flattery of the patricians, by his not being independent of them, and by their sharing with him in the executive power. Tullius had two daughters married to the grandsons of his predecessor, Aruns and Tarquinius. The patricians were still cabaling against Tullius, and set up Tarquin, one of his sons-in-law, against him ; but as a majority were not for his deposition, Tarquin and his impious and incestuous wife joined the cabal in the murder of her first husband and her father. Tarquin, in time, murdered on all hands, patricians and plebeians.—He was expelled by Brutus.

This whole history, from Romulus to Tarquin, is one continued struggle of the noble families for the first place ; and another unanswerable proof of the necessity of having three orders, and each order independent, in order to form an effectual equilibrium. The people were very little regarded

regarded by the senate or patricians ; the kings only now and then courted the people for support against their rivals among the patrician families. The tyranny of Tarquin made the *name of king* odious and unpopular ; the patricians, who were the principal conductors of the revolution, took advantage of this ;—for what ? To restore and improve Romulus's plan of a mixed government ? No ; but to establish their favorite aristocracy upon the ruins of monarchy. Two consuls, in imitation of the two Spartan kings, were to be elected annually, by the votes of the people, which carried the name of a democratical power ; but the votes were taken by centuries, not by tribes, which made the patricians masters of the elections, and constituted an aristocracy in reality. From this moment a haughty faction of selfish patricians appears, who affected to despise the people, to reduce them to servitude, and establish a despotic oligarchy. The people had suffered their prejudices to blind them so far as to be tricked out of their king, who was at least a better friend to them than the patricians were, and now the contests were wholly between patricians and plebeians : the former had now got the consuls, and consequently the executive power, as much in their hands, as ever the nobles in Venice had their doge, or as the nobles in Poland have their king.

The plebeians were now in a most wretched situation. They were obliged to serve in the wars, to keep out the Tarquins and their allies, at their own expence, which frequently obliged them to borrow money at exorbitant interest of the patricians, who had engrossed the greater part of the wealth ; and, as the country was often ravaged by the enemy, many lost all their effects. Unable

able to pay the principal, with accumulated loads of interest upon interest, they were frequently confined by their creditors in chains, and scourged with whips ; for the law, to which they had foolishly consented, had made the debtor a slave to the creditor. The people began to demand an abolition of debts ; the senate appointed a dictator. A confusion of foreign wars and domestic dissensions ensues, till we come to the story so beautifully told by Livy and Dionysius, of the man who had been in twenty-eight battles, who appeared before the people, and shewed on his back the bleeding scars inflicted by a merciless creditor. At this time the patricians had plunged into their usual difficulty, a violent contest among themselves, between a furious headlong party, which always appears for an oligarchy, and the moderate men, who desire to continue the aristocracy ; the young patricians generally follow the haughty Claudius, and the mild Valerius courts the people. The oligarchy prevails, and the decemvirate is established : their tyranny drives the people to the sacred mountain ; and, at last, the tribunate was established.—Here is the first symptom of any system pursued by the people : this was a balance—but what kind of balance ? Nobody thought of another council, a house of representatives, who should have a negative ; and, if they had, it would not have availed without a king ; for such a new assembly would soon have been either wholly subjected to the senate, or would have voted it useless. In truth, the monarchical power being suppressed, and the executive authority, as well as legislative, being now only in the senate and people, a struggle commenced between these two.

The people were on the scramble for more power ; and first obtained a law, that all laws passed in their assemblies by tribes, should have equal force with those made in the assembly by centuries ; then, that all posts and dignities should be enjoyed by the plebeians equally with the patricians ; and that the decrees of the people should have the same force, and affect the patricians in the same manner, as those passed by the senate. All this was very just, and only brought the democracy to an equality with the aristocracy ; but whenever these two are equal in legal power, numbers will soon turn the balance in favour of the democracy, unless there is a third power to intervene. Accordingly it so happened, and the people went on from step to step, increasing their own importance, and diminishing that of the senate, until it was found shut up in Utica ; but, before this, the people were divided into parties, and Cæsar, at the head of one, passed the Rubicon, that is, set the most sacred law of his country at open defiance. From this time the government became a government of men, and the worst of men.

From this example, as from all others, it appears, that there can be no government of laws without a balance, and that there can be no balance without three orders ; and that even three orders can never balance each other, unless each in its department is independent and absolute. For want of this, the struggle was first between the king and senate ; in which case the king must always give way, unless supported by the people. Before the creation of tribunes, the people were in no sense independent, and therefore could not support the kings. After the abolition of kings, the senate had no balance either way,

way, and accordingly became at once a tyrannical oligarchy. When the people demanded their right, and obtained a check, they were not satisfied ; and grasped at more and more power, until they obtained all, there being no monarchial power to aid the senate. But the moment the power became collected into this one center, it was found in reality split into three ; and as Cæsar had the largest of the three shares, he instantly usurped the whole.

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## LETTER XXXVII.

ANCIENT MONARCHICAL  
REPUBLICS.

TACITUS.

Dear Sir,

BEFORE we proceed to the Greeks, we may even mention the savages. Every nation in North-America has a king, a senate, and a people. The royal office is elective, but it is for life ; his sachems are his ordinary council, where all the national affairs are deliberated and resolved in the first instance : but in the greatest of all, which is declaring war, the king and sachems call a national assembly round a great council fire, communicate to the people their resolution, and sacrifice an animal. Those of the people who approve the war, partake of the sacrifice ; throw the hatchet into a tree, after the example of the king ;

king ; and join in the subsequent war songs and dances. Those who disapprove, take no part of the sacrifice, but retire.

## ANCIENT GERMANS.

THE ancient German nations mentioned by Tacitus, had among them at least two sorts of governments. One was monarchy ; and the king was absolute, as appears by these words : “ Exceptis iis gentibus quæ regnantur ; ibi enim et super ingenuos, et super nobiles, ascendunt liberti : apud certos, impares libertini, libertatis argumentum\*. The other species of government was aristocracy ; for though there was a mixture of monarchy, aristocracy, and democracy, yet the power of the king and people was so feeble, and that of the nobles, as comprehended under the titles of princes, dukes, and counts, was so predominant, that the government

\* There cannot be a stronger proof than this, that the monarchy was of the most absolute kind, that it was indeed a simple despotism ; and Tacitus himself gives the explanation of it, in his account of the origin of this kind of slavery. “ Aleam sobrii inter seria exercent, tanta lucrandi perdendive temeritate, ut, cum omnia defecerunt, extremo ac novissimo jaectu, de libertate et de corpore contendant. Victus voluntariam servitutem adit; quamquam junior, quamquam robustior, alligari se ac venire patitur : ea est in re prava pervicacia ; ipsi fidem vocant. Servos conditionis hujus per commercia tradunt, ut se quoque pudore victoriae exsolvant. Liberti non multum supra servos sunt, raro aliquod momentum in domo, nunquam in civitate, exceptis duntaxat iis gentibus quæ regnantur,” &c. If in these nations those freedmen, who were nothing in the others, neither in the family or the state, were held in more estimation, and advanced to more power, than the citizens, even than the nobles, these kings must have been despots, in the strictest sense of the word ; otherwise neither nobles nor people would have suffered the indignity.

ment must be denominated aristocratical. “ De  
 “ minoribus rebus principes consultant, de majo-  
 “ ribus omnes ; ita tamen, ut ea quoque, quorum  
 “ penes plebem arbitrium est, apud principes pro-  
 “ tractentur.” If those things which were most  
 clearly in the power of the people were first dis-  
 cussed among the nobles, the reference to the per-  
 ple afterwards seems to have been rather a commu-  
 nication to them of the result of the senate, than a  
 submission of it to the popular judgment.

The nature and extent of the royal dignity and authority appears from these words : “ Reges ex  
 “ nobilitate sumunt ; nec regibus infinita aut libe-  
 “ ra potestas.” Kings were taken from the nobility, or kings were chosen for their noble descent ; so that ordinarily the office descended to the next of kin : but it is here expressly ascertained, that their power was neither unlimited nor independent. They had no negative, and might in all things be over-ruled, at least by the nobles and people conjointly.

The nature and extent of the aristocratical dignities and authorities may be collected from what follows : “ Duces ex virtute sumunt ; et duces exem-  
 “ plo potius quam imperio, si prompti, si conspicui :  
 “ si ante aciem agant, admiratione præsunt.” The feudal hierarchy, even in these early times, was fully established, although it was afterwards enlarged. The titles of dukes and counts, the rank and power they conferred, descended in families, altho' there was the bare formality of an election in the grand council. “ Arma sumere, non ante cuiquam moris,  
 “ quam civitas suffectorum probaverit : tum, in ip-  
 “ so confilio, vel principum aliquis, vel pater, vel  
 “ propinquus, scuto frameaque juvenem ornant.  
 “ Insignis nobilitas, aut magna patrum merita,  
 “ principis dignationem etiam adolescentulis af-

“ signant.”—“ When the young men were first admitted into public society, it was in the great council: when some one of the dukes, or the father, or other relation, adorned the youth with arms. And if he is of very noble birth, or his father has great merit, the dignity of a duke is assigned to him, young as he is.”—

From this it is pretty clear that the crown, as well as the titles of dukes and counts, descended in the family line; although the formality of an admission into council was kept up. The nobles, among whom the king was little more than the first among equals—at least he was not more superior to the dukes, than the dukes were to the counts—had the game in their own hands, and managed a rude people as they pleased. This will appear probable from other passages:

“ Cæteris robustioribus, ac jam pridem probatis, aggregantur; nec rubor inter comites aspici, gradus quinetiam et ipse comitatus habet, judicio ejus quem sectantur. Magnaque et comitum æmulatio, quibus primus apud principem suum locus; et principum, cui plurimi et acerrimi comites. Hæc dignitas, hæ vires, magno semper electorum juvenum globo circumdari, in pace decus, in bello præsidium; nec solum in sua gente cuique, sed apud finitimas quoque civitates, id nomen, ea gloria est, si numero ac virtute comitatus emineat; expetuntur enim legationibus, et muneribus ornantur, et ipsa plerumque fama bella proflicant. Cum ventum in aciem, turpe principi virtute vinci, turpe comitatui virtutem principis non adæquare. Jam vero infame in omnem vitam, ac probrosum, superstitem principi suo ex acie recessisse. Illum defendere, tueri, sua quoque fortia facta gloriæ ejus assignare, præcipuum

“ cipuum sacramentum est. Principes pro victoria pugnant, comites pro principe. Si civitas, in qua orti sunt, longa pace et otio torpeat, plerique nobilium adolescentium petunt ultro eas nationes quæ tum bellum aliquod gerunt; quia et ingrata genti quies, et facilius inter ancipitia clarescunt, magnumque comitatum non nisi vi belloque tueare; exigunt enim principis sui liberalitate illum bellatorem e-  
“ quum, illam cruentam victricemque frameam: nam epulæ, et quanquam incompti, largi, tam apparatus pro stipendio cedunt; materia magnificentiæ per bella et raptus. Nec arare terram, aut expectare annum, tam facile persuaseris quam vocare hostes et vulnera mereri; pigrum quinimo et iners videtur, sudore accquirere quod possis sanguine parare.”

When the foregoing ties, by which the people or the common soldiers were attached to the nobles, and the young and inferior nobles to the superior, are considered, a better judgment may be formed of the authority which the people really had in the grand council or national assembly.

The powers and privileges of the people, in assembly, appears from the following passages: Coeunt, nisi quid fortuitum et subitum incident, certis diebus, cum aut inchoatur luna aut impletur; nam agendis rebus hoc auspicatissimum initium credunt.—Illud ex libertate vietum, quod non simul nec jussi conveniunt, sed et alter et tertius dies cunctatione coeuntium abs sumitur.” By this it should seem that the people were so far from esteeming the privilege of meeting, that the king and nobles could scarcely get them together. They had such an aversion to these

these civil and political deliberations, that the chiefs could hardly collect them to receive their orders.—“ *Ut turbæ placuit, confidunt armati.*

“ *Silentium per sacerdotes, quibus tum et coercendi jus est, imperatur. Mox rex, vel princeps, prout ætas cuique, prout nobilitas, prout decus bellorum, prout facundia, audiuntur, auctoritate suadendi magis quam jubendi potestate. Si displicuit sententia, fremitu aspernantur; sin placuit, frameas concutiunt.*”—

Here is some appearance of popular liberty: but when it is considered that the nobles were probably all the speakers; that the numbers were not counted, nor voices distinctly taken; assent expressed by a clash of arms, and dissent by a murmur or a groan; and especially the dependence of the people on their leaders, and attachment to them by oath; we may consider these assemblies rather as called to receive the proclamation of the laws or minds of the nobles, than as any effectual democratical check. There was one thing, however, of great importance, done in these assemblies; judges, the posse comitatus, and juries, were here appointed to administer justice. “ *Eliguntur in iisdem conciliis et principes, qui jura per pagos vicosque reddunt. Centeni singulis ex plebe comites, concilium simul et auctoritas, adsunt.*”—An hundred commoners attended the judge, and out of these were juries appointed to give their opinion, “ *consilium;*” and others, or perhaps the same, to afford their assistance, “ *auctoritas,*” in putting the sentences and judgment into execution.

From other particulars related by Tacitus, it is very probable there had been communications between Germany and Greece; from the worship of Hercules, Mars, Minerva, &c.; if not from

from the altar of Ulysses, and the name of Laertes, and the other monuments, and inscriptions in Greek letters, of which he speaks more doubtfully.—However this may have been, there is a remarkable analogy between these political institutions of the Germans, and those described by Homer in the times of the Trojan war. It was, in both, the prerogative of the king to lead in war, and to rule in peace; but it is probable he was not fond of deliberating, any more than of fighting without company: and though he may have done both sometimes, yet numbers of his followers were ready to attend him in either. The nation acknowledged him for their leader; but they were accustomed, on great occasions, to assemble; and, without any studied form of democracy, took the sovereignty upon themselves, as often as their passions were strongly enough affected to unite them in a body. The superior classes among themselves came as naturally to hold their meetings apart; and assembled frequently, when the occasion was not sufficient to engage the attention of the whole.—There is one remarkable difference between the Germans and the Greeks. Among the former the priests were a distinct body, and seem to have had more decisive authority than the kings, nobles, or people in the general assemblies—“*Silentium per sacerdotes, quibus tum et coercendi jus est, imperatur:*” whereas, among the latter, the kings were themselves at the head of the priesthood.

In this second kind of German governments, we see the three orders of king, nobles, and commons distinctly marked; but no balance fixed, no delineation of the powers of each; which left room for each to claim the sovereignty, as we know they afterwards did; at least the king and the

the nobles claimed and contended for it for many ages: the people sometimes claimed it, but at last gave it up to the king, as the least evil of the two, in every country except England.

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## LETTER XXXVIII.

H O M E R.

P H A C I A.

Dear Sir,

**I**N the kingdom, or rather aristocracy, of Phæacia, as represented in the *Odysssey*, we have a picture at full length of those forms of government which at that time prevailed in Greece.

There is a king Alcinous; there is a council of twelve other kings, princes, archons, or peers, for they are called by all these names; and there is a multitude: but the last do not appear to have any regular, legal, or customary part in the government. They might be summoned together by the heralds, or called by the sound of trumpet, or a horn, to receive information of the results of their chiefs; to assist at a sacrifice or procession; to see a stranger, or a shew, or to partake of a feast; or they might assemble of themselves in a rage against an oppressor, from enthusiasm for the royal sceptre, or other causes:—and the kings had often much dependence on their attachment to their hereditary right, their descent from the gods, and the sacred authority of the poets, who were generally royalists.—The archons too were often afraid of the superstition of their people for the king, and his regal popularity. But the legal power

power of the people was very far from being a constitutional check ;—and the struggle lay between the kings and nobles. The last finally prevailed, as they ever will against a king who is not supported by an adequate popular power. The authority in Phœacia was collected into one center, and that center was thirteen kings, confederated together under a president only. Each archon was a king in his own island, state or district, in which his dignity and power were hereditary : and in case of a foreign war, he commanded his own division in the general camp.

Ulysses is represented, at his first entrance into the Phœacian dominions, as observing and admiring the palaces of the archons, after having surveyed the gardens, palace, and particular territory of Alcinous :

He next their princes lofty domes admires,  
In separate islands crown'd with rising spires.

*Od. vii. 57.*

Alcinous is afterwards represented as describing the form of government to Ulysses :

Twelve princes in our realm dominion share,  
O'er whom supreme imperial pow'r I bear.

*Od. viii. 425.*

Mr. Pope indeed, in this translation, has given him the air of a sovereign ; but there is nothing like it in the original. There Alcinous, with all possible simplicity and modesty, only says,—  
“ Twelve illustrious kings, or archons, rule over  
“ the people, and I myself am the thirteenth.” Alcinous and his twelve archons were all present at this interview :

Nigh

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Night now approaching, in the palace stand,  
With goblets crown'd, the rulers of the land, &c.  
*Od. viii. 182.*

The nobles gaze, with awful fear opprest ;  
Silent they gaze, and eye the godlike guest, &c.  
*Od. viii. 192.*

Pleas'd with his people's fame, the monarch hears,  
And thus benevolent accosts the peers : &c.  
*Od. viii. 421.*

Th' assenting peers, obedient to the king,  
In haste their heralds send, the gifts to bring.  
*Od. viii. 433.*

The precious gifts th' illustrious heralds bear,  
And to the court th' embodied peers repair.  
*Od. viii. 453.*

Then to the radiant thrones they move in state,  
Aloft the king in pomp imperial fate.  
*Od. viii. 457.*

We must not forget the poet, who with his inspiration from the muses was a principal support of every Grecian king. It was the bard who sung the praises of the king, and propagated the opinion that he was sprung from Jupiter, and instructed, as well as dearly beloved by him.

The bard an herald guides ; the gazing throng  
Pay low obeisance as he moves along.  
*Od. viii. 515.*

Beneath a sculptur'd arch he sits enthron'd,  
The peers, encircling, form an awful round.  
*Lives*

Lives there a man beneath the spacious skies,  
*Who sacred honours to the bard denies?*

The Muse the bard inspires, exalts his mind;  
 The Muse indulgent loves th' harmonious kind.  
 O more than man! thy soul the Muse inspires,  
 Or Phœbus animates with all his fires.

Od. viii. 532.

Every peer, in his own district or state, had another subordinate council, and a people; so that the three powers, of the one, the few, and the many, appeared in every archonship; and every archon, in his own district, claimed his office to be hereditary in his family: and all the archons agreed together to support each other in this claim, even by arms. This, therefore, was rather a confederacy of thirteen little kingdoms, than one great one. The first archon of the confederation was called king of all the people, and claimed his office as hereditary, and often as absolute. The other archons were always disposed to dispute the hereditary descent, and to make it elective. The subordinate councils of the archons, in their several districts, were probably often disposed to deny their offices to be hereditary, and to insist upon elections. Ulysses, who was himself one of the greatest and ablest of the Grecian kings, discovers his perfect knowledge of the hearts of Alcinous, his queen, and nobles, in the compliment he makes them. Addressing himself to the queen, the daughter of great Rhexenor:

To thee, thy consort, and this royal train,  
 To all that share the blessings of thy reign,  
 \*       \*       \*       \*       \*

So may the gods your better days increase,  
 And all your joys descend on all your race;

So reign for ever on your country's breast,  
Your people blessing, by your people blest.

This supplication was addressed to the king and queen, the princes, archons, dukes, counts, barons, peers, call them by what name you please, and it concludes with a compliment very flattering to all. Ulysses knew the ruling passion of Grecian kings and nobles to be, that their dignities, even such as had been conferred by the election of the people, should become hereditary. Mr. Pope has disguised this sentiment, and made it conformable to the notions of Englishmen and Americans; but has departed from the sense of Homer, and from the fact.

" May you transmit to your children your possessions in your houses, and whatever gifts, rewards, or honours the people hath given you."

It is plain the kings claimed an hereditary right; yet the succession was sometimes set aside in favour of some other noble, or branch of the royal blood: and perhaps it was always set aside when any one of the nobles had more power than the heir apparent. The nobles too claimed their honours to be hereditary; and they generally were so: but the people were sometimes bold enough to set up competitors, and give them trouble. But perhaps there were never any very formal elections; presenting a successor, in presence of the king and the other nobles, to the people for their acclamations, was probably the most that was done: for as there were no records, nor written constitution, or laws, the right of kings, archons, and people, must have been very loose and undefined.

## LETTER XXXIX.

H O M E R.

I T H A C A.

Dear Sir,

THE court of Ithaca, in the absence of Ulysses, is an admirable example of the intrigues of the archons, and their insatiable ambition. The throne of Ithaca, and the sceptre of Laertes and former kings, were the objects which had so many charms in the eyes of the suitors; and Penelope's hand was chiefly courted, because that would reconcile the archon who should possess her to the superstition of the people, and enable him to wield the sceptre. The suitors deny the sceptre to be hereditary; and Telemachus himself is doubtful: he threatens indeed to call a council or assembly of the people, but is afraid to trust them; for fear they should set up some other Grecian prince, whose blood might be nearer that of their ancient kings.

To tempt the spouseless queen with amorous wiles,

Resort the nobles from the neighbouring isles;  
From Samos, circled with th' Ionian main,  
Dulichium, and Zacynthus' sylvan reign:

Ev'n,

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Ev'n, with presumptuous hope her bed t' ascend,  
The lords of Ithaca their right pretend.

*Od. i. 315.*

My sentence hear: with stern distaste avow'd,  
To their own districts drive the suitor crowd.

*Od. i. 352.*

I to the peers assembled shall propose  
The firm resolve I here in few disclose;  
No longer live the cankers of my court,  
All to your *several states* with speed resort;  
Waste in wild riot what *your land* allows,  
There ply the early feast and late carouse.

*Od. i. 475.*

If ruin to our royal race ye doom,  
Be you the spoilers, and our wealth consume;  
Then might we hope redress from juster laws,  
And raise all Ithaca to aid our cause:  
But while your sons commit th' unpunish'd  
wrong,  
You make the arm of violence too strong.

*Od. ii. 83.*

Elect by Jove his delegate of sway,  
With joyous pride the summons I'd obey.  
Should factious pow'r dispute my lineal right,  
\* \* \* \* \*  
Some other Greeks a fairer claim may plead,  
To your pretence their title would precede.  
At least, the sceptre lost, I still should reign  
Sole o'er my vassals and domestic train.

*Od. i. 501.*

To heaven alone  
Refer the choice to fill the vacant throne;  
Your

Your patrimonial states in peace possess,  
Undoubted all your filial claim confess :  
Your private right should impious power invade,  
The peers of Ithaca would arm in aid.

*Od. i. 509.*

It is thus agreed on all hands, that, as one of the archons, his hereditary title of his estates, vassals, and government was indisputable. This was the common cause of all the archons, and they would arm in support of the claim of any one. But the throne and sceptre of Ithaca were to be disposed of by augury, by the will of Jove, signified by some omen. To this Telemachus pays some respect, but still insists on his right of blood; and says, that if the omen, should be unfavourable to him, it would not promote the hopes of any of the archons of Ithaca; but some other Greeks, nearer of kin to the royal blood, would set up their claims. The archons, not likely to succeed in their scheme of getting the sceptre by the marriage of Penelope, nor by persuading Telemachus to submit the question to Jupiter and his omens, and afraid to appeal to the people, or to call them out in arms to dispute the succession, knowing the family of Laertes and Ulysses to be more popular than themselves, they take the resolution to assassinate the young prince.

But die he shall ; and, thus condemn'd to bleed,  
Be now the scene of instant death decreed :  
Wait ye till he to arms in council draws  
The Greeks, averse too justly to our cause ?  
Strike, ere the states conven'd the foe betray,  
Our murd'rous ambush on the wat'ry way.

Or choose ye vagrant from their rage to fly,  
 Outcasts of earth, to breathe an unknown sky ?  
 Bat if submissive you resign the sway ;  
 Slaves to a boy, go flatter and obey ;  
 Retire we instant to our native reign,  
 Nor be the wealth of kings consum'd in vain.

*Od. xvi. 386.*

Telemachus had before declared, that if any archon of Ithaca, or any other Greek, obtained the sceptre, he would no longer remain in the confederation, but would reign separately over his paternal domain. Now Antinous declares, that if the rest of the archons submit to the boy, he will not, but will retire to his native archonship.

Amphinomus ascends,  
 Who o'er Dulichium stretch'd his spacious reign,  
 A land of plenty, bless'd with ev'ry grain.  
 O friends forbear, and be the thought with-  
 stood !  
 'Tis horrible to shed imperial blood ;  
 Consult we first th' all-seeing pow'rs above,  
 And the sure oracles of righteous Jove.

Neither in Poland nor in Venice was the aristocratical rage to render weak, unsteady, and uncertain the royal authority, more conspicuous than it was here. They were afraid of the people and the auguries; but neither was a legal check: and we shall see hereafter that these struggles of the archons very soon abolished every monarchy in Greece, even that of Sparta, until it was renewed upon another plan by Lycurgus. And the same progress of passions, through seditions, rebellions, and massacres, must for ever take

take place in a body of nobles against the crown, where they are not effectually restrained by an independent people, known and established in the legislature, collectively or by representation.

That the Grecian kings, claiming from Jupiter, and supported by their auguries and bards, thought themselves absolute, and often punished the crimes of the archons very tyrannically, is true.—Ulysses is an example of it. Instead of bringing the suitors to trial before the nation, or their peers, he shoots them all, without judge or jury, with his own bow.—A more remarkable assertion of a claim to absolute monarchy cannot be imagined.

Antonius would retire to his native district, and spend his revenues among his own people, not consume his royal wealth by attendance at a court of a confederation which would be no longer to his taste. This was a popular sentiment in his own dominions; his people wished to have their king reside among them, and were very willing to have the confederacy broken. This principle it was that afterwards crumbled all the Greek confederations to dust.

## LETTER XXXIX.

## ANCIENT MONARCHICAL REPUBLICS.

HOMER.

My dear Sir,

THE similitude between the ancient Greek monarchies, as they are generally called, though the predominance of aristocracy in all of them is very manifest, and the feudal aristocracies described by Tacitus, is very obvious. The democratical power is nevertheless much more regular though not independent, in the latter; for, in addition to what is before quoted, it appears, that the judicial authority was commonly exercised in national assemblies—“ *Licet apud concilium accusare quoque, et discrimen capitatis intendere. Distinctio pœnarum ex delicto, proditores et transfugas arboribus suspendunt; ignavos, et imbelles, et corpore infames, cœno ac palude, injecta insuper crate, mergunt. Diuersitas supplicii illuc respicit, tanquam scelerata ostendi opporteat dum puniuntur, flagitia abscondi. Sed et levioribus delictis, pro modo pœnarum, equorum pecorumque numero coniucti multantur; pars multæ, regi vel civitati, pars ipsi qui vindicatur vel propinquus ejus excepta solvitur.*”

Although the mixture of monarchy, aristocracy, and democracy, is visible in the republic of Phœacia,

Phœacia, yet the king appears little more among the archons than the first among equals, and the authority of the people is still more faint and feeble. In Ithaca, there appears a strong claim of sovereignty in the king, and as strong a pretension to it in the archons; and, although the people are dreaded by both, and their claim to interfere in the disposition of the crown is implicitly acknowledged, yet it seems to be as judges of certain religious ceremonies, by which the will of Jupiter was to be collected, than as any regular civil authority.

Homer was a royalist, at least as much as Plato and Aristotle.

