

with a belief is a social power equal to ninety-nine who have only interests. They who can succeed in creating a general persuasion that a certain form of government, or social fact of any kind, deserves to be preferred, have made nearly the most important step which can possibly be taken towards ranging the powers of society on its side.

Mill, *Representative Government*, I

- 103 In quiet and untroubled times it seems to every administrator that it is only by his efforts that the whole population under his rule is kept going, and in this consciousness of being indispensable every administrator finds the chief reward of his labor and efforts. While the sea of history remains calm the ruler-administrator in his frail bark, holding

on with a boat hook to the ship of the people and himself moving, naturally imagines that his efforts move the ship he is holding on to. But as soon as a storm arises and the sea begins to heave and the ship to move, such a delusion is no longer possible. The ship moves independently with its own enormous motion, the boat hook no longer reaches the moving vessel, and suddenly the administrator, instead of appearing a ruler and a source of power, becomes an insignificant, useless, feeble man.

Tolstoy, *War and Peace*, XI, 25

- 104 Politics is largely governed by sententious platitudes which are devoid of truth.

Russell, *Unpopular Essays*, VII

## 10.3 | Government

### ITS NATURE, NECESSITY, AND FORMS

The distinction made by certain writers between a state of nature and a civil society or commonwealth (discussed in quotations in Section 10.1) turns on the absence or presence of government and its institutions, mainly the enactment and enforcement of laws and the adjudication of disputes by judicial tribunals or courts. The absence of government is anarchy. It would, therefore, appear to be the case that the presence of government is essential or indispensable to the existence of the state or commonwealth, and to the civil peace that is identical with civil society.

That is the view which predominates in the passages assembled here. The opposing view, advanced by the proponents of anarchy, is not well represented, though some indications of it will be found in quotations from Thoreau and Emerson. For other indications of it, and for considerations relevant

to this fundamental issue about government, the reader should turn to Section 13.1 on FREEDOM IN SOCIETY and Section 14.3 on THE CONDITIONS OF PEACE.

A large number of quotations name and classify diverse forms of government. In an early instance of this type of discussion reported by Herodotus, the principal differentiation is made in terms of whether government is by the one, the few, or the many; and it is in such terms that Plato and Aristotle, and others after them, distinguish such forms of government as monarchy, aristocracy, and democracy, or propose a mixed regime that combines government by the one, the few, and the many. When a further criterion is introduced—whether government is for the private benefit of the ruler or for the public good of the ruled—differentiation is made between good and bad government by the one (monarchy vs. tyranny),

good and bad government by the few (aristocracy vs. oligarchy), and good and bad government by the many (polity vs. democracy).

Some political philosophers, including those already mentioned, dismiss the foregoing classification of the forms of government as superficial, and propose instead the basic distinction between a government of laws and a government of men—between constitutional or republican government, on the one hand, and absolute or despotic government, on the other. When this is made the pivotal distinction, such terms as monarchy, tyranny, aristocracy, oligarchy, and democracy take on different meanings, as the reader will see by examining the passages below with this in mind. Thus, for example, an absolute monarchy may be benevolent or tyrannical; a constitutional government may be aristocratic, oligarchical, or democratic according to the qualifications it

sets up for citizenship and public office; and most republics would appear to have the characteristics of the mixed regime, involving the one, the few, and the many in different functions or departments of government. On all these matters, the reader will find additional quotations in subsequent sections of this chapter, especially Sections 10.4, 10.5, and 10.6.

Other matters treated here include the division of the branches or functions of government into the legislative, the judicial, and the executive; questions concerning the primacy of the legislative and the prerogatives of the executive; and the issue concerning the limitations, if any, that should be imposed upon the authority and power of government. One bit of wisdom on this moot question is expressed in Abraham Lincoln's memorable statement that government should do for the people whatever they cannot do for themselves.

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1 The conspirators met together to consult about the situation of affairs. At this meeting speeches were made, to which many of the Greeks give no credence, but they were made nevertheless. Otanes recommended that the management of public affairs should be entrusted to the whole nation. "To me," he said, "it seems advisable, that we should no longer have a single man to rule over us—the rule of one is neither good nor pleasant. Ye cannot have forgotten to what lengths Cambyses went in his haughty tyranny, and the haughtiness of the Magi ye have yourselves experienced. How indeed is it possible that monarchy should be a well-adjusted thing, when it allows a man to do as he likes without being answerable? Such licence is enough to stir strange and unwonted thoughts in the heart of the worthiest of men. Give a person this power, and straightway his manifold good things puff him up with pride, while envy is so natural to human kind that it cannot but arise in him. But pride and envy together include all wickedness—both of them leading on to deeds of savage violence. True it is that kings, possessing as they do all that heart can desire, ought to be void of envy; but the contrary is seen in their conduct towards the citizens. They are jealous of the most virtuous among their sub-

jects, and wish their death; while they take delight in the meanest and basest, being ever ready to listen to the tales of slanderers. A king, besides, is beyond all other men inconsistent with himself. Pay him court in moderation, and he is angry because you do not show him more profound respect—show him profound respect, and he is offended again, because (as he says) you fawn on him. But the worst of all is, that he sets aside the laws of the land, puts men to death without trial, and subjects women to violence. The rule of the many, on the other hand, has, in the first place, the fairest of names, to wit, *isonomy*; and further it is free from all those outrages which a king is wont to commit. There, places are given by lot, the magistrate is answerable for what he does, and measures rest with the commonalty. I vote, therefore, that we do away with monarchy, and raise the people to power. For the people are all in all."

