

Republican Ideas,

BY A CITIZEN OF GENEVA¹

VOLTAIRE (1762).

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FIRMIN DIDOT FRÈRES, RUE JACOB, N 24

WERDET ET LEQUIEN FILS,

RUE DUE BATTOIR, N 20

M DCCC XXX

¹ (original footnote) The editors of Kehl had titled this writing: Republican Ideas, by a citizen of Geneva. I give it under the title of the original edition, 'par un membre d'un corps. Though undated, it must be from 1762, the year of publication of the *Social Contract*, of which the Republican Ideas are a criticism. It seems to me that it is a mistake to have dated this pamphlet from 1765.

I have restored paragraphs LI to LX, from the original edition; it is undoubtedly because these paragraphs are found in part in the Commentary on the Spirit of Laws (see volume L), that they had been removed.

It is also after the original edition that I subdivided into several paragraphs which, in the editions of Kehl et al., Only in the form of alone. B.

² Translated from French edition published in *The Complete Works of Voltaire* Volume 40.

I.

Pure despotism³ is the punishment for the misconduct of men. If a community of men is mastered by one or a few, it is obvious that this is because it had neither the courage nor the ability to govern itself.

II.

A society of men arbitrarily governed is like a herd of oxen yoked for the service of their master. He feeds them only so that they may be fit to serve him; he feeds them only so that they may be useful to him in health; he fattens them to nourish himself with their substance; and he uses the skin of some to bind others to the plough.

III.

A people is thus subjugated either by a skillful countryman, who has taken advantage of its stupidity and its divisions, or by a thief called a conqueror, who has come with other thieves to take over its lands, who has killed those who resisted, and who has made its slaves of the cowards to whom it has given its life.

IV.

This 'thief', who deserved the throne, sometimes had altars erected for himself. The enslaved people saw in the children of the thief a race of gods; they kept the examination of their authority as blasphemy, and the slightest effort for freedom as a sacrilege.

V.

The most absurd of despotisms, the most humiliating for human nature, the most contradictory, the most fatal, is that of the priests; and of all the worst priests, the most criminal is unquestionably that of the priests of the Christian religion. This is an outrage to our Gospel, since Jesus says in twenty places: "There shall be neither first nor last among you; my kingdom is not of this world; the Son of Man did not come to be served, but to serve, etc."

VI.

When our bishop, made to serve, not to be served; made to relieve the poor, not to devour their substance; made to catechize, not to dominate, dared, in times of anarchy, to call himself prince of the city of which he was only the pastor, he was clearly guilty of rebellion and tyranny.

VII.

Thus the bishops of Rome, who were the first to give this fatal example, made both their domination and their odious sect in half of Europe; thus several bishops in Germany sometimes saw the oppressors of the peoples of which they were to be the fathers.

VIII.

Why is it in the nature of man to have more horror for those who have subjugated us by deceit than for those who have overpowered us by arms? It is that at least there was courage in the tyrants who tamed men; and there was only cowardice in those who deceived them. One hates the valor of conquerors, but we esteem him; we hate deceit, and we despise it. Hatred combined with contempt shakes all possible yokes.

IX.

When we have destroyed in our city some of the papist superstitions, such as the adoration of corpses, the "tax of sins"⁴, the outrage that God has made it possible for us to pay for money

³ A regime often characterized by excessive cruelty or oppression.

⁴ From the article TAXE , volume XXXII , page 314. B.

the penalties that God threatens for crimes, and so many other inventions that have stunned human nature; When, in breaking the yoke of these un-constructive errors, we dismissed the Papist bishop who dared to call himself our sovereign, we only returned to the rights of reason and freedom from which we had been robbed.

X .

We took back the municipal government, more or less as it was under the Romans, and it was illustrated and strengthened by this freedom bought with our blood. We have not known this odious and humiliating distinction of noblemen and commoners, which in its origin means only lords and slaves. Born all equal, we have remained as we were; and we have given the dignity, that is to say, the public burdens, to those who seemed to us most likely to support them.

XI.