- “ Jove loves our chief, from Jove his honour springs.
- “ Beware! for dreadful is the wrath of kings.
- “ Be silent, wretch! and think not here allow'd.
- “ That worst of tyrants, an usurping crew:
- “ To one sole monarch Jove commits the sway;
- “ His are the laws, and him let all obey.

*Il. ii. 233—241.*

The name of a republic is not found in any of his writings: yet, in every Grecian government described by him, we find a mixture, not only of an aristocracy, consisting in a council of princes; but of a democracy, in an assembly of the people.

Agamemnon, in the second Iliad, calls together the whole body.

Bid him in arms draw forth th' embattled train,  
Lead all his Grecians to the dusty plain.

The

The king dispatch'd his heralds with commands  
To range the camp, and summon all the bands.  
The gath'ring hosts the monarch's word obey,  
While to the fleet Atrides bends his way :  
In his black ship the Pylean prince he found,  
There calls a senate of the peers around.  
Th' assembly plac'd, the king of men express'd  
The councils labouring in his artful breast :  
Friends and confed'rates ! with attentive ear  
Receive my words, and credit what you hear ;  
Ill fits a chief who mighty nations guides,  
Directs in councils, and in war presides,  
To whom its safety a whole people owes,  
To waste long nights in indolent repose.  
Now, valiant chiefs ! since Heav'n itself alarms,  
Unite, and rouse the sons of Greece to arms ;  
But first with caution try what yet they darc,  
Worn with nine years of unsucceſſful war.  
To move the troops to measure back the main,  
Be mine, and yours the province to detain.

— The kings without delay  
Dissolve the council, and their chief obey.  
The scepter'd rulers lead ; the following host,  
Pour'd forth by thousands, darken all the coast.  
Nine sacred heralds now, proclaiming loud  
The monarch's will, suspend the list'ning crowd.  
The king of kings his awful figure rais'd,  
High in his hand the golden sceptre blaz'd —  
Ye sons of Mars ! partake your leader's care,  
Heroes of Greece, and brothers of the war,  
Fly, Grecians, fly ! your sails and oars employ,  
And dream no more of Heaven-defended Troy.  
His deep design unknown, the hosts approve  
Atrides' speech ; — the mighty numbers move.

It appears from the whole narration, that the great body of the people were discontented, and desirous of raising the siege. The king, alarmed, was obliged to call them together, with an artful design to obtain their consent to persevere. He feigns an intention to return home; the people were rejoiced at it. Then Ulysses and the other chiefs, in concert with Agamemnon, receives the sceptre of command, and endeavours to persuade the people to make another effort. To this end Ulysses harangues them.

He runs, he flies through all the Grecian train,  
Each prince of name, or chief in arms approv'd,

He fir'd with praise, or with persuasion mov'd.  
But if a clamorous vile plebeian rose,  
Him with reproof he check'd, or tam'd with  
blows:

Be still, thou slave, and to thy betters yield,  
Unknown alike in council or in field!

Ye gods! what dastards would our host com-  
mand!

Swept to the war, the lumber of the land.  
Be silent, wretch! and think not here allow'd  
That worst of tyrants, an usurping crowd.  
With words like these the troops Ulysses rul'd,  
The loudest silenc'd, and the fiercest cool'd.  
Back to th' assembly roll the thronging train,  
Desert the ships, and pour upon the plain.  
Thersites only clamour'd in the throng,  
Loquacious, loud, and turbulent of tongue:  
Aw'd by no shame, by no respect controul'd,  
In scandal busy, in reproaches bold,  
With witty malice studious to defame,  
Scorn all his joy, and laughter all his aim:

But

But chief he gloried, with licentious stile  
To lash the great, and monarchs to revile.  
Spleen to mankind his envious heart possest,  
And much he hated all, but most the best;  
Ulysses or Achilles still his theme,  
But royal scandal his delight supreme.  
Long had he liv'd, the scorn of ev'ry Greek,  
Vext when he spoke, yet still they heard him  
speak.

If from this only, and the subsequent harangue of Thersites, we were to form a judgment, we should conclude, that popular assemblies were very frequent, and that the freedom of speech in them was far advanced and well established; but the furious answer of Ulysses, and the unmerciful flogging he gives him for his boldness, in the face of the whole assembly, which is applauded universally, shews, that the demagogues had yet but very little influence, very little courage, and that popular assemblies had as yet very little constitutional power.

The principles of government were very little understood, and all the political institutions extremely confused, in the times of the Trojan war, and from thence to Homer's time.—Nothing was precisely defined; no laws were written. The most distinct rules, which are now to be traced, were a supremacy in kings, in religion and war: sometimes they exercised judicial power. Monarchies were generally hereditary; yet a right of the nation to interfere, and alter the succession, is admitted. The right of the sons of the archons, to succeed to their estates and districts, was an agreed point among them; but these very archons chose to keep open to competition the succession

to the throne, so that there might always be room for the pretensions of the most powerful, who would easily make themselves thought the most worthy. The most celebrated kings, when advanced in years, and unable to sustain the fatigues of war, and cares of government, were obliged to resign their power.—The anxiety of Achilles, expressed to Ulysses in the shades, is a proof of this.

Say if my sire, the reverend Peleus, reigns  
Great in his Pthia, and his throne maintains?  
Or, weak and old, my youthful arm demands  
To fix the sceptre steadfast in his hands?  
Oh might the lamp of life re-kindled burn,  
And death release me from the silent urn!  
This arm, that thunder'd o'er the Phrygian  
plain,  
And swell'd the ground with mountains of the  
slain,  
Should vindicate my injur'd father's fame,  
Crush the proud rebel, and assert his claim.

*Od. ii. 605.*

Kings and their families, claiming their descent and power from Jupiter, contended very naturally and consistently that the one was hereditary, and the other absolute; and accordingly, when the prince who swayed the sceptre was active, brave, and able, he kept the archons in awe, and governed as he pleased: but when he was feeble, the archons grew ambitious, disputed the succession, and limited the royal power. To this end both they and the kings, or heirs of kings, sometimes looked to the people, and seemed to admit in them a right to be present

at the religious ceremonies by which the will of Jupiter was to be declared; for all parties agree, that the will of Jupiter confers the sceptre, not the mere election of the people.

The right of primogeniture was favoured by popular opinion, as well as hereditary descent, because the family was the family of Jupiter, related to him, and descended from him by blood; and it was natural to suppose, that Jupiter's inclinations for descent and primogeniture resembled those of other fathers of families.

The chiefs, who are all called kings, as well as the head of them, or archons, were like the Teutonic counts or feudal barons, who exercised royal rights within their own districts, states, or separate territories. This principle preserved the real and legal power chiefly in their hands, and constituted the whole government more properly an aristocracy than a royalty. This gave an uncontrollable pride to these nobles, which could not willingly submit to the pretensions of the kings (as representatives of Jupiter) to omnipotence, at least to unlimited power. Hence the continual struggle between the kings and archons, from Homer's time to that great and memorable revolution throughout Greece, from monarchy to aristocracy; that is, from kings to archons. The people not yet possessing nor claiming an authority sufficiently regular and independent to be a check to monarchy or aristocracy, the latter at last prevailed over the former, as it ever did and ever will, where the contest is merely between these two.

The people, only in extraordinary cases, in the most essential matters, and when the chiefs were greatly divided, were at all consulted; yet, in the course

course of the struggle between the kings and archons, the multitude were so often called upon, and so much courted, that they came by degrees to claim the whole power, and prepared the way, in many of the Grecian states, for another subsequent revolution, from aristocracy to democracy.

Through the whole of Tacitus and Homer, the three orders are visible both in Germany and Greece; and the continual fluctuations of law, the uncertainty of life, liberty, and property, and the contradictory claims and continual revolutions, arose entirely from the want of having the prerogatives and privileges of those orders defined, from the want of independence in each of them, and a balance between them.

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## LETTER XL.

### ANCIENT ARISTOCRATICAL REPUBLICS.

#### LACEDÆMON.

My dear Sir,

FROM the days of Homer to those of Licurus, the governments in Greece were monarchical in name and pretension, but aristocratical in reality. The archons were impatient of regal government, constantly struggling against their kings; and had prevailed in every other city, except-

except Sparta, to abolish the royal authority, and substitute an aristocracy of archons in its place. In Lacedæmon, too, where there were eight-and-twenty archons contending against two kings, they had brought the whole country into the utmost confusion. The circumstance of two kings, which perhaps prolonged the regal power longer in Sparta than in any other city, originated in the fondness of a mother. Aristodemus, one of the descendants of Hercules, to whose share Laconia fell, upon the division of the Peloponnesus, after the return of that family from banishment, leaving twin sons, Eurysthenes and Procles; their mother refusing to determine which had the right of primogeniture, it was agreed that both should succeed to the crown with equal authority, and that the posterity of each should inherit. The nobles took advantage of all the jealousies which arose between the two families, obliged each to court them, and from time to time to make them concessions, until the royal authority was lost; and as the archons could not agree, each party now began to court the people, and universal anarchy prevailed.

Lycurgus, of the family of Procles, and only in the tenth descent from Hercules, succeeded his brother Polidectes; but being told his brother's widow was with child, he declared himself protector only, and resigned the crown. Such a disinterested indifference to a crown in any one of royal or noble blood, was so unexampled in that age, that no wonder it was much admired and very popular. The ambitious princess, his sister, offered to marry him, and remove out of his way the only competitor, by procuring an abortion. He deceived her by counterfeited tenderness; and diverted her from the thoughts of an abortion, by promising

promising to take the disposition of the child upon himself when it should be born. The infant was sent to him, when at supper with the principal magistrates; he took it in his arms, and cried, “A king, Spartans, is born to you,” and placed it in his own seat. The company were touched at the tenderness of the scene, and fell into a transport of enthusiasm, both of piety to the blood of Hercules, and admiration of the disinterested integrity of Lycurgus, who, like an able statesman, perpetuates the memory of the event, and the joy at it, by the name with which, upon the spot, he christens the boy, Charilaus, *the peoples joy*. But all this exalted merit, added to his acknowledged divine descent, and the undoubted possession of royal power, were not sufficient to over-awe the jealousy of the nobles, a strong party of whom joined the irritated queen and her brother, and raised continual factions against him. Weary of cabals, and stimulated with a thirst for knowledge, he determined to travel; visited Crete and Egypt, the two sources of the theology and policy of Greece; and brought home with him, on his return to his own country, Thales the poet, and the writings of Homer, with the resolution of adopting the martial discipline and political liberty which he read in the poet, and had seen exemplified in Crete. Nothing could be better calculated than his two poets, to inspire the nation with that enthusiasm which he wanted, and confirm the belief, that kings were from Jupiter, and beloved by him, excepting the response of the oracle, which he took care to procure: “Welcome, Lycurgus, to this happy place; thou favourite of Heaven! I stand in doubt whether I shall pronounce thee god or man: inclining still to think thou art a god!”—Herodotus.

The disorders in Sparta were now become insupportable; the kings had as little authority as the laws. All parties, except the two kings, in despair of their private schemes, applied to the great legislator, pointed out to all, by his divine original, the inspiration of Homer and Thales, his own integrity, wisdom, knowledge, and commanding authority over the minds of men, as well as his special divine mission pronounced by the oracle, to be the only man capable of new-modelling the constitution.

In Crete he had acquired a deep insight into human nature, at least he had informed himself fully of the length and breadth, the height and depth, of the passion of ambition in the human heart; that complication of affections, which is called by so many names; the love of esteem, of praise, of fame, of glory; that sense of honour in which Montesquieu tells us monarchies are founded; which Tacitus tells us made the ancient Teutons submit quietly to be sold by their inferiors, when they had gambled away their liberty; which at this day enforces so punctual a payment of debts of honour contracted at play; which supports against all laws throughout Europe the custom of duelling, and produces more suicides than any other cause; which is commonly known by the denomination of the *point of honour*, and may with as much propriety be called ambition;—Lycurgus appears to have understood better than any other legislator, and to have made the foundation of his institution: for this reason, Plato with great propriety calls it “The ambitious Republic.”

Lycurgus in secret consulted the nobles, but not the kings; formed a powerful party, called an assembly of the people, before whom his friends appeared

appeared in arms. Charilaus and Archilaus were not in the secret, but found themselves obliged to submit. What is all this but a body of nobles completing, by the aid of Lycurgus, that abolition of monarchy which they had been pursuing for ages, unrestrained by any legal check in the people, and unresisted by any adequate power in the crown? But what was his new institution?

In compliance with old prejudices, and from attachment to his family, he confirmed the two families on the throne, established the hereditary descent of the crown, but limited its authority. The kings were to continue high priests, to be commanders in chief of the armies, and presidents of the senate. Charilaus and Archilaus, terrified by the fate of all the other kings of Greece, agreed to accept of a certain, though limited authority, in lieu of pretensions more absolute, and more precarious.

The ancient dignities of the nobles were confirmed and enlarged: a senate of eight-and-twenty of their chiefs was formed, at the head of whom the two kings were placed. To the people he committed the election of future senators: but as the present twenty-eight were for life, and the influence of kings and senators would be commonly used with great unanimity, in favour of the eldest son, to fill up a vacancy made by the death of his father; and as the people were not permitted to debate, their choice was perhaps little more than a consent by acclamations to a nomination made by the king, and amounted to the same thing with an hereditary house of peers. To this senate the whole executive power was committed, and the most important part of the legislative; for as all laws were to originate there only, they had a negative before debate. Here

is indeed all authority nearly collected into one center, and that center the nobility; for the king was but the first among equals, having no negative upon the senate. If the legislature had rested here, his institution would have been in effect a simple hereditary oligarchy, possessed of the whole legislative, executive, and judicial power, and probably as restless as ever, to reduce the king to elections for life, or years, and then to take from them the power of religion, the command of armies, and then to change the title from king to archon, or from the family of Hercules to other houses. With a view to counterbalance this dangerous authority, he instituted assemblies of the people, but intrusted them only with the power of confirming or rejecting what the senate proposed, and expressly forbade them all debate. The citizens were to give their simple ayes or noes, without being allowed to speak, even so far as to give a reason for their vote. He instituted moreover, as a farther check upon the senate, five magistrates to inspect the administration, and maintain the constitution; to convoke, prorogue, and dissolve both the greater assembly of the people, composed of nine thousand inhabitants of the city, and the lesser, consisting of thirty thousand inhabitants of the country or inferior villages. These magistrates were called the ephori, and were to be annually appointed. But the lawgiver saw that the king and people were both too weak, and the senate would still have power to scramble after both; he therefore contrived a kind of solemn alliance to be perpetually renewed between the monarchical and democratical branches, by which the senate might be awed into moderation. He ordered an oath to be taken every month, by the kings and the ephori: the former

former swore to observe the laws, and the latter swore, for themselves and the people whom they represented, to maintain the hereditary honours of the race of Hercules, to revere them as ministers of religion, to obey them as judges, and follow them as leaders. This was indeed a balance founded in opinion and in religion, though not a legal and independent check; as it was not a negative in either. In this constitution then were three orders, and a balance, not indeed equal to that of England, for want of a negative in each branch; but the nearest resembling it of any we have yet seen. The kings, the nobles, the senate, and the people in two assemblies, are surely more orders than a governor, senate, and house. The balance here attempted was as strong as religion operating on human nature could make it, though not equivalent to a negative in each of three branches. Another balance was attempted, in the rigorous separation of the city from the country, in two assemblies: it avoided the danger of jealousies between town and country in the deliberations of the people, and doubled the chances both of the monarchy and democracy, for preserving their importance in case of incroachments by the senate. If the senate and nobles should prevail in one assembly of the people so far as to carry any unconstitutional point, the kings and ephori would find a resource in the other, to lead them back. The Lacedæmonian republic may then, with propriety, be called monarchical, and had the three essential parts of the best possible government; it was a mixture of monarchy, aristocracy, and democracy. It failed, however, in that essential particular, the balance. The aristocracy had a legal power, so eminent above that of king or people, that it would soon have annihilated.

fated both, if other precautions had not been taken, which destroyed all the real merit of this celebrated institution. That the glory of the descendants of Hercules, and of their republic, might be the pride of every citizen, and that a superstitious attachment to both might be perpetuated, it was necessary to extinguish every other appetite, passion, and affection, in human nature. The equal division of property; the banishment of gold and silver; the prohibition of travel, and intercourse with strangers; the prohibition of arts, trades, and agriculture; the discouragement of literature; the public meals; the incessant war-like exercises; the doctrine, that every citizen was the property of the state, and that parents should not educate their own children;—although they served to keep up the constant belief of the divine mission of Lycurgus, and an enthusiastic passion for the glory of the republic, and the race of Hercules; and although they are celebrated by the aristocratical philosophers, historians, and statesmen of antiquity; must be considered as calculated to gratify his own family pride, rather than promote the happiness of his people. Four hundred thousand slaves must be devoted to forty thousand citizens; weak and deformed children must be exposed; morality and humanity, as well as all the comforts, elegancies, and pleasures of life, must be sacrificed to this glaring phantom of vanity, superstition, and ambition. Separated from the rest of mankind, they lived together, destitute of all business, pleasure, and amusement, but war and politics, pride and ambition; and these occupations and passions they transmitted from generation to generation, for seven hundred years; as if fighting and intriguing, and not life and happiness, were the end of man, and society;

as.

as if the love of one's country, and of glory, were amiable passions, when not limited by justice and general benevolence; and as if nations were to be chained together for ever, merely that one family might reign among them. Whether Lycurgus believed the descent of his ancestor from Jupiter, the divine inspiration of Homer and Thales, or the divinity of the Oracle, any more than Mahoment believed his divine mission, may well be doubted. Whether he did or not, he shackled the Spartans to the ambitious views of his family for fourteen successions of Herculean kings, at the expence of the continual disturbance of all Greece, and the constant misery of his own people. Amidst the contradictions of ancient and modern writers, that account has been followed concerning the institution of the ephori, which appears most favourable to Lycurgus. The Roman tribunes, and perhaps the Venetian inquisitors, were borrowed from this institution.

Human nature perished under this frigid system of national and family pride. Population, the surest indication of national happiness, decreased so fast, that not more than one thousand old Spartan families remained, while nine thousand strangers had intruded in spite of all their prohibitory laws. The conquest of Athens gave them a taste of wealth, and even the fear of the penalty of death could not restrain them from travelling. Intercourse with strangers brought in foreign manners. The ephori were sometimes bribed. Divisions arose between the two kings, Agis and Leonidas: one joined with the people, the other with the nobles, and the sedition proceeded to blood. Kings became so fond of subsidies from foreign powers, that Agesilaus received them from a king of Egypt, and his enemy at the same time.

time. Agis was murdered by the order of the ephori, who, instead of honouring the blood of Hercules according to their oath, took the sovereign power into their own hands.—Here the balance broke; Cleomenes, who endeavoured like Agis to restore the old laws and maxims, fell a sacrifice, and nothing appears afterwards in the history of Sparta but profligacy, tyranny, and cruelty, like that in Rome under the worst of the Cæsars.

The institution of Lycurgus was well calculated to preserve the independence of his country, but had no regard to its happiness, and very little to its liberty. As the people's consent was necessary to every law, it had so far the appearance of political liberty: but the civil liberty of it was little better than that of a man chained in a dungeon; a liberty to rest as he is. The influence of this boasted legislation on the human character was to produce warriors and politicians, and nothing else. To say that this people were happy, is to contradict every quality in human nature, except ambition. They had no other gratification: science and letters were sacrificed, as well as commerce, to the ruling passion; and Milton had no reason to “wonder how museless and unbookish “they were, minding nought but the feats of “war,” since it was not so much because Lycurgus was “addicted to elegant learning, or “to mollify the Spartan surliness with smooth “songs and odes, the better to plant among “them law and civility,” that he brought the scattered works of Homer from Ionia, and Thales from Crete, but merely to propagate his own and his family imposture. The plan was profound, and means were with great ability fitted to the end: but as a system of legislation, which should never

never have any other end than the greatest happiness of the greatest number, *saving to all their rights*, it was not only the least respectable, but the most detestable in all Greece. To do it justice, however, it is much to be desired, that exercises like those established by Lycurgus, running, wrestling, riding, swimming, skating, fencing, dancing, should be introduced into public and private education in America, which would fortify the bodies and invigorate the minds of youth; instead of those sedentary amusements which debilitate, and are taking entire possession of society all over the world. The ladies too might honour some of these entertainments, though not all, with their presence and participation, to the great advantage of their own health, and that of posterity, without injury to their charms, or their reputations. But, above all, the existence of an all-perfect Intelligence, the parent of nature, the wise and moral ruler of it; the responsibility of every subordinate intellectual and moral agent; a future state of rewards and punishments; and the sacred obligations of oaths, as well as of the relative duties of social life, cannot be too clearly fixed by rational arguments in the minds of all the citizens. In this respect Lycurgus merits praise.

But as a civil and political constitution, taken all together, it is infinitely inferior to another, which Americans have taken for their model. The English constitution is the result of the most mature deliberation on universal history and philosophy. If Harrington's council of legislators had read over the history, and studied the constitution of every nation ancient and modern, remarked the inconveniences and defects of each, and bent the whole force of their invention to discover a

remedy for it, they would have produced no other regulations, than those of the English constitution in its theory, unless they had found a people so circumstanced as to be able to bear annual elections of the king and senate. This improvement the Americans, in the present stage of society among them, have ventured on; sensible, however, of the danger, and knowing perfectly well a remedy, in case their elections should become turbulent. Of this, at present, there is no appearance.

## LETTER XLI.

ANCIENT DEMOCRATICAL  
REPUBLICS.

ATHENS.

My dear Sir,

**C**ECROPS, an Egyptian, conducted a colony that settled in Athens, and first engaged the wandering shepherds and hunters of Attica to unite in villages of husbandmen. Although the government of Egypt was an absolute monarchy, he found it necessary to establish his own upon a more limited plan.

The two rival families of Perseus and Pelops, anciently contended for the dominion of the Grecian peninsula. The fortune of the descendants of the latter prevailed, and their superior prosperity led them to persecute their enemies. The descendants of Hercules, who was a son of Jupiter by Alcmena, of the line of Perseus, was stripped of all their possessions, and driven into exile. After a series of misfortunes, Temenus, Cresphonates,

tes, and Aristodemus, descendants in the fifth degree from Hercules, conducted an expedition into Greece, and conquered the whole country.

The governments of the little states of Greece in the first ages, though of no very regular and certain constitution, were all limited monarchies. When, therefore, the Heraclides possessed themselves of Peloponnesus, they established every where that hereditary limited monarchy, which was the only government assimilated to the ideas and temper of the age, and an equality among themselves. Those vigorous principles of aristocracy, and some traces of the spirit of democracy, which had always existed in the Grecian governments, began to ferment; and in the course of a few ages monarchy was every where abolished: the very name of king was proscribed; a republic was thought the only government to which it became men to submit; and the term Tyrant was introduced to denote those who, in opposition to these new political principles, acquired monarchical authority. Absolute monarchy was unknown as a legal constitution. The title of king implied a superiority of lawful dignity and authority in one person, above all others, for their benefit, not a right of absolute power. Legislation was never within their prerogative. A distinction of families into those of higher and lower rank obtained very early throughout Greece, and no where more than at Athens, where, by the constitution of Theseus, the Eupatrides, or nobly born, formed a distinct order of the state with great privileges. Afterwards wealth became the principal criterion of rank, which amounted probably to the same thing, as the nobly born were generally most wealthy. Every citizen in every Grecian state was bound to military service, as in modern times among

among the feudal kingdoms. It was natural that the rich should serve on horseback; and this was the origin of knighthood both in ancient and modern nations. Where the noble or the rich held all the power, they called their own government aristocracy, or government of the better sort, or optimacy, government of the best sort. The people allowed the appellation of aristocracy only to those governments where persons, elected by themselves for their merit, held the principal power. Democracy signified a government by all the freemen of the state, or the people at large, forming in assembly the legal, absolute sovereign: but as this, above all others, was subject to irregularity, confusion, and absurdity, when unchecked by some balancing power lodged in fewer hands, it was called ochlocracy, or mob rule. Most of the Grecian states had some mixture of two or more of these forms. The mixture of oligarchy and democracy, in which the former was superior, yet the latter sufficed to secure liberty and equal right to the people, might, according to Aristotle, be called aristocracy. That mixture where the democratic power prevailed, yet was in some degree balanced by authority lodged in steadier hands, is distinguished by that great author by the name of polity. An equal mixture of all three was never known in Greece, and therefore never obtained a distinct name in that language.

A war happened between the Athenians and Peloponnesians; the armies were encamped near each other, and the Delphian oracle was consulted. The answer of the Pythonesse implied, that the Peloponnesians would be victorious, provided they did not kill the Athenian king. Codrus disguising himself like a clown, with a faggot on his shoulder,

shoulder, and a fork in his hand, determined to devote his life, entered the enemy's camp, and was killed. The Peloponnesian chiefs finding the body to be Codrus, and fearing the prophecy, withdrew their forces, and a peace ensued. Medon the eldest son of Codrus, was lame; and bodily ability was held in so high rank in popular esteem, that his younger brother disputed the succession. Each had a powerful party; but the dispute brought forward a third, which was for abolishing the royalty, and having no king but Jupiter. Fatal dissensions were apprehended, when a declaration of the oracle was procured in favour of Medon; and it was amicably accommodated that Medon should be first magistrate, with title of archon, but not king. Although the honour was to be hereditary, and that the archon should be accountable to the assembly of the people for his administration, it was agreed that a colony should be sent to Asia Minor, under Nelius and Androclus, younger sons of Codrus. The most restless spirits joined in the migration, and no further materials for history remain for several generations.

From the period where Homer's history ceases, to that in which the first prose historians lived, a space of 250 years, there is little light to be obtained. Twelve archons are named, who followed Medon by hereditary succession, and filled up 300 years. On the death of Alcmeon, Charops was raised to the archonship, upon condition of holding it for ten years only. Six archons followed Charops, by appointment, for ten years; but on the expiration of the archonship of Eryxias, it was resolved that the office should be annual, and that there should be nine persons to execute it. They had not all equal dignity, nor the same functions:

one represented the majesty of the state, and was usually called the archon; the second had the title of king, and was head of the church; the polemarch was third, and chief of military affairs. The other six had the title of thesmothetes; they presided as judges in ordinary courts of justice. The nine together formed the council of state: here methinks I see the Polish nobles running down the king, or those of Venice the doge, and dividing the spoils of his prerogatives among themselves. Legislation was in the assembly of the people; but the whole administration, civil, military, religious, and judiciary, was with the archons, who were commonly appointed by lot; but sometimes the assembly of the people interfered, and exercised the power of naming them. From the appointment of annual archons there was nothing but intestine troubles. That weight which, from earliest times, a few principal families possessed among the Attic people, and which was in a great degree confirmed to them by the constitution of Theseus, remained, amid all the turbulence of democracy, to a late period. Among those families the Alcmaeonides, claiming some connection by blood with the perpetual archons and kings of the ancient Neleid line, were of great fame. Megacles, head of this family, was archon when Cylon, a man of a very ancient and powerful family, attempted to acquire the sovereignty of his country. He seized the citadel of Athens with some troops he received from Theagerus, tyrant of Megara, whose daughter he had married. His vanity was excited not only by his birth and marriage, but his personal merit, having been victor in a chariot race at the Olympic games. The people ran to arms under their archons, and laid seige to the citadel. Cylon fled, and

and his party fled to the altars: they were promised pardon, but condemned and executed. This was an atrocious infidelity, and made the actors in it as odious, as it rendered Cylon and his party again popular and powerful.