Such were the sentiments of Otanes. Megabyzus spoke next, and advised the setting up of an oligarchy:—"In all that Otanes has said to persuade you to put down monarchy," he observed, "I fully concur; but his recommendation that we should call the people to power seems to me not the best advice. For there is nothing so void of understanding, nothing so full of wantonness, as

the unwieldy rabble. It were folly not to be borne, for men, while seeking to escape the wantonness of a tyrant, to give themselves up to the wantonness of a rude unbridled mob. The tyrant, in all his doings, at least knows what is he about, but a mob is altogether devoid of knowledge; for how should there be any knowledge in a rabble, untaught, and with no natural sense of what is right and fit? It rushes wildly into state affairs with all the fury of a stream swollen in the winter, and confuses everything. Let the enemies of the Persians be ruled by democracies; but let us choose out from the citizens a certain number of the worthiest, and put the government into their hands. For thus both we ourselves shall be among the governors, and power being entrusted to the best men, it is likely that the best counsels will prevail in the state."

This was the advice which Megabyzus gave, and after him Darius came forward, and spoke as follows:—"All that Megabyzus said against democracy was well said, I think; but about oligarchy he did not speak advisedly; for take these three forms of government—democracy, oligarchy, and monarchy—and let them each be at their best, I maintain that monarchy far surpasses the other two. What government can possibly be better than that of the very best man in the whole state? The counsels of such a man are like himself, and so he governs the mass of the people to their heart's content; while at the same time his measures against evil-doers are kept more secret than in other states. Contrariwise, in oligarchies, where men vie with each other in the service of the commonwealth, fierce enmities are apt to arise between man and man, each wishing to be leader, and to carry his own measures; whence violent quarrels come, which lead to open strife, often ending in bloodshed. Then monarchy is sure to follow; and this too shows how far that rule surpasses all others. Again, in a democracy, it is impossible but that there will be malpractices: these malpractices, however, do not lead to enmities, but to close friendships, which are formed among those engaged in them, who must hold well together to carry on their villainies. And so things go on until a man stands forth as champion of the commonalty, and puts down the evil-doers. Straightway the author of so great a service is admired by all, and from being admired soon comes to be appointed king; so that here too it is plain that monarchy is the best government. Lastly, to sum up all in a word, whence, I ask, was it that we got the freedom which we enjoy?—did democracy give it us, or oligarchy, or a monarch? As a single man recovered our freedom for us, my sentence is that we keep to the rule of one. Even apart from this, we ought not to change the laws of our forefathers when they work fairly; for to do so is not well."

Such were the three opinions brought forward

at this meeting; the four other Persians voted in favour of the last. Otanes, who wished to give his countrymen a democracy, when he found the decision against him, arose a second time, and spoke thus before the assembly:—"Brother conspirators, it is plain that the king who is to be chosen will be one of ourselves, whether we make the choice by casting lots for the prize, or by letting the people decide which of us they will have to rule over them, in or any other way. Now, as I have neither a mind to rule nor to be ruled, I shall not enter the lists with you in this matter. I withdraw, however, on one condition—none of you shall claim to exercise rule over me or my seed for ever." The six agreed to these terms, and Otanes withdrew and stood aloof from the contest. And still to this day the family of Otanes continues to be the only free family in Persia; those who belong to it submit to the rule of the king only so far as they themselves choose; they are bound, however, to observe the laws of the land like the other Persians.

Herodotus, *History*, III, 80–83

- 2 *Eleatic Stranger*. Monarchy divides into royalty and tyranny; the rule of the few into aristocracy, which has an auspicious name, and oligarchy; and democracy or the rule of the many, which before was one, must now be divided.

*Young Socrates*. On what principle of division?

*Str.* On the same principle as before, although the name is now discovered to have a twofold meaning. For the distinction of ruling with law or without law, applies to this as well as to the rest.

*Y. Soc.* Yes.

*Str.* The division made no difference when we were looking for the perfect State, as we showed before. But now that this has been separated off, and, as we said, the others alone are left for us, the principle of law and the absence of law will bisect them all.

*Y. Soc.* That would seem to follow, from what has been said.

*Str.* Then monarchy, when bound by good prescriptions or laws, is the best of all the six, and when lawless is the most bitter and oppressive to the subject.

*Y. Soc.* True.

*Str.* The government of the few, which is intermediate between that of the one and many, is also intermediate in good and evil; but the government of the many is in every respect weak and unable to do either any great good or any great evil, when compared with the others, because the offices are too minutely subdivided and too many hold them. And this therefore is the worst of all lawful governments, and the best of all lawless ones. If they are all without the restraints of law, democracy is the form in which to live is best; if they are well ordered, then this is the last which you should choose, as royalty, the first form, is the best, with the exception of the seventh, for that

excels them all, and is among States what God is among men.

Plato, *Statesman*, 302B

- 3 The distinction which is made between the king and the statesman is as follows: When the government is personal, the ruler is a king; when, according to the rules of the political science, the citizens rule and are ruled in turn, then he is called a statesman.

Aristotle, *Politics*, 1252<sup>a</sup>13

- 4 The rule of a master is not a constitutional rule, and . . . all the different kinds of rule are not, as some affirm, the same with each other. For there is one rule exercised over subjects who are by nature free, another over subjects who are by nature slaves. The rule of a household is a monarchy, for every house is under one head: whereas constitutional rule is a government of freemen and equals.