We have instituted priests to be only what they should be, tutors of morals for our children. These preceptors are to be paid and considered, but they are not to have jurisdiction, inspection, or honors; they are in no way to be equal to the magistracy. An ecclesiastical assembly that presumes to make a citizen kneel before it would play the role of a pedant who corrects children, or of a tyrant who punishes slaves.

XII.

It is an insult to reason and the laws to utter these words, civil and ecclesiastical government. It is necessary to say civil government, and ecclesiastical regulations; and none of these regulations should be made only by the civil power.

XIII.

Civil government is the will of all, carried out by one or more, in virtue of the laws which all have brought about.

XIV.

The laws which constitute governments are all made against ambition: people have thought everywhere of raising a dike against this torrent which would inundate the earth. Thus, in the republics, the first laws regulate the rights of each body; thus kings swear at their crown to retain the privileges of their subjects. There is only the King of Denmark in Europe who, by law itself, is above the law. The states assembled in 1660 declared him absolute arbiter. It seems they foresaw that Denmark would have wise and righteous kings for over a century. Perhaps in the following centuries it will be necessary to change this law.

XV.

Theologians have claimed that the popes had, by divine right, the same power over all the earth as the Danish monarchs have over a small corner of the earth. But they are theologians; ... the universe has hissed at them loudly, and the Capitol whispered softly to see the monk Hildebrand⁵ speaking as master in the sanctuary of the laws, where Cato, Scipio, and Cicero⁶ spoke to their citizens.

XVI.

The laws concerning distributive justice, the said "jurisprudence proper", have everywhere been insufficient, equivocal, and uncertain because the men who have been at the head of states have always been more concerned with their particular interest than with the interest of the public. In the twelve great courts of France, there are twelve different sets of law. What is

⁵ Surname of Pope Grégoire VII

⁶ Marcus Cato was a Roman Senator from the late republic. Featured in a 1712 play by Joseph Addison: "Cato, A Tragedy"

true in Aragon becomes false in Castile; what is right on the banks of the Danube is unjust on the banks of the Elbe. The Roman laws themselves, which are demanded today in all courts, have been sometimes contradictory.

XVII.

When a law is obscure, all must interpret it, because all have promulgated⁷ it; unless they have expressly instructed several to interpret the laws.

XVIII.

When the times have changed significantly enough, there are laws that must be changed in accordance. For example, when Triptolemos⁸ brought the use of the plow to Athens, the acorn police⁹ had to be abolished. In the days when the academies were composed only of priests, and they alone possessed the knowledge of science, it was appropriate that they alone appointed all the professors; it was the acorn police: but now that the laity are enlightened, the civil power must resume its right to appoint to all the pulpits.

XIX.

The law which would allow imprisonment of a citizen without previous information and without the legal formality that would be tolerable in a time of trouble and war; this would be torturous and tyrannical in times of peace.

XX.

A sumptuary¹⁰ law, which is good in a poor republic deprived of the arts, becomes absurd when the city has become industrious and opulent. Its effect is to deprive artists of the legitimate gain which they would make with the rich; it is to deprive those who have made fortunes of the natural right to enjoy it; it is to stifle all industry, it is to offend both the rich and the poor.

XXI.

We should no more regulate the clothes of the rich than the rags of the poor. Both, equally citizens, must be equally free. Everyone dresses, feeds and lodges, as best he can. If you forbid the rich to eat gélinotes¹¹, you are robbing the poor, who would support his family for the price of game that he would sell to the rich. If you don't want the rich man to adorn his house, you are ruining a hundred artists. The citizen, who by his pompousness humiliates the poor, enriches the poor by this extreme pomp much more than he humiliates him. Poverty must work for opulence, in order to one day equal it.

XXII.

A Roman law which would have said to Lucullus¹²; “do not spend anything”, would indeed have meant to Lucullus; “become even richer, so that your grandson can buy the republic.”

⁷ From latin - promulgat; expose to public view

⁸ Greek demi-god who presided over grain sowing.

⁹ Despite much research, the meaning of this phrase could not be determined.

