

Book XIX. Of Laws in Relation to the Principles Which Form the General Spirit, Morals, and Customs of a Nation

1. Of the Subject of this Book. This subject is very extensive. In that crowd of ideas which presents itself to my mind, I shall be more attentive to the order of things than to the things themselves. I shall be obliged to wander to the right and to the left, that I may investigate and discover the truth.

2. That it is necessary People's Minds should be prepared for the Reception of the best Laws. Nothing could appear more insupportable to the Germans than the tribunal of Varus.[1] That which Justinian[2] erected amongst the Lazi, to proceed against the murderers of their king, appeared to them as an affair most horrid and barbarous. Mithridates,[3] haranguing against the Romans, reproached them more particularly for their law proceedings.[4] The Parthians could not bear with one of their kings who, having been educated at Rome, rendered himself affable and easy of access to all.[5] Liberty itself has appeared intolerable to those nations who have not been accustomed to enjoy it. Thus pure air is sometimes disagreeable to such as have lived in a fenny country.

Baibi, a Venetian, being at Pegu, was introduced to the king.[6] When the monarch was informed that they had no king at Venice, he burst into such a fit of laughter that he was seized with a cough, and with difficulty could speak to his courtiers. What legislator could propose a popular government to a people like this?

3. Of Tyranny. There are two sorts of tyranny: one real, which arises from oppression; the other is seated in opinion, and is sure to be felt whenever those who govern establish things shocking to the existing ideas of a nation.

Dio[7] tells us that Augustus was desirous of being called Romulus; but

having been informed that the people feared that he would cause himself to be crowned king, he changed his design. The old Romans were averse to a king, because they could not suffer any man to enjoy such power; these would not have a king, because they could not bear his manners. For though Cæsar, the Triumvirs, and Augustus were really invested with regal power, they had preserved all the outward appearance of equality, while their private lives were a kind of contrast to the pomp and luxury of foreign monarchs; so that when the Romans were resolved to have no king, this only signified that they would preserve their customs, and not imitate those of the African and eastern nations.

The same writer informs us that the Romans were exasperated against Augustus for making certain laws which were too severe; but as soon as he had recalled Pylades the comedian, whom the jarring of different factions had driven out of the city, the discontent ceased. A people of this stamp have a more lively sense of tyranny when a player is banished than when they are deprived of their laws.

4. Of the general Spirit of Mankind. Mankind are influenced by various causes: by the climate, by the religion, by the laws, by the maxims of government, by precedents, morals, and customs; whence is formed a general spirit of nations.

In proportion as, in every country, any one of these causes acts with more force, the others in the same degree are weakened. Nature and the climate rule almost alone over the savages; customs govern the Chinese; the laws tyrannise in Japan; morals had formerly all their influence at Sparta; maxims of government, and the ancient simplicity of manners, once prevailed at Rome.

5. How far we should be attentive lest the general Spirit of a Nation be changed. Should there happen to be a country whose inhabitants were of a social temper, open-hearted, cheerful, endowed with taste and a facility in communicating their thoughts; who were sprightly and agreeable;

sometimes imprudent, often indiscreet; and besides had courage, generosity, frankness, and a certain notion of honour, no one ought to endeavour to restrain their manners by laws, unless he would lay a constraint on their virtues. If in general the character be good, the little foibles that may be found in it are of small importance.

They might lay a restraint upon women, enact laws to reform their manners and to reduce their luxury, but who knows but that by these means they might lose that peculiar taste which would be the source of the wealth of the nation, and that politeness which would render the country frequented by strangers?

It is the business of the legislature to follow the spirit of the nation, when it is not contrary to the principles of government; for we do nothing so well as when we act with freedom, and follow the bent of our natural genius.

If an air of pedantry be given to a nation that is naturally gay, the state will gain no advantage from it, either at home or abroad. Leave it to do frivolous things in the most serious manner, and with gaiety the things most serious.

6. That Everything ought not to be corrected. Let them but leave us as we are, said a gentleman of a nation which had a very great resemblance to that we have been describing, and nature will repair whatever is amiss. She has given us a vivacity capable of offending, and hurrying us beyond the bounds of respect: this same vivacity is corrected by the politeness it procures, inspiring us with a taste of the world, and, above all, for the conversation of the fair sex.

Let them leave us as we are; our indiscretions joined to our good nature would make the laws which should constrain our sociability not at all proper for us.

7. Of the Athenians and Lacedæmonians. The Athenians, this gentleman adds, were a nation that had some relation to ours. They mingled gaiety with business; a stroke of raillery was as agreeable in the senate as in the theatre. This vivacity, which discovered itself in their councils, went along with them in the execution of their resolves. The characteristic of the Spartans was gravity, seriousness, severity, and silence. It would have been as difficult to bring over an Athenian by teasing as it would a Spartan by diverting him.