The miseries of a fluctuating jurisprudence became insufferable, and all parties united at last in the resolution to appoint a lawgiver. Draco was raised to this important office; a man whose morals and integrity recommended him to the people, but whose capacity was equal to no improvement in the political constitution, and to no greater invention for reforming the judicatures, than that of inflicting capital punishments in all offences: and the knowing ones had no other remedy than to get the oracle to pronounce that the laws of Draco were written in blood; an expression which struck the imagination and touched the heart, and therefore soon rendered this system unpopular.

Salamis, perceiving the divisions at Athens, revolted, and allied itself to Megara. Several attempts to recover it having failed, the lower people, in opposition to their chiefs, carried a law, making it capital to propose a renewal of the enterprize. Solon, of an ancient royal family, who had hitherto pursued nothing but literature and poetry, perceiving that this rash act of the populace began to give general disgust and repentance, especially to the young Athenians, ventured to lead the people to repeal it. He caused it to be reported that he was mad, and for some time kept his house: in this retirement he composed a poem, such as he thought would excite the multitude; then watching his opportunity, during an assembly of the people, he ran into the Agora like one frantic,

frantic, mounted on a rock, and read his poem to the people. Some of his friends, who were in the secret, were present, and ready to wonder and applaud. The enthusiasm spread, the law was repealed, and an expedition sent under Solon's friends, which, being skilfully conducted, recovered the island. But the party of Cylon were still clamorous against the partisans of Megacles, for their breach of faith. Solon persuaded the accused to submit to a trial: they were condemned to banishment; but this punishment not being sufficient to appease the deity, the bones of those who had been executed were removed beyond the mountains. During these troubles Salamis was retaken. Superstition now gained the ascendant; phantoms and omens were seen, and expiations and purifications were necessary. Epimenides, a Cretan philosopher, of great reputation for religious knowledge, and an intimate Friend of Solon, was invited to superintend the religion of Athens. Epimenides was the ostensible director, but Solon concerted with him the various improvements in jurisprudence. By means of religious pomp, ceremony, sacrifices, and processions, he amused the people into some degree of order and suspension of their factions: but the tranquillity was not likely to be lasting. Three political parties existed: one for democracy, composed of the land-holders of the mountains; another for an aristocracy, of the rich, consisting of the possessors of the plain; a third preferred a mixture of oligarchy and democracy, consisting of the inhabitants of the coast, and the most disinterested men. There was another division of the people, into the parties of the rich and the poor. Dangerous convulsions.

vulsions were so apprehended, that many sober men thought the establishment of a tyranny, in one, necessary to prevent greater evils. Solon's reputation for wisdom and integrity was universal; and, as he had friends in all parties, they procured the place of archon, with power to reform the constitution. His first object was to reconcile the rich with the poor: this he accomplished by lowering the interest without annulling the debt, and by taking from the creditor the exorbitant powers over the person and family of the debtor. He found such a predilection for democracy in the minds of the citizens, that he preserved to every free Athenian his equal vote in the assembly of the people, which he made supreme in all cases, legislative, executive, and judicial. He had not, probably, tried the experiment of a democracy in his own family, before he attempted it in the city, according to the advice of Lycurgus; but was obliged to establish such a government as the people would bear, not that which he thought the best, as he said himself.

As the laws of Solon were derived from Crete and Egypt, were afterwards adopted by the Romans as their model, and have by them been transmitted to all Europe, they are a most interesting subject of enquiry; but it is not possible to ascertain exactly which were his, which were those of Epimenides or Theseus, or what was, in fact, the constitution of Athens. The first enquiry is, Who were citizens? By a poll that was taken in the time of Pericles, they were found to be fourteen thousand persons. By another, in the time of Demetrias Phalerius, they were twenty-one thousand: at the same time there were

ten thousand freemen, consisting of foreigners and freed slaves, and four hundred thousand souls in actual bondage, who had no vote in the assembly of the people. The persons therefore who shared the power, being not a tenth part of the nation, were excused from labour, in agriculture as well as manufactures, and had time for education; they were paid too for attendance on public affairs, which enabled the poorer citizens to attend their duty. This is one circumstance which rendered a government so popular practicable for a time: another was, the division of Attica into tribes and boroughs, or districts, like the American counties, towns, and parishes, or the shires, hundreds, and tythings of England. The tribes at first were four, afterwards ten. Each tribe had its presiding magistrate, called phylarchus, analogous to the English sheriff; and each borough, of which there were one hundred and seventy-four, its demarchus, like a constable or headborough. As the title of king was preserved to the high-priest, so the person presiding over the religion of each tribe was called philobasileus, king's friend, and was always appointed from among the nobly born, eupatrides. Thus religion was always in the hands of the aristocratical part of the community. As the oracles and priests were held by the people in so much sacred veneration, placing them, with all their splendid shews and rites, always in the power of the aristocratical families, or persons of best education, was as great a check to the democracy as can well be imagined. It should be here recollect ed too, that almost all these eupatrides or nobles, among the Greeks, were believed to be descended from the gods, nearly or remotely. Nobility,

bility, as well as royalty, were believed of divine right, because the gods and goddesses had descended to familiar intercourses with women and men, on purpose to beget persons of a superior order to rule among nations. The superiority of priests and nobles were assumed and conceded with more consistency than they are in Poland, Switzerland, and Venice, and they must have had a proportional influence with the people.

Another check to this authority in one center, the nation, established by Solon, was countenanced by precedent introduced by Theseus, who divided the Attic people into three ranks: all magistrates were taken exclusively out of the first. Solon, by a new division, made four ranks, determined by property, and confined all magistracies to the first three. By this regulation, he excluded all those who had no will of their own, and were dependent on others; but by still allowing to the fourth, who were more numerous than all the others, their equal votes in the assembly of the people, he put all power into hands the least capable of properly using it; and accordingly these, by uniting, altered the constitution at their pleasure, and brought on the ruin of the nation. By these precautions, however, we see the anxiety of Solon to avail himself of every advantage of birth, property, and religion, which the people would respect, to balance the sovereign democracy. With the same view, he instituted a senate, of one hundred persons out of each of the four tribes; and this great council, to which he committed many of the powers of the archons, he hoped would have a weight which all the archons together had not been able to preserve. It was afterwards increased to five hundred, when  
the

the tribes were increased to ten, fifty out of each, and was then called the council of five hundred. They were appointed annually by lot; but certain legal qualifications were required, as well as a blameless life. The members of each tribe in turn, for thirty-five days, had superior dignity, and additional powers, with the title of prytanes, from whence the hall was called Prytaneum. The prytanes were by turns presidents, had the custody of the seal, and the keys of the treasury and citadel, for one day. The whole assembly formed the council of state of the commonwealth, and had the constant charge of its political affairs; the most important of which was the preparation of business for the assembly of the people, in which nothing was to be proposed which had not first been approved here. This was Solon's law; and, if it had been observed, would have formed a balance of such importance, that the commonwealth would have lasted longer, and been more steady. But factious demagogues were often found to remind the people, that all authority was collected into one center and that the sovereign assembly was that center; and a popular assembly being, in all ages, as much disposed, when unchecked by an absolute negative, to overleap the bounds of law and constitution as the nobles or a king, the laws of Solon were often spurned, and the people demanded and took all power, whenever they thought proper.

Sensible that the business of approving and rejecting magistrates, receiving accusations, catalogues of fines, enacting laws, giving audience to ambassadors, and discussions of religion, would very often be uninteresting to many even of the most judicious and virtuous citizens; that every man's business is no man's; Solon ordained it criminal

imal in any not to take a side in civil disturbances. Certain times were stated for the meeting of the general assembly; all gates were shut, but that which led to it; fines were imposed for non-attendance; and a small pay allowed by the public to those who attended punctually at the hour. Nine proedri were appointed from the council; from whom the moderators, epistles, were appointed too by lot, with whom sat eleven nomophylaces, whose duty it was to explain the tendency of any motions contrary to the spirit of the constitution. The prytanes too had distinct and considerable powers in the assembly. When any change in the law was judged necessary by the people, another court, consisting of a thousand persons, called nomothetes, were directed to consider of the best mode of alteration, and prepare a bill; after all, five syndics were appointed to defend the old law before the assembly, before the new one could be enacted. A law, passed without having been previously published, conceived in ambiguous terms, or contrary to any former law, subjected the proposer to penalties. It was usual to repeal the old law before a new one was proposed, and this delay was an additional security to the constitution. The regular manner of enacting a law was this:—A bill was prepared by the council; any citizen might, by petition or memorial, make a proposition to the prytanes, whose duty it was to present it to the council—if approved by them, it became a proboulema; and, being written on a tablet, was exposed, for several days, for public consideration, and, at the next assembly, read to the people—then proclamation was made by a crier, “Who of those above fifty years of age chooses to speak?” When these had made their orations,

tions, any other citizen, not disqualified by law for having fled from his colours in battle, being deeply indebted to the public, or convicted of any crime, had an opportunity to speak; but the prytanes had a general power to enjoin silence on any man, subject no doubt to the judgment of the assembly: without this, debates might be endless. When the debate was finished, the crier, at the command of the proedri, proclaimed that the question waited the determination of the people, which was given by holding up the hand: in some uncommon cases, particularly of impeachments, the votes were given privately, by casting pebbles into urns. The proedri examined the votes, and declared the majority; the prytanes dismissed the assembly. Every one of these precautions demonstrated Solon's conviction of the necessity of balances to such an assembly, though they were found by experience to be all ineffectual. From the same solicitude for balances against the turbulence of democracy, he restored the court of Areopagus, improved its constitution, and increased its power: he composed it of those who had held with reputation the office of archon, and admitted them into this dignity and authority for life. The experience, the reputation, and permanency of these Areopagites must have been a very powerful check. From the Areopagus alone no appeal lay to the people; yet if they chose to interfere, no balancing power existed to resist their despotic will. The constitution authorized the Areopagus to stop the judicial decrees of the assembly of the people; annul an acquittal, or grant a pardon—to direct all draughts on the public treasury—to punish impiety, immorality, and disorderly conduct—to superintend the education of youth; punish idleness—

ness—to enquire by what means men of no property or employment maintained themselves. The court sat in the night, without light, that the members might be less liable to prejudice. Pleaders were confined to simple narration of facts, and application of laws, without ornaments of speech, or address to the passions. Its reputation for wisdom and justice was so high, that Cicero said, the commonwealth of Athens could no more be governed without the court of Areopagus, than the world without the providence of God.

The urgent necessity for balances to a sovereign assembly, in which all authority, legislative, executive, and judicial, was collected into one center, induced Solon, though in so small a state, to make his constitution extremely complicated: no less than ten courts of judicature, four for criminal causes, and six for civil, besides the Areopagus and general assembly, were established at Athens. In conformity to his own saying, celebrated among those of the seven wise men, that “the most perfect government is that where an injury to any one is the concern of all,” he directed that, in all the ten courts, causes should be decided by a body of men, like our juries, taken from among the people; the archons only presiding like our judges. As the archons were appointed by lot, they were often but indifferent lawyers, and chose two persons of experience to assist them; these, in time, became regular constitutional officers, by the name of Paredri, assessors. The jurors were paid for their service, and appointed by lot.—This is the glory of Solon's laws: it is that department which ought to belong to the people at large; they are most competent for this: and the property, liberty, equality.

lity, and security of the citizens, all require that they alone should possess it. Itinerant judges, called the Forty, were appointed to go through the counties, to determine assaults, and civil actions under a certain sum.

Every freeman was bound to military service. The multitude of slaves made this necessary, as well as practicable. Rank and property gave no other distinction than that of serving on horseback.

The fundamental principle of Solon's government was the most like Mr. Turgot's idea of any we have seen. Did this prevent him from establishing different orders and balances? did it not render necessary a greater variety of orders, and more complicated checks, than any in America? yet all were insufficient, for want of the three checks, absolute and independent. Unless three powers have an absolute *veto*, or negative, to every law, the constitution can never be long preserved; and this principle we find verified in the subsequent history of Athens, notwithstanding the oath he had the address and influence to persuade all the people to take, that they would change none of his institutions for ten years. Soon after his departure, the three parties of the highlands, lowlands, and coasts, began to shew themselves afresh. These were, in fact, the party of the rich, who wanted all power in their own hands, and to keep the people in absolute subjection, like the nobles in Poland, Venice, Genoa, Berne, Soleure, &c.; the democratical party, who wanted to abolish the council of five hundred, the Areopagus, the ten courts of judicature, and every other check, and who, with furious zeal for equality, were the readiest instruments of despotism; and the party of judicious and

and moderate men, who, though weaker than either of the others, were the only balance between them. This last party, at this time, was supported by the powerful family of the Alcmaeonides, of whom Megacles, the chief, had greatly increased the wealth and splendour of his house, by marrying the daughter of the tyrant of Sicion, and had acquired fame by victories in the Olympian, Pythian, and Isthmian games: the head of the oligarchic party was Lycurgus, not the Spartan lawgiver: the democratical party was led by Pisistratus, claiming descent from Codrus and Nestor, with great abilities, courage, address, and reputation for military conduct in several enterprizes. Upon Solon's return, after an absence of ten years, he found prejudices deeply rooted; attachment to their three leaders dividing the whole people. He was too old to direct the storm: the factions continued their manœuvres; and at length Pisistratus, by an artifice, became master of the commonwealth. Wounding himself and his horses, he drove his chariot violently into the Agora, where the assembly of the people was held; and, in a pathetic speech, declared  
“ that he had been waylaid as he was going into  
“ the country—that it was for being the man  
“ of the people that he had thus suffered—that  
“ it was no longer safe for any man to be a  
“ friend of the poor—it was not safe for him to  
“ live in Attica, unless they would take him  
“ under their protection.” Ariston, one of his partisans, moved for a guard of fifty men, to defend the person of the friend of the people, the martyr for their cause. In spite of the utmost opposition of Solon, though Pisistratus was his friend, this point was carried: Pisistratus, with his guards, seized the citadel; and, his oppo-

nents forced into submission or exile, he became the first man, and from this time is called the Tyrant of Athens; a term which meant a citizen of a republic, who by any means obtained a sovereignty over his fellow-citizens. Many of them were men of virtue, and governed by law, after being raised to the dignity by the consent of the people; so that the term Tyrant was arbitrarily used by the ancients, sometimes to signify a lawful ruler, and sometimes an usurper. Pisistratus, of whom Solon said, “Take away his ambition, “cure him of his lust of reigning, and there is not “a man of more virtue, or a better citizen,” changed nothing in the constitution. The laws, assembly, council, courts of justice, and magistrates, all remained; he himself obeyed the summons of the Areopagus, upon the charge of murder. Solon trusted to his old age against the vengeance of the tyrant, and treated him in all companies with very imprudent freedoms of speech. But Pisistratus carried all his points with the people; and had too much sense to regard the venerable legislator, or to alter his system. He returned his reproaches with the highest respect; and gained upon him, according to some authors, to descend to live with him in great familiarity, and assist him in his administration. Others say that Solon, after having long braved the tyrant’s resentment, and finding the people lost to all sense of their danger, left Athens and never returned.

Solon died at the age of eighty, two years after the usurpation. The usurper soon fell. The depressed rival chiefs, Megacles and Lycurgus, uniting their parties, expelled him; but the confederated rivals could not agree. Megacles proposed a coalition with Pisistratus, and offered him his daughter in marriage. The condition was accepted;

cepted; but the people in assembly must be gained. To this end they dressed a fine girl with all the ornaments and armour of Minerva, and drove into the city, heralds proclaiming before them, “O Athenians, receive Pisistratus, whom Minerva honouring above all men, herself conducts into your citadel.” The people believed the maid to be a goddess, worshipped her, and received Pisistratus again into the tyranny. Is this government, or the waves of the sea? But Pisistratus was soon obliged to retire to Eretria, and leave the party of Megacles masters of Athens. He strengthened his connections; and in the eleventh year of this his second banishment, he returned to Attica with an army, and was joined by his friends. The party of Megacles met him with another army, ill disciplined and commanded, from the city; were attacked by surprize, and defeated. Pisistratus proclaimed that none need fear, who would return peaceably home. The known honour, humanity, and clemency of his character, procured him confidence; his enemies fled, and he entered the city without opposition. He made no fundamental change in the constitution, though, as head of a party, he had the principal influence. He depended upon a large fortune of his own, and a good understanding with Thebes and Argos, to support him in it. He died in peace, and left his son successor to his influence. Both his sons, Hippias and Hipparchus, were excellent characters; and arts, agriculture, gardening, and literature, as well as wisdom and virtue, were singularly cultivated by the whole race of these tyrants. Harmodius and Aristogeiton, however, conspired the death both of Hippias and Hipparchus; the latter was killed, and Hippias was led to severities: many Athenians were put to death. Hippias, to strengthen

strengthen his interest with foreign powers, married his only daughter to the son of the tyrant of Lampsacus. Her epitaph shews that the title of Tyrant was not then a term of reproach: "This dust covers Archedice, daughter of Hippias, in his time the first of the Greeks.— Daughter, sister, wife, and mother of tyrants, her mind was never elated to arrogance."

The opposite party were watchful to recover Athens, and to increase their interest with the other Grecian states for that end. The temple of Delphi was burnt. The Alcmæonides, to ingratiate themselves with the oracle, the Amphictyons, and all Greece, rebuilt it with Parian marble, instead of Porine stone, as they had contracted to do, without asking any additional price. The consequence was, that whenever the Lacedæmonians consulted the oracle, the answer always concluded with an admonition to give liberty to Athens. At length the oracle was obeyed; and, after some variety of fortune, the Alcmæonides, aided by Cleomenes the Spartan, prevailed, and Hippias retired to Sigeum. It was one maxim of the Spartans, constantly to favour aristocratical power; or rather, wherever they could, to establish an oligarchy: for in every Grecian city there was always an aristocratical, oligarchical, and democratical faction. Whenever the Grecian states had a war with one another, or a sedition within themselves, the Lacedæmonians were ready to interfere as mediators. They conducted the business generally with great caution, moderation, and sagacity; but never lost sight of their view to extend the influence of their state; nor of their favourite measure for that end, the encouragement of aristocratical power, or rather oligarchical: for a few principal families, indebted to Lacedæmon

mon for their pre-eminence, and unable to retain it without her assistance, were the best instruments for holding the state in alliance. This policy they now proposed to follow at Athens. Cleisthenes, son of Megacles, head of the Alcmaeonides, was the first person of the commonwealth. Having no great abilities, a party was formed against him under Isagoras, with whom most of the principal people joined. The party of Cleisthenes was among the lower sort, who being all powerful in the general assembly, he made by their means some alterations in the constitution favouring his own influence. Cleisthenes was now tyrant of Athens, as much as Pisistratus had been. In the contests of Grecian factions, the alternative was generally victory, exile, or death; the inferior party therefore resorted sometimes to harsh expedients. Isagoras and his adherents applied to Lacedæmon. Cleomenes, violent in his temper, entered with zeal into the cause of Isagoras, and sent a herald to Athens, by whom he imperiously denounced banishment against Cleisthenes and his party, on the old pretence of criminality for the execution of the partisans of Cylon. Cleisthenes obeyed. Exalted by this proof of a dread of Spartan power, he went to Athens with a small military force, and banished seven hundred families at once: such was Athenian liberty. He was then proceeding to change the constitution, to suit the views of Spartan ambition, by dissolving the council of five hundred, and committing the whole power to a new council of three hundred, all partisans of Isagoras. Athens was not so far humbled. The five hundred resisted, and excited the people, who flew to arms, and besieged Cleomenes and Isagoras in the citadel; who the third day surrendered, upon condition that the Lacedæmonians

monians might depart in safety. Isagoras went with them. Many of his party were executed, and Cleisthenes, and the exiled families, returned; but conscious of their danger from their hostile fellow-citizens in concert with Lacedæmon, they sent to solicit an alliance with Artaphernes, the satrap of Persia. The answer was, If they would give earth and water to Darius they might be received, otherwise they must depart. The ambassadors, considering the imminent danger of their country and party, consented to these humiliating terms. Although Athens was distracted with domestic factions, and pressed with the fear of an attack from Cleomenes, the conduct of her ambassadors, in acknowledging subjection to the Persian king, in hopes of his protection, was highly reprobated upon their return; and it does not appear that Persian assistance was further desired: yet the danger which hung over Athens was very great. Cleomenes, bent on revenge, formed a confederacy against them, of the Thebans, Corinthians, and Chalcidians. These could not agree, and the Athenians gained some advantages of two of them. Cleomenes then pretended that Sparta had acted irreligiously in expelling Hippias, who ought to be restored; because, when he was besieged in the citadel at Athens, he had discovered a collusion between the Delphic priests and the Alcmæonides. Sparta was willing to restore Hippias; but Corinth, their ally, was not. Hippias, despairing of other means, now in his turn applied to Persia, and brought upon his country the Persian war; from which it was delivered by Miltiades, at the battle of Marathon. Miltiades became the envy of the Alcmæonide family. Xanthippus, one of the principal men of Athens, who had married a daughter of Megacles, the great opponent

of

of Pisistratus, conducted a capital accusation against him: he was condemned in a fine of fifty talents, more than he was worth. His wound, which prevented him from attending the trial, mortified, and he died in prison. In order to brand the family of Pisistratus, the fame of Harmodius and Aristogeiton was now cried up. They had assassinated Hipparchus from mere private revenge; but they were now called asserters of public liberty. The tyrannicide, as it was called, was celebrated by songs, statues, ceremonies, and religious festivals.

It must be acknowledged that every example of a government, which has a large mixture of democratical power, exhibits something to our view which is amiable, noble, and I had almost said, divine. In every state hitherto mentioned, this observation is verified. What is contended for, is, that the people in a body cannot manage the executive power, and therefore that a simple democracy is impracticable; and that their share of the legislative power must be always tempered with two others, in order to enable them to preserve their share, as well as to correct its rapid tendency to abuse. Without this, they are but a transient glare of glory, which passes away like a flash of lightning, or like a momentary appearance of a goddess to an ancient hero, which, by revealing but a glimpse of celestial beauties, only excited regret that he had ever seen them.

The republic of Athens, the school-mistress of the whole civilized world, for more than three thousand years, in arts, eloquence, and philosophy, as well as in politeness and wit, was, for a short period of her duration, the most democratical commonwealth of Greece. Unfortunately their history, between the abolition of their kings and the

the time of Solon, has not been circumstantially preserved. During this period, they seem to have endeavoured to collect all authority into one center, and to have avoided a composition of orders and balances as carefully as Mr. Turgot: but that center was a group of nobles, not the nation. Their government consisted in a single assembly of nine archons, chosen annually by the people. But even here was a check; for by law the archon must all be chosen out of the nobility. But this form of government had its usual effects, by introducing anarchy, and such a general profligacy of manners, that the people could at length be restrained by nothing short of the ultimate punishment from even the most ordinary crimes. Draco accordingly proposed a law, by which death should be inflicted on every violation of the law. Humanity shuddered at so shocking a severity! and the people chose rather that all offences should go unpunished, than that a law thus written in blood, as they termed it both in horror and contempt, should be executed. Confusions increased, and divided the nation into three factions; and their miseries became so extreme, that they offered Solon an absolute monarchy. He had 'too much sense, as well as virtue, to accept it; but employed his talents in new-modelling the government. Sensible, from experience, of the fatal effects of a government too popular, he wished to introduce an aristocracy, moderated like that of Sparta; but thought the habits and prejudices of the people too strong to bear it. The archons he continued; but, to balance their authority, he erected a senate of four hundred, to be chosen by ballot of the people. He also revived the court of Areopagus, which had jurisdiction in criminal cases, and the care of religion. He excluded from the executive,

executive, or the magistracy, all the citizens who were not possessed of a certain fortune; but vested the sovereignty in a legislative assembly of the people, in which all had a right to vote. In this manner Solon attempted a double balance. The Areopagus was to check the executive in the hands of the archons; and the senate of four hundred, the fickleness and fire of the people. Every one must see that these devises would have been no effectual controul in either case; yet they were better than none. It was very right that the people should have all elections; but democratical prejudices were so inveterate, that he was obliged not only to make them, assembled in a body, an essential branch of the legislature, but to give them cognizance of appeals from all the superior courts. Solon himself, in his heart, must have agreed with Anacharsis, that this constitution was but a cobweb to bind the poor, while the rich would easily break through it. Pisistratus soon proved it, by bribing a party, procuring himself a guard, and demolishing Solon's whole system before his eyes, and establishing a single tyranny. The tyrant was expelled several times by the opposition, but as often brought back, and finally transmitted his monarchy to his sons. One of these was assassinated by Harmodius and Aristogeton; and the other driven into banishment by the opposition, aided by the neighbouring state, Sparta. He fled to the Persians, excited Darius against his country, and was killed at Marathon. These calamities inspired the people with such terrors of a single tyrant, that, instead of thinking to balance effectually their "orders," they established the ostracism, to prevent any man from becoming too popular: a check indeed, but a very injudicious one; for it only banished their best men. History

no where furnishes so frank a confession of the people themselves, of their own infirmities, and unfitness for managing the executive branch of government, or an unbalanced share of the legislature; as this institution. The language of it is, " We know ourselves so well, that we dare not trust our own confidence and affections, our own admiration and gratitude for the greatest talents and sublimest virtues. We know our heads will be turned, if we suffer such characters to live among us, and we shall always make them kings." What more melancholy spectacle can be conceived even in imagination, than that inconstancy which erects statues to a patriot or a hero one year, banishes him the next, and the third erects fresh statues to his memory ?

Such a constitution of government, and the education of youth which follows necessarily from it, always produces such characters as Cleon and Alcibiades ; mixtures of good qualities enough to acquire the confidence of a party, and bad ones enough to lead them to destruction ; whose lives shew the miseries and final catastrophe of such imperfect polity.

From the example of Athens it is clear, that the government of a single assembly of archons chosen by the people, was found intolerable ; that, to remedy the evils of it, Solon established four several orders, an assembly of the people, an assembly of four hundred, an assembly of archons, and the Areopagus ; that he endeavoured to balance one singly by another, instead of forming his balance out of three branches. Thus these attempts at an equilibrium were ineffectual ; produced a never-ending fluctuation in the national councils, continual factions, massacres, proscriptions, banishment, and death of the best citizens : and the history

tory of the Peloponnesian War by Thucidydes, will inform us how the raging flames at last burnt out.

The people in each of the United States have, after all, more real authority than they had in Athens. Planted as they are over large dominions, they cannot meet in one assembly, and therefore are not exposed to those tumultuous commotions, like the raging waves of the sea, which always agitated the ecclesia at Athens. They have all elections, of governor and senators, as well as representatives, so prudently guarded, that there is scarce a possibility of intrigue. The property required in a representative, senator, or even governor, is so small, that multitudes have equal pretensions to be chosen. No election is confined to any order of nobility, or to any great wealth; yet the legislature is so divided into three branches, that no law can be passed in a passion, nor inconsistent with the constitution. The executive is excluded from the two legislative assemblies; and the judiciary power is independent, as well as separate from all. This will be a fair trial, whether a government so popular can preserve itself. If it can, there is reason to hope for all the equality, all the liberty, and every other good fruit of an Athenian democracy, without any of its ingratitude, levity, convulsions, or factions.

## LETTER XLII.

ANTALCIDAS.