¹⁰ law that limits consumption of personal goods.

¹¹ Hazel hen, considered a delicacy in 18th century France.

¹² Lucius Lucullus, Roman politician known for conquering eastern kingdoms in the first century.

XXIII.

The sumptuary laws can only please the idle, proud and jealous indigent, who wants neither to work, nor to suffer that which those who have worked enjoy.

XXIV.

If a republic was formed out of religious wars, and if in these troubles it removed hostile enemies from its territory, it has behaved wisely, because it regarded itself as a country surrounded by victims of a plague. And, that it was afraid that someone would deliver the plague to it. But when those days of pestilence have passed, when tolerance has become the dominant dogma of all honest people of Europe, is it not a ridiculous barbarism to ask a man who comes to settle and bring its riches in our country: Sir, what religion are you? Gold and silver, industry, talents, are not of any religion.

XXV.

In a republic worthy of its name, the freedom to publish one's thoughts is the natural right of the citizen. One can use his pen as his voice; it should not be more forbidden to write than to speak; and offenses committed with the pen must be punished like offenses committed with the word: such is the law of England, a monarchical country, but where men are more free than elsewhere, because they are more enlightened.

XXVI.

Of all republics, the smallest would seem to be the most happy, when its freedom is secured by its situation, and the interest of its neighbors is to preserve it. The movement¹³ seems likely to be easier and more uniform in a tiny clock than in a large one, the springs of which are more complicated, and where the more violent friction interrupts the function of the machine. But how pride enters everyone's mind, as the fury to command one's equals is the dominant passion of the human mind, as seeing each other more closely, one can hate oneself more, it sometimes happens that a small state is more troubled than a large one.

XXVII.

What is the cure for this disease? Reason, which is heard at the end, when the passions are tired of shouting. So the two parties relax a little of their pretensions in fear of worse: but it takes time.

XXVIII.

In a small republic the voices of the people might be heard more than in a large one, because it is easier for a thousand assembled people to listen to reason than for forty thousand. Thus there would have been a great deal of danger in wanting to govern Venice, which has so long supported the war against the Ottoman Empire; the same way as San Marino, which has never been able to conquer even a mill, and which it was forced to surrender.

XXIX.

It seems very strange that the author of the *Social Contract*¹⁴ takes it into his head to say that all the English people should sit in parliament, and as they do not, they cease to be free. His right is to be represented in parliament by deputies. Would he want three million citizens to

¹³ Referring to the mechanism found in a mechanical clock.

¹⁴ Here is the text of J.J Rousseau, book III, chapter XV: "The English people think they are free; he is very wrong: he is only so during the election of members of parliament: as soon as they are elected, he is a slave, he becomes nothing." B.

come and give their voice to Westminster? Do peasants in Sweden appear other than by deputies?

XXX.

It is said, in this same *Social Contract*, that “the monarchy is suitable only for opulent nations; the aristocracy for middle states regarding wealth as well as in size; democracy, to small and poor states.¹⁵”

But, in the fourteenth century, in the fifteenth, and at the beginning of the sixteenth, the Venetians were the only rich people; they still have a lot of opulence; however Venice was never and never will be but a monarchy. The Roman republic was very rich from the Scipios to Caesar. Lucca is small and not very rich, and is an aristocracy; the opulent and ingenious Athens was a democratic state.

We have very rich citizens, and we compose a government mixed with democracy and aristocracy: thus we must beware of all these general rules which exist only under the pen of the authors.

XXXI.

The same writer, speaking of the different systems of government, puts it this way: “One finds it nice to be feared by neighbors; the other prefers to be ignored. One is happy when the money circulates; the other demands that the people have bread.¹⁶”

This whole article seems childish and contradictory. How can you be ignored by your neighbors? How can you be safe if your neighbors don't know there is danger in attacking you? And how could the same feared state be ignored? How can the people have bread without the money circulating? The contradiction is obvious.

XXXII.