8. Effects of a sociable Temper. The more communicative a people are, the more easily they change their habits, because each is in a greater degree a spectacle to the other and the singularities of individuals are better observed. The climate which influences one nation to take pleasure in being communicative, makes it also delight in change, and that which makes it delight in change forms its taste.

The society of the fair sex spoils the manners and forms the taste; the desire of giving greater pleasure than others establishes the embellishments of dress; and the desire of pleasing others more than ourselves gives rise to fashions. Thus fashion is a subject of importance; by encouraging a trifling turn of mind, it continually increases the branches of its commerce.[8]

9. Of the Vanity and Pride of Nations. Vanity is as advantageous to a government as pride is dangerous. To be convinced of this we need only represent, on the one hand, the numberless benefits which result from vanity, as industry, the arts, fashions, politeness, and taste; on the other, the infinite evils which spring from the pride of certain nations, as laziness, poverty, a total neglect of everything -- in fine, the destruction of the nations which have happened to fall under their government, as well as of their own. Laziness is the effect of pride;[9] labour, a consequence of vanity. The pride of a Spaniard leads him to decline labour; the vanity of a Frenchman to work better than others.

All lazy nations are grave; for those who do not labour regard themselves as the sovereigns of those who do.

If we search among all nations, we shall find that for the most part gravity, pride, and indolence go hand in hand.

The people of Achim[10] are proud and lazy; those who have no slaves, hire one, if it be only to carry a quart of rice a hundred paces; they would be dishonoured if they carried it themselves.

In many places people let their nails grow, that all may see they do not work.

Women in the Indies[11] believe it shameful for them to learn to read: this is, they say, the business of their slaves, who sing their spiritual songs in the temples of their pagods. In one tribe they do not spin; in another they make nothing but baskets and mats; they are not even to pound rice; and in others they must not go to fetch water. These rules are established by pride, and the same passion makes them followed. There is no necessity for mentioning that the moral qualities, according as they are blended with others, are productive of different effects; thus pride, joined to a vast ambition and notions of grandeur, produced such effects among the Romans as are known to all the world.

10. Of the Character of the Spaniards and Chinese. The characters of the several nations are formed of virtues and vices, of good and bad qualities. From the happy mixture of these, great advantages result, and frequently where it would be least expected; there are others whence great evils arise -- evils which one would not suspect.

The Spaniards have been in all ages famous for their honesty. Justin[12] mentions their fidelity in keeping whatever was entrusted to their care; they have frequently suffered death rather than reveal a secret. They have still the same fidelity for which they were formerly distinguished.

All the nations who trade at Cadiz trust their fortunes to the Spaniards, and have never yet repented it. But this admirable quality, joined to their indolence, forms a mixture whence such effects result as to them are most pernicious. The rest of the European nations carry on in their very sight all the commerce of their monarchy.

The character of the Chinese is formed of another mixture, directly opposite to that of the Spaniards; the precariousness of their subsistence[13] inspires them with a prodigious activity, and such an excessive desire of gain, that no trading nation can confide in them.[14] This acknowledged infidelity has secured them the possession of the trade to Japan. No European merchant has ever dared to undertake it in their name, how easy soever it might be for them to do it from their maritime provinces in the north.

11. A Reflection. I have said nothing here with a view to lessen that infinite distance which must ever be between virtue and vice. God forbid that I should be guilty of such an attempt! I would only make my readers comprehend that all political are not all moral vices; and that all moral are not political vices; and that those who make laws which shock the general spirit of a nation ought not to be ignorant of this.

12. Of Customs and Manners in a despotic State. It is a capital maxim that the manners and customs of a despotic empire ought never to be changed; for nothing would more speedily produce a revolution. The reason is that in these states there are no laws, that is, none that can be properly called so; there are only manners and customs; and if you overturn these you overturn all.

Laws are established, manners are inspired; these proceed from a general spirit, those from a particular institution: now it is as dangerous, nay more so, to subvert the general spirit as to change a particular institution.

There is less communication in a country where each, either as superior or inferior, exercises or is oppressed by arbitrary power, than there is in those where liberty reigns in every station. They do not, therefore, so often change their manners and behaviour. Fixed and established customs have a near resemblance to laws. Thus it is here necessary that a prince or a legislator should less oppose the manners and customs of the people than in any other country upon earth.

Their women are commonly confined, and have no influence in society. In other countries, where they have intercourse with men, their desire of pleasing, and the desire men also have of giving them pleasure, produce a continual change of customs. The two sexes spoil each other; they both lose their distinctive and essential quality; what was naturally fixed becomes quite unsettled, and their customs and behaviour alter every day.

13. Of the Behaviour of the Chinese. But China is the place where the customs of the country can never be changed. Besides their women being absolutely separated from the men, their customs, like their morals, are taught in the schools. A man of letters may be known by his easy address.[15] These things being once taught by precept, and inculcated by grave doctors, become fixed, like the principles of morality, and are never changed.