Dear Sir,

IN the year 1774, a certain British officer, then at Boston, was often heard to say, "I wish I were Parliament: I would not send a ship or troop to this country; but would forthwith pass a statute, declaring every town in North America a free, sovereign, and independent commonwealth. This is what they all desire, and I would indulge them: I should soon have the pleasure to see them all at war with one another, from one end of the continent to the other."—This was a gentleman of letters, and perhaps had learned his politics from Antalcidas, whose opinion concerning the government of a single assembly, is very remarkable; but the Greek and the Briton would both have found their artifices in America ineffectual. The Americans are very far from being desirous of such multiplications and divisions of states, and know too well the mischiefs that would follow from them: yet the natural and inevitable effect of Mr. Turgot's system of government, would, in a course of time, be such a spirit among the people.

It is not very certain whether Antalcidas was a Spartan or not. If he was, he had violated the law of Lycurgus by travel, and had resided long in

in Persia, and maintained an intercourse and correspondence with several noble families. He was bold, subtle, insinuating, eloquent; but his vices and corruption were equal to his address. The stern Spartan senate thought him a proper instrument to execute an insidious commission at a profligate court. The institutions of his own country, Sparta, were the objects of his ridicule; but those of the democratical states of Greece, of his sovereign contempt. The ancient maxim of some of the Greeks, “*That every thing is lawful to a man in the service of his country,*” was now obsolete, and had given way to a purer morality; but Antalcidas was probably one of those philosophers, who thought every thing lawful to a man which could serve his private interest.—The Spartan senate never acted upon a principle much better; and therefore might, upon this occasion, have given their ambassador the instruction which he pretended, viz. to offer “to resign all pretensions to the Greek cities in Asia, which they would acknowledge to be dependencies of the Persian empire; and to declare all the cities and islands, small and great, totally independent of each other.” These articles, in consequence of which there would not be any republic powerful enough to disturb the tranquillity of Persia, were more advantageous to them than the most insolent courtier would have ventured to propose. The ambassador was rewarded by a magnificent present; and the terms of peace transmitted to court, to be ratified by Artaxerxes. The negociation however languished, and the war was carried on with violence for several years; and all the art, activity, and address of Antalcidas were put to the trial, before he obtained the ratification. The treaty was at last completed—

" That all the republics, small and great, should  
 " enjoy the independent government of their own  
 " hereditary laws; and whatever people rejected  
 " these conditions, so evidently calculated for  
 " preserving the public tranquillity, must expect  
 " the utmost indignation of the Great King, who,  
 " in conjunction with the republic of Sparta,  
 " would make war on their perverse and dange-  
 " rous obstinacy, by sea and land, with ships  
 " and money."

Antalcidas, and Teribazus the Persian satrap, with whom he had concerted the treaty, had foreseen, that, as Thebes must resign her authority over the inferior cities of Bœotia—as Argos must withdraw her garrison from Corinth, and leave that capital in the power of the aristocratic or Lacedæmonian faction—and as Athens must abandon the fruits of her recent victories—there might be an opposition to the treaty made by these three states: to guard against which, they had provided powerful armaments by sea and land, which, with Spartan and Persian threats, intimidated all, that all at last submitted.

This peace of Antalcidas forms a disgraceful æra in the history of Greece. Their ancient confederacies were dissolved; the smaller towns were loosened from all connection with the large cities; all were weakened, by being disunited.—What infamy to the magistrates of Sparta, and their intriguing, unprincipled ambassador! But Athens, Thebes, and Argos, by the friendship of the democratical cities and confederacies, had become powerful, and excited their haughty jealousy. The article which declared the smaller cities independent, was peculiarly useful to the views of Sparta; it represented them as the patrons of liberty, among the free. The stern policy of

Sparta

Sparta had crushed, in all her secondary towns, the hope of independence. The authority of Athens, Thebes, Argos, and all the democratical confederacies, were less imperious; the sovereign and subject were more nearly on a footing of equality; and the Spartans knew, that “men are disposed to reject the just rights of their equals, rather than revolt against the tyranny of their masters:” their own slaves and citizens had furnished them with constant proof of this.

But Sparta, by this master-piece of roguery, meant not only to hold still all her own subordinate cities in subjection, not only to detach the inferior communities from her rivals, but to add them to her own confederacy. To this end she, by her emissaries, intrigued in all the subordinate cities. How? by promoting liberty, popular government, or proper mixtures of a well-ordered commonwealth? By no means; but by supporting the aristocratical factions in all of them, fomenting animosities among the people against each other, and especially against their capitals. Complaints, occasioned by these cabals, were referred to the Spartan senate, which had acquired the reputation of the patron of the free, the weak, and the injured, and always decided in their own favour. But the ambition of Spartans, cool and cunning as it was, had not patience to remain long satisfied with such legal usurpations; they determined to mix the terror of their arms with the seduction of policy. Before we proceed to an account of their operations, we must develop a little more fully the policy of Antalcidas.—Besides the free republics of Attica, Thebes, and Argos, which consisted of several cities, governed by their first magistrates, senate, and people,

in which the subordinate cities always complained of the inordinate influence of the capital; there were several republics reputed still more popular, because they were governed by single assemblies, like Biscay, the Grisons, Appenzel, Underwald, Glaris, &c. These republics consisted of several towns, each governed by its own first magistrate, council, and people; but confederated together, under the superintendance of a single diplomatical assembly, in which certain common laws were agreed on, and certain common magistrates appointed, by deputies from each town. These confederacies are the only examples of governments by a single assembly which were known in Greece. Antalcidas knew that each of these towns was discontented with the administration of their common assembly, and in their hearts wished for independence. It was to this foible of the people that he addressed that policy, in his Persian treaty, by which he twisted to atoms, as if it had been a rope of sand, every democratical city and confederacy, and every one in which democracy and aristocracy were mixed, throughout all Greece. The first victim of this ambitious policy was Arcadia, in the center of Peloponnesus, whose principal town was Mantinea. Arcadia was a fertile and beautiful valley, surrounded by lofty mountains: the scattered villages of shepherds, inhabiting these hills and vales, had grown into cities, by the names of Tegea, Stymphalis, Heræa, Orchomonus, and Mantinea. The inhabitants were distinguished by their innocence, and the simplicity of their manners; but, whenever they had been obliged, from necessity, to engage in war, they had displayed such vigour, energy, and intrepidity, as made their alliance very desirable. The dangerous

neigh-

neighbourhood of Sparta had obliged them to fortify their towns, and maintain garrisons; but jealousies arose between Tegea and Mantinæa, and emulations to be the capital. The year after the treaty of Antalcidas, ambassadors were sent by the Spartan senate to the assembly at Mantinæa, to command them to demolish the walls of their proud city, and return to their peaceful villages. The reasons assigned were, that the Mantinæans had discovered their hatred to Sparta, envied her prosperity, rejoiced in her misfortunes, and, in the late war, had furnished some corn to the Argives. The Mantinæans received the proposal with indignation; the ambassadors retired in disgust: the Spartans proclaimed war, demanded the aid of their allies, and marched a powerful army under their king Agesipolis, and invaded the territory. After the most destructive ravages of the country, and a long siege of Mantinæa, they were not able to subdue the spirit of this people, until they turned the course of the river Ophis, and laid the walls of the city under water; these, being of raw bricks, dissolved, and fell. The inhabitants, intimidated, offered to demolish the walls, and follow Sparta in peace and war, upon condition they might be allowed to continue and live in the city — Agesipolis replied, that while they lived together in one city, their numbers exposed them to the delusions of seditious demagogues, whose address and eloquence seduced the multitude from their true interest, and destroyed the influence of their superiors in rank, wealth, and wisdom, on whose attachment alone the Lacedæmonians could depend; and therefore, that they must destroy their houses in the city, separate into four communities, and return to those villages which their ancestors

cestors had inhabited. The terror of an immediate assault made it necessary to comply; and the Spartans made a mighty merit of suffering sixty of the most zealous partisans of democracy to fly, unmurdered, from their country.

The little republic of Phlius too, like every other where a balance is not known and preserved, was distracted by parties. The popular party prevailed, and banished their opponents, the friends of aristocracy. The Spartans threatened, and the ruling party permitted the exiles to return; but not meeting with respectful treatment enough, they complained, and the Spartans, under Agesilaus, appointed commissioners to try and condemn to death the obnoxious leaders of the people in Phlius. This odious office was executed with such unexampled severity, as terrified those who survived into an invariable attachment to Sparta.

The confederacy of Olynthus was next attempted. A number of towns, of which Olynthus was the principal, between two rivers, had been incorporated or associated together, and grown into some power, and greater hopes. This was enough to arouse the jealousy of Sparta. They sent four or five successive armies, under their ablest kings, to take the part of the aristocratical faction, and conquer this league. Such was the spirit and resources of this little spot, that they defended themselves for four or five campaigns, and then were forced to submit.

Thebes had been torn with aristocratic and democratic factions, in consequence of the peace of Antalcidas, and Sparta joined the latter, which ultimately produced long and obstinate wars, and the exalted characters of Pelopidas and Epaminondas, who, however, with all their virtues, were

were not able finally to establish the independence of their country, though both perished in the attempt; Epaminondas, to the last, refusing to the several communities of Bœotia their hereditary laws and government, although he was one of the democratical party.

Sparta, in the next place, sent a detachment to support the partisans of aristocracy in Argolis, Achaia, and Arcadia, but were obliged to evacuate that country by Pelopidas and Epaminondas; but the latter supported aristocratic government. As soon as he retired, the Arcadians complained against him, that a people, who knew by their own experience the nature of aristocracy, should have confirmed that severe form of government in an allied or dependent province. The multitude in Thebes condemned the proceedings of Epaminondas, and sent commissioners into Achaia, who assisted the populace, and a body of mercenaries, to dissolve the aristocracy, and banish or put to death the nobles, and institute a democracy. The foreign troops were scarcely departed, when the exiles, who were very numerous and powerful, returned, and, after a desperate and bloody struggle, recovered their ancient influence: the leaders of the populace were now, in their turn, put to death or expelled; the aristocracy re-established; and the magistrates craved the protection of Sparta, which was readily granted.

It would be endless to pursue the consequences of the peace of Antalcidas: uninterrupted contests and wars in every democratical state in Greece were the consequence of it; aristocratical and democratical factions eternally disputing for superiority, mutually banishing and butchering each

each other; proscriptions, assassinations (of which even Pelopidas was not innocent), treacheries, cruelties without number and without end.—But no man, no party, ever thought of introducing an effectual balance, by creating a king, with an equal power, to balance the other two. The Romans began to think of this expedient, but it was reserved for England to be the first to reduce it to practice.

Would Mr. Turgot have said, that if Thebes, Athens, Argos, and the Achæan, Arcadian, and Olynthian leagues, had been each of them governed by a legislature composed of a king, senate, and assembly, with equal authority, and each a decisive negative, that the cause of liberty, in all Greece, would have been thus crumbled to dust by such a paltry trick of Antalcidas? Would the childish humour of separating into as many states as towns have ever been indulged or permitted? Most certainly they would not. And if the power of negociation and treaties, and the whole executive, had been in one man, could the perfidious ambassadors of Sparta, and the other states, have intrigued, and embroiled every thing as they did?

## LETTER XLIII.

## ACHAIA.

Dear Sir,

THE Achæans, whose republic became so famous in later times, inhabited a long but narrow strip of land along the Corinthian gulph, which was destitute of harbours, and, as its shores were rocky, of navigation and commerce; but the impartial and generous spirit of their laws, if we are to credit Polybius and their other panegyrists, were some compensation for the natural disadvantages of their situation and territory. They admitted strangers into their community on equal terms with the ancient citizens; and, as they were the first, and, for a long time, the only republic of Greece which had such liberality, it is not strange that they should have enjoyed the praises of all foreigners. In all other states of Greece, in which the people had any share in government, there were constant complaints, that one powerful capital domineered over the inferior towns and villages, like Thebes in Bœotia, Athens in Attica. In Laconia, Lycurgus avoided this inconvenience by two popular assemblies, one for Sparta, and one for the country; but in Achaia there was no commercial town, and all were nearly equal, having common laws and institutions, and common weights and measures. Helice, which is distinguished by Homer as the most considerable town of Achaia, was the place

of assembly of the congress, until it was swallowed up in an earthquake; then Ægæ became the seat of congress, who annually appointed presidents in rotation, and generals, who were responsible to the congress, as the members of congress were to the cities they represented. This is said to be an excellent system of government, because it checked the ambition of Achaia, while it maintained its independence: and Polybius is full of the praises of this people for their " virtue and probity in all their negotiations, which had acquired them the good opinion of the whole world, and procured them to be chosen to be arbitrators between the Lacedæmonians and Thebans; for their wise councils, and good dispositions: for their equality and liberty, which is in the utmost perfection among them; for their laws and institutions; for their moderation, and freedom from ambition," &c. Yet whoever reads his own history, will see evident proofs, that much of this is the fond partiality of a patriot for his country; and that they had neither the moderation he ascribes to them, nor the excellent government. Better indeed than the other republics of Greece it might be; and its congress, as a diplomatic assembly, might have governed its foreign affairs very well, if the cities represented in it had been well constituted of a mixture of three independent powers:—But it is plain they were not; but were in a continual struggle between their first magistrates, nobles, and people, for superiority, which occasioned their short duration, and final ruin. As this example deserves to be fully examined by every American, let us explain it a little more particularly.

Atreus, king of Argos and Mycene, was the son of Pelops, and father of Agamemnon, who was

was the father of Orestes, who was the father of Tisamenus: Pelops, after whom Peloponnesus was named, was the son of Tantalus, a king of Phrygia; and Tantalus was the son of Jupiter, by the nymph Plota.

Tisamenus, flying from Sparta, upon the return of the Heraclidæ governed in Achaia, and was the first king of that people. The dominion by him there founded was continued, in a rightful succession, down to Gyges. Notwithstanding his descent from Jupiter, his government was probably like that of Alcinous in Phœacia:—Twelve archons presided over the twelve cities, who, each in his district, was the first magistrate; and all able to make out, some way or other, their connection with some of the ancient families, who were all alike honourably descended, at least, from an inferior god or goddess. Tisamenus made the thirteenth, and was first among equals at least. The sons of Gyges not governing by law, but despotically, the monarchy was abolished, and reduced to a popular state; probably it was only an aristocracy of the twelve archons. These hints at the genealogy of these kings are to shew how intimately theology was intermixed with politics in every Grecian state and city; and, at the same time, to shew that the whole force of superstition, although powerful enough to procure crowns to these persons, yet, for want of the balance we contend for, was not sufficient to restrain the passions of the nobles, and prevent revolutions almost as rapid as the motion of a wheel: nothing has ever been found to supply the place of the balance of three powers. The abolition of this limited monarchy was not effected by the people, for the purpose of introducing democracy, or a mixed government; but by the nobles, for the sake

sake of establishing an aristocracy. The new government, consequently, was a confederation of twelve archons, each ruling as first magistrate in a separate city, with his council and people, as an independent state. The twelve archons met in a general assembly, sometimes in person, and sometimes by proxy, to consult of general affairs, and guard against general dangers. This whole state could not be larger than another Biscay, and each city must have been less than a merindade, and its general assembly like the junta general: yet such is the passion for independence, that this little commonwealth, or confederacy of commonwealths, could not hold together. The general assembly was neglected; the cities became independent: some were conquered by foreigners, and some lost their liberties by domestic tyrants, that is, by their first magistrates assuming arbitrary power. Polybius discovers as much affection for this little republic as Rousseau did for Geneva, and is very loth to confess their faults: — He colours over the revolutions they underwent for a course of ages, by saying, that “ though their affairs were governed according “ to the diversity of times and occurrences, all “ possible endeavours were used to preserve the “ form of a popular state. The commonwealth “ was composed of twelve cities, which are in “ being at this day, Olenus and Helice only ex-“ cepted, which were swallowed up by the sea in “ an earthquake that happened not long before “ the battle of Leuctra; which cities are Patra, “ Dyma, Phara, Trytæa, Leontium, Ægira, Pel-“ lene, Ægium, Bura, Ceraunia, Olenus, and “ Helice. After the death of Alexander, and since “ the Olympiad we have mentioned, these cities “ fell into dangerous dissensions, chiefly by the “ artifices

“ artifices of the Macedonian princes, when every  
“ city apart meditated on nothing but their own  
“ private profit and ends, to the prejudice and  
“ destruction of their neighbours; and this gave  
“ occasion to Demetrius and Cassander, and after-  
“ wards to Antigonus Gonatus, to put garrisons  
“ in some of their cities; and that others were  
“ invaded and governed by tyrants, who, in those  
“ days, were very numerous in Greece. But  
“ about the 124 Olympiad, when Pyrrhus in-  
“ vaded Italy, these people began to see the  
“ error of their dissensions, and laboured to re-  
“ turn to their former union. Those who gave  
“ the first example were Dyma, Patra, and Pha-  
“ ra: five years afterwards, Ægium, having cast  
“ out the garrison that was placed over them,  
“ were received into the confederacy. Bura fol-  
“ lowed their example, having first killed the ty-  
“ rant; and soon after Ceraunia did the like;  
“ for Iseas their tyrant, considering how that  
“ those of Ægium had expelled their garrison,  
“ and he who governed in Bura was already slain  
“ by the practices of Marcus and the Achaians,  
“ and that it would be his lot to have them all  
“ quickly for enemies, he therefore resigned the  
“ dominion, after having first stipulated with the  
“ Achaians for his indemnity for what was passed,  
“ and so incorporated the city into the union of  
“ the Achaians.

“ The cities then we have mentioned con-  
“ tinued for the space of five-and-twenty years to  
“ preserve this form of government unchanged,  
“ chusing in their general assembly two prætors  
“ (or presidents) and a secretary. Afterwards  
“ they concluded to have but one prætor only,  
“ who should be charged with the management  
“ of their affairs; and the first who enjoyed that

“ dignity was Marcus the Carian, who, after four  
“ years of his administration, gave place to Ara-  
“ tus the Sicyonian, who, at the age of twenty  
“ years, after he had, by his virtue and resolu-  
“ tion, rescued his country from tyranny, joined  
“ it to the commonwealth of the Achaians, so  
“ great a veneration had he from his youth for  
“ the manners and institutions of that people.  
“ Eight years after, he was a second time chosen  
“ prætor, and won Acro-corinth, which Antigo-  
“ nus had fortified with a garrison, whereby Aratus  
“ freed all Greece from no small apprehension.  
“ When he had restored liberty to Corinth, he  
“ united it to the Achaians, together with the  
“ city of Megara, which he got by intelligence  
“ during his prætorship. In a word, Aratus,  
“ who, in a short space, brought many and great  
“ things to pass, made it manifest, by his councils  
“ and actions, that his greatest aim was the ex-  
“ pulsion of the Macedonians out of Pelopon-  
“ nesus, to suppress tyranny, and assert the liber-  
“ ty of his country: so that, during the whole  
“ reign of Antigonus Gonatus, Aratus constantly  
“ opposed all his designs and enterprizes, as he  
“ did the ambition of the Ætolians to raise them-  
“ selves on the ruins of their neighbour states;  
“ and, as in all the transactions of his adminis-  
“ tration he gave singular evidences of a steady  
“ mind and firm resolution, all his attempts suc-  
“ ceeded accordingly, notwithstanding many states  
“ confederated to hinder the union, and to destroy  
“ the commonwealth of the Achaians. After the  
“ death of Antigonus the Achaians entered into a  
“ league with the Ætolians, and generously as-  
“ sisted them in their war against Demetrius; so  
“ that the ancient hatred between these two peo-  
“ ple seemed for the present extinguished, and  
“ the

" the desire of concord began, by degrees, to  
" grow in the minds of the Ætolians. Demetrius  
" died, when many great and noble occasions were  
" given to the Achaians of finishing the project  
" they had conceived; for the tyrants who reigned  
" in Peloponnesus, having lost the support of  
" Demetrius, who greatly favoured them, began  
" now to despair; and, on the other hand, being  
" awed by Aratus, who admonished them to quit  
" their governments, on promise of great honours  
" and rewards to such as voluntarily resigned,  
" and threatening others with hostility who re-  
" fused; whereupon they resolved to despoil  
" themselves of their dignities, restore their peo-  
" ple to liberty, and incorporate them with the  
" Achaians. As to Lysidas, the Megalopolitan,  
" he, wisely foreseeing what was likely to come to  
" pass, frankly renounced his dominion during  
" the life of Demetrius, and was received into  
" the general confederacy of rights and privileges  
" with the whole nation. Aristomachus, tyrant  
" of the Argicus, Xeno of the Hermioneans, and  
" Cleonymus of the Phliatians, resigning their  
" authority at the time we mention, were likewise  
" received into the alliance of the Achaians. In  
" the mean time the Ætolians began to conceive  
" jealousies at the growing greatness and extra-  
" ordinary success of the Achaians, and basely  
" entered into a league with Antigonus, who at  
" that time governed Macedon, and with Cleo-  
" menes, king of the Lacedæmonians. These  
" three powers, Macedonia, Lacedæmon, and  
" Ætolia, were to invade Achaia on all sides;  
" but the great political abilities of Aratus de-  
" feated the enterprize. He considered that An-  
" tigonus was a man of experience, and willing  
" enough to make alliances; and that princes  
" have

“ have naturally neither friends nor enemies; but  
“ measure amities and enmities by the rules of  
“ interest: he therefore endeavoured, after a good  
“ understanding with that prince, and determined  
“ to propose the joining the forces of the Achai-  
“ ians to his. He proposed to cede him some  
“ towns; and the alliance was formed, and the  
“ Cleomenic war commenced. In the prosecution  
“ of it, Cleomenes and his Spartans displayed the  
“ utmost ferocity and cruelty, particularly at  
“ Ægium, where he put in practice so many out-  
“ rages and cruelties of war, that he left not so  
“ much as any appearance that it had been ever  
“ a peopled place.” There is great reason to sus-  
pect that the Achaians were not less guilty of  
cruelty; for Polybius professes to follow the ac-  
count given by Aratus himself, in a history which  
that prætor wrote of Achaia, who may be well  
suspected of partiality; and Polybius himself was  
the son of Lycortas of Megalopolis, who perfected  
and confirmed the confederacy of the Achaians,  
and discovers throughout his history a strong at-  
tachment to this people. If the history of Clear-  
chus was extant, we might possibly see that the  
Achaeans, the Spartans, and Macedonians, were  
equally liable to the accusation of inhumanity.  
Mantinæa was subjected to unspeakable calamities  
as well as Ægium; but Polybius endeavours to  
cover this over with a veil by abusing Clearchus,  
accusing him with departing from the dignity of  
history and writing tragedies, by representing wo-  
men with dishevelled hair and naked breasts, em-  
bracing each other with melting lamentations and  
tears, and complaints of men, women, and chil-  
dren, dragged away promiscuously. He attempts  
to justify the punishment of this city, by charg-  
ing it with treacherously betraying itself into the  
hands.

hands of the Spartans, and massacring the Achaian garrison: but this was no more than the usual effect of the continual revolutions in the Greek cities, from democracy to aristocracy, from that to monarchy, and back again through the whole circle. In every one of these cities there were three parties; a monarchical party, who desired to be governed by a king or tyrant, as he was then called; an aristocratical party, who wished to erect an oligarchy; and a democratical party, who were zealous for bringing all to a level. Each faction was for collecting all authority into one center in its own way; but unfortunately there was no party who thought of a mixture of all these three orders, and giving each a negative by which it might balance the other two: accordingly the regal party applied to Macedonian kings for aids and garrisons; the aristocratical citizens applied to Sparta for the like assistance; and the democratical factions applied to Aratas and the Achaian league. The consequence was, as each party prevailed, they brought in a new garrison, and massacred the old one, together with the leaders of the faction subdued. But is such a system to be recommended to the United States of America? If the Americans had no more discretion than the Greeks, no more humanity, no more consideration for the benign and peaceful religion they profess, they would still have to consider, that the Greeks had in many places forty slaves, and in all places ten, to one free citizen; that the slaves did all the labour, and the free citizens had nothing to do but cut one another's throats. Wars did not cost money in Greece; happily for the world, at present they are very expensive. An American soldier will not serve one year, without more money for pay  
than

than many of these Greek cities had for their whole circulating medium.—There is but one possible means of realizing Mr. Turgot's idea. Let us examine it well before we adopt it. Let every town in the Thirteen States be a free sovereign and independent democracy: here you may nearly collect all authority into one center, and that center the nation. These towns will immediately go to war with each other, and form combinations, alliances, and political intrigues, as ably as the Grecian villages did: but these wars and negotiations cannot be carried on but by men at leisure. The first step to be taken then, is to determine who shall be freemen, and who slaves. Let this be determined by lot. In every fifty men, forty are to be slaves, and stay at home unarmed, under certain overseers provided with good whips and scourges, to labour in agriculture and mechanic arts. All commerce and navigation, fisheries, &c. are to cease of course. The other ten are to be free citizens, live like gentlemen, eat black broth, and go out to war; some in favour of tyrants, some for the well-born, and some for the multitude: for, even in the supposition here made, every town will have three parties in it; some will be for making the moderator a king, others for giving the whole government to the select men, and a third sort for making and executing all laws, and judging all causes, criminal and civil, in town meeting. Americans will well consider the consequences of such systems of policy, and such multiplications and divisions of states, and will universally see and feel the necessity of adopting the sentiments of Aratus, as reported by Plutarch: “ That small cities could “ be preserved by nothing else but a continual “ and combined force, united by the bond of “ common

" common interest; and as the members of the  
" body live and breathe by their mutual com-  
" munication and connection, and when once se-  
" parted pine away and putrify, in the same  
" manner are cities ruined by being dismembered  
" from one another, as well as preserved when  
" linked together into one great body, they en-  
" joy the benefit of that providence and council  
" that governs the whole." These were the sen-  
timents which, according to the same Plutarch,  
acquired him so much of the confidence of the  
Achaians, " that since he could not by law be  
" chosen their general every year, yet every other  
" year he was, and by his councils and actions  
" was in effect always so; for they perceived that  
" neither riches nor repute, nor the friendship of  
" kings, nor the private interest of his own coun-  
" try, nor any other thing else, was so dear to him  
" as the increase of the Achaian power and great-  
" ness."

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## L E T T E R XLIV.

### C R E T E.

My dear Sir,

**T**HIS celebrated island, with the fantastical honour of giving birth to some of the gods of Greece, had the real merit and glory of communicating to that country many useful improvements. Their insular situation defended them from invasions by land, and their proximity to Egypt afforded them an easy intercourse of commerce by sea

sea with the capital of that kingdom; where Rhadamanthus in his travels had collected those inventions and institutions of a civilized people, which he had the address to apply to the confirmation of his own authority. Minos is still more distinguished: in his travels in the east, he saw certain families possessed of unrivalled honours and unlimited authority, as vicegerents of the Deity. Although the Greeks would never admit, in the fullest latitude of oriental superstition and despotism, this odious profanation, yet Minos, taking advantage of his own unbounded reputation, and that enthusiasm for his person which his skill and fortune in war, his genius for science, and talents for government, had excited among wandering credulous savages, spread a report that he was admitted to familiar conversations with Jupiter, and received from that deity his system of laws, with orders to engrave it on tables of brass. The great principle of it was, that all freemen should be equal, and therefore that none should have any property in lands or goods; but that citizens should be served by slaves, who should cultivate the lands upon public account. The citizens should dine at public tables, and their families subsist on the public stock. The monarch's authority was extremely limited, except in war. The magistracies were the recompence of merit and age; and superiority was allowed to nothing else. The youth were restrained to a rigid temperance, modesty, and morality, enforced by law. Their education, which was public, was directed to make them soldiers. Such regulations could not fail to secure order, and what they called freedom to the citizens; but nine tenths of mankind were doomed to slavery to support them in total idleness, excepting those exercises

exercises proper for warriors, became more necessary to keep the slaves in subjection, than to defend the state against the pirates and robbers with whom the age abounded. Idomeneus, grandson of Minos, and commander of the Cretan forces in the Trojan war, was among the most powerful of the Grecian chiefs, and one of the few who returned in safety from that expedition. Here was a government of all authority in one centre, and that centre the most aged and meritorious persons of the nation, with little authority in the king, and none in the rest of the people; yet it was not of sufficient strength to hold together. The venerable old men could not endure the authority, or rather the pre-eminence, of the king. Monarchy must be abolished; and every principal city became early a separate independent commonwealth; each, no doubt, under its patriarch, baron, noble, or archon, for they all signify the same thing: and continual wars ensued between the several republics within the island; and Cretan valour and martial skill were employed and exhausted in butchering one another, until they turned all the virtues they had left, against mankind in general, and exerted them in piracies and robberies, to their universal infamy throughout all Greece: nor was Crete ever of any weight in Grecian politics after the Trojan war.

