

Book XIV. Of Laws in Relation to the Nature of the Climate

1. General Idea. If it be true that the temper of the mind and the passions of the heart are extremely different in different climates, the laws ought to be in relation both to the variety of those passions and to the variety of those tempers.

2. Of the Difference of Men in different Climates. Cold air constricts the extremities of the external fibres of the body; [1] this increases their elasticity, and favours the return of the blood from the extreme parts to the heart. It contracts [2] those very fibres; consequently it increases also their force. On the contrary, warm air relaxes and lengthens the extremes of the fibres; of course it diminishes their force and elasticity.

People are therefore more vigorous in cold climates. Here the action of the heart and the reaction of the extremities of the fibres are better performed, the temperature of the humours is greater, the blood moves more freely towards the heart, and reciprocally the heart has more power. This superiority of strength must produce various effects; for instance, a greater boldness, that is, more courage; a greater sense of superiority, that is, less desire of revenge; a greater opinion of security, that is, more frankness, less suspicion, policy, and cunning. In short, this must be productive of very different tempers. Put a man into a close, warm place, and for the reasons above given he will feel a great faintness. If under this circumstance you propose a bold enterprise to him, I believe you will find him very little disposed towards it; his present weakness will throw him into despondency; he will be afraid of everything, being in a state of total incapacity. The inhabitants of warm countries are, like old men, timorous; the people in cold countries are, like young men, brave. If we reflect on the late wars, [3] which are more recent in our memory, and in which we can better distinguish some particular effects that escape us at a greater distance of time, we shall find that the northern people, transplanted into

southern regions, [4] did not perform such exploits as their countrymen who, fighting in their own climate, possessed their full vigour and courage.

This strength of the fibres in northern nations is the cause that the coarser juices are extracted from their aliments. Hence two things result: one, that the parts of the chyle or lymph are more proper, by reason of their large surface, to be applied to and to nourish the fibres; the other, that they are less proper, from their coarseness, to give a certain subtilty to the nervous juice. Those people have therefore large bodies and but little vivacity.

The nerves that terminate from all parts in the cutis form each a nervous bundle; generally speaking, the whole nerve is not moved, but a very minute part. In warm climates, where the cutis is relaxed, the ends of the nerves are expanded and laid open to the weakest action of the smallest objects. In cold countries the cutis is constringed and the papillæ compressed: the miliary glands are in some measure paralytic; and the sensation does not reach the brain, except when it is very strong and proceeds from the whole nerve at once. Now, imagination, taste, sensibility, and vivacity depend on an infinite number of small sensations.

I have observed the outermost part of a sheep's tongue, where, to the naked eye, it seems covered with papillæ. On these papillæ I have discerned through a microscope small hairs, or a kind of down; between the papillæ were pyramids shaped towards the ends like pincers. Very likely these pyramids are the principal organ of taste.

I caused the half of this tongue to be frozen, and, observing it with the naked eye, I found the papillæ considerably diminished: even some rows of them were sunk into their sheath. The outermost part I examined with the microscope, and perceived no pyramids. In proportion as the frost went off, the papillæ seemed to the naked eye to rise, and with

the microscope the miliary glands began to appear.

This observation confirms what I have been saying, that in cold countries the nervous glands are less expanded: they sink deeper into their sheaths, or they are sheltered from the action of external objects; consequently they have not such lively sensations.

In cold countries they have very little sensibility tor pleasure; in temperate countries, they have more; in warm countries, their sensibility is exquisite. As climates are distinguished by degrees of latitude, we might distinguish them also in some measure by those of sensibility. I have been at the opera in England and in Italy, where I have seen the same pieces and the same performers: and yet the same music produces such different effects on the two nations: one is so cold and phlegmatic, and the other so lively and enraptured, that it seems almost inconceivable.