14. What are the natural Means of changing the Manners and Customs of a Nation. We have said that the laws were the particular and precise institutions of a legislator, and manners and customs the institutions of a nation in general. Hence it follows that when these manners and customs are to be changed, it ought not to be done by laws; this would have too much the air of tyranny: it would be better to change them by introducing other manners and other customs.

Thus when a prince would make great alterations in his kingdom, he should reform by law what is established by law, and change by custom

what is settled by custom; for it is very bad policy to change by law what ought to be changed by custom.

The law which obliged the Muscovites to cut off their beards and to shorten their clothes, and the rigour with which Peter I made them crop, even to their knees, the long cloaks of those who entered into the cities, were instances of tyranny. There are means that may be made use of to prevent crimes; these are punishments: there are those for changing our customs; these are examples.

The facility and ease with which that nation has been polished plainly shows that this prince had a worse opinion of his people than they deserved; and that they were not brutes, though he was pleased to call them so. The violent measures which he employed were needless; he would have attained his end as well by milder methods.

He himself experienced the facility of bringing about these alterations. The women were shut up, and in some measure slaves; he called them to court; he sent them silks and fine stuffs, and made them dress like the German ladies. This sex immediately relished a manner of life which so greatly flattered their taste, their vanity, and their passions; and by their means it was relished by the men.

What rendered the change the more easy was that their manners at that time were foreign to the climate, and had been introduced among them by conquest and by a mixture of nations. Peter I, in giving the manners and customs of Europe to a European nation, found a facility which he did not himself expect. The empire of the climate is the first, the most powerful, of all empires. He had then no occasion for laws to change the manners and customs of his country; it would have been sufficient to have introduced other manners and other customs.

Nations are in general very tenacious of their customs; to take them away by violence is to render them unhappy: we should not therefore



change them, but engage the people to make the change themselves.

All punishment which is not derived from necessity is tyrannical. The law is not a mere act of power; things in their own nature indifferent are not within its province.

15. The Influence of domestic Government on the political. This alteration in the manners of women will doubtless have a great influence on the government of Muscovy. One naturally follows the other: the despotic power of the prince is connected with the servitude of women; the liberty of women with the spirit of monarchy.

16. How some Legislators have confounded the Principles which govern Mankind. Manners and customs are those habits which are not established by legislators, either because they were not able or were not willing to establish them.

There is this difference between laws and manners, that the laws are most adapted to regulate the actions of the subject, and manners to regulate the actions of the man. There is this difference between manners and customs, that the former principally relate to the interior conduct, the latter to the exterior.

These things have been sometimes confounded.[16] Lycurgus made the same code for the laws, manners, and customs, and the legislators of China have done the same.

We ought not to be surprised that the legislators of China and Sparta should confound the laws, manners, and customs; the reason is, their manners represent their laws, and their customs their manners.

The principal object which the legislators of China had in view was to make their subjects live in peace and tranquillity. They would have people filled with a veneration for one another, that each should be

every moment sensible of his dependence on society, and of the obligations he owed to his fellow-citizens. They therefore gave rules of the most extensive civility.

Thus the inhabitants of the villages of China[17] practise amongst themselves the same ceremonies as those observed by persons of an exalted station; a very proper method of inspiring mild and gentle dispositions, of maintaining peace and good order, and of banishing all the vices which spring from an asperity of temper. In effect, would not the freeing them from the rules of civility be to search out a method for them to indulge their own humours?

Civility is in this respect of more value than politeness. Politeness flatters the vices of others, and civility prevents ours from being brought to light. It is a barrier which men have placed within themselves to prevent the corruption of each other.

Lycurgus, whose institutions were severe, had no regard to civility; in forming the external behaviour he had a view to that warlike spirit with which he would fain inspire his people. A people who were in a continual state of discipline and instruction, and who were endued with equal simplicity and rigour, atoned by their virtues for their want of complaisance.

17. Of the peculiar Quality of the Chinese Government. The legislators of China went further.[18] They confounded their religion, laws, manners, and customs; all these were morality, all these were virtue. The precepts relating to these four points were what they called rites; and it was in the exact observance of these that the Chinese government triumphed. They spent their whole youth in learning them, their whole life in the practice. They were taught by their men of letters, they were inculcated by the magistrates; and as they included all the ordinary actions of life, when they found the means of making them strictly observed, China was well governed.

Two things have contributed to the ease with which these rites are engraved on the hearts and minds of the Chinese; one, the difficulty of writing, which during the greatest part of their lives wholly employs their attention, [19] because it is necessary to prepare them to read and understand the books in which they are comprised; the other, that the ritual precepts having nothing in them that is spiritual, but being merely rules of common practice, are more adapted to convince and strike the mind than things merely intellectual.

