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- Persian Letters - Letters -

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*Rica to the same*

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I was telling you the other day about the prodigious inconstancy of the French with respect to their fashions. Yet it is inconceivable how obsessed with them they are ; it is the rule by which they judge everything that happens in other nations. They bring everything back to this ; what is foreign always appears ridiculous to them. I admit I am unable to reconcile this rage for their customs with the inconstancy of changing them every day.

When I tell you that they scorn whatever is foreign, I am speaking only of the trifles ; for in important matters they seem to be so wary of themselves that they demean themselves. They readily admit that other peoples are wiser, provided one agrees they are better attired. They are willing to subject themselves to the laws of a rival nation [1] provided French wigmakers may determine as legislators the form of foreign wigs. Nothing seems so wonderful to them as to see the taste of their cooks reigning from north to south, and the prescriptions of their hairdressers imported into every toilet in Europe.

With these noble advantages, what does it matter to them whether good sense comes here from somewhere else, and whether they have taken everything concerning political and civil government from their neighbors ?

Who can think that a kingdom which is the oldest and most powerful in Europe should have been governed for more than ten centuries by laws that are not made for it ? [2] If the French had been conquered, this would not be difficult to understand ; but they are the conquerors.

They have abandoned the ancient laws made by their early kings in the general assemblies of the nation [3] ; and what is singular is that the Roman laws which they have adopted in their stead were in part made and in part drawn up by emperors contemporary with their legislators.

And so that the acquisition might be complete, and all good sense should come here from elsewhere, they have adopted all the constitutions of the popes, [4] and made of them a new part of their law, a new kind of servitude.

It is true that in recent times they have set down in writing some statutes of cities and provinces, but they are almost all taken from Roman law. [5]

This abundance of laws adopted, and so to speak naturalized, is so great that it overwhelms justice and judges equally. But these volumes of laws are nothing in comparison to that frightful army of glossers, commentators, and compilers, [6] men as weak by the imprecision of their minds as they are strong by their prodigious numbers.

That is not all. These foreign laws have introduced formalities that are the shame of human reason. It would be rather difficult to decide whether the form has become more pernicious when it has entered into jurisprudence, or when it has ensconced itself in medicine ; whether it has caused more damage under a jurisconsult's robe than under the physician's broad hat ; and whether in one case former it has ruined more people than it has killed in the other.

*Paris this 12th day of the moon of Saphar 1717*

[1] England : the treaty of The Hague (4 January 1717) sealed the "Triple Alliance" between England, the United Provinces and the France of the regent, and confirmed the policy of European equilibrium defined in the Treaty of Utrecht in 1713. France agreed among other things to expel the Pretender James II, protégé of Louis XIV, and grant commercial privileges to the maritime powers without reciprocity for French merchants in English and Dutch territories.

[2] Roman law.

[3] Barbarian laws inherited from the Salien Franks, from whom is presumed to have come the Salic law.

[4] Papal pronouncements can take several forms, but the term *constitution* serves here to prepare a discussion of that of 1713 in the next letter.

[5] The various customs of common law.

[6] During his visit to the library (letters 128-131), Rica will not mention works of law, rather numerous in Montesquieu's own collection (10% of the titles, and much more for the total volume). On compilers, see above, letter 64.