It is the same with regard to pain, which is excited by the laceration of some fibre of the body. The Author of nature has made it an established rule that this pain should be more acute in proportion as the laceration is greater: now it is evident that the large bodies and coarse fibres of the people of the north are less capable of laceration than the delicate fibres of the inhabitants of warm countries; consequently the soul is there less sensible of pain. You must flay a Muscovite alive to make him feel.

From this delicacy of organs peculiar to warm climates it follows that the soul is most sensibly moved by whatever relates to the union of the two sexes: here everything leads to this object.

In northern climates scarcely has the animal part of love a power of making itself felt. In temperate climates, love, attended by a thousand appendages, endeavours to please by things that have at first the appearance, though not the reality, of this passion. In warmer climates

it is liked for its own sake, it is the only cause of happiness, it is life itself.

In southern countries a machine of a delicate frame but strong sensibility resigns itself either to a love which rises and is incessantly laid in a seraglio, or to a passion which leaves women in a greater independence, and is consequently exposed to a thousand inquietudes. In northern regions a machine robust and heavy finds pleasure in whatever is apt to throw the spirits into motion, such as hunting, travelling, war, and wine. If we travel towards the north, we meet with people who have few vices, many virtues, and a great share of frankness and sincerity. If we draw near the south, we fancy ourselves entirely removed from the verge of morality; here the strongest passions are productive of all manner of crimes, each man endeavouring, let the means be what they will, to indulge his inordinate desires. In temperate climates we find the inhabitants inconstant in their manners, as well as in their vices and virtues: the climate has not a quality determinate enough to fix them.

The heat of the climate may be so excessive as to deprive the body of all vigour and strength. Then the faintness is communicated to the mind; there is no curiosity, no enterprise, no generosity of sentiment; the inclinations are all passive; indolence constitutes the utmost happiness; scarcely any punishment is so severe as mental employment; and slavery is more supportable than the force and vigour of mind necessary for human conduct.

3. Contradiction in the Tempers of some Southern Nations. The Indians[5] are naturally a pusillanimous people; even the children[6] of Europeans born in India lose the courage peculiar to their own climate. But how shall we reconcile this with their customs and penances so full of barbarity? The men voluntarily undergo the greatest hardships, and the women burn themselves; here we find a very odd compound of fortitude and weakness.

Nature, having framed those people of a texture so weak as to fill them with timidity, has formed them at the same time of an imagination so lively that every object makes the strongest impression upon them. That delicacy of organs which renders them apprehensive of death contributes likewise to make them dread a thousand things more than death: the very same sensibility induces them to fly and dare all dangers.

As a good education is more necessary to children than to such as have arrived at maturity of understanding, so the inhabitants of those countries have much greater need than the European nations of a wiser legislator. The greater their sensibility, the more it behoves them to receive proper impressions, to imbibe no prejudices, and to let themselves be directed by reason.

At the time of the Romans the inhabitants of the north of Europe were destitute of arts, education, and almost of laws; and yet the good sense annexed to the gross fibres of those climates enabled them to make an admirable stand against the power of Rome, till the memorable period in which they quitted their woods to subvert that great empire.

4. Cause of the Immutability of Religion, Manners, Customs, and Laws in the Eastern Countries. If to that delicacy of organs which renders the eastern nations so susceptible of every impression you add likewise a sort of indolence of mind, naturally connected with that of the body, by means of which they grow incapable of any exertion or effort, it is easy to comprehend that when once the soul has received an impression it cannot change it. This is the reason that the laws, manners, and customs, [7] even those which seem quite indifferent, such as their mode of dress, are the same to this very day in eastern countries as they were a thousand years ago.

5. That those are bad Legislators who favour the Vices of the Climate, and good Legislators who oppose those Vices. The Indians believe that repose and non-existence are the foundation of all things, and the end

in which they terminate. Hence they consider entire inaction as the most perfect of all states, and the object of their desires. To the Supreme Being they give the title of immovable.[8] The inhabitants of Siam believe that their utmost happiness[9] consists in not being obliged to animate a machine, or to give motion to a body.