Those princes who, instead of ruling by these rites, governed by the force of punishments, wanted to accomplish that by punishments which it is not in their power to produce, that is, to give habits of morality. By punishments, a subject is very justly cut off from society, who, having lost the purity of his manners, violates the laws; but if all the world were to lose their moral habits, would these reestablish them? Punishments may be justly inflicted to put a stop to many of the consequences of the general evil, but they will not remove the evil itself. Thus when the principles of the Chinese government were discarded, and morality was banished, the state fell into anarchy, and revolutions succeeded.

18. A Consequence drawn from the preceding Chapter. Hence it follows that the laws of China are not destroyed by conquest. Their customs, manners, laws, and religion being the same thing, they cannot change all these at once; and as it will happen that either the conqueror or the conquered must change, in China it has always been the conqueror. For the manners of the conquering nation not being their customs, nor their customs their laws, nor their laws their religion, it has been more easy for them to conform by degrees to the vanquished people than the latter to them.

There still follows hence a very unhappy consequence, which is that it is almost impossible for Christianity ever to be established in China. [20] The vows of virginity, the assembling of women in churches,

their necessary communication with the ministers of religion, their participation in the sacraments, auricular confession, extreme unction, the marriage of only one wife -- all these overturn the manners and customs of the country, and with the same blow strike at their religion and laws.

The Christian religion, by the establishment of charity, by a public worship, by a participation of the same sacraments, seems to demand that all should be united; while the rites of China seem to ordain that all should be separated.

And as we have seen that this separation[21] depends, in general, on the spirit of despotism, this will show us the reason why monarchies, and indeed all moderate governments, are more consistent with the Christian religion.[22]

19. How this Union of Religion, Laws, Manners, and Customs among the Chinese was effected. The principal object of government which the Chinese legislators had in view was the peace and tranquillity of the empire; and subordination appeared to them as the most proper means to maintain it. Filled with this idea, they believed it their duty to inspire a respect for parents, and therefore exerted all their power to effect it. They established an infinite number of rites and ceremonies to do them honour when living, and after their death. It was impossible for them to pay such honours to deceased parents without being led to reverence the living. The ceremonies at the death of a father were more nearly related to religion; those for a living parent had a greater relation to the laws, manners, and customs: however, these were only parts of the same code; but this code was very extensive.

A veneration for their parents was necessarily connected with a suitable respect for all who represented them; such as old men, masters, magistrates, and the sovereign. This respect for parents supposed a return of love towards children, and consequently the same return from

old men to the young, from magistrates to those who were under their jurisdiction, and from the emperor to his subjects. This formed the rites, and these rites the general spirit of the nation.

We shall now show the relation which things in appearance the most indifferent may bear to the fundamental constitution of China. This empire is formed on the plan of a government of a family. If you diminish the paternal authority, or even if you retrench the ceremonies which express your respect for it, you weaken the reverence due to magistrates, who are considered as fathers; nor would the magistrates have the same care of the people, whom they ought to look upon as their children; and that tender relation which subsists between the prince and his subjects would insensibly be lost. Retrench but one of these habits and you overturn the state. It is a thing in itself very indifferent whether the daughter-in-law rises every morning to pay such and such duties to her mother-in-law; but if we consider that these exterior habits incessantly revive an idea necessary to be imprinted on all minds -- an idea that forms the ruling spirit of the empire -- we shall see that it is necessary that such or such a particular action be performed.

20. Explanation of a Paradox relating to the Chinese. It is very remarkable that the Chinese, whose lives are guided by rites, are nevertheless the greatest cheats upon earth. This appears chiefly in their trade, which, in spite of its natural tendency, has never been able to make them honest. He who buys of them ought to carry with him his own weights; [23] every merchant having three sorts, the one heavy for buying, another light for selling, and another of the true standard for those who are upon their guard. It is possible, I believe, to explain this contradiction.

The legislators of China had two objects in view: they were desirous that the people should be submissive and peaceful, and that they should also be laborious and industrious. By the nature of the soil and climate, their subsistence is very precarious; nor can it be in any

other way secured than by industry and labour.

When every one obeys, and every one is employed, the state is in a happy situation. It is necessity, and perhaps the nature of the climate, that has given to the Chinese an inconceivable greediness for gain, and laws have never been made to restrain it. Everything has been forbidden when acquired by acts of violence; everything permitted when obtained by artifice or labour. Let us not then compare the morals of China with those of Europe. Every one in China is obliged to be attentive to what will be for his advantage; if the cheat has been watchful over his own interest, he who is the dupe ought to be attentive to his. At Sparta they were permitted to steal; in China they are suffered to deceive.

21. How the Laws ought to have a Relation to Manners and Customs. It is only singular institutions which thus confound laws, manners, and customs -- things naturally distinct and separate; but though they are in themselves different, there is nevertheless a great relation between them.

Solon being asked if the laws he had given to the Athenians were the best, he replied, "I have given them the best they were able to bear"[24] -- a fine expression, that ought to be perfectly understood by all legislators! When Divine Wisdom said to the Jews, "I have given you precepts which are not good," this signified that they had only a relative goodness; which is the sponge that wipes out all the difficulties in the law of Moses.