Aristotle, *Politics*, 1255<sup>b</sup>16

- 5 The words constitution and government have the same meaning, and the government, which is the supreme authority in states, must be in the hands of one, or of a few, or of the many. The true forms of government, therefore, are those in which the one, or the few, or the many, govern with a view to the common interest; but governments which rule with a view to the private interest, whether of the one, or of the few, or of the many, are perversions. For the members of a state, if they are truly citizens, ought to participate in its advantages. Of forms of government in which one rules, we call that which regards the common interests, kingship or royalty; that in which more than one, but not many, rule, aristocracy; and it is so called, either because the rulers are the best men, or because they have at heart the best interests of the state and of the citizens. But when the citizens at large administer the state for the common interest, the government is called by the generic name,—a constitution. And there is a reason for this use of language. One man or a few may excel in virtue; but as the number increases it becomes more difficult for them to attain perfection in every kind of virtue, though they may in military virtue, for this is found in the masses. Hence in a constitutional government the fighting-men have the supreme power, and those who possess arms are the citizens.

Of the above-mentioned forms, the perversions are as follows:—of royalty, tyranny; of aristocracy, oligarchy; of constitutional government, democracy. For tyranny is a kind of monarchy which has in view the interest of the monarch only; oligarchy has in view the interest of the wealthy; democracy, of the needy: none of them the common good of all.

Aristotle, *Politics*, 1279<sup>a</sup>25

- 6 If we call the rule of many men, who are all of them good, aristocracy, and the rule of one man royalty, then aristocracy will be better for states than royalty, whether the government is supported by force or not, provided only that a number of men equal in virtue can be found.

Aristotle, *Politics*, 1286<sup>b</sup>4

- 7 Democracies are safer and more permanent than oligarchies, because they have a middle class which is more numerous and has a greater share in the government; for when there is no middle class, and the poor greatly exceed in number, troubles arise, and the state soon comes to an end. . . .

These considerations will help us to understand why most governments are either democratical or oligarchical. The reason is that the middle class is seldom numerous in them, and whichever party, whether the rich or the common people, transgresses the mean and predominates, draws the constitution its own way, and thus arises either oligarchy or democracy. There is another reason—the poor and the rich quarrel with one another, and whichever side gets the better, instead of establishing a just or popular government, regards political supremacy as the prize of victory, and the one party sets up a democracy and the other an oligarchy.

Aristotle, *Politics*, 1296<sup>a</sup>14

- 8 All constitutions have three elements, concerning which the good lawgiver has to regard what is expedient for each constitution. When they are well-ordered, the constitution is well-ordered, and as they differ from one another, constitutions differ. There is one element which deliberates about public affairs; secondly that concerned with the magistracies—the questions being, what they should be, over what they should exercise authority, and what should be the mode of electing to them; and thirdly that which has judicial power.

Aristotle, *Politics*, 1297<sup>b</sup>37

- 9 The forms of government are four—democracy, oligarchy, aristocracy, monarchy. The supreme right to judge and decide always rests, therefore, with either a part or the whole of one or other of these governing powers.

A Democracy is a form of government under which the citizens distribute the offices of state among themselves by lot, whereas under oligarchy there is a property qualification, under aristocracy one of education. By education I mean that education which is laid down by the law; for it is those who have been loyal to the national institutions that hold office under an aristocracy. These are bound to be looked upon as 'the best men', and it is from this fact that this form of government has derived its name ('the rule of the best'). Monarchy, as the word implies, is the constitution

in which one man has authority over all. There are two forms of monarchy: kingship, which is limited by prescribed conditions, and 'tyranny', which is not limited by anything.

Aristotle, *Rhetoric*, 1365<sup>b</sup>29

- 10 The end of democracy is freedom; of oligarchy, wealth; of aristocracy, the maintenance of education and national institutions; of tyranny, the protection of the tyrant.

Aristotle, *Rhetoric*, 1366<sup>a</sup>4

- 11 Sovereignty in a state is thrown like a ball from kings to tyrants, from tyrants to aristocrats (or to the people at large), and finally to an oligarchy or to another tyrant. No single type of government lasts very long. This being the case, I regard monarchy as the best of the three basic types of government. But a moderate, mixed type of government, combining all three elements, is even better. There should be a monarchical element in the state. The leading citizens ought also to have some power. And the people themselves should have some say in running the affairs of the nation. This kind of constitution promotes a high degree of equality—something free men cannot do without for long. Such a constitution also provides stability. The three basic forms of government too easily degenerate into their corresponding perversions: monarchy into despotism, aristocracy into an oligarchy, and democracy into mob rule or anarchy. These forms often change to new types, but a mixed constitution does not unless grievous errors are made in governing. There appears no reason to change the form of government, if all the citizens have a feeling of security. Nor does this form have an opposite perversion into which it can easily slide.

Cicero, *Republic*, I, 44

- 12 All nations and cities are ruled by the people, the nobility, or by one man. A constitution, formed by selection out of these elements . . . is easy to commend but not to produce; or, if it is produced, it cannot be lasting.

Tacitus, *Annals*, IV, 33

- 13 Two points are to be observed concerning the right ordering of rulers in a state or nation. One is that all should take some share in the government, for this form of constitution ensures peace among the people, commends itself to all, and is guarded by all. . . . The other point is to be observed in respect of the kinds of government, or the different ways in which the constitutions are established. . . . The best form of government is in a state or kingdom, where one is given the power to preside over all, while under him are others having governing powers; and yet a government of this kind is shared by all, both because all are eligible to govern, and because the rulers are cho-

sen by all. For this is the best form of polity, being partly kingdom, since there is one at the head of all; partly aristocracy, in so far as a number of persons are set in authority; partly democracy, that is, government by the people, in so far as the rulers can be chosen from the people, and the people have the right to choose their rulers.