In those countries where the excess of heat enervates and exhausts the body, rest is so delicious, and motion so painful, that this system of metaphysics seems natural; and Foe,[10] the legislator of the Indies, was directed by his own sensations when he placed mankind in a state extremely passive; but his doctrine arising from the laziness of the climate favoured it also in its turn; which has been the source of an infinite deal of mischief.

The legislators of China were more rational when, considering men not in the peaceful state which they are to enjoy hereafter, but in the situation proper for discharging the several duties of life, they made their religion, philosophy, and laws all practical. The more the physical causes incline mankind to inaction, the more the moral causes should estrange them from it.

6. Of Agriculture in warm Climates. Agriculture is the principal labour of man. The more the climate inclines him to shun this labour, the more the religion and laws of the country ought to incite him to it. Thus the Indian laws, which give the lands to the prince, and destroy the spirit of property among the subjects, increase the bad effects of the climate, that is, their natural indolence.

7. Of Monkery. The very same mischiefs result from monkery: it had its rise in the warm countries of the East, where they are less inclined to action than to speculation.

In Asia the number of dervishes or monks seems to increase together with the warmth of the climate. The Indies, where the heat is excessive, are

full of them; and the same difference is found in Europe.

In order to surmount the laziness of the climate, the laws ought to endeavour to remove all means of subsisting without labour: but in the southern parts of Europe they act quite the reverse. To those who want to live in a state of indolence, they afford retreats the most proper for a speculative life, and endow them with immense revenues. These men, who live in the midst of plenty which they know not how to enjoy, are in the right to give their superfluities away to the common people. The poor are bereft of property; and these men indemnify them by supporting them in idleness, so as to make them even grow fond of their misery.

8. An excellent Custom of China. The historical relations[11] of China mention a ceremony[12] of opening the ground which the emperor performs every year. The design of this public and solemn act is to excite the people to tillage.[13]

Further, the emperor is every year informed of the husbandman who has distinguished himself most in his profession; and he makes him a mandarin of the eighth order.

Among the ancient Persians[14] the kings quitted their grandeur and pomp on the eighth day of the month, called Chorrem-ruz, to eat with the husbandmen. These institutions were admirably calculated for the encouragement of agriculture.

9. Means of encouraging Industry. We shall show, in the nineteenth book, that lazy nations are generally proud. Now the effect might well be turned against the cause, and laziness be destroyed by pride. In the south of Europe, where people have such a high notion of the point of honour, it would be right to give prizes to husbandmen who had excelled in agriculture; or to artists who had made the greatest improvements in their several professions. This practice has succeeded in our days in Ireland, where it has established one of the most considerable linen

manufactures in Europe.

10. Of the Laws in relation to the Sobriety of the People. In warm countries the aqueous part of the blood loses itself greatly by perspiration; [15] it must therefore be supplied by a like liquid. Water is there of admirable use; strong liquors would congeal the globules [16] of blood that remain after the transuding of the aqueous humour.

In cold countries the aqueous part of the blood is very little evacuated by perspiration. They may therefore make use of spirituous liquors, without which the blood would congeal. They are full of humours; consequently strong liquors, which give a motion to the blood, are proper for those countries.

The law of Mahomet, which prohibits the drinking of wine, is therefore fitted to the climate of Arabia: and indeed, before Mahomet's time, water was the common drink of the Arabs. The law [17] which forbade the Carthaginians to drink wine was a law of the climate; and, indeed, the climate of those two countries is pretty nearly the same.

Such a law would be improper for cold countries, where the climate seems to force them to a kind of national intemperance, very different from personal ebriety. Drunkenness predominates throughout the world, in proportion to the coldness and humidity of the climate. Go from the equator to the north pole, and you will find this vice increasing together with the degree of latitude. Go from the equator again to the south pole, and you will find the same vice travelling south, [18] exactly in the same proportion.