22. The same Subject continued. When a people have pure and regular manners, their laws become simple and natural. Plato[25] says that Rhadamanthus, who governed a nation extremely religious, finished every process with extraordinary despatch, administering only the oath on each accusation. "But," says the same Plato, [26] "when a people are not religious we should never have recourse to an oath, except he who swears is entirely disinterested, as in the case of a judge and a witness."

23. How the Laws are founded on the Manners of a People. At the time when the manners of the Romans were pure, they had no particular law against the embezzlement of the public money. When this crime began to appear, it was thought so infamous, that to be condemned to restore[27] what they had taken was considered as a sufficient disgrace: for a proof of this, see the sentence of L. Scipio.[28]

24. The same Subject continued. The laws which gave the right of tutelage to the mother were most attentive to the preservation of the infant's person; those which granted it to the next heir were most attentive to the preservation of the state. When the manners of a people are corrupted, it is much better to give the tutelage to the mother. Among those whose laws confide in the manners of the subjects, the guardianship is granted either to the next heir or to the mother, and sometimes to both.

If we reflect on the Roman laws, we shall find that the spirit of these was conformable to what I have advanced. At the time when the laws of the Twelve Tables were made, the manners of the Romans were most admirable. The guardianship was given to the nearest relative of the infant, from a consideration that he ought to have the trouble of the tutelage who might enjoy the advantage of possessing the inheritance. They did not imagine the life of the heir in danger though it was put into a person's hands who would reap a benefit by his death. But when the manners of Rome were changed, her legislators altered their conduct. "If, in the pupillary substitution," say Gaius[29] and Justinian,[30] "the testator is afraid that the substitute will lay any snares for the pupil, he may leave the vulgar substitution open,[31] and put the pupillary into a part of the testament, which cannot be opened till after a certain time." These fears and precautions were unknown to the primitive Romans.

25. The same Subject continued. The Roman law gave the liberty of making presents before marriage; after the marriage they were not allowed. This

was founded on the manners of the Romans, who were led to marriage only by frugality, simplicity, and modesty; but might suffer themselves to be seduced by domestic cares, by complacency, and the constant tenor of conjugal felicity.

A law of the Visigoths[32] forbade the man giving more to the woman he was to marry than the tenth part of his substance, and his giving her anything during the first year of their marriage. This also took its rise from the manners of the country. The legislators were willing to put a stop to that Spanish ostentation which only led them to display an excessive liberality in acts of magnificence.

The Romans by their laws put a stop to some of the inconveniences which arose from the most durable empire in the world -- that of virtue; the Spaniards, by theirs, would prevent the bad effects of a tyranny the most frail and transitory -- that of beauty.

26. The same Subject continued. The law of Theodosius and Valentinian[33] drew the causes of repudiation from the ancient manners and customs of the Romans.[34] It placed in the number of these causes the behaviour of the husband who beat his wife[35] in a manner that disgraced the character of a free-born woman. This cause was omitted in the following laws:[36] for their manners, in this respect, had undergone a change, the eastern customs having banished those of Europe. The first eunuch of the empress, wife to Justinian II, threatened, says the historian, to chastise her in the same manner as children are punished at school. Nothing but established manners, or those which they were seeking to establish, could raise even an idea of this kind.

We have seen how the laws follow the manners of a people; let us now observe how the manners follow the laws.

27. How the Laws contribute to form the Manners, Customs, and Character of a Nation. The customs of an enslaved people are a part of their



servitude, those of a free people are a part of their liberty.

I have spoken in the eleventh book[37] of a free people, and have given the principles of their constitution: let us now see the effects which follow from this liberty, the character it is capable of forming, and the customs which naturally result from it.

I do not deny that the climate may have produced a great part of the laws, manners, and customs of this nation; but I maintain that its manners and customs have a close connection with its laws.

As there are in this state two visible powers -- the legislative and executive, and as every citizen has a will of his own, and may at pleasure assert his independence, most men have a greater fondness for one of these powers than for the other, and the multitude have commonly neither equity nor sense enough to show an equal affection to both.

And as the executive power, by disposing of all employments, may give great hopes, and no fears, every man who obtains any favour from it is ready to espouse its cause; while it is liable to be attacked by those who have nothing to hope from it.

All the passions being unrestrained, hatred, envy, jealousy, and an ambitious desire of riches and honours, appears in their extent; were it otherwise, the state would be in the condition of a man weakened by sickness, who is without passions because he is without strength.

The hatred which arises between the two parties will always subsist, because it will always be impotent.

These parties being composed of freemen, if the one becomes too powerful for the other, as a consequence of liberty, this other is depressed; while the citizens take the weaker side with the same readiness as the hands lend their assistance to remove the infirmities and disorders of

the body.

Every individual is independent, and being commonly led by caprice and humour, frequently changes parties; he abandons one where he left all his friends, to unite himself to another in which he finds all his enemies: so that in this nation it frequently happens that the people forget the laws of friendship, as well as those of hatred.