“The moment the people are legitimately assembled as a sovereign body, all government jurisdiction ceases, executive power is suspended, etc.¹⁷” This proposal of the *Social Contract* would be pernicious if it were not for obvious falsehood and absurdity. When in England the parliament is assembled, no jurisdiction is suspended; and in the smallest state, if during the assembly murder or theft is committed, the criminal is and must be handed over to the officers of justice. Otherwise an assembly of the people would be a solemn invitation to crime.

XXXIII.

“In a truly free state, citizens do everything with their arms, and nothing with money¹⁸.” This thesis of the *Social Contract* is not exaggerating. There is a bridge to be built, a street to be paved; Will it be necessary for the magistrates, the merchants and the priests to pave the

¹⁵ Book III, Chap. VIII. B.

¹⁶ Here, the text of J.J. Rousseau, book III, chap. IX: “The subjects praise public tranquility; citizens, the freedom of individuals; one prefers the security of possessions, and the other, that of persons; one wants the government to be the most severe, the other maintains that it is the mildest; this one wants crimes to be punished, and this one wants them to be prevented; one finds it nice to be feared by neighbors, the other prefers to be ignored; one is happy when the money is circulating, the other demands that the people have bread.” B.

¹⁷ Book III, chap. XIV. B.

¹⁸ Book III, chap. XV. B.

street and build the bridge? The author would certainly not want to pass over a bridge built by their hands: this idea is worthy of a tutor who, having a young gentleman to educate, made him learn the trade of carpenter: but not all men should be laborers.

XXXIV.

“The trustees of the executive power are not the masters of the people, but their officers; ... he can establish and dismiss them when he pleases; ... there is no question for them of contract, but of obedience¹⁹.”

It is true that magistrates are not the masters of the people; it is the laws which are ruling: but the rest is absolutely false; it is in all states, it is with us. We have the right, when we are summoned, to reject or approve the magistrates and the laws proposed to us; we don't have the right to dismiss state officers whenever we want; this right would be the code of anarchy. The King of France himself, when he has given provisions to a magistrate, can only dismiss him by bringing him to trial.

The King of England cannot take away a peerage that he has given. The emperor can not dismiss when he pleases a prince he has created. Removable magistrates are not dismissed until after they have served. It is no more permissible to smash a magistrate out of whim than to imprison a citizen out of fantasy.

XXXV.

“It is a mistake to take the government of Venice for a real aristocracy. If the people are nowhere in government, the nobility is a people themselves. A multitude of poor barnabotes never approached any magistracy²⁰.”

All of this is revoltingly false. This is the first time that it has been said that the government of Venice was not entirely aristocratic; it is an extravagance indeed, but it would be severely punished in the Venetian state. It is not true that the senators, whom the author dares to call with the contemptuous term of barnabotes, have never been magistrates; I would tell him more than fifty who had the most important jobs.

What he then says, that “our peasants represent the mainland subjects of the Republic of Venice²¹”, is no more true. Among these mainland subjects, there are in Verona, Vicenza, Brescia, and in many other towns, titled lords of the oldest nobility, many of whom have commanded the armies.

So much ignorance, combined with so much presumption, unworthy of any educated man. When this presumptuous ignorance treats the Venetian nobles with so much outrage, one asks who is the potentate who has thus forgotten himself? When we finally know who is the author of these nonsense, we just laugh.

XXXVI.

“Those who arrive in monarchies are most often only little gusts, little rascals, little intriguers, to whom have little talents. Who make the courts reach the big places; Do they only serve to show the public their ineptitude as soon as they got there²²?”

¹⁹ Book III, chap. XVIII. B.

²⁰ Book III, chap. III. B.

²¹ Book IV, chap. III. B.

²² Book III, chap. VI. B.

This indecent mass of cynical little antitheses is in no way appropriate for a book on government, which should be written with the dignity of wisdom. When a man, whoever he is, assumes enough of himself to give lessons on public administration, he must appear prudent and impartial, like the very laws he makes speak.

We confess with sorrow that, in republics, as in monarchies, intrigue leads to charges. There were Verres, Milo, Clodius, Lepidus in Rome; but we are forced to agree that no modern republic can boast of having produced such ministers as the Oxenstierns, the Sulli, the Colberts, and the great men who were chosen by Elizabeth of England. Let us not insult monarchies or republics.