Aquinas, *Summa Theologica*, I-II, 105, 1

- 14 If an unjust government is carried on by one man alone, who seeks his own benefit from his rule and not the good of the multitude subject to him, such a ruler is called a *tyrant*—a word derived from *strength*—because he oppresses by might instead of ruling by justice. Thus among the ancients all powerful men were called tyrants. If an unjust government is carried on, not by one but by several, and if they be few, it is called an *oligarchy*, that is, the rule of a few. This occurs when a few, who differ from the tyrant only by the fact that they are more than one, oppress the people by means of their wealth. If, finally, the bad government is carried on by the multitude, it is called a *democracy*, i.e. control by the populace, which comes about when the plebeian people by force of numbers oppress the rich. In this way the whole people will be as one tyrant.

Aquinas, *On Kingship*, I, 1

- 15 All those who have written upon civil institutions demonstrate (and history is full of examples to support them) that whoever desires to found a state and give it laws, must start with assuming that all men are bad and ever ready to display their vicious nature, whenever they may find occasion for it. If their evil disposition remains concealed for a time, it must be attributed to some unknown reason; and we must assume that it lacked occasion to show itself; but time, which has been said to be the father of all truth, does not fail to bring it to light.

Machiavelli, *Discourses*, I, 3

- 16 Not in theory, but in truth, the best and most excellent government for each nation is the one under which it has preserved its existence. Its form and essential fitness depend on habit. We are prone to be discontented with the present state of things. But I maintain, nevertheless, that to wish for the government of a few in a democratic state, or another type of government in a monarchy, is foolish and wrong.

Montaigne, *Essays*, III, 9, Of Vanity

- 17 *Gonzalo*. If the commonwealth I would by contraries  
Execute all things; for no kind of traffic  
Would I admit; no name of magistrate;  
Letters should not be known; riches, poverty,  
And use of service, none; contract, succession,  
Bourn, bound of land, tilth, vineyard, none;

No use of metal, corn, or wine, or oil;  
 No occupation; all men idle, all;  
 And women too, but innocent and pure;  
 No sovereignty—

*Sebastian.* Yet he would be king on't.

*Antonio.* The latter end of his commonwealth forgets the beginning.

*Gon.* All things in common nature should produce

Without sweat or endeavor. Treason, felony,  
 Sword, pike, knife, gun, or need of any engine,  
 Would I not have; but nature should bring forth,  
 Of it own kind, all foison, all abundance,  
 To feed my innocent people.

*Seb.* No marrying 'mong his subjects?

*Ant.* None, man; all idle. Whores and knaves.

*Gon.* I would with such perfection govern, sir,  
 To excel the golden age.

Shakespeare, *Tempest*, II, i, 144

- 18 When any of the four pillars of government are mainly shaken or weakened (which are religion, justice, counsel, and treasure), men had need to pray for fair weather.

Bacon, *Of Seditions and Troubles*

- 19 It is not in the power of man to devise any form of government free from imperfections and dangers.

Grotius, *Rights of War and Peace*, Bk. I, III, 8

- 20 Desire of knowledge, and arts of peace, inclineth men to obey a common power: for such desire containeth a desire of leisure, and consequently protection from some other power than their own.

Hobbes, *Leviathan*, I, 11

- 21 The power to coin money, to dispose of the estate and persons of infant heirs, to have pre-emption in markets, and all other statute prerogatives may be transferred by the sovereign, and yet the power to protect his subjects be retained. But if he transfer the militia, he retains the judicature in vain, for want of execution of the laws; or if he grant away the power of raising money, the militia is in vain; or if he give away the government of doctrines, men will be frightened into rebellion with the fear of spirits. And so if we consider any one of the said rights, we shall presently see that the holding of all the rest will produce no effect in the conservation of peace and justice, the end for which all Commonwealths are instituted. And this division is it whereof it is said, *a kingdom divided in itself cannot stand*: for unless this division precede, division into opposite armies can never happen.

Hobbes, *Leviathan*, II, 18

- 22 The difference of Commonwealths consisteth in the difference of the sovereign, or the person representative of all and every one of the multitude. And because the sovereignty is either in one man, or in an assembly of more than one; and into that

assembly either every man hath right to enter, or not every one, but certain men distinguished from the rest; it is manifest there can be but three kinds of Commonwealth. For the representative must needs be one man, or more; and if more, then it is the assembly of all, or but of a part. When the representative is one man, then is the Commonwealth a monarchy; when an assembly of all that will come together, then it is a democracy, or popular Commonwealth; when an assembly of a part only, then it is called an aristocracy. Other kind of Commonwealth there can be none: for either one, or more, or all, must have the sovereign power (which I have shown to be indivisible) entire.

There be other names of government in the histories and books of policy; as tyranny and oligarchy; but they are not the names of other forms of government, but of the same forms disliked. For they that are discontented under monarchy call it tyranny; and they that are displeased with aristocracy call it oligarchy: so also, they which find themselves grieved under a democracy call it anarchy, which signifies want of government; and yet I think no man believes that want of government is any new kind of government: nor by the same reason ought they to believe that the government is of one kind when they like it, and another when they dislike it or are oppressed by the governors.

Hobbes, *Leviathan*, II, 19

- 23 The sovereign power, whether placed in one man, as in monarchy, or in one assembly of men, as in popular and aristocratical Commonwealths, is as great as possibly men can be imagined to make it. And though of so unlimited a power, men may fancy many evil consequences, yet the consequences of the want of it, which is perpetual war of every man against his neighbour, are much worse.