The sovereign is here in the same case with a private person; and against the ordinary maxims of prudence is frequently obliged to give his confidence to those who have most offended him, and to disgrace the men who have best served him: he does that by necessity which other princes do by choice.

As we are afraid of being deprived of the blessing we already enjoy, and which may be disguised and misrepresented to us; and as fear always enlarges objects, the people are uneasy under such a situation, and believe themselves in danger, even in those moments when they are most secure.

As those who with the greatest warmth oppose the executive power dare not avow the self-interested motives of their opposition, so much the more do they increase the terrors of the people, who can never be certain whether they are in danger or not. But even this contributes to make them avoid the real dangers, to which they may, in the end, be exposed.

But the legislative body having the confidence of the people, and being more enlightened than they, may calm their uneasiness, and make them recover from the bad impressions they have entertained.

This is the great advantage which this government has over the ancient democracies, in which the people had an immediate power; for when they were moved and agitated by the orators, these agitations always produced

their effect.

But when an impression of terror has no certain object, it produces only clamour and abuse; it has, however, this good effect, that it puts all the springs of government into motion, and fixes the attention of every citizen. But if it arises from a violation of the fundamental laws, it is sullen, cruel, and produces the most dreadful catastrophes.

Soon we should see a frightful calm, during which every one would unite against that power which had violated the laws.

If, when the uneasiness proceeds from no certain object, some foreign power should threaten the state, or put its prosperity or its glory in danger, the little interests of party would then yield to the more strong and binding, and there would be a perfect coalition in favour of the executive power.

But if the disputes were occasioned by a violation of the fundamental laws, and a foreign power should appear, there would be a revolution that would neither alter the constitution nor the form of government. For a revolution formed by liberty becomes a confirmation of liberty.

A free nation may have a deliverer: a nation enslaved can have only another oppressor.

For whoever is able to dethrone an absolute prince has a power sufficient to become absolute himself.

As the enjoyment of liberty, and even its support and preservation, consists in every man's being allowed to speak his thoughts, and to lay open his sentiments, a citizen in this state will say or write whatever the laws do not expressly forbid to be said or written.

A people like this, being always in a ferment, are more easily conducted

by their passions than by reason, which never produces any great effect in the mind of man; it is therefore easy for those who govern to make them undertake enterprises contrary to their true interest.

This nation is passionately fond of liberty, because this liberty is real; and it is possible for it, in its defence, to sacrifice its wealth, its ease, its interest, and to support the burden of the heaviest taxes, even such as a despotic prince durst not lay upon his subjects.

But as the people have a certain knowledge of the necessity of submitting to those taxes, they pay them from the well-founded hope of their discontinuance; their burdens are heavy, but they do not feel their weight; whilst in other states the uneasiness is infinitely greater than the evil.

This nation must therefore have a fixed and certain credit, because it borrows of itself and pays itself. It is possible for it to undertake things above its natural strength, and employ against its enemies immense sums of fictitious riches, which the credit and nature of the government may render real.

To preserve its liberty, it borrows of its subjects: and the subjects, seeing that its credit would be lost if ever it were conquered, have a new motive to make fresh efforts in defence of its liberty.

This nation, inhabiting an island, is not fond of conquering, because it would be weakened by distant conquests -- especially as the soil of the island is good, for it has then no need of enriching itself by war; and as no citizen is subject to another, each sets a greater value on his own liberty than on the glory of one or any number of citizens.

Military men are there regarded as belonging to a profession which may be useful but is often dangerous, and as men whose very services are

burdensome to the nation: civil qualifications are therefore more esteemed than the military.

This nation, which liberty and the laws render easy, on being freed from pernicious prejudices, has become a trading people; and as it has some of those primitive materials of trade out of which are manufactured such things as from the artist's hand receive a considerable value, it has made settlements proper to procure the enjoyment of this gift of heaven in its fullest extent.

As this nation is situated towards the north, and has many superfluous commodities, it must want also a great amount of merchandise which its climate will not produce: it has therefore entered into a great and necessary intercourse with the southern nations; and making choice of those states whom it is willing to favour with an advantageous commerce, it enters into such treaties with the nation it has chosen as are reciprocally useful to both.

In a state where, on the one hand, the opulence is extreme, and on the other the taxes are excessive, they are hardly able to live on a small fortune without industry. Many, therefore, under a pretence of travelling, or of health, retire from among them, and go in search of plenty, even to the countries of slavery.

A trading nation has a prodigious number of little particular interests; it may then injure or be injured in an infinite number of ways. Thus it becomes immoderately jealous, and is more afflicted at the prosperity of others than it rejoices at its own.

And its laws, otherwise mild and easy, may be so rigid with respect to the trade and navigation carried on with it, that it may seem to trade only with enemies.

If this nation sends colonies abroad, it must rather be to extend its

commerce than its dominion.

