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- The Spirit of Law - Preface -

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On the spirit of law, or on the relation which laws must have with the constitution of each government, its behavior, climat, religion, commerce, etc. To which the author has added new research on the Roman laws bearing on successions, on French laws, and on feudal laws.

A new edition,
corrected by the author, to which is added a table of contents
and a geographic map to assist with understanding of the articles relating to commerce.

...Prolem fine matre creatam. Ovid

Geneva : Barrillot & Son
MDCCL

[1] PREFACE

If, among the countless things to be found in this work, there were one which, counter to my expectation, could cause offense, at least there is none that was placed there with ill intent. Naturally I am not negatively disposed. Plato thanked heaven that he was born in the time of Socrates, and I that I was born under the government where I live, and for wanting me to obey those it has given me to love.

I ask one favor which I fear will not be granted : it is that the labor of twenty years labor not be judged on the reading of a moment ; that the whole book be approved or condemned, and not just a few sentences. If you would seek the author's design, it can be truly discovered only in the design of the work.

I have first studied men, and believed that in this infinite diversity of laws and behaviors, they were not guided solely by their whims.

I have laid down the principles, and I have seen particular cases conforming to them as if unprompted ; I have seen the histories of all nations as simply the consequences of these principles, and each particular law linked to another one, or dependent on another more general law.

When I have been recalled to Antiquity, I have sought to adopt its spirit, so as to avoid regarding really different cases as similar, and failing to see the differences of those that appear alike.

I have derived my principles not from my prejudices, but from the nature of the phenomena.

There are many truths here which you will find persuasive only after you have seen the chain that links them to other things. The more you reflect on the details, the more you will accept the certainty of the principles. Nor have I given all these details, for who could say everything without appalling tedium ?

Preface

You will not find here the sort of witticisms that seem to typify the writings of today. If you take the long view of things, the witticisms disappear ; usually they arise only because the mind takes off in one direction and abandons all the others.

I do not write to censure what is established in any particular country. Every nation will find the reasons for its maxims here ; and you will naturally draw from them the conclusion that no one is in a position to propose changes except those gifted enough to grasp the whole of a state's constitution at once.

It is not indifferent that the people should be enlightened. The prejudices of magistrates began as the prejudices of the nation. In a time of ignorance no one has any doubt, even while doing the greatest harm ; in an enlightened time, we tremble even while doing the finest of deeds. We realize the former abuses, and see how to correct them ; but in addition we see the abuses of the correction itself. We leave the harm alone if we fear the worst ; we leave the good alone if we are unsure about what is better. We look at the parts only to judge the whole together ; we examine all the causes to see the results.

If I could contrive to provide everyone with new reasons for embracing their duties, their prince, their country, and their laws, for feeling their happiness better in every country and under every government, in every position they may occupy, I should think myself the happiest of mortals.

If I could contrive things so that those who command would increase their knowledge about what they must prescribe, and those who obey would take new pleasure in their obedience, I should think myself the happiest of mortals.

I would think myself the happiest of mortals if I could cause men to cure themselves of their prejudices. I am calling prejudices here not what makes us unaware of certain things, but what makes us unaware of ourselves.

It is by seeking to instruct men that one can practice the general virtue that includes the love of all. Man, that flexible being, conforming in society to the thoughts and impressions of others, is equally capable of knowing his own nature when it is shown to him, and losing all sense of it when it is concealed from him.

I have begun this work many times and abandoned it many times ; a thousand times I have cast to the winds the pages I had written [2] ; every day I felt my paternal hands fall limp [3] : I was following my objective without formulating a plan ; I knew neither the rules nor the exceptions ; I would find truth only to lose it again. But when I discovered my principles, everything I was looking for came to me ; and over the course of twenty years I have seen my work begin, grow, progress, and conclude.

If this book is welcomed, I will owe it largely to the majesty of my subject ; yet I do not think I have entirely wanted for genius. When I have seen what so many great men in France, England, and Germany have written before me, I have been in awe, but have not lost courage : I have said with Correggio, *and I too am a painter*. [4]

[1] [In the 1758 edition, this preface is preceded by an author's foreword which will be found in [Annex 1](#).]

[2] *ludibria ventis* ['the whim of the wind'] (Vergil, *Aeneid*, VI, 75)].

[3] *Bis patriæ cecidere manus...* ['Twice the father's hands fell away' (*Ibid.*, VI, 33)].

[4] *Ed io anche son pittore.*