Hobbes, *Leviathan*, II, 20

- 24 *Temporal* and *spiritual* government are but two words brought into the world to make men see double and mistake their lawful sovereign. It is true that the bodies of the faithful, after the resurrection, shall be not only spiritual, but eternal; but in this life they are gross and corruptible. There is therefore no other government in this life, neither of state nor religion, but temporal; nor teaching of any doctrine lawful to any subject which the governor both of the state and of the religion forbiddeth to be taught. And that governor must be *one*; or else there must needs follow faction and civil war in the Commonwealth between the Church and State; between spiritualists and temporalists; between the sword of justice and the shield of faith; and, which is more, in every Christian man's own breast between the Christian and the man.

Hobbes, *Leviathan*, III, 39

- 25 We have defined an aristocratic dominion as that which is held not by one man, but by certain persons chosen out of the multitude, whom we shall henceforth call patricians. I say expressly, "that which is held by certain persons chosen." For the chief difference between this and a democracy is, that the right of governing depends in an aristocracy on election only, but in a democracy for the most part on some right either congenital or acquired by fortune. . . . And therefore, although in any dominion the entire multitude be received into the number of the patricians, provided that right of theirs is not inherited, and does not descend by some law to others, the dominion will for all that be quite an aristocracy, because none are received into the number of the patricians save by express election. . . . We must observe a very great difference, which exists between the dominion which is conferred on one man and that which is conferred on a sufficiently large council. For, in the first place, the power of one man is . . . very inadequate to support the entire dominion; but this no one, without manifest absurdity, can affirm of a sufficiently large council. For, in declaring the council to be sufficiently large, one at the same time denies, that it is inadequate to support the dominion. A king, therefore, is altogether in need of counsellors, but a council like this is not so in the least. In the second place, kings are mortal, but councils are everlasting. And so the power of the dominion which has once been transferred to a large enough council never reverts to the multitude. . . . Thirdly, a king's dominion is often on sufferance, whether from his minority, sickness, or old age, or from other causes; but the power of a council of this kind, on the contrary, remains always one and the same. In the fourth place, one man's will is very fluctuating and inconstant; and, therefore, in a monarchy, all law is, indeed, the explicit will of the king . . . but not every will of the king ought to be law; but this cannot be said of the will of a sufficiently numerous council. For since the council itself, as we have just shown, needs no counsellors, its every explicit will ought to be law. And hence we conclude, that the dominion conferred upon a large enough council is absolute, or approaches nearest to the absolute. For if there be any absolute dominion, it is, in fact, that which is held by an entire multitude.
- Spinoza, *Political Treatise*, VIII, 1-3
- 26 I easily grant that civil government is the proper remedy for the inconveniences of the state of Nature, which must certainly be great where men may be judges in their own case, since it is easy to be imagined that he who was so unjust as to do his brother an injury will scarce be so just as to condemn himself for it.
- Locke, *II Civil Government*, II, 13
- 27 The great and chief end . . . of men uniting into commonwealths, and putting themselves under government, is the preservation of their property.
- Locke, *II Civil Government*, IX, 124
- 28 In the state of Nature there are many things wanting. Firstly, there wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between them. For though the law of Nature be plain and intelligible to all rational creatures, yet men, being biased by their interest, as well as ignorant for want of study of it, are not apt to allow of it as a law binding to them in the application of it to their particular cases.
- Secondly, in the state of Nature there wants a known and indifferent judge, with authority to determine all differences according to the established law. For every one in that state being both judge and executioner of the law of Nature, men being partial to themselves, passion and revenge is very apt to carry them too far, and with too much heat in their own cases, as well as negligence and unconcernedness, make them too remiss in other men's.
- Thirdly, in the state of Nature there often wants power to back and support the sentence when right, and to give it due execution. They who by any injustice offended will seldom fail where they are able by force to make good their injustice. Such resistance many times makes the punishment dangerous, and frequently destructive to those who attempt it.
- Locke, *II Civil Government*, IX, 124-126
- 29 The legislative cannot transfer the power of making laws to any other hands, for it being but a delegated power from the people, they who have it cannot pass it over to others. The people alone can appoint the form of the commonwealth, which is by constituting the legislative, and appointing in whose hands that shall be. And when the people have said, "We will submit, and be governed by laws made by such men, and in such forms," nobody else can say other men shall make laws for them; nor can they be bound by any laws but such as are enacted by those whom they have chosen and authorised to make laws for them.
- Locke, *II Civil Government*, XI, 141
- 30 In well-ordered commonwealths, where the good of the whole is so considered as it ought, the legislative power is put into the hands of divers persons who, duly assembled, have by themselves, or jointly with others, a power to make laws, which when they have done, being separated again, they are themselves subject to the laws they have made; which is a new and near tie upon them to take care that they make them for the public good.
- Locke, *II Civil Government*, XII, 143
- 31 Where the laws cannot be executed it is all one as

if there were no laws, and a government without laws is, I suppose, a mystery in politics inconceivable to human capacity, and inconsistent with human society.

Locke, *II Civil Government*, XIX, 219

- 32 A government is like everything else: to preserve it we must love it.

Montesquieu, *Spirit of Laws*, IV, 5

- 33 Republics end with luxury; monarchies with poverty.

Montesquieu, *Spirit of Laws*, VII, 4

- 34 In all governments, there is a perpetual intestine struggle, open or secret, between Authority and Liberty; and neither of them can ever absolutely prevail in the contest.