As men are fond of introducing into other places what they have established among themselves, they have given the people of the colonies their own form of government; and this government carrying prosperity along with it, they have raised great nations in the forests they were sent to inhabit.

Having formerly subdued a neighbouring nation, which by its situation, the goodness of its ports, and the nature of its products, inspires it with jealousy, though it has given this nation its own laws, yet it holds it in great dependence: the subjects there are free and the state itself in slavery.

The conquered state has an excellent civil government, but is oppressed by the law of nations. Laws are imposed by one country on the other, and these are such as render its prosperity precarious and dependent on the will of a master.

The ruling nation inhabiting a large island, and being in possession of a great trade, has with extraordinary ease grown powerful at sea; and as the preservation of its liberties requires that it should have neither strongholds nor fortresses nor land forces, it has occasion for a formidable navy to defend it against invasions; a navy which must be superior to that of all other powers, who, employing their treasures in wars on land, have not sufficient for those at sea.

The empire of the sea has always given those who have enjoyed it a natural pride; because, thinking themselves capable of extending their insults wherever they please, they imagine that their power is as boundless as the ocean.

This nation has a great influence in the affairs of its neighbours; for as its power is not employed in conquests, its friendship is more

courted, and its resentment more dreaded, than could naturally be expected from the inconstancy of its government, and its domestic divisions.

Thus it is the fate of the executive power to be almost always disturbed at home and respected abroad.

Should this nation on some occasions become the centre of the negotiations of Europe, probity and good faith would be carried to a greater height than in other places; because the ministers being frequently obliged to justify their conduct before a popular council, their negotiations could not be secret; and they would be forced to be, in this respect, a little more honest.

Besides, as they would in some sort be answerable for the events which an irregular conduct might produce, the surest, the safest way for them would be to take the straightest path.

If the nobles were formerly possessed of an immoderate power, and the monarch had found the means of abasing them by raising the people, the point of extreme servitude must have been that between humbling the nobility and that in which the people began to feel their power.

Thus this nation, having been formerly subject to an arbitrary power, on many occasions preserves the style of it, in such a manner as to let us frequently see upon the foundation of a free government the form of an absolute monarchy.

With regard to religion, as in this state every subject has a free will, and must consequently be either conducted by the light of his own mind or by the caprice of fancy, it necessarily follows that every one must either look upon all religion with indifference, by which means they are led to embrace the established religion, or they must be zealous for religion in general, by which means the number of sects is increased.

It is not impossible but that in this nation there may be men of no religion, who would not, however, bear to be obliged to change that which they would choose, if they cared to choose any; for they would immediately perceive that their lives and fortunes are not more peculiarly theirs than their manner of thinking, and that whoever would deprive them of the one might even with better reason take away the other.

If, among the different religions, there is one that has been attempted to be established by methods of slavery, it must there be odious; because as we judge of things by the appendages we join with them, it could never present itself to the mind in conjunction with the idea of liberty.

The laws against those who profess this religion could not, however, be of the sanguinary kind; for liberty can never inflict such punishments; but they may be so rigorous as to do all the mischief that can be done in cold blood.

It is possible that a thousand circumstances might concur to give the clergy so little credit, that other citizens may have more. Therefore, instead of a separation, they have chosen rather to support the same burdens as the laity, and in this respect to make only one body with them; but as they always seek to conciliate the respect of the people, they distinguish themselves by a more retired life, a conduct more reserved, and a greater purity of manners.

The clergy not being able to protect religion, nor to be protected by it, only seek to persuade; their pens therefore furnish us with excellent works in proof of a revelation and of the providence of the Supreme Being.

Yet the state prevents the sitting of their assemblies, and does not suffer them to correct their own abuses; it chooses thus, through a



caprice of liberty, rather to leave their reformation imperfect than to suffer the clergy to be the reformers.

Those dignities which make a fundamental part of the constitution are more fixed than elsewhere; but, on the other hand, the great in this country of liberty are nearer upon a level with the people; their ranks are more separated, and their persons more confounded.

As those who govern have a power which, in some measure, has need of fresh vigour every day, they have a greater regard for such as are useful to them than for those who only contribute to their amusement: we see, therefore, fewer courtiers, flatterers, and parasites; in short, fewer of all those who make their own advantage of the folly of the great.

Men are less esteemed for frivolous talents and attainments than for essential qualities; and of this kind there are but two, riches and personal merit.

They enjoy a solid luxury, founded, not on the refinements of vanity, but on that of real wants; they ask nothing of nature but what nature can bestow.

The rich enjoy a great superfluity of fortune, and yet have no relish for frivolous amusements; thus, many having more wealth than opportunities of expense, employ it in a fantastic manner: in this nation they have more judgment than taste.

As they are always employed about their own interest, they have not that politeness which is founded on indolence; and they really have not leisure to attain it.

The era of Roman politeness is the same as that of the establishment of arbitrary power. An absolute government produces indolence, and this

gives birth to politeness.