It is very natural that where wine is contrary to the climate, and consequently to health, the excess of it should be more severely punished than in countries where intoxication produces very few bad effects to the person, fewer to the society, and where it does not make people frantic and wild, but only stupid and heavy. Hence those laws [19]

which inflicted a double punishment for crimes committed in drunkenness were applicable only to a personal, and not to a national, ebriety. A German drinks through custom, and a Spaniard by choice.

In warm countries the relaxing of the fibres produces a great evacuation of the liquids, but the solid parts are less transpired. The fibres, which act but faintly, and have very little elasticity, are not much impaired; and a small quantity of nutritious juice is sufficient to repair them; for which reason they eat very little.

It is the variety of wants in different climates that first occasioned a difference in the manner of living, and this gave rise to a variety of laws. Where people are very communicative there must be particular laws, and others where there is but little communication.

11. Of the Laws in relation to the Distempers of the Climate.

Herodotus[20] informs us that the Jewish laws concerning the leprosy were borrowed from the practice of the Egyptians. And, indeed, the same distemper required the same remedies. The Greeks and the primitive Romans were strangers to these laws, as well as to the disease. The climate of Egypt and Palestine rendered them necessary; and the facility with which this disease is spread is sufficient to make us sensible of the wisdom and sagacity of those laws.

Even we ourselves have felt the effects of them. The Crusades brought the leprosy amongst us; but the wise regulations made at that time hindered it from infecting the mass of the people.

We find by the law of the Lombards[21] that this disease was spread in Italy before the Crusades, and merited the attention of the legislature. Rotharis ordained that a leper should be expelled from his house, banished to a particular place, and rendered incapable of disposing of his property; because from the very moment he had been turned out of his house he was reckoned dead in the eye of the law. In order to prevent

all communication with lepers, they were rendered incapable of civil acts.

I am apt to think that this disease was brought into Italy by the conquests of the Greek emperors, in whose armies there might be some soldiers from Palestine or Egypt. Be that as it may, the progress of it was stopped till the time of the Crusades.

It is related that Pompey's soldiers returning from Syria brought a distemper home with them not unlike the leprosy. We have no account of any regulation made at that time; but it is highly probable that some such step was taken, since the distemper was checked till the time of the Lombards.

It is now two centuries since a disease unknown to our ancestors was first transplanted from the new world to ours, and came to attack human nature even in the very source of life and pleasure. Most of the principal families in the south of Europe were seen to perish by a distemper that had grown too common to be ignominious, and was considered in no other light than in that of its being fatal. It was the thirst of gold that propagated this disease; the Europeans went continually to America, and always brought back a new leaven of it.

Reasons drawn from religion seemed to require that this punishment of guilt should be permitted to continue; but the infection had reached the bosom of matrimony, and given the vicious taint even to guiltless infants.

As it is the business of legislators to watch over the health of the citizens, it would have been a wise part in them to have stopped this communication by laws made on the plan of those of Moses.

The plague is a disease whose infectious progress is much more rapid. Egypt is its principal seat, whence it spreads over the whole globe.

Most countries in Europe have made exceedingly good regulations to prevent this infection, and in our times an admirable method has been contrived to stop it; this is by forming a line of troops round the infected country, which cuts off all manner of communication.

The Turks, [22] who have no such regulations, see the Christians escape this infection in the same town, and none but themselves perish; they buy the clothes of the infected, wear them, and proceed in their old way, as if nothing had happened. The doctrine of a rigid fate, which directs their whole conduct, renders the magistrate a quiet spectator; he thinks that everything comes from the hand of God, and that man has nothing more to do than to submit.

12. Of the Laws against Suicides. We do not find in history that the Romans ever killed themselves without a cause; but the English are apt to commit suicide most unaccountably; they destroy themselves even in the bosom of happiness. This action among the Romans was the effect of education, being connected with their principles and customs; among the English it is the consequence of a distemper, [23] being connected with the physical state of the machine, and independent of every other cause.

In all probability it is a defect of the filtration of the nervous juice: the machine, whose motive faculties are often unexerted, is weary of itself; the soul feels no pain, but a certain uneasiness in existing. Pain is a local sensation, which leads us to the desire of seeing an end of it; the burden of life, which prompts us to the desire of ceasing to exist, is an evil confined to no particular part.