XXXVII. “Czar Peter did not have the real genius, the one who creates and does everything from nothing. Some of the things he did were good; most were replaced... The Tartars, his subjects or his neighbors, will become his masters and ours; this revolution seems infallible to me²³.”

It seems infallible to him that the miserable hordes of Tartars, who are the least advanced, will incessantly subjugate an empire defended by two hundred thousand soldiers who are among the best troops in Europe. Did the *L'almanach du Courier*²⁴ ever make such predictions? The court of Petersburg will regard us as great astrologers if it learns that one of our watchmaking boys has set the hour at which the Russian Empire is to be destroyed.

XXXVIII.

If we took the trouble to read this book of the *Social Contract* carefully, there is not a page where we do not find errors or contradictions. For example, in the chapter on civil religion: “Two peoples foreign to each other and almost always enemies could not recognize the same God²⁵; two armies engaged in battle cannot obey the same leader. Thus, from national divisions resulted polytheism, and hence theological and civil intolerance, which of course is the same.”

So many words, so many errors; the Greeks, the Romans, the peoples of greater Greece, recognize the same gods in waging war against each other; they also worshiped the gods *majorum gentium*²⁶, Jupiter, Juno, Mars, Minerva, Mercury, etc. Christians, in waging war, worship the same God. The polytheism of the Greeks and Romans did not result from their wars; they were all polytheists before they had anything to unravel together: in short, there was never among them either civil intolerance or theological tolerance.

XXXIX.

A society of true Christians would no longer be a society of men, etc²⁷. Such an assertion is very bizarre. Does the author mean that it would be a society of beasts or a society of angels?

²³ Book II, chap. VIII.

²⁴ French language periodical

²⁵ Rousseau's text, book IV, chap. VIII; “Could not, for a long time, recognize the same master”

²⁶ The “superior gods” of mythology

²⁷ Book IV, chap. VIII. B.

Bayle²⁸ has dealt at length with the question whether the Christians of the early Church could be philosophers, politicians, and warriors? This question is rather idle. But we want to bid on Bayle, we repeat what he said; and, for fear of being a plagiarist, one uses haphazard terms which, basically, mean nothing: for whatever the dogmas of nations, they will always wage war.

We burned this book at home²⁹. The operation of burning it was perhaps as odious as that of composing it. There are things that a wise administration should ignore. If this book was dangerous, it had to be refuted. To burn a book of reasoning is to say we do not the wit to respond to it. It is the books of insults that must be burned, and the authors of which must be severely punished, because an insult is a crime. Bad reasoning is only an offense when it is obviously seditious.

XL.

A tribunal must have fixed laws for the criminal as for the civil citizens; nothing should be arbitrary, and even less so when it comes to honor and life than when only pleading for money.

XLI.

A criminal code is absolutely necessary for citizens and for magistrates. The citizens will then never have to complain about judgments, and the magistrates will not have to fear incurring hatred; for it will not be their will that condemns, it will be the law. It takes one power to judge by this law alone, and another power to be merciful.

XLII.

With regard to finances, we know well enough that it is for the citizens to regulate what they believe they must provide for the expenses of the State; it is well known that contributions must be spared by those who administer them, and granted with nobility on great occasions. There is no reproach to our republic on this article.

XLIII.

There has never been a perfect government, because men have passions; and if they had no passions, there would be no need of government. The most tolerable of all is undoubtedly the Republican, because he is the one who brings men the closest to natural equality. Every father of a family must be the master in his house, and not in that of his neighbor. A company being made up of several houses and several lots attached to them, it is contradictory that a single man is the master of these houses and these lots; and it is in nature that each master has his voice for the good of society.

XLIV.

Should those who have neither land nor house in this society have their voice? they have no more the right to it than a clerk paid by merchants would have to regulate their trade; but they can be associated, either for having rendered services, or for having paid for their association.

XLV.