## LETTER XLV.

CORINTH.

My dear Sir,

MONARCHY remained in this emporium of Greece longer than in any other of the principal cities; but the noble families here could no better endure the superiority of a monarch, than others in all countries; and with numerous branches of the royal family (named Bacchidæ, from Bacchis, fifth monarch in succession from Aletes) at their head, they accordingly put to death Telestes, the reigning monarch; and usurping the government, under an association among themselves, instituted an oligarchy. An annual first magistrate, with the title of Prytanis, but with very limited prerogatives, like a doge of Venice, was chosen from among themselves. Several generations passed away under the administration of this odious oligarchy; but the people at length finding it intolerably oppressive, expelled the whole junto, and set up Cuypselus as a monarch or tyrant. He had long been the head of the popular party, and was deservedly a popular character, possessed of the confidence and affection of his fellow-citizens to a great degree, or he never could have refused the guard which was offered him for the protection of his person against the attempts of the defeated oligarchy. His moderation and clemency are allowed by all; yet he is universally called by the Grecian writers 'Tyrant'

Tyrant of Corinth, and his government a Tyranny. Aristotle, l. v. c. 12, informs us that his tyranny continued thirty years, because he was a popular man, and governed without guards. Periander, one of the seven wise men, his son and successor, reigned forty-four years, because he was an able general. Psampsneticus, the son of Gorgias, succeeded, but his reign was short; yet this space of seventy-seven years is thought by Aristotle one of the longest examples of a tyranny or an oligarchy. At the end of this period the nobles again prevailed; but not without courting the people. The tyranny was demolished, and a new commonwealth established, in which there was a mixture of oligarchy and democracy, to prevent the first from running into excess of oppression, and the other into turbulence and licence.

Here we find the usual circle: monarchy first limited by nobles only; then the nobles, becoming envious and impatient of the monarch's pre-eminence, demolish him, and set up oligarchy. This grows insolent and oppressive to the people, who set up a favourite to pull it down. The new idol's posterity grow insolent; and the people finally think of introducing a mixture of three regular branches of power, in the one, the few, and the many, to controul one another, to be guardians in turn to the laws, and secure equal liberty to all.

Aristotle, in this chapter, censures some parts of the eighth book of Plato, and says, "That in general, when governments alter, they change into the contrary species to what they before were, and not into one like the former: and this reasoning holds true of other changes. For he says, that from the Lacedæmonian form it changes into an oligarchy, and from thence into

“ into a democracy, and from a democracy into  
“ a tyranny; and sometimes a contrary change  
“ takes place, as from a democracy into an oli-  
“ garchy, rather than into a monarchy. With re-  
“ speet to a tyranny, he neither says whether  
“ there will be any change in it; or, if not, to  
“ what cause it will be owing; or, if there is, in-  
“ to what other state it will alter: but the reason  
“ of this is, that a tyranny is an indeterminate  
“ government; and, according to him, every state  
“ ought to alter into the first and most perfect:  
“ thus the continuity and circle would be pre-  
“ served. But one tyranny often changed into  
“ another; as at Syria, from Muros to Clis-  
“ thenes; or into an oligarchy, as was Antileos  
“ at Chalcas; or into a democracy, as was Cha-  
“ rilaus's at Lacedæmon, and at Carthage. An  
“ oligarchy is also changed into a tyranny: such  
“ was the rise of most of the ancient tyrannies in  
“ Sicily: at Leontium, into the tyranny of Pa-  
“ netius; at Gela, into that of Cleander; at  
“ Rhegium, into that of Anaxilaus; and the like  
“ in many other cities. It is absurd also to sup-  
“ pose, that a state is changed into an oligarchy  
“ because those who are in power are avaricious  
“ and greedy of money; and not because those,  
“ who are by far richer than their fellow-citizens,  
“ think it unfair that those who have nothing  
“ should have an equal share in the rule of the  
“ state with themselves, who possess so much:  
“ for in many oligarchies it is not allowable to  
“ be employed in money-getting, and there are  
“ many laws to prevent it. But in Carthage,  
“ which is a democracy, money-getting is credit-  
“ able; and yet their form of government re-  
“ mains unaltered.”

Whether these observations of Aristotle upon  
Plato

Plato be all just or not, they only serve to strengthen our argument, by shewing the mutability of simple governments in a fuller light. Not denying any of the changes stated by Plato, he only enumerates a multitude of other changes to which such governments are liable; and therefore shews the greater necessity of mixtures of different orders, and decisive balances, to preserve mankind from those horrible calamities which revolutions always bring with them.

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## L E T T E R XLVI.

### A R G O S.

My dear Sir,

**I**N order to form an adequate idea of the miseries which were brought upon the Greeks by continual and innumerable revolutions of government, it should be considered, that the whole Peloponnesus was scarcely two hundred miles in length, and one hundred and forty in breadth, not much more extensive than the smallest of the Thirteen States of America. Such an inherent force of repulsion, such a disposition to fly to pieces, as possessed the minds of the Greeks, would divide America into thousands of petty despicable states, and lay a certain foundation for irreconcileable wars.

Although Thucidydes and Aristotle, as well as Homer, inform us, that kingdoms were hereditary,

ditary, and of limited authority, yet the limitations appear to be very confused; they were the limitations of nobles rather than of people; and the first struggles for power were between kings and archons. The kings had no standing armies; and all the forces under their authority, even when they took the field, could be commanded only by the nobles, who had their peculiar districts of land and people to govern: these were illustrious and independent citizens; like the barons who demanded the great charter, communicated to each other their grievances, and took measures to remove them: but, being generally as averse to popular as to regal power, their constant aim was an aristocracy; they accordingly extinguished monarchy, but did not secure the rights of the people. The immediate effect of this revolution only multiplied evils. Oppressed by kings, Greece was much more oppressed by archons; and, anciently too much divided, was still more subdivided under the new forms of government. Many inferior cities disdained the jurisdiction, and even the superior influence, of their respective capitals; affected independent sovereignty; and each town maintained war with its neighbours. Each independent state had a right to send two members to the Amphyctyonic council. The abolition of royalty rendering the independent states more numerous, increased the number of Amphyctyons to one hundred members, and more; and an oath was required, that the member should never subvert any Amphyctyonic city: yet every excess of animosity prevailed among the Grecian republics, notwithstanding the interposition of the Amphyctyons.

Argos was founded by Danaus, the Egyptian, about the time that Athens was settled by Cecrops. At the Trojan war it was the first of the states, and ever continued the rival of Sparta. Though the royal dignity seemed more firmly settled under Agamemnon than under any other chief, yet Argos was one of the first of the states upon the continent to abolish monarchy, and that as early as on the death of Celsus, son of Temenus, the descendant of Hercules. No account of its new constitution is preserved: but, from analogy, we may be convinced, that a restless body of nobles overturned the monarchy; and, as it was subject to frequent and violent disorders, that the archons could not agree upon the form of their oligarchy; and set up for independency in their different districts, states, or cities, a little sooner than in other republics. The higher and lower ranks were continually at variance; the democratical faction was commonly superior; sometimes tyrants were set up over all; and once, according to Herodotus \*, the slaves got possession of the city, took upon them the administration of affairs, and exercised the magistracies.

The government must have been ill constituted, as no Rhadamanthus or Minos, no Lycurgus or Solon, no Zaleucus of Charondas, nor any other legislator of superior wisdom and probity, ever acquired the power; and no fortunate coincidence of circumstances ever occurred, to unite liberty and administration, law and government, upon a stable basis. One famous tyrant, Pheidon, lineal successor of Hercules, a prince of great abilities but no moderation, raised himself, rather than his country, to a superiority

\* Lib. vi.

which

which ceased with him. For want of distinct orders, and steady balances, by which the wills and the forces of the people might have been subjected to the laws, Argos lost that pre-eminence among the Grecian states, which it had obtained under a monarchy. Every little town in Argolis was seized with the caprice of independence, and opposed the general government, at the same time that the metropolis betrayed an ambition to domineer over the inferior towns. Civil wars ensued: Mycenæ, Træzene, Epidaurus, and other villages of less consequence, were often conquered and garrisoned, but never subdued. Necessity taught them to unite. They reproached Argos with tyranny, and Argos the others with rebellion. Union enabled them to set at defiance their capital, by means of intrigues and alliances with Lacedæmon, the never-failing resource of one party or the other in every democratical state. The pretence was, the Persian war, which Argos declined. This was called a base dereliction, and excited, by the help of Spartan emissaries, hatred and contempt in Sicyon, Naupila, Heliæa, and other towns, besides those mentioned before. Argos alone, of all the cities in the Peloponnesus, openly espoused the cause of Athens. This circumstance alone, if it was not accidental, is enough to show, that this city had more sense and profound wisdom than all the rest; for Sparta was certainly then leading all Greece to destruction. In other respects the Argives discovered the same temper, and the same understanding, with all the others; for they led their whole forces against Mycenæ, took it by storm, decimated the inhabitants, and demolished the town. Is it not sublime wisdom, to rush headlong into all the distractions and divisions,

visions, all the assassinations and massacres, all the seditions, rebellions, and eternal revolutions, which are the certain consequence of the want of orders and balances, merely for the sake of the popular caprice of having every fifty families governed by all authority in one centre? Even this would not satisfy; the fifty families would soon dissolve their union, and nothing would ever content them short of the complete individual independence of the Mohawks; for it may be depended on, that individual independence is what every unthinking human heart aims at nearly or remotely.

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## LETTER XLVII.

I P H I T U S.

Dear Sir,

ELIA had been the scene of athletic games, celebrated with great pomp by assemblies of chiefs from various parts of Greece. Iphitus, a grandson of Oxylos, succeeded to the throne of Elis. Active and enterprising, but not by inclination a soldier, he was anxious for a remedy for the disorderly situation of his country. Among all the violence, feuds, and wars, superstition maintained its empire, and the oracle of Delphi was held in veneration.

Iphitus sent an embassy to supplicate information from the deity, "How the anger of the gods,  
" which

“ which threatened total destruction to Peloponnesus, through the endless hostilities among its people, might be averted?” He received an answer, which he had probably dictated, “ That the Olympian festival must be restored: for that the neglect of that solemnity had brought on the Greeks the indignation of Jupiter and Hercules; to the first of whom it was dedicated, and by the last of whom it had been instituted.” Iphitus proceeded to model his institution; and ordained that a festival should be held at the temple of Jupiter at Olympia, near Pisa in Eleia, for all the Greeks to partake in, and that it should be repeated every fourth year; that there should be sacrifices to Jupiter and Hercules, and games in honour of them; that an armistice should take place throughout Greece for some time before the commencement of the festival, and continue some time after its conclusion. A tradition was reported, that the Heraclides had appointed Oxylus to the throne of Elis, and the guardianship of the temple of Olympian Jupiter, and consecrated all Eleia to the god. A reputation of sanctity became attached to the whole people of Eleia, as the hereditary priesthood of Jupiter; and secluded them from all necessity of engaging in politics or war.—But it was not possible, by any institutions of religion, to destroy that elasticity given by nature to the mind of man, which excites continually to action, often palpably against men’s interests, which was strong in the general temper of the Greeks, and which can never be subdued or restrained in any nation but by orders and balances. Restless spirits arose, not to be satisfied. The Eleians often engaged as auxiliaries in the wars of other states, on pretence of asserting the cause of religion; but even

in that cause itself they could not agree among themselves. While monarchy subsisted in the posterity of Iphitus, as it did for some generations, Eleia continued under one government; but at length the spirit of democracy prevailed there, as elsewhere in Greece, and with the same effects: every town claimed independency; Pisa and Elis became separate commonwealths. Olympia was situated within the territory of Pisa, on the northern bank of the river Alpheius, which alone separated it from that city. Elis was thirty miles distant, but the Eleians retained the guardianship of the temple, and superintendence of the festival. The Pisæans now disputed their right; wars arose between the two cities; each endeavoured to gain allies. At one time, Pheidon, tyrant of Argos, claiming to be by birth the proper representative of Hercules, took to himself the guardianship of the temple, and presided at the games; at another time the Pisæans prevailed, and presided at some Olympiads. At length the Eleians destroyed Pisa so entirely, that not a ruin was left; and ever after, excepting in the 104th Olympiad, when the Arcadians violently interfered, they held the presidency undisturbed.

If a democracy could ever, in any case, hold together, it would be natural to expect it in this institution of Iphitus, which, founded wholly on religion, had procured so much prosperity and veneration to his people: but it is as rational to expect that a glass bubble, with a drop of water inclosed in it, will resist the heat of the fire: the vapour within will blast it into dust and atoms.

## LETTER XLVIII.

## THEBES.

Dear Sir,

FABLE, and history too, relate that this city was governed anciently by kings; sixteen of whom, from Cadmus the Phænician, who founded it, to Xanthus, are enumerated. After the death of the last, the Thebans changed their government to a democratical republic. Their orders and balances are not known; but their factions and divisions, as well as their dulness, is remembered. From the analogy of all the other Grecian states, it is probable that archons presided over the several cities of Bœotia, as their separate districts, and had a king at their head, like Ulysses in Ithaca, and Alcinous in Phæacia; that the king, whose domain was Thebes, had sometimes an inclination to favour his capital more than the subordinate towns; and that the archons grew impatient of his monarchy, and aspired at independency: the jealousy and rivalry of cities favoured the factious views of the archons, and were probably fomented for that purpose.

Is it an instance of their want of penetration, or was it from necessity, that they chose the two heads of opposite factions for their highest annual magistrates? Ismenias was one; an honest man, a friend to liberty, and consequently an advocate for an equilibrium of powers in the constitution. Leontidas, the other, was ambitious of the whole power to himself, and of governing by

by a council of his friends; but, finding his rival more popular than himself, he sold the citadel to a Spartan general, upon condition that he and his party should rule. When this was effected, he seized his colleague, and had him tried, condemned, and executed, *for caballing against the government*. The friends of Ismenias fled in a panic, and were banished by a public edict; for it seems that a revolution without banishments and confiscations, at least, is a degree of moderation and self-government of which nations are wholly incapable. The exiled citizens, who in this case were the honest men and friends of liberty, among whom was Pelopidas, returned from Athens in disguise, destroyed the tyrant and his crew, and, with the help of Epaminondas and his friends, regained the citadel. These two sages and heroes had now enough to do: first, to inspire a little understanding and unanimity into their fellow-citizens; then to discipline them for war, and conquer their enemies; and, at last, to frame a good constitution of government. They accomplished all but the last, to their immortal glory: but Pelopidas was killed in battle, before the war was finished; and Epaminondas grew unpopular, and was rejected by faction even from the command of the army: a sufficient proof that the aristocratical and democratical factions were nearly equal. He was reinstated, indeed, after the blunders and defeats of his successor had brought the citizens to repentance; but was slain in battle at the moment of victory: so that the Theban republic never had the benefit of his advice in the formation of a new code of laws; as she had never made any figure, excepting a momentary fame under these two great men, and was at length totally destroyed by Alexander.

The ruin of Bœotia was occasioned by the finesse of Antalcidas, in his Persian treaty. The Thebans, as well as Argives, had withheld their assistance in the Persian war. Antalcidas knew that the subordinate cities of Thespiae, Platea, Aulis, Anthemon, Larymna, Aschra, Coronea, Labadea, Delium, Alalkomene, Leuctra, Chæronea, all wished for independence; they accordingly rejected the jurisdiction and sovereignty of Thebes. The Thebans solicited Sparta to take a part in their domestic quarrels; and, against her own favourite treaty, made by her artful ambassador, she accepted the proposal. The virtuous and amiable Spartan senate perceived that it was equally their interest that Argos should lose her jurisdiction over her revolted towns, and that Thebes, the rival neighbour of Athens, should recover her authority in Bœotia; but, notwithstanding partial successes, she could not regain her authority over all the cities, until Eammonidas arose, after eighty years of civil wars. Had there been a governor in Bœotia, and a senate and a house of representatives, composed of an equitable proportion of deputies from Thebes and all the lesser cities—and each of these branches possessed of an independent negative in the legislature, while the whole executive was in the governor—would these civil wars have happened? these endless contentions between the nobles and people, the capital and subordinate cities? these intrigues of one party with Athens, and another with Sparta? The very disinclination, both in Thebes and Argos, to engage in the Persian war, arose wholly from their domestic dissensions; and these from the want of judicious orders and balances,

After the abolition of monarchy in Bœotia, there was an effort to collect all authority into one center; but the nation found, that, although laws might be thus made, they could not be so executed. There must, therefore, be an executive magistrate; but not being able to agree, in order to please both sides, the leader of each faction must be chosen. They could not agree, as might have been foreseen, and split the nation at once into two hostile armies; one of which sought the alliance of Sparta, and the other that of Athens. Thus it ever was, and ever will be, in similar cases. It is much to be regretted, that Epaminondas did not live to display his talents as a legislator; the world might possibly have been blest with something like an English constitution, two or three thousand years sooner than it was.

## LETTER XLIX.

## ANCIENT ARISTOCRATICAL REPUBLICS.

CROTONA.

PYTHAGORAS.

My dear Sir,

**P**YTHAGORAS, as well as Socrates, Plato, and Xenophon, were persuaded that the happiness of nations depended chiefly on the form of their government: they were fully sensible of the real misery, as well as dangerous tendency, both of democratical licentiousness and monarchical tyranny; they preferred a well-tempered aristocracy to all other governments. Pythagoras and Socrates, having no idea of three independent branches in the legislature, both thought, that the laws could neither prevent the arbitrary oppressions of magistrates, nor turbulent insolence of the people, until mankind were habituated by education and discipline to regard the great duties of life, and to consider a reverence of themselves, and the esteem of their fellow citizens, as the principal source of their enjoyment. In small communities, especially where the slaves were many, and the citizens few, this might be plausible; but the education of a great nation can never accomplish so great an end. Millions must be brought

brought up, whom no principles, no sentiments derived from education, can restrain from trampling on the laws: orders of men, watching and balancing each other, are the only security; power must be opposed to power, and interest to interest. Pythagoras found this by experience at Crotona, where the inferior ranks, elated with the destruction of Sybaris, and instigated by an artful ambitious leader, Cylon, clamoured for an equal partition of the conquered territory: this was denied them, as inconsistent with an aristocratical government; a conspiracy ensued against the magistrates, who were surprised in the senate-house, many put to death, and the rest driven from their country. Pythagoras was one of the banished, and died soon afterwards, in extreme old age, at Metapontum. The Crotonians had soon cause to repent their insurrection; for they were defeated, with all their forces, by the Locrians and Rhegians, with smaller numbers.

The other Greek cities of Italy, which had imitated the example of Crotona, in deposing their magistrates, were harassed with wars against each other, and against their neighbours. In consequence of these distresses, the disciples of Pythagoras again recovered their reputation and influence; and about sixty years afterwards, Zaleucus and Charondas, the one in Locris, and the other in Thurium, revived the Pythagorean institutions. In forty years more, a new revolution drove the Pythagoreans entirely from Italy, and completed the misery of that beautiful country. Thus experience has ever shewn, that education as well as religion, aristocracy as well as democracy and monarchy, are, singly, totally inadequate to the business of restraining the passions of men, of preserving a steady government, and protecting

the lives, liberties, and properties of the people. Nothing has ever effected it but three different orders of men, bound by their interests to watch over each other, and stand the guardians of the laws. Religion, superstition, oaths, education, laws all give way before passions, interest, and power, which can be resisted only by passions, interest, and power.

It is no wonder that Mr. Turgot should have entertained very crude conceptions of republican legislation; it is a science the least understood of any in the whole circle: all other orders of men of letters in Europe, as well as physicians, for a long time, have thought it “litteræ nihil sanant—tes.” It is a kind of erudition which neither procures places, pensions, embassies, chairs in academies, nor fame nor practice in the pulpit, at the bar, nor in medicine. A minister of state, of great abilities and merit, as well as reputation, advanced to the head of the affairs of a respectable monarchy, by one of the greatest princes that has ever lived, I mean the Baron de Hertsberg, has within a few years set an example, in a royal academy of sciences, of enquiry into this subject. In a learned and ingenious discourse, delivered by himself, he has attempted to show the advantages of simple monarchy over all kinds of republican governments, even that best species of them, limited monarchies: but did this worthy minister expect that any of his brother academicians would contest with him the merits of such governments? Men of letters are not fond of martyrdom in this age, nor of ruining their reputations. It is not, however, my design to discuss any questions at present concerning absolute monarchies, though the principles I contend for might be traced through the history of every monarchy and empire in Europe.

rope. Even in these there are orders, checks, and balances contrived, at least against abuses in administration, and for the preservation of the laws. The science of government has received very little improvement since the Greeks and Romans. The necessity of a strong and independent executive in a single person, and of three branches in the legislature instead of two, and of an equality among the three, are improvements made by the English, which were unknown, at least never reduced to practice, by the ancients. Machiavel was the first who revived the ancient politics: the best part of his writings he translated almost literally from Plato and Aristotle, without acknowledging the obligation; and the worst of the sentiments, even in his Prince, he translated from Aristotle, without throwing upon him the reproach. Montesquieu borrowed the best part of his book from Machiavel, without acknowledging the quotation. Milton, Harrington, Sidney, were intimately acquainted with the ancients, and with Machiavel. They were followed by Locke, Hoadley, &c. The reputation which is to be acquired by this kind of learning may be judged of by the language of Mr. Hume: " Compositions the most desppicable, both for style and matter, such as Rapin Thoyras, " Locke, Sidney, Hoadley, &c. have been extolled, and propagated, and read; as if they had equalled the most celebrated remains of antiquity." Hume's History of England, vol. viii. p. 323.—Such is the style in which this great writer speaks of writings which he most probably never read. But although the time is long since passed when such writings were extolled, propagated, or read, the contempt of them is as fashionable, as likely to procure places and pensions,

sions, and to make a book sell now, as it was when Mr. Hume wrote.

The facts in these letters relative to Venice, are taken from the Abby Laugier and Moor's Travels; those relative to the ancient republics, excepting the authorities already quoted, are taken from Robertson, Montague, Potter, the Universal History, and especially from Mitford, Gillies, and Ferguson, three very valuable and elegant productions, which deserve to be carefully studied by all America. I have made free use of their expressions as well as reflections, without noting them; if you would see how much has been borrowed, you must read.

Mr. Turgot was as little conversant in this kind of erudition as Mr. Hume. The former, however, was a lover of liberty; but it was of that kind of liberty which he meditated to introduce into France, and could reconcile with a simple monarchy: he was too good a subject to think of introducing a free constitution of government into his own country. For the liberty of commerce, the liberty of religious sentiments, and the personal liberty of the subject, such as are established by the laws, in a monarchy, he was an enthusiast; and enthusiasm for liberty, the common cause of all mankind, is an amiable fervor, which is pardonable even when it is not according to knowledge: but he was neither an enthusiast for a free constitution of government, nor did he know in what it consisted.

## LETTER L.

ANCIENT DEMOCRATICAL  
REPUBLICS.

SYBARIS.

CHARONDAS.

My dear Sir,

THE city of Sybaris was a Grecian colony in Italy, planted by Achaeans: and, according to Diodorus Siculus \*, its beautiful situation between two rivers, the Crathis and the Sybaris, the extent and fertility of its territory, and the freedom of its laws, had, in a short space of time, drawn together a prodigious number of inhabitants, and greatly enriched them.

But the common fate of all nations and cities attended them. They had three parties; a chief, a better sort, and a people. The most powerful citizens were caballing as usual against the chief, whose name was Telys, and, whatever his character for virtue was, appears to have had more cunning than Grecian chiefs commonly had, at least he discerned better where the balance lay; for he courted the people, by flattering their follies. He excited a popular cry against the aristocratical party, drove them from the city, confiscated their fortunes, and distributed them among the rest of the citizens. The exiles fled to Crotona. Telys sent ambassadors to demand them, on pain of war. Pythagoras thought the cause of his aristocratical

\* Lib. xii. p. 6.

aristocratical friends just, and persuaded his fellow-citizens to refuse to deliver them up. The Sybarites marched an army; but were met by another from Crotona, with Milo, the strong man, at their head, whose reputation prevailed; the Sybarites were all massacred, and their city pillaged, and left a desert. First happy effect of a government without acknowledged orders and legal balances!—Fifty-eight years afterwards, some Thessalians established themselves at Sybaris: they had not been there five years, when the Crotonians came and drove them out.—Under Callimachus, archon of Athens, it was repeopled the third time, and had the name of Thurium. A populous colony was sent there, under Lampon and Xenocrates, who built a beautiful city for a capital, and twenty-five subordinate cities: but the inhabitants could not long live in good intelligence among themselves; they fell into dissensions, grew extravagant, luxurious, and effeminate to a proverb. The quarrel began in this manner:—The old inhabitants of Sybaris erected themselves into a kind of nobility, and arrogated to themselves all the public employments of any distinction, vouchsafing to the new-comers only those of least importance; they insisted, moreover, that their wives should sacrifice the first to the gods, and that the other ladies should not commence their devotions till the first had concluded: not content with distinctions so assuming, they went farther, and took to themselves, in the distribution of the lands, all those which were nearest the city, and left only the more distant to those whom they called foreigners. The latter, being more numerous and more brave, carried their resentments so far, as to put all the old families to death, and remained sole

sole possessors of all the territory within the walls. Not having people enough left, they invited others from various parts of Greece, divided houses and lands among them, entered into alliance with Crotone, and became opulent. They divided the people into ten tribes, and established among them a democratical government, and chose for their legislator Charondas, who, having examined to the foundation the laws of all countries, chose out of them, for his country, the wisest and most convenient. Some others he added, drawn from his own meditations. His laws are lost, and therefore his orders and balances are not known. It is nevertheless certain, that orders and balances existed in his institution, from certain regulations preserved by Diodorus.

1. He excluded from all his public councils all men who, having children, should marry a second time; and thus mortify their children with the authority of a step-mother.

2. As another check to his democracy, he ordained that all who should be convicted of calumny, should be conducted through the streets crowned with tamarin; a punishment so infamous, that several put an end to their own lives rather than submit to it.

3. He prohibited all society with wicked men: for, says he, the disposition to evil is very strong; and many of those who at first love virtue, are often drawn in, by the charms of secret seductions, to the greatest vices.

4. He ordained, that all the sons of every family should learn to write and read under masters in the pay of the public. This law alone has merit enough to consecrate to immortality the memory of this legislator, and deserves to be imitated by every free people at least.

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5. That the property of orphans should be administered by the relations by the father; but their persons and education entrusted to those by the mother.

