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

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

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

When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may be considered, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

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

There would be an end of everything were the same man, or the same body, whether of the nobles or of the people to exercise those three powers that of enacting laws, that of executing the public resolutions, and that of judging the crimes or differences of individuals.

Most kingdoms in Europe enjoy a moderate government, because the prince, who is invested with the two first powers, leaves the third to his subjects. In Turkey, where these three powers are united in the sultan's person the subjects groan under the weight of a most frightful oppression.

In the republics of Italy, where these three powers are united, there is less liberty than in our monarchies. Hence their government is obliged to have recourse to as violent methods for its support, as even that of the Turks witness the state inquisitors, and the lion's mouth into which every informer may at all hours throw his written accusations.

What a situation must the poor subject be in, under those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions.

The whole power is here united in one body; and though there is no external pomp that indicates a despotic sway, yet the people feel the effects of it every moment.

Hence it is that many of the princes of Europe, whose aim has been leveled at arbitrary power, have constantly set out with uniting in their own persons, all the branches of magistracy, and all the great offices of state.
Charles de Montesquieu
born 18 January 1689; died 10 February 1755
French lawyer, writer & philosopher

Montesquieu's parents were French nobility; his mother died when he was a child. He received an excellent education. He practiced law, then decided to devote his time to writing. De l'Esprit des Lois (The Spirit of the Laws) was published anonymously in 1748 and influenced many readers in Europe and America. In France, the book was not popular. The Catholic Church banned The Spirit of the Laws along with many of Montesquieu's other writings. Montesquieu spent years living out of France in Austria, Hungary, Italy and England. He died at 66 years of age in France. His vision had been quite poor in his later years, and he was blind when he died.

Montesquieu saw a connection between people and the environment and climate. He felt that history was important because of events, not because of individual people. He had very specific ideas of how society and governments should be organized for success.

Vocabulary from the text:

1. legislative - lawmaking
2. executive – putting laws into effect
3. virtue - goodness
4. magistrate – a judge or person who administers the law
5. perpetual – continuous, never-ending
6. amend - change
7. abrogate – do away with, overturn
8. embassy – delegate, representative
9. judiciary – legal courts, judges
10. requisite – required, necessary
11. constitute – form, establish
12. apprehensions – anxieties, concerns
13. tyrannical – autocratic, exercising power in a cruel way
14. arbitrary – without reason
15. nobles – aristocrats, people of noble rank or birth
16. resolutions – decisions, intentions
17. moderate – average, middle-of-the-road
18. oblige – require, force
19. recourse – source of help in a difficult situation
20. inquisitor – person asking questions
21. plunder – pillage, steal
22. pomp – ceremony, ritual
23. despotic – like a tyrant or autocrat
24. sway – influence

1. Did Montesquieu believe in autocracy? Explain your answer.
2. What does Montesquieu believe will happen if the executive and legislative powers are controlled by one person? Why? Explain.
3. What is Montesquieu’s opinion of the governments of Turkey and Italy in 1748? Why? Explain.
4. Why does Montesquieu say it would be unfair for one person to both write the laws and enforce them? Do you agree?
5. In paragraph 3, what do you think is meant by, “one man need not be afraid of another?”