This country, governed in common, must be richer and more populated than if it were governed by a master; for each, in a true republic, being sure of the ownership of his goods and of his person, works for himself with confidence; and, by improving his condition, he

²⁸ Bayle Pierre - *Continuation of Diverse Thoughts*, paragraph CXXIV; and Response part III, chap. XXVIII.

²⁹ The *Social Contract* was not burned in France, but it had been burned in Geneva and it was a Genevan who was speaking in Republican Ideas.

improves that of the public. The opposite can happen under a master. A man is sometimes quite astonished to hear that neither his person nor his property belong to him.

XLVI.

A Protestant republic must be a twelfth richer, more industrious, more populous than a papist, assuming the ground equal, and equally good, for the reason that there are thirty festivals in a papist country, which make up thirty days of idleness and debauchery; and thirty days are the twelfth part of the year. If in this papist country there are a twelfth of priests, apprentice priests, monks, and nuns, as in Cologne, it is clear that a protestant country, of the same size, must be even more populated by a twelfth.

XLVII.

The registers of the Dutch Chamber of Accounts, which are currently in Lille, show that Philip II did not draw eighty thousand crowns from the seven United Provinces; and by a statement of the revenues of the province of Holland alone, made in 1700, its revenues amounted to twenty-two million two hundred and forty-one thousand three hundred and thirty-nine florins, which makes in French money forty-six million seven hundred six thousand eight hundred and eleven pounds eighteen cents. This is about what the King of Spain had at the turn of the century.

XLVIII.

Compare what we were in our bishop's time to what we are today. We slept in garrets, we ate on wooden plates in our kitchens; our bishop alone had silver dishes, and walked with forty horses in his diocese, which he called his estates. Today we have citizens who have three times his income, and we have, in the city and in the country, houses much more beautiful than the one he called his palace, of which we have made prisons.

XLIX.

Half of the land of Switzerland is made up of rocks and precipices, the other half is not very fertile; but when free hands, led at last by enlightened spirits, cultivated this land, it flourished. The country of the Pope, on the contrary, from Orvieto to Terracina, in the space of more than one hundred and twenty miles of way, is uncultivated, uninhabited, and become unhealthy by the famine; one can travel there for a whole day without finding either men or animals; there are more priests than farmers; one hardly eats bread there other than unleavened bread. This is the land that was covered, in the days of the ancient Romans, with opulent cities, superb houses, harvests, gardens, and amphitheatres. Let us add to this contrast that six Swiss regiments would seize the whole state of the Pope in a fortnight. Who would have made this prediction to Caesar, when in passing he came to beat the Swiss, numbering nearly four hundred thousand, would have astonished him.

L.

It is perhaps useful that there are two parties in a republic, because one watches over the other, and men need overseers. It is perhaps not so shameful that it is believed that a republic needs mediators; this proves, indeed, that there is stubbornness on both sides; but it also proves that there is a lot of wit, a lot of enlightenment, a great sagacity to interpret the laws in different senses on the other; and it is then that there must necessarily be arbitrators who clarify the contested laws, who change them if necessary, and who prevent new changes as much as possible.

It has been said a thousand times that authority always wants to increase, and the people always want to complain; that we must neither give in to all its representations, nor reject them all; that we need a brake on authority and freedom; that we must keep the balance equal: but where is the fulcrum? Who will fix it? It will be the masterpiece of reason and impartiality.

LI.

The examples are misleading, the inductions which one draws from them are often badly applied; the quotes to argue these inferences are often wrong. "The nature of honor," says Montesquieu, "is to ask for preferences, for distinctions. Honor is therefore, by the very thing, placed in the monarchical government³⁰." The author forgets that in the Roman republic one asked for the consulate, the triumph, ovations, crowns, statues. There is such a small republic where honors are not sought.

LII.

This superior human in his ingenious and profound thoughts, shining with a light which dazzled him, could not subjugate his genius to the necessary order and method. Its large fire prevents objects from being sharp and distinct; and when he speaks, he almost always takes his imagination for his memory. He claims that, in the will attributed to Cardinal Richelieu, it is said³¹ "that if among the people there is some unhappy honest man, he must not be used, as it is true that virtue is not the responsibility of the monarchical government."