The more people there are in a nation who require circumspect behaviour, and care not to displease, the more there is of politeness. But it is rather the politeness of morals than that of manners which ought to distinguish us from barbarous nations.

In a country where every man has, in some sort, a share in the administration of the government, the women ought scarcely to live with the men. They are therefore modest, that is, timid; and this timidity constitutes their virtue: whilst the men without a taste for gallantry plunge themselves into a debauchery, which leaves them at leisure, and in the enjoyment of their full liberty.

Their laws not being made for one individual more than another, each considers himself a monarch; and, indeed, the men of this nation are rather confederates than fellow-subjects.

As the climate has given many persons a restless spirit and extended views, in a country where the constitution gives every man a share in its government and political interests, conversation generally turns upon politics: and we see men spend their lives in the calculation of events which, considering the nature of things and the caprices of fortune, or rather of men, can scarcely be thought subject to the rules of calculation.

In a free nation it is very often a matter of indifference whether individuals reason well or ill; it is sufficient that they do reason: hence springs that liberty which is a security from the effects of these reasonings.

But in a despotic government, it is equally pernicious whether they reason well or ill; their reasoning is alone sufficient to shock the principle of that government.

Many people who have no desire of pleasing abandon themselves to their own particular humour; and most of those who have wit and ingenuity are ingenious in tormenting themselves: filled with contempt or disgust for all things, they are unhappy amidst all the blessings that can possibly contribute to promote their felicity.

As no subject fears another, the whole nation is proud; for the pride of kings is founded only on their independence.

Free nations are haughty; others may more properly be called vain.

But as these men who are naturally so proud live much by themselves, they are commonly bashful when they appear among strangers; and we frequently see them behave for a considerable time with an odd mixture of pride and ill-placed shame.

The character of the nation is more particularly discovered in their literary performances, in which we find the men of thought and deep meditation.

As society gives us a sense of the ridicule of mankind, retirement renders us more fit to reflect on the folly of vice. Their satirical writings are sharp and severe, and we find among them many Juvenals, without discovering one Horace.

In monarchies extremely absolute, historians betray the truth, because they are not at liberty to speak it; in states remarkably free, they betray the truth, because of their liberty itself; which always produces divisions, every one becoming as great a slave to the prejudices of his faction as he could be in a despotic state.

Their poets have more frequently an original rudeness of invention than that particular kind of delicacy which springs from taste; we there find something which approaches nearer to the bold strength of a Michæl

Angelo than to the softer graces of a Raphaël.

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1. They cut out the tongues of the advocates, and cried, "Viper, don't hiss." -- Tacitus.

2. Agathias, iv.

3. Justin, xxxviii.

4. Calumnias litium -- Ibid.

5. Tacitus.

6. He has described this interview, which happened in 1596, in the Collection of Voyages that Contributed to the Establishment of the East India Company, iii, part I, p. 33.

7. Book liv. 17, p. 532.

8. Fable of the Bees.

9. The people who follow the khan of Malacamber, those of Carnataca and Coromandel, are proud and indolent; they consume little, because they are miserably poor; while the subjects of the Mogul and the people of Hindostan employ themselves, and enjoy the conveniences of life, like the Europeans. -- Collection of Voyages that Contributed to the Establishment of the East India Company, i, p. 54.

10. See Dampier, iii.

11. Edifying Letters, coll. xil, p. 80.

12. Book xliiii. 2.

13. By the nature of the soil and climate.

14. Father Du Halde, ii.

15. Father Du Halde.

16. Moses made the same code for laws and religion. The old Romans confounded the ancient customs with the laws.

17. See Father Du Halde.

18. See the classic books from which Father Du Halde gives us some excellent extracts.

19. It is this which has established emulation, which has banished laziness, and cultivated a love of learning.

20. See the reasons given by the Chinese magistrates in their decrees for proscribing the Christian religion. *Edifying Letters*, coll. xvii.

21. See iv. 3, xix. 13.

22. See xxiv. 3.

23. Lange, *Journal in 1721 and 1722*; in *Voyages to the North*, viii, p. 363.

24. Plutarch, Solon.

25. *Laws*, xii.

26. *Ibid.*, xii.

27. In simplum.

28. Livy, xxxviii.

29. Institutes, ii. tit. 6, § 2. Ozel's compilation, Leyden, 1658.

30. Ibid., ii., De Pupil. substit. § 3.

31. The form of the vulgar substitution ran thus: "If such a one is unwilling to take the inheritance, I substitute in his stead," &c.; the pupillary substitution: "If such a one dies before he arrives at the age of puberty, I substitute," &c.

32. Book iii, tit. 5, § 5.

33. Leg. 8, Cod., De Repud.

34. And the law of the Twelve Tables. See Cicero, Philipp., ii. 69.

35. Si verberibus qua ingenuis aliena sunt, afficientem probaverit.

36. In Nov. 117, cap. xiv.

37. Chapter 6.