6. All those who should refuse to take arms for their country, or quit their ranks in the army, instead of being punished by death, should be exposed three days in a public square of the city in women's clothes.

7. To preserve his democratical arrangement, he thought it necessary to prohibit all proposals of changes in his laws. His principle was, that it was as advantageous to submit to the laws, as it is dangerous to subject the laws to individuals; and therefore in trials he reprehended and silenced all criminals, who substituted turns of eloquence and arbitrary interpretations in place of the letter of the laws, and charged them with violating their authority and majesty. The question is, said Charondas, "Whether you shall save 'the law or the criminal?'"

8. Struck with the disorders and seditions which he had seen in many democratical cities, he ordained that no citizen should present himself in the public assembly, to propose any reformation or alteration in the law, without an halter about his neck, which he should wear till the people had deliberated and determined: if the people decreed the proposed alteration hurtful or unnecessary, the reformer should be strangled on the spot. This regulation silenced all new legislators so entirely, that only three examples occurred of any changes.

All his precautions were insufficient:—Returning from the country with his sword, which he had taken to defend himself against highwaymen, he found the assembly in division and confusion. He hastened to compose the tumult. One of his enemies

enemies reproached him with violating his own law, by coming into the assembly with an arm. Charondas, who had forgotten the sword, cried, I mean to observe and enforce the law, and plunged it into his own heart, wearied, most probably, into a contempt of life by the disorders incident to unbalanced parties.

When every legislator who has attempted a democratical establishment, has confessed its inherent tendency to immediate dissolution, by the strongest rigours against proposals of innovation, and numberless other provisions to controul it, which have all been found ineffectual, is it worth while still to cherish the fond idea, when three branches are found, by experience, so effectually to check each other; when in two independent assemblies improvements and reformations may be so easily and safely proposed and adopted, and such as are not beneficial rejected?

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## L E T T E R LL

L O C R I S.

Z A L E U C U S.

My Dear Sir,

ZALEUCUS was of Locris in Italy, not far distant from Sybaris. He was a disciple of Pythagoras, of noble birth, and admirable morals. Having acquired the esteem and confidence of his fellow-citizens, they chose him for their legislator.

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Unfortunately little remains of his laws but their preamble: but this is in a style so superior to all the other legislators, as to excite regret for the loss of his code. In this preamble he declares, that all those who shall inhabit the city, ought, above all things, to be persuaded that there is a God; and if they elevate their eyes and thoughts towards the heavens, they will be convinced, that the disposition of the heavenly bodies, and the order which reigns in all nature, are not the work of men, nor of chance; that therefore they ought to adore the gods, as the authors of all which life presents us of good and beautiful; that they should hold their souls pure from every vice, because the gods accept neither the prayers, offerings, or sacrifices of the wicked, and are pleased only with the just and beneficent actions of virtuous men. Having thus, in the beginning of his laws, fixed the attention of his fellow-citizens upon piety and wisdom, he ordains, above all things, that there should never be among them any irreconcileable enmity; but, on the contrary, that those animosities which might arise among them, should be only a passage to a sure and sincere reconciliation; and that he who would not submit himself to these sentiments, should be regarded as a savage in a civilized community. The chiefs of his republics ought not to govern with arrogance nor pride; nor should the magistrates be guided in their judgments by hatred nor by friendship.

This preamble, instead of addressing itself to the ignorance, prejudices, and superstitious fears of savages, for the purpose of binding them to an absurd system of hunger and glory for a family purpose, like the laws of Lycurgus, places religion, morals, and government, upon a basis of philosophy, which is rational, intelligible, and eternal,

nal, for the real happiness of man in society, and throughout his duration.

The principle adopted by this legislator, as the motive to action next to the sense of duty and social obligation, was the sense of honour, like that of Lycurgus. As Zaleucus was a disciple of Pythagoras, whose favourite plan of government was a well-tempered aristocracy, we may conjecture that such was the form recommended to the Locrians: but all are lost, and certainly no argument can be drawn from them in favour of one popular assembly. If, in visiting the Sybarites and Locrians, we have found nothing in favour of Mr. Turgot's system, nor any thing very material against it, we have found a greater advance towards civilization than in all the laws of Lycurgus and Solon, excepting only the trial by jury instituted by the latter; I mean in the preamble of Zaleucus, and in the general education to letters in schools, at the public expence, by Charondas.

## LETTER LII.

ROME.

PLEBEIANS SCRABBLING AFTER PATRICIANS; OR  
DEMOCRACY HUNTING DOWN ARISTOCRACY; OR  
TRIBUNES IN CHASE OF A SENATE.

My dear Sir,

WE have before seen, in the history of Rome, with what eagerness the aristocracy pursued and demolished the monarchy: the kings are commonly reproached with tyranny, and the nobles are applauded for resistance to it; but it is clear that the nobles were as tyrannical, and that their eternal plots and conspiracies against the kings, their power, their crowns, and their lives, were the cause and the provocation to that tyranny. It is impossible to say which were worst, the nobles or kings; both certainly were bad enough in general, and both frequently violated the laws, as it will ever happen when there are but two branches. The people as yet had no adequate power to aid or controul either. By the institution of Romulus, indeed, the Roman people, even the lowest class of the citizens, instead of being prohibited to engage in all kinds of labour, after the example of the Spartans, were directed to apply themselves to pasture, agriculture, and mechanic arts. This had its natural effect; and immediately after the revolution, by which

which the monarchy was abolished, and aristocracy set up, though we find the patricians at their usual game of encroaching on the people, yet we find there was a people, a numerous, hardy, courageous people, who were not disposed to submit: they soon began a resistance, and to demand more power to resist; and having obtained one concession, they required another, until they obtained an equality with the patricians. So far they were in the right; and if the two powers could have remained equal, justice, liberty, and happiness, the effect of equal laws, might have been enjoyed: but human nature can never rest—once in motion, it rolls, like the stone of Sisyphus, every instant when the resisting force is suspended. Diodorus Seculus is very right, lib. xix. when he says, “ It is of the nature of man to aspire continually at something greater than his present condition, and to wish that his power might increase instead of decreasing, or resting as it is.” Dr. Ferguson, who follows very accurately Dionysius of Halicarnassus, Livy, and Polybius, will furnish us with a good account of the steps by which the Roman people proceeded to augment their own power, and diminish that of the senate, until they obtained the whole. I shall give an abridgment of the story very nearly in Ferguson’s words.—In their career, however, the people lost their morals and their wisdom, as they ever will in such a course, and were ready to confer the sovereignty on the line of Cæsars, even before they had completely obtained it. Those irregularities, and that final catastrophe, were all occasioned by the imperfections in their *balance*. If the consuls had been possessed of a negative in the legislature, and of all the executive authority, and the senate and people had been made equal and independent in the first estab-

blishment of the commonwealth, it is impossible for any man to prove that the republic would not have remained in vigour and in glory at this hour.

The government of Rome, in the 244th year from the building of the city after the expulsion of Tarquin, was become wholly aristocratical: the nobles, exclusively, had the legislative, executive, and judicial power, without any third party to hold the balance between them and the people; for the consuls, although they were executive magistrates, united in their persons the dignities of the state: those of judges, magistrates, and military leaders, were understood to come in the place of kings, and performed all the functions of royalty; yet they were only parts and ministers of the senate. While the exiled king was endeavouring, by continual invasions, to recover his power, disputes arose between the parties who had united to expel him. Creditors, supported by the aristocracy, of which the nobles were now in full possession, became severe in the exactation of debts, or the patrons laid claim to more than the clients were willing to pay. The state was distracted at once by its enemies from abroad, and by the dissension of parties at home. The authority of the new government not being sufficient to contend with these difficulties, the senate resolved to place themselves and the commonwealth for a limited time under the power of a single person, under the title of dictator.

The inferior class of the people, almost excluded from any share in the new government, soon found, that under its influence they had more oppression to fear from their patrons than they had ever experienced from the prince they had banished. So long as the king and

and the senate shared in the powers of the state, the one took part with the people, when the other attempted to oppress them; and it was the ordinary interest and policy of the prince to weaken the nobles, by supporting the Plebeians against them. This effect of the monarchy still, in some measure, remained, so long as the exiled king was alive, maintained his pretensions, and made the united services of the people necessary to the senate; but, upon the death of the king, the nobles availed themselves of their power, and enforced their claims on the people with extreme severity. In the capacity of creditors, they imprisoned, stripped, and enslaved those who were indebted to them, and held the liberties and lives of their fellow-citizens at their mercy. The whole body of plebeians was alarmed; they saw more formidable enemies in the persons of their own nobility, than in the armies of any nation whatever. Many who had already suffered under the rod of their creditors, when called upon to enlist, shewed their limbs galled with fetters, or torn with stripes which they had received by command of their merciless patrons. These distinctions obliged the senate to have recourse to another dictator; and Valerius, who was appointed for his popularity, repelled the enemy. The senate, upon his return, not fulfilling his promises to the people, they retired to the Sacred Mountain. The senate was obliged to negotiate, to mitigate the severities against insolvent debtors, and consent to the appointment of tribunes: this was in the year 260, sixteen years after the revolution. Had the plebeians discontinued their collective assemblies for every purpose but elections, and increased their tribunes to four or five hundred representatives, even this would not have been a radical cure, without

without separating the consuls from the senate, and giving them, or one of them, the executive power, and a negative both upon the senate and popular assembly in the legislature: but there was too much prejudice, and too little knowledge, for so great an improvement. The people contented themselves with the appointment of a leader under the name of Tribune, who, without power to protect them effectually, had enough to head every popular tumult, and blow up every spark to a flame. An assembly of representatives would have had an equal right with the senate to propose laws, to deliberate, debate, alter, amend, improve: but the tribunes were authorized only to forbid any measure they thought injurious; but not to propose any law, or move any resolution. Not permitted to mix with the senators, they had places at the door of the senate house, as their office was felt to be a dangerous one. Their persons were made sacred; and every one was devoted to the infernal gods who should even strike them. An oath was to be taken to observe this law; and the idea of the sanctity of a tribune took such deep root, that the emperors afterwards were protected from assassins by this sacred title of Tribune. The college of tribunes at first was not limited to any number; but in process of time they increased from three to ten. Patricians could not by law be elected; yet the people, to shew that they never will be steady to any law, even to those most directly contrived for their benefit, sometimes departed from this. The tribunes were at first elected in the curiæ, where the vote of the poorest citizen was equal to that of the most wealthy. But even here the patricians, besides their great influence, had even a negative on all proceedings by holding the auspices:

spices: for this reason it was thought necessary to alter the form of the assembly, in which the tribunes were elected, to that of the tribes; and by this means to enable the people to make their election without any controul from the nobles, either in virtue of the authority of the senate, or the interposition of the augurs. These would have been real improvements of the constitution, if they had proportionally augmented the authority of the consuls at the same time; but probably there would have been as many prejudices against such a proposal among the people, as in the senate. All the popular jealousies and alarms at regal authority, would have been excited by demagogues in the senate as well as in the comitia; for there are in all nations aristocratical demagogues as well as democratical. These expedients were adopted by the senate to quiet the animosities of parties; but tended, in fact, only to render the contest between them more equal, and to multiply the subjects of dispute. The tribunes being vested with power to assemble the people, could not long be confined to the mere negative with which they were first entrusted. The party of the plebeians, with these magistrates at their head, were then in a posture not only to preserve their right, but likewise to gain to their order continual accessions of power. Happily for the state there was yet much ground to be gained, without transgressing the bounds of order, or the authority of equitable government. The bar of hereditary distinction was the strongest obstacle which the popular leaders in this career had to break through. The nobles among the Romans, as well as among the Greeks, generally traced back their lineage, in some manner or other, to gods and goddesses; and the divine original of nobility, and the essential distinction

distinction between the two orders of nobles and commons, the one being believed a superior order of beings to the other, was founded in their institutions of religion, and in popular belief: and although some pretensions are set up still, in many parts of Europe, to the divine right of nobility, yet they are generally held in so little estimation, that a modern can hardly form an idea of the difficulty the tribunes must have found to overcome this inveterate prejudice of superstition. No personal merit, no actual service, no measure of ability or virtue, could remove, as it was pretended, the disqualification of plebeian birth. One of the first steps towards abolishing this distinction, was to preclude every other power in the state from a negative on their proceedings. For this purpose it was enacted by the tribes, that no one, under pain of death, or of a fine at discretion, should interrupt a tribune while he was speaking to the people. Nothing can be more curious than these popular efforts to get the better of their own superstitious prejudices: they could not depend upon their own firmness to support their own peculiar magistrate, till they made themselves believe that his person was sacred, as well as the other magistrates. Being thus provided against interruption, as they were by a former law against violence to their persons, they not only took up the complaints of their constituents, but suggested new claims to be made by them; and at every succession to office, endeavoured to signalize their term by some additional establishment for the benefit of the people. They interrupted the state in its councils and wars, and hung upon the wheels of government until the grievances they complained of were redressed, or the demands they made were complied with. In order to increase the

the number of plebeian officers, whose aid the tribunes alleged was necessary to themselves, they, soon after their own institution, procured that of the ædiles, who were to inspect the market, and have charge of the public buildings and public shows. The qualifications of candidates for the office of consul, furnished, during some ages, the subject of continual debates: civil and military transactions were constantly blended together. The senate frequently involved the state in war, in order to suspend its intestine divisions; and the people as often took occasion, from the difficulties in which the community was involved by its enemies, to extort a compliance with their own demands. The first subject of contention was the distribution of the corn which the senate had purchased as a provision against the famine, which the late interruption of industry and agriculture, by the secession of the people, had occasioned. Coriolanus was for compelling the people, by hunger, to part with their tribunes, and the other concessions which had been extorted from the senate. The younger nobility applauded his sentiments; but the majority were afraid of another storm, and agreed to deliver corn from the public granaries at a moderate price. The people, however, were not appeased; they were greatly incensed against Coriolanus; and the tribunes cited him to appear before the tribunal of the people, to answer for the insult he had offered them. The senate and patricians were disposed to protect him; but expected to be able to acquit him in the comitia of the centuries, the only tribunal before which any capital accusation of a citizen had ever been tried. The tribunes, however, determined to introduce an innovation, and insisted that the people should assemble in their tribes.

tribes. Coriolanus, seeing himself already condemned by this method of proceeding, withdrew, and joined the enemies of his country. This novelty made a total change in the constitution; for the assembly of the centuries formed an aristocracy, that of the tribes a democracy. As it was not with any precision determined by law what business should be done in one assembly, and what in the other, the patricians and plebeians, instead of balancing each other by regular checks, were in danger of rendering the administration of the state a continual scene of contradictions, which served to the last hour of the republic as an object of popular zeal, and furnished a specious pretence to ambitious and designing men. This very uncertainty, producing continual altercations and wars, produced great statesmen and warriors, no doubt: but a regular, well-ordered constitution will never fail to bring forth men capable of conducting the national councils and arms; and it is of infinitely more importance to the national happiness, to abound in good merchants, farmers, and manufacturers—good lawyers, priests, and physicians—and great philosophers, than it is to multiply what are called great statesmen and great generals. It is a miserable servitude, whether you call it a republic or a despotism, where the law is uncertain and unknown; and it is only under the security of certain and known laws, that arts, sciences, agriculture, commerce, and trades can ever be made to flourish. Another subject of dispute was soon introduced, which served to the last hour of the republic as an object of popular zeal, and furnished a specious pretence to ambitious and designing men to captivate the ears of the populace—an equal division of land, known by the name of an

an Agrarian Law. By this was by no means meant a community of goods and lands, or an equal division of all the lands and goods; the Roman people had too much sense and honesty ever to think of introducing into practice such an absurd figment of the brain: but the Romans, during the late aristocratical times, and the wars against Tarquin, had suffered the conquered lands to pass by connivance, occupancy, or purchase into the hands of powerful citizens, instead of dividing them equally among the people. Sp. Cassius, the consul, who was in favour with the people, and affected still farther popularity by flattering the passions of the inferior classes, foreseeing that the tribunes would soon think of this object, determined to make a merit to himself by anticipating them. Possessing himself of some of these lands, he ostentatiously made a division of them among the more indigent citizens; and obtained an appointment of three commissioners, to enquire into the evil, and consider of a remedy. The patricians were alarmed; but Cassius had numbers on his side, and was so confident of success, that he betrayed too soon his ambitious design, by offering the freedom of the city to aliens, who at his invitation crowded from all parts to vote in the assemblies of the Roman people. This convinced all parties that his views were, by the means of aliens and indigent citizens, to usurp the government. All parties combined against him, and he was condemned for treason. The tribunes had no sooner destroyed Cassius, than they adopted his project, and insisted on the law for the nomination of three commissioners: from this time commences a struggle between the tribunes and senate, patricians and plebeians, the various operations of which would take up too much

space to relate. The tribunes were honoured in proportion to the part they took in support of the popular cause, and their animosity against the senate. Every new tribune endeavoured to signalize his year, by suggesting some new point to be gained by the people. One law was obtained to substitute the assembly of the tribes for that of the curiæ, in the election of tribunes; another to exclude the patricians entirely from the assembly of the tribes. The agrarian law they frequently moved in the interval of other pretensions, or together with other claims, in order to alarm the senate, and force them to a compromise. The powers and artifices of both parties were soon exerted in another contest, in which the people were in the right, and pursued the most rational and necessary object imaginable—a new code of laws which should regulate the forms of judicial proceedings; yet even this was not pursued so much from the love of justice, or the spirit of liberty, as to gain a point from the patricians, whose power was greatly supported by the discretionary judicial powers they had in their hands. This great object, which the English nation have pursued for so long a course of time, under the names of Fölcright or Common Law, they alone have had the wisdom to accompany with prerogatives to the crown, and privileges to the nobility, which have secured those two branches of the constitution; at the same time that, by establishing a body of laws, and regular formal proceedings in the courts of justice, they have secured their own rights and liberties. The Roman people were not so wise; by neglecting to give any adequate prerogatives to the consuls; and by undermining the power of the senate in proportion as they introduced regular law to protect their

their own rights, they undermined every other power in the constitution, and devolved the whole upon themselves. In the career they lost all their integrity and morals: they opposed an ardour not to be cooled or discouraged, or restrained by scruples in the choice of means, to the great authority and address of the nobles. A popular party are apt to think that the rules of veracity and candour may be dispensed with, and that deceit and violence may without any scruple be employed in their own favour. With less honour and dignity to maintain than their adversaries, they are less afraid of imputations that detract from either; and their leaders, supported by the voice of the more numerous party, are less apprehensive of evil fame. In this contest, accordingly, fictitious plots and conspiracies were fabricated by the popular side, and fictitious designs against the liberties of the people were imputed to the patricians, in order to render them odious, and to deter them from appearing in support of their real pretensions. The senate at last agreed to the nomination of three commissioners, to be sent to Greece, and make a collection of laws. The report they made was accepted, and the decemvirs appointed by senate and people to compile a body of laws. These ten were intended only as a committee to prepare a draught for the consideration of the senate and people: yet they had so much credit with the people as to be vested with a temporary sovereignty; and superseded the authority of the senate as well as the consuls; and had unlimited power over the lives and fortunes of their fellow-citizens. They presented a number of laws, engraven on ten tables or plates, containing a summary of the privileges

of the people, the crimes to be punished, and the forms of judicial proceedings. They said their plan was unfinished; and, desiring a renewal of their powers, obtained it for another year: two more tables were added, which, with the former ten, made the Law of the Twelve Tables. In these laws the distinction of patrician and plebeian was so great, that persons of these different orders were not permitted to intermarry. Bankruptcy was made a crime; and, without any distinction between fraud and misfortune, exposed the insolvent debtor to the mercy of his creditors, who might put him to death, dissect, or quarter him, and distribute his members among them. This law was brought from Greece, and shews the atrocious ideas and manners of the age. Although we have no account of the law being executed in its utmost extent, we know that, in consequence of it, debtors were, by the courts of law, delivered bound into the hands of creditors, and frequently scourged and whipped in a most cruel and unmerciful manner. Giving to fathers the power of magistrates, or the power of life and death, over their children, may have some reasons assigned for it: but nothing can ever account for the people's accepting such a law of debtor and creditor among the Greeks or Romans, but the supposition that property was entirely in the hands of patricians; and that the people had the blindest superstitious opinion, that the patricians, as descendants of gods, were a superior order of beings. It is no wonder that the people, after this, often clamoured for an abolition or diminution of debts: why they never demanded an abolition of the law, is another question.—One other of these laws deserves particular

particular notice. In private, every family were free to worship the gods in their own way; and in public, though certain forms were required, yet there was not any penalty annexed to the omission of them, as the punishment of offences in this matter was left to the offended god. This, probably, was the source of that wise and humane toleration which does so much honour to the Romans, and reflects disgrace on almost every Christian nation. The ardour of the people to obtain this code had nearly cost them their liberties. The power of a magistrate was supposed to determine only by his own resignation. The decemvirs, taking advantage of this defect in the constitution, continued the exercise of their power; and the people, to shew that they never can be jealous of men who are in possession of their confidence, acquiesced in their usurpation; until the father of Virginia, by exercising his lawful authority in defence of his daughter's honour, exhibited a spectacle of horror which gave a turn to the imaginations, and aroused all the passions of the people to the expulsion of the decemvirs, as such another event had before given occasion to the abolition of monarchy.—Patricians and plebeians now united, and a tide of mutual-confidence began to flow. Two very popular persons were chosen consuls: the consecration of the tribunes was renewed, and extended to the ædiles, and other inferior officers who acted under the tribunes in preserving the rights of the people. The patricians consented to have the acts of the senate formally recorded, placed in the temple of Ceres, and committed to the care of the ædiles. As the consuls had been hitherto the keepers and interpreters of their decrees, and

had often suppressed or carried into execution their acts at their pleasure, this was a considerable diminution of the power of the consuls.

The comitia were of three sorts—the curiæ, the centuries, and the tribes. The centuries alone, in which the patricians had an undoubted majority as well as in the senate, had as yet the authority of making laws for the commonwealth: this still preserved the aristocratical character of the republic. Now the plebeians denied the legislative authority of the senate; and the senate denied the right of the tribes to make laws. Equity required that the plebeians should have a voice in the legislature; but instead of becoming a branch of it, instead of aiming at a deliberative or negative voice in it, by which they might concur with the senate and comitia of the centuries, or, which would have been infinitely better, with the senate and consuls as two independent branches, they obtained a separate and independent power of legislation. Hence the intricacy of this constitution; hence three distinct sources of laws—decrees of the senate, acts of the centuries, and resolutions of the tribes—senatus-consulta, leges, plebiscita: a source of division, distraction, and tumult, which never ceased to issue streams till the authority of the senate was wholly destroyed, and a dominatio plebis began. The plebeians, having removed these inequalities, grew so much the more impatient of those which remained. They were still excluded from the office of consul, from that of the priesthood, and were forbidden intermarriage with the nobles. In the year of the city 308, Canuleius, a plebeian and a tribune, moved to repeal the law of the twelve tables, which prohibited the intermarriage

of patricians and plebeians; and the nine other tribunes claimed that the office of consul should be held by plebeians as well as patricians.

The senate, and the whole order of nobles, by studied delays, and by the usual artifice of involving the state in foreign wars, suspended the determination of these questions; but at length were obliged to gratify the people with the intermarriages of different ranks, in order to pacify them on the refusal of their claim on the consulate. To elude this demand, it was said that the sacrifices and other duties of the priesthood, many of which were to be performed by the consul, could not, by the sacred laws of religion, be performed without profanation by persons of plebeian extraction, or by any but those of noble birth. This argument silenced the people for some time; but neither superstition nor the true religion, any more than education, oaths, morals, or any other tie, will long restrain an unbalanced party, urged by its interest, and stimulated by a growing passion for power: an evasion, a mere change of a word, will answer the purpose of eluding superstitious fears, and even the dictates of conscience. The title of Consul was changed for that of Military Tribune; and no sacerdotal function being included in the duties of this office, plebeians, though not qualified to be consuls, were elected military tribunes, with consular power. The military and sacerdotal functions had before been united; they were now separated, and as the people thought, without profanation. But another office remained to tempt the people and their tribunes, that of Censor. The census had been a principal object of the executive power; the kings had always held it, and after them the consuls: at every period of

of five years, they could dispose of every man's rank, assign him his class, place him in the rolls of the senate or the knights, or strike him off of either, degrade or disfranchise him, as they thought proper. A power so important although it had not been hitherto flagrantly abused, might easily be so; and the senate would naturally dread the admission of the plebeians to it. While they admitted them, therefore, to be elected tribunes with consular power, they stipulated that the census should be separated from it, and that this charge should remain with persons of patrician birth.—The invasion of the Gauls had burnt the city, and, it was thought, extinguished the republic for ever: Manlius saved the capitol, and Camillus restored the commonwealth. During a period of one hundred and seventeen years which followed, the Romans were involved in perpetual wars against the Equi, the Volsci, the Hernici, the Etruscans, and some of their own Latin confederates; yet these did not wholly suspend their internal convulsions, which gave birth to new political institutions. The plebeians, far from being satisfied with their past acquisitions, made continual efforts to extend their privileges. The tribunes, by traducing the senate, and by displaying in their harangues the severities of the patrician creditor, and the sufferings of the plebeian debtor, still inflamed the animosity of the popular party. The republic itself was so feebly established, that ambitious citizens were encouraged, by means of factions raised among persons of the lower class, to entertain thoughts of subverting the government. In this manner Manlius, the champion of the capitol, presuming on his merit, thought himself above the laws, and incurred the imputation of aspiring to be king.

Four hundred citizens, whom he had redeemed from their creditors, and released from chains—the spoils of thirty enemies slain by himself in battle—forty badges of honour, conferred on him by generals under whom he had served—many citizens whom he had rescued from the enemy, among whom was Servilius, the second in command to the dictator—could not save him from being thrown from the rock on which he had so lately signalized his valour. Such was the influence of the senate; such “the treasons for “which the friends of the people were to be sacrificed to the senate,” as he said; and such the popular prejudice against the name of a king. Yet it is certain that the best thing the Roman people could have done at that time, would have been to have made him a king, with a negative; preserving at the same time their own negative, and that of the senate. The plebeians had been now above forty years in possession of a title to hold the office of consular tribune, but had not been able to prevail over the influence of the patricians at any election: by the increase of their numbers in the first and second classes, by their intermarriages with patrician families, and by the assiduity and influence of individuals who aspired to the office, they at last obtained the dignity of censorial tribune for one of their own order, and from thenceforward began to divide the votes of the centuries with the patrician candidates.— They soon aspired to the title of consuls. Stolo and Sextius were placed in the college of tribunes, to urge this point. They proposed three laws:— 1st. For relief of insolvent debtors, by cheating their creditors of part of their debts. 2dly. To limit estates in land to five hundred jugera, about three hundred acres. 3dly. To restore

restore the election of consuls, in place of consular tribunes, with an express provision that at least one of the consuls should be of plebeian descent. The patricians prevailed upon some of the tribunes to dissent from their colleagues, and suspend, by their negatives, all proceedings upon these laws. Licinius and Sextius, in their turn, suspended the usual election of magistrates, and put a stop to all the ordinary affairs of state. An anarchy of five years ensued. The patricians still insisted on the sacrilege and profanation that would be incurred by suffering the rites usually performed by the consuls to pass into plebeian hands. The tribunes, to elude this mysterious objection, which laid fast hold on the superstitious minds of the people, contrived a shift. They moved, that the ordinary attendants on the sacred rights should be augmented from two to ten; and that of these one half should be named of plebeian extraction. The patricians struggled as long as they could, but were at last obliged to give way—1st. To the acts in favour of insolvent debtors. 2dly. To the agrarian law, or limitation of property in land. 3dly. To the new establishment relating to the priesthood, and to the communication of the consulate itself to persons of plebeian rank. The plebeian party prevailed in all their points, and raised Sextius, the tribune, to the office of consul: and, from one step to another, they obtained that all the offices, whether of prætor or ædile, of dictator or censor, were in process of time filled with persons of either rank, and the distinction of patrician or plebeian became merely nominal. The only effect it now had was favourable to the plebeians, as it limited the choice of tribunes to their own order; while, in common with the patricians,

tricians, they had access to every other dignity in the state. In this account of the Roman constitution, we are now come nearly to that state of its maturity, at which Polybius began to admire the felicity of its institutions, and the order of its administration. The mass, however, was far from being so well compacted, or the unity of power so well established, as it is in the English constitution; the senate and the popular assemblies, in their legislative capacities, counteracted one another. However, from this time forward, through a long period of wars, with Greeks, Gauls, Italians, and Carthaginians, the domestic policy of the state appears to be wise and orderly. The distinction between patrician and plebeian was become altogether nominal; the descendants of those who had held the higher offices of state were, in consequence of the preferments of their ancestors, considered as noble; and, as the plebeians now found no difficulty in obtaining the offices of state, they were continually opening the way of their posterity to the rank of nobles. The plebeians were entitled by law to claim one of the consul's seats, and frequently occupied both. The authority of the senate, the dignity of the equestrian order, and the manners of the people in general, were guarded, and in a great measure preserved, by the integrity and strict exercise of the censorial power. The wisest and most respected of the citizens, from every condition, were raised into office; and the assemblies, whether of the senate or the people, without envy and without jealousy, suffered themselves to be governed by the counsels of a few able and virtuous men. The spirit of the people was, however, in a high degree democratical; and though they suffered themselves to be governed by the silent

silent influence of personal authority in a few of their citizens, yet they could not endure any species of uncommon pre eminence, even that which arose from the lustre and well-founded pretensions of distinguished merit.