The will falsely attributed to Cardinal Richelieu says precisely the opposite. Here are his words in chapter IV: "It can be said boldly that of two persons of equal merit, the one who is better off in his affairs is preferable to the other, being certain that a poor magistrate must have the soul of a very strong temper, if it does not sometimes allow itself to be softened by the consideration of its interests. Also, experience teaches us that the rich are less subject to misappropriation than the others, and that poverty forces a poor officer to be very careful with his meager income."

Montesquieu, it must be admitted, does not quote the Greek authors better than the French. He often makes them all say the opposite of what they said.

He argues, in speaking of the condition of women in the various governments, or rather promises to speak about it so much, that among the Greeks³², love had only one form that we dare not say. He does not hesitate to take Plutarch even for his guarantor. He makes Plutarch say that women have no part in true love. It does not reflect that Plutarch makes speak several interlocutors; there is a Protogene who declaims against women, but Daphneus takes their side; Plutarch decides for Daphneus; he greatly praises heavenly love and conjugal love; he reports several examples of the fidelity and courage of women. It is even in this dialogue that we find the story of Camma and that of Eponime, wife of Sabinus, whose virtues have served as the subject of plays. Finally it is clear that Montesquieu, in *l'Esprit des Loïs*, slandered the spirit of Greece by mistaking a law that Plutarch refutes for a law that Plutarch recommends.

LIV.

"³³The cadis have maintained that the great lord is not obliged to keep his word and his oath when he limits his authority thereby."

Ricaut, quoted in this place, says only, page 18 of the edition of Amsterdam, 1671: "There are even of these people who maintain that the great lord can dispense with the promises which he made with oath, when, in order to fulfill them, it is necessary to set limits on his authority. "

³⁰ Book III, chap. VII.

³¹ Book III, chap. VI.

³² Book VII, chap. X.

³³ Book III, chap. IX.

This speech is very vague. The Sultan of the Turks can only promise to his subjects or to neighboring powers. If they are promises to his subjects, there is no oath; if they are peace treaties, he must hold them like the other princes, or make war. The Alcoran does not say anywhere that one can violate his oath, and he says in a hundred rights that it must be kept. It may be that in order to undertake an unjust war, as almost all of them are, the Grand Turk assembles a council of conscience, as several Christian princes have done, in order to do evil in conscience. It may be that some Muslim doctors imitated the Catholic doctors who said that one should not keep the faith neither to infidels nor to heretics. But it remains to be seen whether this jurisprudence is that of the Turks.

The author of *l'Esprit des Lois* gives this alleged decision of the cadis as proof of the sultan's despotism. On the contrary, it seems that this would be proof that he is subject to the laws, since he would be obliged to consult doctors in order to put himself above the law. We are neighbors of the Turks, we trade with them, and we do not know them.

Count de Marsigli, who lived among them for twenty-five years, said that none gave any real knowledge either of their empire or of their laws. At the same time, we have no tolerable translation of *the Alcoran* before the one given to us by M. Sale in 1734. Almost everything that has been said about their religion and their jurisprudence is false; and the conclusions that we draw against them every day are too unfounded. In examining laws, only recognized laws should be cited.

LV.

"All the low trade was infamous among the Greeks."³⁴ I do not know what the author means by low trade; but I know that in Athens all the citizens traded, that Plato sold oil, and that the father of the demagogue Demosthenes was an iron merchant. Most of the workers were foreigners or slaves. It is important for us to notice that trade was not incompatible with the dignities in the republics of Greece, except among the Spartans who had no trade.

LVI.

"I have often heard lament," he said³⁵, "the blindness of the advice of François I, who rejected Christopher Columbus who offered him the Indies." You will notice that Francis I was not born when Columbus discovered the islands of America.

LVII.