Hume, *Of the Origin of Government*

- 35 The legislative power belongs to the people, and can belong to it alone. It may, on the other hand, readily be seen, from the principles laid down above, that the executive power cannot belong to the generality as legislature or Sovereign, because it consists wholly of particular acts which fall outside the competency of the law, and consequently of the Sovereign, whose acts must always be laws.

The public force therefore needs an agent of its own to bind it together and set it to work under the direction of the general will, to serve as a means of communication between the State and the Sovereign, and to do for the collective person more or less what the union of soul and body does for man. Here we have what is, in the State, the basis of government, often wrongly confused with the Sovereign, whose minister it is.

What then is government? An intermediate body set up between the subjects and the Sovereign, to secure their mutual correspondence, charged with the execution of the laws and the maintenance of liberty, both civil and political.

Rousseau, *Social Contract*, III, 1

- 36 It is not good for him who makes the laws to execute them.

Rousseau, *Social Contract*, III, 4

- 37 A people that would always govern well would not need to be governed.

Rousseau, *Social Contract*, III, 4

- 38 Law being purely the declaration of the general will, it is clear that, in the exercise of the legislative power, the people cannot be represented; but in that of the executive power, which is only the force that is applied to give the law effect, it both can and should be represented.

Rousseau, *Social Contract*, III, 15

- 39 *Johnson*. I would not give half a guinea to live under one form of government rather than another. It is of no moment to the happiness of an individual.

Boswell, *Life of Johnson*  
(March 31, 1772)

- 40 Talking of different governments,—*Johnson*. "The more contracted that power is, the more easily it is destroyed. A country governed by a despot is an inverted cone. Government there cannot be so firm, as when it rests upon a broad basis gradually contracted, as the government of Great Britain, which is founded on the parliament, then is in the privy council, then in the King." *Boswell*. "Power, when contracted into the person of a despot, may be easily destroyed, as the prince may be cut off. So Caligula wished that the people of Rome had but one neck, that he might cut them off at a blow." *Oglethorpe*. "It was of the Senate he wished that. The Senate by its usurpation controuled both the Emperour and the people. And don't you think that we see too much of that in our own Parliament?"

Boswell, *Life of Johnson*  
(Apr. 14, 1778)

- 41 When the judicial is united to the executive power, it is scarce possible that justice should not frequently be sacrificed to what is vulgarly called politics. The persons entrusted with the great interests of the state may, even without any corrupt views, sometimes imagine it necessary to sacrifice to those interests the rights of a private man. But upon the impartial administration of justice depends the liberty of every individual, the sense which he has of his own security. In order to make every individual feel himself perfectly secure in the possession of every right which belongs to him, it is not only necessary that the judicial should be separated from the executive power, but that it should be rendered as much as possible independent of that power. The judge should not be liable to be removed from his office according to the caprice of that power. The regular payment of his salary should not depend upon the good-will or even upon the good economy of that power.

Adam Smith, *Wealth of Nations*, V, 1

- 42 Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question.

Jefferson, *First Inaugural Address*

- 43 A wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has

earned: this is the sum of good government.

Jefferson, *First Inaugural Address*

- 44 The two Antonines . . . governed the Roman world forty-two years, with the same invariable spirit of wisdom and virtue. Although Pius had two sons, he preferred the welfare of Rome to the interest of his family, gave his daughter Faustina in marriage to young Marcus, obtained from the senate the tribunitian and proconsular powers, and with a noble disdain, or rather ignorance of jealousy, associated him to all the labours of government. Marcus [Aurelius], on the other hand, revered the character of his benefactor, loved him as a parent, obeyed him as his sovereign, and, after he was no more, regulated his own administration by the example and maxims of his predecessor. Their united reigns are possibly the only period of history in which the happiness of a great people was the sole object of government.

Gibbon, *Decline and Fall of the Roman Empire*, III

- 45 Administration of justice and of the finances [are] the two objects which, in a state of peace, comprehend almost all the respective duties of the sovereign and of the people; of the former, to protect the citizens who are obedient to the laws; of the latter, to contribute the share of their property which is required for the expenses of the state.

Gibbon, *Decline and Fall of the Roman Empire*, XVII

- 46 The three powers in the state as regards their relations to each other, are . . . *coordinate* with one another as so many moral persons, and the one is thus the complement of the other in the way of completing the constitution of the state; they are likewise *subordinate* to one another, so that the one cannot at the same time usurp the function of the other by whose side it moves, each having its own principle and maintaining its authority in a particular person, but under the condition of the will of a superior; and further, by the *union* of both these relations, they assign distributively to every subject in the state his own rights.

Considered as to their respective dignity, the three powers may be thus described. The will of the sovereign legislator, in respect of what constitutes the external mine and thine, is to be regarded as irreprehensible; the executive function of the supreme ruler is to be regarded as irresistible; and the judicial sentence of the supreme judge is to be regarded as irreversible, being beyond appeal.

Kant, *Science of Right*, 48

- 47 The idea of a national government involves in it, not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful govern-

ment. Among a people consolidated into one nation, this supremacy is completely vested in the national legislature.