It is evident that the civil laws of some countries may have reasons for branding suicide with infamy: but in England it cannot be punished without punishing the effects of madness.

13. Effects arising from the Climate of England. In a nation so distempered by the climate as to have a disrelish of everything, nay,

even of life, it is plain that the government most suitable to the inhabitants is that in which they cannot lay their uneasiness to any single person's charge, and in which, being under the direction rather of the laws than of the prince, it is impossible for them to change the government without subverting the laws themselves.

And if this nation has likewise derived from the climate a certain impatience of temper, which renders them incapable of bearing the same train of things for any long continuance, it is obvious that the government above mentioned is the fittest for them.

This impatience of temper is not very considerable of itself; but it may become so when joined with courage.

It is quite a different thing from levity, which makes people undertake or drop a project without cause; it borders more upon obstinacy, because it proceeds from so lively a sense of misery that it is not weakened even by the habit of suffering.

This temper in a free nation is extremely proper for disconcerting the projects of tyranny, [24] which is always slow and feeble in its commencement, as in the end it is active and lively; which at first only stretches out a hand to assist, and exerts afterwards a multitude of arms to oppress.

Slavery is ever preceded by sleep. But a people who find no rest in any situation, who continually explore every part, and feel nothing but pain, can hardly be lulled to sleep.

Politics is a smooth file, which cuts gradually, and attains its end by a slow progression. Now the people of whom we have been speaking are incapable of bearing the delays, the details, and the coolness of negotiations: in these they are more unlikely to succeed than any other nation; hence they are apt to lose by treaties what they obtain by their

arms.

14. Other Effects of the Climate. Our ancestors, the ancient Germans, lived in a climate where the passions were extremely calm. Their laws decided only in such cases where the injury was visible to the eye, and went no further. And as they judged of the outrages done to men from the greatness of the wound, they acted with no other delicacy in respect to the injuries done to women. The law of the Alemans[25] on this subject is very extraordinary. If a person uncovers a woman's head, he pays a fine of fifty sous; if he uncovers her leg up to the knee, he pays the same; and double from the knee upwards. One would think that the law measured the insults offered to women as we measure a figure in geometry; it did not punish the crime of the imagination, but that of the eye. But upon the migration of a German nation into Spain, the climate soon found a necessity for different laws. The law of the Visigoths inhibited the surgeons to bleed a free woman, except either her father, mother, brother, son, or uncle was present. As the imagination of the people grew warm, so did that of the legislators; the law suspected everything when the people had become suspicious.

These laws had, therefore, a particular regard for the two sexes. But in their punishments they seem rather to humour the revengeful temper of private persons than to administer public justice. Thus, in most cases, they reduced both the criminals to be slaves to the offended relatives or to the injured husband; a free-born woman[26] who had yielded to the embraces of a married man was delivered up to his wife to dispose of her as she pleased. They obliged the slaves, [27] if they found their master's wife in adultery, to bind her and carry her to her husband; they even permitted her children[28] to be her accusers, and her slaves to be tortured in order to convict her. Thus their laws were far better adapted to refine, even to excess, a certain point of honour than to form a good civil administration. We must not, therefore, be surprised if Count Julian was of opinion that an affront of that kind ought to be expiated by the ruin of his king and country: we must not be surprised

if the Moors, with such a conformity of manners, found it so easy to settle and to maintain themselves in Spain, and to retard the fall of their empire.

15. Of the different Confidence which the Laws have in the People, according to the Difference of Climates. The people of Japan are of so stubborn and perverse a temper that neither their legislators nor magistrates can put any confidence in them: they set nothing before their eyes but judgments, menaces, and chastisements; every step they take is subject to the inquisition of the civil magistrate. Those laws which out of five heads of families establish one as a magistrate over the other four; those laws which punish a family or a whole ward for a single crime; those laws, in fine, which find nobody innocent where one may happen to be guilty, are made with a design to implant in the people a mutual distrust, and to make every man the inspector, witness, and judge of his neighbour's conduct.