The conduct of the Romans towards the Greeks should not be forgotten; since it appears to have been copied from the policy of Antalcidas in his Persian treaty. The states of the Achæan league, already on the decline, hastened, by the temerity and distractions of their own councils, the career of their fortunes to its termination. The Romans, even while they suffered this famous republic to retain the shew of its independence, had treated its members, in many particulars, as subjects. At the close of the war with Perseus, they had cited to appear at Rome, or taken into custody as prisoners of state, many citizens of Achaia: of these they had detained about a thousand in different prisons of Italy. After a period of seventeen years, three hundred who remained alive were set at liberty. Polybius was one of them: he attached himself to Scipio, the son of Emilius, and no doubt contributed much to his education and great character.

The Romans, while they detained so many Greek prisoners, assumed the administration of affairs in Greece, disposed of every distinction, whether of fortune or power, to their own tools. They received appeals from the judgment of the Achæan council, and encouraged its members, contrary to the express conditions of their league, to send separate embassies to Rome. The Spartans, having been forced into the Achæan confederacy, continued refractory in most of its councils. By some of their complaints at Rome, they

they obtained a deputation from the senate, to hear parties on the spot, and to adjust their differences. The Achæan council, incensed at this insult which was offered to their authority, proceeded to enforce their own decrees against the republic of Sparta, marched an army, and defeated the inhabitants of that city who ventured to oppose them. The Roman commissioners arriving after these hostilities, summoned the parties to assemble at Corinth, and, in the name of the senate, gave sentence—*That Lacedæmon, Corinth, Argos, Heraclea, and Orchomenos, not having been original members of the Achæan confederacy, should now be disjoined from it;* and that all the cities which had been rescued from the dominion of Philip should be left in full possession of their freedom and independency. A war ensued, in which Metellus and Mummius defeated the Greeks, and the Achæan league was dissolved.

The enmity and the friendship of the Romans were equally fatal. As the Achæan league was dissolved, on having incurred their resentment; so the remnant of the Spartan republic perished, in having accepted their protection: and nothing could be more just than that the Spartans should perish under an insidious policy, which they themselves had first invented, practised, and suggested to the Romans; who, under the command of Flaminus, about fifty years before this date, in order to detach the Grecian cities from Philip, proclaimed with so much ostentation, at the Isthmus of Corinth, *general independence, and the free exercise of their own laws, to all the republics of Greece.* The Achæan league was dissolved, and all their conventions annulled. The states which had composed it were deprived of their sovereignty, subjected to pay a tribute, and placed

under the government of a person annually sent from Rome with the title of *Prætor* of Achaia.—But the success of the Roman arms abroad, became the source of a ruinous corruption at home. In the state itself, the governing and the governed felt separate interests, and were at variance from motives of avarice, as well as ambition. Two hundred and thirty years had elapsed since the animosities of patrician and plebeian were extinguished by the equal participation of public honours. This distinction itself was, in a great measure, obliterated, and gave way to a new one, which, under the denomination of *nobles* and *commons*, or *illustrious* and *obscure*, without involving any legal disparity of privileges, gave rise to an aristocracy, which was partly hereditary, founded on the repeated succession to honours in the same family; and partly personal, founded on the habits of high station, and in the advantages of education, such as never fail to distinguish the conditions of men in every great and prosperous state. These circumstances conferred a power on the nobles, which, though less invidious, was not less real than that which had been possessed by the ancient patricians. The exercise of this power was lodged with the senate, a body which, though by the emulation of its members too much disposed to war, and ambitious of conquest, was never surpassed in magnanimity, ability, or in steadiness, by any council of state whatever. The people had submitted to the senate, as possessed of an authority which was founded in the prevailing opinion of their superior worth; and even the most aspiring of the commons allowed themselves to be governed by an order of men, amongst whom they themselves, by proper efforts and suitable merit, might hope to ascend. The knights, or the equestrian order,

order, being persons possessed of estates or effects of a certain valuation, and secluded from the pursuit of political emolument or honour, formed, between the senate and the people, an intermediate rank, who, in consequence of their having a capital, and being less engaged than the senators in affairs of state, became traders, contractors, farmers of the revenue, and constituted a species of moneyed interest. Circumstances which appear to be fixed in the political state of nations, are often no more than a passage in the shifting of scenes, or a transition from that which a people have been, to what they are about to become. The nobles began to avail themselves of the high authority and advantages of their station, and to accumulate property as well as honours. Citizens contended for offices in the state, as the road to lucrative appointments abroad; and when they had obtained this end, and had reigned for a while in some province, they brought back from their government a profusion of wealth ill acquired, and the habit of arbitrary and uncontroled command. When disappointed in the pursuits of fortune abroad, they became the leaders of dangerous factions at home; or, when suddenly possessed of great wealth, they became the agents of corruption, to disseminate idleness and the love of ruinous amusements in the minds of the people. The city was gradually crowded with a populace, who, tempted with the cheap or gratuitous distribution of coin, by the frequency of public shows, by the consequence they enjoyed as members of the popular assemblies, flocked to Rome. There they were corrupted by idleness and indigence; and the order itself was continually debased by the frequent accession of emancipated slaves. A turbulent populace tyrannized, in their turn, over the

the masters of the world, and wreaked on the conquerors of so many nations the evils which they themselves had so freely inflicted on mankind. Citizens of this extraction could not for ages arrive at any places of trust, in which they could, by their personal defects, injure the commonwealth; but they increased, by their numbers and their vices, the weight of that dred, which in great and prosperous cities, ever sinks, by the tendency of vice and misconduct, to the lowest condition. They became a part of that faction, who are ever actuated by envy to their superiors, by mercenary views, or by abject fear; who are ever ready to espouse the cause of any leader, against the restraints of public order; disposed to vilify the more respectable ranks of men, and, by their indifference on the subjects of justice or honour, to frustrate every principle that may be employed for the government of mankind, besides fear and compulsion. Although citizens of this description were yet far from being the majority at Rome, yet it is probable that they were in numbers sufficient to contaminate the whole body of the people; and if enrolled promiscuously in all the tribes, might have had a great weight in turning the scale of political councils. This effect, however, was happily prevented, by the wise precaution which the censors had taken, to confine all citizens of mean or slavish extraction to four of the tribes. These were called the tribes of the city, and formed but a small proportion of the whole. Notwithstanding this precaution, we must suppose them to have been very improper parties in the participation of sovereignty, and likely enough to disturb the place of assembly with disorders and tumults. While the inferior people sunk in their characters, or were debased

debased by the circumstances mentioned, the superior ranks, by their application to affairs of state, by their education, by the ideas of high birth and family distinction, by the superiority of fortune, began to rise in their estimation, in their pretensions, and in their power; and they entertained some degree of contempt for persons, whom the laws still required them to admit as their fellow-citizens and equals. In this disposition of parties, so dangerous in a commonwealth, and amidst materials so likely to catch the flame, some sparks were thrown, that soon kindled up anew all the popular animosities which seemed to have been so long extinguished. Tiberius Gracchus, born of a plebeian family, but ennobled by the honours of his father, by his descent, on the side of his mother, from the first Scipio Africanus, and by his alliance with the second Scipio, who had married his sister, being now a tribune of the people, and possessed of all the accomplishments required in a popular leader, great ardour, resolution, and eloquence, formed a project in itself extremely alarming, and in its consequences dangerous to the peace of the republic. Being called to account for his conduct as quæstor in Spain, the severity he experienced from the senate, and the protection he obtained from the people, filled his breast with animosity to the one, and a prepossession in favour of the other. Actuated by these dispositions, or by an idea not uncommon to enthusiastic minds, that *the unequal distribution of property, so favourable to the rich, is an injury to the poor*, he proposed a revival of the law of Licinius, by which Roman citizens had been restrained from accumulating estates in land above the value of five hundred jugera, little more than half as many acres. This was become impracticable, and

even dangerous, in the present state of the republic. *The distinctions of poor and rich are as necessary, in states of considerable extent, as labour and good government.* The poor are destined to labour; and the rich, by the advantages of education, independence, and leisure, are qualified for superior stations. The empire was now greatly extended, and owed its safety, and the order of its government, to a respectable aristocracy, founded on the possession of fortune, as well as personal qualities and public honours. The rich were not, without some violent convulsion, to be stript of estates which they themselves had bought, or which they had inherited from their ancestors. The poor were not qualified at once to be raised to a state of equality with persons inured to a better condition. The project seemed to be as ruinous to government as it was to the security of property, and tended to place the members of the commonwealth, by one rash and precipitate step, in situations in which they were not at all qualified to act. For these reasons, as well as from motives of private interest affecting the majority of the nobles, the project of Tiberius was strenuously opposed by the senate; and, from motives of envy, interest, or mistaken zeal for justice, as warmly supported by the opposite party. Acting in concert with Appius Claudius, whose daughter he had married, a senator of the family of Crassus, who was then at the head of the priesthood, and Mutius Scævola the consul, he exhausted all his art, and displayed all his eloquence in declamation; but when he came to propose that the law should be read, he found that his opponents had procured M. Octavius, one of his colleagues, to interpose his negative, and forbid any further proceeding in the business. *Here, according to the law and the constitution,*

tution, the matter should have dropped: but inflamed and unbalanced parties are not to be restrained by laws and constitutions. The tribunes were instituted to defend their own party, not to attack their opponents; and to prevent, not to promote innovations. Every single tribune had a negative on the whole.—The rest of the story I must leave.—The constitution thus violated, Gracchus next violated the sacred character of his colleague the tribune. The senate were transported with indignation; violence ensued, and the two Gracchi fell. Afterwards Marius carried the popular pretensions still higher; and Sylla might, if he would, have been emperor. Cæsar followed, and completed the catastrophe.

This commonwealth, by the splendor of its actions, the extent of its empire, the wisdom of its councils, the talents, integrity, and courage of a multitude of characters, exhibits the fairest prospect of our species, and is the most signal example, excepting England, of the wisdom and utility of a mixture of the three powers in a commonwealth: on the other hand, the various vicissitudes of its fortune, its perpetual domestic contests, and internal revolutions, are the clearest proofs of the evils arising from the want of complete independence in each branch, and from an ineffectual balance.

## LETTER LIIL

## CONGRESS.

My dear Sir,

BY the authorities and examples already recited, you will be convinced, that three branches of power have an unalterable foundation in nature; that they exist in every society natural and artificial; and that if all of them are not acknowledged in any constitution of government, it will be found to be imperfect, unstable, and soon enslaved: that the legislative and executive authorities are naturally distinct; and that liberty and the laws depend entirely on a separation of them in the frame of government: that the legislative power is naturally and necessarily sovereign and supreme over the executive; and therefore that the latter must be made an essential branch of the former, even with a negative, or it will not be able to defend itself, but will be soon invaded, undermined, attacked, or in some way or other totally ruined and annihilated by the former. This is applicable to every state in America, in its individual capacity: but is it equally applicable to the United States in their fœderal capacity?

The people of America, and their delegates in congress, were of opinion, that a single assembly was every way adequate to the management of all their fœderal concerns; and with very good reason, because congress is not a legislative assembly, nor a representative assembly, but only a diplomatic

matic assembly. A single council has been found to answer the purposes of confederacies very well. But in all such cases the deputies are responsible to the states; their authority is clearly ascertained; and the states, in their separate capacities, are the checks. These are able to form an effectual balance, and at all times to controul their delegates. The security against the dangers of this kind of government will depend upon the accuracy and decision with which the governments of the separate states have their own orders arranged and balanced. The necessity we are under of submitting to a fœderal government, is an additional and a very powerful argument for three branches, and a balance, by an equal negative, in all the separate governments. Congress will always be composed of members from the natural and artificial aristocratical body in every state, even in the northern, as well as in the middle and southern states. Their natural dispositions then in general will be (whether they shall be sensible of it or not, and whatever integrity or abilities they may be possessed of) to diminish the prerogatives of the governors, and the privileges of the people, and to augment the influence of the aristocratical parties. There have been causes enough to prevent the appearance of this inclination hitherto; but a calm course of prosperity would very soon bring it forth, if effectual provision against it be not made in season. It will be found absolutely necessary, therefore, to give negatives to the governors, to defend the executives against the influence of this body, as well as the senates and representatives in their several states. The necessity of a negative in the house of representatives, will be called in question by nobody.

Dr.

Dr. Price and the Abbé de Mably are zealous for additional powers to congress.—Full power in all foreign affairs, and over foreign commerce, and perhaps some authority over the commerce of the states with one another, may be necessary; and it is hard to say, that more authority in other things is not wanted: yet the subject is of such extreme delicacy and difficulty, that the people are much to be applauded for their caution.—To collect together the ancient and modern leagues—the Amphictionic, the Olynthian, the Argive, the Arcadian, and the Achæan confederacies, among the Greeks—the general diet of the Swiss cantons, and the states general of the United Netherlands—the union of the hanse-towns, &c. which have been found to answer the purposes both of government and liberty; to compare them all, with the circumstances, the situation, the geography, the commerce, the population, and the forms of government, as well as the climate, the soil, and manners of the people, and consider what further federal powers are wanted, and may be safely given, would be a useful work. If your public engagements allow you the time to undertake such an enquiry, you will find it an agreeable amusement.

L E T T E R LIV.

LOCKE, MILTON, AND HUME.

My dear Sir,

CHIMERICAL systems of legislation are neither new nor uncommon, even among men of the most resplendent genius and extensive learning. It would not be too bold to say, that some parts of Plato and sir Thomas More, are as wild as the ravings of Bedlam. A philosopher may be perfect master of Descartes and Leibnitz, may pursue his own enquiries into metaphysics to any length you please, may enter into the inmost recesses of the human mind, and make the noblest discoveries for the benefit of his species; nay, he may defend the principles of liberty and the rights of mankind, with great abilities and success; and, after all, when called upon to produce a plan of legislation, he may astonish the world with a signal absurdity. Mr. Locke, in 1663, was employed to trace out a plan of legislation for Carolina; and he gave the whole authority, executive and legislative, to the eight proprietors, the lords Berkley, Clarendon, Albemarle, Craven, and Ashley; and messieurs Carteret, Berkley, and Colleton, and their heirs. This new oligarchical sovereignty created at once three orders of nobility: barons, with twelve thousand acres of land; caciques, with twenty-four thousand, &c. and landgraves, with eighty thousand. Who did this legislator think would live under his government?

He

He should have first created a new species of beings to govern, before he instituted such a government.

A man may be a greater poet than Homer, and one of the most learned men in the world; he may spend his life in defence of liberty, and be at the same time one of the most irreproachable moral characters; and yet, when called upon to frame a constitution of government, he may demonstrate to the world, that he has reflected very little on the subject. There is a great hazard in saying all this of John Milton; but truth, and the rights of mankind, demand it. In his "Ready and Easy Way to establish a Free Commonwealth," this great author says, "I doubt not but all ingenuous and knowing men will easily agree with me, that a free commonwealth, without single person, or house of lords, is by far the best government, if it can be had; for the ground and basis of every just and free government, is a general council of ablest men chosen by the people to consult of public affairs from time to time, for the common good. In this grand council must the sovereignty, not transferred, but delegated only, and, as it were, deposited, reside; with this caution, they must have the forces by sea and land committed to them for preservation of the common peace and liberty; must raise and manage the public revenue, at least with some inspectors deputed for satisfaction of the people how it is employed; must make or propose civil laws, treat of commerce, peace, or war with foreign nations; and, for the carrying on some particular affairs with more secrecy and expedition, must elect, as they have already, out of their own number and others, a council of state. And although it may

“ may seem strange at first hearing, by reason that  
“ men’s minds are prepossessed with the notion of  
“ successive parliaments, I affirm that the grand  
“ council, being well chosen, should be perpetual;  
“ for so their busnes is, or may be, and often-  
“ times urgent; the opportunity of affairs gained  
“ or lost in a moment. The day of council can-  
“ not be set as the day of a festival, but must be  
“ ready always, to prevent or answer all occasions.  
“ By this continuance they will become every  
“ way skilfullest, best provided of intelligence  
“ from abroad, best acquainted with the people  
“ at home, and the people with them. The ship  
“ of the commonwealth is always under sail;  
“ they sit at the stern, and if they steer well, what  
“ need is there to change them, it being rather  
“ dangerous? Add to this, that the grand coun-  
“ cil is both foundation and main pillar of the  
“ whole state; and to move pillars and founda-  
“ tions, not faulty, cannot be safe for the build-  
“ ing. I see not, therefore, how we can be ad-  
“ vantaged by successive and transitory parlia-  
“ ments; but that they are much likelier continu-  
“ ally to unsettle, rather than to settle a free go-  
“ vernment; to breed commotions, changes, novel-  
“ ties, and uncertainties; to bring neglect upon  
“ present affairs and opportunities, while all minds  
“ are suspence with expectation of a new assem-  
“ bly, and the assembly, for a good space, taken  
“ up with the new settling of itself, &c. But if  
“ the ambition of such as think themselves in-  
“ jured, that they also partake not of the go-  
“ vernment, and are impatient to be chosen, can-  
“ not brook the perpetuity of others chosen be-  
“ fore them; or if it be feared that long con-  
“ tinuance of power may corrupt sincerest men,

" the known expedient is, that annually a third  
" part of senators go out," &c.

Can you read, without shuddering, this wild reverie of the divine immortal Milton? If no better systems of government had been proposed, it would have been no wonder that the people of England recalled the royal family, with all their errors, follies, and crimes about them. Had Milton's scheme been adopted, this country would have either been a scene of revolutions, carnage, and horror, from that time to this, or the liberties of England would have been at this hour the liberties of Poland, or the island would have been a province of France. What! a single assembly to govern England? an assembly of senators for life too? What! did Milton's ideas of liberty and free government extend no further than exchanging one house of lords for another, and making it supreme and perpetual? What! Cromwell, Ireton, Lambert, Ludlow, Waller, and five hundred others, of all sects and parties, one quarter of them mad with enthusiasm, another with ambition, a third with avarice, and a fourth of them honest men, a perpetual council, to govern such a country! It would have been an oligarchy of decemvirs, on the first day of its sitting; it would have instantly been torn with all the agitations of Venice, between the aristocracy and oligarchy, in the assembly itself. If, by ballots and rotations, and a thousand other contrivances, it could have been combined together, it would have stripped the people of England of every shadow of liberty, and grown in the next generation a lazy, haughty, ostentatious group of patricians: but if they had fallen into divisions, they would have deluged the nation in blood,

till

till one despot would have ruled the whole. John Milton was as honest a man as this nation ever bred, and as great a friend of liberty: but his greatness most certainly did not consist in the knowledge of the nature of man and of government, if we are to judge from this performance, or from "The present Means and brief Delineation of a free Commonwealth," in his letter to General Monk.—Americans in this age are too enlightened to be bubbled out of their liberties, even by such mighty names as Locke, Milton, Turgot, or Hume; they know that popular elections of one essential branch of the legislature, frequently repeated, are the only possible method of forming a free constitution, or of preserving the government of laws from the domination of men, or of preserving their lives, liberties, or properties in security; they know, though Locke and Milton did not, that when popular elections are given up, liberty and free government must be given up. Upon this principle, they cannot approve the plan of Mr. Hume, in his "Idea of a perfect Commonwealth."—"Let all the freeholders of twenty pounds a year in the county, and all the householders worth five hundred pounds in the town parishes, meet annually in the parish church, and choose, by ballot, some freeholder of the county for their member, whom we shall call the county-representative. Let the hundred county-representatives, two days after their election, meet in the county-town, and choose by ballot, from their own body, ten county-magistrates, and one senator. There are therefore, in the whole commonwealth, one hundred senators, eleven hundred county magistrates, and ten thousand county representatives; for we shall bestow on all senators the authority

“ rity of county-magistrates, and on all county-  
“ magistrates the authority of county-representa-  
“ tives. Let the senators meet in the capital,  
“ and be endowed with the whole executive  
“ power of the commonwealth; the power of  
“ peace and war, of giving orders to generals,  
“ admirals, and ambassadors, and, in short, all  
“ the prerogatives of a British king, except his  
“ negative. Let the county-representatives meet  
“ in their particular counties, and possess the  
“ whole legislative power of the commonwealth;  
“ the greater number of counties deciding the  
“ question; and where these are equal, let the  
“ senate have the casting-vote. Every new law  
“ must first be debated in the senate; and, though  
“ rejected by it, if ten senators insist and protest,  
“ it must be sent down to the counties: the se-  
“ nate, if they please, may join to the copy of  
“ the law their reasons for receiving or rejecting  
“ it.” &c.—The senate, by the ballot of Venice  
or Malta, are to choose a protector, who re-  
presents the dignity of the commonwealth, and  
presides in the senate; two secretaries of state,  
and a council of state, a council of religion and  
learning, a council of trade, a council of laws,  
a council of war, a council of the admiralty—  
each of five persons, all senators; and seven com-  
missioners of the treasury.

If you compare this plan, as well as those of Locké and Milton, with the principles and exam-  
ples in the foregoing letters, you will soon form  
a judgment of them; it is not my design to enlarge  
upon them. That of Hume is a complicated arist-  
ocracy, and would soon behave like all other arist-  
ocracies. It is enough to say, that the representa-  
tives of the people may by the senators be de-  
prived of a voice in the legislature; because the  
senate

senate have their choice of sending the laws down, either to the county-magistrates or county-representatives. It is an ingenious device, to be sure, to get rid of the people and their representatives; besides that the delays and confusions would be endless, in sending the laws to be debated in as many separate commonwealths as there are counties. But the two decisive objections are, 1. Letting the nobility or senate into the management of the executive power; and, 2. Taking the eyes of the people off from their representatives in the legislature. The liberty of the people depends entirely on the constant and direct communication between them and the legislature, by means of their representatives.

The improvements to be made in the English constitution lie entirely in the house of commons. If county-members were abolished, and representatives proportionally and frequently chosen in small districts, and if no candidate could be chosen but an established long settled inhabitant of that district, it would be impossible to corrupt the people of England, and the house of commons might be an immortal guardian of the national liberty. Instead of projects to abolish kings and lords, if the house of commons had been attended to, wild wars would not have been engaged in nor countless millions thrown away, nor would there have remained an imperfection perhaps in, the English constitution. Let the people take care of the balance, and especially their part of it: but the preservation of their peculiar part of it will depend still upon the existence and independence of the other two; the instant the other branches are destroyed, their own branch, their own deputies, become their tyrants.