Madison, *Federalist* 39

- 48 In a government where numerous and extensive prerogatives are placed in the hands of an hereditary monarch, the executive department is very justly regarded as the source of danger, and watched with all the jealousy which a zeal for liberty ought to inspire. In a democracy, where a multitude of people exercise in person the legislative functions, and are continually exposed, by their incapacity for regular deliberation and concerted measures, to the ambitious intrigues of their executive magistrates, tyranny may well be apprehended, on some favourable emergency, to start up in the same quarter. But in a representative republic, where the executive magistracy is carefully limited, both in the extent and the duration of its power; and where the legislative power is exercised by an assembly which is inspired, by a supposed influence over the people, with an intrepid confidence in its own strength; which is sufficiently numerous to feel all the passions which actuate a multitude, yet not so numerous as to be incapable of pursuing the objects of its passions, by means which reason prescribes; it is against the enterprising ambition of this department that the people ought to indulge all their jealousy and exhaust all their precautions.

Madison, *Federalist* 48

- 49 What is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary.

Hamilton or Madison, *Federalist* 51

- 50 A good government implies two things: first, fidelity to the object of government, which is the happiness of the people; secondly, a knowledge of the means by which that object can be best attained. Some governments are deficient in both these qualities; most governments are deficient in the first.

Hamilton or Madison, *Federalist* 62

- 51 No government, any more than an individual, will long be respected without being truly respectable; nor be truly respectable without possessing a certain portion of order and stability.

Hamilton or Madison, *Federalist* 62

- 52 The state as a political entity is . . . cleft into three substantive divisions:

(a) the power to determine and establish the universal—the Legislature;

(b) the power to subsume single cases and the spheres of particularity under the universal—the Executive;

(c) the power of subjectivity, as the will with the power of ultimate decision—the Crown. In the

crown, the different powers are bound into an individual unity which is thus at once the apex and basis of the whole, i.e. of constitutional monarchy.

Hegel, *Philosophy of Right*, 273

- 53 A distinction must be made when aristocracies and democracies accuse each other of facilitating corruption. In aristocratic governments, those who are placed at the head of affairs are rich men, who are desirous only of power. In democracies, statesmen are poor and have their fortunes to make. The consequence is that in aristocratic states the rulers are rarely accessible to corruption and have little craving for money, while the reverse is the case in democratic nations.
- But in aristocracies, as those who wish to attain the head of affairs possess considerable wealth, and as the number of persons by whose assistance they may rise is comparatively small, the government is, if I may so speak, put up at auction. In democracies, on the contrary, those who are covetous of power are seldom wealthy, and the number of those who confer power is extremely great. Perhaps in democracies the number of men who might be bought is not smaller, but buyers are rarely to be found; and, besides, it would be necessary to buy so many persons at once that the attempt would be useless.
- Tocqueville, *Democracy in America*, I, 13
- 54 Aristocracies are infinitely more expert in the science of legislation than democracies ever can be. They are possessed of a self-control that protects them from the errors of temporary excitement; and they form far-reaching designs, which they know how to mature till a favorable opportunity arrives. Aristocratic government proceeds with the dexterity of art; it understands how to make the collective force of all its laws converge at the same time to a given point. Such is not the case with democracies, whose laws are almost always ineffective or inopportune. The means of democracy are therefore more imperfect than those of aristocracy, and the measures that it unwittingly adopts are frequently opposed to its own cause; but the object it has in view is more useful.
- Tocqueville, *Democracy in America*, I, 14
- 55 The less government we have the better—the fewer laws, and the less confided power. The antidote to this abuse of formal government is the influence of private character, the growth of the individual; the appearance of the principal to supersede the proxy; the appearance of the wise man; of whom the existing government is, it must be owned, but a shabby imitation.
- Emerson, *Politics*
- 56 The only government that I recognize—and it matters not how few are at the head of it, or how

small its army—is that power that establishes justice in the land, never that which establishes injustice. What shall we think of a government to which all the truly brave and just men in the land are enemies, standing between it and those whom it oppresses?

Thoreau, *Plea for Captain John Brown*

- 57 I heartily accept the motto, "That government is best which governs least"; and I should like to see it acted up to more rapidly and systematically. Carried out, it finally amounts to this, which also I believe, "That government is best which governs not at all"; and when men are prepared for it, that will be the kind of government which they will have. Government is at best but an expedient; but most governments are usually, and all governments are sometimes, inexpedient.
- Thoreau, *Civil Disobedience*
- 58 I went to the store the other day to buy a bolt for our front door, for, as I told the storekeeper, the Governor was coming here. 'Aye,' said he, 'and the Legislature too.' 'Then I will take two bolts,' said I. He said that there had been a steady demand for bolts and locks of late, for our protectors were coming.
- Thoreau, *Journal* (Sept. 8, 1859)
- 59 The legitimate object of government is to do for a community of people whatever they need to have done, but cannot do at all, or cannot so well do for themselves in their separate and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere.
- Lincoln, *Fragment on Government* (July 1, 1854)
- 60 The . . . most cogent reason for restricting the interference of government is the great evil of adding unnecessarily to its power. Every function superadded to those already exercised by the government causes its influence over hopes and fears to be more widely diffused, and converts, more and more, the active and ambitious part of the public into hangers-on of the government, or of some party which aims at becoming the government. If the roads, the railways, the banks, the insurance offices, the great joint-stock companies, the universities, and the public charities, were all of them branches of the government; if, in addition, the municipal corporations and local boards, with all that now devolves on them, became departments of the central administration; if the employees of all these different enterprises were appointed and paid by the government, and looked to the government for every rise in life; not all the freedom of the press and popular constitu-

tion of the legislature would make this or any other country free otherwise than in name. And the evil would be greater, the more efficiently and scientifically the administrative machinery was constructed—the more skilful the arrangements for obtaining the best qualified hands and heads with which to work it.

Mill, *On Liberty*, V

- 61 The proper functions of a government are not a fixed thing, but different in different states of society; much more extensive in a backward than in an advanced state.

