The Spirit of Laws (1748)

In his book entitled *The Spirit of Laws*, French philosopher Baron de Montesquieu outlined his thoughts on liberty and asserted that England was the only country in the world whose constitution was written for the purpose of political liberty.

DIFFERENT SIGNIFICATIONS GIVEN TO THE WORD LIBERTY

THERE is no word whatsoever that has admitted of more various significations, and has made more different impressions on human minds, than that of Liberty. Some have taken it for a facility of deposing a person on whom they had conferred a tyrannical authority, others for the power of chusing a person whom they are obliged to obey, others for the right of bearing arms, and of being thereby enabled to use violence, others in fine for the privilege of being governed by a native of their own country or by their own laws. a A certain nation, for a long time thought liberty consisted in the privilege of wearing a long beard. b Some have annexed this name to one form of government, in exclusion of others: Those who had a republican taste, applied it to this government, those who liked a monarchical state, gave it to monarchies. c Thus they all have applied the name of liberty to the government most conformable to their own customs and inclinations: and as in a republic people have not so constant and so present a view of the instruments of the evils they complain of, and likewise as the laws seem there to speak more, and the executors of the laws less, it is generally attributed to republics, and excluded from monarchies. In fine as in democracies the people seem to do very near whatever they please, liberty has been placed in this sort of government, and the power of the people has been confounded with their liberty.

a I have copied, says Cicero, Scaevola’s edict, which permits the Greeks to terminate their differences among themselves according to their own laws, this makes them consider themselves as a free people.

b The Russians could not bear that the Czar Peter should make them cut it off.

c The Cappadocians refused the condition of a republican state, which was offered them by the Romans.

IN WHAT LIBERTY CONSISTS

IT is true that in democracies the people seem to do what they please; but political liberty does not consist in an unrestrained freedom. In governments, that is, in societies directed by laws, liberty can consist only in the power of doing what we ought to will, and in not being constrained to do what we ought not to will.

We must have continually present to our minds the difference between independence and liberty.
Liberty is a right of doing whatever the laws permit, and if a citizen could do what they forbid, he would no longer be possessed of liberty, because all his fellow citizens would have the same power.

... OF THE END OR VIEW OF DIFFERENT GOVERNMENTS

THO’ all governments have the same general end, which is that of preservation, yet each has another particular view. Increase of dominion was the view of Rome; war, of Sparta; religion, of the Jewish laws; commerce, that of Marseilles; public tranquillity, that of the laws of China; a navigation, of the laws of Rhodes; natural liberty, that of the policy of the Savages; in general the pleasures of the prince, that of despotic states; that of monarchies, the prince's and the kingdom's glory; the independence of individuals is the end aimed at by the laws of Poland, and from thence results the oppression of the whole. b

One nation there is also in the world, that has for the direct end of its constitution political liberty. We shall examine presently the principles on which this liberty is founded: if they are found, liberty will appear as in a mirror.

To discover political liberty in a constitution, no great labour is requisite. If we are capable of seeing it where it exists, why should we go any further in search of it?

a The natural end of a state that has no foreign enemies, or that thinks itself secured against them by barriers.

b Inconveniency of the Liberum veto.

... Whoever shall read the admirable treatise of Tacitus on the manners of the Germans, b will find that it is from them the English have borrowed the idea of their political government. This beautiful system was invented first in the woods.

As all human things have an end, the state we are speaking of will lose its liberty, will perish. Have not Rome, Sparta, and Carthage perished? It will perish when the legislative power shall be more corrupt than the executive.

It is not my business to examine whether the English actually enjoy this liberty, or not. Sufficient it is for my purpose to observe, that it is established by their laws; and I inquire no further.

Neither do I pretend by this to undervalue other governments, nor to say that this extreme political liberty ought to give uneasiness to those who have only a moderate share of it. How should I have any such design, I who think that even the excess of reason is not always desirable, and that mankind generally find their account better in mediums than in extremes?
b De minoribus rebus principes consultant, de majoribus omnes, ita tamen ut ea, quoque quorum penes plebem arbitrium est apud principes pertractentur.