On the contrary, the people of India are mild,[29] tender, and compassionate. Hence their legislators repose great confidence in them. They have established[30] very few punishments; these are not severe, nor are they rigorously executed. They have subjected nephews to their uncles, and orphans to their guardians, as in other countries they are subjected to their fathers; they have regulated the succession by the acknowledged merit of the successor. They seem to think that every individual ought to place entire confidence in the good nature of his fellow-subjects.[31]

They enfranchise their slaves without difficulty, they marry them, they treat them as their children.[32] Happy climate which gives birth to innocence, and produces a lenity in the laws!

1. This appears even in the countenance: in cold weather people look

thinner.

2. We know that it shortens iron.

3. Those for the succession to the Spanish monarchy.

4. For instance, in Spain.

5. "One hundred European soldiers," says Tavernier, "would without any great difficulty beat a thousand Indian soldiers."

6. Even the Persians who settle in the Indies contract in the third generation the indolence and cowardice of the Indians. See Bernier on the Mogul, i, p. 182.

7. We find by a fragment of Nicolaus Damascenus, collected by Constantine Porphyrogenitus, that it was an ancient custom in the East to send to strangle a governor who had given any displeasure; it was in the time of the Medes.

8. Panamanack: See Kircher.

9. La Loubere, Account of the Kingdom of Siam, p. 446.

10. Foe endeavoured to reduce the heart to a mere vacuum: "We have eyes and ears, but perfection consists in neither seeing nor hearing; a mouth, hands, &c., but perfection requires that these members should be inactive." This is taken from the dialogue of a Chinese philosopher, quoted by Father Du Halde, iii.

11. Father Du Halde, History of China, i, p. 72.

12. Several of the kings of India do the same. La Loubere, Account of the Kingdom of Siam, p. 69.

13. Venty, the third emperor of the third dynasty, tilled the lands himself, and made the empress and his wives employ their time in the silkworks in his palace. History of China.

14. Hyde, Religion of the Persians.

15. Monsieur Bernier, travelling from Lahore to Cashmere, wrote thus: "My body is a sieve; scarcely have I swallowed a pint of water, but I see it transude like dew out of all my limbs, even to my fingers' ends. I drink ten pints a day, and it does me no manner of harm." -- Bernier, Travels, ii, p. 261.

16. In the blood there are red globules, fibrous parts, white globules, and water, in which the whole swims.

17. Plato, Laws, ii; Aristotle, Of the Care of Domestic Affairs; Eusebius, Evangelical Preparation, xii. 17.

18. This is seen in the Hottentots, and the inhabitants of the most southern part of Chili.

19. As Pittacus did, according to Aristotle, Politics, ii. 12. He lived in a climate where drunkenness is not a national vice.

20. Book ii.

21. Book ii. tit. 1, § 3; tit. 18, § 1.

22. Ricaut, State of the Ottoman Empire, p. 284.

23. It may be complicated with the scurvy, which, in some countries especially, renders a man whimsical and unsupportable to himself. See Pirard, Voyages, part II, 21.

24. Here I take this word for the design of subverting the established power, and especially that of democracy; this is the signification in which it was understood by the Greeks and Romans.

25. Chapter 58, §§ 1, 2.

26. Law of the Visigoths, iii, tit. 4, § 9.

27. Ibid., § 6.

28. Ibid., § 13.

29. See Bernier, ii, p. 140.

30. See in the Edifying Letters, coll. xiv, p. 403, the principal laws or customs of the inhabitants of the peninsula on this side the Ganges.

31. See Edifying Letters, coll, ix, p. 378.

32. I had once thought that the lenity of slavery in India had made Diodorus say that there was neither master nor slave in that country; but Diodorus has attributed to the whole continent of India what, according to Strabo, xv, belonged only to a particular nation.