Since it is a question here of commerce, let us observe that the author condemns an ordinance of the council of Spain, which forbids the use of gold and silver in gilding: "Such a decree, he says, would be similar to what the States of Holland would do if they forbade the consumption of cinnamon." He does not think that the Spaniards, having no factories, would have bought the stripes and the fabrics from abroad, and that the Dutch could not buy the cinnamon. What was very reasonable in Spain would have been very ridiculous in Holland.

LVIII.

It is, it seems to me, still a great abuse to quote the laws of Bantam, of Pegu, of Cochin, of Borneo, to prove to us truths which do not need such examples. The illustrious author of the *l'Esprit des Lois* often falls into this affectation: he tells us that in "Bantam the king takes all the succession of a father, the house, the wife and the children"; it is, he says, in a travel book. But the thing is impossible: because in two generations the king would have all the houses and all

³⁴ Book IV, chap. VIII.

³⁵ Book IV, chap. XIX.

the women in property. A traveler often says things that a man who writes as a legislator should never repeat.

LIX.

The same author claims that in Tonquin³⁶ all the magistrates and the principal military officers are eunuchs, and that, among the Lamas³⁷, the law allows women to have several husbands. When these fables are true, what will result? Would our magistrates like to be eunuchs, and only be in fourth or fifth year with the ladies counselors?

LX.

In a work of legislation, there should be no risky conjectures, no examples drawn from unknown peoples, no outbursts of mind, no digressions foreign to the subject. What does it matter to our laws, to our administration, "that there is no navigable river in Persia except the Cirus?" The author was probably not to omit the Tigris, the Euphrates, the Araxis, the Phase, the Oxus. But what is the use of flaunting such an erroneous geography, when we only have to talk about our interests?

LXI.

Why waste time in deceiving oneself on the so-called fleets of Solomon sent from Esiongaber to Africa, and on the fanciful voyages from the Red Sea to that of Bayonne, and on the even more fanciful riches of Sofala? What relationship did all these erroneous digressions have with the l'Esprit des Lois?

I expected to see how the papal decrees changed all the jurisprudence of the ancient Roman code; by what laws Charlemagne governed his empire; and by what anarchy the feudal government overwhelmed him; by what art and by what audacity Gregory VII and his successors crushed the laws of kingdoms and great fiefs under the fisherman's ring, and by what tremors they succeeded in destroying the papal legislation; I hoped to see the origin of the bailiwicks which administered justice almost everywhere since *les Othons*, and that of the tribunals called parlements, or audiences, or king's benches, or chessboard; I wanted to know the history of the laws under which our fathers and their children lived; the reasons which established them, neglected, destroyed, renewed them; I was looking for a thread in this labyrinth; the thread is broken almost with every article.

I was deceived, I found the spirit of the author, who has a lot, and rarely the spirit of the laws. He hops more than he walks; it amuses more than it enlightens; he sometimes satirizes more than he judges; and it is to be hoped that such a fine genius would always have sought more to instruct than to amaze.

This flawed book is full of admirable things, of which hateful copies have been made. The fanatics have insulted him from the very places which deserve the thanks of mankind³⁸.

LXII.

Despite its faults, this work must always be dear to men, because the author has said sincerely what he thinks, whereas most of the writers in his country, starting with the great Bossuet, have often said not what they think. He has everywhere reminded men that they are free; he presents to human nature its titles which it has lost in the greater part of the earth; he fights superstition; he inspires morality.

³⁶ Book XV, chap. XVIII.

³⁷ Book XVI, chap. V., a Tibetan spiritual leader.

³⁸ See Volume XXXIX, page 329, sincere thanks to a charitable person.

LXIII.

Will it be through books which destroy superstition, and which make virtue lovable, that we will succeed in making men better? Yes; if young people read these books carefully, they will be preserved from all kinds of fanaticism; they will feel that peace is the fruit of tolerance, and the true goal of any society.

LXIV.

Tolerance is as necessary in politics as it is in religion; it is pride alone that is intolerant. It is he who revolts the minds, by wanting to force them to think like us; it is the secret source of all divisions.

LXV.

Politeness, circumspection, indulgence, strengthen the union between friends and in families; they will have the same effect in a smallest of states, just like a large family.