Mill, *Representative Government*, II

- 62 The interest of the monarch, or the interest of the aristocracy, either collective or that of its individual members, is promoted, or they themselves think that it will be promoted, by conduct opposed to that which the general interest of the community requires. The interest, for example, of the government is to tax heavily: that of the community is to be as little taxed as the necessary expenses of good government permit. The interest of the king, and of the governing aristocracy, is to possess, and exercise, unlimited power over the people; to enforce, on their part, complete conformity to the will and preferences of the rulers. The interest of the people is to have as little control exercised over them in any respect as is consistent with attaining the legitimate ends of government. The interest, or apparent and supposed interest, of the king or aristocracy is to permit no censure of themselves, at least in any form which they may consider either to threaten their power, or seriously to interfere with their free agency. The interest of the people is that there should be full liberty of censure on every public officer, and on every public act or measure. The interest of a ruling class, whether in an aristocracy or an aristocratic monarchy, is to assume to themselves an endless variety of unjust privileges, sometimes benefiting their pockets at the expense of the people, sometimes merely tending to exalt them above others, or, what is the same thing in different words, to degrade others below themselves. If the people are disaffected, which under such a government they are very likely to be, it is the interest of the king or aristocracy to keep them at a low level of intelligence and education, foment dissensions among them, and even prevent them from being too well off, lest they should “wax fat, and kick”; agreeably to the maxim of Cardinal Richelieu in his celebrated *Testament Politique*. All these things are for the interest of a king or aristocracy, in a purely selfish point of view, unless a sufficiently strong counter-interest is created by the fear of provoking resistance. All these evils have been, and many of them still are, produced

by the sinister interests of kings and aristocracies, where their power is sufficient to raise them above the opinion of the rest of the community; nor is it rational to expect, as a consequence of such a position, any other conduct.

Mill, *Representative Government*, VI

- 63 Where the sentiment of nationality exists in any force, there is a *prima facie* case for uniting all the members of the nationality under the same government, and a government to themselves apart. This is merely saying that the question of government ought to be decided by the governed. One hardly knows what any division of the human race should be free to do if not to determine with which of the various collective bodies of human beings they choose to associate themselves.

Mill, *Representative Government*, XVI

- 64 It is already a common, and is rapidly tending to become the universal, condition of the more backward populations, to be either held in direct subjection by the more advanced, or to be under their complete political ascendancy; there are in this age of the world few more important problems than how to organise this rule, so as to make it a good instead of an evil to the subject people; providing them with the best attainable present government, and with the conditions most favourable to future permanent improvement. But the mode of fitting the government for this purpose is by no means so well understood as the conditions of good government in a people capable of governing themselves. We may even say that it is not understood at all.

Mill, *Representative Government*, XVIII

- 65 The government of a people by itself has a meaning and a reality; but such a thing as government of one people by another does not and cannot exist. One people may keep another as a warren or preserve for its own use, a place to make money in, a human cattle farm to be worked for the profit of its own inhabitants. But if the good of the governed is the proper business of a government, it is utterly impossible that a people should directly attend to it. The utmost they can do is to give some of their best men a commission to look after it; to whom the opinion of their own country can neither be much of a guide in the performance of their duty, nor a competent judge of the mode in which it has been performed.

Mill, *Representative Government*, XVIII

- 66 The ends of government are as comprehensive as those of the social union. They consist of all the good, and all the immunity from evil, which the

existence of government can be made either directly or indirectly to bestow.

Mill, *Principles of Political Economy*,  
Bk. V, II, 2

67 Government neither subsists nor arises because it is good or useful, but solely because it is inevitable.

Santayana, *Life of Reason*, II, 3

## 10.4 | Government of and by the People

### REPUBLIC AND DEMOCRACY

The kind of government being discussed in this section has been variously characterized as constitutional government, duly constituted government, limited and responsible government, a government of laws, lawful government, *de jure* government (or government by right rather than by might), government with the consent of the governed, and government based on the sovereignty of the people. While most of the authors quoted here are advocates or defenders of such government, usually regarding it as the only just or the only legitimate form of rule, they differ among themselves about the provisions that constitutional government should make for popular participation either through citizenship and suffrage or through election to public office.

The issue debated here can be expressed in the questions: Which portion or portions of the total population of the state shall be regarded as "the people" in the strict political sense of "qualified participants" in affairs of state? Which shall be treated as wards of the state, to be ruled for their own good, rather than as members of the ruling class? To understand these questions, it is necessary to understand the constitution that sets up a republic as an arrangement of offices, each given a certain limited authority to be exercised by men only in virtue of

their being officeholders, selected or elected from the body of men who are admitted to citizenship. Hence the qualifications for citizenship and for the other offices of government become the critical consideration in differentiating one constitution from another. Section 10.5 on CITIZENSHIP contains quotations relevant to this point.

The opponents of democracy argue for republics in which suffrage is restricted, the most frequent insistence being that the citizens should be men of property, although race, gender, education, and religion have also been defended as disqualifying criteria. The reader will also find a rejection of democracy that is based on the identification of it with direct participation on the part of the citizens, as in the republics of ancient Greece. The writers of *The Federalist* argue against direct democracy and for republican government, understood by them as consisting in government not directly by the people, but by their representatives.

The proponents of democracy differ among themselves on how far they would extend suffrage. In the ancient world, the advocates of democracy as against oligarchy proposed that, among men born free, suffrage and public office should be open to poor and rich alike; but they had no qualms about excluding slaves, for example. As late