## LETTER LV.

## CONCLUSION.

*Grosvenor-square, Dec. 21, 1786.*

My dear Sir,

ACCORDING to Mr. Turgot's idea of a perfect commonwealth, a single assembly is to be possessed of all authority, legislative, executive and judicial. It will be a proper conclusion of all our speculations upon this, the most interesting subject which can employ the thoughts of men, to consider in what manner such an assembly will conduct its deliberations, and exert its power. The executive power is properly the government; the laws are a dead letter until an administration begins to carry them into execution. Let us begin then with this. If there is an army to raise, this single assembly is to appoint all its officers. The man of the most ample fortune, the most honourable descent, the greatest abilities, especially if there is any one among them who has had experience, rendered important services, and acquired fame in war, will be chosen general. This event is a great point gained by the aristocracy; and a great advance towards the selection of one, in case of convulsions and confusions, for monarchy. The general has vast influence, of course, with the whole nation,

nation, and especially with the officers of his army; whose articles of war, and whose habits, both of obedience and command, establish a system of subordination of which he is the center, and produce an attachment that never wears out. The general, even without being sensible of it, will naturally fall in with the views of the aristocratical body, in promoting men of family, property, and abilities; and indeed, in general, it will be his duty to do this, as such are undoubtedly, in general, the fittest for the service: his whole corps of officers will grow habitually to respect such only, or at least chiefly; and it must be added, because experience proves it, and the truth requires it to be mentioned, to entertain some degree of contempt for the rest of the people, as "rank and file." The general's recommendation will have great weight in the assembly, and will in time be given chiefly, if not wholly, to men who are either of the aristocratical body themselves, or at least recommended by such as are so. All the other officers of the army are to be appointed by this assembly; and we must suppose that all the general officers and field officers will be of patrician families, because each candidate will be unknown to nine-tenths of the assembly. He comes from a part of the state which a vast majority of the members of the assembly do not particularly represent, and are unacquainted with; they must therefore take his character upon trust from his patron in the house, some member who is his neighbour, and who perhaps owes his election to him or his particular friends.—Here is an endless source of debate and delay. When there are two or more candidates for a commission, and there will generally

nerally be several, how shall an assembly of five hundred or one hundred men, collected from all the most distant parts of a large state, become informed of the merits and pretensions of each candidate? It can only be done in public or in private. If in public, it exposes the characters of the candidates to a public discussion, which few men can bear; it consumes time without end; and it will frequently happen, that the time of the whole assembly shall be wasted, and all the public affairs delayed, for days and weeks, in deliberating and debating, affirming and denying, contradicting and proving, in the appointment of a single officer; and, after all, he who has friends of the most influence in the house, who will be generally of the aristocratical complexion, will be preferred. It is moderate to say that the loss of time and delay of business will be a greater burthen to the state than the whole support of a governor and council. If there is a navy, the same process must be gone through respecting admirals, captains, and all other officers. All the officers of revenue, police, justice, must be appointed in the same way. Ambassadors, consuls, agents to foreign countries, must be appointed too by vote of assembly.—This branch of business alone would fill up the whole year, and be more than could be done. An assembly must be informed before it can act. The understanding and conscience of every member should be clearly satisfied before he can vote. Information is to be had only by debate, and examination of evidence. Any man may see that this must be attended with difficulty; but no man, who has not seen the inside of such an assembly, can conceive the confusion, uncertainty, and procrastination.

nation of such proceedings. The American provincial congresses had experience enough of this; and gentlemen were more convinced, by what they there saw, heard, and felt, of the necessity of three branches, than they would have been by reasoning or reading; it was generally agreed, that the appointment of officers by lot would have been a more rational method.—But this is not all: the army, the navy, revenue, excise, customs, police, justice, and all foreign ministers, must be gentlemen, that is to say, friends and connections of the rich, well-born and well-educated members of the house; or, if they are not, the community will be filled with slander, suspicion, and ridicule against them, as ill-bred, ignorant, and in all respects unqualified for their trusts; and the plebeians themselves will be as ready as any to join in the cry, and run down their characters. In the second place, there never was yet a people who must not have somebody or something to represent the dignity of the state, the majesty of the people, call it what you will—a doge, an avoyer, an archon, a president, a consul, a syndic; this becomes at once an object of ambition and dispute, and, in time, of division, faction, sedition, and rebellion.—The next enquiry is, concerning the administration of justice. Shall every criminal be brought before this assembly and tried? shall he be there accused before five hundred men? witnesses introduced, counsel heard? This again would take up more than the whole year; and no man, after all, would consider his life, liberty, or property, safe in such a tribunal. These all depend upon the disquisitions of the counsel, the knowledge of the law in the judges, the confrontation of parties and

and witnesses, the forms of proceedings, by which the facts and the law are fairly stated before the jury for their decision, the rules of evidence, by which the attention of the jury is confined to proper points, and the artifices of parties and counsel avoided. An assembly of five hundred men are totally incapable of this order, as well as knowledge; for, as the vote of the majority must determine, every member must be capable, or all is uncertain: besides, it is the unanimity of the jury that preserves the rights of mankind — must the whole five hundred be unanimous? — Will it be said that the assembly shall appoint committees to try causes? But who are to make these appointments? Will not a few haughty palatines in the assembly have influence enough to determine the election in favour of their friends? and will not this make the judges the tools of a party? If the leaders are divided into parties, will not one prevail at one year, and another the next? and will not this introduce the most wretched of servitudes, an uncertain jurisprudence? Will it be said that the assembly shall appoint committees for the nomination of officers? The same intrigues, and greater struggles, would be introduced for the place of a committee-man; and there would be frequent appeals from those committees to the body that appointed them. Shall the assembly appoint a governor or president, and give him all the executive power? Why should not the people at large appoint him? Giving this power to the assembly will open a wider door to intrigue for the place; and the aristocratical families will be sure, nine times in ten, to carry their choice in this way; and, what is much worse, the first magistrate

gistrate will be considered as dependent on every obscure member of the house, but in reality he will be dependent only on a dozen or a score, perhaps on two or three, of the whole. He will be liable to daily motions, debates, and votes of censure. Instead of thinking of his duty to the people at large, he will confine his attention chiefly to the assembly, and believe, that if he can satisfy them, or a majority of them, he has done his duty. After all, any of these devices are only changing words; they are, in reality, erecting different orders of men, and aiming at balances, as much as the system which so much displeases Mr. Turgot; they are introducing, in effect, all the inequalities and disputes that he so greatly apprehends, without any of that security to the laws which ought to be the principal object; they render the executive power, which is in truth the government, the instrument of a few grandees. If these are capable of a combination with each other, they will seldom disagree in their opinion, which is the richest man and of the first family; and, as these will be all their enquiries, they will generally carry their election: if they are divided, in constant wrangles with each other, and perpetual attacks upon the president about the discharge of his functions, they will keep the nation anxious and irritated, with controversies which can never be decided nor ended. If they agree, and the plebeians still carry the vote against them, the choice will nevertheless probably fall upon one of their number, who will be disposed to favour them too much; but if it falls upon a plebeian, there commences at once a series of contests between the rich and the poor, which will never end but in the ruin of the popular power  
and

and the national liberty—or at least in a revolution and a new constitution. As the executive power, the essence of government, is ever odious to popular envy and jealousy, it will ever be in the power of a few illustrious and wealthy citizens to excite clamours and uneasiness, if not commotions and seditions, against it. Although it is the natural friend of the people, and the only defence which they or their representatives can have against the avarice and ambition of the rich and distinguished citizens, yet such is their thoughtless simplicity, they are ever ready to believe that the evils they feel are brought upon them by the executive power. How easy is it then for a few artful men, among the aristocratical body, to make a president, thus appointed and supported, unpopular, though he conducts himself with all the integrity and ability which his office requires?

But we have not yet considered how the legislative power is to be exercised in this single assembly? — Is there to be a constitution? Who are to compose it? The assembly itself, or a convention called for that purpose? In either case, whatever rules are agreed on for the preservation of the lives, liberties, properties, and characters of the citizens, what is to hinder this assembly from transgressing the bounds which they have prescribed to themselves, or which the convention has ordained for them? The convention has published its code, and is no more. Shall a new convention be called, to determine every question which arises concerning a violation of the constitution? This would require that the convention should sit whenever the assembly sits, and consider and determine every question which is agitated in it. This is the very thing we contend

tend for, viz. that there may be two assemblies ; one to divide, and the other to choose. Grant me this, and I am satisfied, provided you will confine both the convention and assembly to legislation, and give the whole executive power to another body. I had almost ventured to propose a third assembly for the executive power ; but the unity, the secrecy, the dispatch of one man, has no equal ; and the executive power should be watched by all men ; the attention of the whole nation should be fixed upon one point, and the blame and censure, as well as the impeachments and vengeance for abuses of this power, should be directed solely to the ministers of one man.—

But to pursue our single assembly. The first year, or the first seven years, they may be moderate ; especially in dangerous times, and while an exiled royal family, or exiled patricians or nobles, are living, and many return ; or while the people's passions are alive, and their attention awake, from the fresh remembrance of danger and distress : but when these transitory causes pass away, as there is an affection and confidence between the people and their representatives, suppose the latter begin to make distinctions, by making exceptions of themselves in the laws ?—

They may frank letters ; they are exempted from arrests ; they can privilege servants----One little distinction after another, in time makes up a large sum. Some few of the people will complain ; but the majority, loving their representatives, will acquiesce. Presently they are exempted from taxes. Then their duration is too short ; from annual they become biennial, triennial, septennial, for life ; and at length, instead of applying to constituents to fill up vacancies,

the assembly takes it upon itself; or gives it to their president. In the mean time, wars are conducted by heroes to triumph and conquest, negociations are carried on with success, commerce flourishes, the nation is prosperous;----the citizens are flattered, vain, proud of their felicity, envied by others: it would be the basest, the most odious ingratitude, at least it will be so represented, to find fault with their rulers. In a word, as long as half a score capital characters agree, they will gradually form the house and the nation into a system of subordination and dependence to themselves, and govern all at their discretion----a simple aristocracy or oligarchy in effect, though a simple democracy in name: but, as every one of these is emulous of others, and more than one of them is constantly tormented with a desire to be the first, they will soon disagree; and then the house and nation gradually divides itself into four parties, one of which at least will wish for monarchy, another for aristocracy, a third for democracy, and a fourth for various mixtures of them; and these parties can never come to a decision but by a struggle, or by the sword. There is no remedy for this, but in a convention of deputies from all parts of the state: but an equal convention can hardly be obtained, except in times like those we have lately seen, when the danger could only be warded off by the aid and exertions of the whole body of the people: when no such danger from without shall press, those who are proud of their wealth, blood, or wit, will never give way to fair and equal establishments. All parties will be afraid of calling a convention; but if it must be agreed to, the aristocratical

aristocratical party will push their influence, and obtain elections even into the conventions for themselves and their friends, so as to carry points there, which perhaps they could not have carried in the assembly.

But shall the people at large elect a governor and council annually to manage the executive power, and a single assembly to have the whole legislative? In this case, the executive power, instead of being independent, will be the instrument of a few leading members of the house; because the executive power, being an object of jealousy and envy to the people, and the legislative an object of their confidence and affection, the latter will always be able to render the former unpopular, and undermine its influence.— But if the people for a time support an executive disagreeable to the leaders in the legislative, the constitution will be disregarded, and the nation will be divided between the two bodies, and each must at last have an army to decide the question. A constitution consisting of an executive in one single assembly, and a legislative in another, is already composed of two armies in battle array; and nothing is wanting, but the word of command, to begin the combat.

In the present state of society and manners in America, with a people living chiefly by agriculture, in small numbers, sprinkled over large tracts of land, they are not subject to those panics and transports, those contagions of madness and folly, which are seen in countries where large numbers live in small places, in daily fear of perishing for want: we know, therefore, that the people can live and increase under almost any kind of government, or without any government

at all. But it is of great importance to begin well; misarrangements now made, will have great, extensive, and distant consequences; and we are now employed, how little soever we may think of it, in making establishments which will affect the happiness of an hundred millions of inhabitants at a time, in a period not very distant. All nations, under all governments, must have parties; the great secret is to controul them: there are but two ways, either by a monarchy and standing army, or by a balance in the constitution. Where the people have a voice, and there is no balance, there will be everlasting fluctuations, revolutions, and horrors, until a standing army, with a general at its head, commands the peace, or the necessity of an equilibrium is made appear to all, and is adopted by all.

I am,

My dear Sir,

With much esteem and affection,

Yours,

JOHN ADAMS.

William Stephens Smith, Esq.

POSTSCRIPT.

## P O S T S C R I P T.

THE foreign gazettes and journals have announced to the world, that the Abbé de Mably was applied to by the United States of America for his advice and assistance in the formation of a code of laws. It is unnecessary to say any thing to this, only that it is a part of a million volumes of lies, according to the best computation, which are to be imposed upon posterity, relative to American affairs. The Abbé himself, in his observations, has said that I desired his sentiments. This is true; but the manner of the request ought to be known, that those who think it of any consequence may understand in what sense it is true. Upon my arrival in Paris, in October, 1782, upon the business of the peace, the Abbé de Mably's book, upon the manner of writing history, was put into my hands. At the conclusion of that publication, he declared his intention of writing on the American revolution. Meeting the Abbé soon afterwards, at dinner, at Monsieur de Chalut's the farmer general, my friends the Abbés de Chalut and Arnowe, who were of the party, informed me that their friend was about writing the history of the American revolution, and would be obliged to me for any facts or memorials that might be in my power. The question was asked, what part of the revolution he intended to write? The whole—Where had he obtained the materials? It was supposed they might be obtained from the public papers and the enquiry of a few individuals.—In answer to this a few difficulties were started, and the conversation spun into length. At last the gentlemen asked to have, in writing, what had then been said upon the subject, as, the conversation being in French, it might not have been fully comprehended. Accordingly, in a few days, I wrote the Abbé a letter, the translation of which, by a friend, into French, is here inclosed; the original, in English, not being in my possession. By this you will see, that the request to the Abbé to write upon American affairs, was a mere civility; and rather a desire that he would not expose himself, by attempting an history that he was altogether unprovided for, than any formal request that he should write at all.—We ought to be obliged to any gentleman

tleman in Europe who will favor us with his thoughts: but in general, the theory of government is as well understood in America as it is in Europe; and by great numbers of individuals is every thing, relating to a free constitution, infinitely better comprehended than by the Abbé de Mably or Mr. Turgot, amiable, learned, and ingenious, as they were.

*A Monsieur l' Abbé de Mably.*

“ C'est avec plaisir que j'ai appris votre dessein d'écrire “ sur la Révolution Américaine, parce que vos autres écrits, “ qui sont beaucoup admirés des Américains, contiennent “ des principes de Legislation, de Politique & de Nego- “ ciation qui sont parfaitement analogues aux leurs; de “ sorte que vous ne pourrez guerre écrire sur ce sujet sans “ produire un ouvrage qui servira à l'instruction du public, “ & surtout à celle de mes concitoyens. Mais j'espere que “ vous ne m'accuserez pas de presomption, d'affection ou “ de singularité, si je hazarde de vous dire que je suis d'o. “ pinion qu'il est encore trop-tôt pour entreprendre une “ Histoire complete de ce grand evenement, & qu'il n'y “ a personne ni en Europe ni en Amerique, qui, jusqu'à “ présent, soit en etat de la faire & qui ait les materiaux “ requis ou nécessaires pour cela.

“ Pour entreprendre un tel ouvrage, un Ecrivain dev- “ roit diviser l'Histoire de l'Amerique en plufieurs periodes. “ 1. Depuis le premier établissement des Colonies en “ 1600, jusqu'au commencement de leurs brouilleries avec “ la Grande-Bretagne in 1761.

“ 2. Depuis ce commencement (occasionné par un ordre “ du Bureau de Commerce & des Plantations dans la “ Grande-Bretagne, donne aux officiers de la Douane en “ Amerique, de faire executer d'une maniere plus rigor- “ euse les actes du commerce, & d'avoir recours aux cours “ de la justice pour avoir de decrets d'assistance à cette fin) “ jusqu'au commencement des hostilités, le 19 d'Avril, “ 1775. Pendant cette periode de 14 ans il n'y eut qu'une “ guerre de plume..

“ 3. Depuis la bataille de Lexington jusqu'à la signa- “ ture du Traité avec la France, le 6 Fevrier, 1778. Du- “ rant cette periode de 3 ans, la guerre se fit uniquement “ entre la Grande-Bretagne & les Etats-Unis.

“ 4. Depuis le Traité avec la France jusqu'aux hostili- “ tes entre la Grande-Bretagne & la France premiere- “ ment; puis avec l'Espagne, ensuite jusqu'au developpe- “ ment,

“ ment de la Neutralité armée, & à la guerre contre la  
“ Hollande. Enfin, toutes ces scènes trouvent leur de-  
“ nouement dans les Negociations de la Paix.

“ Sans une connoissance distincte de l’Histoire des Co-  
“ lonies dans la premiere periode, un Ecrivain se trouvera  
“ embarrassé, depuis le commencement de son ouvrage,  
“ jusqu’à la fin, pour rendre compte des evenements & des  
“ caractères qui se presenteront à decrirer à chaque pas, à  
“ mesure qu’il avance vers la seconde, la troisieme, & la  
“ quatrieme periodes. Pour acquerir une connoissance  
“ suffisante de la premiere periode, il faudroit lire toutes  
“ les Chartes accordees aux Colonies, & les Commissions &  
“ Instructions données aux Gouverneurs, tous les Codes de  
“ Loi des differentes Colonies (& treize Volumes in Folio de  
“ Statuts longs & rebutans qui ne se lisent guere avec plai-  
“ sir ni en peu de tems) tous les Registres de la Législature  
“ des differentes Colonies; que l’on ne trouvera qu’en manu-  
“ scrit & en voyageant en personne, depuis New-Hamp-  
“ shire jusqu’ à la Georgie; les Registres des Bureaux de  
“ Commerce & des Plantations dans la Grande-Bretagne de-  
“ puis leur institution jusqu’à leur dissolution, comme aussi  
“ les Papiers des Bureaux de quelques-unes des Secrétairerries  
“ d’ Etat.

“ Il y a une autre branche de lecture, dont l’on ne sau-  
“ roit se dispenser, quand l’on pourrait se passer des autres.  
“ Je parle de ces écrits qui ont paru en Amerique de tems  
“ à autre, je ne pretends cependant pas, dans la place où je  
“ suis, éloigné de tous les livres & écrits, en faire une  
“ exacte enumeration—Le Ecrits des anciens Gouverneurs  
“ Wintbrop & Winslow, du Dr. Mather, Mr. Prince :  
“ Neal’s Histoire de la Nouvelle Angleterre ; Douglas Som-  
“ maire sur les premières Plantations ; l’amélioration pro-  
“ gressive des terres & l’état présent des Colonies Britan-  
“ niques ; Hutchinson Histoire de Massachusetts-Bay ; Smith  
“ Histoire de New-York ; Smith Histoire de New Jersey,  
“ les ouvrages de William Penn ; Dummer’s Défense des  
“ Chartes de la Nouvelle Angleterre ; l’Histoire de Virginie,  
“ & plusieurs autres. Tout cela étoit antérieur à la dis-  
“ pute présente, qui commença en 1761.

“ Durant la seconde période, les écrits sont plus nom-  
“ breux, & plus difficiles à se procurer ; il fut alors donné  
“ au public des Ouvrages de grande importance ; dans les  
“ débats entre ceux qui furent acteurs dans cette scène en  
“ qualité d’Ecrivains, il en est qui meritent d’être distin-  
“ gués. On compte parmi eux les Gouverneurs du Roi  
“ Ponsonby, Bernard & Hutchinson ; Le Lieutenant Gouver-  
“ neur

" neur Oliver ; Mr. Sewall, Juge d' Amiraute pour Hali-  
 " fax, Jonathan Maybew, D. D. James Otis, Oxenbridge.  
 " Thatcher ; Samuel Adams ; Josiah Quincy, Joseph War-  
 " ren ; & peut-être les suivants n'ont pas été moins im-  
 " portants qu'aucun des autres, savoir les écrits de Mr.  
 " Dickinson, de Mr. Wilson & du Dr. Rush de Phi-  
 " ladelphie, de Mr. Livingston & de Mr. Dougal de  
 " New-York ; du Colonel Bland & d' Arthur Lee de  
 " Virginie, & de plusieurs autres. Les Registres de la  
 " Ville de Boston, and particulièrement d'un Comité de Cor-  
 " respondance ; du Bureau des Commissions de la Douane ;  
 " de la Chambre des Repréſentans & du Bureau du Conseil  
 " de Massachusetts-Bay ; en outre les Gazettes de la Ville  
 " de Boston dans les derniers tems, pour ne pas dire celles  
 " de New-York & de Philadelphie, doivent être ramassées  
 " & examinées depuis l'an 1760. Tout cela est nécessaire,  
 " pour écrire avec precision & en détail l'Histoire des dé-  
 " bats avant que les hostilités eussent commencé, compris  
 " la période de l'année 1761 jusqu'au 19 Avril 1775.

" Durant les troisième and quatrième périodes les Regi-  
 " stres, Pamphlets & Gazettes des Treize-Etats doivent  
 " être recueillis, ainsi que les Journaux du Congrès (dont  
 " cependant une partie est encore secrète) & la Collection  
 " des Nouvelles Constitutions des divers Etats, le Remem-  
 " brancer & le Registre Annuel, papiers périodiques publiés  
 " en Angleterre. Les Affaires de l'Angleterre, & le Mer-  
 " cure de France, publié à Paris, & le Politique Hollandois,  
 " imprimé à Amsterdam, toute la suite de la Correspondance  
 " du Général Washington avec le Congrès depuis le  
 " mois de Juillet 1775 jusqu'à ce jour, qui n'a pas encore  
 " été publié, & qui ne le sera pas non plus jusqu'à ce que  
 " le Congrès l'ait ordonné ou permis ; & permettez-moi de  
 " vous dire qu'à moins que cette vaste source soit ouverte, il ne  
 " sera guère possible à personne d'entreprendre une Histoire  
 " de la Guerre Américaine : Il est encore d'autres écrits d'  
 " importance dans les Bureaux du Comité Sécret, dans le  
 " Comité d' Commerce, dans le Comité des Affaires étrangères,  
 " dans le Comité de la Trésorerie, dans le Comité de la Ma-  
 " rine, dans le Bureau de la Guerre (autant qu'il subsiste)  
 " & du Département de la Guerre, de la Marine, des Fi-  
 " nances & des Affaires étrangères, depuis leur institution.  
 " Il y a aussi des Lettres des Ministres Américains en France,  
 " Espagne, Hollande, & d'autres parties de l'Europe.

" La plupart des documents & matériaux étant encore  
 " secrets, c'est un démarche prématurée que d'entreprendre  
 " une Histoire générale de la Révolution Américaine ;

" mais

“ mais l'on ne sauroit metre trop d' activité & de soins à faire la collection des matériaux. Il existe cependant, à la vérité déjà deux ou trois Histoires générales de la Guerre & Révolution Americaine, publiées à Londres, & deux ou trois autres publiées à Paris ; celles en langue Angloise ne sont que des matériaux informes & confus sans discernement, & toutes ces Histoires soit en Anglais soit en François, ne sont autre chose que des monuments de l'ignorance complète de leurs auteurs sur ce sujet.

“ Il faudroit la vie entière & la plus longue, à commencer dès l'âge de 20 ans, pour assembler de toutes les Nations & de toutes les parties du monde, dans lesquels ils sont déposés, les documents propres à former une Histoire complète de la Guerre Américaine ; parce que c'est proprement l'Histoire du Genre-humain dans toute cette époque. Il faut y réunir l'Histoire de France, d'Espagne, de Hollande, d'Angleterre, & des Puissances neutres, aussi bien que de l'Amérique. Les matériaux en devroient être assemblés de toutes ces Nations, and les documents les plus importans de tous, aussi bien que les caractères des Acteurs & les ressorts secrets des Actions, sont encore récélés dans les Cabinets & en chiffres.

“ Soit que vous, Monsieur, entreprenniez de donner une Histoire générale, ou simplement des remarques & observations, semblables à celles que vous avez données sur les Grecs & les Romains ; vous produirez une ouvrage extrêmement intéressant & instructif, pour la Morale, la Politique, la Legislation, & je me ferai un honneur & un plaisir de vous fournir tous les petits secours qui seront en mon pouvoir pour la facilité de vos recherches. Il m'est impossible de vous dire si le Gouvernement de ce pays souhaiteroit de voir quelque ouvrage profondément écrit, & par un auteur d'une grande célébrité, en langue Française. Il est question d'exposer des principes de gouvernement, si differens de ce qu'on trouve en Europe, surtout en France, qu'on ne verroit peut-être pas une entreprise pareille d'un œil indiferent ; c'est cependant une chose dont je ne me crois pas le juge compétent.

“ Permettez, Monsieur, que je finisse cette lettre en vous donnant une clef pour toute cette Histoire. Il y a une analogie générale dans les Gouvernements & les Caractères de tous les Treize Etats ; mais ce ne fut que lorsque les débats & la guerre commencèrent en Massachussets-Bay, la principale province de la Nouvelle-Angleterre, que les institutions primitives firent leur premier effet

“ effet. Quatre de ces institutions devroient être bien  
 “ etudiées & amplement examinées par quiconque voudroit  
 “ ecrire avec connoissance de cause sur ce sujet ; car elles  
 “ ont produit un effet decisif, non-seulement dans les pre-  
 “ mieres determinations des debats, dans les Conseils pub-  
 “ lics, & les premieres resolutions de résister par les armes,  
 “ mais aussi par l'influence qu'elles eurent sur les esprits  
 “ des autres Colonies en leur donnant l'exemple, d'adopter  
 “ plus ou moins les mêmes institutions & des mesures  
 “ semblables.

Les quatre institutions mentionnées sont

1. Les Villes ou Districts.
2. Les Eglises.
3. Les Ecoles.
4. La Milice.

1. “ Les Villes sont de certaines étendues de pays, on  
 “ districts de territoire, dans lesquels étoient divisés le  
 “ Massachusetts Bay, le Connecticut, le New-Hampshire  
 “ & le Rhode-Island. Chaque Ville contient l'une dans  
 “ l'autre six milles ou deux lieues quarrées. Les habi-  
 “ tans qui vivent dans ces limites doivent former, en  
 “ vertu de la loi, des corporations ou corps politiques, &  
 “ sont investis de certains pouvoirs & priviléges : comme  
 “ par exemple, de réparer les grands chemins, d'entretenir  
 “ les pauvres, de choisir les élus, les constables, les col-  
 “ lecteurs des Taxes & d'autres officiers, & surtout leurs  
 “ Représentans dans la Législature : comme aussi du droit  
 “ de s'assembler toutes les fois qu'ils sont avertis par leurs  
 “ Elus, dans les assemblées de Villes, afin de délibérer sur  
 “ les affaires publiques de la Ville, ou de donner des in-  
 “ structions à leurs Représentans. Les conséquences de  
 “ cette institution ont été, que tous les habitants ayant  
 “ acquis dès leur enfance une habitude de discuter, de  
 “ délibérer, & de juger des affaires publiques, ç'a été dans  
 “ cette étendue de Villes ou districts, que les sentiments  
 “ du Peuple se sont formés premierement, & que leurs  
 “ resolutions ont été prises, depuis le commencement  
 “ jusqu'à la fin des débats & de la guerre.

2. “ Les Eglises sont des Sociétés Religieuses, qui  
 “ comprennent le Peuple entier. Chaque district contient  
 “ une Paroisse & une Eglise. La plupart n'en ont qu'une,  
 “ & quelques-uns en ont plusieurs. Chaque Paroisse a  
 “ une maison d'assemblée, & un Ministre entretenu à  
 “ ses propres dépens. Les Constitutions des Eglises sont  
 “ extrêmement populaires, & le Clerge a peu d'influence  
 “ ou d'autorité, à l'exception de celles que leur propre  
 “ piété

“ pieté, leur vertu, leurs lumieres leur donnent naturellement. Ils sont choisis par le peuple de leur Paroisse, & reçoivent leur ordination du Clergé voisin. Ils sont tous mariés, ont des familles, & vivent avec leurs Paroissiens dans une parfaite amitié & intimité. Ils vont voir les malades, exercent la charite envers les pauvres, assistent à tous les mariages & enterremens, & prêchent deux fois chaque Dimanche; le moindre reproche fait à leur caractère moral, leur fait perdre, leur influence, & leur niroit à jamais. De sorte que ce sont des hommes sages, vertueux & pieux. Leurs sentiments sont en general adaptés à ceux du peuple, & ils sont amis jaloux de la Liberté.

3. “ Il y a des Ecoles dans chaque ville; elles sont établies par une Loi expresse de la Colonie; chaque ville consistant en soixante familles, est obligée, sous peine d'amende, de maintenir constamment une Ecole & un maître qui enseigne à écrire, l'arithmetique, & les principes des langues Latine & Grecque. Tous les enfans des habitans, ceux des riches comme des pauvres, ont le droit d'aller dans cette Ecole publique. On y forme les Etudiants pour les Collèges de Cambridge, de New-Haven, de Warwich, & de Dartmouth; & dans ces Collèges on élève des Maîtres pour ces Ecoles, des Ministres pour l'Eglise, des Docteurs en Droit & en Medecine, & des Magistrats & Officiers pour le Gouvernement du Pays.

4. “ La Milice comprend tout le Peuple. En vertu des Loix du pays chaque habitant mâle entre 16 & 60 ans, est enrôlé dans une Compagnie & Régiment de Milice, complètement pourvu de tous ses officiers. Il est obligé de tenir toujours dans sa maison & à ses propres dépenses, un mousquet en bon ordre une corne à poudre, une livre de cette poudre, douze pierres à feu, vingt-quatre balles de plomb, une boîte à cartouche, & un havre-fac. De sorte que toute la Contrée est prête à marcher à sa défense au premier signal. Les Compagnies & Régiments sont obligés de s'assembler à un certain temps de l'année, sur les ordres de leurs officiers, pour la visiteation de leurs armes & munitions, & de faire leurs manœuvres.

“ Voici, Monsieur, une petite esquisse des quatre sources principales de cette sagesse dans les Conseils de cette habileté, de cette bravoure militaire, qui ont produit la Révolution Américaine, & qui, j'espere, feront

“ feront faintement conserverés comme les fondemens de  
“ la Liberté, du bonheur & de la prosperité du peuple.  
“ S'il est d'autres particularités sur lesquelles je puisse vous  
“ donner des informations, vous me ferez l'amitié de me  
“ le faire savoir. J'ai l'honneur d'être

“ JOHN ADAMS.”

1782







1969

